1. Zoning Board Of Appeals Agenda 11-18-26

   Documents:

   ZBA AGENDA 11-18-26.PDF

2. ZBA 26-17 10 Banks Road

   Documents:

   ZBA 26-17 10 BANKS RD ZHGILEVA COMMENT 11-5-26.PDF
   ZBA 26-17 10 BANKS ROAD APPLICATION - REDACTED.PDF
   ZBA 26-17 10 BANKS ROAD STAFF REPORT.PDF

3. Zoning Board Of Appeals 2027 Draft Meeting Schedule

   Documents:

   ZBA DRAFT MEETING SCHEDULE 2027.PDF

4. Draft Zoning Regulations Sections 1-20 Dated 10-12-26

   Documents:

   ZONINGREGULATIONS-101226-SECTIONS1-20.PDF

Zoning Board of Appeals Regular Meeting
Wednesday, November 18, 2026 at 7:00 PM
Simsbury Town Hall – Main Meeting Room
933 Hopmeadow Street, Simsbury, CT 06070

AGENDA

I. CALL TO ORDER

1. **Seating of Alternates**

II. NEW BUSINESS

1. **Public Hearings**

- **ZBA #26-17**, An application of Benjamin and Karen Fisher-Dickmann, Owner, for a ± 8' variance from Section 3.9 of the Zoning Regulations to reduce the side yard setback from 25' to ± 17' to install a 120 sq. ft. shed at 10 Banks Road (Assessor's Map Block Lot D12 152 004), Zone R-40OS.

III. COMMISSION BUSINESS

1. **2027 Commission Meeting Calendar**
2. **Commission Workshop**

IV. APPROVAL OF MINUTES

1. **October 28, 2026**

V. ADJOURNMENT

From: Hollis Joseph
To: Ziemnicki Ryan
Subject: FW: Request for Application Materials - ZBA #26-17 (10 Banks Road)
Date: Thursday, November 5, 2026 2:37:57 PM
Attachments: image001.png
image001.png
image001.png

Please add this comment to the record.

Joseph Hollis, CZEO
Code Compliance Officer
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070
P(860) 658 3228
jhollis@simsbury-ct.gov

The Planning and Community Development Department has been made aware of fraudulent emails containing false invoices for land use applications. If you receive a suspicious email, we urge you to contact us at 860-658-3252.

From: Anna Z <panamelon@gmail.com>
Sent: Thursday, November 5, 2026 2:29 PM
To: Hollis Joseph <jhollis@simsbury-ct.gov>
Subject: Re: Request for Application Materials - ZBA #26-17 (10 Banks Road)

> **Warning: Unusual sender** <panamelon@gmail.com>
> You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Joseph Hollis,

Thank you so much for the information you sent to us. I want to say that we fully support my neighbors' request to put up a shed at 10 Banks Road. We have no objections at all.
Please add my email to the official public record for the meeting on November 18.

Thank you,
Anna Zhgileva
5 Banks Road

On Thu, Nov 5, 2026, 13:12 Hollis Joseph <jhollis@simsbury-ct.gov> wrote:

> Good afternoon,
>
> Please see the requested information attached. If you have any questions or would like to submit public comment for this application, please let me know.
>
> Thanks,
>
> Joseph Hollis, CZEO
> Code Compliance Officer
> Town of Simsbury
> 933 Hopmeadow Street
> Simsbury, CT 06070
> P(860) 658 3228
> jhollis@simsbury-ct.gov

The Planning and Community Development Department has been made aware of fraudulent emails containing false invoices for land use applications. If you receive a suspicious email, we urge you to contact us at 860-658-3252.

From: Anna Z <panamelon@gmail.com>
Sent: Thursday, November 5, 2026 12:05 PM
To: Hollis Joseph <jhollis@simsbury-ct.gov>
Subject: Request for Application Materials - ZBA #26-17 (10 Banks Road)

> **Warning: Unusual sender** <panamelon@gmail.com>
> You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Joseph Hollis,

I received a Notice of Public Hearing regarding application ZBA #26-17 for a variance at 10 Banks Road. As an abutting property owner living at 5 Banks Road, I am interested in reviewing the materials for this request.
Could you please provide me with the application documents, including the site

plan, drawings, and the applicant's justification statement for the proposed side yard setback variance?
Thank you for your time and assistance.

Sincerely,
Anna Zhgileva
5 Banks Road, Simsbury, CT

ZONING BOARD OF APPEALS APPLICATION
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070

Application Number: 26-17 **Fee** $ 240

Requested Action (please check appropriate box):

Variance ☒ **Appeal Decision of Zoning Official** ☐

RECEIVED
OCT 12 2026
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Location of Property: 10 Banks Road
(number and street name)

Simsbury Assessor's Map Number D12 Block Number 152 Lot Number 004

Deed Volume Number 963 Page Number 656 (*property owner must supply copy of the deed*)

Applicant - Please Print the Following:

Name: Benjamin Dickmann & Karen Fisher-Dickmann
Address: 10 Banks RD, Simsbury, CT 06070
Email: _____ Telephone: _____

Signature of Applicant: Karen Fisher-Dickmann **Date:** 10/9/26

Owner - Please Print the Following:

Name: Benjamin Dickmann & Karen Fisher-Dickmann
Address: 10 Banks RD, Simsbury, CT 06070
Email: _____ Telephone _____

Signature of Owner: Karen Fisher-Dickmann **Date:** 10/9/26

Property is in Zone R-40 OS of (applicable section(s) Zoning Regulations Sec. 3.9 (Dimensional Requirements); Sec. 3.5.1 (Accessory Structures).

Describe the nature of your application, including the amount of variance requested:

Requesting a variance to the side yard setback for placement of a freestanding garden shed 10' x 12' in footprint. I am requesting a variance to lower the minimum setback to be 17' from the lot line. Therefore an 8-foot variance is requested.

Describe the specific hardship:

The rear of the lot drops approx. 25 ft to mapped wetlands and is heavily wooded; there is no level area without regrading and tree removal. The opposite side yard is occupied by the driveway, and accessory structures are prohibited in the front yard (Sec. 3.5.1.a). The proposed location is the only nearly level, open area available.

This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. ***EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE.*** *One complete set of folded plans, supporting documents, and any correspondence must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful.* ***Applicant and/or Authorized Agent must attend meeting.***

NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

The Planning and Community Development Department has been made aware of fraudulent emails containing false invoices for land use applications. If you receive a suspicious email, we urge you to contact us at 860-658-3252.

10-12-2026 4745 CHECK 240.00

Proposed Shed location and associated measurements added by land owner on 9 OCT 2026

Survey pre-dates addition of HVAC and Generator.

Bk: 742 3
P.g: 38479

11 OCT 2026

Town of Simsbury Zoning Board of Appeals
933 Hopmeadow Street
Simsbury, CT 06070

Re: Variance Application – 10 Banks Road (Map D12, Block 152, Lot 004), R-40 OS Zone
Request: 8-foot reduction of the 25-foot side yard setback (Sec. 3.9) for a 10' x 12' garden shed

Dear Members of the Board:

We are Benjamin Dickmann and Karen Fisher-Dickmann, owners of 10 Banks Road since August 2020. We respectfully request a variance to reduce the required 25-foot side yard to 17 feet, an 8-foot variance, so that we can place a 10' x 12' garden shed along our northwesterly side yard, next to 8 Banks Road.

The shed will store the equipment needed to maintain the property: a lawn mower, a snow blower, and garden tools. Our garage does not have room for this equipment alongside our vehicles. A small storage shed is a customary accessory use in every residential district in Simsbury, and the regulations already allow one as a matter of right where a lot can accommodate it. Ours cannot, for the reasons below.

Conditions peculiar to this lot

The proposed location is the only nearly level, open ground on the property where a shed can be placed and reached. Every other part of the lot is ruled out by its natural condition or by the regulations themselves:

- **Rear yard.** Behind the house, the land falls approximately 25 feet, from about elevation 265 at the house to about 240 at the rear lot line (per the enclosed survey). The slope is heavily wooded and runs down to mapped wetlands on the Town open space along our rear boundary (see enclosed GIS topographic map). The only level ground behind the house is a strip of lawn about 13' x 17', bounded by the existing patio, a large tree, and the top of the steep slope. A 10' x 12' shed there would leave only 3 to 5 feet of level ground around it, with the door and ramp opening toward the edge of the slope. There would be no safe way to move a mower or snow blower in and out.
- **Opposite (southeasterly) side yard.** This side is occupied by the driveway. The remaining lawn is about 8' x 14' at its narrowest, too small for the shed, and the tree line beyond it marks the start of another steep grade.
- **Front yard.** Accessory structures are not permitted in the front yard (Sec. 3.5.1.a). The septic system is also located there.

These conditions come from the topography and wetlands of this particular lot. Our immediate neighbors' lots do not share them: 8 Banks Road has a large, open, level side and rear yard, and 12 Banks Road has a large, open, level rear yard.

Why 17 feet is the minimum variance

The shed is placed as close to the house as safety allows, so the variance is no larger than necessary.

- **Generator exhaust clearance.** Our standby generator, a Cummins C20N6HC, sits beside the house on this side. We installed it in March 2021 under Permits E-21-0668 and G-21-0171, and certificates of completion were issued. The manufacturer's Installation Quick Start Guide (Cummins A062M459) requires the air discharge (exhaust) side to be at least 60 inches (5 feet) from any structure with combustible walls. A wood-framed shed is combustible. As proposed, the nearest corner of the shed is 6 feet from the exhaust port, leaving a 1-foot construction tolerance. The relevant page of the manufacturer's guide is enclosed.
- **Orientation.** The shed's 12-foot length runs parallel to the lot line, so it extends only 10 feet toward 8 Banks Road.

Moving the shed closer to the house would place it inside the generator's exhaust safety zone. Moving it farther from the property line is not possible without moving it closer to the house. The 17-foot setback is therefore the minimum that allows this reasonable use.

Not of our making, and no special privilege

The hardship comes from the natural grade and wetlands of the lot, which leave this side yard as the only practical location for a shed. The slope and wetlands are natural features of the land, and the patio behind the house was already in place when we purchased the property. The difficulty is not financial: there is no practical location on the lot where a shed can meet the setbacks and still be safely reached.

We want to be direct about the one man-made feature that affects the shed's position. The permitted generator determines how close to the house the shed can sit, but it does not create the need for a side-yard location; the topography does. Even without the generator, the pre-existing air conditioning condenser beside it would still need service and airflow clearance, and a shed set tight against the house would leave no room to maintain the house wall, windows, and equipment.

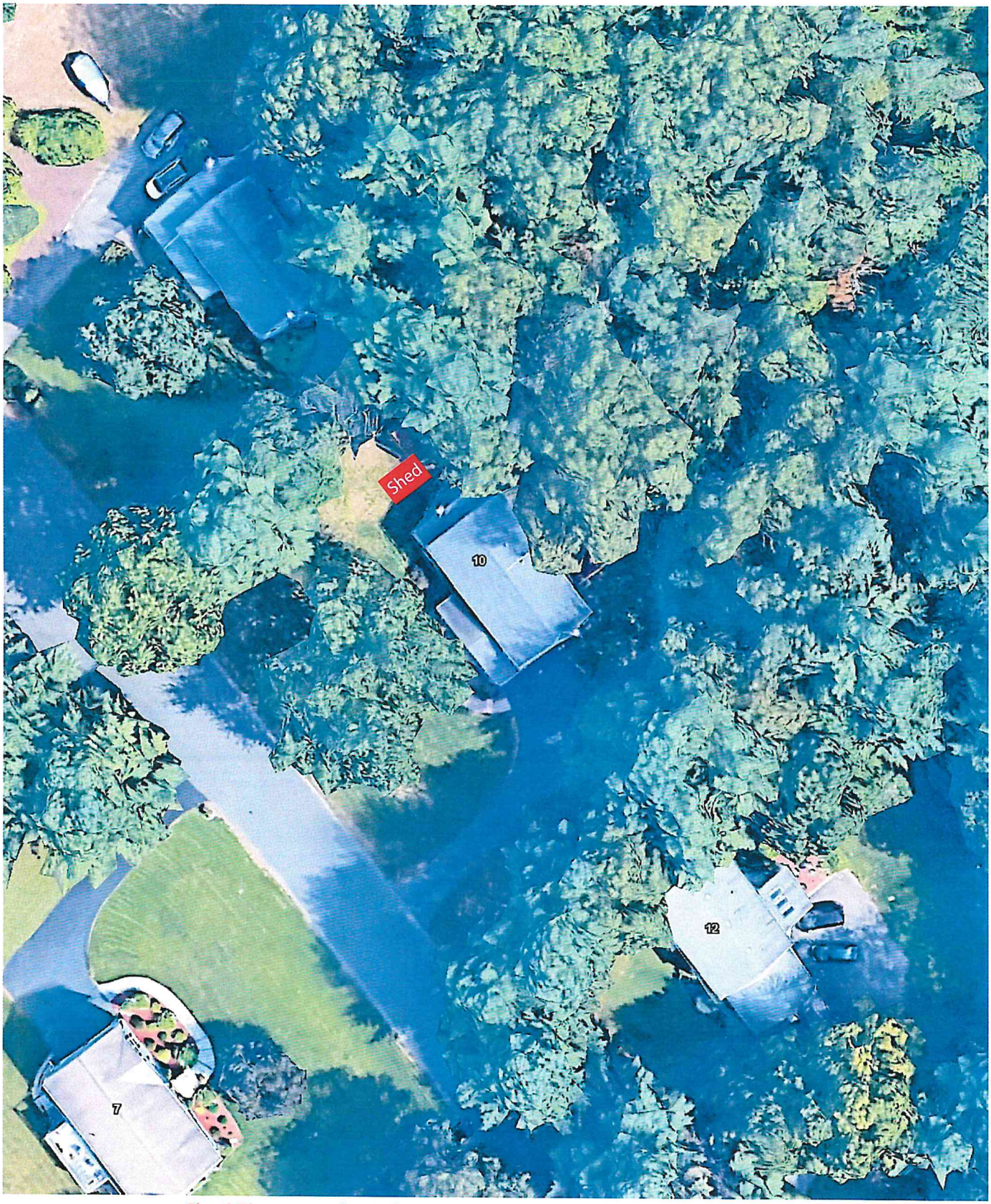
Other properties in the district can place a storage shed for their equipment without relief. Sec. 3.5.1.c allows a shed of up to 250 square feet in a rear yard as close as 10 feet to a lot line. We are asking for a 120-square-foot shed 17 feet from the line, farther than the regulations would allow if our rear yard were usable. Granting the variance would give us the same use our neighbors enjoy, not a privilege beyond it.

In harmony with the neighborhood

The shed is designed to look like part of the home, not a utility box at the property line.

- **Design.** A wood-framed Classic Cape style shed with LP SmartSide siding, dark blue with white trim to match the house, architectural shingles, and windows with shutters. Sidewalls are 7 feet with a 6/12 roof pitch, for an overall height of approximately 10½ feet, well under the 15-foot limit in Sec. 3.5.1.b. Elevations are enclosed.
- **Minimal disturbance.** The shed will sit on a compacted, leveled gravel pad. No trees will be removed, and only minor grading is needed to level the pad on a gentle slope.
- **Screening.** A tree line and a rise in the land already stand between the shed site and the home at 8 Banks Road. The shed will not block views from that home.
- **Neighbor support.** The owners of 8 Banks Road, the property nearest the shed, have written in support, as have the owners of 12, 9, 7, and 4 Banks Road. Their letters are enclosed.

10 Banks RD - Shed Placement - Reference Photos



Shed Placement for Reference - NOT TO SCALE - See Plot Documents for Scale Placement

Setback buffer, shed, and generator/AC locations added by owner, 9 OCT 2026

10 Banks Rd

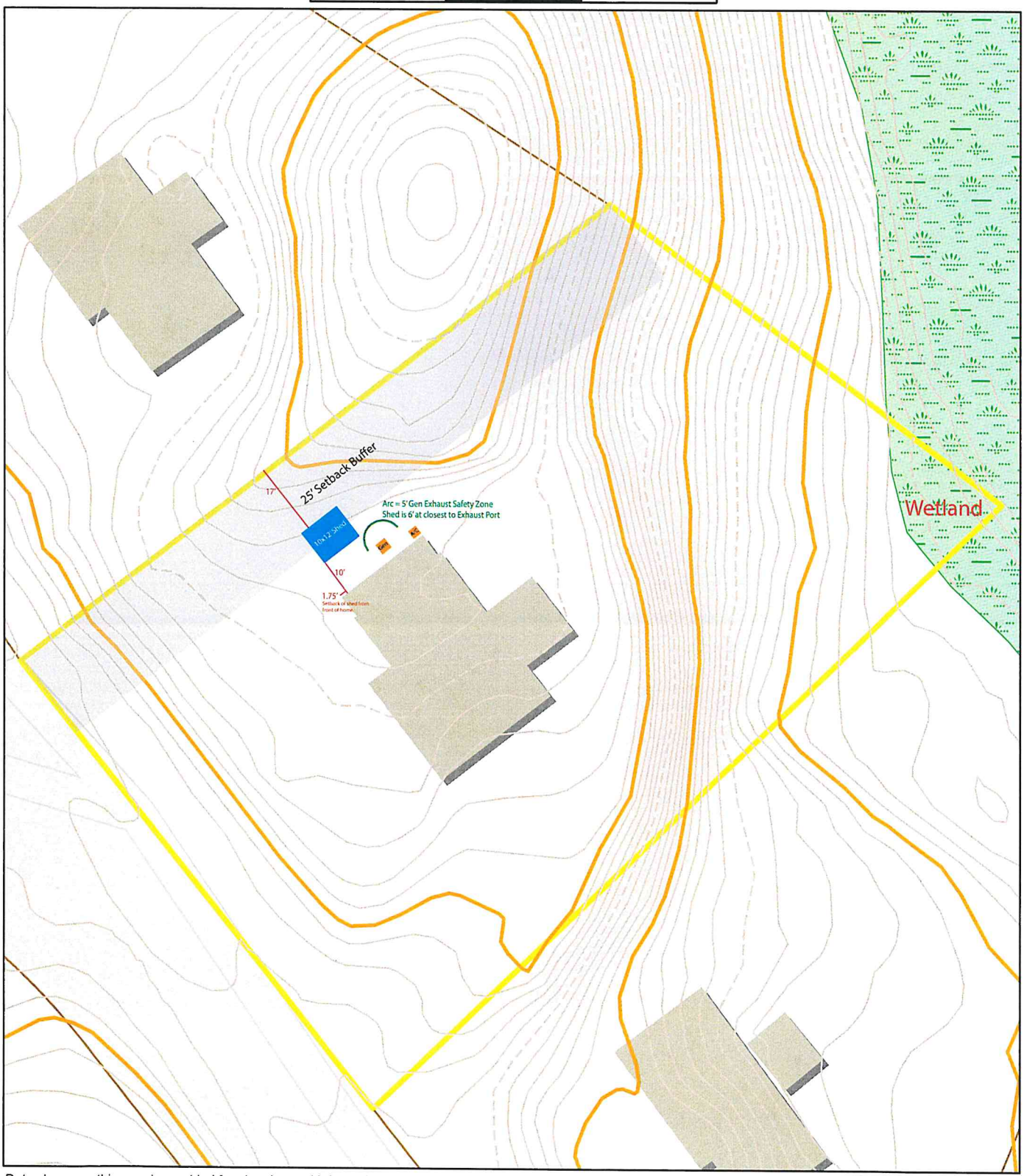
Town of Simsbury, CT

1 inch = 36 Feet

CAI Technologies
Precision Mapping. Geospatial Solutions
www.cai-tech.com

October 8, 2026

0 36 72 108



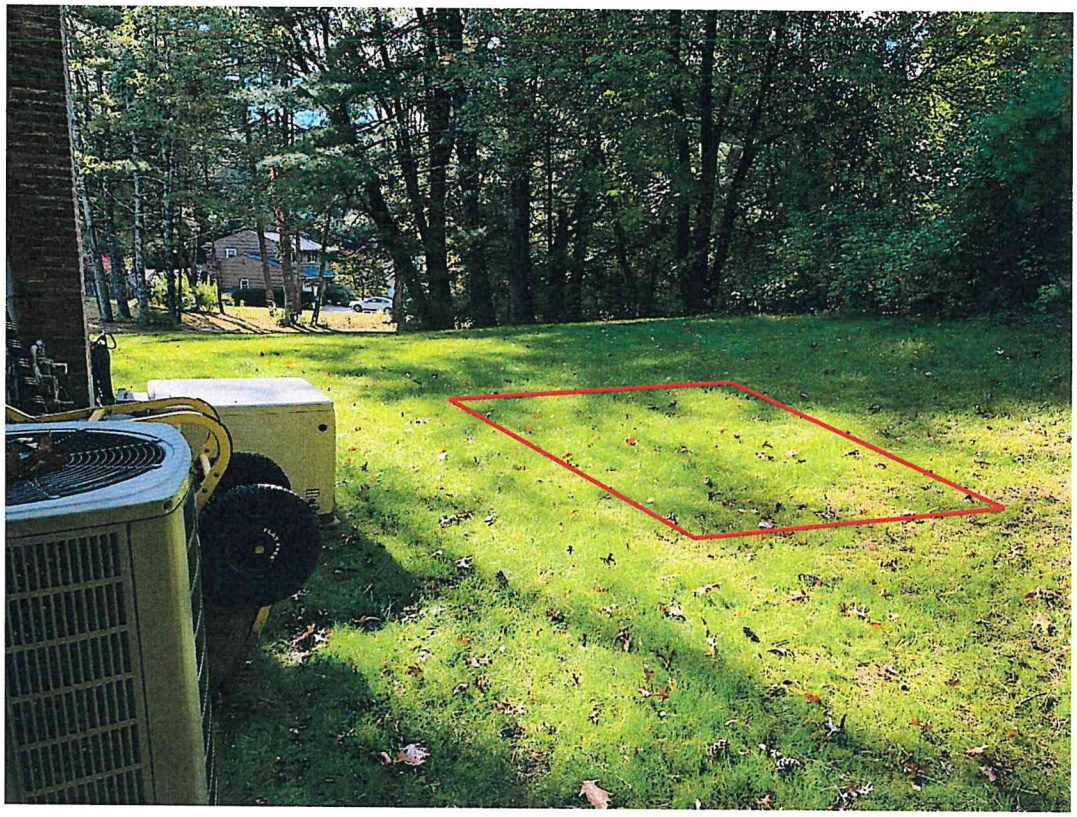
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

10 Banks RD - Shed Placement - Reference Photos



Shed Placement for Reference - NOT TO SCALE - See Plot Documents for Scale Placement

10 Banks RD - Shed Placement - Reference Photos



Sideyard Images - Shows proposed location of the shed. Please note this location does not obstruct views from 8 Banks Rd. Minimizes visual impact.



Shed Placement for Reference - NOT TO SCALE - See Plot Documents for Scale Placement

10 Banks RD - Shed Placement - Reference Photos

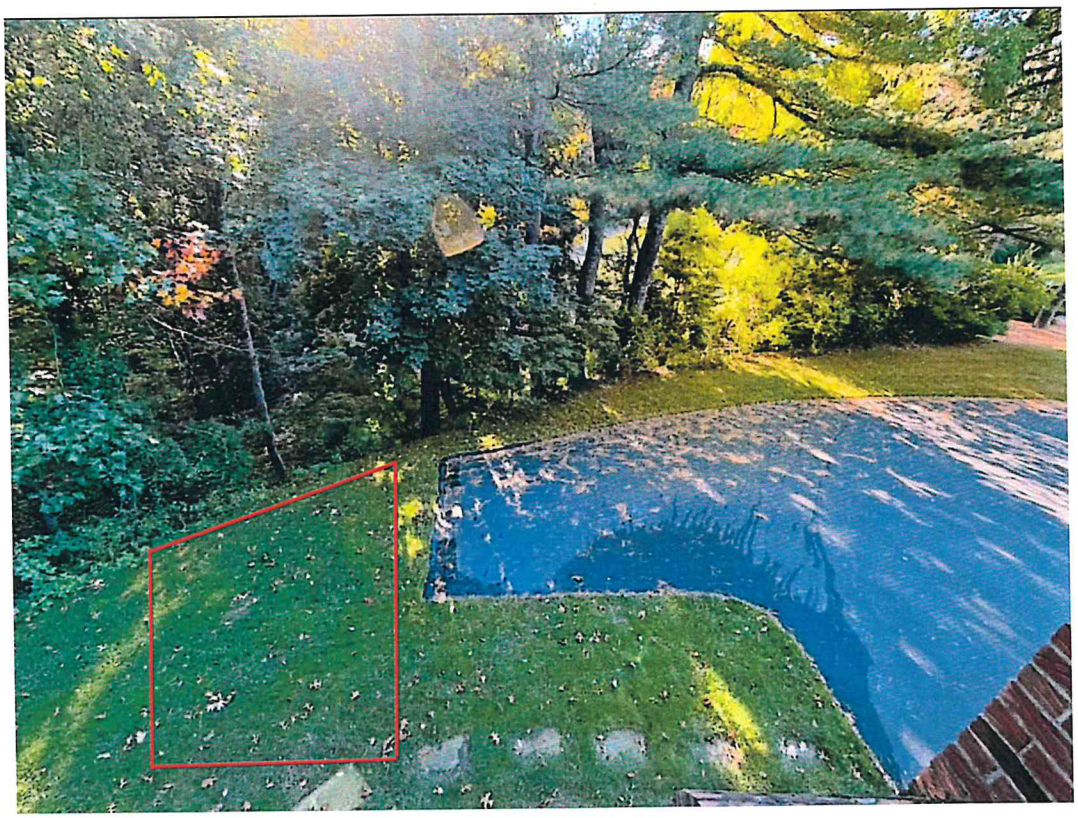


Backyard – The only level grass behind the patio is approx. 13' x 17', bounded by the patio, a large tree, and a steep drop-off. A 10' x 12' shed would leave only 3–5 feet of level ground around it, with no safe approach for lawn equipment at the edge of the slope.



Shed Placement for Reference - NOT TO SCALE - See Plot Documents for Scale Placement

10 Banks RD - Shed Placement - Reference Photos

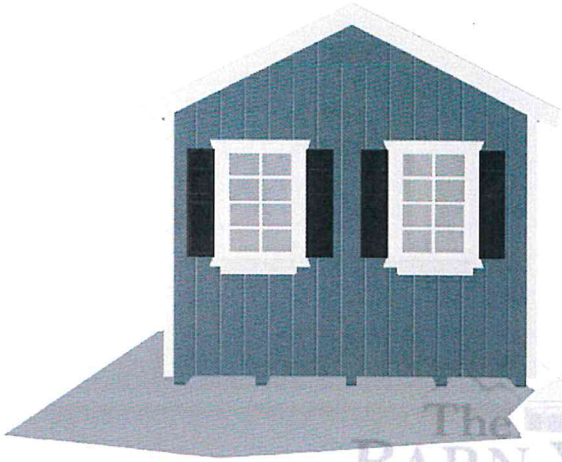


Opposing Side Yard - Note lack of space due to driveway, vegetation and topography.
Outlined area is 8' x 14' (at min dimension) which is too small for the shed.
Also, the tree line seen is the start of steep grade as shown in the GIS Topographic plot.

10 Banks RD - Shed Placement - Proposed Structure Renderings



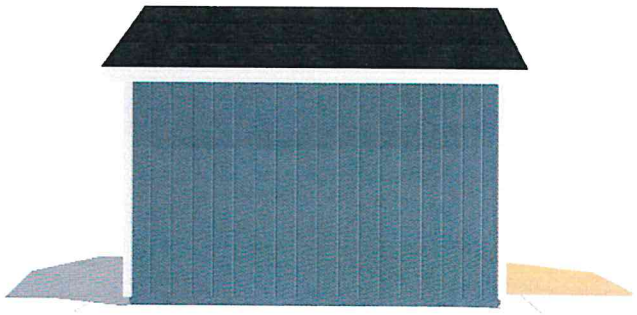
Orthographic Overview



Side Facing Street (Banks Rd)



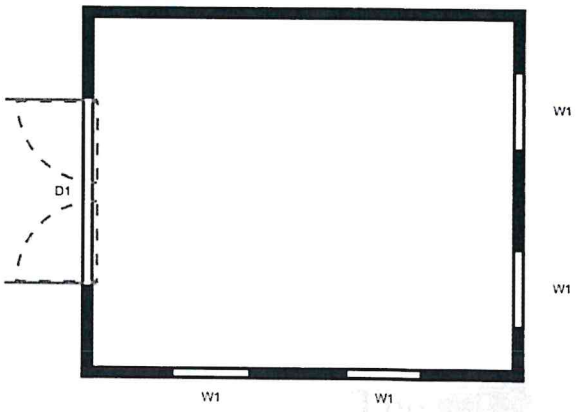
Side Facing 8 Banks Rd



Side Facing 10 Banks Rd

Side Facing Back Yard





The BARN YARD

Installation Quick Start Guide

A062M459

INSTALLATION VERIFICATION

Safety Tips

- This generator set is intended for outdoor use only; it must never be installed indoors.
- These instructions are generic. Be sure to follow all state and local codes and regulations.
- Always install this generator set's service regulator above the expected snow line.
- Do not modify this generator set.

General Items Checklist

	Generator set output is sufficient to handle maximum anticipated load.
	Proper clearance is provided around the entire generator set for service and ventilation: • All parts of the generator set enclosure must be at least 1524 mm (60 inches) from any openings in walls of structures that may be occupied. Examples of wall openings include but are not limited to: operable windows, doors, dryer vents, fresh air intake for heaters, etc. • The engine side and alternator side of the generator set must be located as follows: o One side (either engine or alternator) must be located not less than 458 mm (18 inches) from any structures having combustible walls. This space must be free of any obstructions for service access. o The opposite side must be located not less than 1524 mm (60 inches) from any structures having combustible walls. A minimum of 458 mm (18 inches) of unobstructed space is required for service access. • The intake (cooling air inlet) side of the generator set must be located not less than 762 mm (30 inches) from any structures having combustible walls. This space must be free of obstructions to air flow and service access. • The generator set must be located such that exhaust gases are not able to accumulate in an occupied area. The air discharge side must always be unobstructed and spaced a minimum of 1524 mm (60 inches) from any structures having combustible walls. A minimum of 915 mm (36 inches) must be free of any combustible items, and unobstructed for service access. • Locate and position the generator set so that prevailing winds carry exhaust gases and potential fuel leaks away from the house or occupied area.
	The generator set is located in an area not subject to flooding.
	All operating personnel have read and are familiar with the generator set operator manual, all health and safety procedures, and all other documentation supplied with the generator set.
	All operators have been thoroughly briefed on preventive maintenance procedures.
	Proper clearance to openings in nearby structures is provided. Clearance around and over the generator set is provided for operation, service and maintenance.

GENERATOR SET PAD

Generator Set Pad Requirements

1. Level the ground, and make sure that the subgrade is compacted and settled. Local soil condition may dictate the need for addition of sub-base and base material layers above the subgrade. Consult with your local building officials for requirements and recommendations for your area.
2. Either pour a concrete slab or set a prefabricated pad on the prepared surface.
   - o The concrete slab should be constructed of concrete with a 28-day compressive strength of at least 17,200 kPa (2500 psi). (Typical bagged concrete mix meets this requirement.)
   - o The slab should be a minimum of 76.2 mm (3 inches) thick.
   - o The slab should be at least 50.8 mm (2 inches) larger in length and width than the generator set base.
3. Place the generator set on the pad and secure it to the mounting surface using the mounting spacers (provided) and appropriate fasteners. See the generator set installation manual for more information.

Additional Information

If you have any questions regarding the installation, contact your nearest authorized Cummins distributor or dealer. For additional information, refer to the A062J678 Installation Manual. For more information on Cummins products and services, go to power.cummins.com.

Copyright © 2019 Cummins Inc.

10 Banks Road Abutting Properties

Steven and Marcia Shore
8 Banks Road
Simsbury, CT 06070

Edward and Arielle Marlette
7 Banks Road
Simsbury, CT 06070

Charles and Corinne Peterson
12 Banks Road
Simsbury, CT 06070

Dmitry Faleleev and Anna Zhgileva
5 Banks Road
Simsbury, CT 06070

Kimberly Dayles
9 Banks Road
Simsbury, CT 06070

Town of Simsbury
Parcel 2 Open Space
933 Hopmeadow Street, Simsbury, CT 06070

TO: Town of Simsbury Zoning Borad of Appeals

SUBJECT: Shed Placement / Variance Request for 10 Banks RD

Dear Zoning Board of Appeals Members;

Ben and Karen Dickmann have approached us about their desire to place a garden shed on their property at 10 Banks Rd and have explained to us the positioning, design and challenges with required setback from the lot line for side yards, per Town Zoning Laws.

We see no problems and raise no objections to the placement they are proposing and recommend that the Zoning Board of Appeals approve their request without delay.

Thank you for giving us the time and venue to make our opinion known.

Corinne W. Peterson & Charles W Peterson

Name

Corinne W Peterson Charles W Peterson 10/9/2026

Signed Date

12 Banks Rd, Simsbury, CT 06070

Address

TO: Town of Simsbury Zoning Borad of Appeals

SUBJECT: Shed Placement / Variance Request for 10 Banks RD

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Thank you for giving us the time and venue to make our opinion known.

James and MaryAnn Meade
Name

James and MaryAnn Meade
Signed

10-9-2026
Date

4 Banks Rd
Address

TO: Town of Simsbury Zoning Borad of Appeals

SUBJECT: Shed Placement / Variance Request for 10 Banks RD

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We see no problems and raise no objections to the placement they are proposing and recommend that the Zoning Board of Appeals approve their request without delay.

Thank you for giving us the time and venue to make our opinion known.

Marcia Shore

Name

Marcia Shore

Signed

10/8/2026

Date

8 Banks Rd. Simsbury, CT

Address

TO: Town of Simsbury Zoning Borad of Appeals

SUBJECT: Shed Placement / Variance Request for 10 Banks RD

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We see no problems and raise no objections to the placement they are proposing and recommend that the Zoning Board of Appeals approve their request without delay.

Thank you for giving us the time and venue to make our opinion known.

Kimberly Daglis

Name

Signed

Oct 8, 2026

Date

9 Banks Rd, Simsbury, CT, 06070

Address

Conclusion

The slope and wetlands of our lot leave one practical place for a small storage shed, and the generator's safety clearance fixes how close to the house it can sit. An 8-foot variance is the least relief that allows this ordinary residential use. We would accept reasonable conditions, such as limiting the approval to the shed and location shown on the enclosed plans.

Thank you for your time and consideration.

Respectfully,

Benjamin Dickmann

Karen Fisher-Dickmann

10 Banks Road, Simsbury, CT 06070
954-701-7303 · bdickmann@gmail.com

Enclosures: Application; survey with proposed shed location; GIS topographic map; photographs; shed elevations; Cummins C20N6HC clearance page; warranty deed; abutters list; neighbor letters (4, 7, 8, 9, and 12 Banks Road)

TO: Town of Simsbury Zoning Borad of Appeals

SUBJECT: Shed Placement / Variance Request for 10 Banks RD

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Thank you for giving us the time and venue to make our opinion known.

Arielle Marlette

Name

Signed

10/8/20

Date

7 Banks Road Simsbury, CT

Address

Marc S. Nelson, MPA
Town Manager

George K. McGregor, AICP
Director

Office of Planning and Community Development

STAFF REPORT MEMORANDUM

To: Simsbury Zoning Board of Appeals

Date: November 18, 2026

From: Joseph Hollis, Code Compliance Officer

RE: **ZBA #26-17**, An application of Benjamin and Karen Fisher-Dickmann, Owner, for a ± 8' variance from Section 3.9 of the Zoning Regulations to reduce the side yard setback from 25' to ± 17' to install a 120 sq. ft. shed at 10 Banks Road (Assessor's Map Block Lot D12 152 004), Zone R-40OS.

I. SUMMARY

The applicant is requesting an ± 8-foot variance to install a 120 sq. ft. shed in the side yard of the property at 10 Banks Road. The regulations require the shed to meet the 25' side yard setback. However, due to topography, the location of the driveway and the septic system, and the presence of wetlands on the lot the applicants are applying for a variance for the proposed location.

While the size and height of the shed meet the requirements under the regulations, the location requires a variance to allow the structure in the side yard setback.

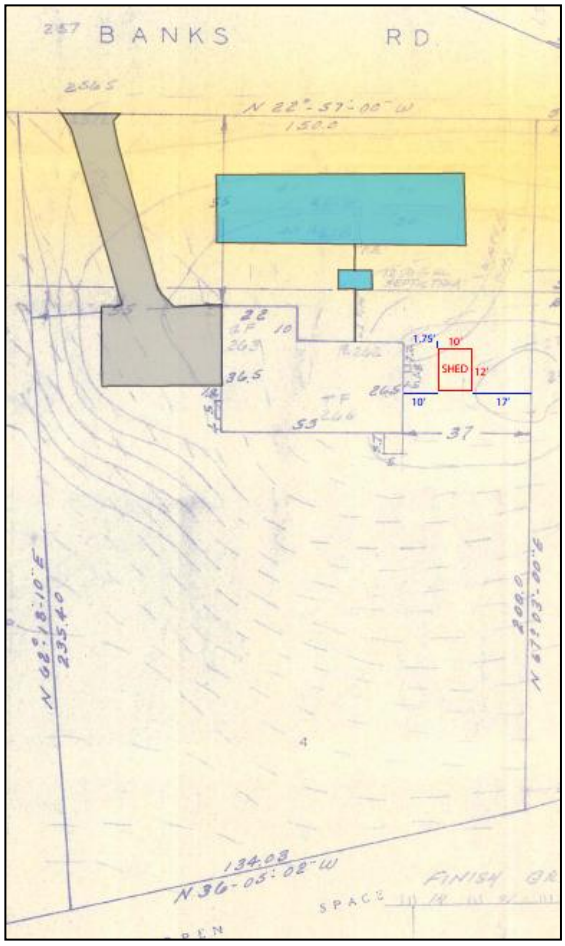

Figure 1 Proposed Site Plan

II. HARDSHIP(S) CLAIMED

- Topography and Location of Wetlands

According to the application, the slope of the land and presence of wetland soils limit potential areas for development. A GIS map of the wetlands is included on the following page.



Figure 2 Town Wetlands Map

Staff Finding: Most of the rear and side portions of the lot are considerably sloped dropping down into the wetland soils according to the Town Wetlands Map. These conditions limit buildable areas that would not have the potential for adverse effects to the wetland soils.

- Location of the Septic System

The application claims the septic system restricts much of the area in front of the home.

Staff Finding: The septic system shaded in blue in Figure 1, would substantially limit development in front of the home.

- Location of the Driveway

The application claims the drive restricts the remaining level area on the lot.

Staff Finding: The drive colored in gray in Figure 1, would substantially limit development on the southern side of the home.

III. APPLICABLE STANDARDS

Simsbury Zoning Regulations:

- Dimensional Requirements

Section 3.9: Zone: R-40OS Front Yard Setback: 50' Side Yard Setback: 25' Rear Yard Setback 50'. The applicant is requesting to reduce the side yard setback by 8'.

Variance Criteria

Pursuant to Section 16.C, Variances, a variance from the terms of these regulations shall not be granted by the Board of Appeals unless and until the Board shall make a written finding in its minutes as to all of the following:

1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the area;
2. That these special circumstances relate to the condition of the land or parcel;
3. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or the predecessor in title;
4. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;
5. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;
6. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district:
7. That these circumstances justify the granting of the variance;
8. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
9. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

IV. CONCLUSION

The Board should evaluate the application in accordance to Section 16.C of the Zoning Regulations.

Draft Motion for Approval

MOVED, The Zoning Board of Appeals **approves ZBA #26-17**, An application of Benjamin and Karen Fisher-Dickmann, Owner, for a ± 8' variance from Section 3.9 of the Zoning Regulations to reduce the side yard setback from 25' to ± 17' to install a 120 sq. ft. shed at 10 Banks Road (Assessor's Map Block Lot D12 152 004), Zone R-40OS.

The project shall be developed in substantial conformance with the plans stamped received by the Simsbury Planning Department October 12, 2026.

The applicant has met all criteria pursuant to Section 16.C based on the following findings: A legal hardship exists due to topography, the location of the driveway and the septic system, and the presence of wetlands on the lot.

Or

Other findings made by the Board.

Draft Motion for Denial

MOVED, The Zoning Board of Appeals **denies ZBA #26-17**, An application of Benjamin and Karen Fisher-Dickmann, Owner, for a ± 8' variance from Section 3.9 of the Zoning Regulations to reduce the side yard setback from 25' to ± 17' to install a 120 sq. ft. shed at 10 Banks Road (Assessor's Map Block Lot D12 152 004), Zone R-40OS.

The applicant has failed to meet all criteria pursuant to Section 16.C based on the following findings: [state reasons for denial]

Marc S. Nelson, MPA
Town Manager

George K. McGregor, AICP
Director

Office of Planning and Community Development

ZONING BOARD OF APPEALS

DRAFT REGULAR MEETING DATES FOR YEAR 2027

7:00 P.M. – MAIN MEETING ROOM

	4th Wednesday
JANUARY	27
FEBRUARY	24
MARCH	24
APRIL	28
MAY	26
JUNE	23
JULY	28
AUGUST	25
SEPTEMBER	22
OCTOBER	27
NOVEMBER	17*
DECEMBER	15*

*3rd Wednesday

Town of Simsbury

Zoning Regulations

Effective Month ##, 2026

With Amendments Through:

x

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Article I – Regulatory Foundation

Section 1. Purpose, Authority, and Interpretation (Section 1, 17.2)

1.1 Purpose (1.3)

These Regulations, which include the Simsbury Center Code and Hartford-Simsbury Form-Based Code, are adopted to further the goals and objectives of the Plan of Conservation and Development, and to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to preserve the character of the various parts of the Town; to conserve the value of buildings; to protect historic resources; to control soil erosion and sedimentation; to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; and to encourage the most appropriate use of land throughout the Town of Simsbury. In addition, these Regulations are adopted to give consideration to the character of each area and its peculiar suitability for particular uses; to encourage the most appropriate use of land throughout Simsbury; to protect existing, and potential, public surface waters and ground drinking water supplies; to provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of Simsbury; and to provide for housing choice and economic diversity in housing. Further, these Regulations, and subsequent amendments thereto, are enacted to carry out the purposes set forth in Chapter 124, and particularly Section 8-2, of the Connecticut General Statutes, as those statutes may be amended.

1.2 Authority (1.2)

These Regulations have been promulgated by the Simsbury Zoning Commission, hereinafter referred to as the Commission, in accordance with and under the authority prescribed by Chapter 124 of the Connecticut General Statutes, as amended. The Town's initial Zoning Regulations were adopted by the Zoning Commission on October 2, 1933.

1.3 Interpretation (2.5, 17.2)

A. Prohibited if Not Permitted

1. Permitted Uses. No principal use of land, buildings, or structures shall be permitted in a zoning district unless expressly permitted by these Regulations or determined by Planning and Community Development Department staff to fall within a use that is expressly permitted pursuant to Item 2 below.
2. Unlisted Uses. Planning and Community Development Department staff may determine that a use not listed in or defined by these Regulations is permitted where the use is substantially similar in nature, character, and potential land use impacts to a use expressly permitted in the applicable zoning district. In making such determination, staff may consider the operational characteristics of the use, including its intensity, scale, hours of operation, traffic generation, parking demand,

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noise, lighting, emissions, and other relevant characteristics. Any such use shall be subject to the same approval requirements and standards applicable to the expressly permitted use to which it is determined to be substantially similar.

3. Accessory Uses. Accessory uses that are customarily incidental and subordinate to a permitted principal use may be permitted by Planning and Community Development Department staff.
4. Prohibited Uses. Any use that is not expressly permitted or determined by Planning and Community Development Department staff to be permitted is prohibited.

B. Minimum Requirement. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

C. Conflicting Standards

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall apply.
2. Other more stringent local, state, or federal laws or regulations may supersede the provisions of these Regulations.
3. These Regulations do not release a person from having to comply with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

D. The intent of these regulations is not to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Regulations, or those that place private restrictions upon property.

E. Where these Regulations pose a greater restriction upon land, buildings or structures than is imposed on or required by such existing provisions of law or ordinance, these Regulations shall apply.

F. Where two differing standards are provided herein, the more stringent shall apply.

1.4 Severability (new)

If any section, subsection, sentence, clause, phrase, or provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these Regulations.

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Section 2. Zones and Zone Boundaries (Section 2)

2.1 Classes of Zones (2.1)

The Town of Simsbury is divided into zoning districts as follows:

Residential
Apartment Zone (AZ)
Designed Multiple Residence District (RD)
High Density Residential (R-8)
High Density Residential (R-15)
Moderate Density Residential (R-25)
Moderate Density Residential (R-30)
Low Density Residential (R-40)
Rural Residential (R-80)
Rural Residential (R-160)
Residential – Open Space (R40OS)
Residential – Open Space (R80OS)

Business
Restricted Business (B-1)
General Business (B-2)
Designed Business Development (B-3)

Industrial
Restricted Industrial (I-1)
General Industrial (I-2)

Form-Based
Simsbury Center Zone (SC)
Hartford-Simsbury Form-Based Code (HS-FBC)

Floating
Housing Strategies Floating Zone (HSFZ)
Planned Area Development Zone (PAD)
Single-Family Open Space Cluster Zone (CZ)

Overlay
Aquifer Protection Area (Level A)
Floodplain Zone (FP)

2.2 Purpose of Zones

2.2.1 Residential Zones (3.1)

These residential zoning districts are established to provide residential neighborhoods that are in harmony with the natural features of the land and the needs of present and future Simsbury residents.

2.2.2 Business Zones (new)

The business zones are intended to accommodate a broad range of commercial and institutional uses, including retail, service, restaurant, hospitality, and office uses, while allowing a limited amount of mixed-use development where appropriate. These zones are intended to support the Town's economic vitality, encourage the coordinated and unified development of sites, and provide goods, services, employment, housing opportunities, and other amenities that serve residents, businesses, and visitors.

2.2.3 Industrial Zones (new)

The industrial zones are intended to accommodate a broad range of industrial, commercial, and employment-generating uses, including manufacturing, warehousing, distribution, building supply, recycling, self-storage, and transportation-related uses, as well as compatible institutional, retail, restaurant, service, and office uses. These zones are intended to support economic development and employment while providing appropriate locations for uses that, due to their operational, site, access, or infrastructure needs, may not be suitable for the Town's business zones.

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2.2.4 Simsbury Center Zone (SC)

The purpose of the Simsbury Center Zone is to achieve the intent and vision set forth in the Simsbury Center Charrette Report dated June 2010. Specifically, the Simsbury Center Code provides the means to guide implementation of the citizen endorsed vision for properties within the Simsbury Center Zone.

2.2.5 Hartford-Simsbury Form-Based Code (HS-FBC)

The purpose of the Hartford-Simsbury Form-Based Code zone is to implement a long-term, sustainable redevelopment strategy for the former Hartford Insurance Company Site.

2.2.6 Housing Strategies Floating Zone (HSFZ) (8.3)

The purpose of the Housing Strategies Floating Zone (HSFZ) is to create additional housing opportunities designed to increase the Town's diversity of housing types, architectural styles, affordability, and price-points.

2.2.7 Planned Area Development Zone (PAD) (8.1)

The purpose of this Planned Area Development Zone is to encourage well-planned, innovative, and sustainable mixed-use and other development consistent with the Plan of Conservation and Development by providing a flexible and efficient review process that allows appropriate variation in development standards; promotes high-quality design, diverse housing and development opportunities, pedestrian connectivity, efficient use of land and infrastructure, and energy efficiency; protects natural resources, open space, and surrounding land uses; and ensures compliance with applicable land use requirements.

2.2.8 Single-Family Open Space Cluster Zone (CZ) (3.13)

The purpose of the Single-Family Open Space Cluster Zone is to encourage development that is sensitive to the environment and ecological features of the site and to minimize the undue use of land to meet existing zoning lot regulations. The zone encourages the preservation of land in its natural state for the benefit of the residents of the Town of Simsbury and to allow the development of residential structures in a manner consistent with a more historically traditional New England character.

2.2.9 Aquifer Protection Area (Level A)

The purpose of the Aquifer Protection Area regulations is to protect aquifer protection areas within the Town of Simsbury by making provisions for:

A. Implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, CGS § 22a-354a to § 22a-354bb;

B. Delineating aquifer protection areas on the Town zoning or inland wetland and watercourse areas maps;

C. Regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and

D. Administering and enforcing these regulations.

2.2.10 Floodplain Zone (FP)

The purpose of the Floodplain Zone is to promote public health, safety, and general welfare and to minimize losses caused by periodic flooding.

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2.3 Zoning Map (2.2)

The boundaries of the Town's zoning districts are as shown on the "Simsbury, Connecticut, Zoning Map", which accompanies and is a part of these Regulations. A copy of the Zoning Map, indicating the latest amendments, shall be kept up to date in the offices of the Town Clerk for the use and benefit of the public.

2.4 District Boundaries (2.4.4, 2.3)

A. Lots In Two Zoning Districts. Where a lot of record at the time of passage of these Regulations or any amendments thereto falls into two or more zoning districts, any questions of uncertainty as to district boundaries shall be determined by the Zoning Commission.

B. In the event of any uncertainty as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as abutting right-of-way lines of streets, highways, rail lines, or alleys shall be construed as extending to the center line of such streets, highways, rail lines, or alleys.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
4. Boundaries indicated as parallel to, or extension of, features indicated in Items 1 through 3 above shall be so construed.
5. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map.
6. In cases of further uncertainty, the Zoning Commission shall determine the location of the boundary.

2.5 General Requirements (2.4)

A. The requirements set by these Regulations within each district shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

B. No building, structure, or land shall be used, occupied, erected, constructed, reconstructed, moved, or structurally altered except in conformity with the requirements of these Regulations applicable to the district in which it is located.

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Article II – Use Regulations

Section 3. Non-Conforming Lots, Uses, and Structures (Section 7)

3.1 Purpose (7.1)

It is the intent of these Regulations to permit non-conformities to continue until they are abandoned or removed. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded or extended if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited in the same district. Nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of these Regulations.

3.2 Non-Conforming Lots of Record and in Subdivisions (7.2)

A. In any district where single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a lot of record that existed on the effective date of these Regulations or on the effective date of any amendment that increased the applicable minimum lot area or lot frontage requirement, even if the lot does not comply with the applicable minimum lot area, minimum lot frontage, or both. All other applicable dimensional requirements of the district shall be met.

B. Per CGS § 8-28a, any previously approved subdivision lot shall be considered conforming with these regulations and new construction on such lot shall be conducted in accordance with the standards applicable when approved.

3.3 Non-Conforming Uses of Land (7.3)

Where, at the effective date of adoption or amendment of these Regulations, lawful use of land exists that is made no longer permissible under the terms of these Regulations as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following:

A. No such non-conforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Regulations.

B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot.

C. No such non-conforming use shall be extended or enlarged by the installation of additional signs intended to be seen from off the premises.

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3.4 Non-Conforming Use of Structures (7.5)

A non-conforming use may be continued subject to the following:

A. No structure containing a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner that supports the expansion or intensification of a non-conforming use.

B. Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accordance with the provisions of these Regulations.

C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall not revert to a non-conforming use.

3.5 Non-Conforming Structures (7.4)

A non-conforming structure may be continued subject to the following:

A. No such structure may be enlarged or altered in any way that increases its non-conformity, as such:
   1. No part of a structure located within a required setback shall be expanded horizontally or vertically within the required setback.
   2. No part of any new construction associated with the expansion of a structure that is non-conforming in height shall be non-conforming in height.
   3. No structure that is non-conforming with respect to building coverage or on a lot that is non-conforming with impervious coverage shall be expanded in any way that increases the building or impervious coverage.

B. Should such structure be destroyed or damaged it may be repaired or replaced to an extent that does not increase the non-conformity.

C. Should such structure be moved any distance for any reason, it shall conform with the setback requirements of the zone in which relocated to or within.

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Section 4. Principal Use Summary Tables (Sections 3-5)

4.1 Residential Zones (3.4)

Principal uses are allowed in residential zones in accordance with the table below and the following:

- Uses are allowed by right (R), through a Zoning Permit (ZP), Site Plan (SP), or Special Exception (SE).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 6 and other applicable sections for regulations specific to the uses identified below.

Principal Use	R-8	R-15	R-25	R-30	R-40	R-80	R-160	R-40 OS	R-80 OS
Boarding Camp*	SE	SE	SE	SE	SE	SE	SE	SE	SE
Boarding School*	SE	SE	SE	SE	SE	SE	SE	SE	SE
Cemetery	SE	SE	SE	SE	SE	SE	SE	SE	SE
Child Care Center	SE	SE	SE	SE	SE	SE	SE	SE	SE
Dwelling, Single-Family	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Dwelling, Two-Family*	ZP	—	—	—	—	—	—	—	—
Farm*	R	R	R	R	R	R	R	R	R
Golf Club*	SE	SE	SE	SE	SE	SE	SE	SE	SE
Government Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE
Healthcare Facility	SE	SE	SE	SE	SE	SE	SE	SE	SE
Nursery*	SE	SE	SE	SE	SE	SE	SE	SE	SE
Park	SP	SP	SP	SP	SP	SP	SP	SP	SP
Place of Worship	SE	SE	SE	SE	SE	SE	SE	SE	SE
Public Utility Installation	SE	SE	SE	SE	SE	SE	SE	SE	SE
Riding Club*	SE	SE	SE	SE	SE	SE	SE	SE	SE
School	SE	SE	SE	SE	SE	SE	SE	SE	SE
Senior Care Community*	SE	SE	SE	SE	SE	SE	SE	SE	SE
Special Recreation Area*	—	—	—	—	SE	SE	SE	—	—
*See Section 6 for regulations specific to the use.									

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4.2 Business and Industrial Zones (4.5, 5.5)

Principal uses are allowed in business and industrial zones in accordance with the table below and the following:

- Uses are allowed by right (R) or through a Site Plan (SP) or Special Exception (SE).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 6 and other applicable sections for regulations specific to the uses identified below.

Principal Use	B-1	B-2	B-3	I-1	I-2
Animal Daycare	—	SE	SE	SE	SE
Bank or Financial Institution	SP	SP	SP	SP	SP
Bar or Tavern	SE	SE	SE	—	—
Building Supply	—	—	—	—	SP
Cannabis Operation	—	—	—	SE	SE
Car Wash	—	SE	SP	—	—
Child Care Center	SE	SE	SE	SE	SE
Commercial Kennel	—	SE	SP	SE	SE
Commercial Parking Lot	SP	SP	SP	—	—
Commercial Recreation Facility	—	SE	SP	SP	SP
Contractor's Yard	—	—	—	—	SP
Convenience Store	SE	SE	SE	—	—
Dry Cleaner	SE	SE	SE	SE	SE
Equipment Sales	—	SE	SP	—	—
Farm*	—	—	—	SE	SE
For-Profit Educational Facility	SE	SE	SE	SE	SE
Fuel Storage and Distribution	—	—	—	—	SP
Funeral Home	—	SP	SP	—	—
Gas Station	—	SE	SE	SE	SE
Government Facility	SP	SP	SP	SP	SP
Grocery Store	SE	SE	SE	—	—
Healthcare Facility*	SE	SE	SE	SE	SE
Hotel or Motel	—	SP	SP	—	—
Laundry Establishment	—	SP	SP	—	—
Manufacturing	—	—	—	SP	SP
Medical Office or Clinic	SP	SP	SP	SP	SP
Middle Housing Residential*	SP	SP	SP	—	—
Mixed-Use Middle Housing*	SP	SP	SP	—	—
Mixed-Use Development	SE	SE	SE	—	—

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Principal Use	B-1	B-2	B-3	I-1	I-2
Motor Vehicle Sales	—	SE	SP	—	—
Motor Vehicle Service or Repair*	—	SE	SP	SE	SP
Organics Recycling Facility	—	—	—	SE	SE
Package Store	SE	SE	SE	—	—
Park	SP	SP	SP	SP	SP
Personal Service Establishment	SP	SP	SP	—	—
Place of Worship	SE	SE	SE	SP	SP
Print Shop	—	SP	SP	SP	SP
Private Club*	—	SE	SE	—	—
Professional Office	SP	SP	SP	SP	SP
Public Utility Installation	—	—	—	R	R
Public Utility Yard	—	—	—	SP	SP
Repair Services	—	SP	SP	SP	SP
Research Laboratory	—	—	—	SP	SP
Residential Conversion	SE	SE	SE	SE	SE
Restaurant	SP	SP	SP	SP	SP
Retail Store <20,000 sf	SP	SP	SP	SP	SP
Retail Store ≥20,000 sf	SE	SP	SP	SE	SE
Self-Storage Facility	—	—	—	SP	SP
Senior Care Community*	SE	SE	SE	SE	SE
School	SE	SE	SE	—	—
Specialty Food Store	SE	SE	SE	—	—
Studio	SP	SP	SP	SP	SP
Theater	—	SE	SE	SP	SP
Truck Terminal	—	—	—	—	SP
Veterinary Clinic or Hospital	—	SE	SP	SE	SE
Warehousing	—	—	—	SP	SP
Wholesale Business	—	SP	SP	SP	SP
*See Section 6 for regulations specific to the use.					

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Section 5. Accessory Use Summary Tables (Sections 3-5)

5.1 Residential Zones (3.4)

Accessory uses are allowed in residential zones in accordance with the table below and the following:

- Uses are allowed by right (R), through a Zoning Permit (ZP), Site Plan (SP), or Special Exception (SE).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.

Accessory Use	R-8	R-15	R-25	R-30	R-40	R-80	R-160	R-40 OS	R-80 OS
Accessory Child Care	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Accessory Dwelling Unit*	—	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Accessory Structures*	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Customary Residential Accessory Use	R	R	R	R	R	R	R	R	R
Electric Vehicle Charging Station, Level 1 or 2	R	R	R	R	R	R	R	R	R
Electric Vehicle Charging Station, DC Fast Charge	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Farm Events, Agricultural	R	R	R	R	R	R	R	R	R
Farm Events, Non-Agricultural*	SP	SP	SP	SP	SP	SP	SP	SP	SP
Farm Stand	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Home Business*	R	R	R	R	R	R	R	R	R
Home-Based Service Business*	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Keeping of Animals*	R	R	R	R	R	R	R	R	R
Outdoor Storage of Special Vehicles*	R	R	R	R	R	R	R	R	R
Public Event on Private Property*	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Short-Term Rental**	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Solar Energy System, Building-Mounted*	R	R	R	R	R	R	R	R	R
Solar Energy System, Ground-Mounted*	SP	SP	SP	SP	SP	SP	SP	SP	SP
Tag Sale*	R	R	R	R	R	R	R	R	R
Temporary Building or Trailer*	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Wind Energy System*	SE	SE	SE	SE	SE	SE	SE	SE	SE

*See Section 7 for regulations specific to the use. **See Town ordinance for additional requirements.

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5.2 Business and Industrial Zones (4.5, 5.5)

In addition to accessory uses that are customarily incidental and subordinate to the principal use, the following accessory uses are allowed in commercial and industrial zones in accordance with the table below and the following:

- Uses are allowed by right (R) or through a Zoning Permit (ZP), Site Plan (SP), or Special Exception (SE).
- Uses prohibited within a zone are identified by a dash (—).
- In addition to the permit requirements identified below, see Section 7 and other applicable sections for regulations specific to the uses identified below.

Accessory Use	B-1	B-2	B-3	I-1	I-2
Accessory Child Care	ZP	ZP	ZP	—	—
Accessory Structures*	ZP	ZP	ZP	ZP	ZP
Electric Vehicle Charging Station, Level 1 or 2	R	R	R	R	R
Electric Vehicle Charging Station, DC Fast Charge	ZP	ZP	ZP	ZP	ZP
Farm Events, Agricultural	—	—	—	SP	SP
Farm Events, Non-Agricultural*	—	—	—	SE	SE
Mechanical Equipment	R	R	R	R	R
Outdoor Dining	R	R	R	R	R
Outdoor Storage of Commercial Goods	SP	SP	SP	—	—
Short-Term Rentals**	SP	SP	SP	SP	SP
Solar Energy System, Building-Mounted*	R	R	R	R	R
Solar Energy System, Ground-Mounted*	SP	SP	SP	SP	SP
Special Outdoor Event*	—	—	—	SP	—
Wind Energy System*	—	—	—	SE	SE

*See Section 7 for regulations specific to the use.
**See Town ordinance for additional requirements.

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Section 6. Principal Use Regulations (Sections 3-5, 8)

6.1 Motor Vehicle Sales, Motor Vehicle Service or Repair, Car Washes, and Gas Stations (4.6.A)

A. On all corner lots for such uses, all vehicular entrances and exits, and curb openings shall be set back a minimum of 25 feet from the corner property lines.

B. No driveway opening shall exceed 40 feet in width at the curb line or 30 feet in width at the property line.

6.2 Boarding Camps and Boarding Schools (3.7.B)

A. The property shall be a minimum of 10 acres.

B. No parking area shall be nearer than 25 feet from any side or rear property line.

6.3 Dwelling, Two-Family (3.9)

A. A two-family dwelling may be located on a single parcel and must meet the minimum dimensional standards of Section 8.1 except as provided by Item B below.

B. An R-8 lot may be subdivided to allow for each dwelling to be on an individually owned parcel or lot provided that the interior lot line is centered on the common wall. Each newly created lot shall conform to the following standards:

Minimum Lot Area (sf)	Minimum Frontage (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Maximum Height (ft)	Maximum Imperv. Coverage (%)
4,000	37.5	20	8 (0 interior)	25	35	—

6.4 Golf Club or Riding Club (3.7.C)

A. The minimum lot size shall be 20 acres.

B. No structure used for recreation or other purposes shall be within 250 feet of any adjoining property line or within 50 feet of any street line.

C. No fairway or bridle path shall be located closer than 50 feet to any adjoining property line unless the adjoining property is under common ownership; in such cases there shall be a minimum of 50 feet between any fairway or bridlepath and any dwelling located on the adjoining property.

D. Vehicular access shall not be within 100 feet of any adjoining property line.

6.5 Farms (3.7.F)

All buildings, except dwellings, and any storage of fertilizer or manure shall be located at least 100 feet from any lot line.

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6.6 Healthcare Facility (4.6.B)

A. All Special Exception applications for a healthcare facility shall be accompanied by evidence satisfactory to the Commission that all necessary licenses and permits from the Connecticut Department of Public Health for the operation and maintenance of the proposed use either have been issued or will have been issued by the time the Commission decides the application.

B. Sites for healthcare facilities shall be serviced by public water and sewer.

C. Area and Site Requirements

Standards	
Minimum Parcel Size	20 acres
Maximum Imp. Coverage	25%
Maximum Density	8 patient beds per acre*
Minimum Frontage	200 feet
Minimum Side/Rear Yard	In no case shall any structure or parking area be located less than 100 feet from any property line
Maximum Building Height	Two stories or 35 feet. No accessory structure may exceed the height of 15 feet.
*Independent living units shall be counted as two beds for each efficiency unit or 2 beds per bedroom.	

D. Internal Circulation. Internal circulation shall safely accommodate the movement of pedestrians (including those with mobility impairments) and all vehicles (including emergency vehicles). All internal roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury.

E. Parking Areas. Parking spaces shall be provided in accordance with the requirements of Section 19.

6.7 Middle Housing (Middle Housing Residential and Mixed-Use Middle Housing) (new)

Middle housing, which includes middle housing residential and mixed-use middle housing provides compliance with CGS § 8-2s, which requires that zoning regulations allow for the development of a transit community middle housing development or a mixed-use development, on any lot that is zoned for commercial or mixed-use development, subject only to summary review. The following standards, conditions, and procedures are applicable to the establishment of all middle housing developments.

6.7.1 General Requirements (new)

A. Type of Construction. Middle housing projects may include new construction, additions to existing buildings, or the redevelopment of existing buildings.

B. Number of Units. No fewer than 2 and no more than 9 dwelling units shall be permitted per lot.

C. Lot and Bulk Requirements. Middle housing development shall comply with the dimensional standards of the zone in which it is located and shall be permitted only on conforming lots.

D. Outdoor Space and Amenities. A minimum of 100 square feet of usable outdoor space per dwelling unit shall be provided for residents. Such outdoor space may be provided as private or common space and may include balconies, courtyards, terraces, porches, patios, or rooftop amenity areas.

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E. Equipment and Service Areas. Mechanical equipment, loading areas, and service functions shall be located and screened to minimize visibility from public streets and impacts on residential units and neighboring properties.

F. Public Health and Safety: No middle housing development shall be approved if found to substantially impact public health or safety.

6.7.2 Middle Housing Residential (new)

In addition to the requirements of Section 6.7.1 above, middle housing residential developments are subject to the following:

A. Building Configuration. Only one middle housing building, one group of attached dwellings, or one cottage cluster is permitted per lot. No other residential uses are permitted.

B. Cottage Clusters. Cottage clusters shall include no fewer than four (4) units and shall require a minimum lot size of one (1) acre.

6.7.3 Mixed-Use Middle Housing (new)

In addition to the requirements of Section 6.7.1 above, mixed-use middle housing developments are subject to the following:

A. Building Configuration. Only one building per lot may contain residential units.

B. Ratio Of Uses. The floor area of the non-residential use shall not exceed the residential floor area within the mixed-use middle housing building. The calculation of the non-residential use floor area shall be limited to space used exclusively by the non-residential use.

C. Changes in Occupancy. If the occupancy of one of the non-residential units in any established mixed-use middle housing building changes, approval shall be required for the use in accordance with the permit requirements for the use in that zone.

D. Entrances and Circulation.

1. Separate and clearly defined building entrances shall be provided for residential and commercial uses.
2. Internal circulation shall be designed to minimize conflicts between residents, patrons, employees, and service functions.

6.8 Mixed-Use Development (4.5)

A. Residential uses must be accessory to a principal non-residential use and must be located above the principal non-residential use.

B. The total area of all residential uses shall not exceed 50% of the total floor area of all uses on the site.

C. The residential uses shall be constructed at the same time or after the development of the principal non-residential use, but not before.

6.9 Nursery (3.7.G)

A. All buildings except dwellings shall be located, and all fertilizers stored, at least 50 feet from any property line, stream, or watercourse.

B. Where a nursery exceeds 5 contiguous acres of growing stock, the operation of a landscaping service business shall be allowed as an accessory use provided that all equipment is stored within buildings.

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6.10 Private Club (3.7.D)

Private clubs may operate a recreation building and/or area subject to the following:

A. The minimum lot size shall be 5 acres.

B. No structure used for recreation or other related purpose shall be within 250 feet of any adjoining property line or within 50 feet of any street line.

C. No land actively used for recreation or other related purposes shall be within 100 feet of any adjoining property line.

D. Vehicular access shall not be within 100 feet of any adjoining property line.

6.11 Senior Care Community (8.4)

6.11.1 Location (8.4.3)

No site shall be approved unless it has frontage on an arterial or collector road.

6.11.2 Utilities (8.4.4)

Sites shall be serviced by public water and public sewers..

6.11.3 Access and Circulation (8.4.3, 8.4.6)

A. No access shall be provided from a local road that serves primarily as access to a single-family residential area.

B. All internal roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury. At the Commission's discretion, said standards may be reduced if alternative standards are demonstrated by the applicant to satisfy the needs of the development, are approved by the Town Engineer and Town public safety officials, and are intended to provide a more sustainable design with benefits such as a reduced impact to the landscape and reduced stormwater runoff.

6.11.4 Screening Requirements (8.4.5)

Mechanical equipment and refuse containers shall be screened from view.

6.11.5 Age Restrictions (8.4.9)

Occupancy of a senior care community is restricted to those 55 or older to the extent allowed by Federal and State Fair Housing laws and any other applicable laws and in accordance with the following:

A. If a couple occupies a unit, one member of the couple must meet the minimum age limit as defined by Federal and State Fair Housing laws and any other applicable laws; and

B. A dwelling unit may be occupied by the surviving member of a household, regardless of age and any other applicable laws; and

C. The facility operator shall annually submit verification to the Code Compliance Officer demonstrating compliance with the age-occupancy requirements of this Section 6.11. Such verification shall include copies of any reports, forms, certifications, or other documentation required to be maintained or submitted under applicable federal or state fair housing laws that demonstrate compliance with the applicable age-occupancy requirements.

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6.11.6 Bulk, Area, and Site Requirements (8.4.10)

Standard	
Minimum Parcel Size	5 acres
Maximum Imp. Coverage: Residential Zones	25%
Maximum Imp. Coverage: Non-Residential Zones	As required by the zone in which located
Minimum Frontage, Overall Parcel	200 ft
Minimum Front, Rear, and Side Yards: Residential Zones	100 ft
Minimum Front, Rear, and Side Yards: Non-Residential Zones	As required by the zone in which located
Maximum Height	As required by the zone in which located except that in any zone when the lot is in excess of 40 acres and the location of the proposed structure's location is great than 500 feet from any abutting residential structure on an adjoining property, the maximum height shall not exceed 65 feet.
Parking Requirement: Assisted Living Facility	1 space per 2 units
Parking Requirement: Congregate Senior Housing	Parking spaces shall be provided in accordance with the requirements of Section 19.

6.12 Special Recreation Area (3.7.I)

6.12.1 Lot and Site Standards (3.7.I)

A. The minimum lot size shall be 15 acres.

B. Vehicular access shall not be within 100 feet of any adjoining property line.

C. No new structure shall be within 100 feet of any adjoining residential property line. New structures must also comply with the front property line setback for the zone.

D. Unless otherwise specified by this Section 6.12 new uses, buildings, and new parking areas shall conform to the setbacks of the zone in which located.

E. A buffer shall be provided between buildings and other outdoor uses of land and adjoining residential property lines as follows:

1. Passive recreation including paths and sitting areas for recreational uses or other trail-type recreation activities: 50 feet
2. Active recreation: 100 feet

F. Changes to any existing structure or use on site requires a Site Plan amendment, which shall require approval by the Zoning Commission.

G. Changes to parking areas shall require a Site Plan amendment and approval by the Zoning Commission. Because of the mix of land uses that have peak parking demands at different times of the year, up to 25% of total parking requirements for the site may be waived by the Zoning Commission providing that the applicant provides a parking needs assessment conducted in accordance with Section 19.3 indicating that a lesser amount of parking is required.

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6.12.2 Use Restrictions (3.7.I)

A. The recreational use of motorized vehicles, such as but not limited to, go-carts, ATVs, and motorcycles, shall not be permitted.

B. Outdoor music and seating shall be limited to that defined in a Master Plan, as approved by the Zoning Commission and seating shall not be within 250 feet of any adjoining residential property line.

6.12.3 Large-Scale Ticketed Events (3.7.I)

Large-scale ticketed events (over 500 people) are allowed in accordance with the following:

A. Parking: The applicant shall demonstrate parking spaces are of sufficient number to accommodate the proposed use. No on-street parking space shall be included.

B. Noise: Noise shall not exceed 75 decibels at the property line.

C. Lighting: Lighting shall be contained to the property and shall not emit outside the property boundaries onto abutting properties.

D. Hours of Operation: The hours of operation for all activities, excluding event set up or clean up shall be limited to 9:00 am to 10:00 pm (Sunday through Thursday) and 9:00 am to 11:00 pm (Friday and Saturday).

E. Temporary Structures: All necessary permits shall be secured for temporary accessory structures, such as tents as may be required due to size, electrical capabilities, and location. Such structures shall not remain assembled for more than a total of 6 months per calendar year.

F. Overnight Lodging: No overnight lodging is allowed.

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Section 7. Accessory Use Regulations (Sections 3-5, 8)

7.1 Accessory Dwelling Units (3.5.2)

7.1.1 Standards (3.5.2.A, 3.5.2.B)

An accessory dwelling unit (ADU) may be permitted in accordance with the following:

A. Only one ADU is permitted for each lot.

B. The owner of record, or beneficiary of life estate, must reside in either the ADU, or principal dwelling. An affidavit acknowledging the residency is required from property owner as a condition of approval.

C. The area devoted to the ADU shall not exceed 600 square feet or 30% of the gross building area of the principal dwelling (excluding the ADU), whichever is greater.

D. The attached or detached ADU must meet principal building setbacks.

E. Attached ADUs shall only be permitted in dwellings that are in conformity with the dimensional standards of Section 8.1.

F. No additional driveway curb cut shall be created for the primary purpose of serving the ADU.

G. No exterior entrance exclusively for an ADU shall be located on the front of single-family house containing an attached ADU.

H. Accessory structures providing mechanical service to the ADU shall be allowed in accordance with Section 7.2 below and may be approved with approval of the ADU, subject to applicable building codes.

7.1.2 ADA Compliance Accommodation (3.5.2.C)

If an accessory dwelling unit is designed to meet American Disability Act design standards as determined by the Building Official, then the maximum building area devoted to the accessory dwelling unit may be increased by up to 10% over the maximum building area set forth in Section 7.1.1.C above.

7.2 Accessory Structures (3.5.1, 3.10)

A. In all residential districts, no accessory structure shall be located in a front yard except:

1. For properties that are greater than one acre in size and the principal structure is greater than 150 feet from the front property line, an accessory structure may be located in the front yard provided that it is not located within the required front yard setback.
2. On thru lots, an accessory structure may be located behind the principal structure provided that it is not located within the required front yard setback.
3. On corner lots, an accessory structure may be located in one of the front yards provided that the structure does not exceed 250 square feet and is located at least 10 feet from the lot line.

B. A Site Plan amendment shall be required in non-residential zones for the installation or construction of an accessory structure if the principal use has an approved Site Plan.

C. Except for structures accessory to a farm, an accessory structure shall not exceed a height of 15 feet.

D. A building mounted antenna or communications equipment may exceed the height of the building by no more than 10 feet and in such cases may exceed the building height limit for the zone in which located by no more than 10 feet.

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E. Except for structures used for the housing of animals, an accessory structure may be located in a required side or rear yard provided that it does not exceed 250 square feet and is located at least 10 feet from the lot line.

F. An accessory structure that exceeds 250 square feet must conform to the building setbacks for the zoning district.

G. Except for farms, the maximum cumulative building area for all accessory structures on a lot shall not exceed a total of 50% of the gross building area of the principal building.

H. Swimming pools, athletic courts, outdoor cooking areas, and similar uses may be permitted in rear yard setback but may be no closer than 25 feet to a rear property line, except in the R-8 and R-15 zones where they may be no closer than 10 feet. All other setbacks must be maintained.

7.3 Farm Events, Non-Agricultural (8.5)

7.3.1 General Requirements (8.5.B)

A. Parcel Size: The minimum parcel size shall be 10 acres. Multiple parcels under the same ownership may be included. All parcels must be owned and occupied by the applicant.

B. Neighboring Premises: The proposed use and improvements shall not adversely affect the enjoyment, usefulness and value of premises in the general neighborhood thereof. The location of outdoor events and activities shall take into consideration the current use of the surrounding properties. No outdoor events or activities shall be conducted within 100 feet of any abutting residential property line. The Commission may require buffer strips with plantings, fences, or walls that screen the activity from adjacent properties.

C. Parking: No parking shall occur within 100 feet of any abutting residential property line. The applicant shall demonstrate that a sufficient number of off-street parking spaces are provided to accommodate the proposed use.

D. Noise: No noise shall exceed 75 decibels at the property line.

E. Lighting: Lighting shall be contained to the property and shall not emit outside of the property boundaries onto abutting properties or the public right-of-way.

F. Number of Events: The number of events to be held shall be specified. Non-agricultural related events shall be limited to 15 days within a calendar year.

G. Hours of Operations: The hours of operation for all activities, excluding event set up or clean up shall be limited to 9:00 am to 10:00 pm (Sunday through Thursday) and 9:00 am to 11:00 pm (Friday and Saturday).

H. Temporary Structures: Temporary accessory structures such as tents shall not exceed 4,800 square feet of floor area. Temporary structures shall not remain up for more than 6 months in a calendar year.

I. Overnight Lodging: No overnight lodging shall be allowed.

J. Child Care: The operation of a child care facility such as summer day camp is not subject to this Section 7.3.

7.3.2 Application Requirements (8.5.C)

In lieu of the Site Plan application requirements of Section 24.2, the following information shall be provided with the Site Plan application:

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A. The location of the parcel(s) to be used for the events, by street address or assessor's parcel number.
B. The specific types of event(s) to be conducted.
C. The date of such event(s).
D. The maximum number of attendees for each event.
E. A locational plan drawn to scale showing areas of parking, event location, temporary structure locations, lighting, distance to nearest property/residence and other necessary information for the Commission to make a decision is required. However, a full Site Plan meeting the requirements of Section 22.1 may be required by the Commission.
F. Documentation that the principal use is a farm including copies of the following:
G. The Tax Assessor's designation of the parcel as PA 490 (Farmland, Open Space, Forest Land).
H. A Farmer's Tax Exemption Certificate (issued by the Connecticut Department of Revenue Services).

7.4 Home Business (3.5.3)

The operation of a home business is allowed in accordance with the following:

A. No more than 25% of the gross building area of the dwelling unit may be devoted to a home business. Such floor area may be located within the dwelling unit, an accessory structure, or a combination thereof.
B. Only residents of the dwelling may have their workplace at the residence.
C. No exterior evidence of the business shall be seen from public right-of-way or abutting properties.
D. No outdoor storage of any materials, merchandise, equipment, or machinery for the home business shall be allowed.
E. Activities that create noise greater than 75 decibels, measured at the property line, or that result in noxious odors, are prohibited.
F. No outside lighting for the business, with exception of lighting needed for safety, shall be permitted.

7.5 Home-Based Service Business (3.5.4)

A. Home-based service businesses may be permitted as long as the business is customary, incidental, and subordinate to the residential use.
B. Permits shall be limited to 5 years. At permit expiration, the owner may apply for a new 5-year permit. If the owner leaves the property, the permit will expire.
C. The Commission may set permit conditions such as limiting the days and/or hours of operation or limiting the number of customers per week. Each application is considered on an individual basis, and each property will be considered unique and due consideration given to prevent negative impacts to the neighborhood.
D. Home-based service businesses may be permitted in accordance with the following:
    1. No more than 25% of the gross building area of the dwelling unit may be devoted to a home-based service business. Such floor area may be located within the dwelling unit, an accessory structure, or a combination thereof.
    2. Only residents of the dwelling may have their workplace at the residence.

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3. No exterior evidence of the business, including any material, merchandise, equipment or machinery stored outdoors for use by the business, shall be seen from abutting properties or the public right-of-way.
4. No outside lighting for the business, with exception of lighting needed for safety, shall be permitted.
5. Parking for visitors shall be limited to two spaces, and no activity shall be conducted that receives more than two visitors at any one time.
6. Activities that create noise greater than 75 decibels, measured at the property line, or that result in noxious odors, are prohibited.

7.6 Keeping of Animals (3.7.E)

A. In no case shall the following quantities of animals be exceeded unless the use qualifies as a farm as defined in Section 31:
   1. Horses, ponies, sheep, and similar animals, provided that the parcel is at least 3 acres and that no more than two such animals are kept. No storage of manure or structures for the housing of such animals shall be located within 100 feet of any property line, stream, or watercourse.
   2. Dogs, cats, and similar domestic pets provided that no more than 6 animals per species are kept and no commercial kennel is operated.
   3. Ducks, geese, chickens, etc., provided that no more than 12 such animals in total are kept.

B. No roosters or peacocks are allowed.

C. No structure used for the housing of animals shall be located within a required setback.

7.7 Outdoor Storage of Special Vehicles (3.8.E)

A. No more than two vehicles may be stored at any one time.

B. All vehicles stored on the property must be owned, leased, used by, or registered to the resident of the property and all vehicles requiring registration shall have a current registration.

C. No vehicle shall be stored within a required front, side, or rear yard.

D. No vehicle shall be stored in a location that obstructs sightlines needed for safe egress from a driveway on an adjacent lot.

E. No vehicle shall be used for living, sleeping, business operations, or other occupancy while parked or stored.

7.8 Public Event on Private Property (3.8.B)

Permits for public events on private property shall only be issued by Planning and Community Development Department staff upon written approval from the Building Inspector, Chief of Police, Fire Marshal, and/or Director of Health as may be applicable.

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7.9 Solar Energy Systems (new)

7.9.1 Building-Mounted Solar Energy Systems (new)

A. Roof-mounted systems shall not extend higher than one foot above the plane of a sloped roof or above the roof peak. Such systems shall not extend past the perimeter of the roof on any side. In the case of flat roofs, systems may be up to 5 feet higher than the supporting roof and may exceed the maximum height of the zone in which located.

B. Wall-mounted systems shall not be placed on the front façade of a principal structure and shall not extend vertically above the eaves of a roof, beyond the perimeter of a wall, or project more than one foot from the surface of the wall. Such installations may project into a side or rear yard setback.

7.9.2 Ground-Mounted Solar Energy Systems (new)

A. Systems shall not be located within a front yard or required side or rear yards.

B. Systems shall not exceed 15 feet in total height as measured from average finished grade to the highest portion of the system except that if located over a parking area, the height shall not exceed 20 feet. The height limit shall apply to the highest position of a tiltable system.

C. Non-Residential, Mixed-Use, and Multi-Family Residential (with 10 or more dwelling units): Systems shall cover no more than 10% of the area of a lot (including space between panels and related equipment), except if installed over an existing parking area. Systems located over proposed parking areas shall be exempted up to the amount of area commensurate with the minimum amount of off-street parking required by these Regulations for the use.

D. Residential Uses with 9 or Fewer Dwelling Units: Systems shall cover no more than 10% of the area of a lot and shall be no more than 1,000 square feet in ground area (including space between panels and related equipment), whichever is lesser.

E. Systems shall not be counted towards impervious coverage for the purpose of calculating a lot's impervious coverage.

7.10 Special Outdoor Event (5.7)

7.10.1 General Requirements (5.7)

A. Parking: The applicant shall demonstrate that off-street parking spaces are of sufficient number to accommodate the proposed use.

B. Noise: Noise shall not exceed 75 decibels at the property line.

C. Lighting: Lighting shall be contained to the property and shall not emit outside the property boundaries onto abutting properties.

D. Hours of Operations: The hours of operation for all activities, excluding event set up or clean up shall be limited to 9:00 am to 10:00 pm (Sunday through Thursday) and 9:00 am to 11:00 pm (Friday and Saturday).

E. Temporary Structures: All necessary permits shall be secured for temporary accessory structures, such as tents as may be required due to size, electrical capabilities, and location. Such structures shall not remain assembled for more than a total of 6 months per calendar year.

F. Overnight Lodging: No overnight lodging is allowed.

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7.10.2 Application Requirements (5.7)

In lieu of the Site Plan application requirements of Section 22.1, the following information shall be provided with the Site Plan application:

A. The location of the parcel(s) to be used for the events, by street address or assessor's parcel number.

B. The specific types of event(s) to be conducted.

C. The date of such event(s).

D. The maximum number of attendees for each event.

E. A locational plan drawn to scale showing areas of parking, event location, temporary structure locations, lighting, distance to nearest property/residence and other necessary information for the Commission to make a decision is required. However, a full Site Plan meeting the requirements of Section 22.1 may be required by the Commission.

7.11 Tag Sales

Tag sales may be conducted for a period of up to 3 consecutive days and no more than 30 days per calendar year.

7.12 Temporary Building or Trailer (3.8.D, 3.8.F, 3.8.G)

A. A temporary building or trailer necessary to facilitate construction of a permanent building or use may be permitted for up to one year subject to Item B below. Renewal permits for successive periods of 6 months each may be granted.

B. Permits for a temporary building or trailer shall only be issued by Planning and Community Development Department staff upon written approval from the Building Inspector and Director of Health.

Draft 10/12/26

Article III – Base Zoning District Standards

Section 8. Residential Zoning District Standards (3.9)

8.1 Residential Zone Dimensional Standards (3.9)

Zone	Minimum Lot Area (sf)	Minimum Frontage (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Maximum Height (ft)	Maximum Imperv. Coverage (%)
R-8*	8,000	75	20	8	25	35	50?
R-15	15,000	100	25	12	25	35	45?
R-25	25,000	125	35	15	50	35	40?
R-30	30,000	125	35	25	50	35	35?
R-40	40,000	200	35	25	50	35	30?
R-80	87,120 (2 acres)	200	50	40	50	35	20?
R-160	174,240 (4 acres)	200	50	40	50	35	15?
R40OS	30,000	150	35	25	50	35	35?
R80OS	65,340 (1.5 acres)	150	50	25	50	35	25?
* See Section 6.3 for standards applicable to two-family dwellings.							

8.2 Open Space Zones

Within the R40OS and R80OS zones, a minimum of 30% of the total area of any subdivision shall be dedicated as open space meeting the open space requirements of the Town of Simsbury Subdivision Regulations. All parcels comprising such required open space shall have a minimum frontage of 25 feet on a public road.

Draft 10/12/26

Section 9. Business and Industrial Zoning District Standards (Section 4.3, 5.3)

9.1 Business and Industrial Zone Dimensional Standards (4.3, 5.3)

Zone	Minimum Lot Area	Minimum Frontage (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Maximum Height (ft)	Maximum Imperv. Coverage (%)
B-1	0	0	25	20	25	40	50
B-2	0	0	25	20	25	40	50
B-3	0	200	40	40	50	40	50
I-1	0	0	25	20	25	40*	50
I-2	10 acres	0	50	40	50	40*	50
* A maximum height of 75 feet or 4 stories, whichever is less, may be permitted in the I-1 or I-2 zones for any Special Exception use or through the issuance of a Special Exception in accordance with 24.1.							

9.2 Application of Dimensional Standards (4.4, 5.4)

A. Where a contiguous area is in multiple ownership, it may be developed under a single Site Plan with the standards of Section 9.1 above governing the boundaries of the entire area.

B. Where individual parcels are developed individually, the standards of Section 9.1 above shall apply to each parcel.

C. Minimum lot sizes shown in Section 9.1 above are intended to govern non-contiguous parcels. Where two or more lots are located in a single zone, lot area requirements shall relate to the area of the combined lots rather than any individual lot.

Draft 10/12/26

Article IV – Special Zoning District Standards

Section 10. Form-Based Zones (new)

The following zoning districts are regulated through separate zoning documents that are incorporated into and constitute part of these Zoning Regulations. In the event of a conflict between the provisions of one of these separate zoning documents and the provisions of this document, the provisions of the separate zoning document shall control.

10.1 Simsbury Center Zone (SC)

All properties located within the Simsbury Center Zone are subject to these Regulations and the Simsbury Center Code.

10.2 Hartford-Simsbury Form-Based Code Zone (HS-FBC)

All properties located within the Hartford-Simsbury Form Based Code Zone are subject to these Regulations and the Hartford-Simsbury Form-Based Code.

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Section 11. Apartment Zone and Designed Multiple Residence District

The Apartment Zone and Designed Multiple Residence District were formerly regulated through the 1984 Zoning Regulations. This Section 11 is intended to allow for continued use of, and improvements to, developed sites and the redevelopment of existing sites consistent with these regulations. Because both zones are residential zones, all standards applicable to residential zones shall apply to these zones.

11.1 Requirements Applicable to Both Zones (new)

A. All development within the Apartment Zone and Designed Multiple Residence District shall be subject to the original approvals and this Section 11.

B. All new uses in the Apartment Zone and Designed Multiple Residence District shall require Site Plan approval in accordance with Section 24.1 and review by the Planning Commission.

C. No new Apartment Zone or Designed Multiple Residence District shall be established, and no such existing zone shall be expanded.

11.2 Apartment Zone (AZ) (1984 Regulations)

11.2.1 Permitted Uses

Multi-family dwellings with 4 or more dwellings in a building or in a group of such buildings and accessory uses that are customary, incidental, and subordinate to such dwellings.

11.2.2 Density and Dimensional Standards

A. Maximum density: 7 dwelling units per acre.

B. No more than 20% of dwelling units shall have 3 or more bedrooms.

C. Minimum space between buildings: 50 feet, which may be reduced by the Commission if an applicant demonstrates that a design using lesser spacing will provide equal or better light, air, and privacy.

D. Setbacks for the site (front, side, and rear): 50 feet.

E. Minimum site width: 200 feet.

11.2.3 Site Standards

A. Parking shall be provided in accordance with Section 19.

B. All interior streets must be constructed in accordance with Town of Simsbury Highway Right-of-Way Standards except that no right-of-way shall be required.

C. Main interior walkways shall be of such width and construction to serve emergency vehicles and apparatus.

D. Each property line, except the street line, shall have a buffer strip at least 15 feet wide, planted with a mixture of evergreen and deciduous shrubs and trees, which shall be maintained.

E. Recreation facilities and open spaces suitable for active and passive recreation shall be provided to serve the project and protected from vehicular traffic in streets, driveways, and parking areas.

F. All utilities must be underground.

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11.3 Designed Multiple Residence District (RD) (1984 Regulations)

11.3.1 Permitted Uses

One-family, two-family, and multi-family dwellings and accessory uses that are customary, incidental, and subordinate to such dwellings.

11.3.2 Dimensional Standards

A. Maximum height: 35 feet
B. Minimum lot area: 10 acres or 8,000 square feet per dwelling unit, whichever is greater.
C. Minimum lot frontage: 200 feet
D. Minimum front yard setback: 35 feet
E. Minimum side yard setback: 30 feet
F. Minimum rear yard setback: 35 feet
G. Distance between structures: No less than the average height of both structures.

11.3.3 Application of Dimensional Standards

A. Where a contiguous area is in multiple ownership, it may be developed under a single Site Plan with the standards of Section 11.3.2 above governing the boundaries of the entire parcel.
B. Where individual parcels are developed individually, the standards of Section 11.3.2 above shall apply to each parcel.
C. Minimum lot sizes shown in Section 11.3.2 above are intended to govern non-contiguous parcels. Where two or more lots are located in a single zone, lot area requirements shall relate to the area of the combined lots rather than any individual lot.

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Section 12. Housing Strategies Floating Zone (HSFZ) (8.3)

12.1 Purpose (8.3)

See Section 2.2.11.

12.2 Description (8.3.A)

A. The HSFZ is a floating overlay zone that when approved exists in addition to the underlying zone of the property.

B. The HSFZ enables a property owner to apply for approval of a housing development using the provisions of this Section 12 instead of those for the underlying zone.

C. In the event any conflict between the provisions of this section and any other section of these Regulations, the provisions of this section shall control.

12.3 Eligible Parcels

All parcels with a public water supply and sanitary sewer access.

12.4 Permitted Uses (8.3.C)

The following uses are permitted in the HSFZ subject to granting of a Special Exception:

A. Mixed Housing: Two or more housing types at maximum densities for each as provided below.

B. Dwelling units up to the density provided below excluding any area designated as wetland, watercourse, slopes greater than 25%, or 100-year floodplain from the calculation of site area:

1. Multi-family residential development at up to 20 dwelling units per acre.
2. Townhouses at up to 10 dwelling units per acre.
3. Duplexes (two units) at up to 10 dwelling units per acre.
4. Triplex (three units) at up to 14 dwelling units per acre.
5. Quadplex (four units) at up to 16 dwelling units per acre.
6. Single-family at up to 6 dwelling units per acre with a maximum lot size of 8,000 square feet.

C. Accessory uses and structures customarily incidental and subordinate to the residential use.

12.5 Development Standards (8.3.D, 8.3.E)

A. The dimensional standards of the underlying zone shall continue to apply except that the Zoning Commission may, in approving an HSFZ, modify any dimensional standard in order to:

1. Facilitate the creation of housing opportunities as provided in this section.
2. Address on-site constraints or protect important resources.
3. Enhance the development and/or surrounding neighborhoods.
4. Be consistent with the setbacks of nearby buildings.

B. All developments approved under this Section 12 shall be served by public water and public sewer.

C. Any development approved under this Section 12 shall be provided with off-street parking as required by Section 19.

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12.6 Application Requirements (8.3.B)

Establishment of a new HSFZ shall require the following:

A. Submission of Zone Change Application in accordance with the requirements of Section 26.2 and submission of the following with the application:
   1. A description of the proposed development including dwelling unit types and number of units.
   2. Plans and drawings depicting the proposed development.

B. Review of, and a decision on, the application by the Zoning Commission as specified in Section 26.2.

C. Upon approval of the zone change or concurrent with the Zone Change Application, the applicant shall submit a Site Plan Application meeting the requirements of Section 24. In the case of a proposed subdivision, a Subdivision Plan approved by the Planning Commission shall satisfy the Site Plan Application requirement.

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Section 13. Planned Area Development (PAD) (8.1)

13.1 Purpose (8.1)

See Section 2.2.12.

13.2 Eligible Parcels (8.1.B)

A. A Planned Area Development shall be permitted only for parcels of land in the following zones:
   1. Industrial Zone (I-1): Only if the total site area is 10 acres or more
   2. Industrial Zone (I-2)
   3. Restricted Business Zone (B-1)
   4. General Business Zone (B-2)
   5. Design Business Zone (B-3)

B. Any lot not conforming to the minimum required lot size at the time of the adoption of this Regulation shall be deemed to be legally non-conforming and shall be acceptable for application for, or inclusion in, a PAD application.

C. A Planned Area Development may include contiguous parcels of land having different underlying zones.

D. Only sites served by public water and public sewer, or for which the applicant proposes to provide a connection to both public water and public sewer, shall be eligible for rezoning to a PAD.

13.3 Permitted Uses (8.1.C)

Any use(s) permitted as of right, by Zoning Permit, by Site Plan application, or by Special Exception by these Regulations may be permitted in a Planned Area Development Zone. Such uses may be combined in a mixed-use development in accordance with the development standards set forth in Section 13.6.

13.4 Definitions (8.1.A)

For the purposes of this Section 13, the following definitions shall apply:

Mixed-Use Development or Mixed Land Use: To be considered a mixed-use development or mixed land use a proposed development shall include: 1) Two or more significant principal uses (such as retail, educational, entertainment, office, residential, hotel, civic, cultural, recreation) that are to some extent, mutually supporting and 2) Significant physical and functional integration of project components in conformance with a coherent plan (and thus a relatively close-knit and intensive use of land).

Planned Area Development (PAD): A development approved pursuant to this Section 13.

Planned Area Development Zone: A tract or parcel of land approved for a Planned Area Development pursuant to this Section 13.

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13.5 Development Standards (8.1.D.1, 8.1.E)

All Master Development Plans shall comply with these Regulations, except where modified by a standard approved by the Commission as part of the Master Development Plan or Site Plan, and shall also comply with the following standards:

A. Impervious Coverage: Shall not exceed 60% across the entire PAD site.

B. Building Height: No building shall exceed 40 feet in height.

C. Open Space and Public Amenities: A minimum of 10% of the site area shall be dedicated to outdoor public amenities and/or open space in a design, form, location, and area to be approved by the Zoning Commission.

D. Parking: In lieu of the parking standards set forth in Section 19, the Zoning Commission may modify the parking requirements within a proposed Planned Area Development Zone as follows:

1. The total number of parking spaces required may be reduced to the number the Commission determines to be necessary based on a parking needs assessment provided by the applicant and conducted in accordance with Section 19.3.
2. For multiple-phased projects within a Planned Area Development Zone, the Commission may require the applicant to prepare a revised parking plan for any subsequent phase after the first phase if experience demonstrates that parking provided is not adequate. Such revised plan shall be submitted prior to approval of any Site Plan for a new phase and shall provide parking adequate to meet the demonstrated need of the additional phase of the development. The Commission may require the construction of the required additional parking if it is determined to be necessary to accommodate existing, proposed, or potential uses on the PAD tract.

E. Lighting: Outdoor lighting and lighting plans shall be provided as required by Section 21.

F. Drainage: All stormwater generated by the proposed Master Development Plan shall be managed using the best current technology, and provision shall be made for necessary long-term maintenance of stormwater systems. If possible, the stormwater should be treated and infiltrated on site.

G. Erosion and Sediment Control: Erosion shall be controlled, both during and after construction as required by the approved Soil Erosion and Sediment Control Plan and through the use of landscaping with native trees and native shrubs and through avoiding the creation or disturbance of steep slopes.

H. Design Standards: The Master Development Plan shall demonstrate consistency with the following design principles, as applicable to the location, scale of development, and uses proposed:

1. Land Use and Development Pattern. Provide a coordinated mix and arrangement of uses, buildings, and spaces that supports innovative development or redevelopment, accommodates a variety of housing and/or development types, and provides appropriate transitions to surrounding neighborhoods and land uses.
2. Site Planning and Building Design. Arrange and design buildings, open spaces, parking, circulation, landscaping, and other site features as an integrated development. Building placement, orientation, scale, massing, and architectural design should contribute to an attractive and functional environment and relate appropriately to surrounding development.
3. Pedestrian-Oriented Design. Create a comfortable and inviting pedestrian environment through building placement and entrances, sidewalks and walkways, landscaping, lighting, public spaces, and other pedestrian-scale features. Buildings and site features should define and activate streets, sidewalks, and public spaces where appropriate.

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4. Transportation and Connectivity. Provide safe and convenient circulation for vehicles, pedestrians, and bicycles and, where available, convenient access to public transit. Provide connections to adjacent streets, sidewalks, bicycle facilities, neighborhoods, commercial areas, recreational facilities, and other community destinations where practical.
5. Parking and Access. Locate and design parking, loading, driveways, and service areas to support efficient circulation while minimizing their visual and physical impacts on streets, pedestrian areas, public spaces, and adjacent properties. Shared parking, interconnected parking areas, and reduced parking should be used where appropriate.
6. Open Space and Natural Resources. Incorporate usable open spaces and recreational areas appropriate to the development and preserve significant natural features, mature vegetation, scenic and historic resources, environmentally sensitive areas, and existing preserved open space where practical. Development should be located and designed to minimize exposure to natural hazards.
7. Public Facilities and Infrastructure. Make efficient use of existing public facilities and infrastructure and provide adequate utilities, streets, and other infrastructure to serve the development. Infrastructure should be coordinated with surrounding properties and provide for future connections where appropriate.
8. Sustainability and Energy Efficiency. Incorporate sustainable and energy-efficient site and building design, including low-impact development, green infrastructure, conservation of natural resources, energy-efficient buildings and systems, and other measures appropriate to the development.
9. Compatibility and Transitions. Provide appropriate transitions in building scale, height, massing, setbacks, landscaping, open space, and intensity where development adjoins residential neighborhoods or other areas of substantially different uses, development form, or intensity.

13.6 Application Process and Requirements (8.1.F, 8.1.K)

13.6.1 Overview (8.1.F, 8.1.K)

A. An application for, and approval of, a Planned Area Development zone shall be in accordance with this Section 13.6 and applicable procedures and requirements for all zone changes, text amendments, and map amendments specified in Section 25.1.

B. Where required, the applicant shall comply with the provisions of the Subdivision Regulations. To the extent practicable, the processing of any applications for subdivision approval shall be coordinated with the processing of an application under this Planned Area Development regulation.

C. The Planned Area Development review process consists of four steps: 1) Preliminary Plan – Staff Review, 2) Preliminary Development Plan – Commission Review, 3) Master Development Plan and Zone Change Approval, and 4) Site Plan Approval.

13.6.2 Preliminary Development Plan – Staff Review (Step 1) (8.1.F.a)

A. All prospective applicants considering development within an established or proposed Planned Area Development zone are encouraged to review Preliminary Development Plans with the Town Planner, on an informal and non-application basis. Use of this process may enable a prospective applicant to obtain meaningful preliminary feedback prior to a major commitment of resources.

B. To maximize the benefits of an informal review, it is recommended that a prospective applicant provide enough information to allow the subject proposal to be considered with respect to the

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Town's Plan of Conservation and Development, the Guidelines for Community Design, and important development factors, such as, but not limited to the following: the uses proposed, water supply, sanitary waste disposal, drainage and stormwater impacts, traffic and circulation, fire protection, and impacts on the natural environment and neighboring properties.

13.6.3 Preliminary Development Plan – Commission Review (Step 2) (8.1.F.b)

A. The purpose of the Preliminary Development Plan is for the applicant to present a conceptual master plan for the development of the site. The applicant shall submit one paper copy at 24"x36" format, one paper copy at 11"x17" format, and one PDF copy of a Preliminary Development Plan to the Zoning Commission for distribution and review.

B. The Zoning Commission and the Planning Commission, either jointly or independently, shall consider the Preliminary Development Plan at a public meeting, or meetings within 65 days of the receipt date of a Preliminary Development Plan. Date of receipt shall be the next regularly scheduled meeting of the Zoning Commission. After receipt, the Plan shall be referred to the Planning Commission and Design Review Board and may be referred to other boards and commissions by the Zoning Commission.

C. At the meeting on the Preliminary Development Plan, the applicant shall present such plan, which shall contain at a minimum a drawings and information showing and describing the proposed uses, building(s) and major structure layout, road and parking patterns, proposed amenities including recreation and open space, site coverage, density, and general architectural style of buildings. The purpose of this meeting is to receive preliminary information from the applicant and input from the public and to elicit comment and suggestions from the Zoning Commission, the Planning Commission, the Design Review Board, the Conservation Commission, and other Town boards and commissions, if applicable, to provide the applicant with enough commission input and public comment to decide whether to proceed with the expense of preparation of the Master Development Plan.

D. The applicant may make changes to the Preliminary Development Plan as they deem appropriate, provided, however, that the Zoning Commission may within its discretion, if it considers those changes substantial, require the submission of a new Preliminary Development Plan and an additional public meeting.

E. Any opinions or suggestions expressed by members of the Zoning Commission or any other board or commission regarding the Preliminary Development Plan shall be tentative only and shall not hinder or preclude such members from making an independent judgment as to the acceptability of the Master Plan of Development based upon all evidence in the record at the time of a decision on such plan.

13.6.4 Master Development Plan and Zone Change Approval (Step 3) (8.1.G, 8.1.H, 8.1.L)

A. Following the Step 2 commission review of the Preliminary Development Plan, the applicant may submit a Master Development Plan and Zone Change Application to the Zoning Commission in accordance with the requirements of this Section 13.6.4 and those of Section 26.2.

B. The Master Development Plan shall include or be accompanied by the following information prepared and certified by a licensed professional(s), unless such information requirement is specifically waived by the Town Planner:

1. A boundary map of the property certified to the State of Connecticut A-2 and T-2 map survey standards showing the location of existing and proposed zoning boundaries.

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2. A narrative and plan describing present and proposed building uses and the acreage and floor area assigned to each building and use type. Each narrative and plan shall also contain information regarding the lot or lots included in the proposed PAD, placement of buildings on the land, and information regarding the proposed building forms.
3. Proposed dwelling unit densities, including the number of dwelling units and rooms within the units, including schematic floor plans for each type of unit proposed.
4. Preliminary building plans, including schematic floor plans, exterior elevations and perspective drawings, and description of types of building materials and facing, and sustainable design characteristics for all proposed buildings as well as site design characteristics.
5. A traffic study of the area as affected by the proposed development, including a summary of findings, present and anticipated traffic counts, volumes, flow patterns, and capacity analysis of present and proposed, intersections, entrances and exits servicing the development shall be done by a professional engineer, experienced in traffic studies and licensed to practice in the State of Connecticut. The Commission will also request comments on this report from the Town Engineer, Director of Public Works, and the Simsbury Local Traffic Authority.
6. A report from the Fire Marshal on firefighting feasibility of the proposed development.
7. A report from the Simsbury Water Pollution Control Authority regarding the adequacy of the existing or proposed sanitary sewer system.
8. A report from a licensed civil engineer certifying the adequacy of the existing or proposed drainage stormwater drainage system, public street design, the design of elements to be served by the Department of Public Works, and the engineering capacity of the proposed stormwater design in relation to the existing roads, stormwater management system and utility infrastructure of the Town.
9. A report from the Planning Commission evaluating the consistency of the application with the Plan of Conservation and Development.
10. A report from the Design Review Board on the conformity of proposed buildings, site design, and landscaping plans with the Guidelines for Community Design.
11. A report or recommendation from any other staff person, advisory committee, agency, or consultant, whose opinion is deemed appropriate by the Zoning Commission.
12. Any other information that the Zoning Commission may reasonably require, or the applicant may wish to submit in support of the application.

C. If a determination has been made by the Town Planner that a complete Master Development Plan and Zone Change Application has been filed, the application will be processed in accordance with Section 26.2.

D. The Zoning Commission may approve the Master Development Plan and Zone Change Application provided that it finds that the plan and application meets the requirements of this Section 13 and those of Section 26.2. In approving such plan and application, the Commission may require changes and impose limitations, restrictions, or conditions as necessary to ensure conformity with these Regulations and to protect public health, safety, and welfare.

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13.6.5 Site Plan Approval (Step 4) (8.1.M)

A. Following approval of the Master Development Plan and Zone Change Application, the applicant may submit a Site Plan Application in accordance with the requirements of Section 24 to the Zoning Commission for review and approval. The Site Plan shall meet the requirements of Section 22.1 and the applicant shall provide the following:

1. A narrative indicating conformity of the final Site Plan with the approved Master Development Plan, including lots, building placement on the lots, proposed building use and building form.
2. Traffic impact report, prepared by a professional traffic engineer licensed to practice in the State of Connecticut, for the area affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed intersections and entrances serving the development. Such report shall also identify and describe traffic impacts of the proposed Site Plan that exceed or differ from those described in the traffic study submitted with the Master Development Plan.

B. Prior to any action on the Site Plan Application, the Zoning Commission shall make a finding as to the conformity of the Site Plan with the approved Master Development Plan and other applicable requirements of this Section 13.

C. Site Plans that are found to be in substantial conformance with the approved Master Development Plan may after review by the Commission be approved or modified and approved. Site Plans that are found not to be in substantial compliance with the approved Master Development Plan shall be denied.

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Section 14. Single-Family Open Space Cluster Zone (CZ) (3.13)

14.1 Purpose (3.13)

See Section 2.2.13.

14.2 Eligible Parcels (3.13)

A. Parcels in the R-160, R-80, R-40, R-25 and R-15 residence zones.

B. Sites with a minimum area of 10 acres under single ownership.

C. Sites with the potential for the development to be connected to municipal sewer and public water systems.

14.3 General Requirements (3.13)

A. Development at the density specified by Section 14.5.2 may be permitted if it preserves more open space than would otherwise occur and preserves and contributes to the Town's natural and scenic resources, its streams, ponds, marsh lands, aquifers, parks, playgrounds, historic sites, wildlife habitats, farmland, forests, ridges, or open space.

B. Development under this Section 14 shall emphasize the clustering or grouping of single-family residences on one or more portions of the site as contrasted to a street and lot layout that typifies a single-family subdivision development pursuant to the Subdivision Regulations.

C. Natural site features shall be preserved by minimizing disturbance to existing vegetation and by minimizing changes to existing topographic conditions on the site. All structures shall relate harmoniously to the terrain and to the use and scale of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.

14.4 Permitted Uses (3.13)

Only single-family dwellings and accessory uses customarily incidental and subordinate to such dwellings are permitted.

14.5 Development Standards (3.13)

14.5.1 Dimensional Standards (3.13)

A. The frontage of the total area of development shall be at least 200 feet on a public street.

B. No building shall exceed a height of 35 feet.

C. There shall be no less than 25 feet between adjacent dwelling units and accessory structures on adjacent exclusive use areas.

14.5.2 Dwelling Unit Density (3.13)

The dwelling unit density shall be no greater than the density permitted in the existing zone. The specific number of dwelling units permitted shall be determined by the applicant through either of the following methods:

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A. Method 1. The first method is the density resulting from a schematic subdivision layout that complies with the lot configuration for the zone and any other provisions as required by the Subdivision Regulations, excluding areas covered by floodplain and wetlands, with 20% of the total site shown as open space.

B. Method 2. The second method is the density resulting from a calculation prepared in accordance with the formula below:

1. Deduct a minimum of 20% for open space from the total land area. The land that is to comprise this open space shall meet the requirements of Section III of the Subdivision Regulations.
2. Deduct from the total land area 12% for roads and utility easements in the R-15 Zone, 11% in the R-25 Zone, 10% in the R-40 Zone, and 8% in the R-80 Zone and R-160 Zone.
3. Deduct land located in the Flood Zone not included in Item 2 above; or deduct land within flood zones A and B as identified on the Flood Insurance Rate Maps (FIRM).
4. Deduct 50% of the land not included in Items 2 and 4 above designated as inland wetlands and watercourses as shown on a map entitled "Inland Wetlands and Watercourses Map of the Town of Simsbury, Connecticut. (Adopted 12/3/83, as amended)"
5. Deduct 50% of the land with slopes greater than 20% (steep slopes) and not included in Item 2 above.
6. The total of Items 4 and 5 above shall not be greater than 50% of the land area that is, in the aggregate, non-wetlands, non-floodplain, non-steep slopes, and non-road right-of-way.
7. Divide the total land area adjusted in accordance with the above formula by the minimum lot size of the zone in which the site is located.

14.5.3 Exclusive Use Area (EUA) (3.13)

A. An exclusive use area (EUA) shall be provided for each unit and delineated on the Site Plan.

B. The EUA shall be no more than 15,000 square feet, including the area occupied by the dwelling and any accessory structure exclusive to the dwelling.

C. Coverage of any EUA by the structures proposed to be constructed thereon, shall not exceed 35% of the area of the EUA.

D. EUAs may be converted to fee simple lots after approval of a Site Plan Application in accordance with 23.1 and by approval of a Subdivision Plan, by the Planning Commission. In such cases, the Site Plan Application and Subdivision Application shall be filed simultaneously.

14.5.4 Circulation, Parking, and Utilities (3.13)

A. Main circulation roads shall be constructed to Town of Simsbury Highway Construction and Design Standards. Widths may be varied by the Zoning Commission if recommended by the Planning Commission.

B. Parking shall be provided in accordance with Section 19.

C. Utilities shall be placed underground.

14.5.5 Landscaping and Open Space (3.13)

A. There shall be a landscaped area of 30 feet in depth around the total perimeter of the site. No planting shall be required in said perimeter, when, in the judgment of the Zoning Commission, the area is adequately vegetated.

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B. The balance of the site not included for roads and utility easements and not used for EUAs shall be held by a homeowners' association or be placed under conservation restriction.

14.6 Application Requirements (3.11.A, 3.12)

The establishment of a new Single-Family Open Space Cluster Zone shall require the following:

A. Submission of Zone Change Application in accordance with the requirements of Section 26.2 and submission of the following with the application:
   1. A description of the proposed development including the number of units.
   2. Plans and drawings depicting the proposed development.

B. Review of, and a decision on, the application by the Zoning Commission as specified in Section 26.2.

C. Upon approval of the zone change or concurrent with the Zone Change Application, the applicant shall submit a Site Plan Application meeting the requirements of Section 24. In the case of a proposed subdivision, a Subdivision Plan approved by the Planning Commission shall satisfy the Site Plan Application requirement.

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Section 15. Aquifer Protection Area (new)

15.1 Purpose

See Section 2.2.15.

15.2 Aquifer Protection Area Regulations

All properties located fully or partially within a Level A Aquifer Protection Area as shown on the Town of Simsbury official zoning map are subject to the Town of Simsbury Aquifer Protection Area (APA) Regulations in addition to these Regulations. The Zoning Commission is established as the Town's Aquifer Protection Agency in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective November 8, 2004, and shall implement the purposes and provisions of the APA Ordinance and the APA Regulations.

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Section 16. Floodplain Zone (Section 6)

16.1 Purpose (6.1)

See Section 2.2.10.

16.2 Context

The flood hazard areas of the Simsbury are subject to periodic flood inundation, which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplain causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the town.

Simsbury voluntarily participates in the National Flood Insurance Program (NFIP). The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The Town's role is of paramount importance. Property owners are able to receive federally subsidized flood insurance only if the Town enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

16.3 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Section 16 includes objectives, methods and provisions that:

A. Restrict or prohibit uses that are dangerous to health, safety and property due to flood or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damage; and

E. Prevent or regulate the construction of barriers or obstructions that will unnaturally divert flood waters, or which may increase flood hazards to other lands.

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16.4 Definitions

For purposes of this Section 16, the following definitions shall apply:

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year, also referred to as the 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 (100-year flood). The height in relation to mean sea level (NGVD of 1929 or NAVD 1988) 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.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building: See definition for "Structure".

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; septic systems, water supply wells, solar panels and related equipment attached to the structure; electric vehicle (EV) chargers; 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: 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, pole-mounted solar panels, and detached structures such as garages, sheds, and gazebos. Improvements made to detached structures, such as a detached garage, are evaluated as a separate structure for substantial improvement, with market value of the detached structure used for calculation purposes.

Development: Any human-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; electric vehicle (EV) charging stations, solar panels or arrays not attached to structures, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 16, 1982, the effective date of these floodplain management regulations.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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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. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or 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 has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to the community.

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

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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 1.0 foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Functionally Dependent Use of 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 Historic 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 by the Connecticut State Historic Preservation Office.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). 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 12.1.16.C of this regulation.

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Manufactured Home: A structure able to be transported in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected 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 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A lot, parcel or contiguous parcels of land divided into two 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 cost approach (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 (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: Structures for which the "start of construction" occurred on or after August 16, 1982 (the effective date of the original Flood Plain District Regulations) and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after August 16, 1982, the effective date of these floodplain management regulations.

Recreational Vehicle: A vehicle that is: built on a single chassis; 400 square feet or less when measured at the longest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA): The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. SFHAs 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. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction: Includes "substantial improvement" and means the date the Building Permit or zoning approval, if no Building Permit was required, was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or 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 or cellar, footings, piers or foundations or the erection 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 principal 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.

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Structure: A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other human-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% of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements of a building or other structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. 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 of the following:

A. Any project for improvement of a building or structure to correct existing violations of State or local health, sanitary or safety code specifications which have been previously identified by the Building Official of the Town of Simsbury or other local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
B. An alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "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 floodplain management regulation. 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.

16.5 Applicability and General Provisions

16.5.1 Areas to Which this Regulation Applies and Basis for Establishing Zone

A. This Section 16 shall apply to the Floodplain Zone including all Special Flood Hazard Areas in Simsbury, CT.
B. The Floodplain Zone is the area identified as the "Special Flood Hazard Areas" (SFHA) by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Hartford County, Connecticut, November 13, 2026, and accompanying Flood Insurance Rate Maps (FIRM), dated November 13, 2026 (Panels 09003C0 167G, 169G, 188G, 189G, 190G, 191G, 192G, 193G, 194G, 307G, 326G, 327G, 328G, 329G, 331G, 332G, 333G), and other supporting data applicable to the Town of Simsbury, and any subsequent revisions thereto, are adopted by reference into this regulation.

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16.5.2 New Development Prohibited

In no case shall any new building or structure intended for human occupancy (residential or nonresidential) be permitted in the Floodplain Zone. Manufactured homes, manufactured home parks and subdivisions, and recreational vehicles are prohibited in the Floodplain Zone.

16.5.3 Lots Partially in the Floodplain Zone

New construction may take place on lots partially within the Floodplain Zone provided that habitable spaces and occupiable rooms for any structure located partially or fully within the Floodplain Zone shall meet the construction requirements of Section 16.7.

16.5.4 Existing Structures

Existing residential and non-residential structures within the Floodplain Zone undergoing a substantial improvement or repair of substantial damage may be expanded provided that the entire structure meets the construction standards of Section 16.7.

16.5.5 Structures Already in Compliance

A structure or development already in compliance with this Section 16 shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

16.5.6 Abrogation and Greater Restrictions

The regulations of this Section 16 are not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16.5.7 Interpretation

In the interpretation and application of this Section 16, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under Connecticut General Statutes.

16.5.8 Warning and Disclaimer of Liability

The degree of flood protection required by this Section 16 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 human-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 damage. This regulation shall not create liability on the part of the Town of Simsbury or by any officer or employee thereof for any flood damage that results from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Simsbury, its officers and employees, shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Simsbury.

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16.6 Administration

16.6.1 Floodplain Administrator

The Director of Public Works of the Town of Simsbury, or their designee, shall administer, implement, and enforce the provisions of this Section 16.

16.6.2 Certification

Where required under this regulation, a licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section 16. Such certification must be provided to the Floodplain Administrator.

16.6.3 Permit and Application Requirements

The flood management section of any required Building Permit or zoning approval must be completed in conformance with the provisions of this Section 16 prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within 180 days of the permit approval date. Prior to any development activities, an application for any Building Permit or zoning approval shall be accompanied by the following information:

A. Application Stage. The applicant shall provide at least the following information, as applicable. Additional information may be required on the permit application form:
   1. Plans in duplicate drawn to scale showing the location of the parcel, property lines, nature, location, dimensions and elevations of the area in question.
   2. Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development.
   3. Location of existing and proposed structures, fill, storage of materials, and drainage facilities.
   4. Elevation in relation to mean sea level of the lowest floor (including basement) of all new construction, substantial improvements, or repairs to structures that have sustained substantial damage.
   5. Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry floodproofed.
   6. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
   7. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the

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definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it were new construction.

8. Where applicable the following certifications by a licensed professional engineer or architect are required and must be provided to the Floodplain Administrator. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Sections 16.7.3 through 16.7.6.
   a. Non-residential floodproofing must meet the provisions of Section 16.7.3.B;
   b. Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 16.7.3.C;
   c. No (zero) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 16.7.6;

B. Construction Stage. Upon completion of the applicable portion of construction, the applicant shall provide verification to the Floodplain Administrator of the following as is applicable:
   1. Lowest floor elevation shall be verified for:
      a. A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
      b. A non-residential structure which has been dry floodproofed is the elevation to which the floodproofing is effective (Note: For insurance purposes, a dry floodproofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
   2. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

16.6.4 Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator in the administration of this Section 16 include, but are not limited to, the following:

A. Review all permit applications for completeness, particularly with the requirements of Section 16.6.3.A.

B. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.

C. Review all permit applications to ensure that the permit requirements of this regulation have been satisfied.

D. Review all permit applications to ensure that all necessary federal and state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Wetlands Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.

E. Notify CRCOG and affected municipality at least 35 days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

F. Notify the adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

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G. Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

H. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvement or repair to a structure that has sustained substantial damage.

I. Obtain, record and maintain the elevation (in relation to mean sea level) to which all new construction, substantial improvement or repair to a structure that has sustained substantial damage has been floodproofed.

J. When floodproofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a licensed professional engineer or architect, in accordance with Section 16.7.3.B..2.

K. Where interpretation is needed as to the exact location of boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation utilizing any data available to render a decision. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

L. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

M. When base flood elevation data or floodway data have not been provided in accordance with Section 16.5 and 16.6.3, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this regulation.

N. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Floodplain Administrator for public inspection.

O. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut licensed professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Floodplain Administrator demonstrating compliance with the approved plans and standards set forth in Section 16.6.3.

16.6.5 Enforcement

A. Each permit approved within the Floodplain Zone shall authorize, as a condition of approval, the Floodplain Administrator or designated agents to make regular inspections of the subject property. The Floodplain Administrator or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of this Section 16 may be taking place.

B. If the Floodplain Administrator finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of this Section 16, the Floodplain Administrator shall:

1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the prohibited activity cease and ordering the property owner to either seek to obtain a Building Permit or zoning approval as may be applicable prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.

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2. Notify appropriate departments and commissions and request that any Building Permit or zoning approval in force be revoked or suspended and that a stop work order be issued.

C. The Floodplain Administrator may order the suspension or revocation of a Building Permit or zoning approval if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application, including application plans. Prior to revoking any permit, the Floodplain Administrator shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

D. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 16.6.6 below.

E. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area, the Floodplain Administrator may cause such removal and remediation work to be performed utilizing a financial guarantee held in escrow pursuant this Section 16 or may direct the Director of Public Works or authorized agent to cause such work to be done and to place a lien against the property.

F. Any person subject to enforcement action pursuant to this regulation may appeal any requirement, decision, or determination of the Floodplain Administrator to the ZBA, in accordance with Section 16.8. Such person shall provide such information as necessary including appropriate certifications from a licensed professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Floodplain Administrator was in error or unwarranted.

16.6.6 Penalties For Violation

Any violation of the provisions of this Section 16 or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of variances or special exceptions, shall be enforceable through the authority granted by CGS § 8-12a. Nothing herein contained shall prevent the Town of Simsbury from taking such lawful action as is necessary to prevent or remedy any violation.

16.7 Standards

16.7.1 General Standards

In all Special Flood Hazard Areas (SFHAs) the following is required:

A. New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

B. New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus 2.0 feet.

C. New construction, substantial improvements, and repair to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

D. 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.

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E. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated 2.0 feet above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on, or penetrate through, breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below 2.0 feet above the BFE are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 2.0 feet shall conform to the standards for wet locations.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated 2.0 feet above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from, or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Sections 16.7.3 through 16.7.6. Anchored tanks must have the top of the fill pipe located at least 2.0 feet above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.

J. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division prior to any alteration or relocation of a watercourse.

K. If any portion of a structure lies within the SFHA, the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

L. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure. The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.

M. Compensatory Storage. The water holding capacity of the floodplain 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

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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 Town.

N. Equal Conveyance. Within the floodplain as designated on the Flood Insurance Rate Map (FIRM) for the town, 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 licensed 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.

16.7.2 Standards For Watercourses Without Established Base Flood Elevations, Adopted Floodways, and/or Flood Mapping

A. The Floodplain Administrator shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A licensed professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Floodplain Administrator shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the Flood Insurance Rate Map (FIRM) meet the standards in Section 16.6.3 and Sections 16.7.3 through 16.7.6. If no BFE can be determined, the lowest floor, including basement, must be elevated to 3.0 feet above the highest adjacent grade next to the structure.

B. When BFEs have been determined within Zones A1-30 and AE on the FIRM but a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than 1.0 foot at any point within the town when all existing and anticipated development is considered cumulatively with the proposed development.

C. The Floodplain Administrator may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Floodplain Administrator's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1.0 foot at any point within the town.

D. The Floodplain Administrator shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other

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development in any area of potential, demonstrable or historical flooding within the town meet the standards in Section 16.6.3 and Sections 16.7.3 through 16.7.6.

E. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Town may approve certain development in Zones A1-30, AE, and AH, on the FIRM that increases the water surface elevation of the base flood by more than 1.0 foot, provided that the Town first completes all of the provisions required by Section 65.12 of 44 CFR Chapter 1.

16.7.3 Standards for Special Flood Hazard Areas (Zones A, A1-30, and AE)

A. Residential Construction. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated 2.0 feet above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated 2.0 feet above the BFE.

B. Non-Residential Construction. All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

1. Have the bottom of the lowest floor, including basement, elevated 2.0 feet above the BFE;
   -or-
2. In lieu of being elevated, non-residential structures may be dry floodproofed to 2.0 feet above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A licensed 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 section. Such certification shall be provided to the Floodplain Administrator on the FEMA Floodproofing Certificate, Form 81-65.
3. The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated 2.0 feet above the BFE.

C. Fully Enclosed Areas Below the Base Flood Elevation of Elevated Buildings. All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to 2.0 feet above the BFE. The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet floodproofing). Designs for complying with this requirement must either be certified by a licensed professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in Items 1 through 8 below:

1. Provide a minimum of two openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

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2. The bottom of all openings shall be no higher than 2.0 feet above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
3. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a licensed professional engineer or approved by the Floodplain Administrator;
4. Openings shall not be less than 3 inches in any direction in the plane of the wall;
5. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
6. All interior walls, floor, and ceiling materials located below 2.0 feet above the BFE shall be unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
7. Electrical, plumbing, HVAC duct work, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus 2.0 feet. Utilities or service equipment located in this enclosed area, even if elevated to 2.0 feet above the BFE in the space, may subject the structure to increased flood insurance rates.
8. A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Items 1 through 7 above. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Items 1 through 3 above. In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus 2.0 feet must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet these requirements or be dry floodproofed as per the requirements of Section 16.7.3.B.

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16.7.4 Standards for Manufactured Homes and Recreational Vehicles

A. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located 2.0 feet above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 16.7.3. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

B. All manufactured homes within SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

C. All manufactured homes within SFHA shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement is provided for piers more than 6 feet above ground level.

D. Recreational vehicles placed on sites within the SFHA shall either (1) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (2) meet all the general standards of Section 16.7.1 and the elevation and anchoring requirement of Items A, B, and C above. 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.

16.7.5 Floodway Standards

A. Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be allowed unless certification, with supporting technical data, by a licensed professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA.

B. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with the American Society of Civil Engineers Standards for Protecting Structures in Flood Areas (ASCE 24).

C. Fences in the floodway must be aligned with the flow and be of an open design.

D. A permit may be given that allows encroachments resulting in increases in base flood elevations provided the Town first obtains a conditional floodway revision by meeting the requirements of the Code of Federal Regulations (44 CFR 65.12).

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16.7.6 Standards for Development in Areas of Shallow Flooding (Zones AO and AH)

Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

A. Residential Structures. For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as 2.0 feet above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least 3.0 feet above the highest adjacent grade.

B. Non-Residential Structures. For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:

   1. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as 2.0 feet above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least 3.0 feet above the highest adjacent grade; or
   2. Together with attendant utility and sanitary facilities be completely flood-proofed to above the highest adjacent grade at least as high as 2.0 feet above the depth number specified on the FIRM, or if no depth number is specified at least 3.0 feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a licensed professional engineer or architect.

C. On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

D. Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 16.7.3.C for hydraulic flood vents.

16.7.7 Standards For Subdivision Proposals

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

D. The Floodplain Administrator shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 16.6.4.L. In all special flood hazard areas where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

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16.8 Variances

16.8.1 Establishment of the Variance Process

A. The Zoning Board of Appeals (ZBA) shall hear and decide requests for variances from the requirements of this regulation and appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this regulation.

B. Any person aggrieved by the decision of the ZBA or any person owning land which abuts or is within a radius of 100 feet of the land in question may appeal within 15 days after such decision to the State Superior Court, as provided in CGS § 8-8.

C. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

16.8.2 Specific Situation Variances

A. Buildings on a Historic Register. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

B. Functionally Dependent Use or Facility. Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety, and meet all the requirements of Section 1.1.1.

C. Floodway Prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

16.8.3 Considerations for Granting of Variances

In reviewing such applications for variances, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section 16 and the Items A through K below. Upon consideration of these factors and the purposes of this regulation, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

A. The danger that materials may be swept onto lands causing injury to others;

B. The danger to life and property due to flooding or erosion damage;

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the town;

E. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

F. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. The safe access to the property in times of flooding for ordinary and emergency vehicles;

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J. The heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

16.8.4 Conditions For Variances

A. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

B. Variances shall only be granted upon all of the following conditions being met:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations.

C. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damage.

D. Any applicant to whom a variance is granted 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.

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Article V – Regulatory Standards

Section 17. Inclusionary Housing Requirement (8.7)

17.1 Purpose (8.7)

The purpose of this requirement is to implement the recommendations and goals of the Plan of Conservation and Development and the Affordable Housing Plan, by increasing the total number of affordable dwelling units in the Town of Simsbury.

17.2 Exclusions (8.7)

The inclusionary requirement shall not apply to single-family homes on individual lots intended for fee simple, individual ownership. Also excludes healthcare facilities and senior care communities.

17.3 Requirements (8.7)

A. For any development (Site Plan or subdivision) with 10 or more dwelling units proposed in any zoning district, at least 10% of units (rounded to the nearest whole number) shall be provided as affordable units as defined by CGS § 8-30g.

B. The affordable units shall be evenly distributed locationally throughout the development, distributed equally amongst unit types, and evenly distributed across phases.

C. The affordable units shall be deed restricted for a minimum period of 20 years from the date of issuance of the Certificate of Occupancy for the building that houses the affordable unit.

D. The affordable units shall be sold or rented at, or below, prices that will preserve the units as housing for which persons and families pay 30% or less of income, where such income is less than or equal to 80% of the Area Median Income (AMI) or State Median Income (SMI) (as published by the U.S. Department of Housing and Urban Development), whichever is less. Refer to Section 8-30g-8 of the Regulations of Connecticut State Agencies for specific calculation requirements.

E. All applications requiring an affordable housing component shall be accompanied by a housing affordability plan, prepared in accordance with CGS § 8-30g and RCSA § 8-30g-7. The Plan shall provide all the necessary information and documentation to ensure construction and continued operation of the qualified affordable units.

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Section 18. Lot and Site Standards (Multiple Sections)

18.1 General Lot Standards (2.4, 3.3, 17.1)

A. Only one principal use shall be permitted on a residential lot, unless otherwise stated.

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

18.2 Development Of Rear Lots (3.6)

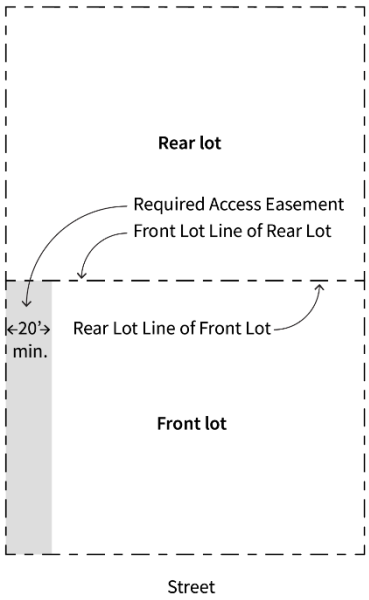
The Zoning Commission may grant a Special Exception to allow the rear portion of a lot of record in the R-40, R-80 and R-160 Zones to be divided to create one new residential lot with no street frontage in accordance with the following:

A. The lot of record existed with its current dimensions prior to December 1, 1969.

B. The lot of record, when created, met all of the frontage and yard requirements in the applicable zone.

C. Both the rear lot and front lot shall conform to all requirements of the zone in which they are located.

D. Access to the rear lot shall be provided across the portion of the front lot with street frontage and shall be within an easement at least 20 feet wide and be constructed to accommodate fire apparatus and other emergency equipment. The access easement shall be sufficiently buffered with screening to prevent headlight intrusion into adjacent street fronting properties. The lot line from which the access easement leads shall be considered the front lot line of the rear lot.



E. Each rear lot shall be configured to contain a rectangle of the following size:

Zone	Minimum Dimension of Rectangle	Minimum Area of Rectangle
R-40	80 ft	10,000 sf
R-80 and R-160	96 ft	14,400 sf

F. The rectangle shall not contain land in the following classifications:

1. Required side, front, or rear yards.
2. Inland wetlands as defined by the Town of Simsbury Inland Wetlands and Watercourses Regulations.
3. Floodplain areas within the Flood Zone as identified on the current Flood Insurance Rate Map.
4. Land with an average slope of greater than 20%, as measured over any distance of 50 feet within the rectangle.

G. No additional subdivision or re-subdivision of the front lot or rear lot shall be permitted unless in conformity with the Town of Simsbury Subdivision Regulations and not until a 50-foot right-of-way has been provided to all lots thereafter created.

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H. In lieu of the Site Plan requirement for a Special Exception, the following plan shall be submitted at a scale of not less than 1 inch = 40 feet showing the following information as may be applicable:
   1. Boundaries of the property certified to a State of Connecticut A-2 Map survey standard.
   2. The location of all existing and proposed water supply wells, septic systems, septic system reserve areas, and sewer and water lines.

18.3 Construction in Setbacks (3.10)

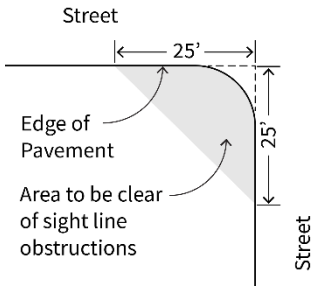
A. Except where expressly prohibited by these Regulations, fences, walls, hedges, and driveways may be permitted in any setback or along the edge of any yard subject to the corner visibility requirements of Section 18.4 below.

B. Small accessory structures may be located within a side or rear yard setback in accordance with Section 7.2.E.

C. Structures required to provide access for persons with disabilities may be permitted within any required setback, provided that no practicable location is available outside the setback. Such structures shall be subject to approval by the Zoning Commission for buildings requiring Site Plan approval, or by Planning and Community Development Department staff for buildings not requiring Site Plan approval.

18.4 Corner Visibility (3.10.D, 4.4, 5.4)

On any corner lot, no fence, wall, structure, vegetation, or other obstruction shall be erected, placed, or maintained in a manner that obstructs visibility within a triangular area formed by measuring 25 feet along the edges of pavement of each intersecting street, beginning at the point where such edges intersect or would intersect if extended in a straight line, and connecting the endpoints of those measurements.



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Section 19. Off-Street Parking and Loading Regulations

19.1 Parking Plan Requirement (10.1.1)

An application for a Building Permit for the erection or enlargement of any building or structure for which off-street parking is required, or an application for uses requiring a Special Exception or Site Plan approval shall be accompanied by a plan of scale not less than 1 inch = 40 feet showing parking areas and spaces, means of access and interior circulation and traffic control, and all associated landscaping.

19.2 Off-Street Parking Space Requirement (10.1.2, 10.1.3,10.1.4, 10.1.3, 10.2)

19.2.1 Minimum Off-Street Parking Requirement

A. In all zones, off-street parking shall be provided and permanently maintained in accordance with the requirements of Section 19.2.3. The number of parking spaces required may be modified based on a parking needs assessment approved in accordance with Section 19.3.

B. For a use not specifically listed in Section 19.2.3, or where these Regulations provide that the parking requirement shall be determined by the Commission, the required number of parking spaces shall be determined based on the most recent edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual and other recognized professional sources, as applicable. Alternatively, the Commission may establish the parking requirement based on the findings of a parking needs assessment approved in accordance with Section 19.3.

C. Required parking may be shared among two or more uses. Where such uses have peak parking demands that occur at different times of the day or week, the combined minimum parking requirement may be reduced by up to 25%, provided the applicant submits documentation demonstrating that the proposed number of spaces will adequately accommodate the anticipated combined parking demand.

D. No area used as a loading space shall be counted as a parking space.

19.2.2 Maximum Amount of Off-Street Parking Allowed (new)

A. Except as provided in Item B below, the number of off-street parking spaces provided for a new use or through the construction or expansion of a parking area shall not exceed 120% of the minimum number of spaces required by Section 19.2.3. Where the number of parking spaces is established through a parking needs assessment approved in accordance with Section 19.3, the maximum shall be the number of spaces established by such assessment.

B. The Zoning Commission may approve parking in excess of the maximum established by Item A above where:

1. A parking needs assessment prepared in accordance with Section 19.3 demonstrates that the anticipated peak parking demand exceeds the maximum permitted. In such cases, the number of parking spaces approved shall not exceed the peak parking demand demonstrated by the assessment; or
2. At least 20% of the total area of all parking areas is devoted to landscaped islands complying with Section 19.6.5.B in which case the total number of parking spaces shall not exceed 150% of the minimum number of spaces required by Section 19.2.3.

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19.2.3 Required Number of Parking Spaces per Use

Residential Uses	Minimum Parking Requirement
Accessory Dwelling Unit	Uses with 16 or fewer dwelling units: No spaces are required provided that the amount of off-street parking supplied will not result in a specific adverse impact to public health or safety. Uses with 17 or more dwellings units: 1 space shall be provided for each dwelling unit with one bedroom or fewer and 2 spaces shall be provided for each dwelling unit with 2 bedrooms or more. The required amount of off-street parking for any residential use may alternatively be provided in accordance with a parking needs assessment per Section 19.3.
Dwelling, Single-Family	
Dwelling, Two-Family	
Dwelling, Multi-Family	
Middle Housing Residential	
Mixed-Use Middle Housing (residential component only)	
Residential Conversion	
Assisted Living Facility	0.5 spaces per bed
Congregate Senior Housing Facility	1 per employee on the largest shift + 1 space per dwelling unit for any development with 17 or more units. Off-street parking for dwelling units may alternatively be provided in accordance with a parking needs assessment per Section 19.3.
Continuing Care Retirement Community	Parking shall be provided to meet the requirements of individual housing types per this Section 19.2.3. Off-street parking for dwelling units may alternatively be provided in accordance with a parking needs assessment per Section 19.3.

Non-Residential Uses	**Minimum Parking Requirement** (ksf=1,000 square feet)
Animal Daycare	3 per ksf
Motor Vehicle Sales	3 per ksf indoor office and display space + 0.1 per ksf outdoor display area + 2 per service bay
Motor Vehicle Service or Repair	2 per service bay + 3 per ksf office and retail sales area
Bank or Financial Institution	5 per ksf
Bar or Tavern	15 per ksf
Boarding Camp	1 space per employee + 1 space per 4 campers
Boarding School	1 space per employee + 1 space per 4 students
Building Supply	2 per ksf indoor sales area + 0.5 per ksf indoor storage space + 3 per ksf office space
Cannabis Operation	1 per ksf indoor production or storage space + 3 per ksf office space
Car Wash	1 space per wash bay + queuing space for 5 vehicles per wash bay
Cemetery	To be determined by the Commission
Child Care Center	4 per ksf
Commercial Kennel	3 per ksf

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Non-Residential Uses	**Minimum Parking Requirement** (ksf=1,000 square feet)
Commercial Recreation Facility	Athletic Field: 50 per acre Basketball Courts: 10 per court Batting Cage: 2 per cage Billiard Hall: 6 per ksf Bowling Alley: 3 per lane Fitness Club: 5 per ksf Skating Rink: 50 spaces per rink Spectator Seating: 0.33 spaces per seat Tennis and Pickleball Courts: 4 per court Other uses or functions: To be determined by Commission
Contractor's Yard	2 per yard + 3 per ksf office space
Convenience Store	4 per ksf
Equipment Sales	3 per ksf indoor office and display space
Farm	To be determined by Commission
For-Profit Educational Facility	5 per ksf
Fuel Storage and Distribution	2 per location + 3 per ksf office space
Funeral Home	10 per ksf
Gas Station	2 per establishment + 2 per service bay + 3 per ksf office and retail sales area
Golf Club	10 per hole
Government Facility	3 per ksf office space, requirement for other facilities to be determined by the Commission
Grocery Store	4 per ksf
Group Child Care Home	To be determined by the Commission
Healthcare Facility	1 space per bed
Hotel or Motel	1 per guest room + 8 per ksf for restaurant and conference or banquet space
Laundry Establishment	5 per ksf
Manufacturing	1 per ksf indoor production space + 0.5 per ksf indoor storage space + 3 per ksf office space
Medical Office or Clinic	5 per ksf
Mixed-Use Development	Off-street parking for individual uses to be provided in accordance with this Section 19.2.3
Nursery	2 per ksf indoor sales area + 3 per ksf office space
Organics Recycling Facility	2 per facility + 3 per ksf office space
Package Store	4 per ksf
Park	To be determined by the Commission
Personal Service Establishment	5 per ksf
Place of Worship	0.33 per seat in worship area or 0.25 per maximum occupancy load in worship areas where fixed seating is not provided.

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Non-Residential Uses	**Minimum Parking Requirement** (ksf=1,000 square feet)
Print Shop	1 per ksf indoor production or storage space + 3 per ksf office space
Private Club	10 per ksf
Professional Office	3.5 per ksf
Public Utility Installation	No requirement
Public Utility Yard	2 per yard + 3 per ksf office space
Repair Services	3 per ksf
Research Laboratory	3 per ksf
Restaurant	10 per ksf
Retail Store	4 per ksf
Riding Club	0.25 per stall
Self-Storage Facility	2 per facility + 3 per ksf office space
School	To be determined by the Commission
Specialty Food Store	5 per ksf
Special Recreation Area	Parking to be provided based on individual uses as required by this Section 19.2.3 and as determined by the Commission.
Studio	5 per ksf
Theater	0.33 per seat or 0.25 per maximum occupancy load in performance areas where fixed seating is not provided.
Truck Terminal	0.5 per ksf indoor storage space + 3 per ksf office space
Veterinary Clinic or Hospital	3 per ksf
Warehousing	0.5 per ksf indoor storage space + 3 per ksf office space
Wholesale Business	2 per ksf indoor sales area + 1 per ksf outdoor sales area + 3 per ksf office space

19.3 Parking Needs Assessment (new)

As an alternative to the parking requirements of Section 19.2.3, an applicant may submit a parking needs assessment for the subject property. Such assessments shall be subject to review and approval by the Zoning Commission. If the assessment demonstrates that fewer spaces are sufficient to meet anticipated demand, the Commission shall, for residential developments, and may, for non-residential developments, approve a reduced parking requirement consistent with the assessment, provided it will not result in a specific adverse impact to public health or safety. The parking needs assessment shall comply with the following:

A. The assessment shall be prepared by a professional engineer licensed in the State of Connecticut with expertise in transportation engineering.

B. The assessment shall be based on the most recent edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual or another recognized and reliable data source, and shall document all assumptions, methodologies, and data used.

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C. For developments with dwelling units, the assessment shall include an analysis of:
   1. Available existing public and private parking that may be used by residents of the proposed development.
   2. Public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking.
   3. Projected future needs for off-street parking for such proposed development.
   4. Any relevant local traffic, parking, or safety study.

D. On-street parking spaces shall not be counted towards satisfying the parking requirement of dwelling units.

E. Should the Commission find the parking needs assessment to be inadequate or its findings to be substantially inconsistent with the expected parking demand, the Commission may require the applicant to pay the cost of reasonable fees associated with a third-party review as authorized by CGS § 8-1c(b).

19.4 Off-Street Loading Requirements (10.1.6)

Any building or portion thereof having a gross floor area of 10,000 square feet or more and used for manufacturing, warehousing, storage, retail, wholesale, lodging, healthcare, laundry, or any other use involving the regular receipt or distribution of materials, merchandise, or goods by vehicle shall provide and maintain at least one off-street loading space, plus one additional loading space for each 20,000 square feet, or major fraction thereof, of gross floor area in excess of the first 20,000 square feet..

A. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.

B. No loading space shall be located within 50 feet of a lot in a residential zone unless the loading space is located entirely within an enclosed building or is screened on all sides, except at points of access, by a solid wall or fence at least 6 feet in height. Any such outdoor loading space shall be a minimum of 10 feet from the residentially zoned lot line.

C. Trucks or trailers occupying a loading space shall be located entirely on the lot and shall not extend into a sidewalk or street.

19.5 Location of Parking Areas (10.1.3)

A. Parking spaces and circulation drives (with exception of driveways providing access to a street) shall not be located within 25 feet of the front property line, within 15 feet of the side property line, or within 10 feet of the rear property line. Except that such parking spaces and circulation drives may be located within 10 feet of a side property line if screening is provided in accordance with Section 19.6.5.C.

B. Where parking areas abut a residential zone, parking spaces and circulation drives shall not be located within the front, rear, or side yard setbacks.

C. Required parking spaces shall be located either on the same lot as the use for which it is required or within a radius of 500 feet of any part of the property that it is intended to serve, provided however that the parking is located in the same zoning district.

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19.6 Design & Construction Standards (new)

19.6.1 General Requirements

A. Each parking space shall contain a rectangular area not less than 9 feet by 18 feet, except that 25% of spaces may be reduced in size to no less than 8.5 feet by 16 feet provided such spaces are signed for compact car parking only.

B. Parking spaces and driveways shall be located and constructed so that no part of a vehicle extends beyond a property line or obstructs the public right-of-way or a public sidewalk when parked.

C. Driveways, traffic lanes, and aisles within or servicing parking areas shall facilitate safe traffic movement for all users and shall adequately accommodate emergency vehicles.

D. Off-street parking for the handicapped shall be provided in conformance with Section 14-253a of the Connecticut General Statutes, and the Connecticut Building Code (Sec. 29-252, as amended), with regard to location, size, marking, signage, and required number of handicapped accessible spaces based on use and size of parking lot. Parking spaces for the handicapped shall be as close as possible to a building entrance or walkway leading directly to a building entrance and shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person. Such spaces shall be counted towards the minimum parking requirement of Section 19.2.1.

19.6.2 Pavement and Drainage Requirements

A. All required parking spaces, except for single-family residences, shall be located on paved surfaces.

B. All paved parking areas, except those used only by individual residences, shall be permanently marked to delineate individual parking spaces.

C. All parking areas shall be well drained, and all drainage systems shall be designed in accordance with the requirements of the 2024 Connecticut Stormwater Quality Manual.

D. The use of permeable pavements is permitted in accordance with the following:

1. Except for single-family residences, no permeable pavement shall be use for required parking within an Aquifer Protection Area.
2. Permeable paving systems shall be designed in accordance with the recommendations of the 2024 Connecticut Stormwater Quality Manual, as amended.
3. Parking surfaces shall be maintained such that the permeable material functions effectively and does not constitute a nuisance by virtue of its appearance or condition.
4. Parking spaces constructed of permeable materials that will be used routinely by visitors to the site shall incorporate delineation of individual spaces via painted stripes, change in color or material, or other effective means of delineation. Permeable parking areas intended only for use by the property owner or tenant, or for overflow parking only, may be constructed without such delineation.

19.6.3 Driveways and Aprons

A. Except for single-family dwellings, all driveway aprons between the street line and right-of-way line shall be constructed of concrete, bituminous concrete, interlocking pavers, or other pavement material acceptable to the Town Engineer.

B. All driveways and driveway aprons shall be constructed in accordance with Town of Simsbury Highway Right-of-Way design standards.

Draft 10/12/26

19.6.4 Landscaping Requirements – All Parking Areas

A. Maintenance of Sight Lines. In selecting and locating trees, shrubs, and other plantings, consideration shall be given to maintaining adequate sight lines to ensure safe access to and within the property.

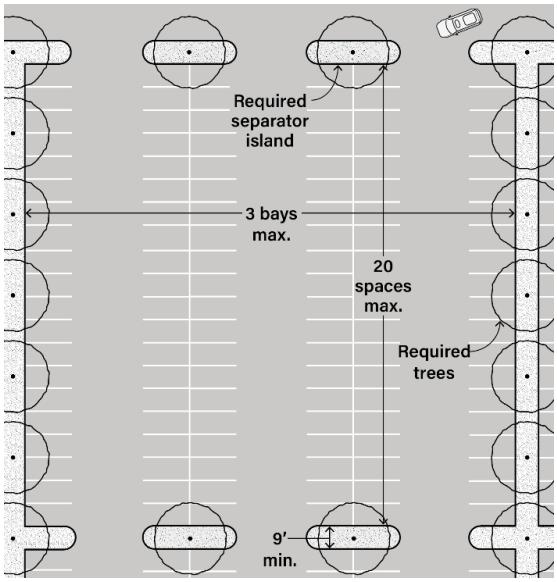
B. Front Yard Landscaping Requirement. Any space between a parking area and a front lot line not occupied by a driveway, structure, or pedestrian facility shall be landscaped with grass, ground cover, perennials, or small shrubs and shall include at least one deciduous tree, a minimum of 2 inches caliper at time of planting, per 30 linear feet.

19.6.5 Landscaping Requirements – Large Parking Areas

All newly constructed parking areas containing 50 or more parking spaces, and any expansion of an existing parking area by more than 50% resulting in a total capacity of 50 or more parking spaces, shall be subject to the following requirements:

A. Perimeter Tree Requirement. In addition to the trees required within landscaped islands pursuant to Item B below, at least one deciduous shade tree shall be provided for every 50 linear feet of parking lot perimeter, except for portions of the perimeter that abut a building or an existing stand of mature trees. Required trees shall have a minimum caliper of 2 inches at the time of planting. Trees may be clustered and are not required to be evenly spaced. Trees planted within required front yard landscaping may be counted toward this requirement.

B. Landscaped Island Requirement. Landscaped islands shall be provided in accordance with the following requirements; however, such islands shall not be required beneath areas covered by solar arrays:



1. No more than 3 parking bays (comprised of rows of parking spaces and access aisles providing access to those spaces) shall be contiguous without separation by an island and no more than 20 parking spaces shall be contiguous in a parking row without separation by an island.
2. All parking rows with 10 or more contiguous spaces shall be separated from adjacent parallel driveways or access aisles by a landscaped island.
3. Landscaped island design standards:
    a. Each island shall be a minimum of 300 square feet and have a minimum width of 9 feet inclusive of curbing.
    b. Except for areas covered by sidewalks or other pedestrian accommodations, each island shall be planted with grass, ground cover, perennials, or small shrubs and shall include at least one deciduous tree, a minimum of 2 inches caliper at time of planting, per 30 linear feet of island or planted with a combination of plantings as may be necessary for the absorption of stormwater runoff when designed to function as a rain garden. All trees shall be located or protected to avoid damage by vehicles.
    c. Islands shall be edged by asphalt, concrete, or granite curb except as required to allow for the receiving of stormwater runoff.

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d. Islands that are parallel to parking spaces shall be designed to allow for vehicular door opening without obstruction.

e. Islands that are perpendicular to parking spaces shall allow for overhanging of parked vehicles without obstruction to vehicles or damage to plantings.

C. Screening Requirement. Any parking area located within a required rear or side yard setback and adjacent to another lot, or portion thereof, containing dwelling units shall provide screening between the parking area and the adjacent residential lot or residential portion of the lot, as follows: (unless waived by the Zoning Commission due to the presence of existing screening meeting these criteria)

1. Required screening shall be in the form of a landscaped berm, fence, masonry wall, dense evergreen planting, or combination thereof at least 4 feet in height at time of installation except that such screening shall be installed and maintained at a height of no more than 3 feet within a 25-foot sight distance triangle of all street and driveway intersections.
2. Masonry walls shall have a finished surface of brick, stone, architecturally textured concrete, split face block or similar material. Exposed concrete block or standard finish poured or precast concrete are not acceptable finishes.
3. Fences shall be solid and made of wood, vinyl, or composite materials.

19.7 Electric Vehicle Charging Station Infrastructure (10.1.7)

A. Any new commercial building or multifamily residential building with 30 or more designated parking spaces shall be provided with electric vehicle charging station infrastructure capable of supporting level 2 electric vehicle charging stations or direct current fast charge stations, or higher in at least 10% of such parking spaces. "Infrastructure" includes, but may not be limited to, improvements such as underground conduit, pad identification and installation, and electric service upgrades. The installation of complete electric vehicle charging stations is not required.

B. Electric vehicle charging station spaces shall be counted towards the minimum parking requirement of Section 19.2.

19.8 Bicycle Parking (new)

Bicycle parking facilities shall be required as follows:

A. Except for residential uses with 3 or fewer dwelling units, bicycle parking shall be provided for all new or substantially improved buildings or sites, or for any site where new motor vehicle parking spaces are provided.

B. Bicycle parking shall be provided at a rate of one bicycle parking space per 10 motor vehicle parking spaces on the site with a minimum of 2 bicycle parking spaces provided and a maximum of 20 spaces required.

C. Bicycle parking spaces shall:

1. Be located near a primary building entrance and placed in an area that is highly visible.
2. Include sufficient surrounding space to access the parked bicycle.
3. Allow for secure locking and supporting of the bicycle in an upright position.
4. Be located to avoid damage from vehicles.
5. Be located so as to not interfere with pedestrian circulation.

D. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking shall be covered at the same ratio.

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Section 20. Sign Regulations (Section 9)

20.1 Purpose (9.0)

The purpose of this section is to establish content-neutral standards for the location, size, height, number, illumination, and design of signs in order to promote public safety, protect community character and visual quality, support economic vitality, and ensure that signs are compatible with surrounding development while preserving the right to free expression.

20.2 Exempt Signs (new)

The following types of signs are exempt from these regulations:

A. Campaign Signs: Any temporary sign directly related to a pending federal, state, or municipal election or referendum that is displayed no longer than 7 days past such election or referendum with a total sign area allowance of 16 square feet for all signs on a lot in residential zones and 32 square feet for all signs on a lot in non-residential zones.

B. Government Signs: Signs erected, maintained or otherwise posted, owned or leased by the U.S. government, State of Connecticut, or Town of Simsbury.

C. Historical Markers or Plaques: Markers or plaques associated with an historic event, or an historic place or structure listed on the State or National Register, or on a property located within a Local Historic District provided such marker or plaque does not exceed 2 square feet and is not illuminated.

D. Indoor Signs: Signs contained solely within a building and intended solely for inside use and not for attracting attention from the outside.

E. Internal Use Sign: A permanent sign up to 4 square feet in area located within a property that is typically used to provide direction and orientation to vehicles and pedestrians within the property and convey important information about the use of the property provided such signs are not located or oriented so as to be viewed primarily from outside the property.

F. Legal Obligations: Any sign required by a valid and applicable federal, state, or local law, regulation, ordinance, or judicial order not exceeding 6 square feet or the minimum size required by the pertinent law, regulation, ordinance, or order.

G. Traffic Signs: Any sign or traffic control device installed by an authorized agency or as required or recommended by the Manual of Uniform Traffic Control Devices.

H. Signs affixed to vehicles that are used on a regular basis by the business that they advertise and are not designed or used exclusively as signage.

20.3 Prohibited Signs (9.7)

The following signs are prohibited unless otherwise expressly permitted by these Regulations:

A. Any sign installed without a permit, if required.

B. Portable or movable signs including signs mounted on or displayed from vehicles or trailers that are not actively used in the normal operation of the business or activity being advertised.

C. Signs that move, rotate, swing, flutter, or are otherwise set in motion by mechanical, electrical, wind-powered, or other means, including feather flags, inflatable signs, banners, pennants, streamers, spinners, blimps, and balloons.

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D. Signs containing flashing, blinking, scrolling, rotating, animated, or other intermittent lighting or electronic displays.

E. Internally illuminated signs or signs with exposed illuminated tubing or other illuminated elements that form letters, symbols, or graphics.

F. Signs that imitate or could reasonably be confused with an official traffic control device or governmental sign.

G. Permanent off-premises signs.

H. Signs located within a public right-of-way, except official governmental signs or signs otherwise authorized by the governmental entity having jurisdiction.

I. Signs attached to utility poles, street or traffic sign poles, trees, plants, table umbrellas, or temporary shade structures.

20.4 Definitions (17.4)

For the purposes of this Section 20, the following definitions shall apply:

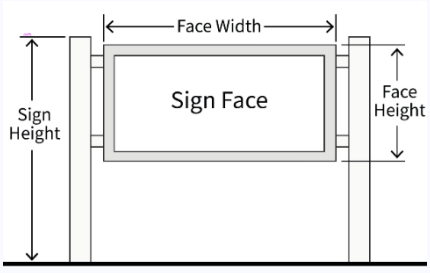
Illumination, External: Any artificial light external to a sign that is directed to the sign for the purpose of illuminating the sign.

Illumination, Halo: A method of sign illumination in which a light source is mounted behind opaque sign letters, symbols, or a sign panel so that light is directed onto the surface behind the sign, creating a soft, diffuse "halo" or backlit glow around the sign elements. The light source itself is not directly visible from off the premises.

Illumination, Internal: Any artificial light emitted directly or through a transparent or translucent material from a source of light within the sign. Internal illumination is prohibited by these Regulations.

Lot: *See Lot Definitions in Section 30.*

Sign: Any object, device, display or structure or part thereof, situated outdoors or indoors but designed and intended to be seen outside the building, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.



Sign Area: The area within one or more of the smallest geometric shapes enclosing the outermost limits of all sign elements that together constitute a single sign, including any background, framing, trim, or molding, but excluding supporting structures unless they are designed as an integral part of the sign. The perimeter shall not pass through or between adjacent sign elements that together comprise a single sign. Structural supports and other structural elements that are not an integral part of the sign display shall not be included in the sign area. For a double-faced sign or A-frame sign with sign faces of equal size and mounted back-to-back, the sign area shall be measured as the area of one sign face only.

Use: An individual principal use or occupancy of a lot or building, which may contain one or more uses. Where these Regulations establish a sign allowance on a per-use basis, each individual use shall be entitled to such allowance. A building or a portion of a building containing one or more dwelling units shall be considered an individual use.

Draft 10/12/26

Use Frontage: The building elevation that faces a road or a parking area between a building use and the road. In the case of a building or use having access to more than one such street, only one side may be designated as the front.

20.5 Allowed and Permitted Sign Types (new)

The following sign types are allowed or permitted in accordance with this Section 20:

Sign	Description	Example
A. A-Frame Sign	A two-sided portable sign with an "a-frame" construction used in accordance with the following: 1. For use only by non-residential uses that are open to the public. 2. Located within 10 feet of the main entrance of the building or use and shall not obstruct pedestrians. 3. For display only during the hours that the use is open to the public and stored indoors when not displayed.	
B. Bulletin Board Sign	A permanent sign displayed by a place of worship or school designed to display manually posted notices, announcements, schedules, or similar information. Excludes electronic, digital, illuminated, or mechanically changing message displays.	
C. Freestanding Sign	A permanent sign with upright supports or mounted on a base, fixed to the ground, and not attached to any part of a building. All freestanding signs shall be landscaped at the base of the sign with any combination of low-growing evergreen shrubs, deciduous shrubs, annuals, perennial flowering plants, groundcovers, and/or lawn.	
D. Incidental Sign	A small permanent wall, projecting, or ground sign typically containing information relevant to the property. Examples include an address sign or property name sign.	

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Sign	Description	Example
E. Projecting Sign	A permanent sign attached to and projecting perpendicularly from a building wall, with the wall serving as its sole means of support. If mounted above a sidewalk, the bottom shall be a minimum of 7 feet above the sidewalk.	
F. Temporary Freestanding Sign	A temporary sign placed on or fixed to the ground for a limited period of time coinciding with a specific activity comprised of the following types: 1. Temporary Freestanding Sign – Construction: A sign coinciding with an active construction project for which a Building Permit has been issued. 2. Temporary Freestanding Sign – General Use: A sign used to display a message for any purpose. 3. Temporary Freestanding Sign – Home Improvement: A sign coinciding with an active home improvement project. 4. Temporary Freestanding Sign – New Residential Development: A sign displayed in association with a new multi-family building with 10 or more units or a residential subdivision. 5. Temporary Freestanding Sign – Real Estate: A sign used in association with a property for sale or lease and only during such time that the property is available for sale or lease.	
G. Temporary Wall or Banner Sign	A sign used by a new business establishment, or an establishment in which there is a change of ownership, in promotion of the new establishment or change of ownership.	

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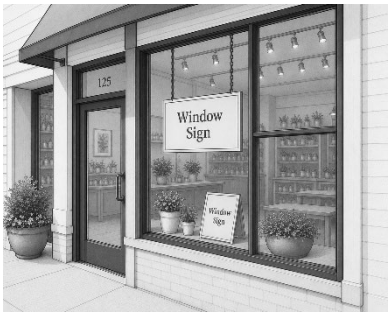
Sign	Description	Example
H. Wall Sign	A permanent sign installed in one or more of the following configurations: 1. Any sign installed on building wall surface and projecting no more than 12 inches from the surface to which attached. 2. A sign directly painted on or adhered to the interior glass surface of a window or door. 3. A sign directly applied to the vertical surface (valance) of an awning.	
I. Window Sign	A sign or combination of signs located on the interior side of a window. One window sign, not exceeding 3 square feet in area, may be illuminated by exposed lighting elements. Excludes signs painted on or affixed directly to the window glass, which shall be considered wall signs. Merchandise displayed in a window is not considered a window sign.	

20.6 Signs in the Simsbury Center Zone

Signs in the Simsbury Center Zone shall be regulated through Section 6.4 of the Simsbury Center Code. Any reference to "all zones" or "non-residential zones" in this Section 20 shall exclude the Simsbury Center Zone.

20.7 Signs Allowed Without a Permit (new)

The following signs are allowed to be installed and maintained in all zones without requiring submission of an application or issuance of a permit, subject to compliance with this Section 20 and the following:

Sign Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Top of Sign	Illumination Allowed	Other Restrictions
A-Frame Sign	1 per use	6 sf	4 feet	No	See Section 20.5.A
Incidental Sign	1 per use	1 sf	6 ft above grade if freestanding, not above first floor if wall mounted	No	—
Window Sign	Limited by area only	8 sf each, up to 25% of window area in total	Top of first floor window or door	Yes	Non-residential zones and uses only
Temporary Freestanding Sign – General Purpose	1 per lot	4 sf	3 ft above grade	No	—

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Sign Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Top of Sign	Illumination Allowed	Other Restrictions
Temporary Freestanding Sign – Home Improvement	1 per lot	4 sf	3 ft above grade	No	Residential uses only
Temporary Freestanding Sign – Real Estate	1 per principal building or street frontage	6 sf residential zones, 16 sf non-residential zones	6 ft above grade	No	—

20.8 Signs Requiring a Temporary Sign Permit (new)

The following signs, which shall be removed by the applicant upon expiration of the permit, are allowed for use in all zones following issuance of a Temporary Sign Permit by Planning and Community Development Department staff and are subject to compliance with this Section 20 and the following:

Sign Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Top of Sign	Illumination Allowed	Other Restrictions
Temporary Freestanding Sign – Construction	1 per use	12 sf (residential zones), 32 sf (non-residential zones)	6 ft above grade	No	Permit expires 6 months from issuance. Renewable in 6-month increments.
Temporary Freestanding Sign – New Residential Development	1 per development	32 sf	6 ft above grade	No	Permit expires 6 months from issuance. Not renewable.
Temporary Wall or Banner Sign	1 per use	32 sf	Cornice line or roof line at eaves where displayed if wall mounted, 6 feet above grade if fence mounted	No	60-day permit for use only within 60 days of opening of new establishment

Draft 10/12/26

20.9 Signs Requiring a Sign Permit (new)

A. Signs identified in this Section 20.9 may be installed upon completion of the following:

1. Submission of a Sign Permit application including all required information.
2. Freestanding Signs Only: Referral to, and a positive referral from, the Design Review Board (DRB). In such cases where DRB does not provide a positive referral, the applicant shall revise the proposal to address DRB comments to the satisfaction of staff prior to approval by staff. Should the applicant not wish to amend the proposal based on DRB comments, the application may be submitted to the Zoning Commission for review. Upon review, the Commission will instruct staff to approve, approve with modifications, or deny the application.
3. Approval by Planning and Community Development Department staff.
4. Submission of a Building Permit Application and issuance of a Building Permit as required by the Building Department.

B. The procedure above is applicable to the following types of signs and approval of such signs is subject to compliance with this Section 19 and the following:

Sign Type	Maximum Number of Signs	Maximum Sign Area/ Dimensions	Maximum Height of Top of Sign	Illumination Allowed	Other Restrictions
Bulletin Board Sign	1 per use	16 sf	6 ft above grade (shall be a minimum of 2 feet from the ground)	External	For use by place of worship or school only
Freestanding Sign	1 per lot	32 sf, shall not exceed 12 feet in length	6 ft above grade in residential zones, 10 ft in non-residential zones (sign face shall be a minimum of 2 feet from the ground)	External or Halo	Multi-family (10+units), subdivisions, and non-residential uses only
Projecting Sign	1 per use	5 sf	Cornice line or roof line at eaves where installed	External or Halo	Non-residential uses only
Wall Sign	1 per use	1 sf per 1 lf of use frontage up to 20 sf in residential zones and 32 sf in non-residential zones. Shall not exceed 2/3rd of the length of the use frontage.	No higher than top of wall or roof where mounted	External or Halo	Non-residential uses only

Draft 10/12/26

20.10 General Standards (9.3)

In addition to the other requirements of this Section 20, the following standards shall apply to all signs in all zones:

A. All signs must be maintained in a structurally sound condition and shall not have peeling or deteriorated surface coatings or damaged elements.

B. Any temporary sign used in the promotion of an event shall be removed within 7 days of the conclusion of the event.

C. As may be permitted by this Section 20, signs may be externally illuminated or have halo illumination. All such lighting shall comply with the following:

1. External light fixtures shall be full cutoff light fixtures, which shall be designed to minimize light pollution and should direct the light output in a controlled downward manner that prevents light being directed above the horizontal plane. All light fixtures are required to have a manufacturer's BUG rating for uplight of U-0.
2. All sign lighting shall be designed, installed, and maintained to prevent direct glare, light trespass, spill light, or obtrusive light to abutting properties or rights-of-way.

D. No sign shall be installed at an intersection so as to interfere with safe sight lines, within the area of a triangle measured 25 feet along the edge of pavement, outward from the intersection of the street line.

E. No signs shall be permitted to obstruct any door, fire exit, stairway, or opening intended to provide ingress or egress for any building structure.

F. Where a use spans more than one zone, signs associated with that use shall comply with the sign regulations of the zone containing the majority of the use.

20.11 Repair, Modification, or Replacement of Signs

A. Signage installed through an approved Sign Permit may be repaired, modified, or replaced without requiring the issuance of a new Sign Permit provided that any such proposed repair, modification, or replacement is reviewed by the Planning and Community Development Department for consistency with the Sign Permit prior to the issuance of any required Building Permit for signage installation.

B. Any sign repair, modification, or replacement that would differ substantially in location, construction, size, or lighting from that approved through the Sign Permit shall require issuance of a new Sign Permit in accordance with Sections 20.8.

20.12 Enforcement

Any sign in violation of these Regulations may be ordered to be repaired, corrected, or removed by the Code Compliance Officer within 10 days of issuance of the violation.

Draft 10/12/26

Section 21. Outdoor Lighting Regulations (Section 8.8)

Draft 10/12/26

Article VI – Procedures and Administration

Section 22. Plan Requirements
Section 23. Administrative Permit Reviews
Section 24. Site Plan Applications
Section 25. Special Exceptions

Draft 10/12/26

Section 26. Text Amendment and Zone Change Applications

26.1 Text Amendment Applications (13)

A. These Regulations may be amended, modified, changed or repealed by the Zoning Commission on its own initiative or by petition.

B. Any petitions for text amendment shall be submitted in writing at a regular meeting of the Commission on forms prescribed and shall be accompanied by the following:

1. One hard copy copies of the precise wording of the existing and proposed text, and a digital copy of text in PDF, MS Word, or other appropriate format.
2. The appropriate application fee, except that the Zoning Commission shall be exempt from any application fee.

C. The text amendment shall be referred to the Planning Commission for a review for consistency with the Plan of Conservation and Development prior to any action taken by the Zoning Commission.

D. Any amendment or change may be adopted only after due notice and public hearing in accordance with the provisions of CGS § 8-3 and 8-7d.

E. No petition for text amendment that has been rejected by the Zoning Commission shall be heard again within one year from the date of rejection except that the Zoning Commission may grant a re-hearing before one year 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.

26.2 Zone Change Applications (14)

The boundaries of any zoning district may be amended, modified, or changed by the Zoning Commission on its own initiative or through approval of a Zone Change Application in accordance with the following:

A. Unless initiated by the Zoning Commission, all Zone Change Applications must be made by the owners of record of the property involved, their authorized agents, or the holder of an option to purchase and be accompanied by a copy of the deed to the property.

B. Applications shall be made on prescribed forms and submitted in writing at a regular meeting of the Commission and shall include a description of any proposed modification of existing standards or requirements of these Regulations.

C. Applications shall be accompanied by:

1. A Class "D" survey map prepared at the same scale as the Assessor's maps to be provided in PDF format with one set provided in Mylar format and 3 copies, all at 24" x 36" showing:
   a. Existing zone district lines (depicted by a medium-weight, broken line).
   b. Proposed zone district lines (depicted by a heavy, broken line).
   c. Property for which the zone change is requested (shown in a shaded pattern).
   d. A line representing the locus of points 500 feet in all directions from the parcel(s) for which the change in classification is requested.
   e. Lots and streets lying wholly or partially within 500 feet in all directions.
   f. Appropriate legend indicating the specific request as well as the name of the applicant and owner(s) of land included in the proposed change.
   g. Lot or parcel numbering consistent with the system used by the Assessor's office.
   h. North arrow and location key map at a scale of 1 inch = 1,000 feet.

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i. The town line, where located within 500 feet of a proposed zone change.
j. Appropriate professional certification and clarification by a land surveyor.

2. A list of the names, addresses and zip codes (when available) of all parcel owners as per the latest Town Clerk's records, keyed by parcel number; and
3. The appropriate application fee, except that the Commission shall be exempt from any application fee.

D. The Zoning Commission may require additional documents to be submitted and explanatory statements or descriptive material to be provided.

E. The application shall be referred to the Planning Commission for a review for consistency with the Plan of Conservation and Development prior to any action taken by the Zoning Commission.

F. As required by CGS § 8-3b, the Zoning Commission shall provide notice to the Capitol Region Council of Governments of any application or proposal for a zone change for any portion of a property with 500 feet of the boundary of another municipality.

G. A zone change may be approved only after due notice and a public hearing in accordance with the provisions of CGS § 8-3 and 8-7d.

H. No Zone Change Application that has been rejected by the Zoning Commission shall be heard again within one year from the date of rejection except that the Zoning Commission may grant a re-hearing before one year 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 applicant.

Draft 10/12/26

Section 27. Public Hearing Notice Requirements (18)
Section 28. Zoning Board of Appeals

Draft 10/12/26

Article VII – Definitions

Section 29. Word Use, References, and Abbreviations (Section 17.3)

29.1 Word Use (17.3.1)

For the purposes of these regulations, certain terms and words used herein shall be used, interpreted, and defined as set forth in this section.

A. The word “person” includes an individual, a corporation, a partnership, and an unincorporated association.
B. The word "shall" is always mandatory.
C. The word "may" is permissive.
D. The word "lot" shall include the words "piece" and "parcel."
E. "Town" means the Town of Simsbury, Connecticut.
F. "State" means the State of Connecticut.
G. "Commission" means the Zoning Commission of the Town of Simsbury, unless otherwise specified.
H. The phrase "used for," shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
I. Words used in the singular may include the plural, and the plural the singular; words used in the present tense may include the future tense.
J. The words "zone", "zoning district", and "district" shall have the same meaning.
K. The phrase "these Regulations" shall refer to the entire Zoning Regulations of the Town of Simsbury.
L. The word "section" shall refer to a section of these Regulations, unless otherwise specified.
M. Any agency, commission, board, or department is that of the Town of Simsbury, unless otherwise specified.

29.2 Acceptable References for Definitions (17.3.3)

Words used in these regulations shall be determined to have the meanings as defined in this Article. Doubt as to the precise meaning of other words and terms shall be determined by the Zoning Commission after reference to:

A. The Connecticut General Statutes
B. Black’s Law Dictionary
C. Webster’s Third New International Dictionary
D. The Illustrated Book of Development Definitions, Fourth Edition

Draft 10/12/26

29.3 Abbreviations (new)

ADU: Accessory Dwelling Unit

BFE: Base Flood Elevation

CFR: Code of Federal Regulations

CGS: Connecticut General Statutes

CTDEEP: The Connecticut Department of Energy and Environment

FEMA: Federal Emergency Management Agency

FIRM: Flood Insurance Rate Map

ft: Feet

NFIP: National Flood Insurance Program

POCD: Town of Simsbury Plan of Conservation and Development

sf: Square Feet

SE: Special Exception

SP: Site Plan

ZP: Zoning Permit

§: Section of the Connecticut General Statutes

Draft 10/12/26

Section 30. Zoning Terminology Definitions (Section 17.4)

See Section 32 for Use Definitions.

Key (color coding for draft only)

Existing Definition: Black Text

Revised Definition: Purple Text

New Definition: Red Text

Abutting or Adjoining: Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Use: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Adjacent: Touching or contiguous.

Affordable Housing: Housing meeting the definitions of affordable housing in CGS §8-30g, defined by the statute as follows: housing subject to binding recorded deeds containing covenants or restrictions that require that such dwelling units be sold or rented at, or below, prices that will preserve the units as housing for which persons and families pay 30% or less of income, where such income is less than or equal to 80% of the median income

Applicant or Person: An individual, firm, association, syndicate, partnership, corporation or the authorized agent thereof, having recorded title to the land or building, or sufficient proprietary interest to seek development or use of the premises or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

Application: An application shall consist of a completed form and fee as prescribed by the Commission including all necessary and required documents/Department approvals.

Arterial Street: A street classified on the Connecticut Department of Transportation's Functional Classification Map as a major or minor arterial.

Average Finished Grade: The average elevation of the finished ground surface measured at a distance of 5 feet offset from the exterior walls, foundation, or footing (as applicable) at intervals of no more than 20 feet including measurements taken at the lowest and highest grades. The measurement shall be taken at the property line in locations where the property line is located less than 5 feet from the exterior wall, foundation, or footing.

Buffer: A strip of land along a commercial or industrial property line or commercial or industrial zone line abutting properties zoned residential, which shall be free of any building or use other than existing natural woody growth and/or appropriate landscaping and screening of suitable type, density and height and that may be a part of the minimum yard requirements.

Building: An independent structure resting upon or attached to the ground, arranged, intended, designed, or used for the shelter, housing or enclosure of persons, animals or materials including but not necessarily limited to residential and commercial structures, sheds, garages, stables, greenhouses, barns or other accessory buildings. A detached building is one separated on all sides from adjacent buildings by open space from the ground up.

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Building, Accessory: A building, including plastic or canvas covered frames with or without a foundation and transportable personal storage containers incidental or subordinate to and located on the same lot with the principal building or use.

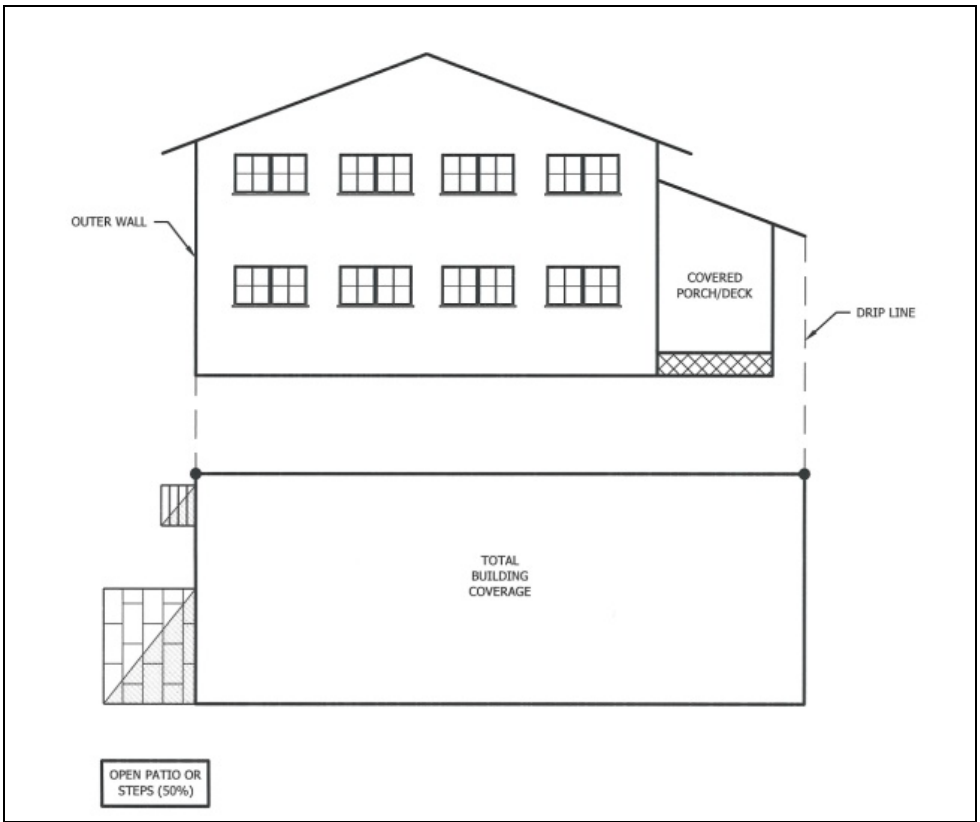
Building, Principal: A building in which the main or principal use of the lot is conducted on which said building is located.

Building Coverage: The area covered by a building as measured by the outer wall of habitable space, the outside edge of covered porches and covered decks and including 50% of the coverage by open patios, walkways, and entry platforms or steps connected to the building but not including seasonal awnings.

Building Facade: Those building elevations that face a road or a parking area between the building and the road.

Building Line: A line parallel to the street line at a distance equal to the required setback.

Building Setback Line: The line within a lot defining the minimum required horizontal distance between the principal building or use and other structures as specified and an adjacent street or lot line.



Building Coverage

Code Compliance Officer: A staff member of the Planning and Community Development Department certified as a Zoning Enforcement Officer and carrying out the duties of a Zoning Enforcement Officer as enabled by Connecticut General Statutes.

Collector Street: A street classified on the Connecticut Department of Transportation's Functional Classification Map as a collector street.

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Comprehensive Plan: The adopted zoning regulations and zoning map of the Town of Simsbury.

Contiguous: Tracts of land that share common boundaries or are separated only by a town or state highway.

Cottage Cluster: A grouping of at least 4 detached housing units that are located around a common open area.

Curb Cut: The vehicular ingress and/or egress located between the property and an abutting street.

Dwelling: A building designed exclusively for long-term residential occupancy excluding units intended for short-term occupancy such as those provided by hotels or motels.

Dwelling Unit: That portion of a building providing complete long-term living facilities, including cooking and bathing facilities for one family.

Easement: A grant of one or more property rights by the owner of a property to the public, a corporation, or another person or entity.

Exclusive Use Area (EUA): A parcel of land used exclusively by the owner of the residential unit placed upon it but the ownership of the parcel constitutes less than a fee simple title to the land area.

Family: A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- Three unrelated people;
- Two unrelated people and any children related to either of them;
- A group of up to 5 unrelated persons, who are living as a single-family unit as a "functional family", sharing a single household budget, preparing food and eating together, working together to maintain the home, and legally sharing in the ownership or possession of the home.
- Any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h)).

The definition of a "family" does not include: Any society, club, fraternity, sorority, association, lodge, combine, federation, or like organization; or any group of individuals whose association is temporary or seasonal in nature.

Grade: The level of the finished surface of the ground or pavement at a stated location.

Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition. Does not include normal cultivation associated with a Farm.

Gross Building Area: The sum of the gross horizontal areas of all floors of all buildings enclosed by walls on the property excluding parking decks and basement areas used for storage, loading and unloading or for housing of mechanicals or central heating and air conditioning equipment.

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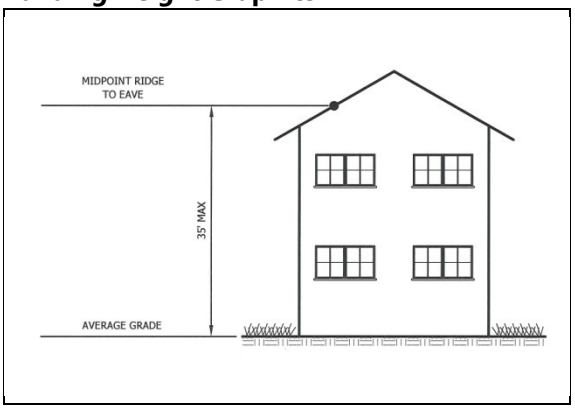
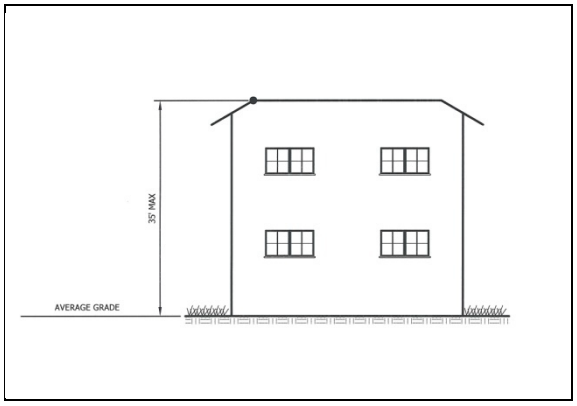
Height: The vertical distance, as shown on engineered plans showing surveyed grades, measured in feet from the average finished grade of the ground surrounding a building or other structure or addition thereto up to the midpoint between the ridgeline and the eave of a pitched roof, or up to the level of the highest main ridge or peak of any other type of structure. Excluded from this measurement are dormers extending less than one-half of the roof width; rooftop mechanical equipment; flagpoles; chimneys; water tanks; elevator bulkheads; or mechanical penthouses provided such features to not extend more than 10 feet above the height limit of the zone in which located. Also excludes church spires, towers, or belfries.

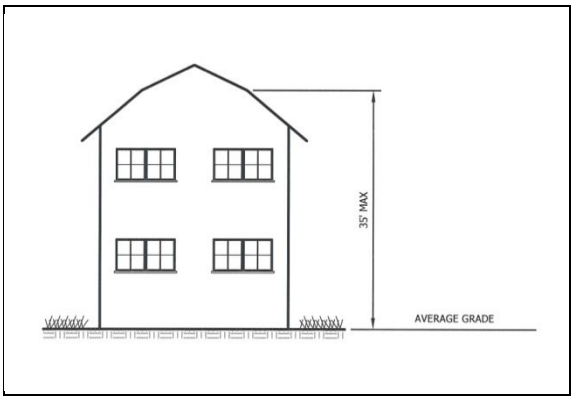
Building Height Graphics



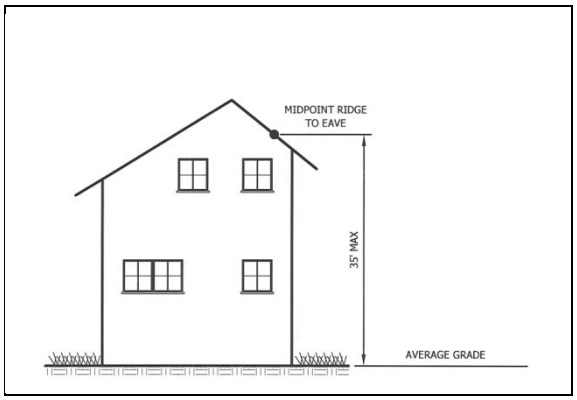
Building Height



Building Height – Flat Roof



Building Height - Gambrel



Building Height - Saltbox

Impervious Coverage: Any hard surfaced, constructed area that does not readily absorb or retain water including, but not limited to, buildings, parking areas of all surface types, driveway areas, graveled areas, sidewalks, and paved recreational areas.

Landscaped Buffer: An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, acting to soften or mitigate the effects of one land use on the other.

Landscaping Plan: A plan, drawn to scale, showing dimensions and details for installation of plant materials on a property, or a portion of a property, including maintenance and protection measures.

Nonconforming: A lawful lot, structure, use, or characteristic that existed prior to the adoption or amendment of these zoning regulations and that does not conform to one or more applicable provisions of the current regulations. Nonconformity may relate to use, dimensional standards, location, or other regulatory requirements.

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Lot Definitions

Lot: Land under common ownership or control that is used, developed, or proposed to be used or developed as a single unit for purposes of these Regulations and that may consist of one or more contiguous lots of record.

Lot of Record: A parcel of land lawfully created and established by an approved and recorded subdivision plat or by a deed or other instrument duly recorded in the applicable land records.

Lot Area: The gross horizontal area contained within the property lines of the lot.

Lot Frontage: The distance between the side lot lines of a lot as measured along the front lot line. Where the front lot line is an arc or the side lot lines converge toward the front lot line, the frontage may be determined by measuring the distance between side lot lines at the setback line of the required front yard. On rear lots, the frontage shall be equal to the rear lot line of the front lot.

Lot Line: The property line bounding the lot.

Lot Line, Front: The boundary of the lot along the lot frontage. On corner lots, both lot lines abutting streets shall be considered front lot lines.

Lot Line, Rear: The boundary of the lot most distant from and most nearly parallel to the front lot line, except in the case of a corner lot.

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line. In the case of a corner lot, any lot line that is not a front lot line.

Lot, Corner: A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if the interior angle formed by the street is not greater than 135°.

Lot, Rear: A lot, the major portion of which lies to the rear of another lot that separates it from a public street, which is connected to a public street via a private accessway of required width. Any lot that does not satisfy the minimum lot frontage, measured along the right-of-way line of a public road or measured along the minimum front building setback line, shall be considered a rear lot.

Lot, Through: A lot, other than a corner lot, having frontage on two streets.

Multi-Family: Residential occupancy of a building by three or more families.

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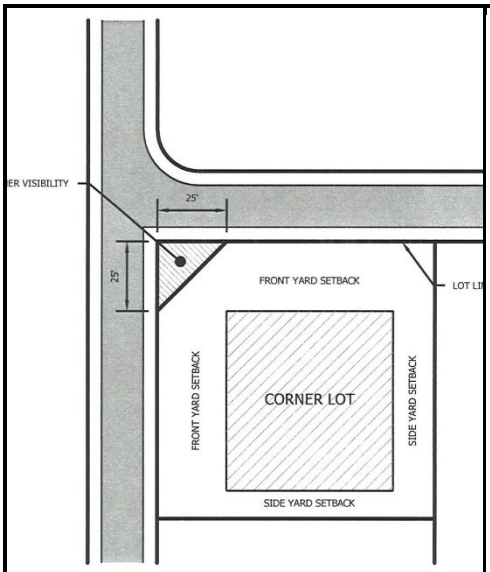
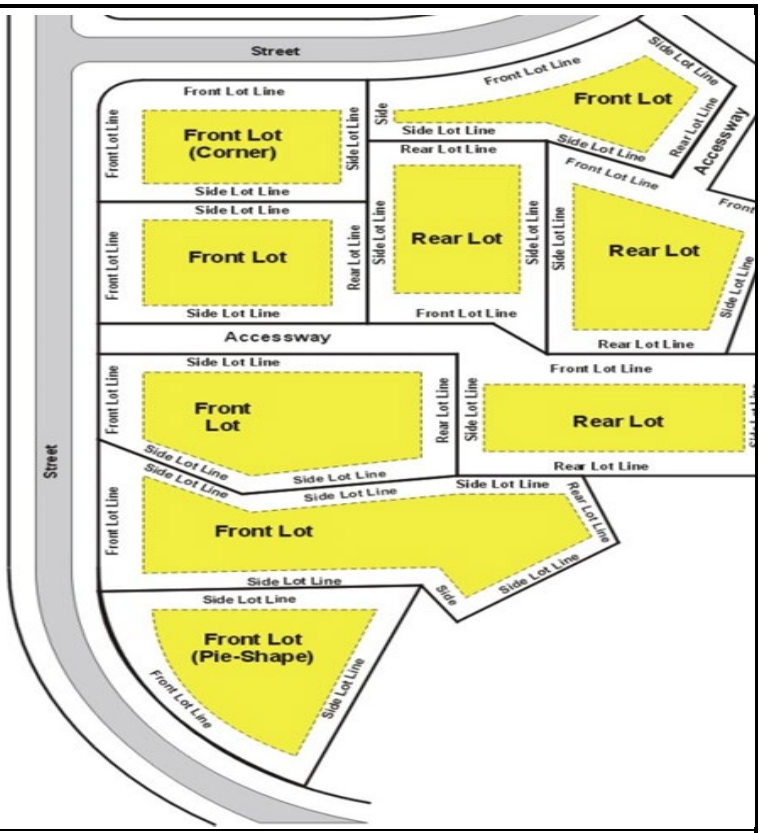
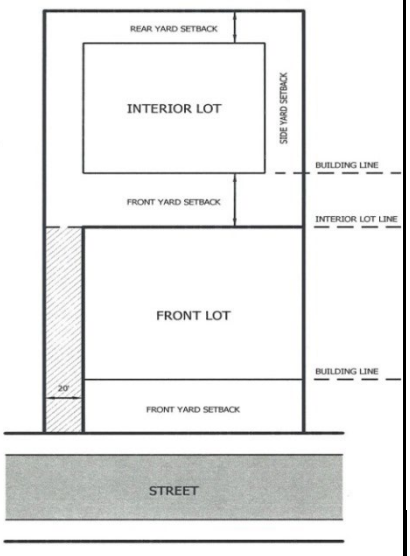
Lot Dimension Illustrations



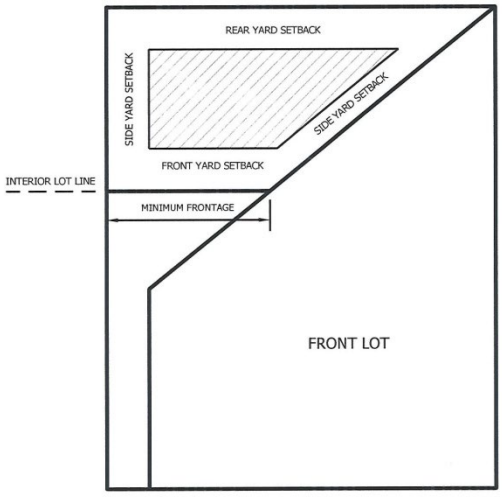
Corner Lot



Lot Layout



Interior Lot – Regular



Interior Lot - Irregular

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Natural Features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

Open Space: The portion of a lot that is either landscaped, or developed and maintained for recreation or conservation purposes. Open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes.

Outdoor Dining: The serving of food and beverages for consumption in outdoor areas accessory to a food establishment, including adjacent patios, yards, sidewalks, or parking areas associated with the principal use.

Parcel: A legally described area of land having defined boundaries, regardless of its size, development status, or status as a lot of record or zoning lot.

Parking Definitions

Parking Lot: An area other than a street used for the parking of registered vehicles.

Off-Street Parking Space: An indoor or outdoor parking space located on a lot.

Off-Street Loading Space: A space located on a lot for the temporary parking of a commercial vehicle while loading or unloading goods.

Person: *See Applicant or Person.*

Plot Plan: A schematic representation of a lot, drawn to scale, showing the actual measurements of the size, and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Premises: The land, together with any buildings or structures thereon, that are occupied, used, or intended to be used for a particular use, activity, or occupancy, whether under single or multiple ownership or tenancy. The premises may include one or more lots, portions of lots, or areas within a building, and are defined by the area functionally devoted to the use rather than by property boundaries.

Principal Building or Structure: The primary building or structure on a lot that is occupied by, or intended to accommodate, the principal use of the lot. A principal building or structure is distinguished from accessory buildings by its primary functional relationship to the main use of the property and may include multiple connected structures that together house the principal use.

Principal Dwelling: *See Dwelling Unit, Principal.*

Right-of-Way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system for allowing the free passage of people and goods. Rights-of-way include, but are not limited to, highways, streets, roads, private roads, rail lines, and sidewalks.

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

Setback: The horizontal distance from any street or lot line to any building, structure or use, measured in a straight line from and perpendicular to such street or lot line and extending as a vertical plan upwards to infinity.

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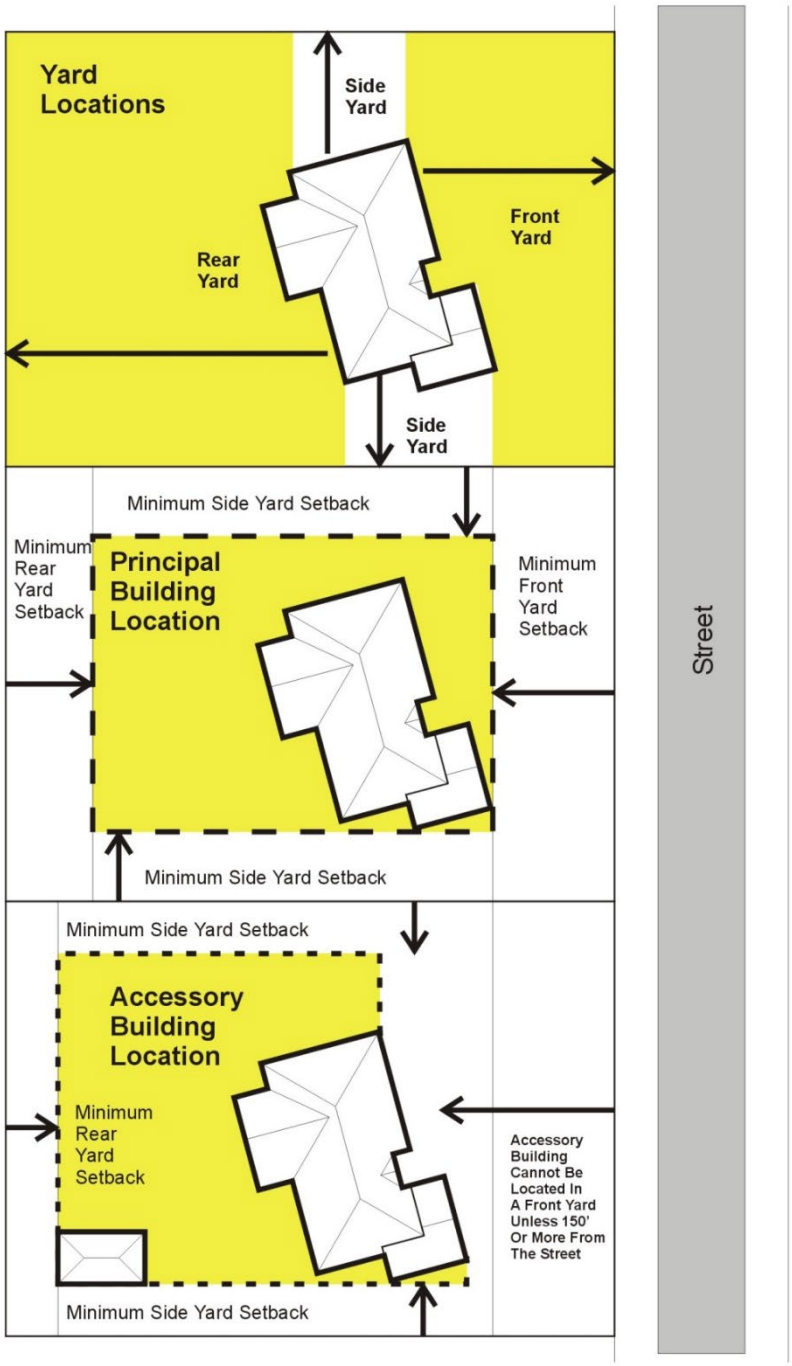

Yard Setback Locations

Site Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other materials intended to present and explain certain elements of a proposed development, including physical design, grading, siting of buildings and structures, interior vehicle and pedestrian access, the provision of improvements, and the interrelationship of these elements.

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Soil: The unconsolidated mineral or organic material on the immediate land surface that serves as a natural medium for the growth of plants.

Soil Erosion & Sediment Control Plan: A plan and narrative that explains and illustrates the measures that will be taken to control erosion and sediment problems during construction. The plan has a written portion known as a narrative and an illustrative portion known as a map or Site Plan.

Story: That portion of a building above the basement between any floor and the ceiling or roof above it.

Street: Any roadway, town road, or state highway shown on a subdivision plat approved by the Planning Commission, or on a subdivision record map duly filed and recorded in the office of the Town Clerk of the Town of Simsbury.

Street Line: The line between the lot and the street right-of-way.

Trailer: A portable, primarily temporary living accommodation towed on wheels, transported on a truck or having its own motive power, which may or may not contain running water, bath facilities, a flush toilet, appropriate sanitary connections or cooking facilities.

Use: The specific purpose for which a lot or a building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained.

Vehicle: Any motor vehicle, as defined in CGS § 14-1, that is designed for and lawfully operated on public highways for the transportation of persons or property, including passenger vehicles, trucks, buses, vans, and motorcycles. The term shall not include trailers, construction equipment, farm implements, special mobile equipment, bicycles, electric bicycles, electric scooters, mobility devices, or any vehicle not required to be registered for operation on a public highway.

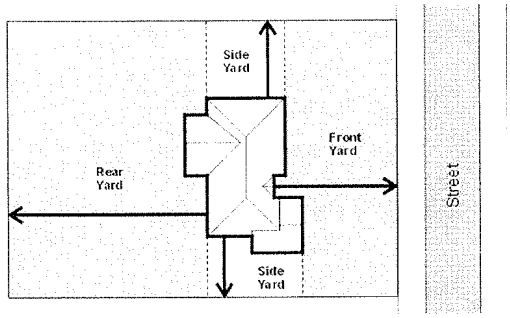
Wetlands: Land, including submerged land, but excluding tidal wetlands, that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture or as defined in Chapter 440 of the CGS.

Yard, Front: An open space extending across the full width of the lot bounded on one side by a street to a depth as required by these Regulations.

Yard, Rear: An open space extending across that portion of the lot most opposite from the front lot line bounded on one side by a property line and to a depth as required by these Regulations.

Yard, Required: An open space on a zoning lot that is unoccupied and unobstructed from its lowest level to the sky and upon which no structure may be located, except as otherwise permitted.

Yard, Side: An open space extending from the front to the rear yard, bounded on one side by the side lot line and to a depth as required by these Regulations.



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Section 31. Use Definitions (Section 17.4)

See Section 31 for Zoning Terminology Definitions

Key (color coding for draft only)

Existing Definition: Black Text

Revised Definition: Purple Text

New Definition: Red Text

Accessory Child Care: The operation of a family child care home or a group child care home (when operated accessory to a residence) licensed by the Connecticut Office of Early Childhood in accordance with CGS § 19a-77 and applicable regulations of Connecticut State Agencies.

Accessory Dwelling Unit: A separate, self-contained dwelling unit located within a single-family dwelling or an accessory structure on the same lot, subordinate to the principal single-family dwelling, and having its own kitchen and living area that are not shared with the principal dwelling.

Accessory Structure: A structure on the same lot with, and customarily incidental and subordinate to, the principal structure including but not limited to: detached garages, sheds, swimming pools, pool houses, gazebos, athletic courts, outdoor cooking areas, and antennas. Includes outdoor mechanical equipment that directly serves the utility or operational needs of a building, structure, or permitted use.

Animal Daycare: An establishment providing temporary daytime care and supervision of domestic animals, where animals are not boarded overnight. Includes indoor or outdoor areas for animal exercise, play, and socialization and may include incidental grooming, training, or similar services.

Bank or Financial Institution: A financial service business that primarily provides person-to-person retail banking services at that location including cash deposits and withdrawals using tellers and other banking services including personal business and mortgage loans and other financial services and is chartered and/or licensed as a bank by an agency of the Federal Government or Connecticut Department of Banking.

Bar or Tavern: An establishment holding a café or tavern permit issued by the Connecticut Department of Consumer Protection, Liquor Control Division, where the principal activity is the on-premises sale and consumption of alcoholic beverages, including beer, wine, and spirits. Food service may be provided as an accessory activity but is not the primary function of the establishment.

Boarding Camp: A recreational and educational use in which participants reside on site for a defined period of time in an outdoor or semi-outdoor setting and engage in organized programs emphasizing education, recreation, skill development, and social interaction. Boarding camps commonly include summer camps and similar programs featuring group lodging, dining, instructional or activity areas, and open space, and are characterized by temporary occupancy and structured programming.

Boarding School: Private institutions providing academic instruction and residential accommodations to enrolled students. Includes uses that are customarily incidental and subordinate including but not limited to student housing, administrative offices, libraries, auditoriums, laboratories, indoor and outdoor recreational facilities, dining facilities, and accessory buildings and structures for vehicles, maintenance, and utilities.

Building Supply: A commercial establishment primarily engaged in the sale of construction and building materials intended for use in residential, commercial, or industrial construction, renovation, or repair. Building supply establishments commonly include the sale of materials such as lumber, roofing, siding,

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windows and doors, drywall, insulation, masonry products, and similar construction-related materials, and are typically distinct from general retail stores selling consumer goods.

Cannabis Operation: For the purposes of these regulations, cannabis operations shall be limited to cultivators, food and beverage manufacturers, micro-cultivators, producers, product manufacturers, product packagers, and transporters as each is defined by CGS § 21a-420.

Car Wash: An automated car washing and cleaning establishment, which may include a self-wash facility, attended during hours of operation equipped to wash automobiles, pick-up trucks and small vans, with systems capable of complete recycling of all wash waters utilized on site.

Cemetery: Land used or intended to be used for the burial or interment of human remains and dedicated for cemetery purposes, including columbaria, mausoleums, mortuaries, and other customary accessory facilities when operated in conjunction with and located within the boundaries of the cemetery, and including a crematory where permitted in accordance with CGS § 19a-320.

Child Care Center: A building or portion thereof, licensed by the State Department of Health, having facilities and all necessary personnel for the supplementary care of more than 12 related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

Commercial Kennel: An establishment holding a State issued commercial kennel license maintained and operated as a business for the boarding of animals including overnight boarding.

Commercial Parking Lot: The principal use of a property as an off-street parking area made available to the public for paid parking or as a complementary use by clients, patrons, or customers.

Commercial Recreation Facility: An establishment primarily engaged in providing indoor or outdoor recreational, entertainment, or leisure activities to the public or to members, including indoor or outdoor activities intended for active recreation. Commonly includes uses such as tennis facilities, fitness centers, gyms, indoor sports facilities, climbing gyms, bowling alleys, batting cages, indoor amusement or game facilities, billiard halls, miniature golf, and similar recreation-oriented uses.

Contractor's Yard: A tract of land where a contractor (landscaper, home builder, etc.) stores materials, machinery, equipment, vehicles and other supplies.

Convenience Store: A retail store that primarily sells food, beverages, and small household items for off-premises consumption, often with extended operating hours.

Customary Residential Accessory Use: A use on the same lot with, and customarily incidental and subordinate to, a residential principal use.

Dry Cleaner: An establishment primarily engaged in the cleaning, pressing, alteration, or repair of clothing and other household textiles for individual customers, including dry cleaning performed on the premises as an accessory to the retail service. Excludes industrial or commercial services for other businesses, institutions, or establishments.

Dwelling, Multi-Family: A building on one lot containing three or more dwelling units, each used for residential purposes by one family and having separate or joint entrances, services, and facilities.

Dwelling, Single-Family: A single detached dwelling on one lot used for residential purposes by one family or as a community residence licensed by the State of Connecticut and conducted in accordance with CGS § 8-3e and applicable regulations of Connecticut State Agencies.

Dwelling, Two-Family: A building containing two dwelling units, whether located on a single lot or with each dwelling unit located on a separate lot, with each dwelling unit designed for occupancy by one family and having separate or shared entrances, services, and facilities.

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Electric Vehicle Charging Station, Level 1 or 2: An electric vehicle charging station designed to charge an electric vehicle using alternating current electricity at 120 volts (Level 1) or 208 to 240 volts (Level 2). This term does not include a direct current fast charging station.

Electric Vehicle Charging Station, DC Fast Charge: An electric vehicle charging station that uses direct current electricity and provides a charging power of 40 kilowatts or greater.

Equipment Sales: A commercial establishment primarily engaged in the display and sale of tools, machinery, and equipment intended for construction, industrial, agricultural, or commercial use, including items such as generators, forklifts, excavators, loaders, scaffolding, lifts, compressors, and similar equipment. Equipment sales establishments are characterized by the sale of durable, task-specific equipment rather than consumer household goods, and are typically distinct from retail stores selling general merchandise or from motor vehicle sales uses.

Farm: A tract of land containing 5 acres or more, used in part or wholly for agricultural purposes as defined by CGS § 1-1(q), with annual gross sales from agricultural products during the preceding calendar year of $1,000 or more, which may include a principal dwelling and premises used for the keeping of livestock and other domestic animals as permitted by these Regulations.

Farm Events, Agricultural: An accessory, customary, incidental, and subordinate use of a working farm or agricultural, horticultural, or agribusiness operation that allows for public enjoyment, education, or active participation in farm-related activities. Such use may include limited-duration events, including but not limited to hayrides, corn mazes, horse shows, and similar activities, as well as on-farm sales such as farm stands and pick-your-own operations.

Farm Events, Non-Agricultural: An accessory and subordinate use of a working farm or agricultural operation that are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, weddings, workshops, classes, farm-to-table dinners, fee-based activities, and other similar events.

Farm Stand: A seasonal roadside stand up to 200 square feet in area, located on private property, and used for the sale of produce or products grown or produced completely on the premises.

For-Profit Educational Facility: An educational establishment operated as a commercial enterprise and primarily engaged in providing instruction, training, or education including vocational, trade, technical, or career-oriented programs. For-profit educational facilities commonly include trade schools, technical schools, career training centers, and similar instructional uses, distinct from public or nonprofit private schools.

Fuel Storage and Distribution: A facility for the storage and distribution of fuel oil and heating fuel, which may include the parking of fuel delivery vehicles.

Funeral Home: An establishment licensed by the State of Connecticut for the preparation and care of human remains and the provision of funeral services, including visitation, memorial or funeral ceremonies, and arrangements for the burial, cremation, or other lawful disposition of human remains.

Gas Station: Any lot, building or part thereof, used for the sale of gasoline or other motor vehicle fuel that may include accessory facilities for lubrication, washing, or other servicing of vehicles, but not autobody work. May include a convenience store.

Golf Club: A tract of land typically laid out with at least 9 holes for playing golf and improved with tees, greens, fairways, and hazards, often including accessory uses like clubhouses, driving ranges, pro shops, and restaurants.

Government Facility: Buildings or structures of the town, state, or federal government.

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Grocery Store: A retail establishment primarily engaged in the sale of food and food products for off-site consumption, including fresh produce, meat, seafood, dairy products, baked goods, packaged foods, and household consumables. A grocery store may include accessory uses customarily associated with food retail, such as bakeries, delicatessens, prepared foods for take-out only, and ancillary sales of non-food items, but does not include restaurants with on-site dining or wholesale food distribution facilities.

Healthcare Facility: A building or group of buildings composed, at a minimum, of residences or sleeping quarters and common dining facilities, and offering limited medical care, all functioning in an integrated manner.

Home Business: A business operated out of a residential property as a secondary use that is clearly subordinate and incidental to the residential use.

Home Based Service Business: A business operated out of a residential property that provides personal and other services directly to clients, which is clearly subordinate and incidental to the residential use.

Hotel: Any building containing 6 or more guest rooms that are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls.

Keeping of Animals: The keeping of animals for domestic purposes that is customarily incidental and subordinate to the residential use.

Laundry Establishment: A commercial establishment primarily engaged in the washing and drying or pressing of clothing for retail customers. Laundry establishments commonly include self-service laundromats, establishments that provide laundry services to individual or household customers (excluding dry cleaning), and facilities that combine self-service laundry equipment with attendant-provided services.

Manufacturing: A use involving the fabrication, assembly, processing, compounding, or transformation of raw materials or component parts into finished or semi-finished perishable or non-perishable goods and products for distribution or sale. Manufacturing commonly includes activities such as production, blending, machining, packaging, and similar industrial operations, and is characterized by the use of mechanical equipment or industrial processes.

Medical Office or Clinic: A facility in which health care services are provided to patients on an outpatient basis by one or more health care practitioners licensed or otherwise authorized by the Connecticut Department of Public Health, including physicians, dentists, advanced practice registered nurses, physician assistants, psychologists, therapists, and other allied health professionals. Medical offices or clinics commonly include settings licensed or regulated by the Department of Public Health for the provision of outpatient care, consultation, diagnosis, treatment, rehabilitation, or preventive services, and typically exclude hospitals, inpatient facilities, emergency departments, ambulatory surgical centers, and facilities providing overnight patient care.

Middle Housing: Includes middle housing residential and mixed-use middle housing developments as defined below.

Middle Housing Residential: A residential building or group of attached dwelling units containing 2 to 9 units, or a single cottage cluster containing 4 to 9 units, with each unit served by either a common exterior entrance or a separate exterior entrance.

Mixed-Use Middle Housing: A building containing between 2 and 9 dwelling units and a non-residential use.

Mixed-Use Development: A single building containing more than one type of use, or a single development of more than one building and land use, where the different types of land uses are in close

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proximity, planned as a unified complementary whole, and functionally integrated and structurally coordinated with regard to the use of shared vehicular and pedestrian access and parking areas.

Motel: A building or group of buildings in which lodging is provided for transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

Motor Vehicle Sales: The use of land or buildings for the display, offering for sale, lease, or rental of new or used motor vehicles, including passenger cars, trucks, motorcycles, and other similar vehicles. Such use may include accessory offices and incidental vehicle servicing areas customarily associated with motor vehicle sales.

Motor Vehicle Service or Repair: An establishment providing diagnosis, maintenance, servicing, or repair of motor vehicles, including mechanical, electrical, body, or paint work. May include the temporary storage of vehicles awaiting or undergoing service.

Nursery: A use whose sole function is the growing of trees or plants with commercial activities limited to the sale of products grown on the premises and in no case including a retail outlet of garden supplies or a landscape service business or the storage of equipment related thereto.

Organics Recycling Facility: A facility that processes and sells organic materials, including agriculture and horticultural residuals, source-separated household and commercial food scraps, yard trimmings, woody materials and/or industrial food processing residuals using a controlled process of microbial degradation of organic materials into stable, nuisance free mulch, compost and soil products. This definition shall not include commingled municipal solid wastes, sewage, sludges, petroleum-containing wastes or medical wastes. Toxic, hazardous or radiological residuals cannot be processed at an organics recycling facility. Said facility must be contiguous to ongoing farm or agricultural operations and must supply a portion of the organic recycled material to said farm.

Outdoor Storage of Commercial Goods: The outside storage of commercial goods in connection with the operation of a business.

Outdoor Storage of Special Vehicles: The storage of boats, trailers, campers, recreational vehicles, or commercial vehicles or equipment provided such commercial vehicle or equipment has a gross vehicle weight of no more than 12,500 pounds.

Package Store: A retail establishment engaged in alcohol sales for off-premises consumption and holding a package store permit issued by the Connecticut Department of Consumer Protection (DCP), Liquor Control Division.

Park: Land designed, maintained, or used for public passive or active recreational purposes. Includes uses and facilities customarily incidental and subordinate to such use, including but not limited to trails, playgrounds, athletic fields and courts, picnic areas, gardens, natural areas, shelters, restrooms, parking areas, and accessory buildings and structures.

Personal Service Establishment: Establishments primarily engaged in providing services involving the care of a person or their personal goods, apparel, or pets. Includes but is not limited to salons, barber shops, tailors, shoe repair shops, and pet grooming establishments.

Place of Worship: A building wherein persons regularly assemble for religious worship.

Print Shop: An establishment that prints materials such as brochures, signs, or custom apparel but does not provide storefront retail sales.

Private Club: An establishment operated by an association of persons for recreational, social, fraternal, religious, civic, or athletic purposes primarily for the use of its members and their guests and not the general public. Does not include an establishment operated primarily for commercial gain.

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Professional Office: A building, establishment, or portion thereof used primarily for administrative, business, professional, technical, consulting, financial, governmental, institutional, or similar office activities, including offices serving employees, clients, customers, or the public, but excluding activities primarily involving the on-site manufacture, processing, storage, or sale of goods.

Public Event on Private Property: An event such as a circus, carnival, auction, festival, or similar public gathering held on private property and open to the public or a limited segment of the public, held for a period of not more than 10 days, that involves the assembly of people for entertainment, cultural, civic, recreational, religious, or similar purposes, and that is conducted for a limited duration at a specific location. May include structures or features such as tents, stages, seating, food vendors, or temporary utilities, all of which are removed upon conclusion of the event.

Public Utility Installation: Buildings, structures, or storage yards that facilitate the operation, transmission, distribution, or maintenance of a public utility provided by a public service company as defined by CGS § 16-1(a)(3) including but not limited to communications, electricity, water, sewer, and/or natural gas service but excluding installations subject to approval by the Connecticut Siting Council.

Public Utility Yard: A facility or area used by a public utility or governmental entity for the parking and dispatch of service vehicles, the storage of equipment, materials, and supplies, and the housing of buildings or structures necessary to support utility operations. Public utility yards commonly serve functions related to the construction, maintenance, repair, and operation of public infrastructure and utility systems, and are characterized by operational and support activities.

Repair Services: An establishment primarily engaged in the repair, servicing, or maintenance of large goods and household items for individual customers, including but not limited to major appliances, furniture, fitness equipment, and yard equipment.

Research Laboratory: A facility or portion of a building primarily used for scientific, technical, medical, or industrial research, testing, experimentation, or analysis conducted for the purpose of discovery, development, or evaluation of knowledge, processes, or products. Research laboratories commonly include laboratories operated by academic institutions, private companies, or governmental entities, and are characterized by investigative and analytical activities rather than commercial manufacturing.

Residential Conversion: The conversion of non-residential buildings existing as of January 1, 2021 for residential use.

Restaurant: A commercial establishment, open to the public, where food and beverages are prepared, served and consumed primarily within the principal building and which may serve beer, wine, or liquor.

Retail Store: A commercial establishment primarily engaged in the sale of goods or merchandise directly to the public for personal or household use. Commonly includes establishments selling apparel, furniture, household goods, electronics, books, and similar merchandise, and may include limited ancillary customer service activities related to the sale of goods such as the repair and servicing of products. Excludes establishments primarily engaged in the provision of services and food-oriented retail uses such as grocery stores and specialty food stores. May include the manufacturing of products sold on the premises if conducted by 5 or fewer persons.

Riding Club: Facility, stable, or premises where horses or ponies are kept, maintained, boarded, or hired out for riding, training, or lessons.

School: Institutions providing academic instruction including public, private, and parochial primary and secondary schools. Includes uses that are customarily incidental and subordinate including but not limited to administrative offices, libraries, auditoriums, laboratories, indoor and outdoor recreational facilities, dining facilities, and accessory buildings and structures for vehicles, maintenance, and utilities.

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Self-Storage Facility: A facility consisting of individual storage units, lockers, or spaces that are leased or rented to the public primarily for the storage of personal property, household goods, or business inventory, with access to such units provided on a self-service basis. Self-storage facilities commonly include enclosed or partially enclosed storage units and may include limited accessory office space associated with facility management.

Senior Care Community: A residential community that may include assisted living facilities, congregate senior housing facilities, and continuing care retirement communities as defined below.

Assisted Living Facility: A residential community for those aged 55 and over that provides help with activities of daily living to its residents on a 24-hour basis. Includes but is not limited to services as bathing, dressing, toileting, medication monitoring, meal preparation, linen service, recreation, security, transportation, shopping, and housekeeping.

Congregate Senior Housing Facility: A residential community for those aged 55 and over providing limited support services including meal service, laundry service, housekeeping, social and recreational activities, transportation, and personal services in a group setting.

Continuing Care Retirement Community: A residential community for those aged 55 and over that provides a continuum of housing, care, and supportive services and includes independent living units and assisted living facilities or services. May also include skilled nursing, memory care, dining, recreation, health and therapy services, administrative offices, and other facilities and services customarily incidental to the community.

Short-Term Rental: Any furnished living space rented by a person(s) for a period of one to 29 consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one full bathroom and cooking area. Operation of a short-term rental requires a permit via town ordinance.

Solar Energy System, Building-Mounted: A solar energy system consisting of photovoltaic panels, mounting equipment, and associated electrical equipment installed on or attached to the roof or vertical surface of a principal or accessory building for the primary purpose of generating electricity to serve the energy needs of the uses on the same lot.

Solar Energy System, Ground-Mounted: A solar energy system consisting of ground-mounted photovoltaic panels, mounting structures, and associated equipment installed on a lot for the primary purpose of generating electricity to serve the energy needs of the principal use on the same lot.

Special Outdoor Event: An event conducted as an accessory use to a private property that extends beyond the normal uses and standards allowed within the zone that: (1) is typically outdoors in a temporary tent or structure that occurs within a period of one day but may reoccur daily for a period not longer than two weeks for each event; (2) is intended to or likely to attract crowds; and (3) is unlike the principal activities generally associated with the property where the special event is to be located. May include activities both inside a structure and on the property such as, but not limited to entertainment, catering of food, and mobile food or beverage vendors.

Special Recreation Area: An area principally dedicated to recreational activities including outdoor sports and uses, active and passive recreation with outdoor and indoor music. Includes associated buildings, paths/trails, and parking for such uses as well as maintenance, support, food service (including restaurant, seasonal food, food trucks, etc.), accessory retail and office, and other related uses and buildings.

Specialty Food Store: A retail establishment primarily engaged in the preparation and/or sale of a limited range of food products or beverages that are specialized by type, preparation, or theme rather than offering a full line of grocery items. Specialty food stores commonly include bake shops, candy or

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confectionery stores, butcher shops, cheese shops, chocolate shops, tea shops, spice shops, delis, ice cream shops, coffee shops, dessert shops, juice or smoothie bars, specialty beverage establishments, and similar food-focused businesses. Products may be intended for either on-premises or off-premises consumption, provided that the establishment is distinguished from a restaurant by its limited menu, specialized product offerings, or retail sales focus.

Studio: An establishment providing space for instruction, practice, training, creation, or similar activities in the arts, crafts, music, dance, fitness, wellness, or related fields, typically conducted individually or in small groups. Includes, but is not limited to, art and craft studios, music studios, dance studios, yoga studios, and personal fitness studios.

Tag Sale: A temporary sale conducted by the occupants of a dwelling on the premises of a residential use for the purpose of selling personal or household goods but not including the sale of merchandise acquired for resale, goods produced for commercial purposes, or items offered as part of an ongoing business activity.

Temporary Building or Trailer: A temporary building or a trailer used as an office or for living purposes pending or during construction of a permanent building or use on the same site.

Theater: A building or part of a building that features indoor motion picture viewings or dramatic, dance, musical, or other live performances.

Truck Terminal: A facility primarily used for the dispatch, staging, parking, loading, unloading, transfer, and short-term storage of trucks and freight as part of a commercial transportation or logistics operation. Truck terminals commonly include loading docks, freight handling areas, vehicle parking and maneuvering areas, and accessory offices or maintenance spaces associated with trucking or distribution activities and are characterized by vehicle-oriented operations.

Veterinary Clinic or Hospital: An establishment where animals are provided routine health care or medical or surgical treatment and may be boarded or cared for overnight.

Warehousing: A use involving the indoor storage of goods, materials, products, or commodities for extended periods prior to distribution, resale, or further processing. Warehousing commonly includes storage buildings and distribution facilities where goods are primarily held rather than transferred on a short-term basis, and may include accessory loading, unloading, packaging, or inventory management activities. Warehousing is characterized by storage-oriented operations and is typically distinct from truck terminals, which are focused on the staging, dispatch, and short-term handling of freight and vehicles.

Wholesale Business: An establishment engaged in the buying or selling of goods or merchandise in bulk or large quantities to those actively involved in the trades for the purposes of resale of such goods or merchandise directly to the consumer for their use.

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