

SECTION 23

ACCESSORY USES, BUILDINGS AND STRUCTURES

23.1 Accessory Buildings - Location and Size.

- A. An accessory building attached or connected to the main building by walls or roofs shall be considered a part of the main building, and limited by minimum yard requirements of the principal building.
- B. Detached accessory buildings which are not more than fifteen (15') feet in height and less than 550 square feet in floor area may be located:
 - 1. In the rear half of any lot, but not nearer than thirty (30') feet to any street.
 - 2. A minimum of ten (10') feet of the side or rear lines of said lot.
 - 3. At least fifty feet (50') from a wetland or watercourse.
- C. Residential Accessory Building in excess of 550 square feet and greater than 15 feet in height must meet the setbacks for a principal structure for that zone.
- D. All accessory buildings shall be built on the same lot as the principal building or use to which they are accessory.

23.2 Accessory Buildings - Use.

- A. Accessory buildings shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal non-conforming uses as described in Section 29 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations. Such accessory uses may include, for example, the storage of the resident's non-commercial motor vehicles or goods and permitted home occupations.
- B. No accessory building shall be used for residence purposes except when approved as an accessory apartment in accordance with Section 6 and Section 23 of these Regulations.

23.3 Accessory Buildings - Specific Types.

23.3.1. Private Garages in Residential Zones. Accessory buildings in Residential Zones may include private garages, whether or not attached to the main building.

23.3.2 Roadside Shelters for School Children. In all zones, roadside shelters for the use of school children may be permitted. Said shelter shall not exceed fifty (50) square feet in area or eight (8') feet in height. Its location shall be no closer than one (1') foot from applicant's front or side property line. Shelters may be located within the road right-of-way with written approval of the Board of Selectmen or its designee, and/or State of Connecticut Department of Transportation, as applicable. In no case shall the shelter be located closer than ten (10') feet of the travelled portion of the road. Said shelter shall be removed by the applicant if not used for its intended purpose for one (1) year, or upon order of the Department of Transportation or the Board of Selectmen or its designee if building interferes with road right-of-way.

23.3.3 Temporary Roadside Stands for the seasonal sale of farm products and homemade articles are permitted when accessory to the premises on which they stand, of not more than two hundred (200) square foot area, with not more than two (2) signs aggregating twelve (12) square feet in area advertising such produce. Such stand and signs shall not be less than ten (10) feet from any street line, and not more than fifty (50) feet from any street intersection. Their temporary permitted use shall not constitute the establishment of a legal non-conforming use.

23.4 Accessory Structures - Use. Accessory structures shall be used only for uses accessory to a principal use permitted in the subject zone, except for legal non-conforming uses as described in Section 29 (Non-Conforming Lots, Uses, Buildings and/or Structures) of these Regulations.

23.5 Accessory Structures - Specific Types.

23.5.1. Swimming Pools. A swimming pool shall be considered an accessory use or accessory structure to a principal dwelling and must be located on the lot so as to comply with the side, rear, and front yard requirements of these Regulations for principal buildings. Swimming pool yards (setbacks) shall be measured from the water retaining wall in the case of an in-ground pool.

In the case of an above-ground pool, setbacks shall be measured from the outer edge and any above-ground deck. Light sources or glare shall not be visible beyond any lot line. All pools shall be safeguarded by means of a suitable fence or other device.

- 23.5.2. Ground-mounted Solar Panels must be located at least ten (10) feet further from the street line (or street lines for properties that are located at the intersection of two streets) than that portion of the principal building that is closest to the street, and must comply with side and rear yard setbacks for the subject zone in any and all configurations if the panels are at all movable.
- 23.5.3. Dog Kennels Accessory to Principal Dwelling (Residential). The keeping of dogs in any outdoor enclosure, principal or accessory building, or other structure shall be permitted as an accessory use to a dwelling provided that:
- A. Such keeping of dogs shall be exclusively for the personal enjoyment of the occupant of the principal dwelling, and shall exclude any boarding, breeding, or training of any dogs not owned by the occupants of said dwelling, whether or not for compensation. Said dogs will be registered to the owner
 - B. Dog Kennels Accessory to a Principal Dwelling (Commercial) shall be by Special Permit in accordance with Section 6.3.J of these Regulations.
- 23.5.4. Decks. Decks, as defined in these Regulations (see Section 3, Definitions), are permitted accessory structures, provided that such Decks shall not extend into or be otherwise located within the required yards of the subject zone. See Section 4, Table 1.
- 23.5.5. Accessory Radio Towers. Commercial Radio and Television Towers (hereafter referred to simply as "tower" or "towers"), for the exclusive use of the occupant of the principal building on the lot, may be permitted as an accessory use to a principal industrial or commercial use in a Commercial or Industrial District, upon the issuance of a Special Permit in accordance with Section 15 (Special Permit) of these Regulations, provided that the following additional standards and conditions are met:
- A. Minimum Parcel Size. No towers shall be established on any lot of land containing less than two (2) acres. In addition, any such lot shall be of such size and dimension that the distance between the tower base and any

property line shall be no less than one and one-half (1 1/2) times the tower height, such height measurement to include any antennae mounted upon the tower.

- B. Other Permits. No application for a tower shall be complete without evidence that all necessary permits and approvals have been submitted to the Federal Communications Commission, the Federal Aviation Agency, and such other State or Federal agencies as may have jurisdiction. Such evidence shall include any proposed lighting, color selection, method of tower construction, and the like.
- C. Residential Zone Prohibition. Towers shall be prohibited as a principal use in Residential Zones.
- D. Standards. In addition to the standards and criteria of Section 15 (Special Permit), the Commission shall evaluate the visual impact of the tower on historic or scenic vistas and natural features; the impact on property values on residential areas in the vicinity of the tower; the impact of the tower on migratory waterfowl flight patterns, and other wildlife impacts; the impact of tower lighting, with special attention to strobe lighting.
- E. Maximum Height. In no event shall any tower be greater than one hundred ninety-nine (199') feet in height, including the height of any antenna mounted thereon.

23.6 Accessory Uses.

- 23.6.1 General. Accessory uses of buildings, structures, or land shall be permitted in all zones where such accessory use is customarily incidental to, and is subordinate and secondary to, the principal use of the lot, or the principal building or structure on the same lot, or adjacent lots under the same ownership.
- 23.6.2 Non-Commercial Keeping of Horses. The non-commercial keeping of horses, as an accessory use to a single-family dwelling, shall be permitted in residential zones.

23.6.3

Separate Family Quarters: Also see Section 15 A.

A. Accessory Apartments within an existing dwelling provided:

1. There may be no more than a total of two dwelling units on any lot.
2. The maximum number of bedrooms in an accessory apartment shall be two.
3. The accessory apartment shall not exceed eight hundred (800) gross square feet.
4. Conversion of a structure to accommodate an accessory apartment must conform to setbacks and coverage requirements of the underlying zone of such nonconformity.
5. There shall be no external evidence of the accessory apartment other than what is required by the Fire Marshal, Building Official or Health Official.
6. Under such requirements, construction shall be in harmony with the single family character of the structure and the neighborhood. The construction of new exterior stairways shall be properly screened from public view.

B. Detached accessory apartments located on lots of two acres and greater provided all the conditions listed below are met:

1. The accessory apartment does not exceed more than eight hundred (800) gross square feet.
2. Any interior stairway that is utilized to access the apartment shall be calculated in the square footage of the apartment.
3. There shall be no more than two dwelling units on any lot.
4. No lot shall have both a detached accessory apartment and a home occupation as permitted by Section 23.8.B.
5. The detached accessory apartment shall utilize the same curb cut as the principal dwelling.
6. The accessory unit may have a maximum of two bedrooms.

7. Any accessory structure that contains an accessory apartment shall have the same setbacks for a principal structure per Table 1.
8. Either the single family dwelling or the detached accessory apartment shall be permanently occupied by the owner of the premises.
9. The accessory structure that contains the apartment shall be subordinate to the principal dwelling and shall have a physical connection to the principal dwelling such as a sidewalk, shared driveway, shared landscaping, purpose, or orientation to the principal dwelling.
10. Design, construction, landscaping and orientation must be presented in such a manner as to maintain the single family nature of the lot.

23.7 Commercial Vehicles in Residential Zones: No lot in a residential district may have more than two (2) commercial and two (2) construction vehicles. Commercial vehicles shall be those having commercial license plates; or bearing any commercial insignia or message; or being, in fact, used in connection with a commercial activity, whether conducted or headquartered on- or off-site. Construction equipment shall include, but not be limited to, excavation or grading equipment, cement mixers, mobile welding equipment, bucket trucks, well-drilling or boring equipment, blasting equipment, sawmills, large-scale mowing or chipping equipment, dump trucks, or other vehicles or equipment commonly used in the construction of buildings or structures, or site preparation for such construction.

A special permit shall be required for an additional commercial vehicle or piece of construction equipment to be parked, or stored on a lot in a residential district. Such additional commercial vehicle(s) or construction equipment or material to be stored shall be only allowed on lots of two or more acres. Said vehicle(s) shall not exceed a gross vehicle weight of 20,000 pounds and, such vehicle(s) or construction equipment or construction material shall be stored indoors or screened from view off premises, and any outdoor parking or storage shall be located no closer than the dwelling is to the street line, or 100 feet from any street line, whichever is less, and 50 feet from any property line.

Except for those vehicles permitted by right in this Section, the Commission may limit hours of operation of commercial vehicles to be compatible with the neighborhood.

23.8 Home Businesses

A. Home Occupations without a permit. A home occupation may be carried on in residential premises without a zoning permit if:

1. The business is carried on only by residents of the dwelling;
2. There is no exterior evidence of the business including signs or vehicles;
3. The business shall not involve substantial deliveries of products or materials to the dwelling;
4. No visitors or customers appear on site;
5. No waste products are disposed on site, except sanitary waste incidental to residential use; and
6. There is no structural modification to the building.

B. Home Occupations with a permit

A home occupation may be carried on in a residential premise after obtaining a permit from the Planning and Zoning Commission subject to the following:

1. The occupation must be carried on by a resident of the premises and not more than one (1) non-resident employee on the premises and must be clearly secondary to residential use. If the resident is not the owner of the property, the application shall be co-signed by the owner.
2. The total floor area utilized by the home occupation shall not exceed 25% of the total feet area devoted to residential use or 500 square feet in area whichever is less; i.e., if the space devoted to residential use equals 1,000 square feet then 250 square feet of the 1,000 square feet may be used for the home occupation. The site plan submitted by the applicant shall provide a dimension drawing of the floor area of all buildings to be used for the home occupation.
3. There shall be no external evidence of the operation of the home occupation except for parking when deemed necessary by the Commission and a single non-illuminated sign. The necessary parking shall not exceed two extra parking places. The single sign shall not exceed two (2) square feet in area.

4. The home occupation shall not create objectionable appearance, noise, smell, smoke, illumination, vibrations, radio or television interference or any other objectionable condition which might have deleterious effects on the neighborhood.
5. In reviewing applications for home occupations, the Commission shall consider the potential hazards produced by increased traffic generation and the potential effects of such uses on the residential character of the area and property values.
6. Parking of commercial vehicles related to the home occupation shall be made in accordance with the applicable provisions of Section 21 as they apply to the zone where the home occupation is located.
7. The application for a home occupation shall include proof that notification has been given to all owner of properties within 200 feet of the lot lines of the subject lot.
8. The permit shall be valid only for the applicant(s) and is not transferable. The site of the permit shall be visited not less than every two years by the Zoning Enforcement Officer to check for conformity with these regulations and any conditions of the permit.
9. The permit may be limited by the Commission as to hours of operation and/or duration of permit or with such other restrictions or conditions for termination as the Commission may feel necessary to protect the public health, safety, convenience, or property values.
10. Any permitted home occupation is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give a written warning upon discovery of the first such violation. Fifteen calendar days shall be allowed for correction of the violation. Any further violation(s) shall be reported to the Commission for action. The permit holder shall be asked to appear before the Commission and if it is found that there is a violation of any condition of the permit, the Commission may revoke said permit. Each successive day, after the fifteen days allowed for correction, shall be considered a separate violation for the purpose of this section.

11. If the permit is revoked for cause, no new application for that site shall be accepted until 12 months have passed from the date of such revocation.

C. Any permitted home occupation use shall terminate:

1. By order of the commission issued upon application therefore by the original resident applicant or by the owner of the property concerned;
2. If the use authorized thereby shall not have actually existed (without regard to any intent to abandon or resume) for a period of one year from the date of cessation or from the effective date of the grant of such permit, whichever is later;
3. If the use authorized thereby is abandoned;
4. Upon the happening of any event or the expiration of any period of time prescribed by the terms of such permit;
5. If the original applicant(s) of the home occupation no longer lives on the property.

D. The authorization of a permitted home occupation use shall not terminate if the pertinent use ceases by reason of fire or other casualty, provided that:

1. Notice of intent to resume or restore such use is filed with the Zoning Enforcement Officer within six months after cessation;
2. Such resumption or restoration is made and completed within two years after cessation.