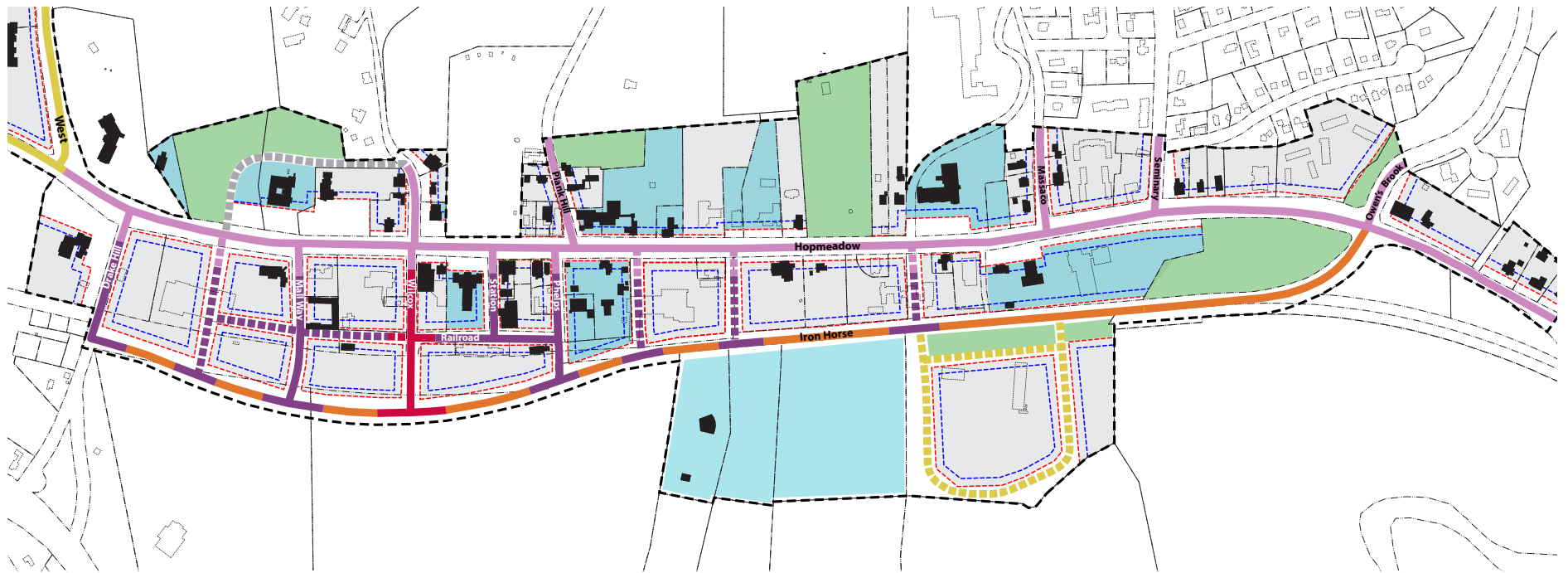


# Simsbury Center Code Simsbury Connecticut



## CODE STUDIO

EAST VILLAGE #107  
1200 E. 11TH STREET  
AUSTIN, TX 78702  
(512) 478-2200  
[www.code-studio.com](http://www.code-studio.com)

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# CHAPTER 1. INTRODUCTORY PROVISIONS

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## SEC. 1.1 GENERAL PROVISIONS

### 1.1.1 Title

The Simsbury Center Code is adopted under the General Statutes Section 8-2 as a map change and text amendment to the Simsbury Zoning Regulations and may be cited and referred to as “the Simsbury Center Code” or “this Code.”

### 1.1.2 Effective Date

The Simsbury Center Code was adopted on [insert date] and became effective on [insert date].

### 1.1.3 Purpose and Intent

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

### 1.1.4 Application of Regulations

#### A. Territorial Application

The Simsbury Center Code applies to property shown on the Simsbury Center Zone on Simsbury Zoning Map as defined in the Simsbury Center Regulating Plan as established in Sec. 2.1 Regulating Plan.

#### B. Conflicting Provisions

1. Whenever any provision of the Simsbury Center Code imposes a greater requirement or a higher standard than is required in any state statute or federal law or other Town ordinance or regulation, the provisions of this Code shall govern to the extent permitted by state statute or federal law.
2. Whenever any provision of a state statute or federal law or other Town ordinance or regulation imposes a greater requirement or a higher standard than required by the Simsbury Center Code, the provision of the state statute or federal law or other Town ordinance or regulation shall govern.

#### C. Transitional Provisions

##### 1. New Development

- a. Except as provided in Sec. 1.1.4.D below, upon the effective date of this Code or any subsequent amendment, any new building or other structure or any use of land shall be constructed or developed only in accordance with all applicable provisions of this Code.
- b. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with this Code.

##### 2. Existing Development

Except as provided in Sec. 1.1.4.D below, any existing use, lot, building or other structure legally established prior to the effective date of this Code that does not comply with any provision of this Code shall be subject to the provisions of Sec. 7.8 Nonconformities.

#### D. Previously Issued Permits and Pending Applications

1. Any building permit issued before the effective date of this Code or subsequent amendment remains in effect.
2. The provisions of this Code do not apply to zoning and subdivision applications that are complete and pending at the effective date of this Code; such pending applications will be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

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## SEC. 2.1 REGULATING PLAN

### 2.1.1 Regulating Plan Established

- A. The Regulating Plan is established as part of this Code and made a part of the Official Simsbury Zoning Map as authorized under CGS 8-2 as amended.
- B. The Regulating Plan specifies the territorial application of the Simsbury Center Code and serves as the key that identifies:
  1. Street frontage type;
  2. Street setback lines; and
  3. Parking setback lines.
- C. The Official Regulating Plan is available at Simsbury Town Hall in the Planning and Land Use Department. Any other copy of the Regulating Plan should be considered for informational purposes only. Final determination as to any question on the Regulating Plan shall be made by Zoning Commission.

### 2.1.2 Street Frontage Types

To carry out the provisions of the Simsbury Town Center Code, the following street frontage types are hereby established and applied to property as shown on the Regulating Plan and as indicated in this Code. The street frontage types establish the applicable parameters for each property regarding lot dimensions, building placement, use and building form.

#### A. Simsbury Center - 1 (SC-1) ■

The SC-1 Frontage is intended to preserve the historic character of Hopmeadow Street. New structures and additions to existing structures are intended to evoke and complement the historic residential character of existing buildings along Hopmeadow Street (see [Sec. 2.4](#)).

#### B. Simsbury Center -2 (SC-2) ■

The SC-2 Frontage is intended to accommodate a mix of uses and concentrate ground floor retail activity in key locations with upper story residential or office uses. Buildings are intended to be pulled up to the street, emphasizing the pedestrian and retail nature of the frontage (see [Sec. 2.5](#)).

#### C. Simsbury Center -3 (SC-3) ■

The SC-3 Frontage is intended to accommodate a mix of uses, which may provide ground floor offices and retail with upper story residential or office uses. The frontage allows more intense development than SC-1. The character and style of the buildings may be more contemporary than existing buildings along the street (see [Sec. 2.6](#)).

#### D. Simsbury Center -4 (SC-4) ■

The SC-4 Frontage is intended to primarily accommodate residential development, including townhouse and multifamily buildings appropriate for locations in close proximity to mixed use areas. This frontage allows modest commercial uses in a live-work setting (see [Sec. 2.7](#)).

#### E. Simsbury Center -5 (SC-5) ■

The SC-5 Frontage is intended to accommodate only residential development, including townhouse and multifamily buildings (see [Sec. 2.8](#)).

#### F. Civic Sites (CIV) ■

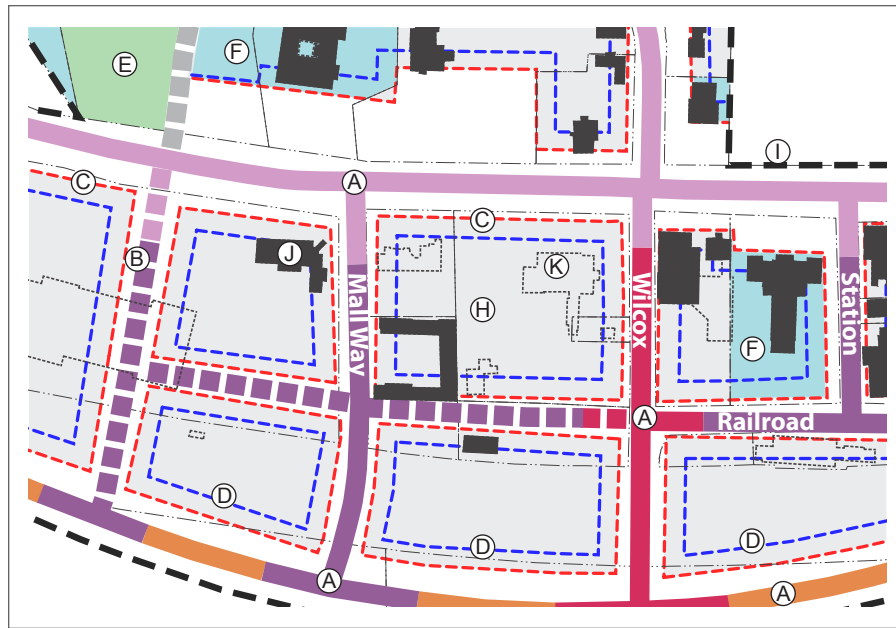
Special rules have been established for specific civic sites as designated on the Regulating Plan (see [Sec. 2.9](#)).

#### G. Open Sites (OS) ■

Special rules have been established for specific open sites as designated on the Regulating Plan (see [Sec. 2.10](#)).



## Interpreting the Regulating Plan



- (A) STREET FRONTAGE TYPE.** Sites are coded by frontage type. Line designates the street frontage type that applies to the site.
- (B) DASHED FRONTAGE TYPE.** Indefinites a future street alignment.
- (C) STREET SETBACK LINE.** Establishes the setback line for each site.
- (D) PARKING SETBACK LINE.** Vehicular parking is not allowed forward of the parking setback line.
- (E) OPEN SITE.** A site intended to remain substantially unbuilt.
- (F) CIVIC SITE.** A site of a civic or public nature. Special rules apply.
- (H) BUILDABLE AREA.** Establishes the buildable area for each site.
- (I) STUDY AREA BOUNDARY.** Identifies the Simsbury Center boundary line.
- (J) BUILDING TO BE PROTECTED.** Existing building that contributes to the established fabric and character of the Town Center.
- (K) BUILDING NOT TO BE PROTECTED.** Existing building that no longer contributes to fabric and character of the Town Center.

**STREET FRONTAGE TYPE.** Sites are coded by street frontage type. The colored line designates the frontage type that applies to the site. The dashed line indicates a future street alignment. The frontage requirements apply to the entire site. When interpreting the Regulating Plan, the frontage requirements wrap the corner for at least 30 feet. On mid-block conditions with multiple frontage designations, the requirements for each frontage extend for at least 50 feet measured from the street setback line into the site.

**STREET SETBACK LINE.** A red dashed line specifies the setback line from the street. No building may be located between this line and the street. The street setback line establishes the measur-

ing point for the required build-to and the parking setback line. The street setback line typically follows the setback of buildings as shown in Simsbury Center Charrette Report.

**PARKING SETBACK LINE.** A blue dashed line establishes the parking setback line. On-site vehicle parking is not allowed forward of the parking setback line. The parking setback line applies to both surface and structured parking. The parking setback line typically parallels the street setback line at a distance of 30 additional feet.

**BUILDABLE AREA.** Gray shading specifies the buildable area for each site.

**CIVIC SITE.** Blue shading indicates the site is civic in nature, special rules apply.

**OPEN SITE.** Green shading indicates the site is intended to provide access to the public and remain substantially clear of buildings. Special rules have established for open sites.

## SEC. 2.2 RULES APPLICABLE TO ALL FRONTAGES

### 2.2.1 Lot

#### A. Lot Dimensions

1. Minimum lot area is exclusive of existing or proposed public right-of-way.
2. Lot width is measured between the side lot lines (generally running perpendicular to a street) at the street setback line.

#### B. Building Setbacks

1. The location of the street setback line is established and shown on the Regulating Plan. Street setbacks are measured from the applicable right-of-way line (state, Town or private).
2. All buildings and structures must be located at or behind the street setback line, except as listed in [Sec. 2.11 Building Elements](#).
3. All buildings and structures must be located at or behind the side or rear setback line, except as listed below:
  - a. Fences and walls may extend into the rear or side setback provided that they meet the requirements of [Sec. 6.3.6 Fence and Walls](#).
  - b. Building eaves and roof overhangs may extend up to three feet into a required rear or side setback, provided that such extension is located at least five feet from any other building or eave.
  - c. Minor structures accessory to utility facilities such as hydrants, manholes, transformers, utility boxes, meters and fire suppression equipment.
  - d. Handicapped ramps may extend into a required rear or side setbacks to the extent necessary to perform their proper function.
4. Side and rear setbacks are measured from the side or rear property line.

### 2.2.2 Placement

#### A. Build-to

1. The street setback area is the area of land between the street setback line and the maximum allowed setback. The street setback area is measured from the street setback line.

2. The required build-to is the minimum percentage of the front building facade that must be located within the street setback area, measured based on the width of the building divided by the width of the lot.
3. A building facade must be placed within the street setback area for the first 30 feet along the street extending from any block corner.
4. All structures and uses customarily allowed on the lot are permitted in the street setback area, with the exception of parking.
5. Fences and walls may extend into the rear or side setback provided that they meet the requirements of [Sec. 6.3.6 Fence and Walls](#).

#### B. Parking Location

1. The location of the parking setback is established and shown on the Regulating Plan.
2. On-site surface and structured parking must be located behind the parking setback line.
3. The parking setback line applies to both the ground story and upper stories of a building.
4. No residential garage access is permitted from a public street other than an alley. Access may be taken from the side street on corner lots, in which case the garage doors may face the side street.

#### C. Open Space

1. Except for emergency access and permitted temporary events, required open space must be provided on-site (at grade) and cannot be built, parked or driven upon and must remain open to the sky. Any material more than 15% impervious is not allowed within the open space area.
2. Required open space must be a contiguous open area of not less than 10 feet in width and length.
3. The minimum open space requirement may be met using required street setback area, side and rear setback areas, and open areas located between the street setback line and the property line, provided the open areas meet the minimum contiguous dimensions established in paragraph 2. above.

4. Areas with slopes of 15% or greater may not be used to meet the minimum on-site open space requirements.

### 2.2.3 Height and Use

#### A. Height

1. The maximum permitted height of buildings and structures is established and shown on the Simsbury Center Height Map (see [Chapter 3](#)).
2. Ground story finished floor elevation is measured from top of the final grade to the top of the finished ground floor.
3. Story height is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story height is measured from the top of the finished floor to the top of the wall plate above.

#### B. Use

A summary of allowed uses by floor is shown for each street frontage type. The allowed use table in [Chapter 4](#) identifies specific uses allowed for each street frontage type.

### 2.2.4 Form

#### A. Transparency

1. Transparency is the percentage of windows and doors that cover a ground or upper story facade. Glass must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted).
2. The transparency requirement on ground story facades is measured between 0 and 10 feet above the adjacent sidewalk.
3. The transparency requirement on upper story facades is measured from the top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.
4. In SC-2, a minimum of 60% of the street-fronting, street-level window

pane surface area must allow views into the ground story use for a depth of at least six feet. Windows must be clear, non-reflective and not painted or tinted (transparent, low-emissivity glass is permitted).

5. Blank wall area is the maximum distance an exterior building façade may extend without a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth. Blank wall area applies to both ground and upper story street-facing facades only.

#### B. Building Entrances

1. An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street-facing entrance requirements.
2. The entrance separation requirements must be met for each development, but are not applicable to adjacent (existing) development.
3. An angled (clipped corner) entrance may be provided at any corner of a building along the street to meet the street entrance requirements, provided the applicable entrance spacing requirements can still be met.
4. A minimum of 50% of a required entrance must be transparent.

#### C. Building Elements

Allowed building elements is specified for each street frontage type. [Sec. 2.11](#) contains specific standards for each building element.

## SEC. 2.3 SUMMARY OF FRONTAGE REQUIREMENTS

| <b>2.3.1 Lot</b>  | <b>SC-1</b>                  | <b>SC-2</b>                  | <b>SC-3</b>                  | <b>SC-4</b>                  | <b>SC-5</b>                  | <b>CIV</b>                   | <b>OS</b>   |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|-------------|
| <b>Lot Standards</b>                                    |                              |                              |                              |                              |                              |                              |             |
| (A) Area (min)  | 5,000 sf                     | 3,000 sf                     | 5,000 sf                     | 1,500 sf                     | 1,500 sf                     | n/a                          | n/a         |
| (B) Width (min)   | 50'                          | 30'                          | 50'                          | 20'                          | 20'                          | n/a                          | n/a         |
| <b>Building Setbacks</b>                                |                              |                              |                              |                              |                              |                              |             |
| (C) Street setback line (min)                           | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | 10'         |
| (D) Setback, protected district (min)                   | 20'                          | 10'                          | 10'                          | 10'                          | 10'                          | 10'                          | 10'         |
| (D) Setback, unprotected district (min)                 | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 10'         |
| <b>2.3.2 Placement</b>                                  |                              |                              |                              |                              |                              |                              |             |
| <b>Build-to</b>   |                              |                              |                              |                              |                              |                              |             |
| (E) Street setback area (min/max)                       | 0' / 15'                     | 0' / 5'                      | 0' / 8'                      | 0' / 12'                     | 0' / 12'                     | n/a                          | n/a         |
| (F) Building width in setback area (min % of lot width) | 50%                          | 90%                          | 70%                          | 70%                          | 70%                          | n/a                          | n/a         |
| <b>Parking Location</b>                                 |                              |                              |                              |                              |                              |                              |             |
| (G) Parking setback line (min)                          | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | Varies (see regulating plan) | not allowed |
| Setback, protected district (min)                       | 10'                          | 10'                          | 10'                          | 10'                          | 10'                          | 10'                          | not allowed |
| Setback, unprotected district (min)                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | 0' or 5'                     | not allowed |
| <b>Open Space</b>                                       |                              |                              |                              |                              |                              |                              |             |
| (H) % of open area on the lot (min)                     | 15%                          | 15%                          | 15%                          | 15%                          | 15%                          | 30%                          | 98%         |



| 2.3.3 Height and Use                           | SC-1                            | SC-2                            | SC-3  | SC-4                            | SC-5                    | CIV                     | OS                      |     |
|--|---------------------------------|---------------------------------|---|---------------------------------|-------------------------|-------------------------|-------------------------|-----|
| <b>Height</b>                                  |                                 |                                 |   |                                 |                         |                         |                         |     |
| Ⓘ Building height (max)                        | Varies (see height map)         | Varies (see height map)         | Varies (see height map)                     | Varies (see height map)         | Varies (see height map) | Varies (see height map) | Varies (see height map) |     |
| Ⓝ Roof pitch (min/max)                         | 5:12 / 12:12                    | Flat or pitched                 | Flat or pitched                             | Flat or pitched                 | Flat or pitched         | Flat or pitched         | n/a                     |     |
| Ⓚ Ground story finished floor elevation        | Residential (min/max)           | 2' / 4'                         | n/a   | 2' / 4'                         | 2' / 4'                 | 2' / 4'                 | n/a                     | n/a |
|  | Nonresidential (min/max)        | 0' / 2'                         | 0' / 2'                                     | 0' / 2'                         | n/a                     | n/a                     | n/a                     | n/a |
| Ⓛ Ground story height, floor to floor          | Residential (min/max)           | 9' / 12'                        | n/a   | 9' / 12'                        | 9' / 12'                | 9' / 12'                | n/a                     | n/a |
|  | Nonresidential (min/max)        | 9' / 12'                        | 12' / 18'                                   | 12' / 18'                       | n/a                     | n/a                     | n/a                     | n/a |
| Ⓜ Upper story height, floor to floor (min/max) | 9' / 12'                        | 9' / 12'                        | 9' / 12'                                    | 9' / 12'                        | 9' / 12'                | n/a                     | n/a                     |     |
| <b>Allowed Use Summary*</b>                    |                                 |                                 |   |                                 |                         |                         |                         |     |
| Ⓝ Ground story                                 | Res, public, commercial         | Public, commercial              | Residential, public, commercial, industrial | Residential, public, commercial | Residential, public     | Public                  | Public                  |     |
| Ⓞ Upper story                                  | Residential, public, commercial | Residential, public, commercial | Residential, public, commercial, industrial | Residential, public             | Residential             | Public                  | Public                  |     |

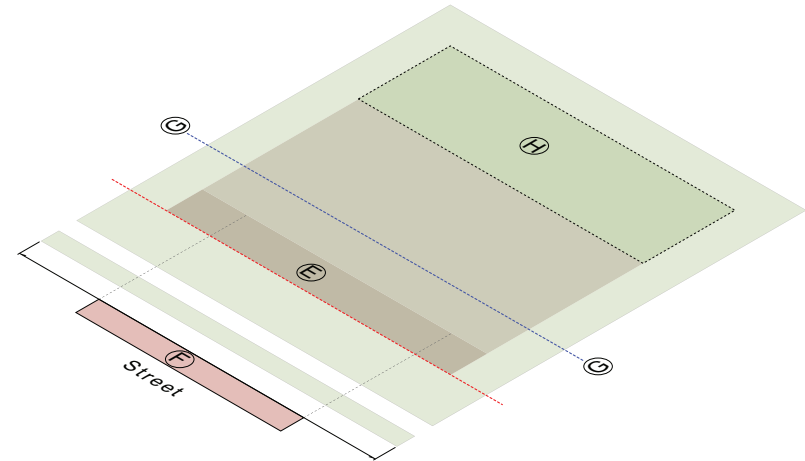
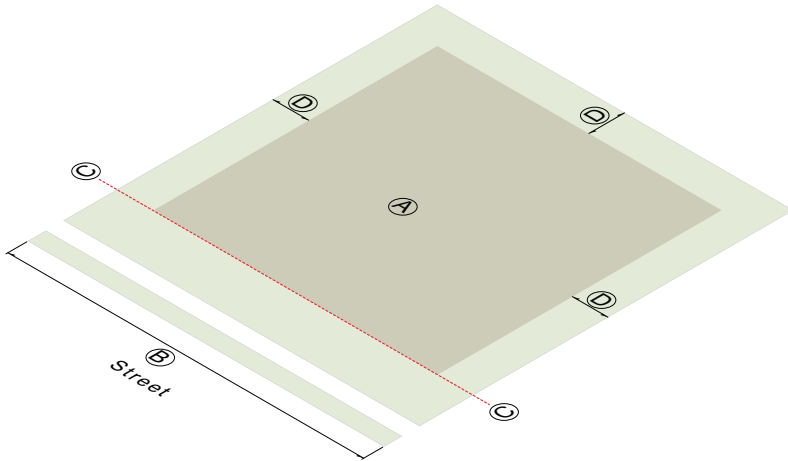
\*See Chapter 4 for specific use requirements

### 2.3.4 Street Activation

|   |                       |           |                       |                       |                       |                       |             |     |
|---|-----------------------|-----------|-----------------------|-----------------------|-----------------------|-----------------------|-------------|-----|
| <b>Transparency</b>                       |                       |           |                       |                       |                       |                       |             |     |
| Ⓟ Ground story (min/max)                  | Residential           | 20% / 40% | n/a                   | 20% / 70%             | 20% / 70%             | 20% / 70%             | n/a         | n/a |
|   | Commercial            | 20% / 40% | 60% / 90%             | 40% / 90%             | n/a                   | n/a                   | n/a         | n/a |
| Ⓠ Upper story (min/max)                   | 20% / 40%             | 20% / 70% | 20% / 70%             | 20% / 70%             | 20% / 70%             | n/a                   | n/a         |     |
| Ⓡ Blank wall area (max)                   | 35'                   | 20'       | 30'                   | 40'                   | 40'                   | n/a                   | n/a         |     |
| <b>Facade Articulation</b>                |                       |           |                       |                       |                       |                       |             |     |
| Ⓢ Front wall length without offset (max)  | 40'                   | n/a       | n/a                   | n/a                   | n/a                   | n/a                   | n/a         |     |
| Ⓣ Front wall offset length & depth (min)  | 10'                   | n/a       | n/a                   | n/a                   | n/a                   | n/a                   | n/a         |     |
| <b>Building Entrances</b>                 |                       |           |                       |                       |                       |                       |             |     |
| Ⓤ Street facing entrance                  | Required              | Required  | Required              | Required              | Required              | n/a                   | n/a         |     |
| Ⓟ Entrance spacing (max)                  | n/a                   | 50'       | 75'                   | 75'                   | 75'                   | n/a                   | n/a         |     |
| <b>Allowed Building Element Summary**</b> |                       |           |                       |                       |                       |                       |             |     |
| Public                                    | Gallery, awning       | Awning    | Gallery, awning       | Gallery, awning       | Not allowed           | Gallery, awning       | Not allowed |     |
| Semi-Public                               | Porch, stoop, balcony | Balcony   | Porch, stoop, balcony | Porch, stoop, balcony | Porch, stoop, balcony | Porch, stoop, balcony | Not allowed |     |

\*\*See Sec. 2.11 for specific building element requirements

## SEC. 2.4 SIMSBURY CENTER - 1 (SC-1)



### 2.4.1 Lot

#### Lot Standards

|               |          |
|---------------|----------|
| Ⓐ Area (min)  | 5,000 sf |
| Ⓑ Width (min) | 50'      |

#### Building Setbacks

|                                       |                                 |
|---------------------------------------|---------------------------------|
| Ⓒ Street setback line (min)           | Varies<br>(see regulating plan) |
| Ⓓ Setback, protected district (min)   | 20'                             |
| Ⓔ Setback, unprotected district (min) | 0' or 5'                        |

### 2.4.2 Placement

#### Build-to

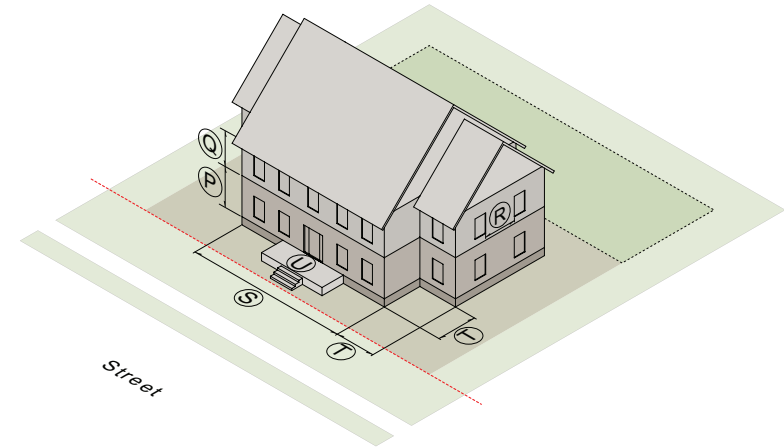
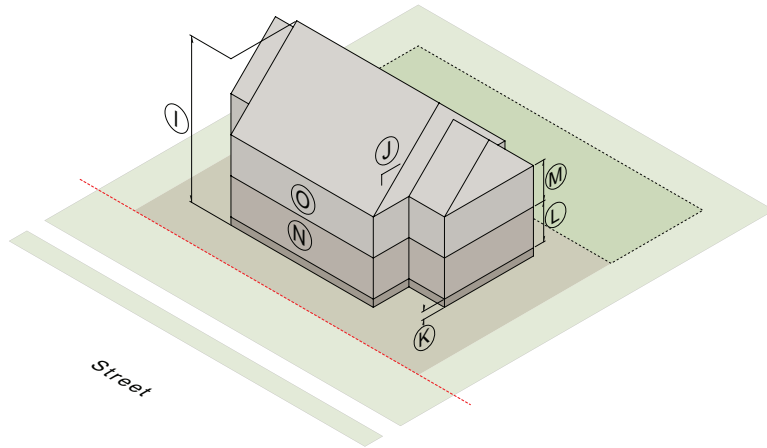
|  |          |
|--|----------|
| Ⓔ Street setback area (min/max)                          | 0' / 15' |
| Ⓕ Building width in setback area<br>(min % of lot width) | 50%      |

#### Parking Location

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Ⓖ Parking setback line (min)        | Varies<br>(see regulating plan) |
| Setback, protected district (min)   | 10'                             |
| Setback, unprotected district (min) | 0' or 5'                        |

#### Open Space

|                                   |     |
|-----------------------------------|-----|
| Ⓗ % of open area on the lot (min) | 15% |
|-----------------------------------|-----|



### 2.4.3 Height and Use

| Height  |                                 |
|---|---------------------------------|
| Ⓘ Building height (max)                         | Varies (see height map)         |
| Ⓙ Roof pitch (min/max)                          | 5:12 / 12:12                    |
| Ⓚ Ground story finished floor elevation         |                                 |
| Residential (min/max)                           | 2' / 4'                         |
| Nonresidential (min/max)                        | 0' / 2'                         |
| Ⓛ Ground story height, floor to floor (min/max) | 9' / 12'                        |
| Ⓜ Upper story height, floor to floor (min/max)  | 9' / 12'                        |
| Allowed Use Summary*                            |                                 |
| Ⓝ Ground story                                  | Residential, public, commercial |
| Ⓞ Upper story                                   | Residential, public, commercial |

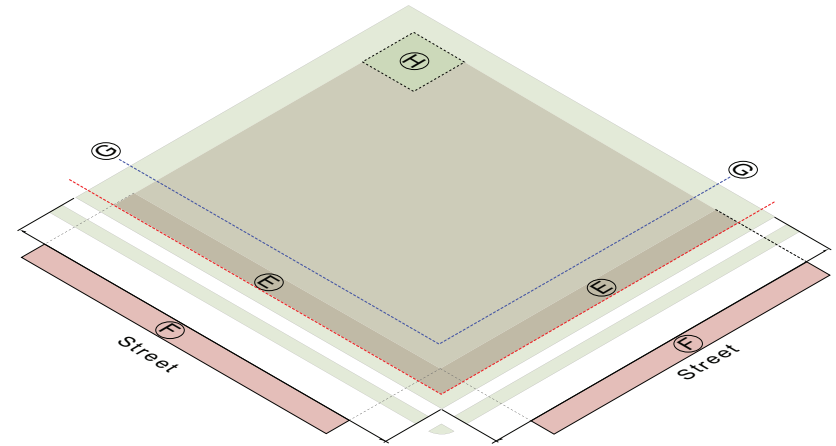
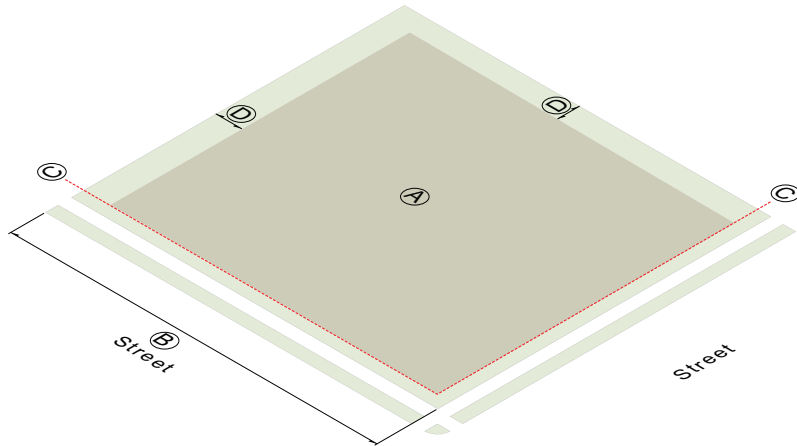
\*See Chapter 4 for specific use requirements

### 2.4.4 Street Activation

| Transparency                             |                       |
|--|-----------------------|
| Ⓟ Ground story (min/max)                 | 20% / 40%             |
| Ⓠ Upper story (min/max)                  | 20% / 40%             |
| Ⓡ Blank wall area (max)                  | 35'                   |
| Facade Articulation                      |                       |
| Ⓢ Front wall length without offset (max) | 40'                   |
| Ⓣ Front wall offset length & depth (min) | 10'                   |
| Building Entrances                       |                       |
| Ⓤ Street facing entrance                 | Required              |
| Ⓥ Entrance spacing (max)                 | n/a                   |
| Allowed Building Element Summary*        |                       |
| Public                                   | Gallery, awning       |
| Semi-Public                              | Porch, stoop, balcony |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.5 SIMSBURY CENTER - 2 (SC-2)



### 2.5.1 Lot

#### Lot Standards

|               |          |
|---------------|----------|
| Ⓐ Area (min)  | 3,000 sf |
| Ⓑ Width (min) | 30'      |

#### Building Setbacks

|                                       |                                 |
|---------------------------------------|---------------------------------|
| Ⓒ Street setback line (min)           | Varies<br>(see regulating plan) |
| Ⓓ Setback, protected district (min)   | 10'                             |
| Ⓓ Setback, unprotected district (min) | 0' or 5'                        |

### 2.5.2 Placement

#### Build-to

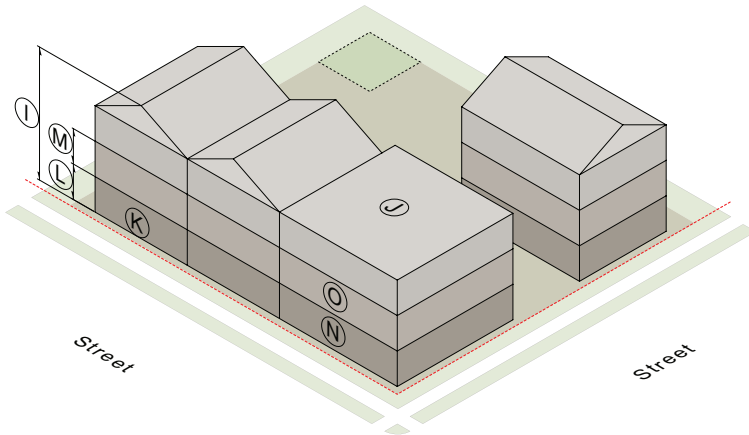
|  |         |
|--|---------|
| Ⓔ Street setback area (min/max)                          | 0' / 5' |
| Ⓕ Building width in setback area<br>(min % of lot width) | 90%     |

#### Parking Location

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Ⓖ Parking setback line (min)        | Varies<br>(see regulating plan) |
| Setback, protected district (min)   | 10'                             |
| Setback, unprotected district (min) | 0' or 5'                        |

#### Open Space

|                                   |     |
|-----------------------------------|-----|
| Ⓗ % of open area on the lot (min) | 15% |
|-----------------------------------|-----|



### 2.5.3 Height and Use

| Height  |                                |
|---|--------------------------------|
| Ⓛ Building height (max)                           | Varies (see height map)        |
| Ⓜ Roof  | Flat or pitched                |
| Ⓚ Ground story finished floor elevation (min/max) | 0' / 2'                        |
| Ⓛ Ground story height, floor to floor (min/max)   | 12' / 18'                      |
| Ⓜ Upper story height, floor to floor (min/max)    | 9' / 12'                       |
| Allowed Use Summary*                              |                                |
| Ⓝ Ground story                                    | Public, commercial             |
| Ⓞ Upper story                                     | Residential, public commercial |

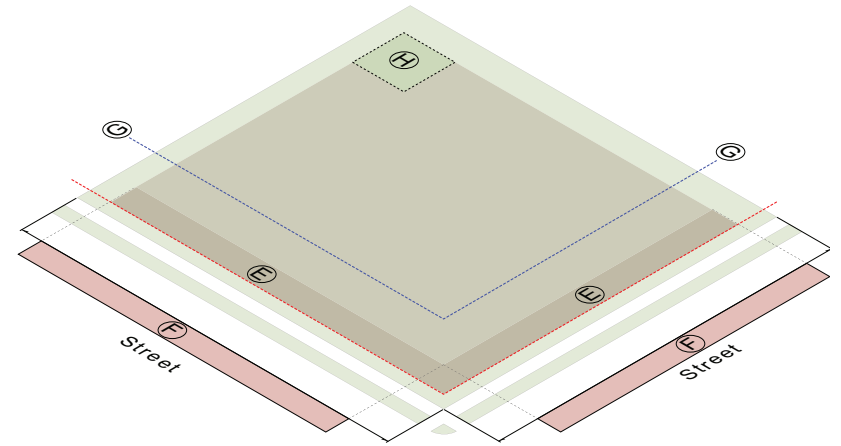
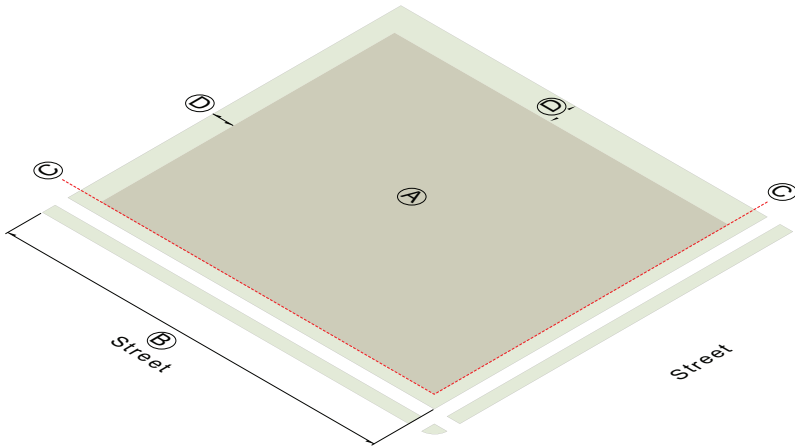
\*See Chapter 4 for specific use requirements

### 2.5.4 Street Activation

| Transparency                             |           |
|--|-----------|
| Ⓟ Ground story (min/max)                 | 60% / 90% |
| Ⓠ Upper story (min/max)                  | 20% / 70% |
| Ⓡ Blank wall area (max)                  | 20'       |
| Facade Articulation                      |           |
| Ⓢ Front wall length without offset (max) | n/a       |
| Ⓣ Front wall offset length & depth (min) | n/a       |
| Building Entrances                       |           |
| Ⓤ Street facing entrance                 | Required  |
| Ⓟ Entrance spacing (max)                 | 50'       |
| Allowed Building Element Summary*        |           |
| Public                                   | Awning    |
| Semi-Public                              | Balcony   |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.6 SIMSBURY CENTER - 3 (SC-3)

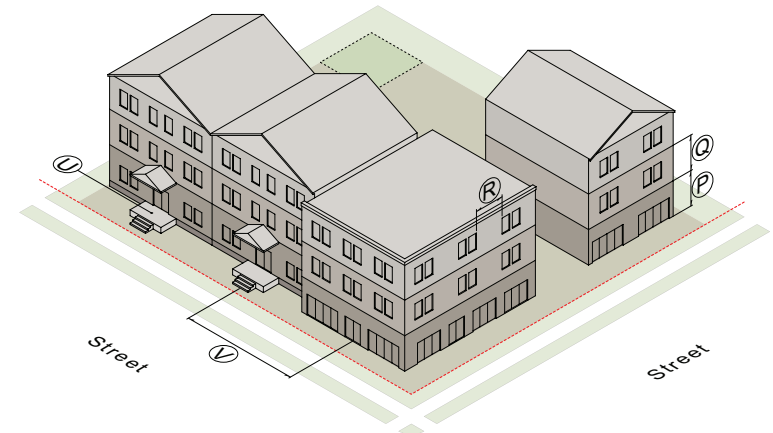
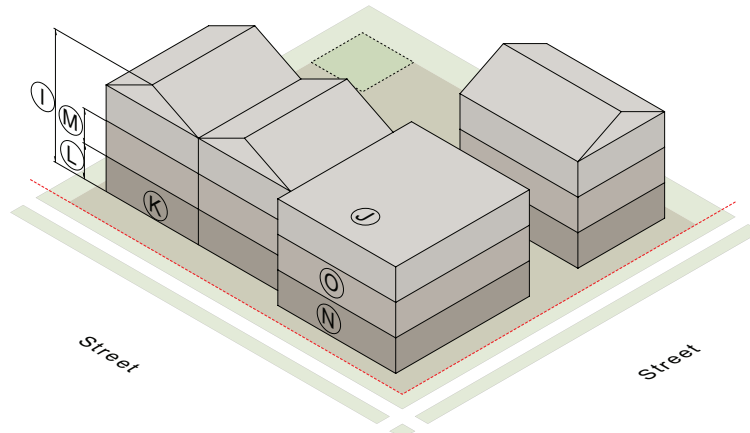


### 2.6.1 Lot

| Lot Standards                           |                                 |
|---|---------------------------------|
| (A) Area (min)                          | 5,000 sf                        |
| (B) Width (min)                         | 50'                             |
| Building Setbacks                       |                                 |
| (C) Street setback line (min)           | Varies<br>(see regulating plan) |
| (D) Setback, protected district (min)   | 10'                             |
| (D) Setback, unprotected district (min) | 0' or 5'                        |

### 2.6.2 Placement

| Build-to   |                                 |
|--|---------------------------------|
| (E) Street setback area (min/max)                          | 0' / 8'                         |
| (F) Building width in setback area<br>(min % of lot width) | 70%                             |
| Parking Location   |                                 |
| (G) Parking setback line (min)                             | Varies<br>(see regulating plan) |
| Setback, protected district (min)                          | 10'                             |
| Setback, unprotected district (min)                        | 0' or 5'                        |
| Open Space   |                                 |
| (H) % of open area on the lot (min)                        | 15%                             |



### 2.6.3 Height and Use

| Height               |  |   |
|----------------------|--|---|
| ①                    | Building height (max)                        | Varies (see height map)                     |
| ②                    | Roof   | Flat or pitched                             |
| ③                    | Ground story finished floor elevation        |   |
|                      | Residential (min/max)                        | 2' / 4'                                     |
|                      | Nonresidential (min/max)                     | 0' / 2'                                     |
| ④                    | Ground story height, floor to floor          |   |
|                      | Residential (min/max)                        | 9' / 12'                                    |
|                      | Nonresidential (min/max)                     | 12' / 18'                                   |
| ⑤                    | Upper story height, floor to floor (min/max) | 9' / 12'                                    |
| Allowed Use Summary* |  |   |
| ⑥                    | Ground story                                 | Residential, public, commercial, industrial |
| ⑦                    | Upper story                                  | Residential, public, commercial, industrial |

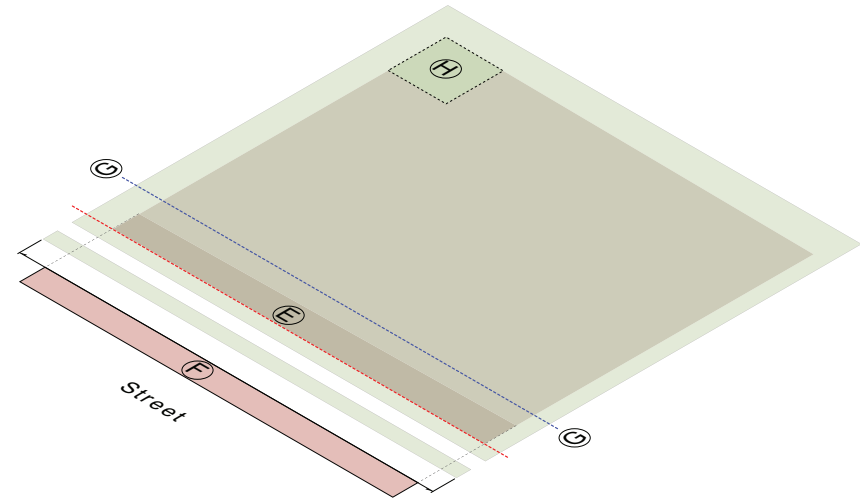
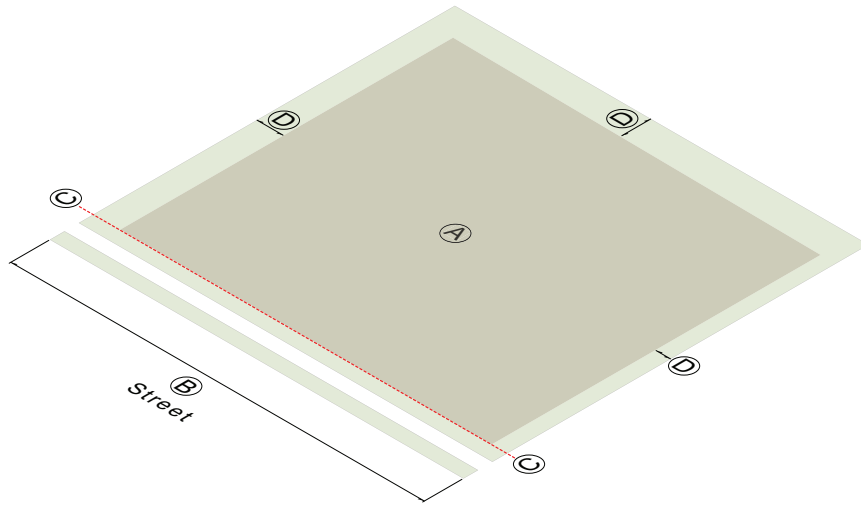
\*See Chapter 4 for specific use requirements

### 2.6.4 Street Activation

| Transparency                      |  |                       |
|-----------------------------------|--|-----------------------|
| ⑧                                 | Ground story (min/max)                 |                       |
|                                   | Residential                            | 20% / 70%             |
|                                   | Commercial                             | 40% / 90%             |
| ⑨                                 | Upper story (min/max)                  | 20% / 70%             |
| ⑩                                 | Blank wall area (max)                  | 30'                   |
| Facade Articulation               |  |                       |
| ⑪                                 | Front wall length without offset (max) | n/a                   |
| ⑫                                 | Front wall offset length & depth (min) | n/a                   |
| Building Entrances                |  |                       |
| ⑬                                 | Street facing entrance                 | Required              |
| ⑭                                 | Entrance spacing (max)                 | 75'                   |
| Allowed Building Element Summary* |  |                       |
|                                   | Public                                 | Gallery, awning       |
|                                   | Semi-Public                            | Porch, stoop, balcony |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.7 SIMSBURY CENTER - 4 (SC-4)



### 2.7.1 Lot

#### Lot Standards

|               |          |
|---------------|----------|
| Ⓐ Area (min)  | 1,500 sf |
| Ⓑ Width (min) | 20'      |

#### Building Setbacks

|                                       |                                 |
|---------------------------------------|---------------------------------|
| Ⓒ Street setback line (min)           | Varies<br>(see regulating plan) |
| Ⓓ Setback, protected district (min)   | 10'                             |
| Ⓓ Setback, unprotected district (min) | 0' or 5'                        |

### 2.7.2 Placement

#### Build-to

|  |          |
|--|----------|
| Ⓔ Street setback area (min/max)                          | 0' / 12' |
| Ⓕ Building width in setback area<br>(min % of lot width) | 70%      |

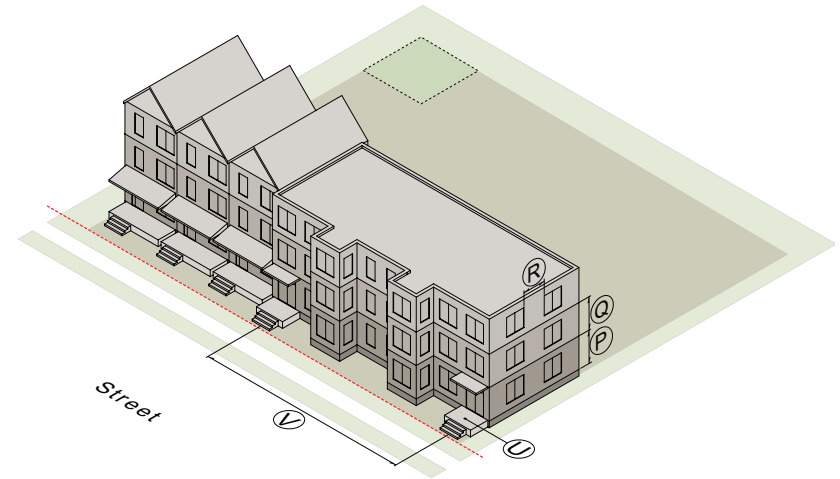
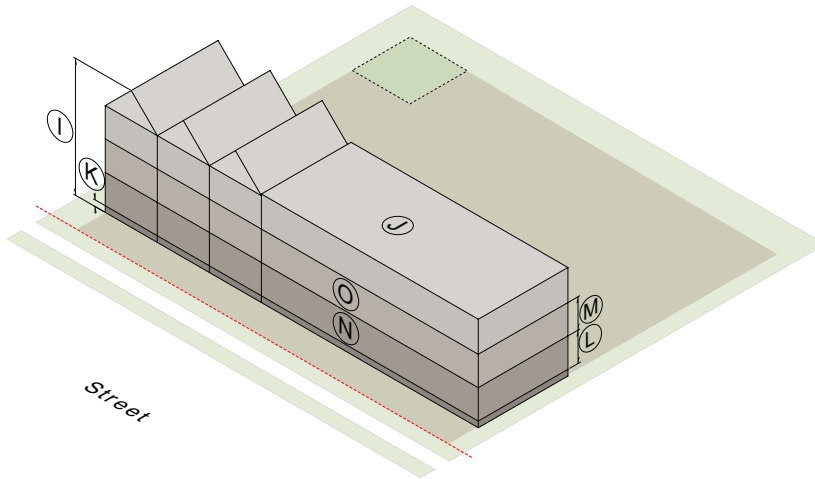
#### Parking Location

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Ⓖ Parking setback line (min)        | Varies<br>(see regulating plan) |
| Setback, protected district (min)   | 10'                             |
| Setback, unprotected district (min) | 0' or 5'                        |

#### Open Space

|                                   |     |
|-----------------------------------|-----|
| Ⓗ % of open area on the lot (min) | 15% |
|-----------------------------------|-----|





### 2.7.3 Height and Use

| Height               |   |                                 |
|----------------------|---|---------------------------------|
| Ⓘ                    | Building height (max)                           | Varies (see height map)         |
| Ⓝ                    | Roof  | Flat or pitched                 |
| Ⓚ                    | Ground story finished floor elevation (min/max) | 2' / 4'                         |
| Ⓛ                    | Ground story height, floor to floor (min/max)   | 9' / 12'                        |
| Ⓜ                    | Upper story height, floor to floor (min/max)    | 9' / 12'                        |
| Allowed Use Summary* |   |                                 |
| Ⓝ                    | Ground story                                    | Residential, public, commercial |
| Ⓞ                    | Upper story                                     | Residential, public             |

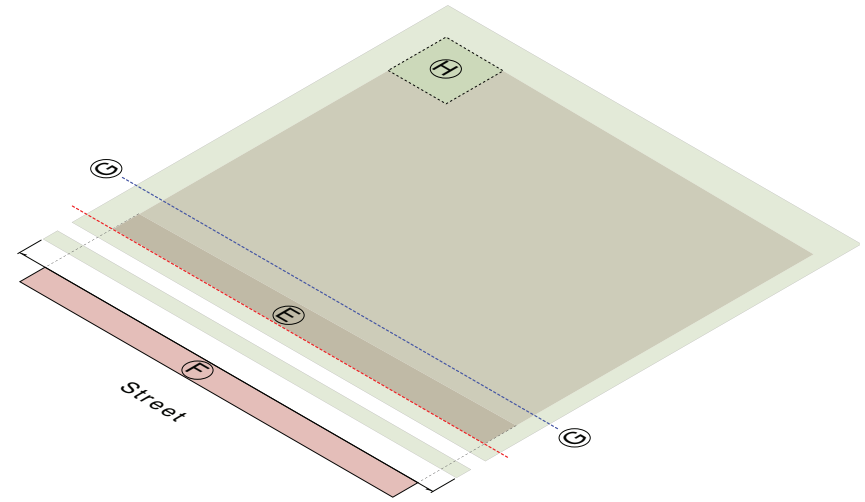
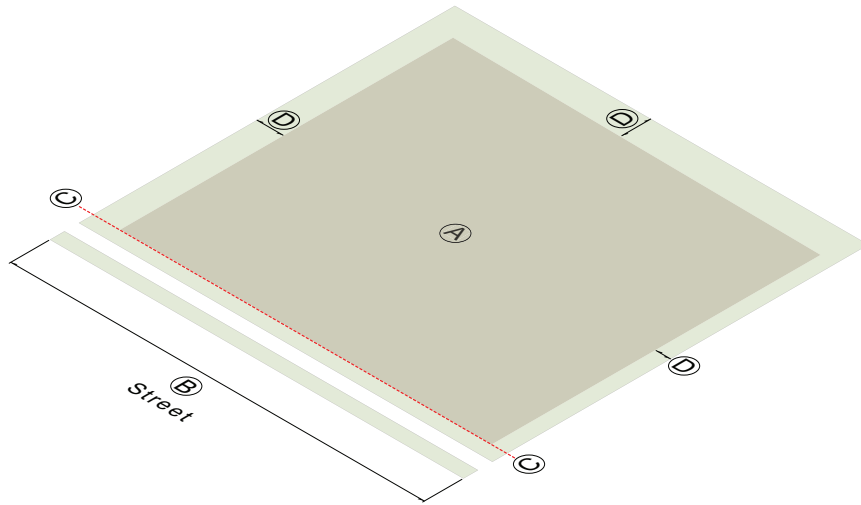
\*See Chapter 4 for specific use requirements

### 2.7.4 Street Activation

| Transparency                      |  |                       |
|-----------------------------------|--|-----------------------|
| Ⓟ                                 | Ground story (min/max)                 | 20% / 70%             |
| Ⓠ                                 | Upper story (min/max)                  | 20% / 70%             |
| Ⓡ                                 | Blank wall area (max)                  | 40'                   |
| Facade Articulation               |  |                       |
| Ⓢ                                 | Front wall length without offset (max) | n/a                   |
| Ⓣ                                 | Front wall offset length & depth (min) | n/a                   |
| Building Entrances                |  |                       |
| Ⓤ                                 | Street facing entrance                 | Required              |
| Ⓟ                                 | Entrance spacing (max)                 | 75'                   |
| Allowed Building Element Summary* |  |                       |
| Public                            |  | Gallery, awning       |
| Semi-Public                       |  | Porch, stoop, balcony |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.8 SIMSBURY CENTER - 5 (SC-5)



### 2.8.1 Lot

#### Lot Standards

|               |          |
|---------------|----------|
| Ⓐ Area (min)  | 1,500 sf |
| Ⓑ Width (min) | 20'      |

#### Building Setbacks

|                                       |                                 |
|---------------------------------------|---------------------------------|
| Ⓒ Street setback line (min)           | Varies<br>(see regulating plan) |
| Ⓓ Setback, protected district (min)   | 10'                             |
| Ⓓ Setback, unprotected district (min) | 0' or 5'                        |

### 2.8.2 Placement

#### Build-to

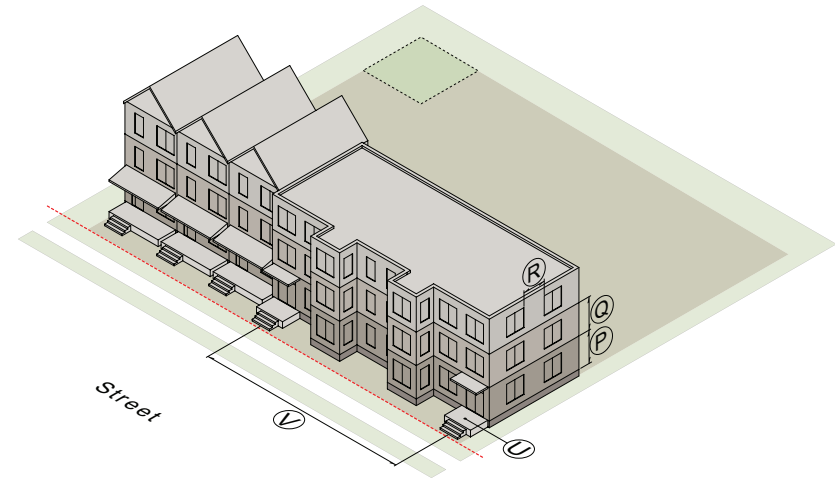
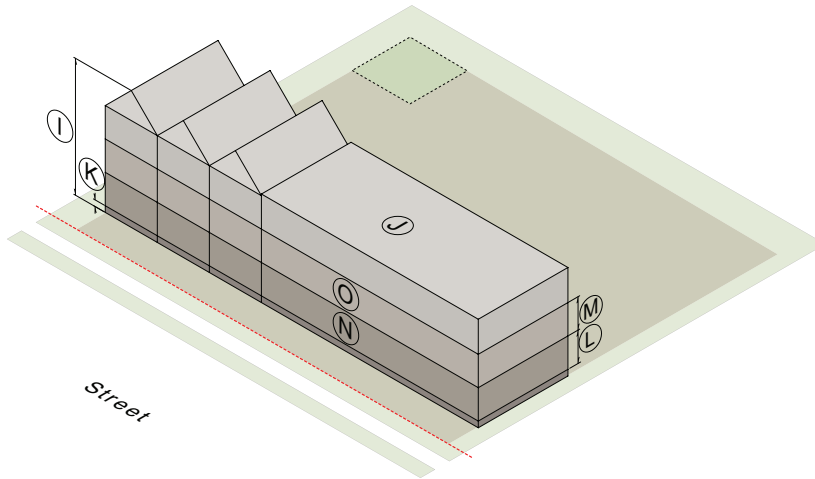
|  |          |
|--|----------|
| Ⓔ Street setback area (min/max)                          | 0' / 12' |
| Ⓕ Building width in setback area<br>(min % of lot width) | 70%      |

#### Parking Location

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Ⓖ Parking setback line (min)        | Varies<br>(see regulating plan) |
| Setback, protected district (min)   | 10'                             |
| Setback, unprotected district (min) | 0' or 5'                        |

#### Open Space

|                                   |     |
|-----------------------------------|-----|
| Ⓗ % of open area on the lot (min) | 15% |
|-----------------------------------|-----|



### 2.8.3 Height and Use

| Height  |                         |
|---|-------------------------|
| Ⓘ Building height (max)                           | Varies (see height map) |
| Ⓝ Roof  | Flat or pitched         |
| Ⓚ Ground story finished floor elevation (min/max) | 2' / 4'                 |
| Ⓛ Ground story height, floor to floor (min/max)   | 9' / 12'                |
| Ⓜ Upper story height, floor to floor (min/max)    | 9' / 12'                |
| Allowed Use Summary*                              |                         |
| Ⓝ Ground story                                    | Residential, public     |
| Ⓞ Upper story                                     | Residential             |

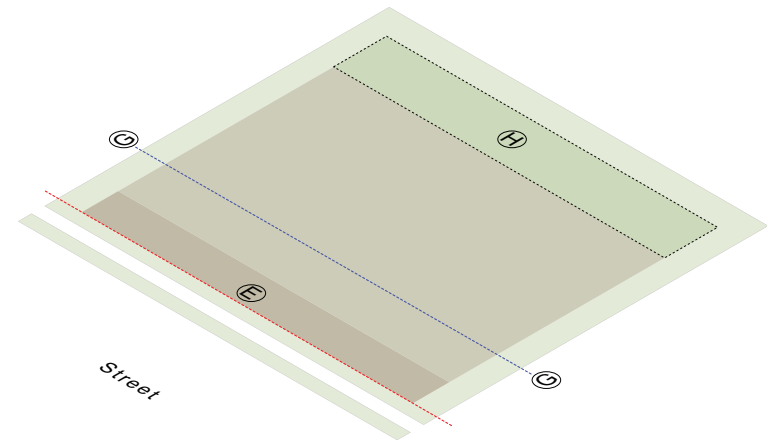
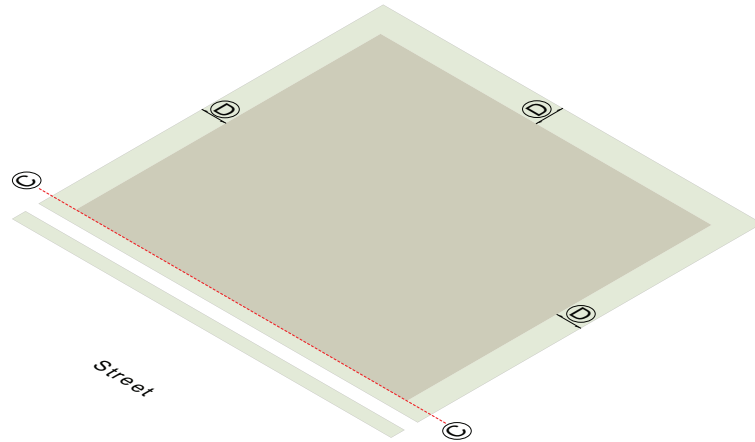
\*See Chapter 4 for specific use requirements

### 2.8.4 Street Activation

| Transparency                             |                       |
|--|-----------------------|
| Ⓟ Ground story (min/max)                 | 20% / 70%             |
| Ⓠ Upper story (min/max)                  | 20% / 70%             |
| Ⓡ Blank wall area (max)                  | 40'                   |
| Facade Articulation                      |                       |
| Ⓢ Front wall length without offset (max) | n/a                   |
| Ⓣ Front wall offset length & depth (min) | n/a                   |
| Building Entrances                       |                       |
| Ⓤ Street facing entrance                 | Required              |
| Ⓟ Entrance spacing (max)                 | 75'                   |
| Allowed Building Element Summary*        |                       |
| Public                                   | Not allowed           |
| Semi-Public                              | Porch, stoop, balcony |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.9 SPECIAL RULES FOR CIVIC SITES

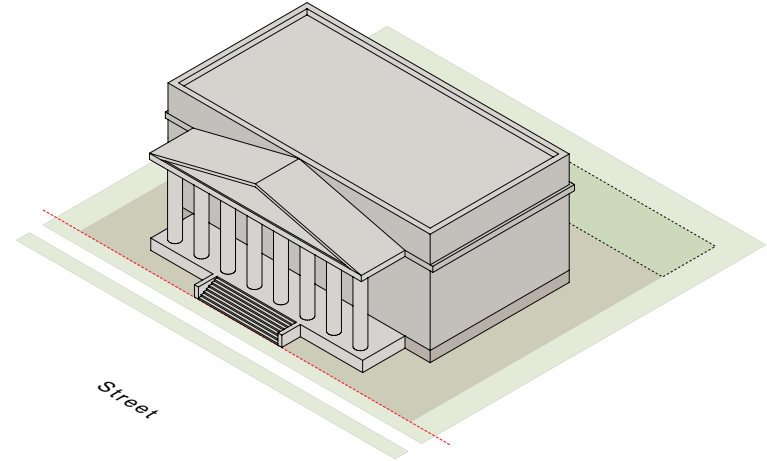
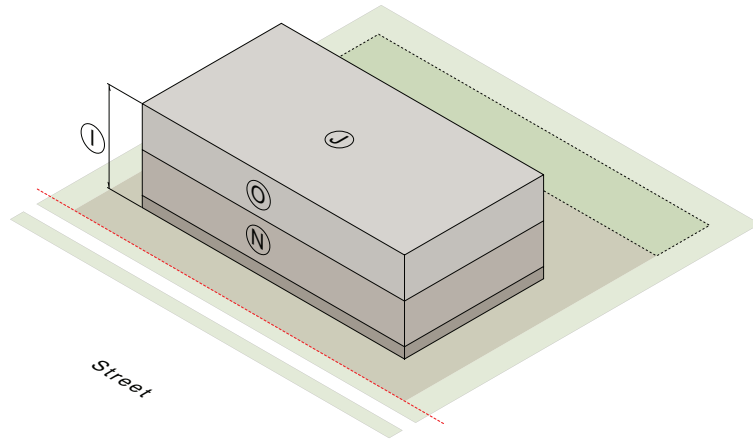


### 2.9.1 Lot

| Lot Standards                         |                                 |
|---------------------------------------|---------------------------------|
| Ⓐ Area (min)                          | n/a                             |
| Ⓑ Width (min)                         | n/a                             |
| Building Setbacks                     |                                 |
| Ⓒ Street setback line (min)           | Varies<br>(see regulating plan) |
| Ⓓ Setback, protected district (min)   | 10'                             |
| Ⓓ Setback, unprotected district (min) | 0' or 5'                        |

### 2.9.2 Placement

| Build-to   |                                 |
|--|---------------------------------|
| Ⓔ Street setback area (min/max)                          | n/a                             |
| Ⓕ Building width in setback area<br>(min % of lot width) | n/a                             |
| Parking Location   |                                 |
| Ⓖ Parking setback line (min)                             | Varies<br>(see regulating plan) |
| Setback, protected district (min)                        | 10'                             |
| Setback, unprotected district (min)                      | 0' or 5'                        |
| Open Space   |                                 |
| Ⓖ % of open area on the lot (min)                        | 30%                             |



### 2.9.3 Height and Use

| Height               |   |                         |
|----------------------|---|-------------------------|
| ①                    | Building height (max)                           | Varies (see height map) |
| ②                    | Roof  | Flat or pitched         |
| ③                    | Ground story finished floor elevation (min/max) | n/a                     |
| ④                    | Ground story height, floor to floor (min/max)   | n/a                     |
| ⑤                    | Upper story height, floor to floor (min/max)    | n/a                     |
| Allowed Use Summary* |   |                         |
| ⑥                    | Ground story                                    | Public                  |
| ⑦                    | Upper story                                     | Public                  |

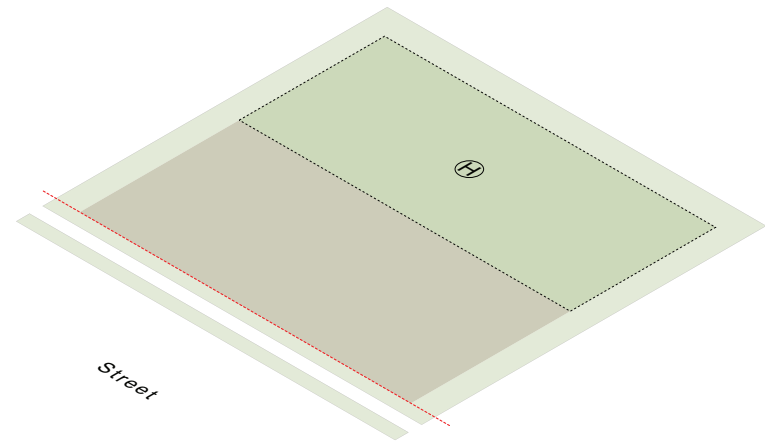
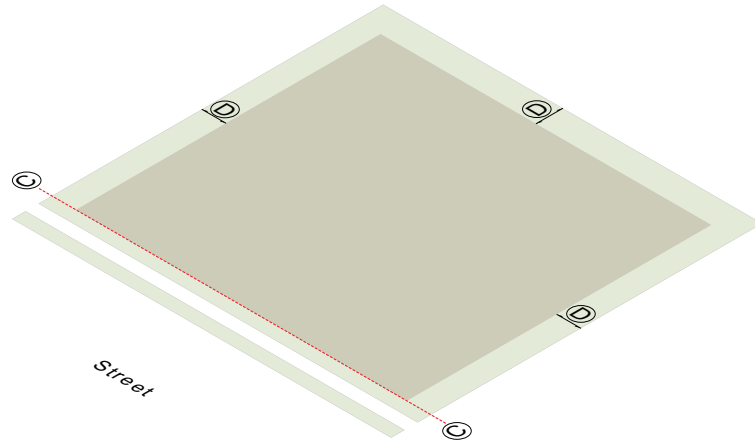
\*See Chapter 4 for specific use requirements

### 2.9.4 Street Activation

| Transparency                      |  |                       |
|-----------------------------------|--|-----------------------|
| ⑧                                 | Ground story (min/max)                 | n/a                   |
| ⑨                                 | Upper story (min/max)                  | n/a                   |
| ⑩                                 | Blank wall area (max)                  | n/a                   |
| Facade Articulation               |  |                       |
| ⑪                                 | Front wall length without offset (max) | n/a                   |
| ⑫                                 | Front wall offset length & depth (min) | n/a                   |
| Building Entrances                |  |                       |
| ⑬                                 | Street facing entrance                 | n/a                   |
| ⑭                                 | Entrance spacing (max)                 | n/a                   |
| Allowed Building Element Summary* |  |                       |
| Public                            |  | Gallery, awning       |
| Semi-Public                       |  | Porch, stoop, balcony |

\*See Sec. 2.11 for specific building element requirements

## SEC. 2.10 SPECIAL RULES FOR OPEN SITES

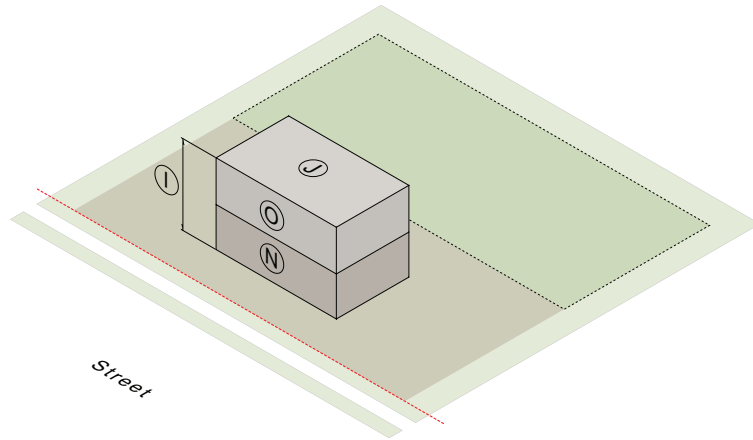


### 2.10.1 Lot

| Lot Standards                         |     |
|---------------------------------------|-----|
| Ⓐ Area (min)                          | n/a |
| Ⓑ Width (min)                         | n/a |
| Building Setbacks                     |     |
| Ⓒ Street setback line (min)           | 10' |
| Ⓓ Setback, protected district (min)   | 10' |
| Ⓓ Setback, unprotected district (min) | 10' |

### 2.10.2 Placement

| Build-to  |             |
|---|-------------|
| Ⓔ Street setback area (min/max)                       | n/a         |
| Ⓕ Building width in setback area (min % of lot width) | n/a         |
| Parking Location                                      |             |
| Ⓖ Parking setback line (min)                          | not allowed |
| Setback, protected district (min)                     | not allowed |
| Setback, unprotected district (min)                   | not allowed |
| Open Space  |             |
| Ⓗ % of open area on the lot (min)                     | 98%         |

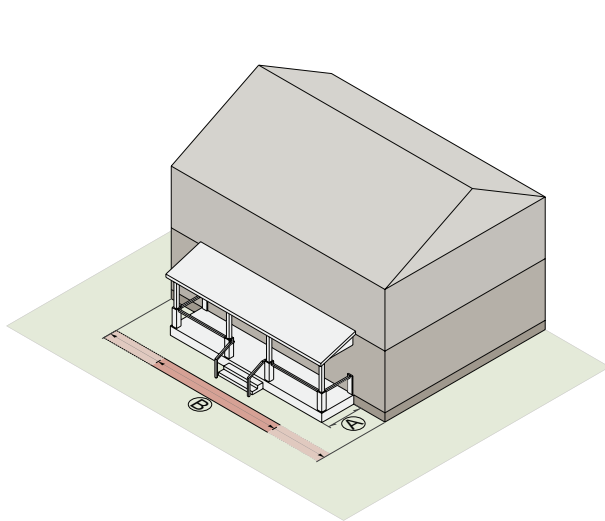


### 2.10.3 Height and Use

| Height  |                         |
|---|-------------------------|
| Ⓘ Building height (max)                           | Varies (see height map) |
| ⓵ Roof  | n/a                     |
| Ⓚ Ground story finished floor elevation (min/max) | n/a                     |
| Ⓛ Ground story height, floor to floor (min/max)   | n/a                     |
| Ⓜ Upper story height, floor to floor (min/max)    | n/a                     |
| Allowed Use Summary*                              |                         |
| Ⓝ Ground story                                    | Public                  |
| Ⓞ Upper story                                     | Public                  |

\*See [Chapter 4](#) for specific use requirements

## SEC. 2.11 BUILDING ELEMENTS



### 2.11.1 Porch

#### Configuration

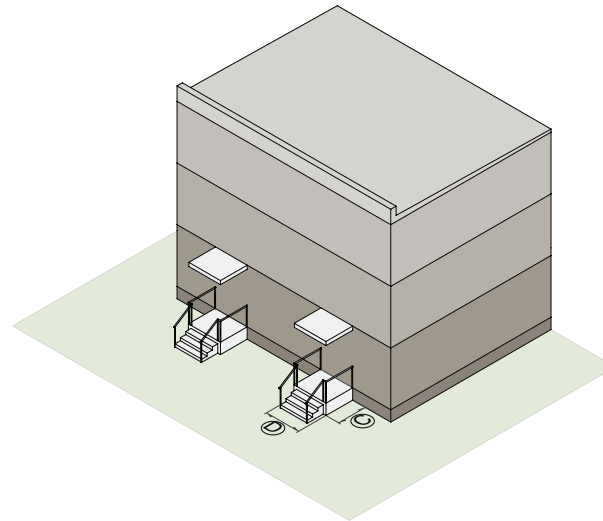
|                                       |   |
|---------------------------------------|---|
| Ⓐ Depth (min) not including the steps | 6'                                      |
| Ⓑ Contiguous length (min)             | 50% of building facade                  |
| Encroachments                         | Side and rear yard, street setback area |

#### Allowed Street Frontages

SC-1, SC-3, SC-4, SC-5, CIV

#### Special Conditions

1. A porch may be roofed but not enclosed. Columns or posts may extend down to the porch floor. Partial walls and railings can be no higher than 3½ feet.
2. A porch cannot project within five feet of a common lot line.



### 2.11.2 Stoop

#### Configuration

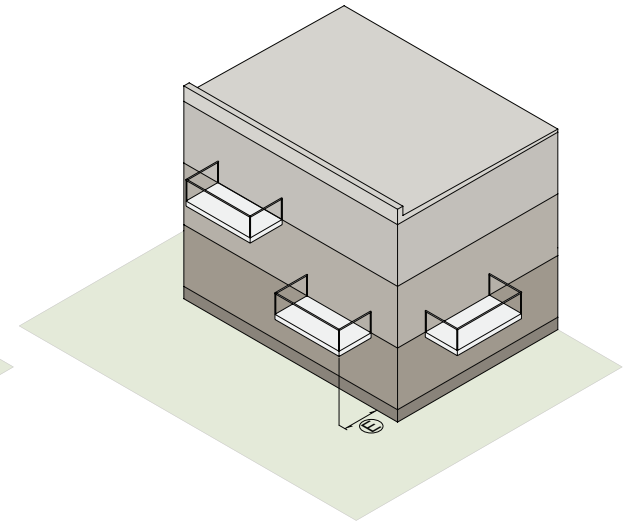
|                                       |   |
|---------------------------------------|---|
| Ⓒ Depth (max) not including the steps | 6'                                      |
| Ⓓ Width (max)                         | 6'                                      |
| Encroachments                         | Side and rear yard, street setback area |

#### Allowed Street Frontages

SC-1, SC-3, SC-4, SC-5, CIV

#### Special Conditions

1. A stoop may be roofed but not enclosed. Columns or posts cannot extend down to the stoop floor. Partial walls and railings can be no higher than 3½ feet.
2. A stoop cannot project within five feet of a common lot line.



### 2.11.3 Balcony

#### Configuration

|               |  |
|---------------|--|
| Ⓔ Depth (min) | 4'   |
| Encroachments | Side and rear yard, street setback area, right-of-way 5' max |

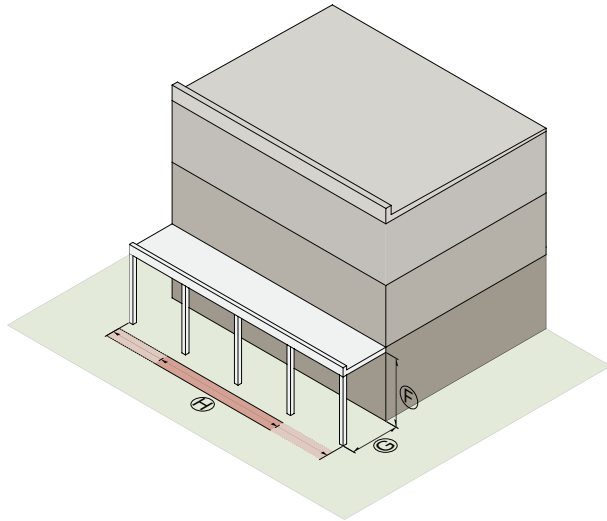
#### Allowed Street Frontages

SC-1, SC-2, SC-3, SC-4, SC-5, CIV

#### Special Conditions

1. A balcony may be roofed but not enclosed.
2. A balcony cannot project within five feet of a common lot line.





### 2.11.4 Gallery

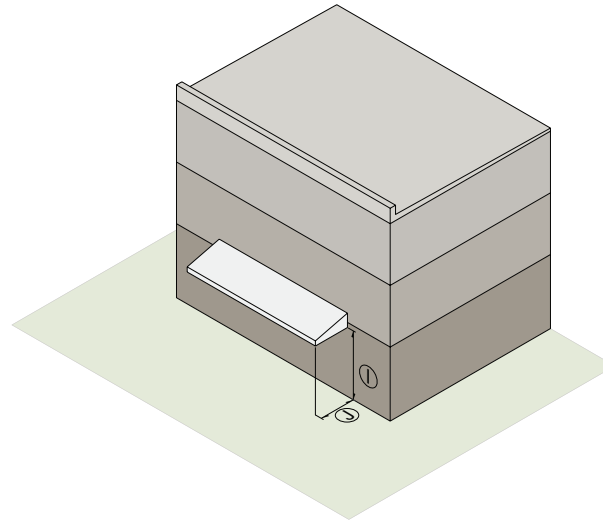
| Configuration               |                        |
|-----------------------------|------------------------|
| (F) Clear height (min)      | 10'                    |
| (G) Depth (min)             | 6'                     |
| (H) Contiguous length (min) | 75% of building facade |
| Encroachments               | Setback area only      |

#### Allowed Street Frontages

SC-1, SC-3, SC-4, CIV

#### Special Conditions

A gallery cannot be enclosed but it may include columns or posts that extend to the ground.



### 2.11.5 Awning

| Configuration          |                                   |
|------------------------|-----------------------------------|
| (I) Clear height (min) | 10'                               |
| (J) Depth (min)        | 4'                                |
| Encroachments          | Setback area, right-of-way 5' max |

#### Allowed Street Frontages

SC-1, SC-2, SC-3, SC-4, CIV

#### Special Conditions

An awning must be cantilevered from the wall, it cannot have posts or columns that extend to the ground.

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# CHAPTER 3. HEIGHT

|                                       |              |
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## SEC. 3.1 HEIGHT MAP

### 3.1.1 Height Map Established

- A. The Height Map is established as part of this Code and made a part of the Official Simsbury Zoning Map as authorized under CGS 8-2 as amended.
- B. The Height Map establishes height zones that set maximum and minimum heights for specific properties.
- C. The Official Height Map is available at Simsbury Town Hall in the Planning and Land Use Department. Any other copy of the Height Map should be considered for informational purposes only.

### 3.1.2 Height Zones

To carry out the provisions of the Simsbury Town Center Code, the following height zones are hereby established and applied to property as shown on the Height Map indicated in this Code. The height zones set maximum and minimum heights for all buildings and structures in the Simsbury Center.

#### A. Height Zone One ■

No building or structure may exceed 20 feet in height. In Simsbury Meadows, the Zoning Commission may allow structures higher than 20 feet when there is a compelling public interest in allowing taller structures. Such structures must be used for public purposes only.

#### B. Height Zone Two ■

No building or structure may exceed 2½ stories or 45 feet in height, except has listed in [Sec. 3.1.4 Height Encroachments](#).

#### C. Height Zone Three ■

No building or structure may exceed 3½ stories or 56 feet in height, except has listed in [Sec. 3.1.4 Height Encroachments](#). All new buildings must be at least two-stories in height.

#### D. Height Zone Four ■

No building or structure may exceed 4 stories or 56 feet in height, except has listed in [Sec. 3.1.4 Height Encroachments](#). All new buildings must be at least two-stories in height.

#### E. Eno Hall Height Overlay □

No building or structure within the Eno Hall Height Overlay may be taller than the highest point of the main roof of Eno Hall, except has listed in [Sec. 3.1.4 Height Encroachments](#).

### 3.1.3 Interpreting the Height Map

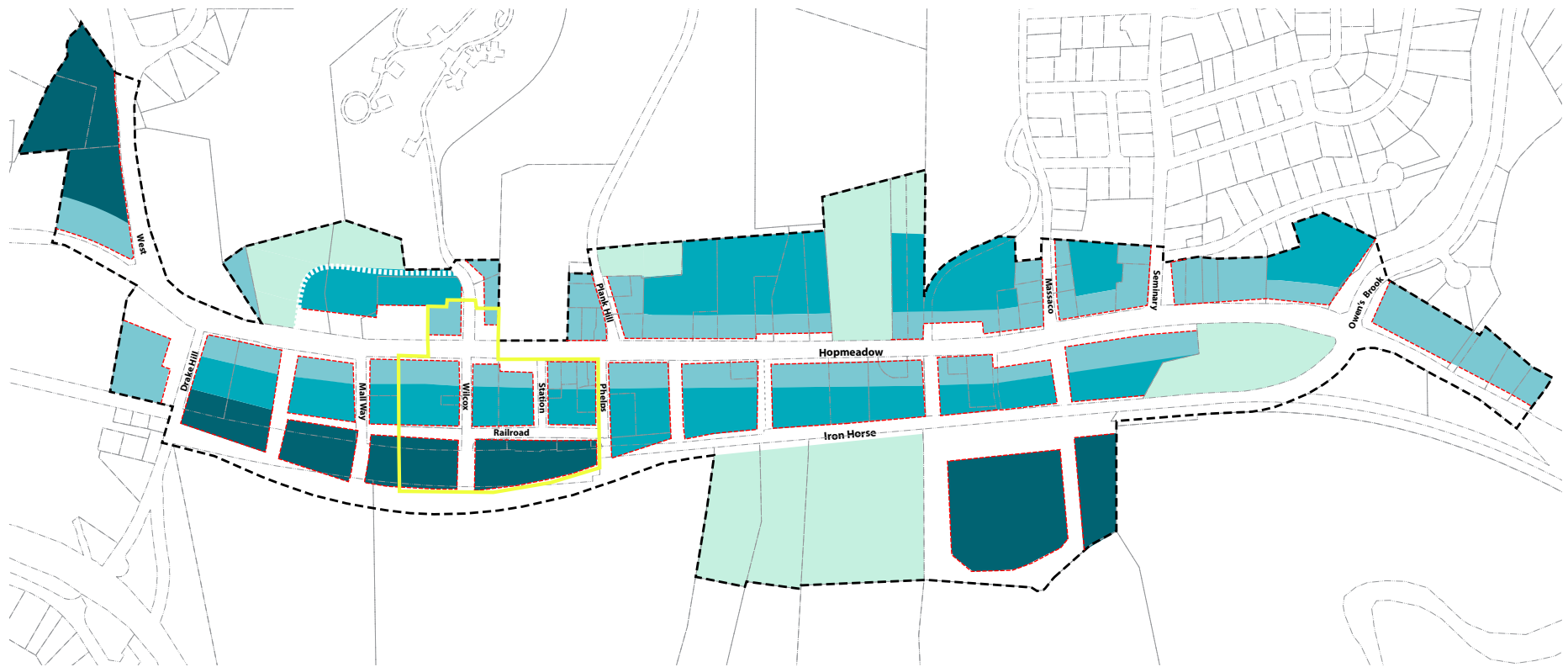
Where uncertainty exists as to the location of the height zone boundary as shown on the Height Map, the following rules apply:

- A. Height Zone Two (max 2½ stories) generally extends 100 feet on either side of Hopmeadow, measured from the right-of-way line.
- B. Height Zone Three (3½ stories) generally extends from 100 feet to 300 feet on the eastern side of Hopmeadow, measured from the right-of-way line.

### 3.1.4 Height Encroachments










The following structures may exceed the established height limits, provided they do not exceed the maximum height by more than 12 feet:

- A. Amateur communications tower;
- B. Cooling tower;
- C. Clerestory;
- D. Chimney and vent stack;
- E. Elevator penthouse or bulkhead;
- F. Flagpole;
- G. Mechanical equipment room;
- H. Ornamental cupola or dome;
- I. Stairway access to roof;
- J. Roof top deck;
- K. Skylights;
- L. Spire, belfry;
- M. Solar panels;
- N. Visual screens surrounding roof-mounted mechanical equipment; and
- O. Wind turbines and other integrated renewable energy systems.



## Simsbury Center Height Map

Code Studio | Third Coast Design Studio | Urban Advantage |  
Winter and Company | Nelson\Nygaard | W-ZHA

-  Property Line
-  Simsbury Center
-  Proposed Road
-  Street Setback Line
-  Zone One: 20 feet
-  Zone Two: Max 2.5 stories (45 feet)
-  Zone Three: Max 3.5 stories (56 feet)
-  Zone Four: Max 4 stories (56 feet)
-  Eno Hall Overlay



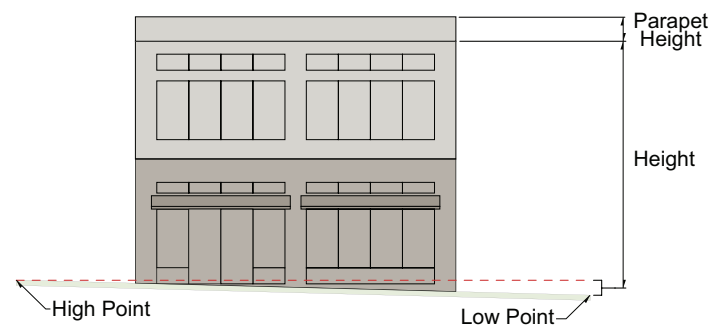
## SEC. 3.2 MEASUREMENT OF HEIGHT

### 3.2.1 Elements of Height Measurement

- A. Height is measured to the highest point of a pitched roof or to the deck of a flat roof. A parapet surrounding a flat roof may extend a maximum of two feet above the established height limit.
- B. Height is measured from the average existing grade along the street setback line. The average is calculated by adding the highest point and the lowest point along the street setback line, and dividing by two.

### 3.2.2 Half Story Elements

- A. Habitable space within a roof form is considered a half story, and counts toward the maximum of number of stories.
- B. Dormers are allowed in a half story, provided they meet the following standards:
  1. A dormer ridge or roof line may not extend above the primary roof ridge.
  2. A dormer face may not exceed 16 feet or more than 50% of the wall plane length, whichever is less.
  3. More than one dormer is acceptable on a wall plane, but the total combined dormer face width cannot exceed 50% of the wall plane length.
  4. The space between dormers cannot be less than one-half the width of the adjoining dormer or the average of the two if they are different sizes, whichever is greater.
  5. A dormer must be located a minimum of three feet from the wall plane that runs perpendicular to the dormer face.



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# CHAPTER 4. USE

|   |               |
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## SEC. 4.1 ALLOWED USES

### 4.1.1 Allowed Uses

No certificate of occupancy may be issued for a use that is not allowed by this Chapter. Existing nonconforming uses may continue in accordance with [Sec. 7.8 Nonconformities](#).

#### A. Use Categories

In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other, similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

#### B. Principal Uses

Allowed principal uses by building type are listed in [Sec. 4.2 Allowed Use Table](#). Principal uses are grouped into categories of uses (see [Sec. 4.3 Use Categories](#)). The example uses listed are not an exhaustive list. The Planning Director has the responsibility for categorizing all uses (see [Sec. 4.1.2 Use Determination](#)).

#### C. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in [Sec. 4.4 Accessory Uses and Structures](#).

### 4.1.2 Use Determination

#### A. Interpretation by Planning Director

The Planning Director is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning Director shall place the proposed use under that use category. When determining whether a proposed use is similar to a listed use, the Planning Director shall consider the following criteria:

1. The actual or projected characteristics of the proposed use.

2. The relative amount of site area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.
9. The number of vehicle trips generated.
10. Signs.
11. How the proposed use is advertised.
12. The likely impact on surrounding properties.
13. Whether the activity is likely to be found independent of the other activities on the site.

#### B. Uses Not Specifically Listed

A use not specifically listed shall be prohibited unless it is found to be similar to another listed use as described above.

### 4.1.3 Key to Allowed Use Table

The allowed use table in [Sec. 4.2](#) identifies uses allowed by right and uses that are not allowed. The allowed use table key is set forth below.

- A. Permitted (■)  
Indicates that the use is allowed by right.
- B. Blank Cell  
A blank cell indicates that a use is not permitted.

## SEC. 4.2 ALLOWED USE TABLE

| Use Category<br>Specific Use | SC-1         |             | SC-2         |             | SC-3         |             | SC-4         |             | SC-5         |             | CIV         | OS |
|------------------------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|-------------|----|
|                              | Ground story | Upper story | Ground story | Upper story | Ground story | Upper story | Ground story | Upper story | Ground story | Upper story | All Stories |    |
| <b>Residential</b>           |              |             |              |             |              |             |              |             |              |             |             |    |
| Household living             | ■            | ■           |              | ■           | ■            | ■           | ■            | ■           | ■            | ■           |             |    |
| Group living                 | ■            | ■           |              | ■           | ■            | ■           | ■            | ■           | ■            | ■           |             |    |
| Social service               |              |             |              |             |              |             |              |             |              |             |             |    |
| <b>Public</b>                |              |             |              |             |              |             |              |             |              |             |             |    |
| Civic                        | ■            | ■           | ■            | ■           | ■            | ■           | ■            |             |              |             | ■           |    |
| Parks and open space         | ■            |             |              |             | ■            |             | ■            |             | ■            |             | ■           | ■  |
| Minor utilities              | ■            |             | ■            |             | ■            |             | ■            |             | ■            |             | ■           | ■  |
| Major utilities              |              |             |              |             |              |             |              |             |              |             |             |    |
| <b>Commercial</b>            |              |             |              |             |              |             |              |             |              |             |             |    |
| Day care                     | ■            |             |              |             | ■            | ■           |              |             |              |             |             |    |
| Indoor recreation            | ■            |             |              |             | ■            | ■           |              |             |              |             |             |    |
| Medical                      | ■            | ■           |              |             | ■            | ■           | ■            |             |              |             |             |    |
| Office                       | ■            | ■           |              | ■           | ■            | ■           | ■            |             |              |             |             |    |
| Outdoor recreation           |              |             |              |             |              |             |              |             |              |             |             |    |
| Overnight lodging            | ■            | ■           |              | ■           | ■            | ■           |              |             |              |             |             |    |
| Passenger terminal           |              |             |              |             |              |             |              |             |              |             |             |    |
| Personal service             | ■            | ■           | ■            |             | ■            | ■           | ■            |             |              |             |             |    |
| Restaurant/bar               | ■            | ■           | ■            | ■           | ■            |             |              |             |              |             |             |    |
| Retail sales                 | ■            |             | ■            |             | ■            |             |              |             |              |             |             |    |
| Vehicle rental/sales         |              |             |              |             |              |             |              |             |              |             |             |    |
| <b>Industrial</b>            |              |             |              |             |              |             |              |             |              |             |             |    |
| Agriculture                  |              |             |              |             |              |             |              |             |              |             |             |    |
| Heavy industrial             |              |             |              |             |              |             |              |             |              |             |             |    |
| Light industrial             |              |             |              |             |              |             |              |             |              |             |             |    |
| Light manufacturing          |              |             |              |             |              |             |              |             |              |             |             |    |
| Research & development       |              |             |              |             | ■            | ■           |              |             |              |             |             |    |
| Resource extraction          |              |             |              |             |              |             |              |             |              |             |             |    |
| Self-service storage         |              |             |              |             |              |             |              |             |              |             |             |    |
| Vehicle service              |              |             |              |             |              |             |              |             |              |             |             |    |
| Warehouse & distribution     |              |             |              |             |              |             |              |             |              |             |             |    |
| Waste-related service        |              |             |              |             |              |             |              |             |              |             |             |    |

KEY: ■ = Use allowed    Blank Cell = Use not allowed

## SEC. 4.3 USE CATEGORIES

### 4.3.1 Residential Use Categories

#### A. Household Living

Residential occupancy of a dwelling unit by a family on a monthly or longer basis. Household living includes the following:

1. Single-family, multifamily
2. Family day care home
3. Group residential facility for up to eight handicapped dependent persons

#### B. Group Living

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Tenancy is usually arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

1. Assisted living facility
2. Boarding house, rooming house, lodging house.
3. Congregate care facility, independent living facility
4. Fraternity, sorority, dormitory
5. Group residential facility for more than eight mentally handicapped dependent persons
6. Hospice
7. Monastery, convent
8. Nursing or care home
9. Single room occupancy

#### C. Social Service

Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.

Social service includes the following:

1. Adult rehabilitation center

2. Group shelter
3. Overnight general purpose shelter
4. Rehabilitative clinic
5. Social service facility, soup kitchen, transient lodging, homeless shelter
6. Transitional home, halfway house

### 4.3.2 Public Use Categories

#### A. Civic

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following:

1. College, community college, university
2. Convention center, arena
3. Museum, library, post office
4. Municipal office building
5. Places of worship including church, mosque, synagogue, temple
6. Police, fire, EMS station, substation
7. Public or private (K-12) school
8. Neighborhood arts center or similar community facility (public)

#### B. Parks and Open Space

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following:

1. Botanical garden, nature preserve, recreational trail, community garden
2. Cemetery, mausoleum, columbarium, memorial park
3. Park, recreation/ ball field, playground, ice rink
4. Skateboarding facility

### **C. Minor Utilities**

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities includes the following:

1. On-site stormwater retention or detention facility
2. Neighborhood-serving cable, telephone, gas or electric facility
3. Water and wastewater pump station or lift station

### **D. Major Utilities**

Public or private infrastructure with a focus on serving the entire community and possibly having on-site personnel (major utility). Major utilities includes the following:

1. Aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed
2. Waste treatment plant, water pumping facility, water tower or tank

## **4.3.3 Commercial Use Categories**

### **A. Day Care**

Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following:

1. Adult day care center
2. Day care center for children
3. Drop-in child care center
4. Nursery school, preschool
5. Recreational program, before- and after-school
6. Small group child care center

### **B. Indoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Amusement center, game arcade, children's amusement center
2. Athletic, tennis, swim or health club, gym, yoga studio
3. Billiard hall, pool hall
4. Bingo parlor
5. Bowling alley
6. Club or lodge, membership club, dance hall
7. Dance, martial arts, music studio or classroom
8. Go-kart track
9. Gymnastic facility, indoor sports academy
10. Miniature golf facility
11. Movie or theater
12. Skating rink

### **C. Medical**

Uses providing medical or surgical care to patients. Some uses may offer overnight care. Medical includes the following:

1. Ambulatory surgical center, elective surgery center
2. Blood plasma donation center, medical or dental laboratory
3. Hospital, urgent care or emergency medical office
4. Medical, dental office

### **D. Office**

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following:

1. Art studio, gallery, photography studio
2. Advertising, business management consulting, data processing, collection

agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency

3. Financial services such as lender, investment or brokerage house, bank, call center, bail bonds
4. Counseling in an office setting
5. Radio, TV or recording studio
6. Trade, vocational, business school

### **E. Outdoor Recreation**

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures. Outdoor recreation includes the following:

1. Drive-in theater
2. Campground, travel trailer park, recreational vehicle park
3. Executive par three golf course
4. Extreme sports such as paintball, BMX or motocross
5. Golf course, country club, clubhouse
6. Outdoor entertainment activity such as batting cage, golf driving range, mini-amusement park, miniature golf facility, water park
7. Horse stable, riding academy, equestrian center
8. Outdoor shooting range
9. Sports academy for active recreational or competitive sports
10. Stadium, arena, commercial amphitheater

### **F. Overnight Lodging**

Accommodations arranged for short term stays of less than 30 days for rent or lease. Overnight lodging includes the following:

1. Bed and breakfast
2. Hotel, motel, inn, extended-stay facility
3. Youth hostel

### **G. Passenger Terminal**

Public or commercial facilities for the takeoff and landing of helicopters, and facilities for bus, taxi or limo service. Passenger terminal includes the following:

1. Bus passenger terminal, multi-modal facility
2. Heliport
3. Rail station or stop
4. Taxi dispatch center, limousine service

### **H. Personal Service**

Facilities involved in providing personal services or repair services to the general public. Personal service includes the following:

1. Animal care, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding place, animal shelter, kennel, doggy day care
2. Catering establishment, cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat
3. Funeral home, funeral parlor, mortuary, undertaking establishment
4. Hair, nail, tanning, massage therapy, therapeutic massage, personal care service, barber, beauty shop
5. Palmist, psychic, medium, fortune telling
6. Photocopy, blueprint, package shipping and quick-sign service, printing and publishing
7. Repair of any appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch
8. Taxidermist, tailor, milliner, upholsterer, locksmith

### **I. Restaurant/Bar**

Establishments that prepare and sell food or drink for on- or off-premise consumption. Restaurant/bar includes the following:

1. Bar, tavern, cocktail lounge, nightclub, brew pub
2. Coffee/tea shop, internet cafe

3. Pizza delivery facility
4. Restaurant, fast-food restaurant, take-out, yogurt or ice cream shop

#### **J. Retail Sales**

Facilities involved in the sale, lease, or rental of new or used products. Retail sales includes the sales, rental or lease of the following:

1. Antiques, collectables, appliances, art supplies
2. Baked goods, bicycles, books, magazines, newspapers, building supplies
3. Cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, check cashing, payday loan
4. Electronic equipment, eyewear
5. Fabric, flowers, furniture
6. Gas station (no service allowed, fuel (including gasoline and diesel fuel)
7. Garden supplies, plants, gifts or novelties, souvenirs, groceries, produce, seafood
8. Hardware, home improvement, household products
9. Jewelry
10. Liquor store, alcoholic beverage sales, beer, wine
11. Medical supplies, movies, videos, DVDs, music, musical instruments, music equipment
12. Office supplies, optometrist
13. Pawnshop, pets and supplies, pharmacy, photo finishing, prepared meals
14. Sporting goods, stationery
15. Tobacco
16. Vehicle parts and accessories

#### **K. Vehicle Rental/Sales**

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle rental/sales includes the following:

1. Boats and other recreational vehicles
2. Cars, trucks, motorcycles, scooters

### **4.3.4 Industrial Use Categories**

#### **A. Agriculture**

Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production. Agriculture includes the following:

1. Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development
2. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services
3. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products
4. Fish hatcheries and preserves
5. Grain, fruit, field crop and vegetable cultivation and storage
6. Hunting, trapping and game propagation
7. Livestock, horse, dairy, poultry and egg products
8. Livestock auction
9. Milk processing plant
10. Packing house for fruits or vegetables
11. Plant nursery, plant nursery with landscape supply
12. Poultry slaughtering and dressing
13. Timber tracts, forest nursery gathering of forest products

#### **B. Heavy Industrial**

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory



production and industrial yards are located here. Sales to the general public are limited. Heavy industrial includes the following:

1. Any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause
2. Asbestos, radioactive materials
3. Animal processing, packing, treating, and storage, livestock or poultry slaughtering, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, Automobile dismantlers and recyclers, commercial feed lot
4. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products
5. Concrete batching and asphalt processing and manufacture, batch plant
6. Day labor facility
7. Detention center, jail, prison
8. Earth moving, heavy construction equipment, transportation equipment
9. Explosives, fabricated metal products and machinery
10. Industrial sign-making
11. Impound lot, wrecker service includes vehicle wreckers, auto storage, wrecking, junk or salvage yard
12. Leather and leather products includes tanning and finishing
13. Manufactured or modular housing sales
14. Petroleum, liquefied petroleum gas and coal products and refining
15. Primary metal manufacturing
16. Pulp mill, rubber and plastic products, rubber manufacturing
17. Scrap metal processors, sawmill, secondary materials dealers

18. Trailer leasing, auction vehicle, broker vehicle, pawn shop vehicle
19. Tire recapping, tobacco products, transportation equipment

### **C. Resource Extraction**

Characterized by uses that extract minerals and other solids and liquids from land. Resource extraction includes the following:

1. Extraction of phosphate or minerals
2. Extraction of sand or gravel, borrow pit
3. Land clearing for the purpose of resource extraction
4. Metal, sand stone, gravel clay, mining and other related processing
5. Stockpiling of sand, gravel, or other aggregate materials

### **D. Light Industrial**

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the facility. Light industrial includes the following:

1. Brewery, winery, distillery
2. Bus or rail transit vehicle maintenance or storage facility
3. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site but store equipment and materials or perform fabrication or similar work on-site
4. Crematorium, pet crematorium
5. Electronics service center
6. Food beverage products except animal slaughter, stockyards
7. Lawn, tree or garden service
8. Laundry, dry-cleaning, carpet cleaning plants

9. Leather and leather products except tanning and finishing
10. Lumberyard and wood products, sheet metal shop, soft drink bottling
11. Stone, clay, glass, and concrete products

#### **E. Light Manufacturing**

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following:

1. Bulk mailing service
2. Clothing, textile apparel manufacturing
3. Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, sporting goods, office and art supplies, electrical equipment/items, paper products (except pulp mills), metal and glass products
4. Office showroom/warehouse
5. Printing, publishing, and lithography
6. Production of artwork and toys, movie production facility, photo-finishing laboratory
7. Repair of scientific or professional instruments and electric motors
8. Sheet metal, welding, machine, or tool repair shop
9. Woodworking, including cabinet makers and furniture manufacturing

#### **F. Research and Development**

A facility focused primarily on the research and development of new products. Research and development includes the following:

1. Laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere

4. Production facilities and operations with a high degree of scientific input
5. Facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

#### **G. Self-Service Storage**

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes the following:

1. Fully enclosed indoor multi-story storage
2. Mini-warehouse
3. Warehouse, self-service

#### **H. Vehicle Service**

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service includes the following:

1. Audio and alarm system installation, custom accessories, quick lubrication facilities, auto detailing, minor scratch and dent repair, bedliner installation, glass repair/replacement, tire sales and mounting, full- or self-service vehicle wash
2. Alignment shop, body shop, engine replacement or overhaul, repair of cars, trucks, RVs and boats, repair or replacement of brakes, shocks, mufflers and transmissions
3. Service station (gas station with service bays)
4. Towing service, truck service, vehicle towing station

**I. Warehouse and Distribution**

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following:

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store
2. Bus barn
3. Commercial packing for fruits and vegetables
4. Distribution facility, central postal facility
5. Freight, service facility
6. Mail-order house
7. Outdoor storage yard
8. Parcel services
9. Railroad switching yard, freight terminal, piggyback yard
10. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred
11. Trailer storage, drop off lot
12. Truck or motor freight terminal, service facility
13. Trucking operation
14. Warehouse
15. Wholesale sales of food, clothing, auto parts, building hardware and similar products

**J. Waste-Related Service**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Waste-related service includes the following:

1. Animal waste processing
2. Garbage or refuse collection service (office and truck fleet)
3. Landfill, Class III rubble fill
4. Manufacture and production of goods from composting organic material  
Recycling facility including recyclable material storage, including construction material, recycling drop-off facility, recycling buy-back center, recycling collection center
5. Solid or liquid waste transfer station, waste incineration

## SEC. 4.4 ACCESSORY USES AND STRUCTURES

### 4.4.1 General Provisions

- A. Unless otherwise expressly stated, accessory uses are permitted in conjunction with allowed principal uses. Accessory uses shall be accessory and customarily incidental and subordinate to a permitted principal use.
- B. No accessory use may be established on a site prior to the establishment of a permitted principal use.
- C. The Planning Director is authorized to determine when a structure or use meets the definition of an accessory use. In order to classify a structure or use as accessory, the Planning Director must determine that the use:
  1. Is subordinate to the principal use in terms of area, extent and purpose;
  2. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
  3. Is located on the same lot as the principal structure or use, or on a contiguous lot in the same ownership;
  4. Does not involve operations not in keeping with the character of the principal use served; and
  5. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal structure or use.

### 4.4.2 Accessory Structures

#### A. In General

1. All accessory structures must meet all applicable principal structure requirements.
2. All accessory structures shall be clearly subordinate to the principal structure.

#### B. Drive-Through Facilities

1. Drive-through facilities are permitted only on a block interior or in the ground floor of a parking structure.

2. Drive-through facilities must be located so they are not visible from the public right-of-way.
3. The order box must be located at least 50 feet away from a protected district.

#### C. Home Occupations

The intent of a home occupation is to permit limited nonresidential activity in a residential dwelling, provided such activity does not impact or detract from the residential character of the neighborhood or building. A home occupation is permitted in all street frontage types provided the following standards are met.

1. The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants, and under no circumstances change the residential character of the dwelling unit.
2. There can be no change in the outside appearance of the building or premises, or other visible evidence of the a home occupation. No display of products can be visible from the street.
3. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling unit.
4. No equipment of process can be used in connection with the home occupation which creates noise, vibration, glare fumes, odors, or electrical interference detectable to the normal senses, off the premises.
5. No persons other than members of the family residing on the premises can be engaged in the home occupation.
6. The home occupation cannot exceed 25% of the livable portion of the dwelling or 500 square feet, whichever is less.
7. Customers and employees coming to the residence to conduct business are not permitted.
8. Only handmade items, foodstuffs, art and crafts made in the home may be offered for sale on the premises.

**D. Live-Work**

The intent of live-work is to permit businesses, professions, occupations or trade within a residential dwelling unit that requires employees, customers, clients or patrons to visit the unit. Live-work units are permitted in all street frontage types except the SC-5 Frontage provided the following standards are met:

1. Live-work is only permitted in units with street level access.
2. A minimum of one person must occupy the live-work unit as their primary place of residence.
3. The live-work unit may employ no more than two persons not living on the premises at any one time.
4. No business storage or warehousing of material, supplies or equipment is permitted outside of the live-work unit.
5. The nonresidential use of the unit is limited to office, personal service and retail as defined in [Sec. 4.3 Use Categories](#).
6. No equipment or process may be used in connection with the live-work unit which creates noise, vibration, glare fumes, odors, or electrical interference detectable to the normal senses, off the premises.
7. Business signage is limited to one unlit wall or projecting sign no larger than three square feet in area, attached to the structure housing the live-work unit.
8. No more than five customers are permitted on the premises at any one time.

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# CHAPTER 5. STREET STANDARDS

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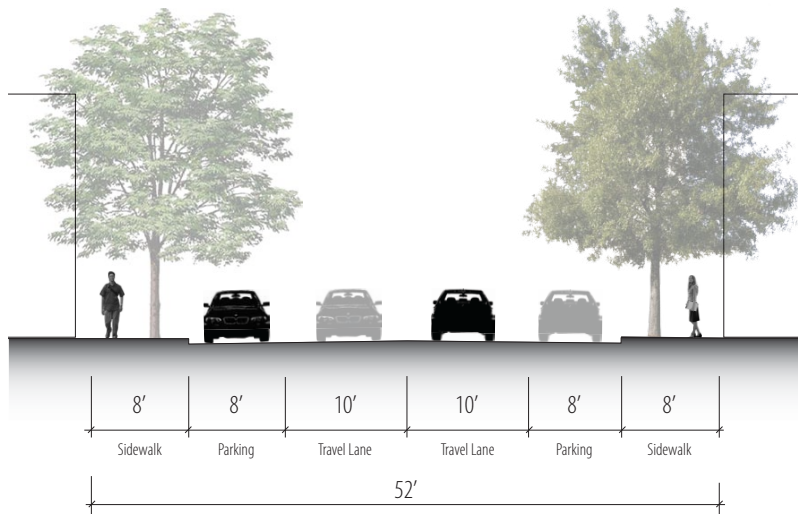
## SEC. 5.1 PROPOSED STREETS

### 5.1.1 Applicability

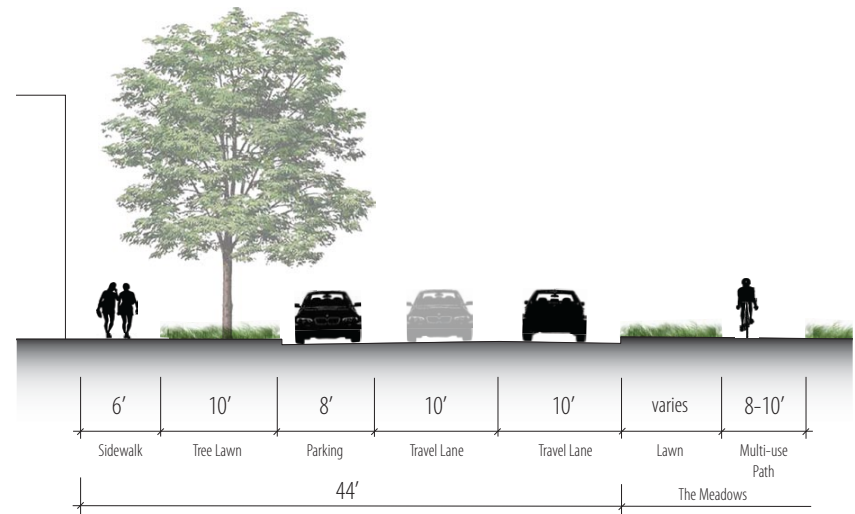
- A. New streets as shown on the Regulating Plan in Sec. 2.1 are critical to future circulation throughout the Simsbury Center, and must be dedicated to the Town as public streets, where feasible.
- B. New streets as shown on the Regulating Plan may be constructed on private property, provided that an easement guaranteeing the right of public passage is dedicated to the Town. Such streets may not be gated.

### 5.1.2 Proposed Street Configuration Guidelines

- A. The following specifications illustrate possible configurations for the construction of new streets as shown on the Regulating Plan.
- B. The configurations serve as guide, the Town Engineer will adjust the dimensional components as necessary at the time of development approval.



**EAST/WEST STREETS**



**SIMSCOTT-ECHO FARMS PARK STREET**

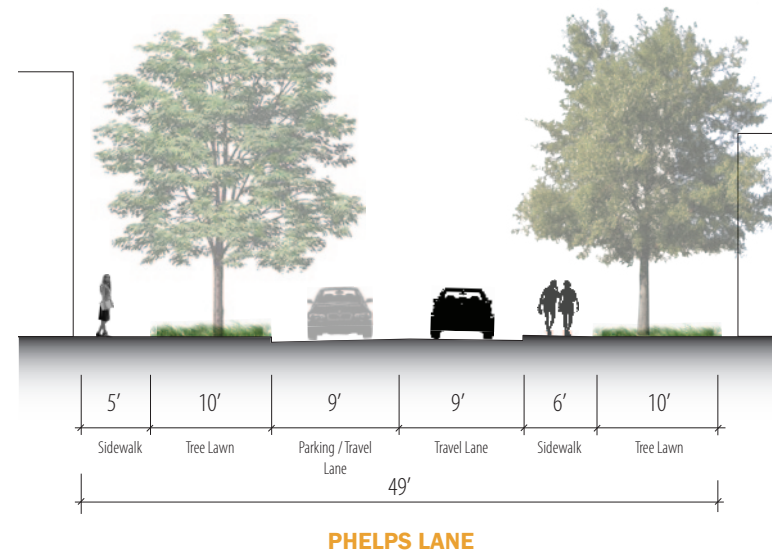
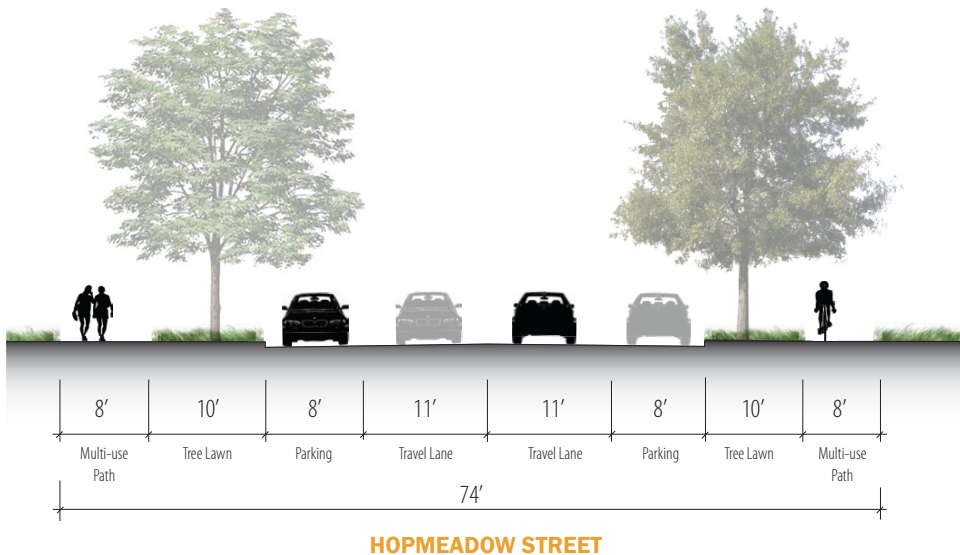
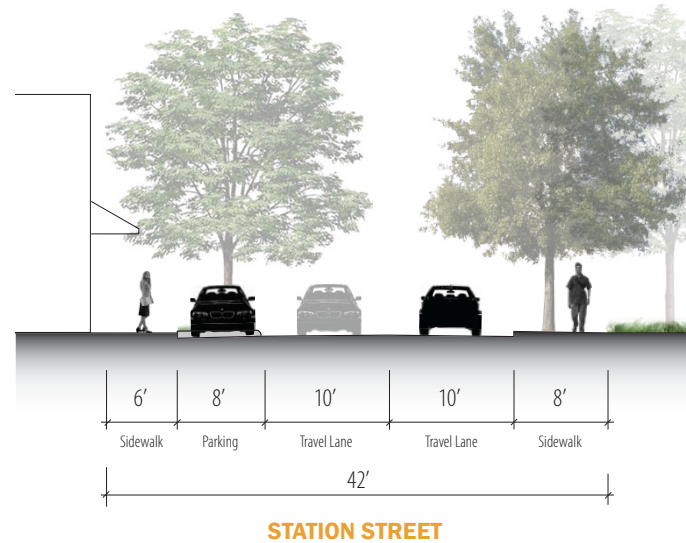
## SEC. 5.2 EXISTING STREETS

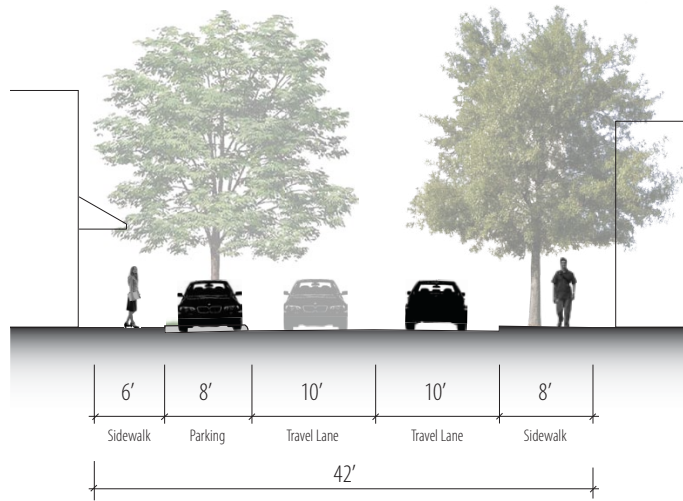
### 5.2.1 Applicability

- A. Guidelines for the reconfiguration of existing street are included in this Code and are critical to enhanced pedestrian and bike circulation throughout the Simsbury Center.
- B. At the time of development approval, the Zoning Commission may require compliance with the applicable street specifications.
- C. Sidewalks and planting areas may be may be constructed on private property, provided that an easement guaranteeing the right of public passage is dedicated to the Town, as determined the Zoning Commission.

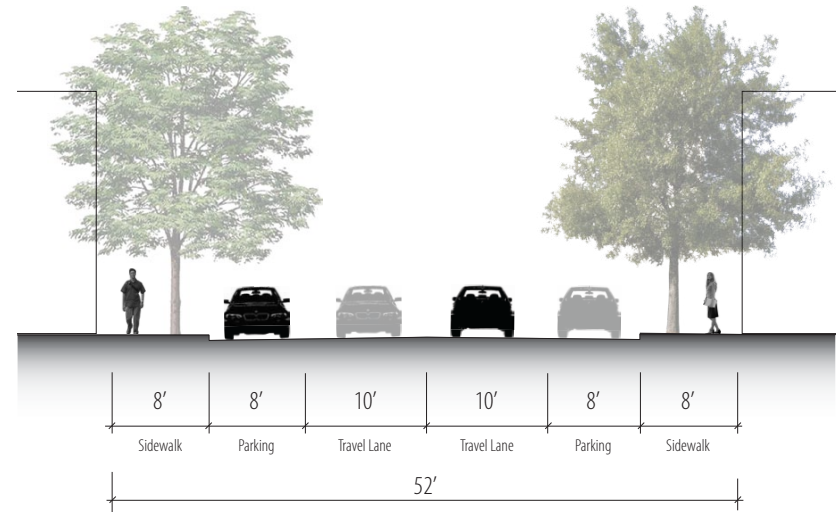
### 5.2.2 Existing Street Configuration Guidelines

- A. The following specifications illustrate possible configurations for the reconstruction of existing streets.
- B. The configurations serve as guide, the Town Engineer or ConnDOT, as applicable, will adjust the dimensional components as necessary at the time of development approval.

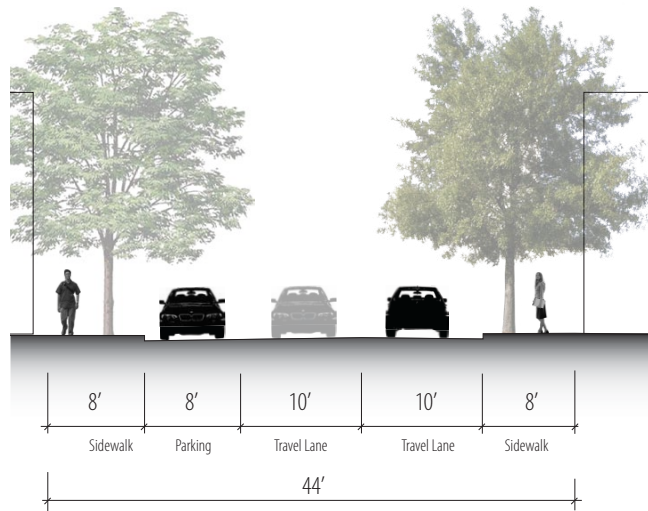




**WILCOX STREET**



**MALL WAY**



**RAILROAD STREET**

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## SEC. 6.1 SITE ACCESS

### 6.1.1 Applicability

- A. All buildings must be located on a site abutting a public street.
- B. All driveway access to a public street must be approved by the Town Engineer or ConnDOT, as applicable.
- C. All existing and proposed development must demonstrate to the satisfaction of the Town Engineer safe means of pedestrian, bicycle and vehicular ingress and egress from and to a public street or an abutting site.
- D. In SC-4 and SC-5, all vehicular access must be taken from an alley or rear-accessed private drive built to the specifications of the Town Engineer. Access may be taken from the side street on corner lots.

### 6.1.2 Access Requirements

- A. There may be no on-site parking area designed in such a way that requires the backing of vehicles into a public street.
- B. Unless otherwise approved by the Town Engineer, a driveway may be no closer than 50 feet from the intersection of two public street right-of-way lines, not including an alley.
- C. Unless otherwise approved by the Town Engineer, a driveway may be located no closer than 100 feet from any other driveway on the same block face.

### 6.1.3 Shared Access

- A. Unless waived by the Town Engineer, all nonresidential or mixed use sites must provide a shared access easement with a minimum paving width of 30 feet when abutting an existing mixed use or nonresidential property.
- B. The location of the access easement will be determined in consultation with the Town Engineer.

### 6.1.4 Driveway Width

- A. The width of a driveway serving single-family residential uses may be no less than eight feet and no more than 20 feet in width, provided that the driveway is no wider than 16 feet at the property line.
- B. The width of all other driveways at the street setback line may be no more than 30 feet.

## SEC. 6.2 PARKING

### 6.2.1 Applicability

- A. Unless specifically exempt, all existing and proposed development must provide parking facilities in accordance with this section.
- B. Where a building or use existed as of the effective date of this Code, and the building or use is enlarged in gross floor area or impervious area by 10% or 2,000 square feet, whichever is less, parking as specified is required for the enlarged area.

### 6.2.2 Exemptions

- A. Buildings and uses lawfully existing as of the effective date of this Code may be renovated or repaired without providing additional parking facilities, provided there is no increase in gross floor area or change in use that would increase parking demand.
- B. A change in use of a building or use existing as of the effective date of this Code requires additional parking facilities to comply with the requirements of this section for the new use unless:
  - 1. The building is less than 2,000 square feet in floor area; or
  - 2. The new use has the same parking requirement or a lesser requirement than the previous one.
- C. No vehicle parking is required for any retail sales or personal service use under 2,000 square feet of gross floor area.
- D. No vehicle parking is required for any civic use.
- E. No vehicle parking is required for any building locally designated as an historic landmark.
- F. Outdoor dining areas are exempt from the calculation of required vehicle parking spaces.

### 6.2.3 Required Vehicle Parking

- A. The following minimum parking spaces are required for each use unless an alternative requirement is approved by the Town Engineer.

- B. When the number of spaces calculated according results in a number containing a fraction, the number of required spaces is rounded up to the next whole number.
- C. In the case of a mixed use development, the total number of required parking spaces is the sum of the requirements of the various uses computed separately and the required space for one use cannot be considered as providing the required space for any other use.
- D. Required parking spaces must be located on the same site they are intended to serve, except where specifically stated in this section.
- E. For the purposes of calculating required parking spaces uses are grouped into categories (see [Sec. 4.3 Use Categories](#)). The example uses listed are not an exhaustive list. The Planning Director has the responsibility for categorizing all uses (see [Sec. 4.1.2 Use Determination](#)).

#### REQUIRED VEHICLE PARKING TABLE

| Residential Use Categories |   |
|----------------------------|---|
| Household living           |   |
| Studio                     | 1.0 per unit                                |
| 1 bedroom                  | 1.0 per unit                                |
| 2+ bedrooms                | 2.0 per unit                                |
| plus Guest                 | 0.2 per unit                                |
| Group living               |   |
| All uses                   | 1.0 per 4 beds                              |
| Commercial Use Categories  |   |
| All uses                   | 1.0 per 300 square feet of gross floor area |
| Industrial Use Categories  |   |
| All uses                   | 1.0 per 300 square feet of gross floor area |



## 6.2.4 Required Bicycle Parking

- A. The following bicycle parking spaces are required for each nonresidential building or mixed use project. For mixed use projects only the nonresidential portion of the project is required to provide bicycle parking.

|                                     |          |
|-------------------------------------|----------|
| Up to 25,000 of gross floor area    | 2 spaces |
| 25,000 - 50,000 of gross floor area | 4 spaces |
| 50,000+ of gross floor area         | 8 spaces |

- C. Bicycle parking racks must be high-quality, inverted —“U”- type construction. Alternative high-quality bicycle parking racks may be approved by the Town Engineer if they can be shown to:
1. Provide adequate theft protection and security; and
  2. Support the bicycle at two points of contact to prevent damage to the bicycle wheels and frame.
- D. All bicycle racks must be publicly accessible and be placed on private property or within the public right-of-way with the approval of the Town Engineer.
- E. Bicycle racks must be located within 100 feet of the primary building entrance and in a location that is visible and easily accessible. The Town Engineer may approve locations up to 200 feet.
- F. Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.

## 6.2.5 Maximum Vehicle Parking

### A. Reserved Parking

Surface and structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

#### 1. Residential

- a. 1 space per one-bedroom multifamily dwelling unit.
- b. 2.0 per two-bedroom or greater multifamily dwelling unit.

### 2. Nonresidential

No more one-third of the total provided spaces may be reserved.

### B. Maximum Surface Parking

Surface parking may not exceed 125% of the required parking. Structured parking may exceed the required quantity of parking without the imposition of maximum standards.

## 6.2.6 Joint Vehicle Parking

- A. Uses abutting one another may physically connect their parking areas at the lot line to create connecting drive aisles, provided a mutual access easement acceptable to the Town of Simsbury has been executed.
- B. The agreement must ensure that adequate manoeuvring space, as determined by the Town Engineer, for required parking spaces in both parking areas is preserved.
- C. The use of joint parking does not by itself authorize a reduction in the number of required spaces.

## 6.2.7 Shared Vehicle Parking

- A. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
- B. The study must be provided in a form established by the Town Engineer.
- C. Reductions in the total number of required spaces for shared parking are not be permitted unless the Town Engineer determines a reduction is appropriate on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).
- D. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The Town Engineer will determine whether hours of operation are compatibly overlapping on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).

### 6.2.8 On-Street Vehicle Parking

- A. One legal on-street parking space may be substituted for every required parking space provided the on-street space is located on a public right-of-way immediately abutting the subject property.
- B. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting owner in front of whose property is 50% or more of the space is located.

### 6.2.9 Off-Site Vehicle Parking

Required parking spaces may be permitted by the Town Engineer on a separate site from the site on which the principal use is located if the off-site parking complies with the all of following standards.

- A. Off-site parking spaces are located within 500 feet from the primary entrance of the use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the primary entrance served by the off-site parking lot).
- B. Specifically designated off-site parking areas for employees may be located up to 1,000 feet served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the employee entrance served by the off-site parking lot).

### 6.2.10 Tandem Vehicle Parking

- A. Tandem parking is allowed for townhouse, multifamily and residential component of a mixed use project.
- B. Two parking spaces in tandem must have a combined minimum dimension of nine feet in width by 36 feet in length.
- C. Up to 85% of the total parking spaces provided for residential projects may incorporate tandem parking.
- D. For residential projects, both parking spaces in tandem must be assigned to the same dwelling unit.
- E. Tandem parking may not be used to provide guest parking.

### 6.2.11 Car-Sharing Program

- A. The Town Engineer may approve a reduction in the number of required parking spaces for residential units in a residential project or mixed use project with a residential component where an active car-sharing program is made available to residents, and where cars for the program are available on the site or within a 600-foot walking distance of the site.
- B. The Town Engineer may reduce parking requirements by five spaces for each car-share vehicle available.

### 6.2.12 Valet Vehicle Parking

Valet parking may be permitted as a means of satisfying the applicable parking requirements where all of the following standards have been met:

- A. Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services.
- B. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.
- C. Valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
- D. The design of the valet parking may not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.
- E. An attendant must be provided to park vehicles during all business hours of the main use.

### 6.2.13 Design and Maintenance

- A. Each parking space provided on-site (whether required or optionally provided) must have an area of not less than 9 feet by 18 feet, plus adequate driveways and aisles, as determined by the Town Engineer.
- B. Dimensions for on-street parking space must be approved by the Town Engineer or ConnDOT, as applicable.

- C. All parking spaces provided on-site (whether required or optionally provided) must be located on a paved surface, drained and permanently marked to delineate individual parking spaces.
- D. The Town Engineer may allow alternative all weather surfaces to decrease stormwater runoff and increase groundwater filtration.

### **6.2.14 Loading**

If loading areas are provided, they must meet the following standards:

- A. Loading areas are permitted only on a block interior or in the ground floor of a parking structure.
- B. The loading dock must be located at least 50 feet away from a protected district.
- C. The design of the ingress, egress, and maneuvering must be approved by the Traffic Engineer.
- D. Each off-street loading space must be designed with a reasonable means of vehicular access from a public street or alley in a manner which will least interfere with traffic movement.
- E. Each off-street loading space must be independently accessible so that no loading space blocks another loading space.
- F. Trash removal facilities and other structures must not block a loading space.
- G. There may not be a loading area designed in such a way that will require the backing of vehicles into a public street, not including an alley.

## SEC. 6.3 LANDSCAPING

### 6.3.1 Applicability

- A. Unless specifically exempted in this section, all existing and proposed development must provide landscaping in accordance with this section.
- B. Sites lawfully existing as of the effective date of this Code may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or change in use of existing floor area.
- C. Where a site existed as of the effective date of this Code, and site is enlarged in gross floor area or impervious area by 10% or 2,000 square feet, whichever is less, landscaping as specified in this section is required for the expanded area only.

### 6.3.2 General Landscaping Requirement

All sites must be landscaped with a minimum of one canopy tree, one understory tree and four shrubs for every 4,000 square feet of lot area.

### 6.3.3 Parking Lots

Parking areas providing five or less spaces are exempt from the parking landscaping requirements of this section.

#### A. Interior Islands

1. An interior landscaped island must be provided for every 10 spaces. Each island must contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one canopy tree.
2. Interior islands must be evenly distributed throughout the parking area, with no parking space located more than 100 feet from a planting island.
3. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Planning Director.

#### B. Terminal Islands

All rows of spaces must terminate in a curbed landscaped island. Each island must conform to the specifications described for interior islands above.

#### C. Median Islands

1. A median island with a minimum width of eight feet inside the curb must be sited between every six single parking rows and along primary internal and external access drives.
2. Each median island must be planted at the rate of one canopy tree for every 40 linear feet (spaced a maximum of 50 feet apart).
3. Median intervals may be expanded in order to preserve existing trees, where approved by the Planning Director.
4. A median island may also serve as the location for an sidewalk connecting the use and the street. In such case, the sidewalk must be a minimum of five feet wide, and the remaining planting area must be no less than five feet wide.

#### D. Perimeter Screening

1. A landscaped area is required when a parking area abuts a street right-of-way, not including an alley.
2. The landscaped area must be a minimum of five feet wide, landscaped with shrubs installed at a rate of one for every 15 square feet of landscaped area.
3. Selected shrubs may not exceed a mature or maintained height of three feet. A 30-inch wall located in a three-foot planting strip may be substituted for the shrubs.

#### E. Maximum Parking Area Pod Size

Parking areas must be broken up by landscaped area, tree islands, and buildings into pods containing no more than 160 parking spaces.

#### F. Vehicle Overhang

The front of a vehicle may overhang any landscape area a maximum of two feet, provided the area is protected by vehicle wheel stops or curbing.

#### G. Drainage

Where possible, a portion of the drainage from parking areas should be drained through swales that include deep rooted perennial ornamental grasses.

### 6.3.4 Landscaping of Stormwater Areas

Stormwater ponds and other man-made water features must be planted with native wetland plants for a minimum of 50% of the length of the shoreline.

### 6.3.5 Screening

#### A. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas must be located on the side or rear of the building and must be effectively screened from view from residential properties or public rights-of-way.
2. Enclosures must be fully screened by opaque walls or fences at least eight feet high with self-closing access doors. Wall or fence materials must be compatible with the primary structure.

#### B. Loading Areas

1. All loading areas visible from a protected district or public rights-of-way must provide a 100% opaque, year-round screen.
2. This screen must consist of walls, fences, plant material or combination totaling eight feet in height at installation. Wall or fence materials must be compatible with the primary structure.

#### C. Mechanical Equipment

1. All roof, ground and wall-mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) must be screened from ground level view from a protected district or public right-of-way.
2. Roof-mounted mechanical equipment must be shielded from view on all sides. Screening must consist of materials consistent with the primary building materials, and may include metal screening or louvers painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening must be constructed of:
  - a. Planted vegetative screens;
  - b. Brick, stone, reinforced concrete or other similar masonry materials; or
  - c. Redwood, cedar, pressure-treated wood or other similar materials.

### 6.3.6 Fence and Walls

- A. A fence or wall in the side or rear setback may not exceed six feet in height. Any fence or wall located between the front building facade and the street may not exceed four in height.
- B. A fence or wall in the street setback area may not exceed four feet in height.
- C. No wall or fence may be located within any required drainage, utility or similar easement.
- D. All fences and walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; treated wood; wrought iron; or other material approved by the Planning Director. No wall containing more than 50% exposed standard concrete masonry blocks may be allowed, whether painted or not.
- E. Electrified fences, barbed wire, concertina wire or chain-link fences are not permitted.
- F. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 100 feet. Breaks may be provided through the use of columns, landscaped areas, transparent sections or a change in material.
- G. Breaks in the fence or wall should be provided for pedestrian connections to adjacent development.

### 6.3.7 Maintenance

- A. The owner of a landscaped area must maintain required landscaping in compliance with these standards.
- B. All landscaping must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, fertilizing and

pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

- C. Dead or diseased plantings must be removed. Replacement plantings must be provided for any required plants which die or are removed for any reason and must meet all minimum standards and conform to the requirements of this section.

### 6.3.8 Plant Material

- A. Plant material must be chosen from the lists of recommended plant species contained in the Town of Simsbury Recommended Tree List.
- B. Plant materials will be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.
- C. Plant materials that vary from this list may be used with the approval of the Zoning Commission.
- D. Plantings must be cold hardy for the specific location where they are to be planted.
- E. Trees and shrubs must be salt tolerant and drought tolerant and able to survive on natural rainfall once established with no loss of health.
- F. Landscape structural features such as fences and walls must be maintained in a structurally safe and attractive condition.

### 6.3.9 Credit for Existing Plant Material

- A. Required landscaped areas must incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval must be obtained from the Planning Director. Where existing vegetation is inadequate to meet the required landscaping standards, additional plant material will be required.
- B. Existing native habitat or vegetation located within planting areas and meeting the requirements of this section may be counted.

- C. In the event that the existing vegetation has been credited and is subsequently removed or dies, it must be replaced with the appropriate planting material.
- D. Credit may also be permitted for existing plant material, fences and walls on abutting property, provided such items are in a permanently protected area, including, but not limited to:
  - 1. A conservation easement or preserve area on adjacent property; or
  - 2. An existing utility or drainage easement exceeding 100 feet in width.

## SEC. 6.4 SIGNS

### 6.4.1 Applicability

No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this section.

### 6.4.2 Signs Allowed without a Permit

#### A. Governmental Signs

1. Signs erected by or on behalf of or pursuant to the authorization of a governmental body or agency.
2. Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device.

#### B. Directional Signs

Signs directing and guiding traffic on private property that do not exceed two square feet in size each and that bear no advertising message or logo.

#### C. Customary Identification Signs

Signs not exceeding four square feet in size that are customarily associated with property identification that are not of a commercial nature, such as building nameplates, numbers, addresses, private parking, or no trespassing.

#### D. Yard Sale Signs

Yard sale signs must be located outside of the public right-of-way, may not exceed four square feet in size, cannot be erected more than 48 hours before the sale date, must be removed within 24 hours of the sale date, and may not be associated with any type of continuous commercial activity.

#### E. Real Estate Signs

1. Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent.
2. A real estate sign may not exceed four square feet in size for residential properties, or 16 square feet in size for nonresidential properties.

#### F. Hanging Signs

Hanging signs located below a canopy or awning that do not exceed 18 inches in height or four square feet in area, provided there is no more than one such sign per customer entrance and the sign maintains a clear height of eight feet above the sidewalk.

#### G. Seasonal Signs

Displays, including lighting, erected in connection with the observance of holidays, provided the signs are removed within 10 days following the holiday.

#### H. Bulletin Boards

Bulletin boards on the premises of educational and religious institutions, provided they do not exceed 16 square feet in area and six feet in height.

#### I. Construction Project Signs

A construction project sign not exceeding 32 square feet in size and six feet in height, provided there is no more than one such sign per site. Construction project signs cannot be erected prior to the issuance of a building permit, and must be removed within 15 days after final inspection and approval of the project.

#### J. Political Signs

Political signs that do not exceed four square feet each, or 16 square feet in aggregate area per lot. No such sign may be located within or over the public right-of-way.

#### K. Special Event Signs

Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar non-permanent activity. Such signage may not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Signs must be removed within seven days after the event has taken place.

### 6.4.3 Prohibited Signs

The following signs are expressly prohibited:

- A. Portable signs, including any signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays. Additionally, any such prohibited sign designed to be portable cannot be altered so as to be made permanent.
- B. Roof signs, defined as any sign higher than the highest point of the roof to which it is attached. Signs that do not extend above the roof, but are attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs that do not extend above the highest point of the roof, even if attached to mansard or canopy roofs are considered wall signs.
- C. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons, and more than two flags, unless specifically exempted above as governmental sign.
- D. Any sign on a table umbrella or other shade structure.
- E. Any sign or device set into motion by mechanical, electrical, or other means.
- F. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees or intensity.
- G. Any mechanized or electronic changeable copy sign that flashes, scrolls or is otherwise displayed for less than five minutes at one time. Changeable copy is allowed to replace any portion of an existing or proposed sign, provided the message remains static (no flashing or scrolling) for a period of no less than five minutes at one time.
- H. Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- I. Any off-premises signs.
- J. Any sign placed in the right-of-way, other than those erected by a governmental agency.
- K. Any sign attached to utility poles, trees or plants.

### 6.4.4 Common Sign Plan

A common sign plan must be filed with the Planning Director for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan. The applicant must indicate the standards of consistency of all signs on the subject property with regard to:

- A. Colors;
- B. Letter/graphics style;
- C. Location of each sign;
- D. Materials used in sign construction; and
- E. Maximum dimensions and proportion.

### 6.4.5 Alternative Compliance

Alternative compliance is not allowed for:

- A. Sign type;
- B. Building sign area;
- C. Freestanding sign height, area or number; or
- D. Sign illumination.

### 6.4.6 Noncommercial Message Substitution

A noncommercial message may be substituted for the commercial message allowed on any sign type.



## 6.4.7 Signs Requiring a Permit

### A. Building Signs

A building sign is an on-premises sign that is directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign.

#### 1. Generally

##### a. Allowed Frontages

Building signs are allowed in the SC-1, SC-2, SC-3 and SC-4 frontages. A small wall sign or project sign is permitted in association with an allowed live-work unit in SC-5.

##### b. Size

The maximum size of the sum of the area of all building signs may not exceed 15% of the facade area of the tallest floor (typically the ground floor).

##### c. Number

More than one building sign may be erected, provided the total surface area allowed is not exceeded.

##### d. Height

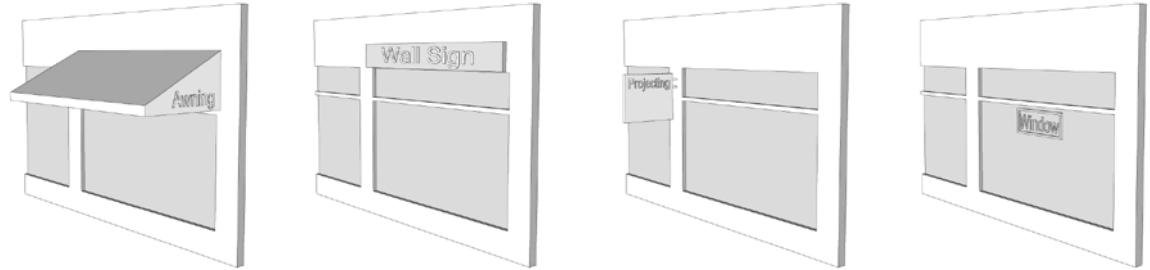
No building sign may extend above the parapet wall or roof line of the building.

##### e. Projection/Clearance

With the exception of a projecting sign, no building sign may project more than six inches from the building wall. All signs that project more than six inches from the wall must maintain a clear height of eight feet above the ground.

##### f. Illumination

Building signs may be illuminated either internally or externally. No sign may be illuminated except during operating hours of the use with which it is associated.



#### 2. Wall Signs

A wall sign is an on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than six inches from the building wall.

#### 3. Projecting Sign

- A projecting sign is an on-premises sign fastened directly to a supporting building wall, and intersecting the building wall at a right angle. A projecting sign extends more than six inches from the building, and may be two or three-dimensional.
- The maximum area of any single side of a projecting sign is 10 square feet. No more than one projecting sign is allowed for each tenant.
- No projecting sign may project closer than three feet to the curb line. No sign may project more than one-half the width of the sidewalk.

#### 4. Awning or Canopy Sign

- An awning or canopy sign is a sign which is attached flat to an awning or canopy.
- The maximum area of a single awning or canopy sign cannot exceed 25% of the surface area of the face of the awning or canopy. One awning sign is allowed per awning. No portion of any awning or canopy sign can project closer to the curb line than the awning or canopy to which it is attached.

## 5. Window Sign

- a. A window sign is an on-premise sign attached flat but parallel to the inside of a window.
- b. Window signs can cover no more than 25% of the area of all ground floor windows.

## B. Freestanding Signs

A freestanding sign is an on-premises sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure such as a pole, frame or other structure that is not a part of the building.

### 1. Generally

#### a. Allowed Frontages

Freestanding signs are permitted only in the SC-1 frontage.

#### b. Size

Allocation of sign area is based on the lineal frontage of the project site. A maximum sign area of one square foot for each two lineal feet of frontage, provided that the maximum surface area does not exceed 16 square feet.

#### c. Number

One freestanding sign is allowed on any lot. If a common sign plan is approved, two freestanding signs may be allowed on a lot or project having a minimum frontage of 300 feet.

#### d. Setback

No portion of any freestanding sign may extend over any public right-of-way, or be located within 15 feet of any interior side lot line, except as allowed for an A-Frame Sign.

#### e. Construction

All freestanding signs shall be constructed of wood.

#### f. Color

Background shall be white or off-white. Border and font colors shall be dark green, maroon or black, except with permission of the Zoning Commission. All mounting brackets, arms or posts shall be painted the same color as the border or background of the sign.

#### g. Address Number

All freestanding signs shall incorporate a street address number or address range. Address numbers shall be a minimum of 8 inches in height. The address number shall not be counted against the allowed sign area unless it exceeds the minimum height allowed.

#### h. Illumination

All freestanding signs may only be externally illuminated. Lighting shall be directly directed down toward the sign, and shielded so that it does not shine directly into a public right-of-way and does not interfere with the safe vision of motorists.

#### i. Landscaping

Shrubs, flowers or ground cover shall be planted around the base of any freestanding sign. The planting bed shall extend a minimum of four feet from the base of the sign.

## 2. Monument Sign

A freestanding sign no more than four feet in height and having a ratio of less than four to one sign width to narrowest width of support structure.

## 3. Bracket-Mounted Sign

A freestanding sign attached to the ground by one or more support structures. A bracket-mounted sign shall be no more than six feet in height.

**4. A-Frame Sign**

A freestanding sign with two faces connected at the top, typically located on or near the sidewalk at the entrance to a use. A-Frame signs shall meet the following requirements:

- a. All A-Frame signs shall be displayed only during business hours. Such sign shall be removed and placed indoors when the business is closed.
- b. A-Frame signs may be displayed on the subject property, or where allowed by the Town, in the adjacent public right-of-way.
- c. A-Frame signs shall not be fastened by any means to any tree, post or utility pole.
- d. A-Frame signs shall not encroach on any sidewalk area required to meet ADA requirements.
- e. Any A-Frame sign displayed more than seven days total each year shall require approval by the Zoning Commission.

**C. Historic Signs**

1. A building or freestanding sign that is 50 years or older, or a sign that is particularly unique in character, design, or history, or that is part of the historic character of a business or building.
2. When a sign is determined to have particular historical or culturally significant value, such determination to be made by the Zoning Commission, the terms of this section may be waived.

**D. Off-Premises Signs**

All off-premises signs are prohibited unless specifically exempted in this section.

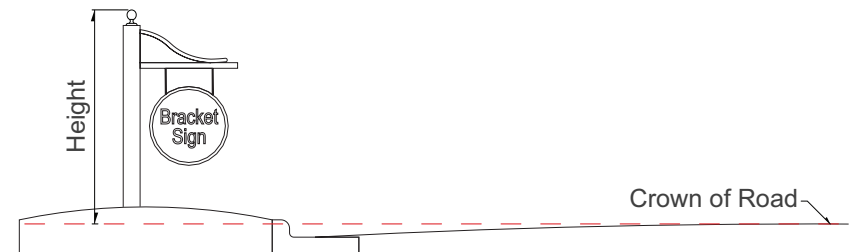
**6.4.8 General Sign Regulations****A. Construction Standards**

1. All signs shall comply with the appropriate provisions of the applicable building code and this section.

2. Freestanding signs shall meet all sight line requirements.
3. Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance from all overhead electrical conductors, provided that no sign, except governmental signs, shall be installed closer than 10 feet horizontally or vertically from any conductor or public utility guy wire.
4. In no way shall a sign hinder or obstruct the visibility of the right-of-way, either at intersections or points of ingress or egress from parking lots.

**B. Height of Sign**

The height of a sign is measured from the highest point of the sign or supporting structure to the crown of the road adjacent to the sign.



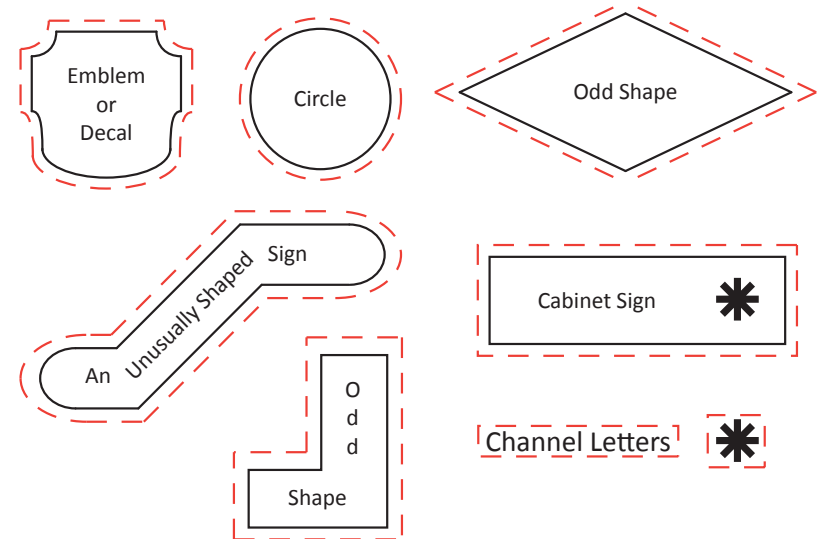
### C. Computation of Sign Area

The area of all signs shall be computed as follows:

1. The area of a sign that consists of individual letters erected directly onto a wall or awning is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message.
2. The area of any sign with a structure or cabinet is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all extremities of one side of the sign, exclusive of its supports.

### 6.4.9 Sign Maintenance

- A. All signs shall be maintained in a state of good repair. The Planning Director is authorized to inspect each sign periodically to determine that it meets the requirements of this article. Whenever it appears to the Planning Director that any sign has been structured or is being maintained in violation of this section, such sign shall be made to conform, or shall be removed at the expense of the owner within 10 days after written notification by the Planning Director.
- B. To ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way:
  1. A sign may have no more than 20% of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
  2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15% from vertical for a period of no more than 30 successive days.
  3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of no more than 30 successive days.
- C. The sign maintenance requirements of this section may be suspended for up to six months following a natural disaster.



### 6.4.10 Removal of Obsolete or Deteriorated Signs

#### A. Obsolete Signs

1. Signs which identify businesses or tenants no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred shall be removed by the owner of the premises within 30 days of receipt of notification by the Planning Director.
2. When a sign is determined to have particular historical or culturally significant value, such determination to be made by the Zoning Commission, the terms of this section may be waived.

#### B. Deteriorated Signs

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the applicable building code, or which is otherwise determined to be unsound or unsafe, shall be removed or brought into compliance with all codes within 30 days of notification by the Planning Director.

### 6.4.11 Nonconforming Signs

#### A. Replacement of Tenant Panel

The replacement of a tenant panel in a multi-tenant sign is allowed, even where the original sign is nonconforming, provided that the new panel matches the construction, materials and colors of the originally approved sign.

#### B. Removal by Abandonment or Change of Business

1. Any nonconforming sign, the use or copy of which is discontinued or removed for a period of 365 days, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
2. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this paragraph.

#### C. Removal by Damage or Destruction

Any nonconforming off-premise sign which is partially damaged or destroyed by any means, to beyond 50% of its current market value, that is nonconforming to the requirements of this article, shall not be restored, but shall be removed or reconstructed in conformance with the provisions of this section.

#### D. Removal When Not Repaired Within 60 days

Any nonconforming sign removed for any reason, including voluntary removal, whose reconstruction has not commenced within 60 days shall not be permitted to be replaced unless the replacement sign conforms with all requirements of this Code. A nonconforming sign repaired within 60 days may only be reconstructed or repaired to its original condition as to height, area and in the same location.

#### E. Removal Upon Change of Principal Use

Any nonconforming sign shall be removed or brought into compliance with this section immediately upon a change in the principal use of the site.

#### F. Enforcement of Removal

1. If any sign is not removed as required by this section, the Planning Director shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this Code.
2. Upon the determination of the Planning Director that a sign remains nonconforming after termination of the allowable time periods provided for above, the Planning Director shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign or to appeal the administrative decision.
3. The removal expense may be made a lien upon such real property by the Planning Director sending by certified mail to the owner of such real property, a notice of lien for the cost of such removal. The cost of all such mailing and the cost of obtaining the name and address of the owners shall be part of the cost of such removal.

#### G. Forfeiture

Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this article. In addition to other remedies granted by this section, the Town shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign.

## SEC. 6.5 SITE LIGHTING

### 6.5.1 Applicability

No site lighting may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this section.

### 6.5.2 Lighting Plan Required

A lighting plan must be submitted in conjunction with a required site plan.

### 6.5.3 Prohibited Light Sources

The following light fixtures and sources may not be used where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

### 6.5.4 Lighting Design Requirements

Outdoor site lighting must primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures must be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site must meet the following requirements:

#### A. Fixture (Luminaire)

- 1. The light source must be concealed and must not be visible from any street right-of-way, not including an alley, or adjacent properties.
- 2. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures.

#### B. Fixture Height

- 1. Lighting fixtures may not exceed 30 feet in height above parking areas.
- 2. Lighting fixtures may not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas.
- 3. All light fixtures located within 50 feet of a protected district may not extend more than 15 feet in height.

#### C. Light Source (Lamp)

- 1. Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used.
- 2. The same light source type must be used for the same or similar types of lighting throughout the development.

#### D. Mounting

Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

#### E. Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility.

### 6.5.5 Specific Lighting Standards

#### A. Security Lighting

- 1. Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
- 2. Security fixtures, including but not limited to floodlights and wall packs, may not face residential uses on adjacent properties.
- 3. Security fixtures may not be substituted for parking area or walkway lighting and are restricted to loading, storage, service and similar locations.

**B. Accent Lighting**

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

**C. Canopy Area Lighting**

All projects that incorporates a canopy area over fuel sales, automated teller machines or similar installations must use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

**D. Entrances and Exits**

All entrances and exits to buildings used for nonresidential or mixed use purposes and open to the general public, and all entrances in multifamily residential buildings must be adequately lighted to ensure the safety of persons and the security of the building.

**E. Commercial Parking Area Lighting**

All commercial parking areas must provide lighting for both pedestrian areas and parking areas during nighttime hours of operation.

**F. Excessive Illumination**

1. Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited.
2. Lighting unnecessarily illuminates if it exceeds the requirements of this Code.
3. Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

## SEC. 6.6 OUTDOOR DISPLAY AND STORAGE

### 6.6.1 Outdoor Display

#### A. Defined

Outdoor display is the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines is considered outdoor display.

#### B. Applicability

Outdoor display is permitted in association with any permitted nonresidential principal ground floor use in accordance with the following provisions:

1. Outdoor display may occupy no more than 30% of the horizontal length of the building facade.
2. Outdoor display may only be located within the street setback area.
3. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
4. Outdoor display may not impair the ability of pedestrians to use the sidewalk.

### 6.6.2 Outdoor Storage

#### A. Defined

1. Outdoor storage is the overnight storage of products or materials outside of a building.
2. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers.
3. Outdoor storage includes the overnight outdoor storage of vehicles awaiting repair, RV's and boats, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material, vehicles, or equipment.
4. Outdoor storage also includes salvage yards, vehicle storage yards; and overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

#### B. Applicability

Outdoor storage is not permitted in the Simsbury Center, except with permission of the Zoning Commission as a special exception use. The Zoning Commission will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on the site plan.



# CHAPTER 7. ADMINISTRATION

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## SEC. 7.1 IN GENERAL

### 7.1.1 Conformity Required

No building or structure may be erected, structurally altered, moved or maintained, nor shall any building, structure or land be used except in conformity with this Code.

### 7.1.2 Site Plan Required

- A. Any building or structure erected, constructed, reconstructed, moved or structurally altered after the effective date of this Code requires site plan review as specified in Sec. 7.3.
- B. No building permit or certificate of occupancy shall be issued by the Building Official until a site plan has been approved as required by this Code.
- C. All site improvements shall be installed to the satisfaction of the Zoning Commission before a Certificate of Zoning Compliance is issued. The Zoning Commission may require a performance bond as authorized in CGS Sec. 8-3(g) and Article Five Section j. 5. of the Simsbury Zoning Regulations for all improvements not installed prior to the request for a Certificate of Zoning Compliance. The performance bond, for the period authorized by the Connecticut General Statutes for the completion of the project, shall be submitted in an amount acceptable to the Town Engineer to cover the cost of the installation of the improvements, and shall be in a form satisfactory to the Town Attorney .
- D. A class A-2 foundation location survey may be required by the Zoning Enforcement Officer to determine the zoning compliance of any structure in the Simsbury Town Center as covered by this Code.

### 7.1.3 Applications for Approval

#### A. Application Types

##### 1. Type 1

Meets all requirements of this Code, proposes 25,000 square feet or less of gross floor area on an existing lot, and is recommended for approval by the Design Review Board either as submitted or with modifications that the applicant finds acceptable.

##### 2. Type 2

- a. Proposes more than 25,000 square feet of gross floor area on an existing lot; or
- b. Requires a special exception; or
- c. Meets all requirements of this Code and is recommended for approval by the Design Review Board with modifications that the applicant finds unacceptable.
- d. Any application that proposes 50,000 or more square feet of gross floor area on an existing lot also requires special exception approval in accordance with Sec. 7.6.

##### 3. Type 3

Requires significant deviation from the requirements of this Code and must be approved through the Alternative Compliance process.

#### B. Processing of Applications

##### 1. Type 1

- a. Following Planning Director and Design Review Board review and recommendation, application placed on consent agenda for final action by the Zoning Commission.
- b. If the Zoning Commission has no additional concerns, the application is granted final approval as part of the consent agenda. If the Zoning Commission has additional concerns, the application is placed on the regular agenda for discussion and possible action.

##### 2. Type 2

Following Planning Director and Design Review Board review and recommendation, application placed on the Zoning Commission agenda for discussion and possible action.

##### 3. Type 3

The application must be approved as established in Sec. 7.7 Alternative Compliance.

## SEC. 7.2 REVIEW BODIES

### 7.2.1 Planning Director

In addition to any authority set forth elsewhere in the Town of Simsbury Town Code and the Simsbury Zoning Regulations, the Planning Director has the following authority with regard to this Code:

#### A. Review and Recommendation

1. To review and make recommendations on any modification to the text of this Code, the Regulating Plan and the Height Map.
2. To review all site plans for compliance with this Code and any applicable design guidelines, consider the comments of the Design Review Board with respect to consistency with any applicable design guidelines, and make a recommendation to approve, approve with conditions or deny the site plan.
3. To review and make recommendations on any alternative compliance application.
4. To review and make recommendations on any site plan, special exception, subdivision or application to the Zoning Board of Appeals, or any informal inquiry regarding this Code including any inquiry directed to the Zoning Commission.
5. To review and make recommendations on any requested certificate of appropriateness or any application which proposes changes to an historic structure as identified in the adopted Simsbury Plan of Conservation and Development, Historic Resources Plan.

#### B. Review and Final Action

To review, make recommendations and take final action on any sign permit or other application in accordance with the requirements and authorizations of this code, as may be authorized by the Zoning Commission.

### 7.2.2 Design Review Board

In addition to any authority set forth elsewhere in the Simsbury Zoning Regulations, the Design Review Board has the following authority with regard to this Code:

- A. To review and make recommendations on any modification to the text of this Code, the Regulating Plan and the Height Map.
- B. To review any proposed site plan and make a recommendation as to its consistency with any applicable adopted design guidelines.
- C. To review and make a recommendation on any sign permit.
- D. To review and make a recommendation on any alternative compliance application.
- E. To review and make recommendations on any special exception, special permit application to the Zoning Commission or any application for variance to the Zoning Board of Appeals, or other matter for which the Zoning Commission, Planning Commission, Zoning Board of Appeals or Conservation/Inland Wetlands Agency may ask the Design Review Board for its recommendation.

### 7.2.3 Zoning Board of Appeals

In addition to any authority set forth in the Connecticut General Statutes or elsewhere in the Simsbury Zoning Regulations, the Zoning Board of Appeals has the authority to hear and decide appeals where it is alleged that there is error in any order, requirement or decision made by the Planning Director or other official charged with or delegated the authority to enforce the Simsbury Zoning Regulations.

### 7.2.4 Zoning Commission

In addition to any authority set forth in the Connecticut General Statutes or elsewhere in the Simsbury Zoning Regulations, the Zoning Commission has the authority with regard to this Code:

- A. To propose, hear, review and decide on any proposed modification to any part of this Code;
- B. To review, process and take action including final action on any proposed site plan or special exception; and
- C. To review, process and take final action on any application for alternative compliance.

### 7.2.5 Planning Commission

The Planning Commission has the authority granted to it by the Connecticut General Statutes with regard to:

- A. Statutory referrals pertaining to proposed zoning code amendments; and
- B. Proposed divisions of property which are determined to be subdivisions or resubdivisions.

### 7.2.6 Summary of Review Authority

| <b>Review Procedure</b> | <b>Zoning Commission</b> | <b>Planning Commission</b> | <b>Design Review Board</b> | <b>Zoning Board of Appeals</b> | <b>Planing Director</b> |
|-------------------------|--------------------------|----------------------------|----------------------------|--------------------------------|-------------------------|
| Site Plan Review        | Decision                 |                            | Review                     |                                | Review                  |
| Sign Permit             | Decision*                |                            | Review                     |                                | Decision*               |
| Administrative Appeal   |                          |                            |                            | Decision                       |                         |
| Special Exception       | Decision                 |                            | Review                     |                                | Review                  |
| Alternative Compliance  | Decision                 |                            | Review                     |                                | Review                  |
| Subdivision             |                          | Decision                   |                            |                                | Review                  |
| Resubdivision           |                          | Decision                   |                            |                                | Review                  |
| Code Amendment          | Decision                 | Review                     | Review                     |                                | Review                  |

\* If Design Review Board recommends approval or approval with modifications acceptable to applicant then the Planning Director can approve a sign permit.

## SEC. 7.3 SITE PLAN REVIEW

### 7.3.1 Applicability

No building or structure may be erected, structurally altered, moved or maintained, nor shall any building, structure or land be used except in conformity with this Code.

### 7.3.2 Pre-application Conference

- A. Prior to submitting an application for site plan review, an applicant must schedule a pre-application conference with the Planning Director to discuss the requirements of this Code.
- B. The request for a pre-application conference shall be accompanied by a conceptual project design. The Planning Director shall inform the applicant of requirements as they apply to the proposed project, discuss issues of concern that may arise during site plan review, suggest possible modifications to the proposed application, and identify any information or technical studies that may be necessary for the review process when an application is submitted.
- C. Any discussion held is not binding on either the applicant or the Town.

### 7.3.3 Application and Fees

The applicant must submit at least the following information:

- A. All information deemed necessary as is shown on the completed application checklist form provided by the Town and as filled out at the applicant's meeting with staff to discuss the details of the proposed project. A written narrative description of the proposed application may be required by staff at the time of initial meeting to insure that all parties are aware of the proposed project's nature, extent and impact.
- B. Complete applications shall be submitted in 12 paper copies and one electronic Adobe PDF copy.
- C. Applicant shall submit the required fees as shown on the Town adopted fee schedule.

### 7.3.4 Public Information Notice Sign

- A. Whenever a site plan application has been filed with the Zoning Commission, the applicant shall display a public information notice sign on the site giving notice that an application is pending before the Zoning Commission.
- B. The sign shall be provided by the Zoning Commission to the applicant, and shall be displayed in a highly visible place at each location on the site where the property line abuts a public or private street or at a visible location nearest the site as per the requirements of Article Eleven, Section E. of the Simsbury Zoning Regulations.

### 7.3.5 Planning Director Review

- A. Upon acceptance of a completed application, the Planning Director shall review the site plan for consistency with the requirements of this Code.
- B. The Planning Director shall forward the application to all appropriate local, state, regional and federal departments and agencies as required by law for review and recommendation.
- C. The Planning Director shall forward the application to the Design Review Board for review and recommendation.
- D. The Planning Director shall review the application in accordance with the approval criteria of [Sec. 7.3.7](#), and provide a staff report for consideration by the Zoning Commission.
- E. Upon completion of the staff and agency review, the applicant may choose to meet with the Planning Director to discuss changes to the site plan.
- F. Within 65 days of the official receipt date of the application the Planning Director shall place the application on the Zoning Commission's agenda for action. The Zoning Commission shall act on the application as described in [Sec. 7.3.6](#).

### 7.3.6 Zoning Commission Action

- A. For an application not requiring a public hearing, the Zoning Commission shall take appropriate final action on the application within 65 days as is required by the Connecticut General Statutes. Alternatively, the applicant may grant an extension of time in writing for such an application as authorized the Connecti-

cut General Statutes. The written extension shall be on a form provided by the Town.

- B. For an application that requires a public hearing, the public hearing shall be scheduled within 65 days of the official date of receipt of a complete application as required by the Connecticut General Statutes. A public hearing shall be opened and concluded within 35 days from the date of the initial public hearing. The Zoning Commission shall act on the application within 65 days of the close of the public hearing. Any of the above times may be extended in writing by the applicant as long as the total of all extensions does not exceed the number of days authorized by the Connecticut General Statutes.
- C. For an application that either requires a public hearing or is deemed to require a public hearing by the Zoning Commission, the public hearing shall be scheduled within 65 days of the official receipt date as required by the Connecticut General Statutes. A public hearing shall be opened and concluded within 35 days. The Zoning Commission shall act on the application within 65 days of the close of the public hearing. Any of the above times may be extended in writing by the applicant as long as the total of all extensions does not exceed 65 days.
- D. Applications which also require action by the Inland Wetlands Agency shall provide the final report of such action to the Zoning Commission prior to the Zoning Commission being required to act as provided in the Connecticut General Statutes.
- E. Decisions by the Zoning Commission on an application shall be made in accordance with [7.1.3 Applications for Approval](#).
- F. Any site plan that proposes 50,000 or more square feet of gross floor area on an existing lot requires special exception approval in accordance with [Sec. 7.6](#).

### 7.3.7 Approval Criteria

During review and prior to action on any application, the Zoning Commission shall consider the following:

- A. Recommendations from appropriate local, regional, state and federal departments, agencies and organizations;

- B. Compliance with all applicable and relevant portions of this Code and the Simsbury Zoning Regulations;
- C. Compliance with the approved Regulating Plan and Height Map, which have been adopted by the Zoning Commission and are therefore part of the Simsbury Plan of Conservation and Development;
- D. Compliance with the letter and intent of this Code; and
- E. The extent to which the application meets the intent of the Simsbury Center Charrette Report (June 2010) especially as outlined in Chapter 4. Town Center Vision on pages 25 - 44.

### 7.3.8 Time Limits

An approved site plan shall be void if construction of the proposed improvements is found not in compliance with Article Five, Section J.6 of the Simsbury Zoning Regulations.

### 7.3.9 Modifications to Approved Site Plans

The Zoning Commission may grant modifications to an approved site plan in accordance with the procedure that governed its original approval.

## SEC. 7.4 SIGN PERMIT

### 7.4.1 Applicability

No sign may be erected, constructed, reconstructed, moved or structurally altered unless its is found to be in conformance with the requirements of this Code.

### 7.4.2 Application and Fees

The applicant shall submit such information as is required to complete the application form provided by the Town. The application shall be submitted in such numbers and accompanied by a fee as may be required by the Town.

### 7.4.3 Planning Director Action

- A. Upon acceptance of a completed application, the Planning Director shall review the sign permit for consistency with the requirements of this Code.
- B. The Planning Director shall forward the application to appropriate local, state, regional and federal departments, agencies and organizations for review and recommendation.
- C. The Planning Director shall forward the application to the Design Review Board for review and recommendation.
- D. The Planning Director shall review the application in accordance with the 7.4.4 Approval Criteria and take final action to approve or deny the sign application or forward the application to the Zoning Commission .
- E. Where the Design Review Board recommends denial, or recommends approval with modifications that are not acceptable to the applicant, the application shall be submitted to the Zoning Commission for review and action.

### 7.4.4 Approval Criteria

In approving a sign permit, the Planning Director or Zoning Commission shall consider the following:

- A. Recommendations from appropriate local, regional, state and federal departments, agencies or organizations;
- B. Compliance with other applicable portions of the Code of the Town of Simsbury and the Simsbury Zoning Regulations; and
- C. Compliance with Sec. 6.4 Signs and other applicable portions this Code.



## SEC. 7.5 ADMINISTRATIVE APPEAL

### 7.5.1 Applicability

Where it is alleged that there is error in any order, requirement or decision made by the Planning Director, an applicant may appeal the order, requirement or decision to the Zoning Board of Appeals in accordance with Connecticut General Statutes Section 8-7.

### 7.5.2 Application and Fees

The applicant shall submit such information as is required to complete the application form provided by the Town. The application shall be submitted in such numbers and accompanied by a fee as may be required by the Town. The Planning Director shall make a copy of the record of the decision available to the Zoning Board of Appeals.

### 7.5.3 Board of Appeals Action

The Zoning Board of Appeals shall process the appeal application in accordance with Sections 8-6 and 8-7 of the Connecticut General Statutes.

## SEC. 7.6 SPECIAL EXCEPTIONS

### 7.6.1 Applicability

The Zoning Commission is authorized to approve special exceptions to certain requirements of this Code as specified below.

### 7.6.2 Pre-application Conference

- A. Prior to submitting an application for a special exception, an applicant shall schedule a pre-application conference with the Planning Director to discuss the requirements of this Code.
- B. A request shall be accompanied by a conceptual design for the application. The Planning Director shall inform the applicant of requirements as they apply to the proposed application, discuss issues of concern that may arise during special exception review, suggest possible modifications to the proposed application, and identify any technical studies that may be necessary for the review process when an application is submitted.
- C. Any discussion held is not binding on either the applicant or the Town.

### 7.6.3 Application and Fees

- A. The applicant shall submit such information as is required to complete the application form provided by the Town. The application shall be submitted in such numbers and accompanied by a fee as may be required by the Town.
- B. The application shall be accompanied by a site plan unless it is determined by the Planning Director that a site plan is not required. This determination shall be in writing and shall be made part of the file on the special exception.

### 7.6.4 Public Information Notice Sign

- A. Whenever an application for a special exception has been filed with the Zoning Commission, the applicant shall display a public information notice sign on the site giving notice that an application is pending before the Zoning Commission.
- B. The sign shall be provided by the Zoning Commission to the applicant, and shall be displayed in a highly visible place at each location on the site where the property line abuts a public or private street or at a visible location nearest the site as per the requirements of Article Eleven, Section E. of the Simsbury Zoning Regulations.

### 7.6.5 Planning Director Review

- A. Upon acceptance of a completed application, the Planning Director shall review the special exception for consistency with the requirements of this Code.
- B. The Planning Director shall forward the application to all appropriate local, state, regional and federal departments and agencies as required by law for review and recommendation.
- C. The Planning Director shall forward the application to the Design Review Board for review and recommendation.
- D. The Planning Director shall review the special exception in accordance with the approval criteria of Sec. 7.6.7, and provide a staff report for consideration by the Zoning Commission.

### 7.6.6 Zoning Commission Action

- A. The application shall be processed in accordance with all applicable Connecticut General Statutes including a public hearing and all application processing time requirements.
- B. In deciding the application, the Zoning Commission shall consider the recommendations of the Planning Director, comments made at the public hearing and the approval criteria as set forth in Sec. 7.6.7.
- C. The Zoning Commission may require submission of additional information as deemed necessary to allow the staff and the Zoning Commission to perform a thorough review and evaluation of the application.
- D. The Commission may attach conditions to the special exception necessary to protect the health, safety and welfare and minimize adverse impacts on adjacent properties. Such conditions may include, but are not limited to: additional screening or buffering, or limitation in scale, intensity or hours of operation.
- E. Incomplete applications may be denied by the Zoning Commission. Applications which the Zoning Commission finds do not meet the requirements of this Code may be denied. The Zoning Commission may modify and approve an application if it finds the modifications will address deficiencies in the application regarding conformance with this Code.

### 7.6.7 Approval Criteria

The Zoning Commission shall consider the following criteria when considering and acting on a special exception application:

- A. The extent to which the application meets the intent of the Simsbury Center Charrette Report (June 2010) especially as outlined in Chapter 4. Town Center Vision on pages 25 - 44.
- B. The extent to which the application meets the requirements of this Code;
- C. The special exception will not substantially or permanently injure the appropriate use of adjacent conforming properties.
- D. The special exception will not result in undue traffic congestion in the streets as measured by an unacceptable decrease in the existing level of service nor will it result in the creation of an unsafe traffic condition;
- E. The special exception will promote the concepts and practices associated with walkability and sustainability in the Town Center. The Zoning Commission, when considering these characteristics, shall rely on established plans, policies and programs as such may exist with regard to such items as energy conservation, low impact development practices including storm-water management, light imprint stormwater design practices, specifically including stormwater quality and quantity management and the furtherance of applicable goals in the adopted Simsbury Plan of Conservation and Development.

### 7.6.8 Effect of Denial

The denial of a special exception application shall, at the discretion of the Zoning Commission, prohibit the subsequent application for the same or substantially similar use for a period of 12 months.

### 7.6.9 Expiration

Special exceptions which are granted are subject to the requirements, including filing requirements, of the Connecticut General Statutes Sections 8-3c and 8-3d. Special exceptions shall become valid upon their proper filing and shall expire after one year if a building permit application has not been filed.

### 7.6.10 Revocation of Special Exception

If any conditions of a special exception or other requirements of this Code are violated, including providing false information to the Zoning Commission to obtain the special exception, the special exception may be revoked following a public hearing by the Zoning Commission.

## **SEC. 7.7 ALTERNATIVE COMPLIANCE**

### **7.7.1 Applicability**

In order to encourage appropriate design diversity, alternatives to the standards set forth in this Code may be approved by the Zoning Commission in accordance with Article Ten L, Planned Area Development Zoning Regulation.

## SEC. 7.8 NONCONFORMITIES

### 7.8.1 Purpose

- A. The purpose of this section is to establish regulations and limitations on the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the provisions of this Code.
- B. Nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

### 7.8.2 Nonconforming Uses

#### A. Authority to Continue

Any lawfully existing nonconforming use of land or part or all of a structure, or any lawfully existing nonconforming use of land may be continued, so long as it remains otherwise lawful on the date of the adoption of this Code, subject to the requirements of this section and the Connecticut General Statutes.

#### B. Ordinary Repair and Maintenance

1. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this section shall not be deemed to authorize any violation of the paragraphs below.
2. A Certificate of Zoning Compliance may be required by the Planning Director if one does not exist for the use. This section does not negate the obligation of the owner to seek all necessary building permits for such work.

#### C. Extensions/Expansions

1. A nonconforming use shall not be extended, expanded, enlarged or increased in size, footprint or coverage in violation of Connecticut law.
2. A nonconforming use may not be expanded, which includes extending or enlargement, without Zoning Commission approval after a public hearing. The Zoning Commission may, after a public hearing approve a proposed ex-

pansion of the use if the expansion is contained within an existing conforming structure.

#### D. Change in Use

A nonconforming use may be changed to a more conforming use with Zoning Commission approval after a public hearing. The Zoning Commission may, after a public hearing approve a proposed use if the use is found to be more conforming.

#### E. Abandonment or Discontinuance

1. When a nonconforming use is discontinued or abandoned for a period of 365 consecutive days, the use may not be reestablished or resumed.
2. When a nonconforming use is discontinued for more than 180 days, the owner of the property is required to notify the Planning Director in writing and to file a notice with the Town Clerk to identify the nonconforming use and to indicate their intent to continue the nonconforming use within one year.
3. Failure to file notice shall be taken as intent to abandon the nonconforming use.

#### F. Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless the structure and the use conforms to the requirements of this Code.
2. When such damage or destruction is 50% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 12 months of the date of such damage or destruction. This time period may be extended by the Zoning Commission upon request of the owner for additional 12 month periods for good cause shown.

## 7.8.3 Nonconforming Structures

### A. Authority to Continue

Any nonconforming structure may be continued so long as it remains otherwise lawful, subject to the provisions below.

### B. Enlargement, Repair, Alterations

Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure in violation of Connecticut law.

### C. Damage or Destruction

1. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50% of the fair market value of such structure immediately prior to such damage, the structure shall not be restored.
2. When nonconforming structure is damaged or destroyed, by any means by 50% or less of the fair market value of the structure immediately prior to such damage, the structure may be repaired or reconstructed, provided that the repairs or restorations begin and are diligently pursued to completion within 12 months of the date of such damage unless expressly extended by the Zoning Commission upon showing of reasonable cause by the owner.

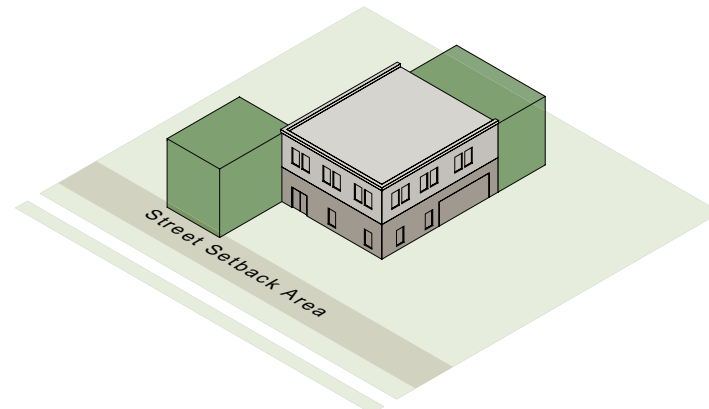
### D. Relocation

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to this Code after being relocated.

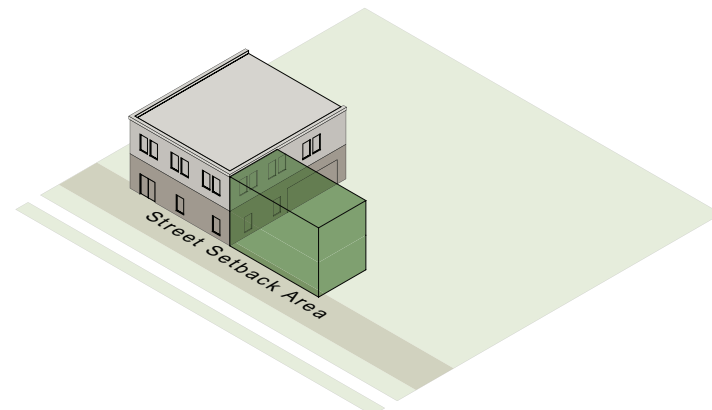
### E. Permitted Additions

Where an nonconforming structure is being expanded, the street setback area and build-to requirement apply as set forth below.

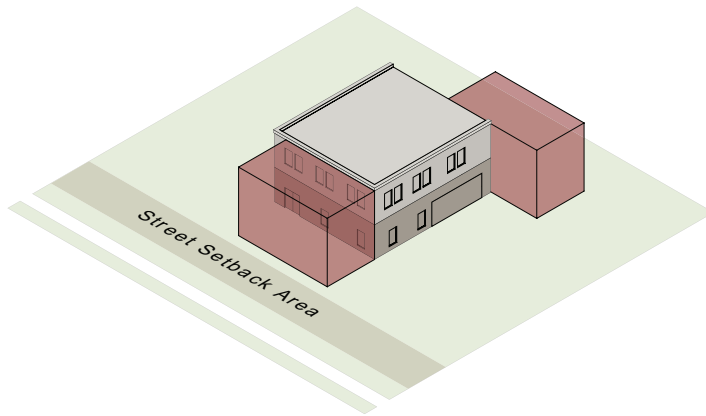
1. Any addition to the front must be placed within the street setback area. Rear additions are allowed because the extension is not increasing the degree of the existing nonconformity.



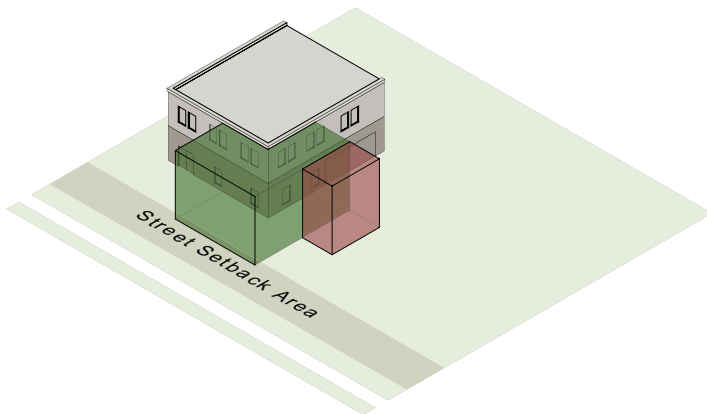
2. Any addition to the side of the building must be placed within the street setback area.



3. Additions outside of the setback area are not allowed until the build-to requirement for the site has been met.



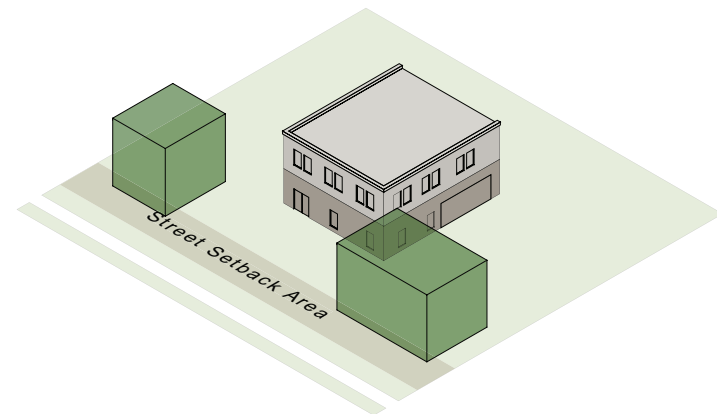
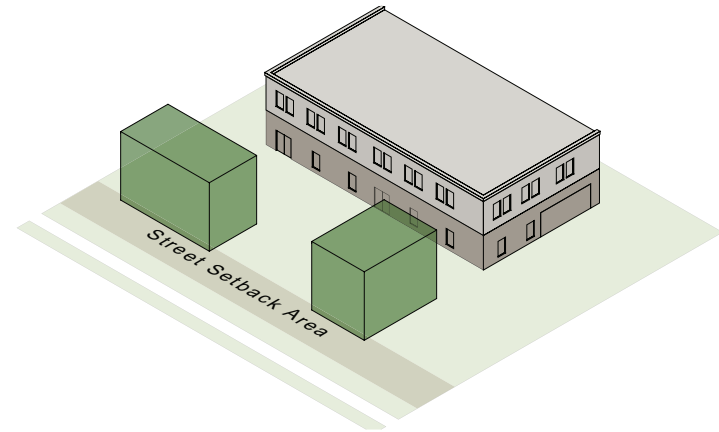
4. Any addition to the side of the building must be placed within the street setback area. Additions outside of the setback area are not allowed until the build-to requirement for the site has been met.



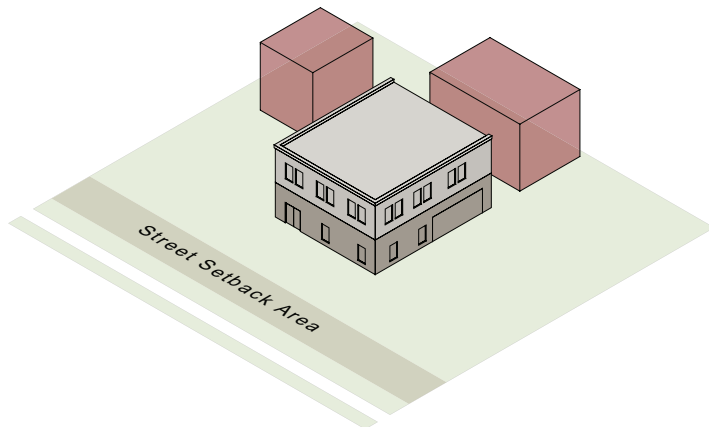
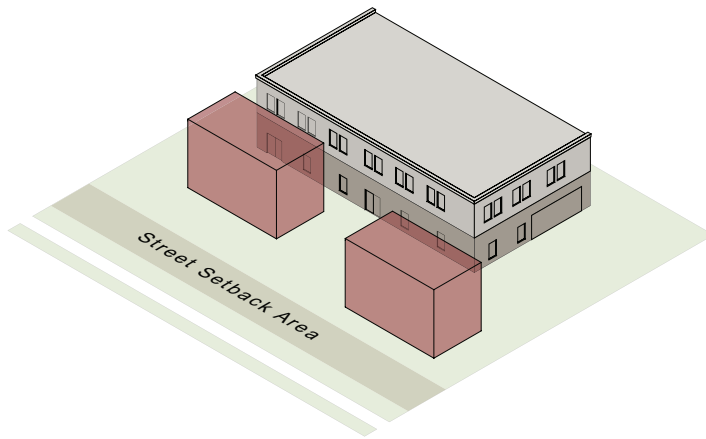
#### F. Permitted New Buildings

Where a new building is being constructed on a site with a nonconforming structure, the street setback area and build-to requirement apply as set forth below.

1. All new buildings must be placed within the street setback area until the build-to requirement for the site has been met.



2. New buildings outside of the setback area are not allowed until the build-to requirement for the site has been met.





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CODE STUDIO

EAST VILLAGE #107  
1200 E. 11TH STREET  
AUSTIN, TX 78702  
(512) 478-2200  
[www.code-studio.com](http://www.code-studio.com)

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