

Obtained  
12/8/11

## TABLE OF CONTENTS

### Lebanon Zoning Regulations

<b>Article I GENERAL</b>		<b>Article VII GENERAL REGULATIONS (continued)</b>	
1.1 Purpose	1	7.3 Accessory Buildings and Uses	44
1.2 Implementation	1	7.4 Driveways	45
1.3 Fees	2	7.5 Home Occupations	45
		7.6 Special Permits	46
<b>Article II DEFINITIONS</b>		7.7 Site Development Plan and Standards	48
2.1 General Rules	3	7.8 Soil Erosion and Sediment Control Regulations	51
2.2 Definitions	3	7.9 Outdoor Lighting	54
<b>Article III USE DISTRICTS</b>		<b>Article VIII SPECIAL REGULATIONS</b>	
3.1 Use Districts	10	8.1 Trailer Regulations	55
3.2 Boundaries of Use Districts	10	8.2 Accessory Living Unit	56
3.3 Interpretation of Boundaries	10	8.3 Public Garages & Filling Stations	58
		8.4 Off-Street Parking/Loading Spaces	58
<b>Article IV USE DISTRICT REGULATIONS</b>		8.5 Billboards and Signs	60
4.1 Basic Requirements	11	8.6 Earth Excavation and Filling	62
4.1.1 Prohibited Uses	11	8.7 Hospitals, Sanitariums, Rest Homes, Convalescent and Nursing Homes	65
4.2 RA - Rural Agricultural Residence District	12	8.8 Apartment Houses and Multi-Family Dwellings	66
4.2.1 Wireless Telecommunication Facilities	20	8.9 Elderly Housing	70
4.3 VRA – Village Rural Agricultural Residence District	24	8.10 Bed & Breakfast Tourist Homes	71
4.4 L – Lake District	25	8.11 Rear Lots	75
4.5 NB – Neighborhood Business District	26	8.12 Special Permit for Conservation Subdivision Development	76
4.6 B – Business District	27	8.13 Permanent Water Supply for Fire Protection	81
4.7 A – Agricultural District	29		
4.8 I – Light Industry	29	<b>Article IX ADMINISTRATION</b>	
4.9 SFH – Special Flood Hazard Area District	31	9.1 Enforcement Officer	82
		9.2 Penalties	82
<b>Article V HEIGHT/AREA/YARD REQUIREMENTS</b>		9.3 Certificate of Zoning Compliance	82
5.1 Scope of Requirements	38	9.4 Enforcement	83
5.2 Height, Area and Yard Requirements Schedule	39	9.5 Zoning Permit Required	83
5.3 Variations in Height, Area and Yard Requirements	40		
5.4 Minimum Buildable Area Criteria	41	<b>Article X BOARD OF APPEALS</b>	
		10.1 Establishment of Board of Appeals	85
<b>Article VI NONCONFORMING USES, BUILDINGS AND LOTS</b>		10.2 Applications Requiring a Public Hearing	85
6.1 Nonconforming Uses and Buildings	42		
6.2 Nonconforming Lots	43	<b>Article XI AMENDMENTS</b>	
6.3 Certificate of Zoning Compliance for Nonconforming Lots, Uses & Buildings	43	11.1 Procedure	87
<b>Article VII GENERAL REGULATIONS</b>		<b>Article XII REGULATIONS ARE MINIMUM REGULATIONS</b>	88
7.1 Temporary Uses	44		
7.2 Roadside Stands	44	<b>Article XIII VALIDITY</b>	89
		<b>Article XIV EFFECTIVE DATE</b>	90

# ZONING REGULATIONS

## LEBANON, CONNECTICUT



### ARTICLE I - GENERAL

#### 1.1 PURPOSE

- a. In accordance with Title 8, Chapter 124 of the General Statutes, as amended, and other applicable General or Special Acts of the General Assembly, it is the purpose of these Zoning Regulations for the Town of Lebanon, Connecticut, to:

Promote and protect existing agricultural uses and prime and important farmland soils. (effective 8/25/08)

Promote cluster development. (effective 8/25/08)

Protect Lebanon's natural, historic, scenic and ecologically important resources. (effective 8/25/08)

Guide growth in accordance with Lebanon's *Plan of Conservation and Development*. (effective 8/25/08)

Encourage the most appropriate use of land.

Conserve and stabilize the value of property.

Promote health, safety and general welfare.

Secure safety from fire, panic, flood and other disasters.

Lessen congestion in the streets.

Prevent undue concentration of population.

Facilitate adequate provisions for community utilities, and facilities, such as transportation, water, sewerage, schools, parks and other public requirements.

#### 1.2 IMPLEMENTATION

- a. To carry out these purposes these regulations:

Designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes.

Regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered.

Regulate and determine size and location of yards and other open spaces.

Regulate and limit the density of population.

Divide the town into such zoning districts as seems best suited for said purposes.

Provide for the enforcement of these regulations.

1.3 **FEES**

All fees required by these regulations shall be made payable to the Town of Lebanon.

## **ARTICLE II - DEFINITIONS**

### **2.1 GENERAL RULES**

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

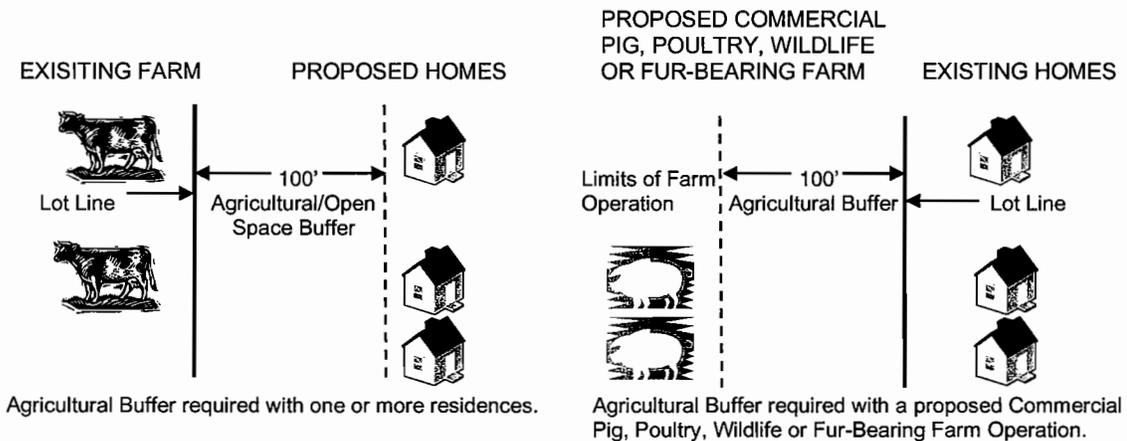
### **2.2 DEFINITIONS**

**Accessory Building or Use.** A building or use subordinate to and on the same lot with a principal building or use.

**Accessory Living Unit.(Efficiency Unit).** An additional subordinate dwelling unit contained within a single family detached residence. This unit shall include independent living quarters, kitchen area and a lavatory containing complete sanitary facilities, and there shall be interior access between the single family primary residence and the accessory unit. (effective 7/1/96)

**Adult-Oriented Establishment.** Shall include a restaurant, cabaret, tavern, café, bookstore, video rental and/or sales store, movie theater, massage parlor, peep show or other business which devotes any portion of (a) its stock-in-trade; (b) its total viewing or presentation time; or (c) its area open to customers to the featuring, sale, rental or display of materials or performances that depict or display the human body in a state of undress or nudity including, but not limited to, the display of female breasts with nipples exposed, or male or female buttocks or genitalia which are less than completely and opaquely covered. (effective 8/25/08)

**Agricultural Buffer.** A 100-foot buffer required by the Commission where one or more residences is proposed adjacent to actively farmed land or when a farm is established for the keeping of pigs, fur-bearing animals, poultry, or wildlife for commercial purposes adjacent to residences. The agricultural buffer shall be considered part of the open space. The planting of trees and shrubbery may be required as part of an agricultural buffer. (effective 8/25/08)



**Antenna.** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas. (effective 2/1/00)

**Apartment.** A building used by three or more families living independently of each other.

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

Bed & Breakfast Tourist Home. A dwelling in which no more than six (6) rooms are provided for transient overnight accommodations and which may provide meals to overnight paying guests. The owner must live in the dwelling and the Bed & Breakfast must be operated in accordance with Section 8.10, Bed & Breakfast Tourist Home, of these regulations.

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

Boarding House, Rooming House. A dwelling in which rooms or rooms and meals are provided for compensation for definite periods of time. The owner or proprietor must live in the dwelling. (effective Nov. 21, 1994)

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

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

Building Permit. A permit required under these regulations and issued by the Building Inspector and which allows construction to begin.

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

Business. Customary commercial pursuits and transactions.

Camp, Hunting Lodge. A building used for short periods of time solely for recreational purposes. No camp or hunting lodge shall be considered a dwelling.

Caretaker Dwelling. A year round dwelling to be occupied by the owner, manager, guard or caretaker of a campground.

Cellar. A story having more than half of its clean unobstructed height below the average finished grade of the ground adjoining the building.

Certificate of Occupancy. A certificate issued by the Building Inspector stating that work done under the building permit complies with the plans authorized, and that the building may be occupied.

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

Co-location. Locating wireless communication facilities of more than one provider on a single site. (effective 2/1/00)

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

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

Commission. The Planning and Zoning Commission of Lebanon, Connecticut.

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

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

Dwelling. A building or portion thereof used for human habitation.

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

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

Dwelling, Multi-Family. A building used or designed as a residence for three or more families living independently of each other. See Apartment.

Dwelling, Seasonal. See Seasonal Occupancy.

Existing elevation - The actual elevations which existed 2 years prior to initial application under Section 4.2.1 for a Wireless Telecommunications Facility.

Family. One or more persons related by blood, marriage or adoption, or one or more individuals under the age of eighteen years residing with a person having legal custody of such individual(s) or residing with the designee of the parent or other person having such custody with the written permission of such parent or other person, living together as a single housekeeping unit, including servants and employees.

Farm. An area devoted to farm uses, for gain or the expectation of gain, in the raising of agricultural products, livestock, poultry or the production of dairy products.

Farm Help. An adult person or persons employed on a farm owned or operated by the person, persons or company on whose property he lives.

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

Floor Area. That area which has a headroom of 7 ft. 6 in. minimum first floor and 7 ft. 4 in. minimum second floor when measured vertically upward from a finished floor; but in the area next below the roof such space shall be counted only if it is connected with the floor below by a permanent inside stairway. Basement rooms; garages or any other form of attached structure; cellars, rooms for heating equipment; and open or enclosed porches shall not be included.

Fowl. A bird used as food or hunted as game. See also: Poultry. (effective 7/1/01)

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

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

Height of tower. The vertical distance measured in feet from the highest existing ground elevation surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The height of a tower mounted on a building shall be measured from the highest existing elevation of the ground along all walls of the building to the tallest point on the tower, including the antenna and all other appurtenances. (effective 2/1/00)

Home Occupation. Any use conducted within a residential dwelling or a building accessory to a residential dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

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

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

Hunting Lodge. See Camp.

Industrial Park. An area of 25 acres or more in which one or more industries form a unit and for which a plan of development is required.

Industry. An area of 25 acres or more in which one or more industries form a unit and for which a plan of development is required.

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

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

Kennel. One pack or collection of dogs kept under one ownership on a single premise bred for show, sport or sale.

Kennel, Commercial. Kennel maintained as a business for boarding and grooming dogs.

Kennel, Structure. A building or buildings of more than 200 cubic feet total volume for the keeping or breeding of dogs or other permitted small animals.

Livable Area. Any permanent, soundly constructed enclosed portion of a dwelling with a height from floor to ceiling of 7 feet 6 inches or more, excluding cellar, basement, porch, garage, utility room, furnace room, outside vestibules, etc., or areas in accessory buildings. In multi-family dwellings, common stairways and common halls are not considered livable area. Any area above the first floor not accessible by a fixed, permanent stairway shall not be considered livable area.

Livestock. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals. (effective 7/1/01)

Lot. A parcel of land occupied, or intended to be occupied, by a building or buildings and accessory buildings or uses. It includes the open spaces required herein and such open spaces as are also used in connection with the buildings.

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

Lot, Front. A lot with a minimum 200' uninterrupted frontage on an improved public highway and access to the buildable area, must be unobstructed and through this frontage. (effective 5/1/04)

Lot Line. Any line dividing one lot from another.

Nonconformity. A Nonconforming use, lot, building, or other structure is one which existed lawfully, whether by variance or otherwise, on the date these regulations or any amendment thereto became effective and which fails to conform to one or more of the provisions of these regulations or such amendment. No nonconforming use, lot, building, or other structure shall be deemed to have existed on the effective date of these regulations, unless it can be proven that it was actually in being on such a date. (effective 3/24/95)

A nonconforming use is the use of a lot, or a building or structure on a lot, which use is not permitted by these regulations for the district in which it is located. (effective 3/24/95)

A nonconforming lot is a lot which does not comply with the area, shape, width, frontage, or locational provisions of these regulations for the district in which it is located. A valid nonconforming lot must have been owned distinctly and separately from any adjoining lot. (effective 3/24/95)

A nonconforming building or structure is a building or other structure which contains a permitted use, but does not meet the setback, side yard, rear yard, height, buildable area, or floor area requirements of these regulations for the district in which it is located. (effective 3/24/95)

Lot, Rear. A single lot on parcel which does not have adequate frontage on a public highway, is accessible only by a permanent unobstructed access and meets the requirements of section 8.11 of these regulations.

Lot Width. The width of a lot taken at the street line, or the front setback line, but in no case can the lot width, as measured at the front-set-back line, be less than the minimum required for that district.

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

Occupancy. The living in and/or housekeeping in a dwelling and implies completion for tax purposes. Occupancy may include, but does not necessarily include, the use of the sleeping facilities in the dwelling. (effective 11/21/94)

Occupancy, Seasonal. The living in and/or housekeeping in a dwelling for the period from May 1 to November 1 only, except that the dwelling may be occupied for an additional 30 days between November 2 and April 30. Occupancy may include, but does not necessarily include, the use of the sleeping facilities in the dwelling. (effective 11/21/94)

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

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

Off-Street Parking. Space occupied by automobiles on premises other than streets.

Open Space. Land permanently preserved through deed or conservation restriction in its natural state and/or developed for recreational or farming use as approved by the Commission. (effective 8/25/08)

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

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

Parking, private. Accessory parking, not included parking for more than one commercial vehicle, for vehicles of over two-ton capacity, or of more than one vehicle, for vehicles of over two-ton load capacity, or of more than one vehicle, for hire.

Parking, Public. Parking of non-commercial vehicles for fee, whether or not enclosed.

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

Pharmacy. A facility for the preparing and dispensing of drugs and medication in accordance with State and Federal Law as licensed by the State of Connecticut.

Pond, Lake. Any body of water 10 or more acres in extent whether natural or man-made with an average minimum depth of three feet.

Poultry. Includes but is not limited to domestic fowls, as chickens, turkeys, or ducks, raised for flesh, eggs or show. (effective 7/1/01)

Property Line. See Lot Line.

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

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

Retail Business. Premises used for the retail sale of goods for personal or household use, with storage or processing occupying not more than 50% of the gross floor area, and also premises used for personal, business or household services.

Riding Academy, Stable. A building in which horses, ponies and similar equestrian animals may be kept for remuneration, hire or sale together with accessory uses such as riding rings, indoors or outdoors, and tack shop.

Right-of-Way. A strip of land over which a path, street, road, railroad or power transmission passes.

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

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

Street Line. The boundary line between that land owned by the Town or State and assigned for a right of way, and the private property in question.

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

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

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

**Tavern.** A building where liquors are sold to be drunk on the premises.

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

**Tower.** A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole. (effective 2/1/00)

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

**Trailer, Trailer Coach, Mobile Homes.** Any vehicle which is used as sleeping or living quarters or mobile construction office, which is or may be mounted on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached, or on which it may be carried or transported.

**Trailer Camp; Camper; Camper Coach.** A vehicle, not designed for permanent occupancy nor for occupation over an extended period of time, which is clearly intended to be accessory to the car or truck to which it is attached or is clearly intended as an accessory vacation habitation.

**Trailer Camp.** Any lot, parcel, subdivision or area of land which is used for the parking of more than one occupied trailer.

**Use District.**An area of the town zoned for particular uses.

**Wholesaling.** Sale of commodities in quantity for re-sale or future processing.

**Wireless telecommunication facility.** The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services. (effective 2/1/00)

**Wireless telecommunication services.** Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging. (effective 2/1/00)

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

**Yard, Front.** An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the side line of the lot.

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

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

## **ARTICLE III - USE DISTRICTS**

### **3.1 USE DISTRICTS**

- a. For the purposes described in ARTICLE I of these regulations, the Town of Lebanon, Connecticut is hereby divided into the following use districts (amended 8/25/08):
  - A Agricultural District (effective 8/25/08)
  - RA Rural Agricultural Residence District
  - VRA Village Rural Agricultural Residence District
  - L Lake District
  - NB Neighborhood Business District
  - B Business District
  - I Light Industry District
  - SFH Special Flood Hazard Area District

### **3.2 BOUNDARIES OF USE DISTRICTS**

- a. The boundaries of use districts are established as shown on the Zoning Map, Town of Lebanon, Connecticut dated August 25, 2008, and filed in the office of the Town Clerk of Lebanon, Connecticut, which map is hereby declared to be a part of these regulations.

### **3.3 INTERPRETATION OF BOUNDARIES**

- a. For purposes of these regulations and unless otherwise indicated on the Zoning Map by fixed lines or dimensions the boundaries are either street lines, street lines extended, waterways, or lines drawn parallel to the centerline of the street and dimensioned as to depth.
- b. Where boundaries are streets, or waterways, other rights-of-way, or railroad rights-of-way, the boundary of the use district is the centerline of the right-of-way or waterway.

## **ARTICLE IV - USE DISTRICT REGULATIONS**

### **4.1 BASIC REQUIREMENTS**

- a. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged, or moved; and every building, structure, premises or land used, rearranged, designed, or intended for any use shall be so built or used only as permitted in the use district in which such building, structure or land is located.
- b. Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more Zoning Districts, the more restrictive use shall apply, except for a lot which is partially within the Agricultural (A) District. (amended 8/25/08)
- c. Uses not specifically permitted are prohibited. (effective 8/25/08)

#### **4.1.1 PROHIBITED USES**

- a. The following uses are forbidden to be within 200 feet from property lines of any school, library, museum, church, governmental building or parks.
  - 1) Drive-in movie theaters;
  - 2) Drive-in restaurants;
  - 3) Roadside stands selling refreshments.
- b. The following uses shall be prohibited:
  - 1) The use of Quonset huts, basements, garages, or any temporary structure as a dwelling unless specifically permitted by these regulations.
  - 2) Amusement Park. (effective 8/25/08)
  - 3) Commercial Aircraft Land Field. (effective 8/25/08)
  - 4) Commercial Motor Vehicle Sales. (effective 8/25/08)
  - 5) Crematorium. (effective 8/25/08)
  - 6) Junk Yards and storage of junk, including any place in or on which is stored or deposited old materials, glass, paper, metal cordage, scrap or other waste. (effective 8/25/08)
  - 7) Drive-Thru Windows, with the exception for banks. (effective 8/25/08)
  - 8) Self-Storage Facility, with the exception of existing buildings converted by special permit. (effective 8/25/08)
  - 9) Uses which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, vibration, light, traffic, or because of other objectionable features as determined by the Commission. (effective 8/25/08)
- c. Any manufacturing or industrial use which:

- 1) Emits into the air, dust, dirt, fly ash, smoke, or other material which is not confined to the lot containing the use; in accordance with air pollution standards established and enforced by the State of Connecticut.
  - 2) Emits into the air, offensive odors or noxious, toxic or corrosive fumes or gases.
  - 3) Transmits outside the lot containing the use noise which is objectionable due to volume, intermittence, beat, frequency or shrillness.
  - 4) Transmits light which is objectionable due to brightness or shines directly onto roads or residences.
  - 5) Discards offensive wastes into any stream, watercourse or storm sewer. The Commission shall be guided by the standards of appropriate State and Federal Agencies.
- d. Manufacturing uses involving production of the following primary products from raw materials (Fabrication of finished goods from the following products is not prohibited):
- 1) Asphalt, cement, charcoal, and fuel briquetting.
  - 2) Chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn, hydrochloric, nitric, phosphoric, picric and sulphuric acids.
- e. The following manufacturing processes:
- Nitrating of cotton or other material. Reduction or refining of petroleum products such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of woodpulp and fire including papermill operations.
- f. Storage of explosives except as may be necessary for a construction operation, authorized by building permit, in the Town of Lebanon.

#### 4.2 RA - RURAL AGRICULTURAL RESIDENCE DISTRICT

The purpose of the Rural Agricultural (RA) Residence District is to allow for residential development surrounded by open space while at the same time preserving those areas which are capable of supporting agricultural pursuits. It is intended that non-residential non-agricultural uses in the RA Zone be limited to those which are primarily necessary or desirable to serve the residents of Lebanon and are compatible with residential use when located in their midst. (effective 8/25/08)

- a. Permitted Uses.
- 1) One 1-family dwelling on minimum 2-acre lot.
    - (a) One 2-family dwelling on minimum 4-acre lot.
  - 2) Agriculture including dairies, the breeding, raising and keeping of cattle, horses, sheep, and other similar animals but specifically excluding kennels except as regulated below; riding stables; truck gardening; greenhouses and forestry operations; poultry provided fewer than 200 birds are housed; poultry operations having more than 200 birds provided the total floor area of all buildings on the lot used in the poultry operation does not exceed 50,000 square feet, the lot area is not less than five acres, all buildings and accessory facilities used in the

poultry operation including those for waste storage and treatment observe a minimum 100 foot setback from all property lines, and the total floor area of all buildings used in the poultry operation does not exceed 15% of the area of the lot except that no restriction or limitation shall apply to any aspect of a proposed poultry operation for which application has been made for a building and/or zoning permit on or before March 1, 1980.

- 3) Kennels provided no more than three animals over six months of age are housed and further provided that all facilities observe all required setback lines.
  - 4) Boarding houses and rooming houses provided that the occupants include no more than 3 non-family members.
  - 5) Home Occupation as permitted in 7.5a of these regulations.
  - 6) Temporary Community fairs and carnivals under local sponsorship.
  - 7) Preparation of any product of the farm for sale or market as an accessory use.
  - 8) Accessory buildings and uses.
- b. Permitted after the granting of a special permit by the Commission.
- 1) Cemeteries.
  - 2) Aircraft landing fields.
  - 3) Utility substations.
  - 4) (deleted)
  - 5) (deleted)
  - 6) Temporary Community fairs and carnivals not under local sponsorship.
  - 7) Refuse areas operated by the Town.
  - 8) Sewage treatment plants and filter beds; dumping septic tank effluent by the Town or its agent and only in areas approved for the purpose by the Commission and the Health Officer.
  - 9) Earth excavation as permitted in 8.6 of these regulations.
  - 10) Hospitals, sanitariums, sanatoriums, rest homes, convalescent and nursing homes.
  - 11) Home Occupations as permitted in 7.5b of these regulations.
  - 12) Notwithstanding the provisions of Article VIII, recreational campsites may be permitted providing the following requirements are met and the Commission makes the following findings:
    - (a) The total area utilized for such a camping ground must be not less than fifty (50) acres in area;
    - (b) Each lot used for an individual campsite must not be less than seventy-five (75) feet from each abutting campsite. (i.e. 75 feet frontage);

- (c) Each lot used for an individual campsite must be no less than eight thousand (8,000) square feet;
- (d) Premises used as camping grounds must be devoted solely to seasonal use and shall not be used during the period from October 15<sup>th</sup> of one calendar year through April 15<sup>th</sup> of the succeeding calendar year;
- (e) Only camp trailers and tents may be utilized on such premises used as camping grounds. Camp trailers are defined as vehicles not designed for permanent occupancy nor for occupancy for an extended period of time;
- (f) The water supply adequacy and sewage disposal system for camping grounds must be specifically approved by the Town Health Officer.
- (g) In any legally non conforming camp ground having at least fifty (50) individual developed camp sites on a minimum of 16 acres, there may be located on the same premises one (1) permanent single-family dwelling, provided such dwelling is occupied by the owner, manager, guard or caretaker of the campground and is not rented. Such caretaker dwelling is subject to the following:
  - (1) Dwelling must be served by separate water, electric and sanitary facilities.
  - (2) Dwelling must be located such that it is contained in a minimum 1 ½ acre dedicated area within the campground property for which it is proposed. Such dedicated area, consisting of the dwelling, septic system, well and any accessory uses, shall be separate and apart from any camping activity. Dwelling may be no larger than 800 sq. ft. in area and contain no more than two (2) bedrooms.
  - (3) A permit must be obtained for said caretaker dwelling, to be renewed annually; such permit to be automatically renewed provided said caretaker dwelling is in compliance with the regulations.
  - (4) If the caretaker is not the owner of the campground, a letter from the owner must accompany the permit application, such letter stating that the applicant is employed by the property owner as caretaker for the site.
  - (5) Dwelling must comply with setback requirements as outlined in Section 5.2 of these regulations, and applicable building and sanitary codes.
  - (6) Said caretaker dwelling must be screened from view by neighboring properties and public roads.
  - (7) Prior to occupancy, a building permit and CO are required.
  - (8) Mobile homes or trailers as defined in these regulations are prohibited.
  - (9) Home occupations are not permitted.
  - (10) A site development plan showing the entire parcel and other facilities shall be submitted with the application.

### 13) Residential Business Uses.

- (a) Limited business uses may be permitted in this residential zone where such a use does not conflict with the low density residential or agricultural character of the neighborhood. It shall be the responsibility of the applicant to demonstrate to the Commission that the proposed use will not harm the existing or potential residential character of the neighborhood either in the conduct of the business or in the location, size or design of the building. The following uses shall be permitted.
  - (1) Offices, studios.
  - (2) Retail stores, personal service shops.
  - (3) Repair services or business.
  - (4) General Business including the light fabrication of finished products.

Specifically excluded are (a) the service or repair of auto, bus, truck or motorcycles or the sale of oil or gasoline; (b) the sale of alcoholic liquor, (c) the sale of food in fast food establishments.

(b) Special Requirements.

- (1) Such uses shall only be permitted on a parcel containing a permitted residential structure suitable for habitation. If actual residential use of the structure ceases the business use of the parcel shall also cease.
- (2) A minimum lot size of two acres, or the legal minimum lot size required for the residential structures involved, whichever is larger, shall be required for the residential use plus one additional acre for each 1,000 sq. ft. of building devoted to business use up to a maximum of 5,000 sq. ft.

The residential lot, meeting all requirements of the zone in which it is located shall be shown on the site plan. The additional portion of the parcel to be devoted to business use shall also be shown on the site plan.

- (3) Minimum frontage shall be 250 ft.
- (4) The minimum yard requirements shall be as follows:

Side and rear yards - 50 ft.

Front yard - 75 ft.

The Commission may require further setbacks in order to adequately protect the residential nature of adjacent property.

- (5) All parking requirements for business uses shall be met. No parking shall be permitted in any required front, side or rear yard. Any driveway serving a business use shall not be located closer than 25' to any lot line.
- (6) No external storage of equipment, materials, supplies, products, or wastes shall be permitted except as permitted by the Commission.
- (7) No building constructed for business use under the provisions of these regulations shall be located closer than 50' to the residential buildings on the property.
- (8) The following signs shall be permitted on the premises:
  - i. One free standing sign, naturally lighted, having an area not exceeding 15 square feet on a side and a height not exceeding 8 ft.
  - ii. A wall or projecting sign, mounted below the eaves of the business structure, not exceeding ½ sq. ft. for each foot of building frontage, such sign to be floodlighted or naturally lighted.
  - iii. Except for a single sign identifying permitted home occupations not exceeding 5 sq. ft., no sign may be attached to the residential building.
- (9) No noise, dust, fumes or odor shall be observable beyond the boundaries of the property.

- (10) All lighting shall be directed away from adjacent property and shall be of such intensity that it does not become a nuisance to the neighborhood. The bulb or other source of light shall not be visible from off the property.
  - (11) The following buffers shall be required: All side, rear and front yards shall be suitably landscaped and maintained with new plantings or existing natural vegetation. Where in the opinion of the Commission, it is necessary to protect the residential character of adjacent properties, the Commission may require the planting of a dense screen of evergreens within any required yard or the erection of a suitable opaque wall or fence.
  - (12) ***Deleted (effective date August 1, 2000)***
  - (13) Any proposed change in business use or expansion of an existing use as permitted in this section shall require the issuance of an additional special permit by the Commission.
  - (14) The Commission may permit the use of an existing accessory building not meeting the separation and setback requirements of these regulations, if, in the opinion of the Commission, the business use of such building will not harm the residential/agricultural character of the neighborhood. Such use shall however meet the minimum frontage and lot area requirements.
- (c) In addition to the considerations outlined in Section 7.6 the Commission shall consider the following in deliberating the issuance of a special permit.
- (1) The compatibility of the proposed use and building with general present or future residential character of the neighborhood. All buildings shall be compatible with neighborhood residential structures in scale, design, and materials used.
  - (2) The volume and pattern of traffic likely to be generated by the proposed use for delivery of materials or shipping of products or the arrival of customers.
  - (3) The likely hours of operation of the uses. The Commission may establish a reasonable limit on the hours of operation of any proposed uses as is deemed appropriate to protect the residential character of the neighborhood. Such time restrictions may limit the hours of operation to specific days of the week or specific hours of the day.
  - (4) The location of proposed business uses on the site. In reviewing site plans or proposals, the Commission may require the placement of business structures and related activities in a location deemed least disruptive of the residential character of the neighborhood by the Commission.
  - (5) The design of the proposed structures. The Commission may require the submission of architectural elevations and plans for review. The Commission may require changes in proposed building design to insure its compatibility with neighborhood residential character.
  - (6) Intensity of activity. The Commission may require the submission of documentation indicating the following information: the anticipated number of employees; the type of commercial traffic to be generated; and other documentation which might indicate the intensity of the commercial uses proposed.

14) Banks

(a) Special Regulations

- (1) All parking and access roads shall conform to the requirements of Section 8.4 and shall not be located closer than 25 feet to any side or rear lot line.
  - (2) Except for access ways to facilities located behind the building line no parking, driveways or other automobile oriented paved areas shall be placed between the building line and the highway right of way.
  - (3) All required front, side and rear setback lines shall be suitably landscaped with existing or new vegetation and shall be permanently maintained in a slightly condition.
  - (4) The design of the structure and signs shall require the approval of the Commission and shall meet all standards established by the Commission and on file at the office of the building department. Detailed architectural elevations and perspectives drawings of all sides of the building and exterior and interior layout shall be presented indicating in detail the design of the building and the materials to be used.
  - (5) The following sign regulations shall apply to all bank structures:
    - i. No sign shall be permitted in any required setback yard except that directional signs necessary for the safe operation of the bank and the general public safety may be located in any required yard as necessary.
    - ii. All permitted signs shall be naturally lighted or externally floodlighted such that the source of light shall not be visible from the street or adjacent properties.
  - (6) The following signs shall be permitted:
    - i. Wall sign affixed directly to the walls of the building below the eaves.
    - ii. Overhanging sign extending at an angle from the building below the eaves which building serves its sole support and having a maximum of two faces. Such sign shall extend for a distance not to exceed four feet from the surface of the wall.
    - iii. Pole sign erected on a pole or poles which is partially or wholly independent of the building for support and having a maximum of two faces. Such sign shall not exceed ten (10) feet in height.
    - iv. The total area of all signs excluding directional signs shall not exceed one square foot for each foot of building frontage. Directional signs shall have a maximum area of two square feet. For signs having two faces the area shall be determined by the area of the largest face.
  - (7) No bank building shall occupy any lot upon which a residential or commercial building has been located within the preceding ten years.
- 15) Commercial antennas, transmitting towers and/or stations pursuant to Section 4.2.1 of these regulations.
- 16) Kennels housing more than three animals over six months of age.
- 17) Apartment and multi-family dwellings in any district where such residences are permitted in conformity with Section 8.8.

- 18) New or expanded existing poultry operations having or resulting in a total floor area of all buildings used in the poultry operation greater than 50,000 square feet, operations on a lot area less than five acres, any expansion or reconstruction of an existing poultry operation not meeting the requirements of 4.2.a. 2) above, provided the following requirements are met:
- (a) Submission of a Site Development Plan as required in Section 7.7 which shall show at a minimum:
    - (1) location of all buildings and structures and their uses identified,
    - (2) location of waste material storage and disposal facilities,
    - (3) location of septic disposal facilities,
    - (4) wetlands within 150 feet of the above facilities,
    - (5) all lot lines within 500 feet of the above facilities,
    - (6) a sketch map, at an appropriate scale, of the total lot area.
  - (b) Submission of documentation, including text, plans and/or construction specifications as appropriate, indicating:
    - (1) mechanical and other systems to be used to maintain poultry including feeding, watering, waste collection,
    - (2) number of birds to be maintained,
    - (3) identification of any processing of poultry products to be undertaken, waste management systems to be employed including any off-site operations; anticipated schedules of disposal.
  - (c) Submission of certification from a registered professional engineer and/or other recognized professional acceptable to the Commission in the fields of poultry and waste management that:
    - (1) the proposed management and operational systems and site plan have been reviewed by the above knowledgeable professional(s),
    - (2) the systems proposed are reasonable, safe, prudent and workable,
    - (3) if managed as proposed they are suitable for the specific site proposed; will not cause pollution of air or water or generate other environmental or health hazards prohibited under federal, state or local laws; and that all pertinent federal, state and local regulations have been met.
  - (d) Special requirements:
    - (1) Setback: a minimum 100-foot setback from all property lines shall be maintained for all buildings and facilities used in the poultry operation including waste disposal and storage facilities. For buildings the setback requirement may be reduced to 75 feet where it can be demonstrated that present uses on adjacent property will not be adversely affected. Where buildings have a total floor area greater than 100,000 square feet are to be sited at a single location the Commission may require a minimum setback of 200 feet.

- (2) All buildings or facilities closer than 100 feet to any lot line shall provide for a buffer strip at least 50 feet in depth meeting the requirements of Section 7.7.d.
  - (3) All required setbacks shall be retained in natural vegetation and shall be continuously maintained in a sightly manner.
  - (4) Documents submitted under (b) and (c) above shall be made a condition of the Special Permit but new documentation may be submitted at any time if operational changes are to be made. Such new documentation shall be considered amendments to the Special Permit which shall not require a public hearing provided no expansion of buildings or other facilities is involved. If any building or facility is to be expanded or relocated it shall be considered an amendment to the Special Permit requiring a public hearing.
  - (5) The total floor area of all buildings used in the poultry operation shall not exceed 15% of the area of the lot.
  - (6) A poultry operation in existence prior to October 1, 1980 not meeting the lot size, coverage, and setback requirements of these regulations may be permitted by the Commission to expand and/or modernize its operation provided the requirements of this section are met to the maximum extent possible and changes proposed clearly improve the impact of the operation on the adjacent property and the environment. In no case shall such improvements or expansion result in the total floor area of all buildings exceeding 50,000 square feet or reduce the setback to less than those required in the RA-residential district. Total floor area of buildings may not exceed 30% of the lot area.
- (e) Review considerations: The Commission shall grant the Special Permit upon findings, in addition to those required in 7.7.b, that:
- (1) the neighborhood is substantially rural and that residential land uses within subdivisions are not the principal surrounding land use. If buildings and other facilities of the poultry operation are set back at least 400 feet from all lot lines, the operation will generally be assumed to have met this standard,
  - (2) the scale of operations proposed are appropriate to the site to be used,
  - (3) an undue concentration of large-scale operations will not be created in any one neighborhood,
  - (4) adequate buffering will be provided.
- (f) No special permit shall be required and no restriction, limitation or requirement of this subsection shall be imposed on any aspect of a proposed poultry operation for which application has been made to the Town of Lebanon for buildings and/or zoning permits on or before March 1, 1980.
- 19) Schools, private and public, religious institutions (added effective 12/23/88).
  - 20) Boarding houses and rooming houses for more than 3 non-family members.
  - 21) Churches, Libraries and Museums.
  - 22) Governmental buildings and parks.

- 23) Watershed, water supply and reservoir, wells, water tower and water filter bed.
- 24) Golf courses, private or public.
- 25) Self-storage facilities in existing buildings. (effective 8/25/08)
- 26) Club and clubhouse.
- 27) Bed & Breakfast Tourist Home permitted in accordance with Section 8.10 of these regulations. (amendment effective Mar. 24, 1995)

#### 4.2.1 Wireless Telecommunication Facilities (effective 2/1/00)

- (a) *Intent.* The intent of this section is to provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and/or operational effects through careful design, siting and screening. This section of the zoning regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

Except for the location and height of towers/antennae, this regulation does not regulate any aspect of licensed (under FCC CFR97) amateur radio and small business communications.

- (b) *Siting preferences.* The purpose of this section is to encourage the use of nonresidential buildings and structures such as water storage tanks, encourage joint use/co-location of new or existing towers, facilities and sites, avoid potential damage to adjacent properties from tower failure, accommodate the need for wireless communication towers and antennas while regulating their location and number, protect historic and residential areas from potential adverse impacts of wireless communication facilities, encourage suitable siting measures, minimize adverse visual effects of wireless communication facilities, and reduce the numbers of towers and/or antennas needed in the future.

The general order for preference for alternative facility locations shall range from 1 as the most preferred to 5, the least preferred.

1. Co-location on existing or approved towers.
  2. Co-location at existing tower sites.
  3. On existing nonresidential buildings, water towers/tanks, high tension electrical towers, steeples, clock or bell towers, and silos.
  4. On new towers located on property occupied by one or more existing towers.
  5. On new towers less than 60 feet in height located on property not currently occupied by any existing towers.
  6. On new towers 60 feet or greater in height located on property not currently occupied by any existing towers.
- (c) *General Standards.* The wireless telecommunication facility standards enumerated below shall be followed:

- (1) Applications for any commercial telecommunications service facility shall be made by a licensed carrier only. Written information must be provided by the applicant that at least one licensed carrier has agreed to lease space on the proposed tower.
- (2) No wireless telecommunication tower site shall be located within 500 feet of a residence; the tower fall circle shall be such that design and installation of the structure limits the collapse distance so as not to encroach on the setback required for the zone district in which it is located.
- (3) No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.
- (4) The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a professional radio-frequency engineer licensed in the State of Connecticut, shall accompany an application. The commission shall require the submission of propagation modeling results to facilitate its review of tower height.
- (5) A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- (6) No telecommunications facility shall be sited on a lot which is not a legal building lot.
- (7) A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design and landscape requirements are met for each tower. A telecommunications facility may be located on leased land provided there is adequate ingress and egress to the site for service vehicles and such access is documented in a deed easement presented to the commission.
- (8) All towers shall be a monopole design unless otherwise modified and approved by the commission. The commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or resemble a structural element of the principal building.
- (9) Towers not requiring FAA paintings or marking shall be painted a non-contrasting blue, gray or other neutral color.
- (10) No lights or illumination shall be permitted unless required by the FAA, and if required shall be white strobe lighting and of the minimum intensity necessary to meet FAA standards.
- (11) No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning and ownership signs are permitted at ground level.
- (12) The proposed support structure shall be required to accommodate a minimum of five users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the commission. These users shall include other wireless communication companies and local police, fire and ambulance companies.
- (13) A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- (14) The applicant shall provide a signed statement from the radio-frequency engineer indicating that the wireless telecommunication site will comply with current FCC radio frequency emission standards and will be operated in accordance with the owner's FCC license and FAA requirements.
- (15) Where site conditions permit, all utilities which serve wireless telecommunication facilities shall be installed underground.
- (16) The commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

- (17) Telecommunication facilities shall be designed so as to include appropriate measures, including, but not limited to, chain link or other appropriate fence enclosures of adequate height with secured gates in order to prevent access to tower or antenna structures by unauthorized individuals.
- (18) Landscaped buffers/screening shall be provided in accordance with subsections (e) and (f) of these regulations.
- (19) The commission may require independent engineering/technical review of all submitted materials at the applicant's expense.

(d) *Review standards for wireless telecommunication facilities.* In addition to other appropriate review standards found in these regulations, the applicant shall submit the following documentation for the commission's consideration in reviewing applications for wireless telecommunication facilities:

- (1) Where a new tower is proposed, the applicant shall demonstrate that co-location on an existing or proposed tower is not feasible. All existing and/or proposed wireless service facilities within one-half mile of the proposed tower shall be shown on the site plan.

The applicant shall demonstrate, in a written report, that the service proposed cannot be provided by adding equipment to these existing or proposed towers or that the owners of these other towers have denied the applicant's request for co-location. The applicant shall also show tall structures (over sixty-five feet in height) located one-half mile from the proposed tower. The applicant must demonstrate that placing antennae on these tall structures is either not technically feasible or that the owner of the tall structure has denied the applicant's request to locate on the structure. For new towers, the applicant shall provide a written report of the process by which other possible sites were considered and eliminated. At least one higher preference site (see subsection (b) of these regulations) shall be included in the report.

- (2) Detailed propagation and antenna separation analysis regarding tower height.
- (3) Tower or antenna type, site security and access.
- (4) Detail of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
- (5) Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

(e) *Ancillary buildings.* All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

- (1) Each building shall not contain more than 360 square feet of gross floor area or exceed ten feet in height.
- (2) Each building shall comply with setback requirements for accessory buildings pursuant to Section 5.2 (Schedule) of these regulations.
- (3) Ancillary buildings located on the roof of any building shall be designated to blend with the color and design of the building to the extent possible, shall not exceed the highest point of the roof top by more than ten feet, shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width whichever is greater and not occupy more than ten percent of the roof area.
- (4) All ground level buildings, boxes or cabinets shall be surrounded by vinyl/plastic coated chain link or other suitable fence a minimum of six feet in height, and be landscaped in accordance with the landscaping requirements of subsection (f) of

these regulations. The commission may require modification of the chain link fence and/or installation of comparable fencing to lessen visual impacts.

**(f) Landscaping.** Ground level wireless telecommunication facilities shall be landscaped as follows:

- (1)** A minimum 50-foot wide continuous vegetated buffer strip of existing trees and under story shall be maintained along all property lines, excepting access drives which should be designed to meet only the minimum width necessary for service and/or emergency vehicles.
- (2)** If existing vegetation is less than the minimum prescribed, a landscaped buffer strip, at least 15 feet wide, seeded to grass and planted with evergreen trees and shrubs at least six feet in height and staggered a minimum of five feet on center shall be placed along the outer perimeter of required fence structures.

**(g) Bonding and abandonment.**

**Bond requirement:** The commission shall require a bond or other surety in an amount satisfactory to the commission and in a form satisfactory to the Town Attorney to cover the cost of removal of an abandoned wireless telecommunication facility and maintenance of an existing wireless telecommunication facility, including fencing and landscaping. Said bond shall be reviewed and renewed every two years. Within 60 days of the renewal date, the owner of the subject wireless telecommunication facility shall submit documentation including a copy of the current license to the commission or its designated agent for review of the bond amount.

**Abandonment:** A wireless telecommunication facility not in use for 12 consecutive months shall be considered abandoned and shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

**(h)** In addition to the special permit requirements found in these regulations, the following documentation shall be submitted:

- (1)** A map indicating the service area of the proposed wireless telecommunications site.
- (2)** A map indicating the extent of the provider's existing and planned coverage within the Town of Lebanon and the search radius for the proposed wireless telecommunications site, including the location of structures of similar height within one-quarter mile of the proposed site.
- (3)** A report from a telecommunications systems engineer licensed in the State of Connecticut indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunication system.
- (4)** A plan showing where and how the proposed antenna will be affixed to a particular building or structure, if applicable, said plan to be certified by a structural engineer licensed in the State of Connecticut.
- (5)** Details of all proposed antenna and mounting equipment including size and color.
- (6)** Elevations of all proposed shielding and details of material, including color.
- (7)** An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing, including color.
- (8)** Tower base elevation and height of tower.
- (9)** A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can

accommodate, as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

- (10) A report from a telecommunications engineer licensed in the State of Connecticut, indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety considerations.
- (11) A proposed landscaping plan with a list of plant materials, including minimum number and size.
- (12) Proposed access to the site.
- (13) A view shed analysis shall be required, showing all areas from which the tower would be visible, and if requested by the commission, a simulation of the proposed site in order to assist the commission to determine the visual impacts associated with the proposal. This visual analysis should include a simulation (using a balloon or computer generated landscape view from each octant of the compass) of the tower's appearance during the winter months from the furthest extent of the tower's visibility at the five foot height and from a distance of 1,000 feet.
- (14) Documentation prepared by a telecommunication systems engineer licensed in the State of Connecticut, that no existing or planned tower or other structure can accommodate the applicant's antenna. For similar tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.
- (15) A plan showing the nature of uses and existing structures on properties within 2,000 feet of the proposed site.
- (16) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including but not limited to, the potential visual impact to ridge lines.

c. Special Regulations.

- 1) All structures and uses shall comply with height, area and yard requirements; Off-street parking and loading requirements; and the regulations governing signs.
- 2) All uses not specifically permitted are prohibited. (effective 7/1/04.)

4.3 VRA - VILLAGE RURAL AGRICULTURAL RESIDENCE DISTRICT

The purpose of the Village Rural Agricultural Residence (VRA) District is to allow for residential development surrounded by open space while at the same time preserving those areas which are capable of supporting agricultural pursuits. It is intended that non-residential non-agricultural uses in the VRA Zone be limited to those which are primarily necessary or desirable to serve the residents of Lebanon and are compatible with residential use and architectural style when located in their midst. (effective 8/25/08)

a. Permitted Uses

- 1) One 1-family dwelling on minimum 2-acre lot.
- 2) Agriculture for commercial purposes including dairies, the feeding, raising and keeping of cattle, horses, sheep, and other animals; kennels provided no more than three animals over six months of age are housed; riding stables, truck gardening, greenhouses, and forestry

operations provided any building in which animals are kept, housed or stabled, permanently or temporarily, shall observe a 100 foot setback from all property lines.

- 3) Watershed and wells.
  - 4) Home occupations as permitted in Section 7.5.a.
  - 5) Temporary Community fairs and carnivals under sponsorship of local non-profit organizations.
  - 6) Preparation of any product of the farm for sale or market as an accessory use.
  - 7) Accessory buildings and uses.
- b. Permitted after the granting of a Special Permit by the Commission (amended 8/25/08):
- 1) Churches, synagogues; libraries and museums.
  - 2) Governmental buildings and parks.
  - 3) Schools, private and public; religious institutions.
  - 4) Water supply and reservoir, water tower, and filter bed.
  - 5) Home Occupation as permitted in 7.5.b of these regulations.
  - 6) Utility substations.
  - 7) Bed & Breakfast Tourist Home permitted in accordance with Section 8.10 of these regulations.
- c) Notwithstanding other provisions of these regulations, any 1-family dwelling existing in a VRA-Village Rural Agricultural Residence District, on the date of adoption of this subsection may be converted to a two or not more than three family dwelling, after the issuance of a special permit. The existing dwelling shall occupy a minimum two acre lot and each additional proposed dwelling unit shall require an additional one-half acre of lot area.
- d) Special Regulations.
- 1) All structures and uses shall comply with height, area and yard requirements; Off-street parking and loading requirements; and the regulations governing signs.
  - 2) All uses not specifically permitted are prohibited. (effective 7/1/04)

#### 4.4 L - LAKE DISTRICT

a. Permitted Uses.

The purpose of the Lake (L) District is to allow for seasonal and year-round residences and accessory buildings on lots closely abutting each other and water, and preserve water quality on the lakes. (effective 8/25/08)

- 1) One Seasonal dwelling or camp on a minimum 85,000 sq. ft. lot, may be erected in any Lake District as shown on the Zoning Map, namely: Williams Pond, Brewster Pond, Stiles Pond, Big Pond, Savin Lake, Spencer Pond, Amston Lake, and Red Cedar Lake.

- 2) One 1-family year-round dwelling on minimum two acre lot.
- 3) Public park, playground, beach, athletic field.
- 4) Accessory buildings and uses excluding any farm or agricultural building or use. (effective 3/1/99).
- 5) Caretaker dwelling in accordance with Section 4.2(b)(12) of these regulations.

b) Special Regulations.

- 1) All structures and uses shall comply with Height, Area and Yard Requirements; Off-Street Parking and Loading Requirements; and the regulations governing Signs.
- 2) All uses not specifically permitted are prohibited.
- 3) The Commission, at its option, may require an evaluation of the hydrology and hydrogeology for any subdivision proposed in the lake district.
- 4) The impervious surface of a lot shall not exceed one third or 33% of the areas of the lot. (effective 8/25/08)

#### 4.5 NB - NEIGHBORHOOD BUSINESS DISTRICT

The purpose of the Neighborhood Business (NB) District is to allow for neighborhood-oriented commercial, institutional and office services which encourage a diversity of uses that are complementary to surrounding residential areas by special permit. (effective 8/25/08)

a. Permitted Uses.

- 1) Any use permitted in an RA-Rural Agricultural Residence District.

b. Permitted after the granting of a Special Permit by the Commission.

- 1) Restaurants provided all food is sold for consumption within the restaurant building.
- 2) Service and repair of small engines such as lawn mowers and outboard motors.
- 3) With the exception of any use permitted in a.(1) above which shall not be limited by this subsection, the construction of any new building exceeding 3,000 square feet in floor area or the use of more than 3,000 feet of floor area of an existing building.
- 4) The construction of more than one building per lot.
- 5) Bed & Breakfast Tourist Home permitted in accordance with Section 8.10 of these regulations.
- 6) Offices, studios, banks. (effective 8/25/08)
- 7) Retail businesses. (effective 8/25/08)
- 8) Personal service businesses. (effective 8/25/08)
- 9) Repair services or business including such goods as appliances, radios, bicycles, and televisions. (effective 8/25/08)

c. Uses specifically prohibited.

- 1) Gas stations.
- 2) Sale, repair or service of autos, trucks, boats.
- 3) Fast food and/or drive-in restaurants.
- 4) Any use not specifically permitted is prohibited.

d. Special Regulations.

- 1) A Site Development Plan as required in Section 7.7 shall be submitted to the Commission for review and must be approved by the Commission before any building or zoning permit may be issued.
- 2) No parking or loading facilities shall be permitted in any required front yard or closer than ten (10) feet to any side or rear property line. No access drive shall be permitted closer than ten (10) feet to any side or rear property line except to provide access to adjacent lots. All required yards not devoted to access and parking facilities shall be suitably landscaped and maintained.
- 3) Outside storage or display of materials shall not be permitted unless specifically authorized by the Commission.
- 4) All structures and uses shall comply with Height, Area, and Yard requirements; Off-Street Parking and Loading requirements; and regulations governing Signs and Buffer Strips.

4.6 B - BUSINESS DISTRICT

The purpose of the Business (B) District is to allow business development by special permit intermixed with residential development in an organized manner. (effective 8/25/08)

a. Permitted Uses.

- 1) Any use permitted in an RA - Rural Agricultural Residence District.
- 2) Feed and grain sales and storage.

b. Permitted after the granting of a special permit by the Commission.

- 1) Storage yard for new lumber, building materials and related items.
- 2) Sales and storage of contractor's equipment.
- 3) Veterinary hospital and commercial kennels.
- 4) Bottling works.
- 5) Commercial radio and television stations and antennas.
- 6) Sale of fuel oil, and propane gas.
- 7) Warehousing and storage.

- 8) Public utility garage, pole yard and similar facilities.
  - 9) Truck terminal.
  - 10) Package store.
  - 11) Bowling alley and similar recreation establishments.
  - 12) Outdoor theater.
  - 13) Bed & Breakfast Tourist Home permitted in accordance with Section 8.10 of these regulations.
  - 14) The construction of more than one building per lot. (effective 7/1/01)
  - 15) Office, bank, studio. (effective 8/25/08)
  - 16) Retail and wholesale business. (effective 8/25/08)
  - 17) Personal service business. (effective 8/25/08)
  - 18) Restaurant and other eating places. (effective 8/25/08)
  - 19) Commercial parking lot. (effective 8/25/08)
  - 20) Funeral home. (effective 8/25/08)
  - 21) Radio and television studios. (effective 8/25/08)
  - 22) Repair service or business: appliances, radio, bicycles, boats, television, etc. (effective 8/25/08)
  - 23) Theaters. (effective 8/25/08)
  - 24) Printing including newspaper and job printing. (effective 8/25/08)
  - 25) Auto, truck and boat repair and service. (effective 8/25/08)
  - 26) Laundry and dry cleaning establishment. (effective 8/25/08)
- c. Special Regulations.
- 1) All structures and uses shall comply with Height, Area, and Yard Requirements; Off-Street Parking and Loading Requirements; and the regulations governing Signs and Buffer Strips.
  - 2) All uses not specifically permitted are prohibited.
  - 3) A site development plan as required in Section 7.7 shall be submitted to the Commission for review and must be approved by the Commission before any building or zoning permit may be issued. Residential uses are exempt from this requirement. (effective 8/1/00)

#### 4.7 A – AGRICULTURAL DISTRICT (effective 8/25/08)

The purpose of the Agricultural (A) District Zone is to identify land permanently protected for agriculture. Land in the A Zone shall only include property containing a permanent conservation restrictive easement.

- a. Permitted Uses. The following uses are permitted as of right in the A Zone subject to any applicable provisions of these regulations and property-specific conservation restrictive covenants or easements.
  - 1) Home Occupation as permitted in Sec. 7.5.a. -
  - 2) Farm or Nursery.
  - 3) Single-Family Dwelling, one per minimum two (2) acre lot.
- b. Special Permit Uses. The following uses may be permitted in the A Zone subject to special permit and site plan approval and in accordance with the property-specific conservation restrictive covenant or easement, if any.
  - 1) Animal Hospital.
  - 2) Bed and breakfast as permitted in Sec. 8.10.
  - 3) Kennel.
  - 4) Home Occupation as permitted in Sec. 7.5.b.

#### 4.8 I - LIGHT INDUSTRY

The purpose of the Light Industry (I) District is to allow for a range of office, research and light industrial facilities that can be located relatively close to residential uses without negative influence, and which will have minimum impacts on the natural resource base of the Town. It is the intention of the Commission to require traffic access management within this district. (effective 8/25/08)

- a. Permitted Uses.
  - 1) Agriculture as permitted in the RA District.
  - 2) Manufacturing, processing, warehousing of goods except as limited by b. below.
  - 3) Office buildings, research laboratories except as limited by b. below.
- b. Permitted after the granting of a Special Permit by the Commission.
  - 1) The following uses shall be permitted by Special permit provided such uses are clearly secondary or accessory to the principal manufacturing or warehousing uses permitted in a. above and are provided for the convenience of employees and guests of manufacturing enterprises.
    - (a) Uses, except residential uses, permitted in the B - Business District.
    - (b) Uses, except residential uses, permitted in the RA - Residence District unless otherwise permitted in a. above.

- (c) A residence for a caretaker or similar custodial help.
  - 2) Any permitted use housed in a building, or in a building to be expanded, having a floor area greater than 50,000 square feet on any single floor.
  - 3) Bulk or wholesale storage of fuel oil, flammable fuels and chemicals.
  - 4) Milling or processing of flour, food, or grain; except routine grading, sorting and cleaning of unprocessed dairy and other agricultural products.
  - 5) Truck storage facility, provided that for every truck housed on the site there is a minimum 500 square feet of enclosed building and no more than 15 trucks permitted on any site. (effective 7/25/07)
  - 6) Adult-oriented establishment.
- c. Special Regulations.
- 1) Access to an industrial facility shall not be closer than 100 ft. to any residential district line.
  - 2) Access shall be designed to provide safe and efficient access for pedestrians and vehicles. Such access shall not connect with minor streets in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.
  - 3) No building, structure or parking or loading facility shall be permitted in any required setback except as specifically authorized by the Commission. Such setback shall be maintained in a sightly manner with existing natural vegetation or new landscaping.
  - 4) No outside storage of materials, products, or refuse shall be permitted unless specifically authorized by the Commission. All loading and storage areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
  - 5) All utilities, including telephone and electric distribution lines, shall be placed underground where reasonably achieved. The Commission may waive this requirement if the installation of such underground utilities is not practical.
  - 6) No paved area for the use of vehicles, with the exception of required loading facilities, shall be closer than 10 ft. to any commercial or industrial building.
  - 7) All standards and requirements of the Subdivision Regulations of the Town of Lebanon shall be met for all interior roads, access ways, parking, and loading facilities, utilities or stormwater control facilities unless otherwise provided in these regulations.
  - 8) The building coverage in any Industrial District lot shall not exceed .25. That portion of the lot covered with paving for the transportation or storage of motor vehicles shall not exceed .25 of the area of the lot. All remaining area shall be appropriately landscaped and maintained in a sightly manner.
  - 9) A site development plan as required in Section 7.7 of these regulations shall be provided for all uses. Any change in an approved site development plan, including use changes, must be approved by the Commission. No zoning or building permit may be issued except in conformance with a site development plan which has received final approval from the Commission.

- 10) All structures and uses shall comply with Area, and Yard Requirements; Off-Street Parking and Loading Requirements; and the regulations governing Signs and Buffer Strips.
- 11) All uses not specifically permitted are prohibited. Section 4.1.1 shall apply.
- 12) Maximum height for any structure shall be 40 ft.

#### 4.9 SFH - SPECIAL FLOOD HAZARD AREA DISTRICT (amended 6/16/11)

Purpose: To prevent or minimize loss of life and injury to persons and to minimize or eliminate the damage to property caused by floods; to prevent land use activities which will increase or aggravate the damage caused by floods; to further the protection of the quality of the town's rivers; and to promote the general public health, safety and welfare of the people of the town the following Special Flood Hazard Area District is provided.

- a. The following regulations shall apply to the use of land and buildings within the Special Flood Hazard Area District. The boundary of the Special Flood Hazard Area District includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, CT, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM) dated July 18, 2011 and other supporting data applicable to the Town of Lebanon, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file at the office of the town clerk, Lebanon, CT. References shall be made to such maps as they may be amended, to clarify and resolve any questions regarding the precise location or boundary of the District. The Special Flood Hazard Area District shall be an overlay district and shall further modify (as defined below) the requirements of the prevailing underlying zone district.

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town.

- b. Definitions. The following definitions are specific to this Section.

Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.

**Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

**Cost.** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems and detached structures such as garages, sheds and gazebos.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

**Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program (NFIP).

**Finished Living Space.** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 4.9 c. 1) (d) of this regulation.

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision. A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value. As related to substantial improvement and substantial damage, the market value of the structure shall be determined by the replacement cost minus depreciation of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level. The North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction. Structures for which the "start of construction" commenced on or after June 3, 1988, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

Recreational Vehicle. A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Special flood hazard areas include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The Special Flood Hazard Area is also called the Area of Special Flood Hazard.

Start of Construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building which is principally above ground, including a manufactured home, gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for

improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance. A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation. Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

- c. In order to carry out the provisions of this section, the duties of the Commission shall include, but are not limited to the following:
- 1) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  - 2) Require a site development plan to be approved by the Commission for all new construction or substantial improvements proposed within the designated Special Flood Hazard Area District.
  - 3) Advise applicants or permittees that additional Federal or State permits may be required.
  - 4) Prohibit the alteration or relocation of any watercourse except as approved by the Commission in compliance with these regulations. Under no circumstances shall the flood carrying capacity of water source be reduced or the flooding characteristics elsewhere in the watershed be increased. Determination of such effects shall be attested to by a professional engineer registered in the State of Connecticut. Where such alteration or relocation is proposed the Commission shall notify the Federal Emergency Management Agency, the Connecticut Department of Environmental Protection (Inland Water Resources Division) and adjacent communities potentially affected by such action prior to approval of such alteration.
  - 5) Record the elevation (in relation to mean sea level) of the lowest floor (including basement) all of new or substantially improved or flood-proofed structures. When flood-proofing is utilized for a particular structure the Commission shall obtain certification of flood-proofing from a registered professional engineer or architect.
  - 6) Obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State or other sources in order to administer the provisions of Section 4.10 c.1) when base flood elevation data or floodway data have not been provided.
- d. Special Regulations
- 1) In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 4.10(a) or as may have been determined as provided in Section

4.10(b)(6), all new construction or substantial improvements of existing structures shall comply to the following standards:

- (a) Residential Structures - residential structures shall have the lowest floor elevation, including the basement, elevated above the base flood elevation as in paragraph (d) Elevated Buildings, below.
- (b) Non-Residential Structures - non-residential structures shall have the lowest floor elevation, including basement, elevated as in (a) above or floodproofed to a point above the base flood elevation, as in (c) Floodproofing, below.
- (c) Floodproofing - non-residential structures located in all A-Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
- (d) Elevated Buildings - new construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must be either certified by a professional engineer or architect or meet the following minimum criteria: (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, (ii) the bottom of all openings shall be no higher than one foot above grade, (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (e) Base Flood Elevation Increase - in AE-Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which would increase base flood elevations more than one (1) foot at any point within the community when all anticipated development is considered cumulatively with the proposed development.
- (f) Floodways - in areas where floodways have been determined, encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification (with supporting technical data) by a Connecticut registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachment shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: the Commission shall utilize a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point within the community.

2) All new construction or substantial improvements shall be:

- (a) Designed and anchored to prevent flotation, collapse, or lateral movement; constructed with materials and utility equipment resistant to flood damage; and be constructed by methods and practices which minimize flood damage, and
  - (b) Consistent with the need to minimize flood damage within floodprone areas; serviced by utilities such as gas, sewers, electric, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and water systems located and constructed to minimize or eliminate flood damage, and provide with adequate drainage to reduce exposure to flood hazards.
- 3) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - 4) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters; on site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - 5) Manufactured homes (including a recreational vehicle placed on a site for 180 consecutive days or longer) and manufactured home parks and subdivisions are prohibited in the Special Flood Hazard Area District. Recreational vehicles placed on sites within the Special Flood Hazard Area District for fewer than 180 consecutive days shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
  - 6) Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
  - 7) Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
  - 8) No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
  - 9) Aboveground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

## **ARTICLE V - HEIGHT, AREA AND YARD REQUIREMENTS**

### **5.1 SCOPE OF REQUIREMENTS**

- a. This section applies to all buildings erected or altered after the enactment of these Zoning Regulations.
- b. Within the Town of Lebanon any buildings constructed or altered for use as a dwelling shall conform to the following provisions:
  - 1) Only one dwelling shall be erected or installed on one lot, except as permitted under Sec. 8.8 Apartment Houses and Multi-Family Dwellings. (effective 8/25/08)
- c. All buildings erected or altered after the adoption of these regulations, and all lots on which such buildings are placed, shall conform to the requirements of this Article and to the schedule entitled "Height, Area and Yard Requirements" which is a part of these regulations and which follows in Section 5.2 except that certain accessory buildings may observe a lesser rear yard setback as permitted in Section 7.3a3).
- d. Maximum height of buildings shall be two and one-half stories or 35 feet. Accessory buildings shall not exceed 20 feet. This height restriction may be waived by the Commission, upon written request by an applicant, for structural elements of principal and accessory uses permitted by these regulations which because of reasonable necessity and customary practice exceed such height provided no portion of the structural element is used for human habitation. In granting such waiver the Commission may impose such conditions as it deems reasonable and necessary to protect the health, safety, property values of adjacent lots. Spires, cupolas, towers, chimneys, flagpoles and similar features may be subject to such a waiver.
- e. Dwellings in Business and Industry Districts shall conform to Height, Area and Yard Requirements for RA - Rural Residence District.

5.2 HEIGHT, AREA AND YARD REQUIREMENTS SCHEDULE (effective 8/25/08)

DISTRICT	YARD						
	Min.**** Lot Area	Min.**** Lot Frontage (ft)	Front* Min.(ft.)	Side Min.(ft.)	Total Side Min.(ft.)	Rear Min.(ft.)	Min. Livable Area (sq. ft.)
RA-Rural ***** Aq. Res.	2 Acres	200	50	25	50	50	750 on 1 fl. 1000 on 2 fls.
VRA-Village ***** Rural Aq. Res.	2 Acres	200	50	25	50	50	960 sq.ft./1fl. 1280 sq. ft./2fl.
L-Lake District Seasonal	85,000 sq. ft.	50	25**	10	20	10***	500 sq. ft.
L-Lake District Year Round	2 Acres	200	50	25	50	50***	750 on 1 fl. 1000 on 2 fls.
NB-Neighborhood Business	1 Acre	100	50	25	50	25*****	750 on 1 fl. 1000 on 2 fls.
B-Business	1 Acre	100	50	10	20	10	RA-VRA
I-Light Industry	1 Acre	200	50	50	100	25	RA-VRA
A-Agriculture	2 Acres	-0-	50	25	50	50	750 on 1 fls.
SFHD - As required in underlying district							

\* Front yard setback where no street line is established, or where the street right-of-way is less than 50', shall be 75 feet from center of the road except that for seasonal use the front setback where no street line is established, or where the right of way is less than 50', shall be 50' from the center of the road.

\*\* Front yard in L-Lake District is yard bounding road.

\*\*\* Where rear or front yard borders a stream, pond or other body of water, whether natural or man-made, all structures except boat houses not used as dwellings, shall be a minimum of 75 ft. from edge of water.

\*\*\*\* Any portion of a lot for which an access easement is provided to another lot shall not apply towards the minimum lot area requirement. In addition, the width of any such access easement shall not apply towards the minimum lot width requirement. See Section 5.1(e) for requirements for the dwelling in the business or industry districts. This standard shall apply when the minimum area and yard for each lot is 2 acres as shown in Section 5.2 of these regulations. Where other minimum and yard requirements apply, the 200 foot square requirement shall be modified to reflect, on a percentage basis, the change in the area and yard requirements that apply to the proposed use.

\*\*\*\*\* Subdivisions of fifteen (15) acres or greater with five (5) or more lots in the RA and VRA zones require a special permit under Sec. 8.12 of these regulations and the minimum lot area, frontage, and yard requirements are amended accordingly.

\*\*\*\*\* Except when abutting a residentially zoned property in which case a 50-foot rear setback shall apply.

### 5.3 VARIATIONS IN HEIGHT, AREA AND YARD REQUIREMENTS

a. Front yards on Corner Lots.

Requirements for front yard shall be enforced on both streets.

b. Visibility at Corners.

Between the building line and the front line of any corner lot no fence, wall, hedge, shrub or other structures, growth or obstructions shall be maintained at a height of more than two and a half feet (2 ½') in height.

c. Construction in Required Yards.

Notwithstanding other provisions of these regulations, fences, walls, hedges and driveways may be permitted in any required yard or along the edge of any yard provided that no fence, wall, or shrub planting along the street sides of corner lots shall be over two and one-half feet (2 ½') in height.

d. Height Exceptions.

The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of farm buildings, a church spire, tower or belfry, or a flag-pole, radio tower, radio or television antennas, chimney, water tank, silo, or similar structure.

e. Through Lots

On a through lot front yard requirements apply on both street frontages.

f. Measurement of Required Yards on Irregular Lots.

Where the front lot line is an arc or the side lines converge toward the front lot line, the required frontage may be measured along the front yard setback line, but in no case can the lot width, as measured at the front-set-back line be less than the minimum required for that district.

g. Lot Adjoining One in More Restricted District.

Where a lot adjoins a lot in a more restricted district any adjoining side yard of such lot shall have a minimum width equal to the required side yard in the more restricted use district; and any adjoining front yard shall have a minimum depth equal to the required depth of the front yard in the more restricted use district.

h. Reduced Lot Area.

No conveyance of land shall be made that reduces the remaining land of grantor below the minimum area, frontage, and yard requirements of the use district in which said land is located, including the conveyance of any easement right of access over said land to any adjoining property.

i. Accessibility.

With the exception of lots located in a Conservation Subdivision, access to a building site on a lot shall be unobstructed and solely within the lot area. Unobstructed access means that there are no physical or legal impediments to the use of the access as shown on the plan. The need for a permit, or approval, from the Inland Wetlands Commission, in order to traverse the access is an impediment unless such permit or approval has been granted. (effective 1/2/04, amended 8/25/08).

#### 5.4 MINIMUM BUILDABLE AREA CRITERIA

a. Purpose

In order to carry out the purposes described in Section 1.1 of these regulations; assure that a suitable area of buildable land exists to accommodate structures, open space, well, septic system, driveway, yard area and/or other improvements; ensure the ability of on-site septic systems to function indefinitely; and to facilitate appropriate development, the standards contained in this section shall apply to each lot or parcel of land to be approved for any development or use in any zone which will utilize an on-site septic system, except that the minimum buildable area criteria shall not apply to lots that are part of a Conservation Subdivision Development. (amended 8/25/08)

b. Standards

1) Each lot or parcel shall contain:

- a) a minimum contiguous "buildable area" of 60,000 square feet free of wetland soil types, waterbodies and water-courses, as defined by Connecticut General Statutes, for the basic 2-acre building lot required for a 1-family dwelling as shown in 5.2 of these regulations. Where other lot sizes are required by these regulations the formula that will apply is that the minimum buildable area shall be 75% of the minimum acreage requirement and the minimum width of this buildable area shall be 90% of the minimum width requirement for the lot.
- b) such "buildable area" shall be a rectangle no less than 180 feet wide at any point. (effective 8/1/06.)
- c) a special permit, granted by the Commission in accordance with section 7.6 of these regulations shall be required where more than 20% of the "buildable area" of a lot contains slopes in excess of 20%.
- d) This amendment shall be applied only to lots created or approved on or after October 13, 1987.
- e) Dwellings or other principle structures must be sited within the buildable area, or located on the lot in such a way that wetlands or wetland areas do not separate the structure from the buildable area.
- f) The "buildable area" shall contain no utility easements, conservation easements, drainage easements or any other easement which significantly limits the use of the lot from those permitted. (effective 1/2/04).

## **ARTICLE VI - NONCONFORMING USES, BUILDINGS AND LOTS**

### **6.1 NONCONFORMING USES AND BUILDINGS (effective 3/24/95)**

- a. Any lawful use of a building or land existing at the effective date of these regulations, or any amendment thereto, may be continued subject to the following conditions:
  - 1) A nonconforming use of a building or land existing at the effective date of these regulations, or any amendments thereto, may be continued subject to the following conditions:
    - (a) A conforming building containing a conforming use but located on a nonconforming lot may be altered or expanded provided the alteration or the expansion will not cause the building or use to become nonconforming.
    - (b) A nonconforming building containing a conforming use may be altered or expanded provided the alteration or expansion does not further violate the dimensional requirements of the district in which the building is located.
  - 2) Movement to another part of the lot shall be made only in conformity with these regulations.
  - 3) The Zoning Board of Appeals may, after requisite notice and public hearing, grant a permit for a change from the nonconforming use to another if the Zoning Board of Appeals finds the proposed use is equal to or less nonconforming than the existing one.
  - 4) If a nonconforming building, or the use of the land or a building, is abandoned for more than two (2) years, subsequent use of such land or building shall become subject to the regulations governing the district in which that land or building is located at the time of reinstatement.
  - 5) If damaged or destroyed by fire or other catastrophe a nonconforming building or one housing a nonconforming use may be reconstructed by the owner of (or) record, provided the restored building or structure occupies no greater area and has no greater cubic content than the original structure, and provided the work of the reconstruction is begun and actively prosecuted within 12 months of the disaster.
    - (a) The Health Officer or the Zoning Officer may order repairs, alterations or demolition for safety if such are not done within a reasonable period of time after the disaster.
  - 6) Any nonconforming building or land superseded by a conforming use shall thereafter be subject to the regulations for the district in which it is located.
  - 7) Where a nonconforming use abuts a residential lot, no outside storage of goods, equipment or refuse shall be permitted which would tend: (a) to deteriorate the value of the adjacent property by creating a nuisance because of volume, quantity, odor or fire hazard; (b) to create a traffic hazard because of interfering with adequate site lines; or (c) to generate excessive traffic.
  - 8) Repairs and Maintenance.
    - (a) On any building devoted in whole or part to any nonconforming use, ordinary repairs or remodeling which do not increase the nonconformity may be done.

- (b) Nothing In these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 9) Any use for which a special permit is permitted shall without further action be deemed a conforming use in such district except as provided in Section 7.5 of these regulations.
- 10) Whenever boundaries of a use district shall be changed resulting in a transfer to a use district of another classification, the foregoing provisions shall apply to nonconforming uses existing therein.

6.2 NONCONFORMING LOTS (effective 3/24/95)

- a. Any lot recorded by deed in the Town Clerk's Office of the Town of Lebanon immediately prior to the effective date of these regulations or any amendments thereto which does not meet the area, shape, width, frontage or locational provisions of these regulations may be utilized for the most restrictive use permitted in the zone within which such lot is located provided however that such lot shall conform to all other provisions and requirements of these regulations and other applicable regulations of the Town of Lebanon, and provided further that on the effective date of these regulations the owner of record of such lot did not own adjoining land sufficient to permit the lot to conform, or more nearly conform, to the regulations then in effect.

For the purposes of this section, the effective date of these regulations shall include any amendments thereto. (Amendment effective 5/1/00)

6.3 CERTIFICATE OF ZONING COMPLIANCE FOR NONCONFORMING LOTS, USES AND BUILDINGS

- a. No nonconforming lot shall be used or occupied or an existing use expanded or extended and no building shall be erected, altered, extended or changed in use without the issuance of a Certificate of Zoning Compliance by the Commission or its designated agent.

## **ARTICLE VII - GENERAL REGULATIONS**

### **7.1 TEMPORARY USES**

The Commission, or its designated agent, may issue temporary permits, as may be provided for elsewhere in these regulations, with such conditions as the Commission may feel are necessary to safeguard the character of the neighborhood and fulfill the intent of these regulations. At its discretion the Commission may hold a public hearing before the issuance of any such permit. A Performance Bond in an amount deemed suitable may be required by the Commission to insure compliance with all requirements and conditions established for such uses.

### **7.2 ROADSIDE STANDS**

Roadside stands for the sale of agricultural produce, provided the main portion of such produce is produced on the premises, and for the sale of homemade products made on the premises, are permitted provided such stands are located at least 30 ft. from the street line, and safe access, parking and loading space off the highway is provided.

### **7.3 ACCESSORY BUILDINGS & USES**

- a. Accessory buildings and uses are permitted in any zone subject to the following provisions:
- 1) Accessory farm buildings used to house livestock or poultry shall be located at least 100 ft. from any lot line and back of the building setback line except as provided in (2) below. (amended effective 7/1/01)
  - 2) Horizontal silos; buildings for the breeding, raising and keeping of cattle, horses, sheep, poultry and other animals for commercial purposes; barns; silos; stable and manure pits; shall not be located within 200 ft. of any school, library, museum, church, governmental building, park or residential building, other than that of the owner. (amended effective 7/1/01)
  - 3) No accessory non-farm building or use shall be located in any front, side or rear yard required for the principal building except that an accessory building not exceeding 150 square feet in floor area and twelve feet in height may be placed within ten (10) feet of the rear and side lot line. (effective 12/1/00)
  - 4) A building attached to the principal building by a covered passageway or by having a wall or part of a wall common with it, shall be considered an integral part of the principal structure and not an accessory use.
  - 5) No accessory building or use shall be permitted or erected on a lot before the establishment of the principal use.
  - 6) Accessory farm and agricultural buildings and uses shall be prohibited in the Lake District. (effective 3/1/99)
- (b) A special permit is required for any accessory structure, or for the total square footage of all accessory structures, which exceeds 100%, up to a maximum of 1,500 square feet, of the livable area of the principal structure, except in the Lake Zone where a special permit shall be required when accessory structures exceed 50% of the livable area of the principal structure. For the purposes of calculating accessory structure square footage of all floor areas shall apply. Farming is exempt from this regulation. (effective 8/1/01, amended 6/16/11)

#### 7.4 DRIVEWAYS (effective 8/25/08)

Each lot shall have vehicular access through its required lot frontage except when the Commission approves a common or shared driveway.

a. Location of Driveways

- 1) Driveways shall meet the intersection sight distance requirements of Subdivision Regulation Sec. 6.3.N.B.
- 2) Driveway and parking areas shall be setback a minimum five (5) feet from property lines unless a common driveway is approved by the Commission.
- 3) No more than three (3) driveways shall be located along the outside perimeter of a cul-de-sac circle.

b. Residential driveways longer than 250 feet shall be constructed and maintained year-round according to the following standards.

- 1) Minimum 12 foot wide and be clear of obstructions for a height of 13 feet.
- 2) Constructed to accommodate a two-axle 42,000 lb. fire truck, including related bridges and culverts.

c. Common Driveways (this section is not applicable to common driveways proposed in a Conservation Subdivision Development). The Commission may approve a common driveway if it finds that each lot is capable of providing vehicular access by way of its own driveway with access through the required lot frontage and that in the opinion of the Commission a common driveway is desirable for traffic and safety concerns. Only one common driveway may be permitted on a lot. Common driveways shall:

- 1) Serve at least one of the lots on which it is located;
- 2) Minimum 12 foot wide, have an additional passable area of three (3) feet on each side (for a total 18 foot wide stabilized passable area), and be clear of obstructions for a height of 13 feet.
- 3) Have a maintenance agreement filed in the Lebanon Land Records the contents of which are acceptable to Commission Counsel.

#### 7.5 HOME OCCUPATION

a. Upon issuance of a permit by the Commission or its designated agent, offices of a recognized profession, personal service business or business may be permitted as a home occupation in any RA and VRA residence districts provided:

- 1) The use is clearly secondary to the residential use of the property.
- 2) Not more than one non-resident may be employed in the home occupation.
- 3) There shall be no change in the outside appearance of the residence or visible sign of the operation of the home occupation except for a name plate not to exceed 5 square feet in area.

- 4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential district. Any need for parking generated by the conduct of the home occupation shall be provided off the street and not in the yard requirements of the lot.
  - 5) No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable off the lot, and there shall be no outside storage of materials.
  - 6) Such use shall not occupy more than 50% of the floor area of the principal residential building.
- b. Upon the issuance of a Special Permit by the Commission, a home occupation, professional office, personal service business or business employing not more than two persons who are non-residents of the principal residence building; occupying a building accessory to the principal residence building; or requiring the outside storage of materials may be permitted in any VRA residence district and any RA residence district provided the following conditions are met:
- 1) The use is clearly secondary to the residential or agricultural use of the property.
  - 2) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided off the street and not in the required yards of the lot.
  - 3) There shall be no change in the residential character of the site or the neighborhood and there shall be no visible sign of the operation except as permitted by the Commission.
  - 4) Any accessory building used for a home occupation shall observe all yard requirements of the district. That portion of an accessory building occupied by the home occupation shall not exceed 50% of the floor area of the principal residence building.
  - 5) Where permitted by the Commission, external storage of equipment or material shall not occupy more than  $\frac{1}{4}$  of the lot or 10,000 sq. ft., whichever is smaller. Such material shall be adequately screened from the view of neighboring residential areas and shall be so located as to observe all yard requirements for principal and accessory uses.
  - 6) No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable off the lot.
- c. The establishment of a home occupation after the issuance of a Special Permit shall not constitute the establishment of a business use or nonconforming use. Such permit is not transferable and shall expire upon the sale of the property.
- d. A detailed floor plan shall be submitted showing all areas within the principal residence building and any accessory building to be used in the home occupation. Also a plot plan showing the location of the house and accessory building as located on the lot. (effective 11/21/94)

## 7.6 SPECIAL PERMITS

The Commission (or the Board of Appeals where indicated) may, upon application, authorize the issuance of a Special Permit where required for specific uses in these regulations. Such permit shall be issued by the Commission after a finding that all requirements of these regulations have been met and that such requirements as may be necessary to protect the public health, safety, convenience and property values have been satisfied.

- a. The Commission shall be guided by the following:

- 1) The need for the proposed use in the proposed location and its impact on the existing and future character of the neighborhood.
  - 2) The location of main and accessory buildings.
  - 3) The height and bulk of buildings in relation to other structures in the neighborhood.
  - 4) The width, gradient and alignment of streets and access.
  - 5) The volume of traffic at present and as projected.
  - 6) Means of access and exit.
  - 7) The adequacy of water supply and sewage disposal.
  - 8) Location, size, and lighting of signs.
  - 9) Protection of neighborhood property values.
  - 10) Adequate landscaping, screening and buffered area.
- b. The Commission shall find that:
- 1) The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
  - 2) That the location and size of such use, the nature and intensity of operations involved in or connected with such use, its site layout, and its relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use shall not be detrimental to the character of the neighborhood.
  - 3) That the establishment of such use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- c. Procedures.
- 1) The Commission shall hold a public hearing as required by Section 8-3c of the Connecticut General Statutes and thereafter shall approve, approve with modification, or disapprove the application.
  - 2) All applications shall be accompanied by a site development plan as required in Article VII, Section 7, of these regulations.
  - 3) A filing fee, established by the Town Ordinance, shall accompany each application.
  - 4) The Commission may require the posting of a performance bond satisfactory to the Commission, in an amount sufficient to cover the cost of street improvements, drainage, sewer and water supply, landscaping and other improvements required by the Commission, before final approval can be given to the site development plan.
  - 5) Upon approval by the Commission, the Special Permit shall be recorded by the applicant on the land records and filed with the Town Clerk of the Town of Lebanon as required by the General Statutes. Such recording and filing shall be made within 90 days of the date of approval by the Commission or the approval shall be null and void. No building permits shall be issued on the Special Permit until such recording and filing has been made. One copy of

the Special Permit and all supporting documents and site plans shall be forwarded to the building inspector.

- 6) Unless otherwise provided in these regulations all Special Permits shall be void if construction does not commence within one year of the date of approval except that the Commission may, upon written request from the applicant, allow an extension for an additional two periods of six months each.
- 7) Any change in the approved site development plan shall be approved by the Commission and no building or use permit shall be issued except in conformance with the approved plan.
- 8) To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall be responsible for mailing notices to owners of land adjacent to the site. Such notice which shall be sent by certified mail at least ten (10) days prior to the date of the scheduled public hearing, shall include a copy of the special permit application form submitted to the Commission, the date and time of the scheduled public hearing and the fact that the subject plans are on file in the office of the Clerk of the Commission. A copy of the applicant's notice to the adjacent property owners, a list of the property owners notified, and the return receipt from the certified mailings shall be filed in the office of the Commission at least five (5) days prior to the public hearing.

The term "adjacent" as used in this section includes properties located across the street or highway of the proposed site.

Failure to provide evidence of compliance to this requirement will result in the application being denied without prejudice. A new filing fee will be required for a re-application. (effective 3/1/92)

#### 7.7 SITE DEVELOPMENT PLAN AND STANDARDS (amended 8/25/08 and 6/16/11)

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

In acting upon any site plan application, the Commission shall determine that the requirements of the Zoning Regulations are met; that the arrangement of parking areas, outdoor lighting, trash storage areas, pedestrian facilities, traffic access and circulation, both on-site and off-site, and other requirements of the Zoning Regulations are properly planned and provided for; that provision for utilities and drainage will be made as necessary to prevent hazards or to protect public safety and convenience; and that the arrangement of buildings and site improvements is such that it will facilitate and promote the most harmonious relationships between developments and land uses, whether existing or potential on adjoining properties.

The Commission shall attach such conditions to the approval of any site plan as are, in its opinion, necessary to assure initial and continued compliance with all applicable standards and requirements of these Regulations.

- a. The plan shall be drawn clearly and legibly on transparent cloth or other equally suitable and stable material at a scale of 1" = 40', or smaller, with sheet size not to exceed 24" x 36", except that the Commission may permit preliminary plans to be drawn at a scale not to exceed 1" = 400'.
- b. The plan shall show the following:
  - 1) The subject parcel and adjacent properties and property owners within 100' of the lot lines.

- 2) Size, design, and location of existing and proposed structures, including elevation drawings and floor plans.
- 3) Required yards and setbacks and shortest distances of buildings to property lines.
- 4) Identification of proposed uses of structures and land, including commercial and industrial uses, products to be produced and processes to be employed, and number of bedrooms in proposed residential buildings.
- 5) Existing and proposed grades, by contour and spot elevations where necessary, at a contour interval of 2' or less.
- 6) Size, design, and location of all exterior signs, including lighting proposed.
- 7) Location of roads, internal circulation, driveways, parking and loading areas, indicating stalls, and pedestrian walkways, including construction details.
- 8) Location and design of existing and proposed water supply and sewage disposal.
- 9) Existing and proposed storm water drainage, indicating spot elevations where necessary, and construction details and stormwater treatment designed in accordance with the Subdivision Regulations of the Town of Lebanon.
- 10) Proposed design, location, and intensity of all outdoor lighting.
- 11) Open Spaces.
- 12) Location of existing wetlands and watercourses including intermittent streams, identification of all single trees with a diameter greater than 10" at a height of 3 ft., other significant vegetation and whether such vegetation is to be retained or removed, and the location, design and content of landscaping to be created, including buffer strips and screens, showing size and species of trees and shrubs to be employed.
- 13) Existing and proposed easements, covenants, restrictions, pertaining to the use and maintenance of any land or structures.
- 14) An overlay indicating the detailed soil characteristics of the site as prepared by the Soil Conservation Service, Department of Agriculture or competent soil scientist.
- 15) If the proposal is to be developed in stages, the site development plan shall indicate the initial development and each additional phase to be presented to the Commission for subsequent approval.
- 16) Such covenants, easements, deed restrictions, agreements required to guarantee the fulfillment of the details and intent of the Site Development Plan.
- 17) Where the proposed development is located in a Special Flood Hazard Area District an indication of the Boundaries of the Special Flood Hazard Area, the Channel Encroachment Lines, if any, and the Base Flood Elevation as determined by the best available information. Where a structure is proposed to be located within the Special Flood Hazard Area the plans shall indicate the presence of a basement, if any, the elevation of the lowest habitable floor (including a basement) and, if floodproofed, the elevation to which the structure has been floodproofed.
- 18) Location of trash storage areas.

- 19) Title block containing the following information: legal name of owner, project name, zoning district of lot, use proposed, property address, scale and date of plan.
  - 20) List of variances, special permits, wetland permits and the date of said approvals. No site plan shall be acted on by the Commission until such time as all necessary special permit, variance and wetland applications are approved.
  - 21) An erosion and sediment control plan developed in accordance with Section 7.8(c)(2) of these regulations.
  - 22) Stormwater drainage and treatment calculations, if applicable.
  - 23) Landscape plan.
  - 24) Any additional information as deemed necessary by the Commission.
- c. Procedure.
- 1) Four copies of the plan (and any other documents) prepared by a professional engineer and/or land surveyor licensed in the State of Connecticut as applicable shall be submitted to the Commission. Plans must contain embossed stamp and original signatures. Such Plan may be submitted to the Board of Selectmen and the Health Officer, and any other agency deemed appropriate by the Commission for review and comment. The applicant shall also provide ten (10) copies of said plan at a reduced size of 11" x 17". The Commission shall hear an application for a Special Permit at a public hearing requiring such a Site Development Plan. If, in the opinion of the Commission or its authorized agent, an engineered site plan is not required, the submitted plot plan shall be accurately drawn to scale by the applicant or his agent and shall contain all information deemed necessary by the Commission or its authorized agent to determine compliance with applicable regulations.
  - 2) The Commission may permit the required information to be presented in preliminary form for preliminary approval provided detail is sufficient to permit the Commission to measure their fulfillment of the regulations. Permits may not be issued except upon an approved final plan.
  - 3) A filing fee established by town ordinance shall accompany the application.
- d. Standards.
- 1) A buffer strip shall be provided and maintained by the owner as follows:

In B-Business and I-Light Industry Zoning Districts where a side or rear yard adjoins a Residence District, a green belt at least 50 feet in depth shall be planted with trees and shrubs of acceptable species in the outside one-third of this area. At least 30% of all plants shall be evergreen. All new plants shall have a minimum height after planting and pruning of 6 feet. Acceptable existing trees and shrubs shall be preserved and supplemented with additional plants as deemed necessary by the Commission to meet the requirements of privacy for the residential district and to eliminate noise, dust and objectionable lighting.
  - 2) **Passive Solar Access.** Applicants shall demonstrate to the Commission that they have maximized solar heat gain, minimized heat loss and provided thermal storage within buildings during the heating season; that provisions for natural ventilation are proposed during the cooling season; and, that site design includes but is not limited to appropriate building orientation, driveway and lot layout, material and vegetation usage, topographical features (natural and man-made) and protection of solar access.

7.8 EROSION & SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT (amended 6/16/11)

a. Activities requiring a Certified Erosion & Sediment Control Plan.

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

b. Exemptions.

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

c. Erosion and Sediment Control Plan.

1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. (amended 6/16/11)

2) Said Plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:
  - a. start and completion dates;
  - b. sequence of grading and construction activities;
  - c. sequence for installation and/or application of soil erosion and sediment control measures;
  - d. sequence for final stabilization of the project site.
3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;
7. a space provided for certification signatures.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;
2. the location of the proposed topography including soil types, wetlands, watercourses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site;
9. a space provided for certification signatures.

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

d. Minimum Acceptable Standards. (amended 6/16/11)

- 1) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- 2) The minimum standards for individual measures are those in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 3) The appropriate method from Chapter 9 of the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

e. Issuance or Denial of Certification.

- 1) The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- 2) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- 3) Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

- 4) The Commission may forward a copy of the development proposal to the County Soil & Water Conservation District, inland wetlands commission, planning or engineering consultant, zoning enforcement agent, or other review agency or consultant for review and comment.

f. Conditions Relating to Soil Erosion and Sediment Control.

- 1) Site development shall not begin nor certification of zoning compliance necessary to obtain a building permit be issued unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 2) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

g. Inspection.

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

The Commission may require the progress reports to be certified by a professional engineer registered in the State of Connecticut. No certification of zoning compliance necessary to obtain a certificate of occupancy shall be issued until the development is found to be in compliance with the certified soil erosion and sedimentation control plan.

h. Plan Amendments.

Amendments or changes to a certified soil erosion and sedimentation control plan shall be approved by the Commission or its designated agent.

i. Compliance with Plan Requirements.

Any person engaged in development activities who fails to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations.

j. Definition.

"Certification" means a signed, written approval by the Lebanon Planning & Zoning Commission or its designated agent, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

"County Soil and Water Conservation District" means the New London County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

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

"Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

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

"Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

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

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

"Soil" means any unconsolidated mineral or organic material of any origin.

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

- k. A filing fee established by town ordinance shall accompany each application.

#### 7.9 OUTDOOR LIGHTING (effective 8/25/08)

The purpose of these regulations is to provide specific outdoor lighting standards in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid upward illumination, to reduce glare; and, to avoid light trespass onto adjacent properties and public streets. These regulations shall apply to the installation or improvement of outdoor lighting fixtures for non-residential land uses located in all zoning districts.

- a. Submission of Lighting Plan. Applicants proposing installation of outdoor lighting fixtures for non-residential land uses shall file with a Lighting Plan subject to site plan review, unless waived by the Commission. Said plan shall be designed in accordance with the lighting standards and requirements, and shall contain the following:
  - 1) Location, height and type of outdoor lighting fixtures, including building mounted.
  - 2) Fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles, and type of lamp.
  - 3) Isodiagram or photometric plan showing the intensity of illumination expressed in foot-candles at ground level, including at adjacent property lines.
- b. Lighting Standards and Requirements.
  - 1) Outdoor lights and illuminated signs shall be designed, located, installed, shielded and directed to prevent direct light at (and glare across) the abutting property lines and the public roads. The "maintained horizontal illuminance recommendations" as set by the Illumination Engineering Society of North America shall not be exceeded.
  - 2) Outdoor lighting shall be full cut-off type fixtures, defined as a luminaire or light fixture that by design does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base.
  - 3) Outdoor lighting fixtures shall be limited to a maximum of fourteen (14) feet in height, unless otherwise designated by special permit.

## **ARTICLE VIII - SPECIAL REGULATIONS**

### **8.1 TRAILER REGULATIONS**

a. Prohibited Uses.

No Trailer Camp or Mobile Home Park shall be permitted in the Town of Lebanon and no Trailer shall be permitted except in conformance with the following regulations. Under no circumstances shall an unoccupied trailer be parked on any lot in the Town except that a camp trailer, owned by the resident of the lot, may be stored on the premises. No camp trailer shall be occupied except as permitted in Section 8.1.2.c of these regulations.

b. Temporary Uses.

The Commission or its designated agent may issue a temporary permit for the following uses of a trailer provided all requirements of these regulations are met, including provisions of Section 7.1.

1) Construction Office.

A trailer or a nonconforming temporary building shown to be necessary during the construction of conforming buildings and/or other uses for which necessary permits have been issued. Such trailer may only be used as a construction office and/or living quarters for a janitor or watchman provided the sanitary water and sewage disposal facilities meeting the requirements of the Connecticut State Health Code are provided and approved by the Town of Lebanon Sanitarian. A permit may be issued for one year and renewed for two consecutive periods of six months each if progress toward completion of the project is evident. A fee of \$10.00 shall be paid for each permit and a fee of \$5.00 for each renewal thereof.

2) Temporary Home.

A trailer or nonconforming temporary building for use as a dwelling by the owner/builder of a new dwelling under construction or a previously existing building under repair or reconstruction after damage or destruction by fire or other catastrophe, provided the following conditions are met:

- (a) The trailer in question must contain at least two hundred and forty square feet (240) of living area.
- (b) The trailer shall have an adequate supply of potable water and shall contain a flush toilet in working order which shall be connected to a septic tank and disposal field approved by the Town of Lebanon Sanitarian.
- (c) All necessary building permits shall have been issued for the new dwelling or for the necessary repairs to the damaged or destroyed building.
- (d) In the case of the new dwelling, foundation, septic tank and water supply shall be complete.
- (e) For a new dwelling, if the above requirements are met the following schedule shall apply:
  - (1) A six (6) month temporary permit shall be issued to park and use a trailer. There will be a fee of ten (\$10) for this permit.

- (2) IF, at the end of the six (6) month period by the permit, the framing, sheathing and roofing of the dwelling unit under construction are finished, an additional six (6) month temporary permit shall be issued. There will be a fee of \$5.00 for this permit.
- (3) At the end of the second six (6) month period temporary certificate of occupancy may be issued for the dwelling if the dwelling is at least two-thirds complete. Including completion of the exterior finish, plumbing, heating, and wiring. Upon the termination of the second six (6) month period or the issuance of a Certificate of Occupancy, whichever event occurs first, the trailer shall no longer be occupied and shall, within seven (7) days thereafter be removed from the lot.
- (f) For a dwelling undergoing repair or reconstruction meeting requirements (a)-(d), a temporary permit shall be issued for one year upon the payment of a fee of \$10.00, which permit shall be renewable for an additional six months if adequate progress has been made on the repair or reconstruction of the dwelling upon payment of a renewal fee of \$5.00.

3) Visiting Trailers.

- (a) The Commission or its designated agent may issue a temporary permit for the parking and occupancy of a visiting trailer or camp trailer on the lot of the host Lebanon resident for a period not to exceed ten (10) consecutive days after the payment of a fee of \$5.00. The permit may be renewed for an additional period not to exceed 20 consecutive days after the payment of an additional fee of \$5.00.
- (b) The Commission or its designated agent may issue a temporary permit for the parking and occupancy of visiting camp trailers sponsored by a local religious, charitable, educational, or non-profit organization for a period not to exceed five (5) days. A permit shall be issued upon the payment of a fee of \$5.00 for each visiting trailer up to a maximum fee of \$25.00.

c. Replacement of Existing Trailers.

A legally existing trailer may be replaced upon the securing of a replacement permit from the Commission or its designated agent and obtaining a building permit. The trailer to be replaced must be removed from the lot within seven (7) days of the installation of the new trailer (see Section 8.1.a.). The replacement permit shall be valid for a period of thirty (30) days, but is renewable.

8.2 ACCESSORY LIVING UNIT (effective 7/1/96)

The purpose of this amendment is to permit owners of single family dwellings in a residential zone to construct an accessory living unit in an existing or proposed home for the use of not more than two persons. This amendment will meet an identified need to provide housing for immediate family members of the homeowner.

- 1) Upon receipt of a proper application, the Commission shall issue a special permit in accordance with the provisions of Section 7.6 of the regulations to allow the creation of an accessory living unit in the RA and VRA districts subject to the following requirements:
  - (a) An accessory living unit is defined as:

An additional subordinate dwelling unit contained within a single family detached residence. This unit shall include independent living quarters, kitchen area and lavatory

containing complete sanitary facilities, and there shall be interior access between the single family primary residence and the accessory unit.

- (b) Occupancy. No more than two persons shall occupy the accessory living unit.
  - (c) Parcel size. The parcel size shall conform to the minimum lot size for a single family dwelling established by these regulations.
  - (d) Floor area. The floor area of the unit shall be a minimum of 300 square feet. The creation of this accessory living unit within the residence shall not diminish the size of the primary residence to less than what is required by the regulations.
  - (e) The unit must be completely contained within the residence and not separated by a carport, breeze way, etc.
  - (f) Either the single family primary residence or the accessory unit must be owner occupied.
  - (g) No more than one accessory unit will be permitted in any residence.
  - (h) The resulting two dwelling units shall have common utilities and shall not have separate metering devices.
  - (i) No structural alterations are to be made to detract from the primary dwelling unit's appearance as a single family dwelling, such as multiple entrances on any one exterior wall, fire escapes on the road side(s) of the dwelling, or an additional driveway to serve the accessory living unit.
  - (j) There must be compliance with all pertinent building and sanitary codes.
  - (k) A minimum of three off-street parking spaces for the dwelling units shall be provided.
  - (l) A plot plan of the lot, and a floor plan and front elevation of the house, drawn to scale must be submitted with the application to demonstrate compliance with these regulations.
  - (m) The accessory unit shall contain no more than two bedrooms.
  - (n) Home occupation as provided in 7.5 of these regulations will not be permitted in the accessory living unit.
- 2.) The initial special permit will be issued for at least two years but not more than three years. Applications for renewal for additional periods of two years can be made to the Commission on forms provided for this purpose and shall be processed in accordance with subsection (d) of this section. Accompanying the initial application and any application for renewal shall be:
- (a) A sworn statement by the owner that the accessory living unit and its use are in compliance with sections (a) through (n) of Section 1 of this regulation.
  - (b) A fee of \$100 shall accompany both the initial application and the application for renewal.
  - (c) All special permits issued under this section shall expire on July 1 in the second (2<sup>nd</sup>) year after issue.

Failure to re-apply for renewal within thirty (30) days of the expiration date of the initial permit or any renewal will render the permit null and void, and re-application for the special permit will be necessary to re-instate the use.

- (d) Upon receipt of the duly executed statement referenced in Paragraph 2(a) of this regulation and the requisite fee, the Commission will automatically renew the special permit for an additional period of approximately two years (to expire July 1) provided the accessory living unit and its use are in compliance with all provisions of these regulations.
- 3.) The Zoning Board of Appeals may vary the requirements of section 8.2.1.(b) (parcel size) if the property in question was in existence on the effective date of this regulation (7/1/96) and, in their judgment, varying this requirement would not violate the intent of this regulation.

### 8.3 PUBLIC GARAGES AND FILLING STATIONS

- a. Upon receipt of a proper application the Board of Appeals shall issue a Special Permit for the erection of a public garage or filling station or for the conversion of any premises for such purposes in a district where permitted, when no part of such building to be so used is closer than 400 feet to a public park or playground as measured along the shortest street lines (excluding small park areas within the boundaries of the highway); or closer than 500 feet to the nearest point of any building used as a school, hospital, church, theater, public library, convalescent home or other building for public assembly.

### 8.4 OFF-STREET PARKING AND LOADING SPACE

The purpose of this regulation is to provide for sufficient off-street parking and loading facilities to accommodate the safe movement of motor vehicles and their occupants, pedestrians, employees, customers, delivery services, and other persons normally visiting the premises at any one time; to protect and maintain property values; to assure adequate lighting that does not pollute the sky or neighboring properties; and, to assure that parking and loading facilities do not degrade water quality. (effective 8/25/08)

- a. Basic Requirement.
  - 1) After the effective date of these regulations off-street parking and loading space shall be provided by the owner of the property for each building which thereafter is erected, moved, substantially enlarged, or altered, and in accordance with minimum requirements contained herein.
- b. Plot Plan.
  - 1) There shall be provided at the time of application for a building permit for the erection or enlargement of any building for which off-street parking is hereinafter required other than a dwelling, a plan showing such parking space including the means of access and interior circulation.
- c. Expansion of Facilities.
  - 1) A building may be expanded if parking and loading capacity requirements of the lot on which the building stands can be provided in conformity with this section.
- d. Location.
  - 1) All required parking spaces shall be on the same lot with the building where possible.
- e. Lighting.

- 1) Lighting shall be installed when necessary for safety and its intensity shall be such that it does not become a nuisance to the neighborhood and shall be directed away from any residential areas.

f. Area.

- 1) Each off-street parking space shall contain exclusive of access lanes, not less than 180 sq. ft. when located in a parking lot and not less than 160 sq. ft. when located in a garage or other buildings. For shopping centers, retail outlets, other similar uses, there shall be a minimum of 300 sq. ft. of total paved area for each car parking space required.

g. Maintenance.

- 1) Off-street parking and loading spaces shall be graded, surfaced and maintained by the owner or owners.

h. Joint Use of Parking Space.

- 1) Joint use of off-street parking facilities is permitted provided that the area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the schedule in this section.

i. Buffer Strips.

- 1) In addition to the requirements for parking, the Commission may require planting in a buffer strip in conformity with Section 7.7 to allay dust, screen out storage and parking areas, and to lessen noise and other nuisances.

j. In all districts the following permanently maintained off-street parking spaces shall be provided for every new or reconstructed building:

<u>Type</u>	<u>Minimum Number of Spaces</u>
One-family and two-family residences	3 per family unit (effective 8/25/08)
Multi-family residence	3 per family unit (effective 8/25/08)
Lodging, rooming or boarding house, fraternity or sorority house or dormitory	1 per each 4 guests or persons residing there and not less than 1 per each 3 employees
Buildings and open stands for display of agricultural products	1 per each 5 feet of building frontage
Home Occupation	1 per dwelling unit plus 2 spaces additional
Retail Business	10 per each 1,000 s.f.
Office Buildings	1 per 3 employees
Theaters, auditoriums and stadiums, or other places of public assembly including town hall, school, churches, et., based on maximum capacity	Not less than 1 for each 10 seats provided up to 500 seats - 1 per each 5 seats over 500

Hospitals	1 per 3 beds + 1 per each 3 employees
Motels	1 per each dwelling unit + 1 per each 3 employees
Hotel	1 per each guest room or suite + 1 per each 3 employees
Restaurants, including drive-ins	1 per 4 patrons + 1 per each 3 employees
Private Recreational Facilities	1 per each 4 members
Funeral Homes	1 per each 2 employees + 5 spaces each chapel
Telephone exchange and Utility substations	1 per each 300 s.f. floor space
Industrial buildings	1 per 4 employees on any one shift

k. On any lot which is hereinafter developed for business, industrial, hotel or institutional use, there shall be provided and permanently maintained adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining adequacy and suitability of the location, the Commission shall be governed by the nature of the use, the volume of vehicular and pedestrian traffic passing the premises and the location of the principal building in relation to the street.

- 1) Minimum size of off-street loading space shall be ten (10) feet in width, thirty (30) feet in length, and fourteen (14) feet in height.
- 2) Minimum number of berths shall be as follows:

<u>Type</u>	<u>Minimum Number of Berths</u>
Public Facility or School	1 berth for each 10,000 sq. ft.
Hospital, Institution, Hotel, Retail Store, Office Building, Wholesale House, Industrial Building, Storage or Sales, or additions thereto	1 berth for each 8,000 sq.ft. or fraction thereof or 2 berths for 8,000-25,000 sq.ft.
For a block of buildings occupied for storage or retail or wholesale stores	1 berth for each 2,500 sq.ft. of gross floor area

- 3) Driveways providing access to business or industrial uses shall be not less than 30 ft. wide, except that driveways providing access to rear of business or industrial property may be not less than 14 ft. wide, provided adequate turning space is available.
- 4) No loading berth shall encroach on off-street parking space or access driveways thereto.

#### 8.5 BILLBOARDS AND SIGNS

- a. Nothing in these regulations shall affect the use of signs or posters within a building, the Town Bulletin Boards or exterior Church Bulletin Boards.
- b. Signs and signboards are permissible provided:

- 1) The sign must be in connection with a permitted use located in the Town of Lebanon.
  - 2) Not more than three (3) off-premises signs shall be allowed and the permission of the owner of the land, on which or in front of which the sign is erected must be obtained in writing. This section shall not apply to real estate signs which shall be limited to one (1) on-premise sign measuring no more than five (5) square feet. (effective 5/13/10)
  - 3) Off-premises signs may not contain illumination, but may be illuminated by Scotch light or similar devices or by not more than one (1) artificial light on each side having advertisement. Said artificial light must be directed at the sign and the bulb or similar device must not be placed where it can be observed from the traveled portion of any highway.
  - 4) The top of any freestanding sign shall be no greater than six (6) feet above the average surrounding ground level. (effective 8/25/08)
- c. Material and Location.
- 1) No sign shall be placed in such a position that it will cause danger to traffic on the street by obscuring view.
  - 2) Signs shall be constructed of good material, firmly supported and maintained in good condition and repair.
- d. Signs permitted as an accessory use in a Residence District.
- 1) Off-premises signs may not exceed fifteen (15) square feet in area, with a maximum dimension horizontally or vertically of not more than five (5) feet. The top of the sign may not be more than eight (8) feet above the average surrounding ground level.
  - 2) One non-illuminated sign not exceeding 15 sq. ft. in area.
  - 3) Trespassing signs or signs indicating the private nature of a driveway or premises provided that the size of any such sign shall not exceed 2 sq. ft.
- e. The following signs are permitted in any Business or Industrial Districts:
- 1) Any sign permitted in Residence Districts.
  - 2) The total area of all signs on the premises shall not exceed 3 sq. ft. for each foot of frontage actually occupied by the building.
  - 3) Area of signs not attached to or painted on a wall shall not exceed 32 sq. ft. for each business or industry in a Business or Industry District.
  - 4) Temporary signs for a maximum period of 6 months, renewable for not over 3 years, advertising a real estate development, if limited to a total area of 32 sq. ft.; and building contractor's signs for buildings actually under construction, if limited to a total area of 15 sq. ft.
- f. Signs Prohibited in all Districts.
- 1) Billboards.
  - 2) Flashing, rotating and oscillating signs.
  - 3) Red and green neon signs within 200 feet of a traffic signal.

- 4) Neon signs. (effective 5/13/10)
- 5) Internally lit signs. (effective 5/13/10)

#### 8.6 EARTH EXCAVATION & FILLING (amended 5/13/10, 6/16/11)

##### a. Excavation & Filling.

- 1) The excavation and removal or importation of sand, loam, gravel, peat, stone and other earth products is permitted in all zones upon written permission of the Commission, with the exception of the following, which may be undertaken without a permit provided no permanent damage is done to the landscape.
  - (a) Excavation and removal of less than 100 cubic yards over a period of one (1) year from any single parcel of land. In any grading operation, topsoil or subsoil may be removed from the area provided that not less than six (6) inches of topsoil remains and that the entire area is seeded with a suitable covercrop or is put into cultivation. Notwithstanding the foregoing, in areas where Prime, Statewide Important or Locally Important Farmland Soils as defined by the USDA/NRCS are present, the depth of topsoil to be stockpiled and replaced shall be increased from six (6) inches to a minimum depth of twelve (12) inches and all on site subsoil shall be stockpiled and replaced following grading activities to match previously existing conditions. Should the existing depth of topsoil on-site be determined to be less than that described above through certified test results, the topsoil stockpile volumes and restoration depths shall be reduced to match existing conditions.
  - (b) Necessary foundation and trench excavation only in connection with work on premises for which a building permit has been issued.

##### b. Application for Permit.

- 1) Application for a permit to excavate, remove or import any of said products shall be made to the Commission by the property owner or his authorized agent on forms approved by the Commission. Permits may be issued for up to two (2) years.
- 2) The application shall be accompanied by a plan of operation including the following maps, plans and specifications.
  - (a) A map showing the location of the property boundaries on which the activities are to take place, names of abutting owners, the location of the area to be disturbed and an estimate of the amount of material to be excavated, removed, or imported. If any activity is proposed within one hundred feet of an abutting property boundary, the map shall be certified to horizontal accuracy Class A-2. If proposed activities are greater than one hundred feet from an abutting property boundary, the Commission may, at their discretion, allow the map to be certified to horizontal accuracy Class D.
  - (b) Plan depicting all phases of excavation and/or filling. At no point shall any phase exceed 5-acres or work commence in a subsequent phase until the previous phase has been completed and sufficiently stabilized.
  - (c) Grading plan for all phases at a scale of 1" = 40' showing existing topography in

the area to be disturbed conforming to vertical accuracy Class T-2 or T-3 and proposed topography with contour lines at not more than two-foot intervals. Such plans shall include the area to be excavated as well as the surrounding area within 100 feet of the activities.

- (d) Location, area, height and volume of on-site topsoil stockpile(s) with a sufficient quantity of arable topsoil to cover all disturbed areas on the site with arable topsoil to a minimum depth of six (6) inches. Notwithstanding the foregoing, in areas where Prime, Statewide Important or Locally Important Farmland Soils are present, the depth of topsoil to be stockpiled and replaced shall be increased from six (6) inches to a minimum depth of twelve (12) inches and all on site subsoil shall be stockpiled and replaced following grading activities to match previously existing conditions. Topsoil and subsoil shall be stockpiled separately. Should the existing depth of topsoil on-site be determined to be less than that described above through certified test results, the topsoil stockpile volumes and restoration depths shall be reduced to match existing conditions. Temporary seeding measures shall be described on the plan if the stockpiles will remain exposed for a period up to 12 months. If the stockpiles will remain exposed for a period greater than 12 months, permanent seeding measures shall be described.
- (e) Existing and proposed stormwater drainage and treatment on the site, including provisions for stormwater detention and/or retention required to attenuate any increase in stormwater runoff as a result of construction and post-construction conditions for a 2, 10, 25, 50 and 100-year storm event. Design of all stormwater drainage and treatment shall meet the requirements of the Town of Lebanon Subdivision Regulations unless otherwise permitted by the Commission.
- (f) Soil testing data, including locations and depth to ledge, dense till (hardpan), stratified sand and gravel, and the apparent groundwater level as determined through wet season monitoring, test pits, observation, borings or other approved methods. At a minimum, one soil test shall be performed per acre or per soil map unit, as designated by the NRCS or a soil scientist, whichever is greater.
- (g) An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the location and types of any buildings to be erected.
- (h) Proposed truck access to the excavation, including slopes, width, grading and location. Any areas over 12% slope must show details which will control sediment and erosion and maintain the surface in a relatively stable condition. An anti-tracking pad will be required at the access to a town road or state highway.
- (i) Details of final grading and planting of the site to prevent erosion at the conclusion of operations.
- (j) A soil erosion and sediment control plan in accordance with Zoning Regulation Section 7.8. as amended.
- (k) Location of inland wetlands and watercourses, including intermittent streams or natural drainage ways within the area of proposed activities or within 100' of same. Certificate of approval from the Inland Wetlands Commission as to the location of wetlands or the location of Special flood hazard areas and the activity to be conducted in these areas, if any, is required prior to conducting regulated activity within any wetlands or regulated areas on the site.
- (l) A bench-mark, not within the area to be excavated or filled, of a nature and in a

location that it will not be disturbed during construction activities or final grading.

(m) A filing fee shall accompany each application.

c. Granting of Permit.

- 1) The Commission shall hold a public hearing and shall issue the permit only if it is satisfied that the following conditions will be complied with in the undertaking of such excavation.
  - (a) The premises shall be excavated/filled and graded in conformity with the plan as approved and any deviation from the plan shall be a violation and cause for the Commission to revoke the permit.
  - (b) The applicant shall file with the Town a performance bond in such amount as the Commission deems sufficient to insure completion of work following excavation or filling pursuant to the conditions as set forth below.
  - (c) No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless located within an industrial zone where such operation may be permitted, or unless permission to process the material is requested in the application and granted in the permit-subject to the following:
    - 1) Commission may set the hours of operation or processing machinery.
    - 2) No equipment used for the processing shall be located closer than 500 feet from any dwelling other than that of the operator, unless in the opinion of the Commission existing uses of the neighboring properties are such that a greater (or lesser) separation would be suitable.
  - (d) No fixed machinery shall be erected or maintained within 200 feet of any property or street line.
  - (e) No excavation shall take place within 100 feet of property line, or of a street line if below the established grade of the street.
  - (f) No excavation shall be conducted within 5' of the apparent groundwater level.
  - (g) No building shall be erected on the premises except as may be permitted in the general zoning regulations or except as temporary shelter for machinery and field office, subject to approval by the Commission.
  - (h) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and the prevention of harmful effects upon surrounding properties.
  - (i) During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles.
  - (j) Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operations shall be provided with a dustless surface.
  - (k) Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site and hours of work.

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

d. Effect of Operations.

- 1) In approving applications the Commission shall consider facts of each case, effect on neighborhood, duration of operation, future usefulness of premises and general welfare of community.

**8.7 HOSPITALS, SANATORIUMS, REST HOMES, CONVALESCENT AND NURSING HOMES**

- a. Upon receipt of a proper application the Commission shall issue a Special Permit to allow a Hospital, Sanitarium, Rest Home, Convalescent or Nursing Home in a residential district subject to the following requirements:
  - 1) The predominantly residential character of the district shall be maintained.
  - 2) Height of Buildings. No principal building may exceed the height of two and one-half stories or thirty-five feet. No accessory building may exceed the height of twenty (20) feet.
  - 3) Location. No site shall be approved unless it is on or within 300 ft. of a public road, or if the site or access roads are in a flood hazard district.
  - 4) Site Requirements. Minimum lot frontage shall conform to residential requirements. Buildings shall be sited and landscaping and buffer areas provided to assure maximum privacy to the patients and adjoining residential uses. In no case shall any structure or parking area be located less than 100 ft. from any property line.
  - 5) Covered parking spaces shall be provided for each vehicle operated as a part of the use, in addition to those required in Section 8.4.
  - 6) Open Spaces. Suitable recreation facilities, appropriate in function and area shall be provided.
  - 7) Circulation. Provision shall be made for the easy movement of vehicular and pedestrian traffic and the convenient access of emergency vehicles.
  - 8) A supply of water adequate for institutional use and fire protection, and a sewage disposal system shall be provided in conformity with State requirements and satisfactory to the local Health Officer.
  - 9) Fees. To defray the expense of processing applications, including the cost of legal notices, a fee, established by the Town Ordinance, shall accompany each application.
  - 10) General. No approval shall be granted which would be detrimental to the public safety, would create or increase traffic hazards, would tend to have a depreciating effect on the neighborhood properties or which is not in keeping with the stated intent of these regulations.

- 11) The Commission shall be guided by considerations enumerated in Section 7.6 of these regulations.

## 8.8 APARTMENT HOUSES AND MULTI-FAMILY DWELLINGS

No dwelling having three or more families may be erected in the Town of Lebanon, except as hereinafter provided:

a. New Multi-Family Construction.

- 1) Upon receipt of a proper application the Commission shall issue a Special Permit for the erection of multi-family dwellings containing three or more dwelling units provided all the requirements detailed below are met.

(a) Lot Area.

Each multi-family dwelling shall be placed on a lot having the following characteristics:

- (1) Minimum lot area shall be three acres.
- (2) Minimum frontage shall be 200 feet.
- (3) Minimum front yard shall be 60 feet.
- (4) Minimum side and rear yards shall be 50 feet.
- (5) For each dwelling unit above three, the minimum lot area shall be increased by the following schedule:
  - i. One (1) additional acre for each additional one bedroom unit.
  - ii. One and one-half (1½) additional acres for each additional two bedroom unit.
- (6) The lot area required shall be in addition to the area of any Inland-Wetland as defined in Section 22a-36 to 45 of the Connecticut General Statutes.

(b) Number of Units per Dwelling.

No dwelling shall contain more than six dwelling units.

(c) Size of Units.

The minimum livable floor area of a one-bedroom dwelling unit shall be 500 sq. ft. The minimum livable floor area of a two-bedroom unit shall be 625 sq. ft. No dwelling unit may contain more than two bedrooms.

(d) Parking.

Two parking spaces shall be provided within a paved off-street parking area for each dwelling unit. Such parking area shall be located back of all required yard setback lines. No paved parking area shall be closer than 30 feet to any residential building.

(e) Open Space.

For each bedroom proposed, 1,000 sq. ft. of open space shall be provided and developed for active and passive recreational use by both adults and children resident in the apartments.

(f) Refuse Areas.

Adequate provision shall be made for the storage of refuse. All outside storage areas shall be permitted only at the discretion of the Commission and shall be adequately screened from view.

(g) Interior Roads.

All interior roads and stormwater drainage and treatment systems shall meet the requirements of the Subdivision Regulations of the Town of Lebanon unless otherwise permitted by the Commission. (amended 6/16/11)

(h) Sanitary Facilities.

All water supply and sewage disposal facilities shall be designed by a Sanitary Engineer registered in the State of Connecticut.

b. Conversions of Existing Structures to Multi-Family Use.

- 1) Upon receipt of a proper application, the Commission shall issue a Special Permit for the conversion of an existing structure or structures existing as of July 1, 1978 and having been in existence at least five (5) years at the time of conversion, to multi-family dwellings containing three or more dwelling units provided all requirements detailed below are met.

(a) Location.

The existing structure(s) shall have direct access to an arterial street as may be defined by the Planning Commission from time to time. For the purpose of these regulations all State highway numbered routes shall be considered arterial streets.

(b) Lot Area.

The minimum lot area shall be ten (10) acres.

(c) Yard Requirements.

- (1) The lot shall have a minimum frontage of 500 feet.
- (2) Where there is any discretion in the setting of front, side, and rear yards, the following requirements shall be met as closely as possible by all structures and parking facilities.
  - i. A minimum front yard setback of 60 feet.
  - ii. A minimum side and rear yard setback of 50 ft.

(d) Height Limitations.

Upon written request of the Applicant, the Commission may waive the height requirements of Section 5.1.d provided no building shall exceed 45 feet in height.

(e) Density Requirements.

There shall be one acre of lot for every one and one-half (1½) dwelling units proposed to be converted from an existing structure.

- (f) The provisions of 8.8.a.1)(c) shall apply except that the Commission may permit dwelling units having a floor area of 400 sq. ft. provided the average floor area of all units equals or exceeds 500 sq. ft. The Commission, however, may permit the average floor area of all units to be less than 500 sq. ft. The Commission, however, may permit the average floor area of all units to be less than 500 sq. ft., but in no case less than 400 sq. ft.; provided the applicant can demonstrate to the satisfaction of the Commission that such waiver would be in the best interest of the town and project proposed.

- (g) All provisions of 8.8.a.1)(e), (f) and (g) shall apply.

- (h) Water Supply and Sewage Disposal.

The Applicant shall provide to the Commission a statement from the State Department of Health (and the Department of Environmental Protection, as appropriate) indicating the suitability of the site to provide sufficient potable water and to dispose of the anticipated effluent in a manner satisfactory to the Department.

All water retrieval and waste disposal systems shall be designed by a sanitary engineer registered in the State of Connecticut.

- (i) Building and Fire Safety.

The Commission may require the Applicant to provide to the Commission a report from the Town of Lebanon building inspector as to the suitability of the existing structure or structures for conversion to multi-family residential use in the manner proposed by the Applicant and a report from the fire marshal of the Town of Lebanon as to the appropriateness of the proposed site plan and interior building layout for the protection of the future inhabitants from fire.

- (j) Parking.

Two parking spaces shall be provided within a paved off-street parking area for each dwelling unit. No paved parking area shall be closer than 30 ft. to any residential building. To the maximum extent feasible all parking areas shall observe all required yard setback lines.

- (k) The requirements of 5.1.b shall not apply.

c. General Provisions applying to all multi-family developments.

- 1) Buffers.

The commission may require the provision of adequate buffers between all dwellings, parking and loading facilities and recreational facilities and uses on adjacent lots. Such buffered areas may be provided through existing vegetation, new landscaping, earth mounds or appropriate opaque fencing. The material used and its location shall be approved by the Commission.

- 2) Landscaping.

All required yard setbacks and open space shall be suitably landscaped and shall consist of open areas maintained in lawn, natural vegetation, plantings and trees, washed gravel, ornamental bricks or stone paving, fences and screens where appropriate. All such areas

shall be maintained in a sightly manner. Necessary sidewalks and access driveways may cross the landscaped areas.

Parking lots serving more than ten cars shall contain at least ten percent of their gross area suitably landscaped. In addition, one shade tree, of a species suitable to the Commission, having a caliper of 3-3½ inches shall be planted within the parking landscaped areas for each 3,000 sq. ft. of paved area in such parking lots. Such trees shall be suitably protected from vehicle damage.

3) Timing of Development

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

4) Condominiums and Cooperatives.

Where it is proposed to construct or convert any multi-family dwelling or complex to condominium or cooperative ownership all agreements, declarations, and other documents legally required to establish such entities shall be submitted to the Commission for review and approval as part of an application for a Special Permit or as an amendment to a previously issued Special Permit.

5) Posting of Security.

(a) The Commission may require the posting of security by the Applicant, as a condition of approval, to insure the completion of improvements, public utilities and recreational facilities required by the Site Development Plan as follows:

- (1) Roads – public and private,
- (2) Parking areas,
- (3) Drainage,
- (4) Recreational facilities,
- (5) Landscaping and plantings, and,
- (6) Other key improvements required by the Commission on the Site Development Plan.

b) Such security shall be in a form satisfactory to the Commission and shall consist of one or more of the following:

- (1) Construction to completion of the specific improvements noted, before the issuance of building permits and/or Certificates of Occupancy.
- (2) A security bond issued by a surety company authorized to do business in the State of Connecticut in an amount satisfactory to the Commission to insure completion of the improvements; in lieu of a bond the deposit with the Treasurer of the Town of Lebanon of cash in an amount sufficient to ensure the completion of the required improvements.

6) Approval.

In reviewing the application, the Commission shall, before granting a Special Permit, find that the proposed erection of or conversion to multi-family dwellings will not be detrimental to the public health, safety and welfare and that the plans have made adequate provision for the supply of potable water, and the disposal of sewage effluent; that adequate access for fire apparatus has been provided for; that the lot is suitable for the use proposed without adversely affecting neighboring properties; that the residents of the development can safely enter and exit onto public streets; and that the proposal is in harmony with the general purpose and intent of the zoning regulations and the plan of development.

The Commission may impose such reasonable conditions as it feels are necessary to protect the interest of the Town and neighborhood.

8.9 ELDERLY HOUSING

Upon receipt of a proper application, the Commission shall issue a Special Permit to allow elderly housing in the RA, VRA or B zoning districts subject to the following requirements:

- a. Definition: Elderly housing shall mean development of dwelling units:
  - (1) designed exclusively to be occupied and to meet specific requirements and designed standards suitable for occupancy for one or more handicapped or elderly persons at least one of whom is at least 62 years of age or over; and
  - (2) which shall conform in design, structure and plan to the requirements of state and/or federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, the project architect and engineers that such housing conforms to the state and/or federal agency's program requirements for elderly housing, and shall be funded by such agency. Housing for elderly persons may include accessory buildings and facilities, such as community hall and laundry rooms.
- b. Parcel size: Not less than six (6) contiguous acres.
- c. Density: Maximum density of development on the parcel shall be determined by applicable public health, safety and building code requirements, but in no case shall exceed four (4) units per acre. No more than 10% of the units in the development shall be two bedroom units. Buildings may be clustered on the parcel.
- d. Units per building: There shall be not more than six dwelling units per building.
- e. Floor Area: Each dwelling unit shall have not less than five hundred (500) square feet of floor area and not more than seven hundred fifty (750) square feet of floor area.
- f. Parking: A minimum of one and one-half parking spaces shall be provided for each dwelling unit.
- g. Utilities: All on-site utilities shall be underground.
- h. Setbacks: Rear and side yard building setbacks shall be no less than seventy-five (75) feet. Buildings shall be separated from one another according to building code requirements.

- i. Water and Sewage: All water supply and sewage disposal facilities shall be designed by a Sanitary Engineer registered in the State of Connecticut conforming to state sanitary code.
- j. Height of Buildings: No building may exceed the height of one story or 20 feet.
- k. Open Space: A minimum of 20% of the parcel shall be set aside as open space and/or recreation area for the use of the residents of the dwellings. The area set aside for such use shall be free of wetland soil types and shall be suitable for uses such as picnic areas, garden plots, recreation areas or other appropriate uses.
- l. Lot Coverage: The total ground area coverage of the parcel by buildings, parking areas and other impervious surfaces shall not exceed 50 percent of the total parcel area.
- m. Driveways: That all driveways in elderly housing developments meet or exceed the specifications of town roads.

#### 8.10 BED AND BREAKFAST TOURIST HOME

The purpose of this section is to create, subject to the guidelines listed herein, the alternative of short-term overnight accommodations in a residential setting for travelers and visitors to this area. Upon receipt of a proper application the Commission shall issue a Special Permit for the operation of a Bed and Breakfast Tourist Home (herein after referred to as B&B) provided all the requirements detailed below are met.

- 1. B&B shall be permitted in the RA, VRA, NB, and B zones only.
- 2. B&B must be operated in a single family residential dwelling. Further, the owner of the B&B must live in the dwelling.
- 3. LOT SIZE & MAXIMUM FLOOR AREA
  - a) Minimum lot size requirements shall be that which is required in the use district where the B&B is to be located.
  - b) A lot, non-conforming as to dimensional requirements, may be considered for a permit, if in the opinion of the Commission, the non-conformity is of a scale and location that will not compromise the purpose or intent of these regulations provided a Certificate of Zoning Compliance is obtained.
- 4. NUMBER AND LOCATION OF GUEST ROOMS
  - a) The maximum number of guest rooms shall be the lesser of the following but in no event shall the number of guest rooms exceed six (6):
    - i) the maximum number of guest rooms which can be supported by existing or proposed sanitary facilities as determined by the Town Sanitarian;
    - ii) the maximum number of guest rooms which meet fire safety requirements as determined by the Fire Marshal;
    - iii) the maximum number of guest rooms as determined by the availability of parking as specified in Section 8.10.6, Parking Requirements; or
  - b) No guest room shall be offered or provided in any Accessory Building.

- c) Access to all guest rooms and B&B facilities shall be through the same front entrance utilized by the residential occupants of the dwelling. Access to all guest rooms and B&B facilities shall be from within the dwelling.
- d) Maximum number of guests shall not exceed 15 persons.

#### 5. DINING FACILITIES

Dining facilities shall be permitted for the offering of meals to paying guests of the B&B only. Dining facilities and the B&B shall be under the same ownership.

#### 6. PARKING AND DRIVEWAYS

- a.) Adequate off street parking shall be provided. Minimum number of parking spaces shall be 1 space for each guest room, 1 space for each employee, and two spaces for the residence.
- b.) Parking spaces shall be designated, located, and maintained in accordance with Section 8.4 a. thru i.
- c.) Driveway and parking surfaces shall be gravel or paved.
- d.) Driveway aprons, drainage, and sitelines must meet the following specifications:
  - 1) Aprons shall be required for all driveways; paved aprons shall be installed on paved roads, gravel aprons on gravel roads.
  - 2) The paved driveway apron shall consist of a minimum 2" compacted depth of class 2 bituminous concrete (asphalt) compacted with a minimum of a 2 ton roller. Paved apron shall be placed on a 6" compacted base course of processed aggregate. Base course shall be placed on a suitable compacted bank run gravel subgrade.
  - 3) The gravel driveway apron shall consist of a 6" course of compacted processed aggregate placed on a suitable compacted bank run gravel subgrade.
  - 4) Apron dimensions: the apron shall be a minimum of 22' wide at the edge of the traveled portion of the town road, narrowing at not less than a 5' radius on each side of the driveway to a width of not less than 12', and to a distance of not less than 15' from the edge of the traveled portion of the town road or the property line, whichever is greater. Driveway width at the edge of the road shall not exceed 40'.
  - 5) The apron is to meet the road at an elevation no higher than the existing pavement so that a snow plow blade will pass without catching.
  - 6) Maximum change in elevation from the edge of the road pavement to a point 15' back shall be 9".
  - 7) For driveways lower than the roadway, a high point shall be provided near the end of the driveway to prevent water from flowing onto the lot from the road. The high point shall be 4" higher than the road edge, but no higher than the center of the road.
  - 8) Apron may not extend into the traveled roadway.
  - 9) Apron is to be constructed at the owner's expense; the owner is responsible for repairing any and all damage done to the existing road. Upon completion of the apron and required repairs by the owner said work shall be approved by the Selectman's Office before the certificate of

occupancy is issued or, in the case where a driveway bond has been placed with the town, the bond released.

- 10) Maximum grade for nay driveway shall be 15%.
- 11) Any driveway or portion thereof, whose grade exceeds 10% shall be paved to a uniform minimum width of 10' to minimize erosion and sedimentation problems. Contiguous portions where grade exceeds 5% shall also be paved.
- 12) Any trees, brush, stonewalls, fences, and/or other obstructions impeding sightlines shall be removed or lowered. Sightlines shall be determined from a point of 10' from the edge of the traveled way portion of the town road using a height of 3.5' for both eye and object, in both directions.

Minimum sight distances shall be: (both directions)

Posted Speed (MPH)	30	40	50
Sight Distance (feet)	200	275	400

- 13) Edges of the driveway and gutter area shall be graded so that water will pass the drive without running into the street or onto the lot. Driveways and aprons shall be graded so as not to direct drainage onto the road. To insure that this provision is satisfied, the Town or the Commission may require that drainage pipe be provided in accordance with the following:
    - i) Interruption of gutter or roadside swale flow will require piping. Piping shall be sized for a 25 year storm, and shall be 15" minimum diameter. Flared ends and riprap shall be required to reduce erosion and sedimentation, and to present a neat appearance.
    - ii) Pipe may be reinforced concrete (RCP), asphalt coated corrugated metal (ACCM), or high density polyethylene (HDPE). All pipe shall be installed according to manufacturer's installation recommendations. Installation trench shall have a minimum 6" bedding and minimum 1'6" cover. Bedding and cover shall be bank run gravel and shall contain no aggregate in excess of 2".
    - iii) Pipe shall be located as far from the edge of the road as possible to minimize the hazard to errant vehicles. Existing swales shall be graded as appropriate to provide a smooth transition to and from pipe. Disturbed swales shall be protected with riprap or other appropriate measure to minimize erosion.
    - iv) Piping installations shall be subject to inspection and approval by the Selectman's Office. All deficiencies shall be approved by the Selectman's Office before the certificate of occupancy is issued or, in the case where a driveway bond has been placed with the town, the bond released.
  - 14) The driveway shall be constructed in accordance with the requirements shown in Figure (Plate) 1 "Driveway Apron Construction Details."
  - 15) The minimum lengths of transition (vertical) curves for driveways shall follow the values shown on Figure (Plate) 2 "Minimum Transition Curve Lengths For Driveways."
- e.) Parking and driveways shall be graded so as not to direct drainage to adjoining properties, into town drainage systems (unless otherwise permitted by the Selectmen's Office), or onto town roads.

- f.) The driveway serving the B&B shall not be shared, by deed, common driveway easement, or any other instrument with any other party or property owner. The driveway access must provide exclusive access for the B&B and the principal residential use.
- g.) No guest or employee parking shall be permitted in any required front yard setback.
- h.) All parking and loading areas that are contiguous to, or located within or across the street from property within the RA or VRA zones shall be effectively screened from view by the neighboring properties. To effectively screen such facilities a 10' wide buffer strip consisting of trees and shrubs, of which at least 50% shall be evergreen, with a minimum height at the time of planting of 6 feet, shall be constructed. Where existing topography, landscaping, and/or other features provide adequate buffer and screening the Commission may modify the 10' buffer strip dimension provided the intent of this subsection is met. Where the lot size, shape, structures or other features make it impossible to meet the 10' buffer strip dimension, the Commission may modify this requirement through the use of such alternatives as fencing, earthen berms, landscaping, and the like which comply with the intent of this subsection.

#### 7. NUMBER OF EMPLOYEES

There shall be no more than two non-resident employees permitted during any one shift. No Accessory Building shall be used for employee accommodations.

#### 8. SIGNAGE AND LIGHTING

No sign shall be erected free standing or affixed to an existing structure unless the sign meets the requirements in Section 8.5 of these regulations and the criteria listed below. Where any criteria listed below is in conflict with Section 8.5, the criteria listed below shall apply.

- a) One sign not exceeding 10 sq. ft. shall be permitted.
- b) The sign shall not be internally or externally illuminated in any way.
- c) The sign shall be permitted within the front yard setback but not permitted in any side yard setback.
- d) Sign shall not advertise dining facilities.

#### 9. LIMITS OF STAY AND ACCOMMODATIONS

- a) Maximum duration of stay for each guest shall not exceed 14 nights in any four (4) week period.
- b) Guest rooms and residence shall be served by common utilities and shall not have separate metering devices.
- c) No guest room shall be equipped with separate kitchen or kitchenette facilities.
- d) The owner of the B&B shall keep a guest book which shall record the length of stay of each guest. The Owner shall provide the guest book to the Town of Lebanon Zoning Enforcement Officer within ten (10) days of written request for same.

#### 10. SITE PLAN

A site plan shall be required as part of the application for special permit. Applicant shall provide the following site plan information:

- a) Plan shall be drawn to scale, 1" = 40' or smaller.

- b) Plan shall show the following:
  - i) existing residential dwelling, Accessory Buildings, well, septic tank, and leach field locations;
  - ii) existing and/or proposed driveway and parking areas;
  - iii) existing property lines within 200 feet of the proposed B&B and existing structures and dwellings within 500 feet of proposed B&B, including those structures and dwellings across any public or private road;
  - iv) existing and proposed visual screening buffer strip and landscaping;
  - v) proposed signage and lighting (size, locations, and type);
  - vi) statement regarding the maximum number of guest rooms.
- c) A floor plan shall also be submitted, to scale and with dimensions, which shows the location of proposed guest rooms, dining facilities, and other common areas to be available to guests.

#### 11. SANITARY AND WATER SUPPLY FACILITIES

The owner shall be required to obtain written certification from the Town Sanitarian that plans for the water supply and sewage disposal system are adequate to support the intended use and number of guest rooms. Certification shall be supplied at the time application is made. Applicant may be required to submit to the Town Sanitarian an engineers report certifying to the capacity and condition of the existing sewage disposal systems, demonstrate that adequate area and subsurface conditions exist to support a reserve leaching field, and demonstrate that the water supply is of sufficient yield and quality for the intended use. Water testing shall be performed by a laboratory licensed in the State of Connecticut.

#### 12. FIRE, BUILDING, HEALTH, AND SAFETY CODES

All applicable fire, building, health and safety codes and requirements shall be met prior to commencement of the B&B and dining operations. In order to determine compliance, additional information may be required by the Building Inspector, Town Sanitarian and/or Fire Marshal. The owner shall be required to obtain certification from the Town Fire Marshal and Town Sanitarian stating that the intended use, number of guest rooms, number of occupants, and dining facilities satisfy all applicable Fire Safety Codes and Public Health Codes. Certification shall be submitted at the time of application.

#### 13. OTHER USES

Other than the living quarters of the owner-operator of the B&B, no other uses shall be permitted on the lot or within the dwelling unless specifically provided for in the terms of the special permit.

#### 8.11 REAR LOTS (effective 8/25/08)

The purpose of this section is to allow limited density in areas away from public roads where maintenance of open space and agricultural properties is desired. Such development is intended to protect farmland, scenic areas, wildlife habitat or other environmentally sensitive resources from future development, and must be designed and sited to protect neighboring property values while respecting the site's natural and man-made feature. This section shall not apply to lots created as part of a Conservation Subdivision.

- a. Development Standards and Requirements. The Commission may grant a special permit to allow

the creation of a rear lot in the Rural Agricultural (RA) and Village Rural Agricultural (VRA) Residence Zones when it determines that the development of the rear lot will provide the most appropriate use of land considering such factors as the preservation of the natural character of the land, drainage, accessibility, topography, prime and important soils, and where all of the following conditions apply.

- 1) Number of Rear Lots Permitted No more than one quarter (1 out of 4) of the total number of lots on a subdivision plan shall be permitted to be rear lots.
- 2) Minimum Lot Area Two (2) acres, exclusive of access area, and in compliance with the minimum buildable area requirements.
- 3) Minimum Frontage Forty (40) foot wide access strip (driveway), which shall be part of the lot and extend from a town street to the buildable portion of said lot. If physical conditions warrant, the Commission may require a wider right of access. No structures shall be permitted within the access strip.
- 4) Front Yard Setback 200-foot minimum (except for rear lots existing prior to 8/25/08 in which case 50-foot minimum), which shall be measured from the rear lot line of the front lot or side yard where no rear line exists.
- 5) Side Yard Setback 100-foot minimum, unless no rear yard exists in which case 200-foot minimum. For rear lots existing prior to 8/25/08 the side setback shall be 25-foot minimum.
- 6) Street Entrance Sign Minimum one and one-half (1½) and maximum two (2) square feet per side sign shall be posted containing house number and street name.
- 7) Landscaping The Commission may require plantings along the sides of the access strip (driveway) and along other property lines where needed to protect privacy of adjacent parcels.
- 8) Driveways In accordance with the Driveways Regulations Sec. 7.4.
- 9) Other No more than two (2) rear lot accesses shall be permitted adjacent to another, and no more than one rear lot shall be permitted to the rear of any other lot.

#### 8.12 SPECIAL PERMIT FOR CONSERVATION SUBDIVISION DEVELOPMENT (effective 8/25/08)

A special permit shall be required for the proposed development of parcels of fifteen (15) or more acres into five (5) or more lots. The purpose of this section is to establish a conservation subdivision pattern of development within the Town of Lebanon which provides for smaller lots than those normally required by these regulations in order to permanently conserve natural, agricultural (prime and important farmland soils), scenic and historic resources; to permanently preserve open spaces for active or passive recreational use; to enhance the value to the public of neighboring parks, forests, wildlife preserves or other open spaces; to reduce infrastructure costs and impervious surfaces; and, to promote development compatible with surrounding areas that is in harmony with the natural site features, while at the same time maintaining the density limitation of the zoning district. The special permit for a Conservation Subdivision Development would be approved prior to Subdivision approval; however, both would have a common public hearing.

##### a. Applicability

Applications for a special permit proposing the subdivision of a parcel of land comprising fifteen (15) or more acres with five (5) or more lots located within the RA or VRA Zones shall be designed according to the development standards, requirements and design guidelines listed below. It is highly recommended that the applicant consult with the Conservation Commission and Tree Warden prior to conceptual plan development. Applicants proposing the subdivision of a parcel of land that is less than fifteen (15) acres or fewer than five (5) lots may also apply to the Commission under Conservation Subdivision Development regulations. When the Commission approves a special permit for a Conservation Subdivision Development the dimensional requirements of the underlying zone are hereby superseded in their entirety.

b. Pre-Application Discussion

Prior to the submission of an application for a special permit for a Conservation Subdivision Development all applicants shall initiate a pre-application discussion with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a yield plan and conceptual plan for informal consideration. The conceptual plan should contain all necessary information to allow the Commission to make an informed informal consideration, including a plan to scale showing the location of wetlands, waterbodies, 100-year flood plain, slopes in excess of 20 percent, soil classification map to include prime and important farmland soils, stone walls, existing and town-proposed open space areas (both on the property and abutting), digital photographs of the site, proposed driveways and roads, buildable areas, building lots and open spaces. Nothing said or presented during the pre-application discussion by any party shall be binding on the Commission in any subsequent application presented to the Commission.

c. Application Requirements

An applicant for a special permit for a Conservation Subdivision Development shall file with the Commission the following materials.

- 1) Application Forms and Fees. Completed special permit and subdivision application forms and fees in accordance with these regulations and the Subdivision Regulations.
- 2) Yield Plan. In order to calculate the maximum number of lots allowed, a yield plan at a scale of not less than 1" = 100' showing those items described in Subsection b. above shall be designed to meet the requirements for a conventional (non-conservation) subdivision under the Zoning and Subdivision Regulations. For the purposes of determining the density resulting from the Yield Plan, the 700-foot long cul-de-sac limit and 20% open space set aside shall apply. The Applicant shall have the burden of proof with regard to the calculation of the maximum number of house lots that could be permitted. The Commission may require additional supporting technical information from the Applicant, including but not limited to the demonstration that a feasible septic system can be installed for up to twenty percent (20%) of the proposed conventional lots. The Commission shall determine which conventionally-designed lots, if any, shall receive deep test pits and shall calculate the maximum number of house lots that could be developed on the subject parcel(s) as a conventional subdivision.
- 3) Site Context Area Map. A site context area map at a scale of not less than 1" = 400' with a radius of one (1) mile from the center of the subject site shall be submitted to include streets and names; subject parcel(s) outlined; existing land use; wetlands; waterbodies; watercourses; protected open space; viewsheds of the site from streets within the site context area; stonewalls; buildings; and endangered species, threatened species, and species of special concerns as identified by the State Natural Diversity Database.
- 4) Site Conservation Features Map. A site conservation features map at a scale of not less than 1" = 400' shall be submitted that identifies site features to be considered in designing a subdivision, including mature woodland areas; trees with a 24-inch or greater caliper; open

fields; prime and important farmland soils; non-hydric soils unsuitable for development as published by the State Department of Environmental Protection; stone walls; rock outcroppings; historic or archaeological features; trails; views from within the site and along public roads; easements; neighboring streets, houses, protected open space; and, topographical lines at 10-foot minimal intervals.

- 5) Conservation Subdivision Development Plan. A plan showing the proposed conservation subdivision development shall be prepared by a land surveyor and civil engineer containing the seal and signature of each registered in the State of Connecticut according to the plan requirements of the Zoning and Subdivision Regulations.
- 6) Landscaping Plan. A landscaping plan shall be prepared by and contain the seal of a Connecticut registered Landscape Architect to include a list and count of all trees and shrubs to be planted by common and botanical names, size at planting (caliper, height, time until maturity), and height and spread at maturity.
- 7) Narrative. A narrative shall be prepared explaining the proposed method by which all site utilities will be provided; the manner of ownership and maintenance of any private or public facilities and any commonly owned real property rights, including open space; copy of draft legal instruments such as a declaration of covenants, deed restrictions, and community or homeowner association bylaws; and, a description of the proposed open space to include the method of proposed protection and draft legal language, how the proposed open space has been integrated with natural site features and abutting properties, how it will be used by residents within the development, and what improvements to the open space are proposed.
- 8) Conservation Commission Review. An applicant for a special permit for a Conservation Subdivision Development shall file a copy of the application with the Conservation Commission. The Conservation Commission may submit written comments regarding the suitability of open space within forty-five (45) days of the filing date with the Planning and Zoning Commission.

d. Development Standards and Requirements

- 1) Open space land to be preserved by these regulations shall comprise not less than fifty percent (50%) of the total parcel area, unless reduced by the Commission to not less than 33.3% according to Section 8.12.d.5) below, with the percentage of upland open space to comprise at least the same percentage of uplands of the total parcel area as illustrated below. The location and extent of open space shall be identified at the time of the special permit application and shall be subject to Commission approval.

*Example for illustrative purposes only*

Total parcel area:	100 acres
Total amount of uplands:	80 acres or 80% of site
Total amount of open space required:	50 acres or 50% of total parcel area
Minimum amount of upland open space:	40 acres or 80% of open space

- 2) A table showing how the 50% open space requirement was established, the number of house lots proposed, and the average size of each lot shall be provided.
- 3) Minimum lot area, frontage and yard setback requirements shall be as follows.
  - a) Minimum Lot Area: ½ acre.
  - b) Minimum Buildable Area: 100 x 100 foot upland area.

- c) Minimum Lot Frontage: Not applicable
  - d) Minimum Front Yard Setback: 25 feet, except on existing streets where the setback shall be 50 feet min.
  - e) Minimum Side & Rear Yard Setback: 15 feet
  - f) Maximum Lot Impervious Surfaces: 25% when <1 acre, 15% when 1-2 acres
- 4) Each lot within the Conservation Subdivision Development shall have by deed or other instrument recorded in the Lebanon Land Records.
  - 5) The Commission may reduce the open space requirements of Sec. 8.12.d.1) under the following conditions by an affirmative vote of six (6) members:
    - a) When no less than twenty-five percent (25%) of dwelling units are proposed as “affordable” as defined in CGS Sec. 8-30g;
    - b) When a combination of open space and fee-in-lieu of open space is proposed and accepted by the Commission;
    - c) When less than fifteen (15) acres is to be subdivided; or
    - d) When in the opinion of the Commission, less open space is suitable to achieve the purposes of these regulations.
  - 6) In a Conservation Subdivision Development there shall be no maximum length of a cul-de-sac; however, the maximum number of lots shall not exceed that number calculated in Sec. 8.12.c.2).
  - 7) A density bonus not to exceed 1.2 house lots for each house lot calculated in the Yield Plan may be permitted by the Commission by an affirmative vote of six (6) members when the Commission determines that there will be added open space benefit or for the purposes of providing affordable housing as defined in CGS Sec. 8-30g. The Commission shall state its reasons on the record for granting a density bonus.

e. Design Guidelines

Conservation Subdivision Developments shall be laid out to permanently protect and preserve the open space. The development shall also be laid out to achieve any one or a reasonable mix of the following:

- 1) To promote the preservation of the kinds of open spaces identified in the *Town Plan of Conservation and Development*, particularly open space and agricultural parcels of significant size.
- 2) To preserve and maintain all or part of any existing forest, field, pasture and other land in agricultural use together with sufficient buffer areas of not less than one-hundred (100) feet to minimize conflict between residential and active agricultural uses.
- 3) To provide for pedestrian access between properties and open space intended to facilitate the networking of trails for pedestrians, bicycles and horseback riding.
- 4) To locate open space primarily in areas which are contiguous to existing open space areas, in areas of the site with the highest probability of connecting with future open spaces, or where existing agricultural production land exists.

- 5) To preserve scenic views and vistas as seen from public roads.
- 6) To layout streets in a curvilinear fashion, and to design streets and homes using passive solar energy techniques. This shall include demonstrating how streets generally have an east-west orientation and each home's longest plane can be positioned to be no more than 30-degrees off the east-west axis. (amended 6/16/11)
- 7) To preserve historic sites and their environs.

f. Conveyance of Open Space

The permanent preservation of open space shall be accomplished by deeding the property in perpetuity, granting preservation easements, or by any other method that accomplishes irrevocable preservation in the manner provided in the Subdivision Regulations. The conveyance of open space shall be completed within one (1) year of the date of approval of the special permit for the Conservation Subdivision Development and prior to issuance of first Certificate of Occupancy unless approved otherwise by the Commission, whichever is earlier.

g. Approval Standards and Criteria

The Commission shall hold a public hearing on the special permit application, which may be a common public hearing with the subdivision application. The Commission shall approve the special permit application with or without conditions if the applicant meets the following standards and criteria, in addition to standards and criteria otherwise set forth in these regulations. No special permit shall be granted by the Commission unless it finds that all of these standards have been or will be met.

- 1) The development will encourage and enable the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, scenic vistas, historical and archeological resources, and active and passive recreational facilities that will benefit present and future generations of Lebanon residents;
- 2) The overall density of development is no greater than the density allowed under a conventional subdivision plan, unless as provided under Sec. 8.12.d.7);
- 3) The development will encourage an efficient form of residential development that consumes less open space and conforms to existing topography and natural features;
- 4) The development will facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner;
- 5) The development will preserve and enhance Lebanon's rural community character;
- 6) The development will provide and/or preserve land for agricultural use and/or recreational use, either active or passive, which is compatible with open space preservation and which, in the opinion of the Commission, will directly or indirectly promote the general welfare of the residents of the Town of Lebanon;
- 7) The proposed development shall lessen the likely impact on environmental systems such as areas of steep topography, significant wetland areas, groundwater, watercourses compared to a conventional subdivision; and,

h. Conditions

The Commission may establish conditions or restrictions to the special permit to ensure that the purposes of these regulations are carried out, including but limited to the following.

- 1) Phasing the proposed improvements within the development.
- 2) Requiring screening fences or walls, including a landscaped berm up to five (5) feet in height along property lines.
- 3) Requiring construction of off-site improvements at the applicant's expense in cases where a reasonable and necessary need for off-site improvements for public safety purposes are demonstrated or required by the proposed development application.

#### 8.13 PERMANENT WATER SUPPLY FOR FIRE PROTECTION

A permanent water supply system for firefighting purposes shall be provided for any dwelling in a subdivision of five (5) or more lots; for lots containing five (5) or more dwelling units; and, for issuing special permits or site plan approval for non-residential buildings containing a minimum of 10,000 SF.

- a. Construction. A permanent water supply for fire protection shall consist of an underground fiberglass or reinforced concrete cistern with fire department connection riser and vents, which shall have a capacity of at least 15,000 gallons of water.
- b. Location and Ownership. The cistern fire department connection riser shall be located within five (5) feet of a paved surface accessible by fire apparatus. The intervening access way between the paved surface and the riser shall be a paved surface at least six (6) feet in clear width and shall be posted as a fire lane. The land where the cistern is located shall be granted to the Town of Lebanon. -
- c. Other Design Requirements. The design, siting and installation criteria for the permanent water supply shall be designed by a professional engineer, properly licensed and registered in the State of Connecticut. A full set of plans, signed and stamped by the engineer and the engineer's cost estimate for the complete installation shall be provided as part of an application. The permanent water supply shall be designed as a water supply for firefighting in accordance with nationally recognized criteria such as the National Fire Protection Association (NFPA) publication #1142, as amended. The design shall include depth of groundwater and ledge, anticipated loading requirements on top of the structure, and protection from freezing.
- d. Alternative Designs. An alternative permanent water supply may be substituted for the cistern if approved by the Fire Marshal to include the following.
  - 1) Surface Waterbody. An approved body of water and dry hydrant assembly shall be based on an engineering analysis conducted in accordance with Subsection c. above and comply with Subsection b. Requests for approval of a natural or manmade on-site surface water supply must include an engineered drainage analysis which includes a minimum number of gallons available during the dry season of the year and indicates source and amount of water that is supplied to the surface water supply during all weather conditions.
  - 2) Automatic Sprinklers. Automatic sprinklers installed in accordance with NFPA 13, 13D, or 13R as appropriate, and as adopted by the State of Connecticut at the time of building permit application.
- e. Installation Timetable. The permanent water supply for fire protection shall be made available not later than the issuance of the first Certificate of Occupancy.

## **ARTICLE IX - ADMINISTRATION**

### **9.1 ENFORCEMENT OFFICER**

The Planning and Zoning Commission shall have an enforcement officer designated by the Commission, and called the Zoning Officer. The compensation of the Zoning Officer shall be determined by the Commission.

### **9.2 PENALTIES**

- a. If any building or structure has been erected, constructed, altered, converted or maintained, or any building structure or land has been used, in violation of these regulations, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- b. Such regulations shall be enforced by the Zoning Officer who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations.
- c. The Owner or agent of any building or premises where a violation of any provision of these regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or 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 fined not less than ten nor 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 nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the circuit court shall have jurisdiction of all such offenses, subject to appeal as in other cases.
- d. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, or continues to violate any provision of the regulations made under authority of the provisions of Chapter 124 specified in such order shall be subject to a civil penalty of two hundred and fifty dollars payable to the treasurer of the Town of Lebanon. (1959, P.A. 28, S. 46).
- e. Any cease and desist order served by the Planning and Zoning Commission and/or the Zoning Officer may be appealed to the Zoning Board of Appeals, provided said appeal shall be served upon the Zoning Board of Appeals not later than fourteen (14) days following service of the cease and desist order. The failure to have such appeal served within said fourteen (14) day period shall be a waiver of the right to appeal.

### **9.3 CERTIFICATE OF ZONING COMPLIANCE**

Where specifically required by these regulations, no land shall be occupied or used and no buildings shall herein after be erected, altered, extended, or changed in use until a Certificate of Zoning Compliance has

been issued by the Commission or its designated agent stating that the proposed use and/or building complies with the provisions of these regulations, and with other regulations of the Town of Lebanon. Applications shall be made on a form approved by the Commission.

In order to determine zoning compliance, a plot plan shall be submitted to the zoning enforcement officer. Such plan shall be prepared and certified by a registered land surveyor, drawn to a scale of not more than 1"-50' and show the property lines, lot area, and dimensions of the subject lot; the subject zone classification; the location and size of existing and proposed buildings; structures, driveways, parking areas, wells and septic systems; bordering streets; inland wetlands and watercourses; flood hazard areas; setback dimensions between property lines and all buildings and structures and any other information that may be required by the Zoning Agent to determine compliance with these regulations.

The Zoning agent may waive this certification requirement provided all applicable regulatory provisions, particularly dimensional requirements, will be clearly met; and provided the proposal involves one of the following:

1. an accessory structure(s) or attached garage addition;
2. an addition less than 500 square feet in ground floor area;
3. site modifications or other proposals that have been granted special permit or site plan approval without a surveyor's site plan. In this situation the approved site plan may be accepted as the plot plan;
4. an agricultural building or structure.

In situations where a surveyor's plot plan is not required, the submitted plot plan shall be accurately drawn to scale by the applicant or his agent and shall contain all information deemed necessary by the Zoning Agent to determine compliance with applicable regulations.

#### 9.4 ENFORCEMENT

These regulations may be enforced in administrative and/or judicial proceedings in the name of either the Planning and Zoning Commission or its designated agent, and Zoning Officer, or in both names.

#### 9.5 ZONING PERMIT REQUIRED (effective 2/1/00)

No building or structure shall be erected, added to or structurally altered until a zoning permit has been issued by the land use enforcement officer. All applications for such zoning permits shall be in accordance with the requirements of this section. The building inspector shall not issue a building permit until such time as a zoning permit has been issued.

- (a) *Matter accompanying application.* There shall be submitted with all applications for zoning permits a copy of a plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing structures, and such other information as the land use enforcement officer shall deem necessary to ascertain whether the proposed structure(s) comply with the provisions of this section. The land use enforcement officer may require that an engineer and/or land surveyor registered in the State of Connecticut, whichever is applicable, verify lot size, site elevation, dimension, setback distance for such development where there is question regarding these requirements, or with location in relation to a designated wetland, watercourse or floodplain.

(b) *Payment of fee.* When approved by the land use enforcement officer, the permit shall be issued to the applicant upon payment of the established fees as noted below:

(1) Agriculture.....	\$10.00
(2) Single-family residential.....	10.00
(3) Multifamily residential.....	50.00
(4) Industrial/commercial.....	50.00
(5) Residential accessory or addition.....	5.00

(c) *Invalidation.* A zoning permit shall become invalid unless construction is commenced within six (6) months from the date of issuance. After commencement of construction, any cessation of activities for six (6) months or more shall void a permit.

(d) *Inspection of improvements.* The land use enforcement officer may conduct periodic inspections of improvements proposed as part of a zoning permit in order to ensure compliance with the zoning permit and these regulations. If the location of the proposed improvements is in question, an as-built plan may be required after construction is complete.

## **ARTICLE X - BOARD OF APPEALS**

### **10.1 ESTABLISHMENT OF BOARD OF APPEALS**

There shall be a Zoning Board of Appeals which shall have the powers and duties assigned to it by the Statutes. Any applicant to whom a variance is granted from the regulations in Section 4.9 (Special Flood Hazard Area District) shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage. The Commission shall maintain the records of all appeal actions and report any variance to the Federal Emergency Management Agency in its biennial report. (amended 6/16/11)

### **10.2 APPLICATIONS REQUIRING A PUBLIC HEARING** (effective 11/15/94)

All applications submitted to the Zoning Board of Appeals that require a public hearing shall comply with the following conditions and requirements in order to be considered complete.

- a. Plot Plan. The application shall include a plot plan or site plan drawn to scale. A plot plan should be an accurate scale drawing of the subject property showing the following details and with accurate dimensions specified:
  - 1) Accurate lot dimensions.
  - 2) Location of well, septic tank and leach field.
  - 3) Sketch of the location, size and use of all buildings and structures now on the lot.
  - 4) Sketch of the location, size and use of all proposed buildings and structures.
  - 5) Sketch of the location of buildings on abutting lots for all setback variances requested.
  - 6) If any sign is proposed, a scaled elevation drawing of the sign shall be included.
- b. Notification of Neighbors and Adjacent Property Owners. To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall notify abutting property owners of the application by mailing notices to owners of land adjacent to the site and by the posting of a sign in the manner described as follows:
  - 1) Mailing notices. The applicant shall be responsible for mailing notices to adjacent owners of property within two hundred fifty (250) feet of any portion of the applicant's parcel. The term "adjacent" as used in this section includes properties located across the street or highway of the site. Such notice shall be sent by certified mail at least ten (10) days prior to the date of the scheduled public hearing. Such notice shall include the date and time of the scheduled public hearing, and the fact that the subject application and plans are on file in the office of the Clerk of the Commission for public inspection. The "Adjacent Property Owners Notice Form" attached to this application shall be used for this purpose. The applicant shall provide a list of the property owners notified and the return receipts from the certified mailings at least five (5) days prior to the public hearing. Failure to provide evidence of compliance with this requirement shall result in the application being denied without prejudice. A new filing fee will be required for a re-application. (effective 8/1/01)

- 2) Posting sign. The applicant shall post a sign provided by the Board on the property at least ten (10) days before the date of the public hearing, said sign to remain in place until the public hearing. Such sign shall be erected and maintained by the applicant wherever the parcel abuts any public or private street, in a manner clearly visible from the adjacent street frontage. Failure to comply with this requirement shall result in the application being denied without prejudice. A new filing fee will be required for re-application.

## **ARTICLE XI - AMENDMENTS**

### 11.1 PROCEDURE

- a. These regulations may be amended or repealed as provided in the Statutes either on the initiative of the Commission or by petition. Every petition for such action shall be filed with the Commission which may act on it only after a public hearing in conformity with Section 8-3 of the General Statutes Chapter 124, 1958 Revision, as amended. Petitioners shall be assessed the Cost of Advertising and the public hearing and such charges shall be paid to the Town of Lebanon when the petition is filed.
- b. No petition for amendment or repeal which has been rejected by the Commission or withdrawn by the petitioners shall be heard again within one year from the date of rejection or withdrawal. The Commission may grant a re-hearing if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners.
- c. In any petition for a change of use district, the Commission may require the submission of plans showing proposals for the development of the land involved in the change including the location of buildings, streets, and open spaces, and such other information as the Commission considers helpful to their decision. On the basis of such plans the Commission may grant the change in use district subject to conditions which will protect the public interest and neighboring properties, and building permits will be issued only in conformity with the plans as approved and conditioned.
  - 1) Property owners requesting a change of use district shall be assessed the cost of advertising and holding the public hearing required by law upon their application. Such charges shall be paid to the Town of Lebanon when application is made for a change of use district.
- d. Notification of neighboring property owners for proposed zoning text and map amendments. (amended 5/23/08)

To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall be responsible for mailing notices to owners of land adjacent to or included in the land which is the subject of the hearing. Such notice, shall be sent by certified mail at least ten (10) days prior to the date of the scheduled public hearing, shall include a copy of the zone change application submitted to the Commission, the date and time of the scheduled public hearing and the fact that the complete application is on file in the office of the Clerk of the Commission. A copy of the applicant's notice to the adjacent property owners, a list of the property owners notified, and the returned receipts from the Certified Mailings shall be filed in the office of the Clerk of the Commission at least five (5) days prior to the public hearing.

The term adjacent as used in this section includes properties located across the street or highways from the land that is the subject of the hearing.

Changes initiated by the Commission shall not be subject to the terms of this section. (amended 5/23/08)

Failure to provide evidence of compliance to this requirement will result in the application being denied without prejudice. A new filing fee will be required for a reapplication. (effective 11/1/97)

**ARTICLE XII - REGULATIONS ARE MINIMUM REGULATIONS**

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

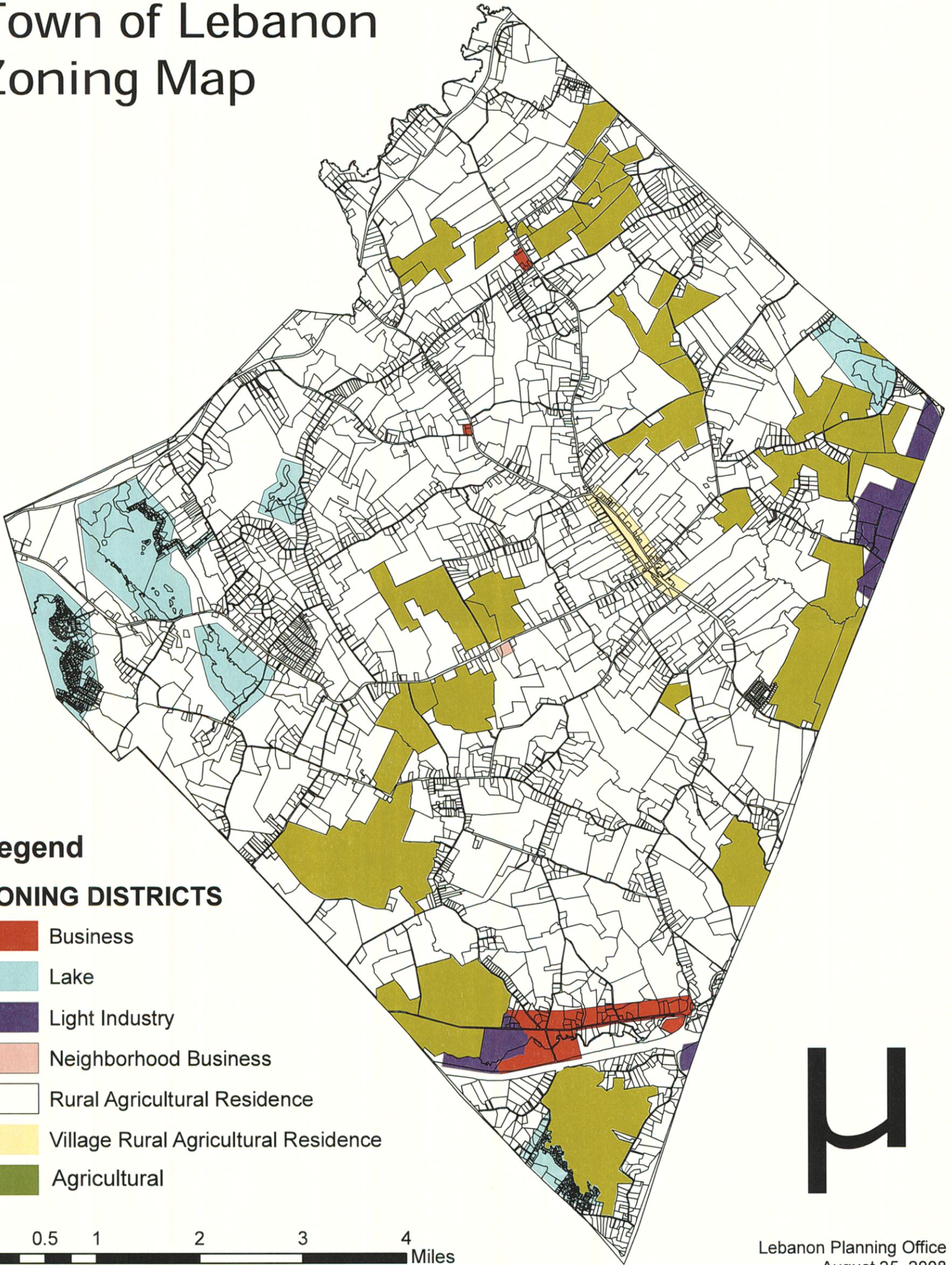
**ARTICLE XIII - VALIDITY**

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

**ARTICLE XIV - EFFECTIVE DATE**

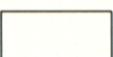
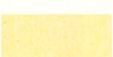
14.1 Zoning regulations for the Town of Lebanon, Connecticut were originally adopted and became effective in April, 1962. A major revision to the regulations became effective on June 1, 1980 and any regulations previously adopted were replaced as of that date. This reprinting is a compilation of those regulations and subsequent amendments effective through June 16, 2011.

# Town of Lebanon Zoning Map



## Legend

### ZONING DISTRICTS

-  Business
-  Lake
-  Light Industry
-  Neighborhood Business
-  Rural Agricultural Residence
-  Village Rural Agricultural Residence
-  Agricultural

0 0.5 1 2 3 4 Miles



Lebanon Planning Office  
August 25, 2008