SALEM PLANNING AND ZONING COMMISSION

ZONING

REGULATIONS

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SECTION 1 - TITLE, AUTHORITY, PURPOSE AND DISTRICTS

1.1 TITLE

These regulations shall be known as the "Zoning Regulations of the Town of Salem, Connecticut," and are herein referred to as "these Regulations."

1.2 AUTHORITY

These Regulations are enacted pursuant to the provisions of Chapter 124 as amended, Connecticut General Statutes, Revision of 1958.

1.3 PURPOSE

These Zoning Regulations are promulgated for the purposes set forth in and pursuant to the provisions of Section 8-2, Chapter 124 of the Connecticut General Statutes, as amended.

1.4 ZONING DISTRICTS

For the purpose of these Regulations, the Town of Salem is divided into the following Zoning Districts:

	Minimum Lot Size
Rural Zone A	80,000 sq. ft.
Rural Zone B	120,000 sq. ft.
Residential Zone A	40,000 sq. ft.
Business Zone	40,000 sq. ft.
Highway Commercial Zone	80,000 sq. ft.
Industrial Zone	80,000 sq. ft.
Age-Restricted Residential Development Zone	Ten (10) acres (1/01/05)
Special Agriculture Zone	Five (5) acres in addition to the minimum acreage requirement for the underlying zone. (1/01/05)

1.5 ZONING MAP

The boundaries of said districts shall be as shown on the map entitles "Zoning Map of the Town of Salem," dated November 1, 1977, which is on file in the office of the Town Clerk of the Town of Salem. Such map and any adopted amendments thereto, with the explanatory matter thereon are hereby declared to be a part of these Regulations, as if fully set forth herein.

1.6 DISTRICT BOUNDARIES

When opposite sides of a street are in different districts, the boundary shall be deemed to be the center of the street's right-of-way. When a lot lies in more than one district, the provisions of each respective district shall be applied to that portion of the lot, which lies within each respective district.

1.7 LAND UNDER WATER

The boundary of each district shall include any land under any lake, pond, or stream lying therein, and shall also include any land that extends under navigable water as far as the ownership or proprietary rights therein extend under other provisions of the law.

SECTION 2 - DEFINITIONS (1/01/99)

2.1 GENERAL RULES OF CONSTRUCTION

The following general rules of construction shall apply to the provisions of these Regulations:

The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.

Words used in the present tense include the past and future tenses, and the future the present.

The word "shall" is mandatory, the word "may" is permissive.

The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure".

The word "lot" includes the words "plot" or "parcel" or "tract".

The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

TERMS DEFINED (1/01/99)

For the purpose of these Regulations, certain terms and words are hereby defined.

Accessory Apartments - a set of rooms in a single-family dwelling fitted out with separate housekeeping facilities, including separate bathroom and kitchen, which is located within, and subordinate to, the principal dwelling; which is used by no more than two (2)persons related by blood or marriage to the occupants of the principal dwelling; and which is accessible to the principal dwelling by way of a common interior doorway between two (2) adjoining rooms. (4/1/89)

Accessory Building - a detached subordinate building or portion thereof, the use of which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use. (4/01/07)

Accessory Use - a subordinate use which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use, including a private swimming pool serving a residential area.

Acre – 43,560 square feet. (1/01/05)

Age-Restricted Residential Development (ARD) – a housing development located in an Age-Restricted Residential Development (ARD) Zone wherein 100% of all the dwelling

units located therein are occupied by at least one (1) person of the age of fifty-five (55) years or older (the "Age-Qualified Person"). No individual who has not attained the age of twenty-one (21) years may be domiciled within the unit. Any person who is permitted to and did occupy a unit with an Age-Qualified Person may continue to occupy the unit after death of such Age-Qualified Person, or if such person becomes a permanent resident of a health care facility. (11/01/04)

Agriculture - the cultivating of the soil and the raising and harvesting of the products of the soil including nurserying, horticulture, forestry, and the raising of livestock and poultry and the necessary accessory uses for packing, treating, and storing the produce, or the sale of produce and related items, provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities.

Animal Unit – a measure for comparing livestock, as follows: (1/01/05)

1. Class A Livestock = One (1) animal per Animal Unit
2. Class B Livestock = Three (3) animals per Animal Unit
3. Class C Livestock = Fifteen (15) animals per Animal Unit
4. Class D Livestock = One-half (0.5) animals per Animal Unit

Antenna – a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel and dish antennae. (1/01/99)

Bed and Breakfast Inn - an accessory use of an owner-occupied residential building, having guest rooms, without their own separate kitchen facilities, for the over-night use of transients. The inn may provide breakfast to guests, but no other meals. (6/3/92)

Bracketed tower – a tower partially or totally supported by a primary or accessory building with a rigid metal assembly made for the purpose. (1/01/99)

Building - anything resting upon or attached to the ground, arranged, intended, designed or used for the shelter, housing or enclosure of persons, animals or materials.

Building Area - the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions of a building.

Building Height - the vertical distance between a plane running through the highest point of the roof and grade.

Building Line - a line parallel to the abutting street at a distance equal to the setback requirements for the front yard, except that for lots fronting on a cul-de-sac, the building line shall be that line necessary to satisfy the minimum lot width, but in no case greater than 150 feet back from the front lot line. (12/15/89)

Building, Principal or Main - a building in which the principal use of the lot on which it is located is conducted, or is intended to be conducted.

Certificate of Zoning Compliance – a written notice issued by the Commission or its designated agent upon application, certifying that a land use or any extension or alteration thereof, as built or established, conforms with requirements of the Zoning Regulations and of any Zoning Permit or Special Exception issued to allow such use, extension, or alteration. A Certificate of Zoning Compliance is required prior to the issuance of a Certificate of Occupancy by the Building Official. (4/01/07)

Church - a building used for worship services or religious instruction by a religious group organized for such purposes.

Class A Livestock – large animals whose mature weight is five hundred (500) pounds or more such as equine, bovine and other large animals. [See also definition of Livestock.] (1/01/05)

Class B Livestock – medium-sized animals whose mature weight falls within the range of thirty (30) to five hundred (500) pounds, such as sheep and goats, but excluding pigs. [See also definition of Livestock.] (1/01/05)

Class C Livestock – small animals with a mature weight of less than thirty (30) pounds such as poultry, fowl and rabbits. [See also definition of Livestock.] (1/01/05)

Class D. Livestock – pigs subject to Section 19-13-B23(a) of the Connecticut Public Health Code, as amended. [See also definition of Livestock.] (1/01/05)

Club – an organization catering exclusively to members and their guests, provided that the primary purpose of the organization is not financial gain, and that any commercial activities conducted by the organization are incidental to its purpose and are not conducted on a regular basis of more than twice per year. (4/01/07)

Co-location – locating wireless communications facilities of more than one provider on a single lot. (1/01/99)

Commission – the Town of Salem Planning and Zoning Commission.

Common Driveway - a private right-of-way providing access to two (2) to six (6) family units. (12/08/02)

Conditions – necessary requirements or stipulations to ensure compliance with the objectives of these Zoning Regulations. (4/01/07)

Crematorium – a building housing a furnace where corpses, either human or household pet, are incinerated. (4/01/07)

Dwelling - a detached building containing a single-family unit.

Dwelling, Multiple family - a building which contains three (3) or more family units.

Dwelling, Two-family - a detached building designed for or occupied by two (2) family units.

Efficiency Apartment - efficiency means a family unit containing bathroom and kitchen facilities.

Fall circle – the area created by a circle formed with the tower at the center and a radius equal to the tower height. (1/01/99)

Family - one (1) or more persons related by blood or marriage living together as a single, non-profit housekeeping unit, including servants and employees. A group of not more than five (5) persons unrelated by blood or marriage living together as a single, non-profit, housekeeping unit may be considered to be a family.

Family Unit - a dwelling, or part of a dwelling, occupied or intended to be occupied by one (1) family or by one (1) individual living as a single housekeeping unit.

FCC – the Federal Communications Commission. (1/01/99)

Female Chickens – Female member of the species "g.Gallus domesticus".(4/01/14)

Frontage - the boundary line of a lot abutting a public street.

Frontage, Minimum - the term "minimum frontage", with reference to lots, shall be the minimum width obtainable between the side lines measured as a straight line from either point where the front lot line intersects the side lot lines.

Garage, Private – an accessory building, or a portion of a primary building, providing for the storage of motor vehicles belonging to and for the personal use of the occupants of the premises. (4/01/07)

Garage, Public – a building, other than a private garage, used for storing or sheltering motor vehicles. (4/01/07)

Golf Course – a par-three or regulation golf course containing nine (9) or more holes, designed by a professional golf course architect, and expressly excluding miniature golf courses. (4/01/07)

Grade - the average level of the finished ground within ten (10) feet of the walls of a building. (3/01/89)

Groundwater – all water beneath the surface of the ground. The maximum groundwater level is defined as the level to which the water table rises for a duration of one (1) month or longer during the wettest season of the year. (4/01/07)

Home Occupations, Customary - for example, the home office of a physician, surgeon or dentist provided no patient is hospitalized or housed overnight; the office of an architect, computer programmer, lawyer, engineer, accountant, consultant, or other recognized professional person or trade person residing on the premises; dressmaking, millinery and similar domestic homemaking activities that are a customary adjunct to housekeeping; a single chair beauty shop or barber shop; handicraft, art, needlework, and similar arts and crafts type occupations carried on by the residents of the premises and clearly secondary to the principal use. (6/15/98)

Hoop House – a permanent structure with the following characteristics: (1/01/05)

1. Supporting structure constructed of tubular metal, fiberglass or other similar structural tent-like supports affixed to the ground;
2. Covered by a flexible poly or fabric-like material stretched over and secured to the supporting structure.

Household Pet – an animal, such as the dog, cat, bird, fish, guinea pig, hamster, gerbil, rat, mouse, rabbit, chinchilla, ferret, sugar glider, reptile, or amphibian, housed within a residential structure. (4/01/07)

Impervious – incapable of being passed through, as by a liquid. (6/01/09)

Junk - scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old and used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, or in a dismantled form.

Land Trust - a private, not-for-profit conservation organization formed to protect natural resources. (9/01/02)

Lattice tower – a tower typically with a triangular cross section constructed with continuous cross bracing. It may be self-supporting, guyed or bracketed. (1/01/99)

Livestock – all domestic animals except those usually kept as a companion and housed with human occupants in a residential building. (1/01/05)

Lot - a lot is defined as a parcel of land, which is owned separately from any adjoining lot or lots, as evidenced by deed or deeds recorded in the Land Records of the Town of Salem; or which is shown as a building lot on a subdivision map approved by the Town of Salem Planning and Zoning Commission and recorded in the Land Records of the Town of Salem and which conforms in all respects to the requirements of these Regulations or any amendment thereto.

Lot Coverage – the percentage of the total lot area occupied by buildings, surface structures, and parking and access areas. (4/01/07)

Lot lines - the property lines bounding a lot.

Lot Line, Front - all dividing lines between a street and the lot shall be considered front lot lines.

Lot Line, Rear - the line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot Line, Side - the line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lot, all lines extending from streets shall be considered side lot lines.

Lot Width, Minimum - the distance between the side lot lines, measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of, the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line and the lot lines adjacent thereto shall be considered as side lot lines. In the case of a rear lot, the side of the lot closest to, and most parallel with, the street providing access to the lot shall be considered the front lot line. (12/15/89)

Monopole – an unguyed tower of tapered pole construction, usually of steel, but may be of other materials such as concrete. (1/01/99)

Multiple Family Dwelling Project - two (2) or more buildings on one (1) lot, all of which contain, in the aggregate, three (3) or more family units.

Net Buildable Area (NBA) – an area within each new lot created after December 1, 2003, which has all of the following characteristics:

1. Size:
    a) A minimum size of 40,000 square feet, unless otherwise designated in these Regulations.
    b) A maximum size of 50,000 square feet, unless otherwise designated in these Regulations.
2. Shape: The NBA shall be a parallelogram, with a seventy-five (75) degree angle being the smallest allowable angle and, with all sides having a length of at least 100 feet. (Unless as per Section 15.2.11)
3. Exclusions: The NBA shall not include:
    a) Wetlands.
    b) 100-year flood "A" Zone area, as depicted on the Salem Flood Insurance Rate Map (FIRM).
    c) Land on which the natural slope is greater than twenty-five percent (25%), measured from the highest point in the NBA to the lowest point in the NBA, over a minimum distance of forty (40) feet.
    d) Land located within a Riparian Corridor Overlay Zone. (8/01/08)
4. Inclusions: The NBA must include:

a) Contiguous land which is outside of the wetlands Upland Review Area, and which makes up at least seventy-five percent (75%) of the NBA.
b) Unaltered (natural) land with soils suitable for subsurface sewage disposal, as documented by two (2) test holes at least fifty (50) feet apart, witnessed by the Salem Town Sanitarian or his/her designee, with the following characteristics:
    1) Percolation rate must be not more than thirty (30) minutes per inch, nor greater than one (1) inch per minute. (6/01/04) (4/01/07)
    2) Maximum water table not less than twenty-four (24) inches from the surface.
    3) Ledge rock not more than four (4) feet from the surface.

<u>except that</u> any or all of these inclusions <u>may be waived by Special Exception</u> where it can be shown to the satisfaction of the Planning and Zoning Commission that the lot plan meets the intent of the Commission to protect the quality of the groundwater, and to avoid conflict with activities regulated by the Salem Inland Wetlands and Conservation Commission. In considering a waiver, the general topography, density of local housing, degree of variation from the above standards, the ability of the land adjacent to the Net Buildable Area to absorb subsurface effluent, and other factors that the Commission considers to be relevant shall be taken into account. (12/01/03)

5. NBA requirements do not apply to a designated Age-Restricted Residential Development (ARD) Zone. (11/01/04)
6.

<u>Non-conforming Building</u> – an existing building that was lawfully erected but does not conform to all the currently applicable requirements of these Regulations. (4/01/07)

<u>Non-conforming Lot</u> – a lot that does not conform to all the current requirements of these Regulations but that conformed fully, when it was created, to all Zoning Regulations and/or other legal requirements existing at that time. (4/01/07)

<u>Non-conforming Use</u> - a use of a building or land parcel, which does not conform to the Zoning Regulations for the zone in which it is located.

<u>Open Space</u> – protected lands and water bodies that are owned, under easement to, or managed by the Town of Salem, State of Connecticut, U.S. Government, non-profit land trusts and other conservation organizations, or private owners, and includes areas for protection of public health and safety, outdoor recreation, natural resource protection, farmlands and forests, areas that shape and preserve the community's rural character, and historic and archaeological sites. (4/01/07)

<u>Owner of Record</u> – the person(s) currently listed as the owner(s) of the property in the official records maintained by the Office of the Assessor. (4/01/07)

Park – an area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for non-profit recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an "amusement park" or any type of park with mechanical rides, games, arcades, or similar amusements. (4/01/07)

Parking Area – a space used exclusively for parking motor vehicles. (4/01/07)

Passive Recreation – *DELETED IN ITS ENTIRETY (12-1-10)*

Pervious – having pores or openings that permit liquids or gasses to pass through. (6/01/09)

Principal Use – the primary purpose as permitted by these Regulations for which land, water, or a building, or a structure is designed, arranged, or intended, or for which it is or may be occupied or maintained. (4/01/07)

Private Roadway - a private right-of-way providing access to one (1) or more family units, or a private road not accepted by the Town of Salem as a street, providing access to one (1) or more family units.

Radio Frequency Engineer – an engineer who is concerned with transmissions and propagation of radio frequency waves in applications within the wireless field.

Rear Lot - a lot which does not contain the minimum lot frontage for the district in which it is located, but which does contain sufficient areas to meet applicable minimum lot area requirements and which is served by either a private right-of-way not less than twenty-five feet (25') wide, or a contiguous and continuous strip of land which is no less than twenty-five feet (25') wide and which has twenty-five feet (25') of frontage on a street. The main building on a rear lot shall be at least two hundred feet (200') from a street. (7/15/01)

Recreation, Active – activities that require physical exertion by people and/or cause physical alterations to the land, including but not limited to, exercise walking, sledding, skiing, camping, running, bicycle riding, and organized group play. (4/01/07)

Recreation, Passive – minimally intrusive non-motorized activities that allow the land to remain essentially in its natural state, including but not limited to, hiking, nature walks, bird watching and horseback riding. (4/01/07) (12-1-10)

Recreational Vehicle – any motorized vehicle that can be registered for highway use and is capable of being occupied with sleeping and/or cooking accommodations on a temporary basis, whether or not such vehicle contains toilet facilities. (4/01/07)

Regulations – the term "Regulations" means the Town of Salem Zoning Regulations, unless otherwise indicated. (4/01/07)

Resubdivision – a change in a map of an approved or recorded subdivision or resubdivision if such change (1) affects any street layout shown on such map, (2) affects any area reserved thereon for public use, or (3) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map. (4/01/07)

Screening – natural or man-made materials used to prevent a structure or land used from being visible from a street or from nearby property. (4/01/07)

Seasonal Dwelling - a detached dwelling, trailer, or mobile home, designed and intended for temporary use or occupancy on an intermittent or short-time basis only between the months of May to October, inclusive, which is erected on a closed solid foundation using permanent weather-proofed exterior materials, which is connected to a safe water supply and which has adequate sanitary sewage disposal facilities as determined by the Town of Salem's Director of Health.

Shopping Center – one (1) or more commercial buildings located on a single lot containing two (2) or more commercial uses, which are developed in accordance with the overall site plan for the property. (6/1/86) (6/1/94)

Sign - a name, identification, symbol, image, display, or illustration which is affixed to a building, standard or other support, and which directs attention to an object, product, place, activity, service, business, or person. Materials other than the minimum needed to support the sign shall be considered part of the sign. The area and dimensions of a sign shall be based on an imaginary circle, square, rectangle, triangle, parallelogram, trapezoid, or trapezium, encompassing all letters and other elements of the sign, including any frame.

Site Plan – a drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated. (4/01/07)

Site Plan Review/Site Plan Approval - whenever the term "site plan review" or "site plan approval" is used in these Regulations, the term is intended to refer to a formal process in which the Commission itself, rather than the Zoning Agent, reviews and decides upon a zoning site plan. (4/01/07)

Soil Scientist, Certified – an individual who is duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission). (4/01/07)

Special Exception - a Special Exception is a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number,

area, location, or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in a zoning district as Special Exceptions, if specific provision for such Special Exception is made in these Zoning Regulations.

Storage Trailer – a vehicle without means of propulsion that can be used for hauling or storing materials or goods that is capable of being readily moved by a tractor or other vehicle. (4/01/07)

Street - an improved right-of-way suitable for vehicular travel accepted for public use by the Town of Salem at a Town Meeting, a state highway, or any proposed street shown on a subdivision plan approved by the Town of Salem Planning and Zoning Commission and recorded on the Land Records of the Town of Salem.

Street Line – the line separating a parcel of land from the street right-of-way. If street right-of-way boundaries have not been established, they shall be deemed to be twenty-five (25) feet off the centerline of the existing traveled way, or such other distance from the centerline as established by the town. (4/01/07)

Structure – anything constructed, erected or assembled that requires a location on or within the ground, or attachment to something having a location on the ground. The term "structure" includes, but is not limited to, any buildings, manufactured home, storage tank, sign, wall (retaining or otherwise), swimming pool, fence, ham radio antenna, cellular or radio transmission tower, or other man-made utility and infrastructure. The term "structure" excludes public utility poles, flagpoles, transmission lines, television antennas used to improve reception on lots on which they are located, highway and railroad bridges, landscape furniture and decorations, mailboxes, lamp posts, and seasonal decorations. Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure". (4/01/07)

Structure, Accessory – see "Accessory Building". (4/01/07)

Tower – a structure intended to support antennae used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed and monopole. (1/01/99)

Trailer – any vehicle or similar movable structure that is or can be used for sleeping, living or working quarters and that is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. The term "trailer" expressly excludes manufactured homes having as their narrowest dimension twenty-two (22) feet or more and built in accordance with federal manufactured home construction and safety standards. As used in these Regulations, the term includes, but is not limited to, park trailers, travel trailers, camper trailers, and mobile homes. See also "Storage Trailer". (4/01/07)

Use - the principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Variance - a variance is an abatement of the conditions or requirements of these Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property in question and not the result of the actions of the applicant, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

Visual Buffer Area – a strip or strips of land that are both (1) densely planted (or having equal natural growth) with shrubs and/or trees at least four (4) feet high at the time of planting, of a type that will form year-round dense screening; and (2) free of buildings, structures, parking, or other accessory uses. (4/01/07)

Water Table – the level in the ground below which all voids and pore spaces are filled with water. (4/01/07)

Wireless communication facility – the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services. (1/01/99)

Yard Sale - the occasional sale of used household items, such as, but not limited to, clothes, appliances, furniture, and books, conducted by the owner(s) of such items and by civic or religious groups in connection with fund-raising efforts. Yard sales do not include any activities where persons rent space for the sale of goods. (12/15/89)

Zoning Permit – the type of permit required for a generally permitted use. (4/01/07)

SECTION 3 - GENERAL PROVISIONS

3.1 COMPLIANCE WITH REGULATIONS (6/1/86)

No new use shall be established, no existing use shall be changed to another use, and no building or structure shall be constructed, reconstructed, enlarged, or moved without a Zoning Permit issued in conformance with the provisions of these Regulations.

3.1.1 No building shall be occupied and no new use conducted on any premises until a Certificate of Occupancy has been issued for the building or use.

3.1.2 No Building Permit or Certificate of Occupancy shall be issued for a building, use or structure without certification in writing by the Zoning Enforcement Officer that such building, use, or structure is in conformity with these Regulations or is a valid non-conforming use.

3.2 MINIMUM LOT AREA

Each lot created after the effective date of these Regulations (November 8, 1960), or any amendment thereto, shall contain the minimum lot area required herein. In computing minimum lot area, no land which is either part of another lot, or within a private right-of-way or twenty-five-foot (25') wide strip of land providing access or egress to a lot, shall be included in the land area required to meet such minimum lot area requirements. Furthermore, only land located within the Town of Salem shall be considered when determining compliance with any minimum lot area requirement.

3.2.1 Each new lot created after December 1, 2003 shall also contain a "Net Buildable Area" as defined in these Regulations, all of which must be located within the Town of Salem. This net Buildable Area requirement will not apply to the first subdivision or the first resubdivision of three (3) or fewer new lots by the owner(s) of record on the effective date of this regulation (December 1, 2003) when the use is for an individual single-family residence per lot(s). (10/01/13)

3.2.1.A Net Buildable Area (NBA) requirements do not apply to a designated AGE-Restricted Residential Development (ARD) Zone. (11/01/04)

3.2.2 The Net Buildable Area concept is desirable for the following reasons:

1. Increases the likelihood that future new lots will be able to provide on site a source of acceptable potable water and a location for subsurface sewage disposal for the lot owner.
2. Tends to reduce the adverse effects of erosion and storm water drainage from a particular lot, protecting the neighboring lot owners and town roads and drainage and adjacent wetlands.

3. Reduces the probability of long-term degradation of the groundwater supply and aquifers in Salem as residential development continues and the town evolves nearer to a built-out situation.
4. Minimizes the likelihood of incursions in the environmentally sensitive Upland Review Areas adjacent to wetlands and watercourses, avoiding conflicts between the regulations of the Salem Planning and Zoning Commission and the Salem Inland Wetlands and Conservation Commission. (12/01/03)

3.3 BUILDING ON A LOT

Not more than one (1) principal building shall be permitted on any single lot, except in the case of multi-family units, shopping centers and facilities or buildings owned by the Town of Salem. (10/01/01)

Development of a lot is not limited to the net Buildable Area if all other statutory and regulatory requirements are met. (12/01/03)

3.4 HEIGHT LIMITATIONS

Except as may otherwise be provided in these Regulations, no building or structure shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to be in the excess of thirty-five (35) feet in height above grade. At least one (1) side of the building shall be no higher than thirty (30) feet above the ground level within ten (10) feet of the building on the same side. Appurtenances, such as chimneys, spires, cupolas, flag poles, antennas, and building or structures used for agricultural purposes or water storage, are exempt for this limitations. (3/1/89)

3.5 EXISTING LOTS

a) The provisions of these Regulations relative to required lot area, required lot width, and required lot frontage shall not prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot, which, on the effective date of these Regulations (November 8, 1960), or on the effective date of any amendment to these Regulations, which made the lot non-conforming, and continuously thereafter was owned separately from and not merged with any adjoining land as evidenced by deeds recorded on the Land Records of the Town of Salem. (2/15/87) (4/28/95) (12/1/10)

b) DELETED (4/28/95)

c) DELETED (4/28/95)

3.6 ACCESS TO LOTS

Pedestrian or vehicular access to a permitted use located in a less restrictive district through property situated in a more restricted district is not permitted except over streets

which have been accepted and are maintained by the Town of Salem or the State of Connecticut.

3.6.1 Access driveways serving residential uses, including common driveways, shall be permitted as a principal use for those lots whose boundaries extend beyond the limits of the Town of Salem provided that the only road frontage for the parcel is located in the Town of Salem. Those portions of common driveways within the Town of Salem shall comply with the requirements of Section 3.25 – Common Driveways of these Regulations. (1/01/05)

3.7 CONDITIONS AND REQUIREMENTS REGARDING CUSTOMARY HOME OCCUPATIONS

No Customary Home Occupation may be operated as an accessory use to a one (1)-family dwelling unless it meets all of the following requirements and conditions.

3.7.1 The occupation is clearly secondary to the use of the dwelling for residential purposes and is operated in its entirety within an enclosed structure or area.

3.7.2 Such occupation does not display or create outside the building or enclosed area any conditions which may be deemed objectionable to adjacent property owners and no external evidence of a non-residential use is given along the street side of the building or enclosed area, other than a sign in accordance with Section 13 of these Regulations.

3.7.3 No more than twenty-five percent (25%) of the floor area of the primary dwelling shall be used for a Home Occupation. The floor area of an outbuilding used for a Home Occupation shall not be greater than fifty percent (50%) of the floor area of the primary dwelling unit.

3.7.4 Only members of the family residing on the premises, plus a maximum of two (2) persons not residing on the premises, shall be engaged in such occupation.

3.7.5 Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, vibration, or unsightly conditions that would set the dwelling apart in its surroundings or degrade property values in the neighborhood.

3.7.6 Such occupation shall not create interference with radio or television reception in the vicinity.

3.8 WATER AND SEWAGE SYSTEMS

a) Each dwelling or other permitted use shall have its own water supply and sewage disposal system located on the same lot as the dwelling or other permitted use is situated, unless the dwelling or other permitted use uses a community water supply system which has been and continues to be approved by the Director of Health of the Town of Salem or his designated agent as to design, construction, purity, quality, quantity, and dependability.

b) The minimum separation distance between any two (2) sewage disposal systems shall be that established within the Public Health Code of the State of Connecticut. Furthermore, in addition to other requirements regarding separation distances established under said Code, no sewage disposal system serving any dwelling shall be located closer than seventy-five (75) feet to any well whether on the same or an adjacent lot. (4/01/07)

c) No plan shall be approved by the Commission that involves the construction or expansion of a water company serving 15 to 250 service connections or 25 to 1,000 persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Departments of Public Utility Control and Health Services, as required by Public Act 84-330.

3.9 CONSTRUCTION ADJACENT TO BODIES OF WATER AND IN WETLAND AREAS

3.9.1 Any lot containing land designated as inland wetlands by the Town of Salem's Inland Wetlands Agency shall contain at least 40,000 square feet of contiguous area outside such wetlands on which the principal building shall be located, except that an additional 20,000 square feet shall be added to this minimum requirement for each dwelling unit more than one (1) in a two (2)-family or multi-family building. Moreover, any new lot created after December 1, 2003 shall also contain a Net Buildable Area as defined in these Regulations. (5/10/87) (7/15/01) (12/01/03)

3.9.2 No building except a boat house, pump house and or an individual family sauna, shall be located within twenty-five (25) feet of any body of water, watercourse or wetland or, if subject to flooding, within twenty-five (25) feet of its highest flood line. The location of the subsurface sewage disposal system shall comply with Salem's Inland Wetlands and Watercourses Regulations and other applicable regulations. (3/28/00)

3.9.3 DELETED (7/1/87)

3.9.4 DELETED (7/1/87)

3.9.5 DELETED (7/1/87)

3.10 KEEPING OF FEMALE CHICKENS (4/1/14)

3.10.1. Purpose. This regulation provides for the keeping of female chickens, as an accessory use to a single-family residential use for non-commercial private home use. It is not intended to limit the keeping of female chickens for agricultural uses where permitted.

3.10.2. This accessory use shall be applicable for single-family residential use only.

3.10.3. This accessory use shall be limited to a maximum flock size of ten (10).

3.10.4. All female chickens shall be confined within a structure and may include a fenced enclosure as follows:

a) No part of any structure or fenced enclosure shall be located closer to the street than the front of the primary residence.
b) No part of any structure shall be located within a side yard or rear yard setback.
c) The structure shall be constructed and all food products kept as to prevent offensive odors or the presence of pests or predators.
d) No female chickens shall be kept inside any structure used for residential purposes.
e) The keeping of female chickens, including waste disposal, keeping area, and the like, shall be conducted in a manner consistent with and in compliance with the State of Connecticut Public Health Code and any applicable animal control regulations or ordinances.

3.11 STORAGE OF WASTE MATERIAL

No waste or scrap material, debris, abandoned machinery, junk, or similar unsightly material shall be stored or allowed to accumulate on any lot unless such material has been generated and utilized on said lot or is used in connection with a use permitted on said lot and is located within a completely enclosed building or placed on a lot in such a way that all such material is screened from view from beyond the boundaries of said lot by either a fence, wall, evergreen hedge, earth berm, or natural terrain. (12/15/89) (6/01/91)

However, during that time that a building or structure is legally under construction, this provision shall not apply to the temporary storage of waste material from such construction operation. Upon completion of such construction, all such material shall be removed from the subject lot.

3.12 PROHIBITION OF JUNK YARDS

Junk yards as defined in Section 21-9 of the State Statutes and both motor vehicle junk businesses and motor vehicle junk yards, as defined in Section 14.67g of the State Statutes shall not be located within any zoning district within the Town of Salem. (4/01/07)

3.13 SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS (7/1/87)(7/18/11)

The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Salem, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it

must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE including areas designated as a floodway on a FIRM. SHFA are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file with the Commission. The following requirements are intended to reduce the threat to public safety and loss of property values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Salem in the National Flood Insurance Program. In cases where conflicts occur between the requirement of the underlying zone district and these SFHA requirements, this subsection shall control. The following Regulations apply within the SFHA: (7/18/11)

3.13.1 A zoning permit must be completed in conformance with the provisions of this regulation prior to the commencement of any development activities. The Commission shall review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding, to assure that the permit requirements of this regulation have been satisfied and to assure that all necessary federal and state permits have been received. All applications for Zoning Permits or Special Exceptions for new development (including manufactured home parks and subdivisions) shall include with such applications base flood elevation data for that portion of the development located within the SFHA on the Town's FIRM. In addition, the Commission shall obtain, review and reasonably utilize any base flood elevation and flooding data available from a Federal, State or other source as criteria for requiring that new construction, substantial improvements or other development in the SFHA, meet the standards of these Regulations. The Commission may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community. When BFEs have not been determined within Zone AE on the community's FIRM but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development. (7/18/11)

3.13.2 Within the SFHA, (i) all new construction and substantial improvements of residential structures shall have the lowest floor elevated to or above the base flood level and (ii) all new construction and substantial improvement of non-residential structures shall have the lowest floor elevated or flood-proofed to or

above the base flood level, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Official. (7/18/11)

3.13.3 New construction or substantial improvements to elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

a) provide a minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;

b) the bottom of all openings shall be no higher than one foot above grade;

c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

d) electrical, plumbing, and other utility connections are prohibited below the base flood level; and

e) access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

3.13.4 Prior to issuing a Zoning Permit for new development within the SFHA, the Commission shall review plans for such development to determine that it will be consistent with the needs to minimize flood damage within the flood-prone area, and that (i) new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, shall be constructed with materials resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage (12/01/92); (ii) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding, and (iii) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the

components during conditions of flooding; (iv) new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system (12/01/92); (v) new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. (12/01/92).

3.13.5 In the SFHA, any manufactured home to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is to or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards of the SFHA as per Section 3.13.4. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. All manufactured homes within SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes within SFHA shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level. Recreational vehicles placed on sites within the SFHA shall be either on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 3.13.4 and the elevation and anchoring requirement provided above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (7/18/11)

3.13.6 Within the floodway as shown on the Flood Insurance Rate Map, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification, with supporting technical data, by a Connecticut registered engineer is provided by the applicant demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachment shall not result in any (o.00 feet) increase in flood levels during a 100-year flood. No manufactured home shall be placed within the area of the floodway. Fences in the floodway must be aligned with the flow and be of an open design. (7/18/11)

3.13.7 Applicants for development within the SFHA on the Town's FIRM shall submit with their applications assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.

3.13.8 The Commission shall notify, in riverine situations, adjacent communities and the Connecticut Department of Environmental Protection (Water Resources Unit), prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Federal Emergency Management Agency. (7/18/11)

3.13.9 For all applications for permits within the SFHA, the Zoning Enforcement Officer shall: a) record the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, or the elevation to which such structures have been flood-proofed, in accordance with Subsection 3.13.2, above; b) advise permittee that additional Federal or State permits may be required, and if specific Federal permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit. Such additional permit requirements may include, but not be limited to: Water Diversion Permit, Dam Safety Permit, Corps of Engineers 401 & 404 Permits; c) maintain all records pertaining to the SFHA provisions of these Regulations. Upon completion of the applicable portion of construction, the applicant shall provide the Commission with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) or, in the case of a flood-proofed building, the elevation to which the flood-proofing is effective. (12/1/92)

3.13.10 Variances. The Zoning Board of Appeals shall hear and decide requests for variances from these requirements, subject to the following criteria: (12/01/92)

a) Variances shall not be issued within any designated floodway if an increase in flood levels during the base flood discharge would result.

b) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as to not destroy the historic character and result in the loss of historic designation of the building.

c) Variances may only be issued upon: (i) a showing of a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, and stating that the cost of flood insurance would be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

e) The Zoning Board of Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report. (7/18/11)

3.13.11 For the purposes of this subsection of these Regulations relating to SFHA requirements, the following definition shall apply:

a) "Base Flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

b) "Base Flood Elevation" (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. (7/18/11)

c) "Cost" means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos. (7/18/11)

d) "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 3, 1982, the effective date of the floodplain management regulations adopted by the community. (7/18/11)

e) "Expansion to an existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (7/18/11)

f) "Federal Emergency Management Agency" means the federal agency that administers the National Flood Insurance Program (NIFP). (7/18/11)

g) "Finished Living Space" means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. (7/18/11)

h) "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source. (7/18/11)

i) "Flood Insurance Rate Map (FIRM)" means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. (7/18/11)

j) "Flood Insurance Study (FIS)" means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. (7/18/11)

k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway" (7/18/11)

l) "Functionally Dependent Use or Facility" means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities. (7/18/11)

m) "Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary

of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. (7/18/11)

n) "Market Value" means the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. (7/18/11)

o) "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 3, 1982, the effective date of the floodplain management regulation adopted by the community. (7/18/11)

p) "Recreational Vehicle" means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. (7/18/11)

q) "Structure" means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. (7/18/11)

r) "Substantial Damage" means damage of <u>any</u> origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (7/18/11)

s) "Variance" means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship. (7/18/11)

t) "Violation" means a failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided. (7/18/11)

u) "Water Surface Elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (7/18/11)

v) "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

w) "Start of Construction" includes substantial improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (7/18/11)

x) “Lowest Floor” means the top surface of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such an area meets the design requirements specified in Section 3.13.3 of these Regulations. (7/18/11)

y) “Manufactured Home” means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term also includes camping vehicles, park trailers, travel trailers, recreation vehicles, and similar transportable structures placed on a site in the SFHA for 180 consecutive days or longer and intended to be improved property.

z) “Manufactured Home Park or Subdivision” means a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

aa) “Mean Sea Level” means the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations on the FIRM are referenced. (7/18/11)

bb) “Basement” means that portion of a building having its floor subgrade (below ground level) on all sides. (12/01/92)

cc) “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures, the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (12/01/92)(7/18/11)

dd) ”New Construction” means structures for which the “start of construction” commenced on or after February 3, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvement to such structures. (12/01/92)(7/18/11)

ee) “Special Flood Hazard Area” is the area within a community subject to a one percent (1%) or greater chance of flooding in any given year, as identified on the community’s FIRM. (12/01/92)

ff) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-

damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred. (12/01/92)

3.13.12 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. (7/18/11)

3.13.13 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. (7/18/11)

3.13.14 Aboveground Storage Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water. (7/18/11)

3.13.15 Portion of Structure In Flood Zone – If <u>any</u> portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone. (7/18/11)

3.13.16 Structures in Two Flood Zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire

structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.) (7/18/11)

3.13.17 No Structures Entirely or Partially Over Water – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility. (7/18/11)

3.13.18 ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (7/18/11)

3.13.19 INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and 3) deemed neither to limit nor repeal any other powers granted under State statutes. (7/18/11)

3.13.20 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulati9on shall not create liability on the part of the Town of Salem or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Salem, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Salem. (7/18/11)

3.14 REAR LOTS (5/01/85)

Rear lots containing single or two-family residences or agricultural uses are permitted in RU-A, RU-B, and R-A Districts and may be served by private or common driveways providing access from public streets, provided the following conditions are met: (12/08/02)

3.14.1 Rear lots shall be at least twice the minimum lot size required for the district in which they are proposed. In computing the area of a rear lot, the area of the access right-of-way shall not be included to meet the lot size requirement.

3.14.2 No more than two tiers of rear lots are permitted behind lots fronting on a road or street.

3.14.3 No building shall be erected on a rear lot closer than 50 feet to any of its boundary lines.

3.14.4 No private driveway or common driveway shall provide access to more than six (6) family units. (12/08/02)

3.14.5 The right-of-way for a rear lot driveway shall be at least 25 feet in width throughout, and the driveway serving the rear lot shall be located in the right-of-way as shown on the approved plan. Wherever possible, such right-of-way shall be located along property lines.

3.14.6 No private driveway or common driveway to a rear lot, or any part of the right-of-way for such driveway, shall be located closer than 200 feet to any part of another such driveway right-of-way on the same side of a public road, or closer than 200 feet to the intersection of two public roads. (When considering the locations of driveways to rear lots in new subdivisions, the Commission may waive one or more of the above separation distances when such waiver clearly enhances public safety or environmental quality. Such waiver shall be made only in accordance with the waiver provisions in the Salem Subdivision Regulations.) (12/08/02) (5/01/09)

3.14.7 Rear lots are permitted in the HC, I and B Zones without an increase in lot size, however, the area of the right-of-way serving the rear lot shall not be included in determining the lot size. No more than two (2) tiers of lots are permitted behind the frontage lot. (12/1/10)

3.15 REQUIRED FLOOR AREA (8/20/85) (5/1/15)

No single-family detached dwelling shall hereafter be constructed, moved, or altered unless such dwelling unit contains at least 850 square feet of floor area. This shall not apply to existing dwellings under 850 square feet, provided they are not moved from the original lot. Porches, basements, floor space above the first floor which does not have a ceiling height of at least seven feet, garages, and any detached accessory buildings shall not be considered in meeting this minimum floor area requirement.

3.16 CAMPING VEHICLES (3/01/86)

Except when located in a Seasonal Campground, no more than two (2) camping vehicles, as defined in Section 22 of these Regulations, shall be parked on any lot in an RU-A, RU-

B, or R-A District, and no such vehicle shall be parked between the street and the required building setback line on any such lot. Said camping vehicles on any lot in any District shall not be occupied for more than fourteen (14) consecutive days or thirty (30) cumulative days in any twelve (12) consecutive months unless it is located in a Seasonal Campground. (6/01/04)

3.17 DELETED

3.18 COMMERCIAL KENNELS (12/29/86)

Commercial kennels are permitted as Special Exceptions in all zoning districts, provided all buildings and enclosures containing dogs are located at least five hundred (500) feet from any property line.

3.19 DELETED (12/15/89)

3.20 MIXED USES (4/10/87)

In any Business, Highway Commercial, or Industrial District, the residence of the owner or caretaker of a permitted non-residential use allowed by right or by special exception, may be located within the same building with such use, provided it is clearly accessory and secondary to the principal use and is constructed above or to the rear of the non-residential use. The minimum floor area of such residence shall contain at least 650 square feet. An existing residence on the premises may be occupied by the owner or caretaker of the non-residential use, provided the parcel contains at least 80,000 square feet of contiguous area outside of regulated wetlands and watercourses. (12/15/89)

3.21 ACCESSORY APARTMENTS (4/01/89) (8/01/95) (4/15/98) (5/1/15)

The purpose of these provisions is to permit the use of a set of rooms as an accessory use to a single-family dwelling to be used as a separate living facility. (4/15/98)(5/1/15)

3.21.1 An accessory apartment may be permitted by the Commission when the following conditions are met:

a) Only one accessory apartment will be created in a single-family dwelling. (4/15/98)

b) The floor area of an accessory apartment in an existing residence shall not exceed 40% of the total floor area of the existing single-family residence and shall not be greater than 800 square feet. (4/15/98) (5/1/15)

c) The design of the apartment shall conform to all applicable standards of the State of Connecticut Health, Building and Fire Codes. Access shall be from the same driveway that serves the single-family dwelling. (5/1/15)

d) Accessory apartments are permitted only on lots containing at least an acre of contiguous land outside of regulated wetlands, as defined by Connecticut General Statutes.

e) One of the living units shall be occupied by the owner(s) of the property as their primary residence. (5/1/15)

f) When an apartment is proposed to be located in a separate building the distance between dwelling units shall not exceed one hundred (100) feet as measured from the nearest point of an exterior wall of each unit. (5/1/15)

g) When an apartment is proposed in a detached accessory building the resulting building shall maintain, to the maximum extent possible, the appearance of the original building. The final building shall look like an accessory building such as a garage, barn, carriage house, or shed and not have the appearance of a single-family dwelling. (5/1/15)

3.21.2 Application for an accessory apartment shall be made as for a Certificate of Zoning Compliance and shall be accompanied by the following:

a) A letter signed by the applicant confirming that he or she is the owner/occupant of the primary dwelling and indicating the names(s) and relationship(s) of the intended occupants(s) of the accessory apartment.

b) A floor plan of the building, providing the dimensions and areas of all rooms and other spaces, and clearly showing the locations, accesses, and interconnections (if any) of the primary dwelling and the accessory apartment.

c) A report from the Town Sanitarian indicating that the existing and/or proposed water supply and sewage disposal system will adequately serve the proposed use.

d) A plot layout of the property showing building and parking locations. (5/1/15)

3.21.3 DELETED (4/15/98)

3.21.4 DELETED (4/15/98)

3.22 YARD SALES (12/15/89)

Yard sales are permitted in any district, provided there are no more than three on the same lot in any calendar year, and provided each such sale lasts no longer than three consecutive days.

3.23 BED AND BREAKFAST INN (6/03/92)

3.23.1 The Commission may permit by special exception a bed and breakfast inn in any residence located in an RU-A, RU-B, or B District, provided the following conditions are met:

a) No more than 50% of the floor area of the building is used for guest accommodations.

b) Accommodations for no more than ten (10) guests are provided.

c) All guest accommodations shall be within the principal building.

d) Off-street parking spaces shall include at least two (2) for the residents of the property and one (1) for each guestroom. Parking shall be behind the required building line.

e) Written certification shall be obtained from the Town Sanitarian that plans for the water supply and sewage disposal systems are adequate to support the intended use.

f) The lot size shall be a minimum of 80,000 square feet for up to five (5) guestrooms and an additional 10,000 square feet for each additional guestroom.

g) The Commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses.

3.23.2 The Commission may waive one or more of the site plan requirements when it is satisfied by visual inspection that no exterior improvements to the site are needed to accommodate the proposed use.

3.23.3 No guest's stay shall be for more than fourteen (14) consecutive nights in any ninety (90) day period.

3.23.4 No more than one (1) other bed and breakfast inn shall be located within 2,000 feet of the proposed use.

3.24 ADULT-ORIENTED BUSINESS (7/8/96)

3.24.1 Findings and Purpose: The Commission finds that adult-oriented establishments located in the Town of Salem require special supervision in order to protect the patrons of such establishments, as well as the health and safety of the citizens of

Salem. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

a) large numbers of persons frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios, and rooms for private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and

b) persons under the age of twenty-one may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of parents and guardians; and

c) closed booths, cubicles, studios, and rooms within adult-oriented establishments have been used by patrons, clients, or customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts; and

d) male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients, or customers of such establishments within such booths, cubicles, studios, and rooms; and

e) doors, curtains, blinds, and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios, and rooms which are closed while such booths, cubicles, studios, and rooms are in use, encourage patrons using such booths, cubicles, studios, and rooms to engage in sexual acts therein with prostitutes, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen, and urine to be deposited on the floors and/or walls of such booths, cubicles, studios, and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and

f) the reasonable regulation of such adult-oriented establishments including, without limitation, those specifically cited in Paragraph a), hereof, is and would be detrimental to the health and safety of the citizens of Salem.

The laws of the State of Connecticut grant to the Commission powers to enact reasonable regulations for the control of adult-oriented establishments, as hereinafter defined, in order to protect the public health and safety. It is not the intent of these Regulations to deny any person rights to speech protected by the US or Connecticut Constitutions, nor is it the intent of these Regulations to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, video tapes, books, and/or other materials. Further, by enacting this amendment, the Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually-oriented materials protected by the US or

Connecticut Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute, or exhibit such materials.

3.24.2 Definitions: For the purpose of this section, concerning Adult-Oriented Business, the following definitions shall apply:

a) "Adult Bookstore" means an establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." This definition shall not apply to any establishment in which such materials are concealed so as not to permit the observation of "specified sexual activities" or "specified anatomical areas" by the general public.

b) "Adult Amusement Machine" includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons.

c) "Adult Entertainment" means any exhibition of any motion pictures, videotapes, live performances, displays, or dances of any type, which has a significant or substantial portion of such performances, any actual or simulated performance, of "specified sexual activities" or exhibition and viewing of "specified anatomical areas."

d) "Adult Motion Picture Theater" means an enclosed building or part thereof regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

e) "Adult-Oriented Establishment" shall include, without limitation, "adult bookstores," "adult motion picture theaters," and commercial establishments containing one or more "adult amusement machines." "Adult oriented establishment" further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls, separate from the common areas of the premises, for the purpose of viewing adult entertainment when such establishment is operated or maintained for profit, direct or indirect.

f) "Amusement Machine" includes any machine, which upon the payment of a charge or upon the insertion of a coin, slug, token, plate, or disk, may be operated by the public for use as a game, entertainment, or

amusement, whether or not registering a score and whether or not electronically operated.

g) "Specified Anatomical Areas" means less than completely and opaquely covered human genitals and pubic region; buttocks; female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely opaquely covered.

h) "Specified Sexual Activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

i) "Specified Anatomical Areas" and "Specified Sexual Activities" as used in these Regulations but do not include materials depicted in any medical publications or films, in any bona fide educational publications or films, any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events, and, which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news, or in publications or films which describe and report different cultures, which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

3.24.3 Application Procedures: No adult-oriented establishment shall be located in the Town of Salem without first obtaining a Special Exception from the Commission in accordance with the provisions of Section 11 of these Regulations.

3.24.4 Conditions for Approval: In addition to all other standards and conditions required for Special Exceptions in these Regulations, the following conditions shall be met for the location, construction, and operation of an adult-oriented establishment:

a) The building containing such use shall not be closer than 500 feet to a residential or rural zone boundary; closer than 2,000 feet from any place of worship, public library, school, or licensed day-care facility; or closer than 3,000 feet from another such adult-oriented establishment.

b) A sign, clearly stating "Adult-Oriented Business – Persons Under 18 Not Admitted" shall be displayed outside of, and adjacent to, each entrance.

c) Adult-oriented establishments are allowed only in Business and Highway Commercial Zones.

d) No intoxicating liquor or cereal malt beverage shall be consumed on the premises of an adult-oriented establishment.

e) The area of the property outside of each entrance, the parking area, and the area between any entrance and parking area shall be illuminated after sundown whenever the business is operating.

3.25 COMMON DRIVEWAYS (12/08/02)

By Special Exception, the Commission may approve Common Driveways in RU-A, RU-B, and R-A districts. Where a subdivision or resubdivision is not applied for concurrently with the Special Exception, the applicant(s) shall submit a site plan, in accordance with Section 11A of these regulations, showing the location and dimensions for all lots that will share a common driveway. The Commission may waive one or all requirements contained in Section 11A, upon written request by the applicant(s), if the applicant(s) demonstrates that the information required in Section 11A is not necessary for the Commission to render a decision on the Special Exception.

The following criteria shall be met for a Special Exception for a common driveway to be approved:

A. No more than six (6) family units may share a common driveway.
B. The strip of land containing the common driveway shall be located within the subject lots with a full and perpetual easement for the purposes set forth in these regulations. The common driveway shall not be a separate parcel.
C. Rear lots and/or lots with adequate frontage may have access from a common driveway.
D. The Commission shall not approve common driveways until comments are received from the town's Fire Marshal. The Fire Marshal may recommend pull-offs or other measures to ensure access for emergency vehicles.
E. The maximum length of a common driveway shall be 900 feet. The length is measured from the street line to the front lot line of the furthest family unit served by the common driveway. (4/01/07)
    1. The Commission may determine that a minimum of one (1) turnaround, twenty (20) feet by twenty (20) feet, shall be required if the length of the driveway exceeds three hundred (300) feet, or if the surrounding terrain will pose a safety problem. (5/01/09)
F. For common driveways in existence prior to December 8, 2002, a Special Exception for a common driveway is required for any additional family unit that will be served by a common driveway. In no case shall more than six (6) family units be served by a common driveway.
G. For a common driveway approved by Special Exception with less than six (6) family units sharing the driveway, a new Special Exception for a common driveway is required if, at a future date, additional family units will be served

by a common driveway. In no case shall more than six (6) family units be served by a common driveway.

H. The proposed easement shall be shown on a plan with accurate dimensions.

I. The easement shall be a minimum width of twenty-five (25) feet.

J. The area of the common driveway shall not be used in meeting minimum lot requirements.

K. Prior to approval of a Special Exception, the applicant(s) shall submit an Agreement for the Common Driveway for review by the Commission, its staff and Town Counsel, and Approval by the Commission. No Special Exception for a common driveway shall be effective and no Certificate of Occupancy shall be issued on a subject lot until an approved Agreement is recorded on the Salem Land Records. The Agreement shall address, at a minimum, the following:

1. A definition of the use of the easement, including the right to pass and repass and to install utilities as necessary.
2. Text of proposed easements including accurate dimensions.
3. Specific standards for the maintenance of all structures located in the easement, including, but not limited to, the travel way.
4. Provisions for allocating responsibility, including formulas for cost allocation, for maintenance, repair and/or reconstruction of the common driveway and any other structures within the easement.
5. A procedure for the resolution of disagreements. The Agreement shall clearly state that the Town is not a party to the resolution of disagreements.
6. A statement to the effect that the Town of Salem shall not be required to plow, maintain, assume ownership, or provide school bus service or other service, other than emergency, along the common driveway.
7. A statement that the agreement runs with the land and is binding upon the lot owners and their successors.
8. A statement that the lot owners shall indemnify and hold harmless the Town of Salem, or their duly authorized representatives, from all claims, demands, and liability for any and all personal injuries, damages, losses, and expenses, of whatever kind and nature, incurred by any person, arising out of, or in connection with, the performance or execution of services, including, but not limited to, emergency services, which would require use of the common driveway for access to the lots.
9. A statement that no obligation shall be imposed on the Town of Salem, and that the right-of-way shall remain at all times a common driveway intended for the use and enjoyment of the lot owners and their invitees.
10. A provision that authorizes but does not require the Town of Salem to enforce any and all maintenance, repair, and/or reconstruction requirements against any and/or all owner(s) of the lot(s) served by the common driveway.

L. The common driveway shall meet the requirements of the Town Driveway Ordinance., Appendix 2 of these Regulations, except that the slope of a

common driveway shall not exceed 10%, and the minimum width for the travel portion of a common driveway shall be sixteen (16) feet. (4/01/07)

M. This provision does not apply to non-residential uses, as provided for in Section 10 of these regulations.

N. For emergency access purposes, a sign of at least one (1) square foot shall be placed at each intersection where an individual driveway begins. Such sign shall clearly provide the address of the lot to which the driveway belongs. In accordance with the Town Numbering Ordinance, a sign, visible from the public street, shall be placed within the common driveway easement. Such sign shall provide the address numbers of all lots that use the common driveway. The numbers shall be a minimum of three (3) inches in height and such sign shall be no larger than one and one-half (1½) square feet.

O. In accordance with Section 11.3.6 of these regulations, a mylar copy of the approved plan shall be recorded on the Land Records of the Town of Salem.

SECTION 4 - RURAL ZONE A

4.1 GENERAL

The minimum lot size in this district shall be 80,000 square feet, except as otherwise noted herein, and the following are permitted uses within this district:

4.1.1 Single-family detached dwellings.

4.1.2 Two-family detached dwellings, provided each two-family dwelling is located on a lot, which is no less than 120,000 square feet in size and shall contain the Net Buildable Area stipulated by Section 4.6 of these regulations. (5/1/15)

4.1.3 Customary Home Occupations as defined in Section 2.1, subject to the conditions of Section 3.7. (7/15/01)

4.1.4 Farming, agriculture, poultry or animal raising, forestry, truck or nursery gardening, greenhouses and nurseries, and dairy farming, including, as an accessory use to a dairy farm, the processing, packaging, and sale of dairy products, provided there are not enclosed or sheltered facilities for consumption of products of the premises, and further provided such products are grown or made on the premises or on land under the same ownership and within the Town of Salem. (9/01/90)

4.1.5 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 square feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than 25 feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities for the consumption of products shall be no closer than 50 feet from the travel lanes. (11/01/90)

4.1.6 Cemeteries established and operated by an ecclesiastical society, governmental unit, or cemetery association.

4.1.7 Public buildings, public services and or events approved by the Board of Selectmen, except sewerage treatment facilities and power plants. (12/1/10)

4.1.8 Buildings and uses owned and operated by a volunteer fire company.

4.1.9 Libraries, parks, and playgrounds. (3/01/84)

4.1.10 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

4.1.11 Signs pertaining only to a use on the same lot, in accordance with the requirements of Section 13 of these Regulations.

4.1.12 Wireless Telecommunication Facilities 65 feet in height or less, used for Police, Fire, Ambulance and other Emergency Dispatch, Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (2/01/91) (5/02/00)

4.1.13 Wireless Telecommunication Facilities that do not require a tower to be constructed, in accordance with Section 29 of these Regulations. (5/02/00)

4.1.14 Nature Preserves managed by a Land Trust that may permit public use for passive recreation. (9/01/02)

4.1.15 Age-Restricted Residential Development (ARD) in accordance with the provisions of Section 26A of these Regulations. (11/01/04)

4.2 SPECIAL EXCEPTIONS

The following uses may be permitted only as a Special Exception within Rural Zone A, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria in Section 11 of these Regulations:

4.2.1 Veterinary hospitals and riding or boarding stables, provided that they are located on lots of not less than 120,000 square feet, and provided that buildings containing animals are situated at least 100 feet from any property line, and provided there are not outdoor enclosures for dogs. (12/29/86)

4.2.2 A private hospital or nursing home as defined in Section 19-32 of the State Statutes or a health care facility as defined in Section 19-73b of the State Statutes, except central service facilities, provided that total lot area is not less than 120,000 square feet, and at least 5,000 square feet of lot area is provided for each patient accommodation; and provided further that all buildings shall be at least 100 feet from every lot line.

4.2.3 A commercial golf facility, pursuant to the provisions of Section 4.2.18.4.A. and .4.B. of these Regulations, including a driving range and country club, a bowling alley, a pool or billiards parlor, a health spa, a tennis or squash club, a roller skating or ice skating rink, swimming pool or swimming club, provided that any of the uses listed herein are located on a lot of not less than five acres, and provided that no building is located within 100 feet of any front lot line nor within 150 feet of any side or rear lot line. (6/01/04)

4.2.4 A restricted landing area for aircraft as defined by Section 15-34 of the Statutes and licensed by the State Commissioner of Transportation for use by the owner or occupant of the lot on which such area is located.

4.2.5 Multiple family dwellings, provided each multiple-family dwelling is located on a lot whose minimum lot area is computed by multiplying the total number of bedrooms in each family unit by 25,000 square feet, provided in no case shall said minimum lot area be less than 80,000 square feet. Furthermore, the development of all multiple family dwellings shall be in accordance with the provisions of Section 15 of these Regulations. In determining minimum lot area, an efficiency apartment shall be considered to have one bedroom.

4.2.6 Private school.

4.2.7 Building used for the letting of rooms and furnishing of board.

4.2.8 Excavations in accordance with the provisions of Section 14 of these Regulations.

4.2.9 Sewage treatment facilities or power plants.

4.2.10 Town-owned and operated refuse disposal facility for refuse generated within the Town only.

4.2.11 A private preserve used for hunting and/or fishing, or a private camp or retreat devoted to recreational uses. However, such uses shall exclude those whose chief activity is a gainful service or activity carried on as a business.

4.2.12 Child day care centers as defined in Section 19a-77 of the Connecticut General Statutes. (2/01/91)

4.2.13 A private club opened to members and their guests and used for social and recreational purposes. The club may include the following activities: full-service restaurants with liquor service, and indoor and outdoor recreation facilities. The lot shall contain at least 160,000 square feet and no building or active recreation facility shall be closer than 150 feet to a property line. (2/01/90)

4.2.14 Churches and related accessory buildings and uses, except that no building may be used for temporary or permanent residency. (3/01/84)

4.2.15 Seasonal campgrounds. (9/18/84)

4.2.16 Lumber yards. (9/01/90)

4.2.17 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 4.1.12 or 4.1.13 and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

4.2.18 Planned Recreational/Residential Community (8/18/00)

1. A golf course and the following uses may be permitted by Special Exception, only as part of a comprehensive development plan for the entire development parcel, which plan shall include the golf course as the principal use in compliance with the provisions hereof, and may include one or more of the uses identified as Accessory Uses in Section 2 hereof. The development parcel shall have an area of not less than 300 contiguous acres. The application for Special Exception shall be accompanied by a site plan, A-2 Survey, Traffic Study, and Environmental Management Report as described in section 11B. herein, and shall comply with all Zoning, Subdivision, Road Ordinances, and Wetlands Regulations, as applicable. The golf course shall be located on not less than 150 acres and the total yardage of the golf holes shall be not less than 6,000 yards in length measured from the furthest back tee areas and shall be calculated in a manner customary for calculating golf course length by the United States Golf Association. If the applicant is not the owner of the development parcel, the applicant shall submit evidence of the consent of the owner to the application. Tournaments are not allowed, except as permitted by the Board of Selectmen. Entrance and egress for a Planned Recreational/Residential Community shall be located on a State highway.

2. ACCESSORY USES

   A. Legal uses existing at the time of application that would be considered an accessory use under these Regulations may continue, provided it is a part of the approved plan. Accessory Uses may include the following:
      1) Driving range, practice areas, maintenance, operation, storage buildings and pump houses.
      2) Tennis or squash club, platform tennis, hiking trails, swimming pools, and fishing preserves.
      3) A clubhouse, which may include locker rooms, health spa, exercise facilities, a restaurant, and grill with liquor service. The clubhouse shall not exceed 35,000 square feet in total floor area.
      4) An inn containing not more than 101 rooms for overnight guests and may include associated amenities including health spa, fitness rooms, meeting rooms, locker rooms, liquor service, restaurants, and banquet facilities. The banquet facilities shall have seating for not more than 500 people. The inn shall not exceed 150,000 square feet in total floor area, with a maximum footprint of 50,000 square feet, and shall not exceed 45 feet in height, which height of 45 feet shall be subject to the approval in writing of the Town Fire Marshal.
      5) Retail businesses for the purpose of serving the golf club members and guests of the inn and associated with or supporting the recreational uses including pro shops, sports

equipment and clothing, health and fitness products, travel agency, and other tourism merchandise. Retail uses shall not exceed 8,000 square feet of floor space in total. All or some portions of the 8,000 square feet of retail uses may be incorporated within the clubhouse or the inn, but in no event shall the maximum square footage, footprint, or building height of those structures be increased.

6) Single family attached and detached dwellings in compliance with the provisions of Section 5 hereof.
7) Gate houses or entrance structures not to exceed 25 feet in height, 100 square feet in area, and located not less than 300 feet from a public roadway.

B. Construction of accessory uses shall not commence until tree and brush removal for the golf course has been completed. In addition, the following restrictions shall apply to the construction of golf course residences:

1) Construction for residences may commence when tree and brush removal for the golf course has been completed, provided construction shall not result in an aggregate of more than four (4) dwelling units.
2) For each two holes of the golf course that are constructed, except for seeding and applying turf, construction for additional residences may commence. Additional construction shall not result in an aggregate of more than two (2) dwelling units per each two holes.
3) Construction for the remaining approved residences shall commence after construction of the golf course is completed, except for seeding and applying turf. In addition, all erosion and sediment controls shall be installed.

3. OPEN SPACE

A. At least 50% of the total development parcel shall be reserved as permanent open space. For the purposes of this regulation, golf course fairways, areas between fairways, and wetlands may be included in the calculation of open space.

4. GOLF COURSE

A. The golf course shall be a standard eighteen (18) hole course. Tee boxes and greens shall be located so as not to endanger any residential property in the vicinity of the tee boxes and greens.

B. The golf course shall be designed and constructed so as to minimize detrimental impact on wetlands and watercourses. Golf course design

shall respond to the natural topography and drainage ways of the site consistent with sound golf course design, construction and maintenance practices, and shall result in the minimal clearing of native vegetation and trees, as shall be shown in detail in the Environmental Management Report required pursuant to Section 11.B. and 11.C. herein. (6/01/04)

5. RESIDENTIAL COMMUNITY

A. In order to provide a greater range of residential choices, to retain significant open space areas, and preserve and protect natural areas and scenic vistas, the dwellings may be grouped within the golf course development parcel. The total number of single family dwellings (detached or attached) shall not exceed an aggregate of four (4) dwelling units per each golf course hole, for a total of not more than seventy-two (72) dwelling units on the entire development parcel.

B. Residential dwellings may be developed either on land in common interest ownership or lots to be subdivided from the development parcel. If subdivided lots, each lot shall contain a Net Buildable Area of not less than 20,000 square feet in area, shall have frontage on the private roadway of not less than fifty (50) feet, shall be set back not less than thirty (30) feet from the centerline of said private roadway, and shall have a minimum side yard of twenty (20) feet and a minimum rear yard of twenty-five (25) feet, and shall otherwise comply with the Salem Subdivision Regulations. Residential dwellings developed on land in common interest ownership shall be set back not less than 30 feet from the centerline of the private roadways. (12/01/03)

C. All dwellings shall be located adjacent to and have sole access from roads or accessways constructed as a part of the Planned Recreational/Residential Community. No dwelling shall be located closer than twenty-five (25) feet from the perimeter boundaries of the development parcel, or closer than fifty (50) feet from the right-of-way of any Town or State road.

D. No dwelling structure (attached or detached) or its accessory structures on land in common ownership shall be located within twenty-five (25) feet of another dwelling structure (attached or detached) or its accessory structures.

6. ROADWAYS, PARKING, AND IMPERVIOUS COVERAGE

A. All roads within the development parcel shall be privately owned and maintained and shall be approved in writing by the Town Fire Marshal. The roads shall be held in common ownership by the owners of the golf

course, inn, dwellings and other ownership interests within the development parcel and shall be kept properly maintained, open and passable by said owner.

B. Street lighting and parking lot lighting shall be kept to a minimum and shall direct light toward the ground.

C. The Planning and Zoning Commission may require emergency access to be provided based on the recommendation of the Town Fire Marshal. The location, overall adequacy, and plan for maintenance shall be endorsed by the Town Fire Marshal in writing.

D. Parking for the various uses proposed for the development parcel shall comply with Section 10 of the Zoning Regulations, except as otherwise provided herein, and shall comprise not less than the following:
   1) Golf Course, Clubhouse and all related uses (other than banquet facility): total of seventy-two (72) spaces;
   2) Inn: one (1) space per guestroom, one (1) space per 100 square feet of restaurant area, and one (1) space per 350 square feet of office and other areas;
   3) Banquet Facility: one (1) space per 100 square feet.

E. The Commission may approve an alternate design for parking when it is determined by the Commission that due to unique characteristics of the site or the proposed development, compliance with the requirement would lead to a design that is not consistent with the purpose of these Regulations. Parking areas shall be designed to share parking for the various uses, where possible, to minimize the overall amount of parking on the site, and to provide for overflow parking in non-paved areas.

F. The impervious coverage of the total development parcel shall not exceed 13%.

7. SETBACKS

A. Any clubhouse, inn, or retail buildings must be set back a minimum of 150 feet from the perimeter boundary of the development parcel, unless greater setbacks are set forth herein.

B. Parking for all uses other than residential shall not be located within 100 feet of the perimeter boundary of the development parcel.

C. The setback areas in A. and B. shall be vegetated. If the setback area is not vegetated, the applicant may propose alternative screening. The Commission shall be satisfied that such alternative screening will protect adjacent residences from potential noise and visual impacts.

D. Tee boxes shall be at least fifty (50) feet from the perimeter boundary of the development parcel. Centers of landing areas and greens shall be at least 100 feet from the perimeter boundary of the development parcel. The applicant shall provide vegetated screening between the perimeter boundary and tees and greens, to the satisfaction of the Commission.

E. The following setbacks apply to golf course residences:

1) Tee boxes shall be at least ten (10) feet from the property line or common ownership area designation of any residential property on the development parcel and centers of landing areas, and greens shall be at least fifty (50) feet from the property line of the development parcel or common ownership area designation of any residentially used property on the development parcel.

8. UTILITIES:

A. All utilities shall be located underground.

B. The storm drainage system shall be designed with an emphasis on maintaining water quality. The application for Special Exception shall include a Stormwater Management Plan and a Water Management Budget and Plan as required in Section 12.B., herein, which shall include, but not be limited to, detention basins, wet ponds, created wetlands, infiltration trenches, infiltration basins, grass swales, and oil and grit separators, and shall provide for the maintenance of all stormwater management system components.

C. Where a public water supply is to be provided, the applicant shall submit to the Commission a plan, as part of the Environmental Management Report as required in Section 12.B., herein, for such supply and distribution systems prepared by a registered professional engineer in accordance with applicable regulations of the Connecticut Department of Health Services and the Southeastern Connecticut Water Authority, and the applicant shall submit written certification from said Department or Authority concerning the adequacy of such plans.

D. Where an on-lot or community sewage disposal system is to be used, the applicant shall submit to the Commission a report endorsed in writing by the Town Sanitarian indicating that conditions are satisfactory for each such system. All such systems shall comply with the Connecticut Health Code and, if required, shall be approved by the State of Connecticut Department of Health Services or State Department of Environmental Protection.

9. SIGNAGE

A. One free standing sign not to exceed ten (10) feet in height and five (5) feet in width, and the structure supporting the sign not to exceed fifteen (15) feet in height and seven (7) feet in width, provided that the sign may be increased in width if the height is reduced and the total area is not increased.

B. One free standing sign for the sale of homes (temporary), not to exceed fifty (50) square feet, located no closer than ten (10) feet to the property line along the public road on which the motor vehicle entrance is located, with no interior lighting.

10. HOURS OF OPERATION

Hours of operation shall not exceed the following:

A. Golf course and practice range: 7:00 am to 9:00 pm
B. Maintenance operations: 5:30 am to 7:00 pm. Where the golf course abuts a residence existing at the time of application, maintenance within 200 feet of such residence shall not begin before 7:00 am.
C. Clubhouse: 7:00 am to 12:00 midnight
D. Restaurant, banquet facilities: 11:00 am to 12:00 midnight
E. Truck deliveries: 7:00 am to 9:00 pm

11. APPLICATION

A. The application for Special Exception shall include the maps, plans, reports, and supporting information as described in Section 11.B. below. In addition, the application shall include a traffic study by a qualified traffic engineer that shall address at least the following items: existing and future traffic volumes, traffic accident history, peak hour projections, maximum traffic if all proposed uses are developed, existing geometric conditions from the development parcel entrance to the nearest arterial road, and the improvements, if any, deemed necessary to the abutting public roads. If any improvements to abutting public roads are required by the effect of the proposed development on the roads, the applicant shall be required to pay all costs relating thereto. The applicant shall submit evidence that an application to the State Traffic Commission has been submitted, if applicable.

B. Environmental Management Report. An Environmental Management Report (EMR) shall be submitted as part of the

application for a Special Exception for the Planned Recreational/Residential Community. This report shall address the development parcel and the surrounding land characteristics that influence the site on which the development would be built. The Commission shall be satisfied that the proposed mitigation, safeguards, monitoring plan, and overall layout of the development parcel will protect the public health and safety of adjacent residents and the Town of Salem.

C. The EMR shall be prepared with the intent of documenting the planning and design process employed by the applicant as well as the construction methods and the management of the proposed golf course, landscape, and environmental conditions placed on the proposed development by the Special Exception approval. The EMR shall be prepared, signed, and sealed by a Connecticut Licensed Landscape Architect and Connecticut Licensed Professional Engineer. The EMR shall include three (3) sections: Site Assessment (Section 1), Site Development (Section 2), and Site Management (Section 3).

1) Site Assessment. The applicant shall prepare a detailed Site Assessment of the Development Parcel and regional systems that impact the parcel. The following studies, at a minimum, shall be conducted and reported in Section 1 of the EMR:
   a) Slope Analysis,
   b) Soils Analysis,
   c) Vegetation Inventory,
   d) Wildlife and Habitat Inventory, with specific reference to endangered and threatened species and species of special concern,
   e) Wetlands, water resources, and aquifers, including base line quantity and quality analysis of wells on abutting properties,
   f) Public and Private Utilities,
   g) Cultural and Historic Resources,
   h) Special Site Features, such as prominent ledge outcroppings, stone walls, and stand or specimen trees, and
   i) Viewsheds to and from the development parcel.
   j) The Site Assessment shall use base mapping and visual aids to illustrate the above elements. Visual aids may include aerial and ground photography, on-ground developed property topography, and a detailed description of the development parcel before construction.

2) Site Development. The applicant shall employ appropriate professionals to prepare plans and performance standards for the development parcel that are sufficient for the Commission to determine that the development will comply with these Regulations. The following documents, at a minimum, shall be submitted as Section 2 of the EMR:

a) Unbuilt Environment Plan that includes a plan at a scale of 1 inch equals 100 feet and an aerial photograph of the development parcel at the same scale showing its pre-development condition without leaves, at sufficient resolution or graphically enhanced to reveal significant features such as existing structures, foundations, stone walls, prominent trees, ledge outcroppings, watercourses, roads, and trails. Both existing and proposed development parcel boundary lines and infrastructure shall be shown on this plan.

b) Overall Development Master Plan at a scale of 1 inch equals 100 feet that defines all phases and future intentions proposed for the parcel. This plan shall show the proposed golf course routing system, specifically delineating where and how prominent features shown on the Unbuilt Environment Plan will be removed, altered, or mitigated for, if any.

c) Phasing Plan that describes the various phases of the project and their schedule.

d) Construction Sequencing Plan that includes a time line showing the entire construction schedule, including all future phases.

e) Building floor plans and elevations of all structures.

f) Product literature for all illumination systems, maintenance/storage facilities, and hazardous materials handling equipment.

g) Golf course construction details for fairways, bunkers, tees, greens, irrigation system, pump houses, and created wetlands and watercourses.

h) Erosion and Sediment Control Plan for the entire development parcel in accordance with Section 11A.4.14 of the Zoning Regulations.

i) Wastewater Disposal Plan for all permanent and temporary building wastewater.

j) Integrated Turf Management Plan for all golf course and grounds maintenance, including specific lists of chemical usage and the protocol for regular review of chemical use and incorporation of new organically derived products for use on the development parcel. An objective of the Plan shall be to minimize the use of

pesticides and other chemicals on the development parcel. Drought-resistant cultivators of grasses shall be used wherever possible. The Plan will address the conservation of water resources.

k) Water Budget/Management Plan for all groundwater withdrawal needs on the development parcel. The Plan shall include all information required by the Connecticut Department of Environmental Protection for the application of a Water Diversion Permit, if required.

l) Revegetation/Landscape Plan for the entire development parcel, including natural and created wetlands and watercourses. This document shall comply with the requirements of the Salem Inland Wetlands and Watercourses Regulations.

m) Mitigation Plan(s) related to protecting community and site historic, cultural, and natural resource features.

3) Site Management. The following documents, at a minimum, shall be submitted as Section 3 of the EMR:

a) Water Quality Monitoring Plan shall propose locations of monitoring wells (including the points at which on-site streams leave the development parcel), the testing frequency, and the protocol for testing, including specific tests for chemicals used within the development parcel (nitrite, nitrate, fungicides, insecticides, herbicides, etc.) and shall provide that the First Selectman shall approve the independent laboratory conducting any and all testing required thereunder.

b) Action Plans for meeting the planning goal for nitrogen/nitrate loading consistent with current standards (which standards shall be cited in the report) for the entire development, including future development, and actions to be taken by the applicant if water quality goals are not met.

c) During the grow-in period, monitoring of chemicals in groundwater shall be four (4) times annually, regardless of grow-in stage. Lysimeter programs require a more frequent schedule. Reports shall be forwarded to the Chair of the Commission and shall include the current State standards for chemicals being monitored. The Chair of the Commission shall forward the results to the Town Health Director.

d) After the grow-in, monitoring shall maintain the same frequency as during the grow-in period. Due to

continued changes in pesticide development, groundwater and surface water monitoring shall continue four (4) times per year in perpetuity to accommodate pest management program changes. Reports shall be forwarded to the Chair of the Commission and shall include the current State standards for chemicals being monitored. The Chair of the Commission shall forward the results to the Town Health Director.

e) The Plan shall set specific goals and actions to be taken if any impacts are found in private wells on abutting residential properties.

f) Watershed Protection Monitoring Plan, including all existing abutting residential properties and aquifers for impacts of water withdrawal for development use.

g) Identification of the quantities of potable water to be used for clubhouse facilities, maintenance facilities, and any other outbuildings using water, and shall identify the source of such potable water.

h) Description of irrigation water requirements under normal precipitation conditions and under drought conditions, and identification of the sources of the irrigation water supply.

i) Identity of proposed locations of water wells, ponds, lakes, or watercourses to be modified or developed for use as potable water and/or irrigation supplies.

j) A comprehensive water budget analysis to demonstrate the quantitative impact on offsite aquifers, wells and surface water streams or other surface water bodies.

k) Plan for addressing potential adverse effects of draw-down on neighboring wells.

l) The relationship of the irrigation plan to the Stormwater Management Plan where on-site ponds or lakes are to be used or created as part of the irrigation water supply.

m) Plan will identify down slope wetlands and the Commission shall determine which, if any, shall be monitored. The Commission shall seek input from the Salem Inland Wetlands and Watercourses Commission.

n) Habitat/Vegetation Enhancement Monitoring Plan shall contain input from the Department of Environmental Protection on how to conserve endangered, rare, or species of special concern, and incorporate such input into practices to be adhered to in the Plan.

D. Solid Waste Management Plan shall propose specific measures that the applicant will install to recycle and dispose of toxic and other solid wastes.

E. The application shall include a list of other town, state, and federal permits that will be required for the development.

4.2.19 Common driveways, in accordance with Section 3.25 of these regulations. (12/08/02)

4.2.20 Senior Housing Developments in accordance with the provisions of Section 26 of these Regulations. (6/01/04)

4.2.21 Bed and Breakfast Inn. (4/01/07)

4.3 MINIMUM FRONTAGE: LOT WIDTH

a) Each lot within this zoning district shall have a minimum lot width of 200 feet at the building line and a minimum lot frontage of 200 feet on a street, except as otherwise provided in these Regulations.

b) When new streets are constructed as part of an approved subdivision, minimum lot frontage may be reduced to fifty (50) feet for lots fronting on a cul-de-sac and to 150 feet for all other lots, provided each lot has a minimum width of 200 feet at the building line. (12/15/89)

4.4 MINIMUM SETBACKS

4.4.1 The following shall be the minimum setbacks for all buildings within this district, except as provided in Section 4.4.2 or otherwise in these Regulations: (6/01/91) (4/10/00)

Front Yard - No building shall be erected closer than fifty (50) feet from the front lot line.

Side Yard - No building shall be erected closer than twenty-five (25) feet from any side lot line.

Rear Yard - No building shall be erected closer than fifty (50) feet from the rear lot line.

4.4.2 One residential accessory STORAGE building per lot may have the following reduced side yard and rear yard setbacks: (4/10/00)

Side yard – No STORAGE building shall be erected closer than fifteen (15) feet from the side lot line.

Rear yard – No STORAGE building shall be erected closer than twenty (20) feet from the rear lot line.

An accessory STORAGE building that abides by these reduced setbacks must meet the following standards:

- The STORAGE building shall not house animals or humans, store cars or trucks, or be used for a Home Occupation.
- The STORAGE building shall be freestanding; the peak of the roof shall be no higher than twelve (12) feet from the ground, and the footprint shall be no larger than eighteen (18) feet by eighteen (18) feet.
- The front yard setback shall meet the requirements in Section 4.4.1.

4.5 DELETED (12/08/02)

4.6 NET BUILDABLE AREA – Any new lot created after December 1, 2003 shall have a minimum Net Buildable Area of at least 40,000 square feet for single-family houses, and an additional 20,000 square feet for a two-family dwelling or for each additional family unit in a multiple family dwelling unless the lot complies with the condition stipulated in Section 3.2.1. (10/1/13) (5/1/15)

4.6.1 Net Buildable Area (NBA) requirements do not apply to a designated Age-Restricted Residential Development (ARD) Zone. (11/01/04)

4.7 MINIMUM PARCEL SIZE – Age-Restricted Residential Development (ARD): The parcel shall consist of a single lot or a consolidation of contiguous lots into one (1) single lot, and shall have a total of Open and Development Land as defined in Section 26A of these Regulations. (11/01/04)

SECTION 5 - RURAL ZONE B

5.1 GENERAL

The minimum lot size in this district shall be 120,000 square feet except as otherwise noted herein and the following are permitted uses within this district:

5.1.1 Single-family detached dwellings.

5.1.2 Two-family detached dwellings, provided each two-family dwelling is located on a lot, which is no less than 180,000 square feet in size and shall contain the Net Buildable Area stipulated in Section 5.6 of these regulations.(5/1/15)

5.1.3 Customary Home Occupations, as defined in Section 2.1, subject to the conditions of Section 3.7. (7/15/01)

5.1.4 Farming, agriculture, poultry or animal raising, forestry, truck or nursery gardening, greenhouses and nurseries, and dairy farming including, as an accessory use to a dairy farm, the processing, packaging, and sale of dairy products, provided there are no enclosed or sheltered facilities for consumption of products on the premises, and further provided such products are grown or made on the premises or on land under the same ownership and within the Town of Salem. (9/01/90)

5.1.5 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 square feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than twenty-five (25) feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities for the consumption of products shall be no closer than fifty (50) feet from the travel lanes. (11/01/90)

5.1.6 Cemeteries established and operated by an ecclesiastical society, governmental unit, or cemetery association.

5.1.7 Public buildings owned and operated by the Town of Salem, except sewerage treatment facilities, power plants, and schools.

5.1.8 Buildings and uses owned and operated by a volunteer fire company.

5.1.9 Libraries, parks, and playgrounds. (3/01/84)

5.1.10 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

5.1.11 Signs pertaining only to a use on the same premises, in accordance with the requirements of Section 13 of these Regulations.

5.1.12 Family and group day care homes, as defined in Section 19a-77 of the Connecticut General Statutes. (2/01/91)

5.1.13 Wireless Telecommunication Facilities sixty-five (65) feet in height or less, used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers, or Radio Dispatch Services for local business. (5/02/00)

5.1.14 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

5.1.15 Nature preserves managed by a Land Trust that may permit public use for passive recreation. (9/01/02)

5.1.16 Residential driveway in accordance with Section 3.6.1 of these Regulations. (1/01/05)

5.2 SPECIAL EXCEPTIONS

The following uses may be permitted only as Special Exceptions within Rural Zone B, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

5.2.1 Veterinary hospitals and riding or boarding stables, provided they are located on lots of not less than 120,000 square feet, and provided that buildings containing animals are situated at least 100 feet from any property line, and provided there are no outdoor enclosures for dogs. (12/29/86)

5.2.2 A commercial golf facility, pursuant to the provisions of Section 4.2.18.4.A. and 4.B. of these Regulations, including a driving range and country club; a bowling alley; a pool or billiard parlor; a health spa; a tennis or squash club; a roller skating or ice skating rink; swimming pool or swimming club, provided that any of the uses listed herein are located on a lot of not less than five (5) acres and provided that no building is located within 100 feet of any front lot line nor within 150 feet of any side or rear lot line. (6/01/04)

5.2.3 A restricted landing area for aircraft as defined by Section 5.34 of the State Statutes and licensed by the State Commissioner of Transportation for use by the owner or occupant of the lot on which such area is located.

5.2.4 Excavations in accordance with the provisions of Section 14 of these Regulations.

5.2.5 Town-owned and operated refuse disposal facility for refuse generated within the Town only.

5.2.6 A private preserve used for hunting and/or fishing, or a private camp or retreat devoted to recreational uses. However, such uses shall exclude those whose chief activity is a gainful service or activity carried on as a business.

5.2.7 Child day care centers as defined in Section 19a-77 of the Connecticut General Statutes. (12/15/89) (2/01/91)

5.2.8 Churches and related accessory buildings and uses, except that no building may be used for temporary or permanent residency. (3/01/84)

5.2.9 Seasonal campgrounds. (9/18/84)

5.2.10 Lumber yards. (9/01/90)

5.2.11 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 5.1.13 or 5.1.14, and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

5.2.12 Common driveways, in accordance with Section 3.6.1 and Section 3.25 of these Regulations. (12/08/02) (12/1/10)

5.2.12a Common driveways in accordance with Section 3.6.1 and Section 3.25 of these Regulations. (1/01/05)

5.2.13 Senior Housing Developments in accordance with the provisions of Section 26 of these Regulations. (6/01/04)

5.2.14 Bed and Breakfast Inn. (4/01/07)

5.3 MINIMUM FRONTAGE: LOT WIDTH

a) Each lot within this zoning district shall have a minimum lot width of 200 feet at the building line and a minimum lot frontage of 200 feet on a street, except as otherwise provided in these Regulations.

b) When new streets are constructed as part of an approved subdivision, minimum lot frontage may be reduced to fifty (50) feet for lots fronting on a cul-de-sac and to 150 feet for all other lots, providing each lot has a minimum width of 200 feet at the building line. (12/15/89)

5.4 MINIMUM SETBACKS

5.4.1 The following shall be minimum setbacks for all buildings within this district, except as provided in Section 5.4.2 or otherwise in these Regulations. (6/01/91) (4/10/00)

Front Yard – No building shall be erected closer than fifty (50) feet from the front lot line.

Side Yard – No building shall be erected closer than twenty-five (25) feet from any side lot line.

Rear Yard – No building shall be erected closer than fifty (50) feet from the rear lot line.

5.4.2 One residential accessory STORAGE building per lot may have the following reduced side yard and rear yard setbacks: (4/10/00)

Side Yard – No STORAGE building shall be erected closer than fifteen (15) feet from the side lot line.

Rear Yard – No STORAGE building shall be erected closer than twenty (20) feet from the rear lot line.

An accessory STORAGE building that abides by these reduced setbacks must meet the following standards:

- The STORAGE building shall not house animals or humans, store cars or trucks, or be used for a Home Occupation.

- The STORAGE building shall be freestanding; the peak of the roof shall be no higher than twelve (12) feet from the ground and the footprint shall be no larger than eighteen (18) feet by eighteen (18) feet.

- The front yard setback shall meet the requirements in Section 5.4.1.

5.5 DELETED (12/08/02)

5.6 NET BUILDABLE AREA – Any new lot created after December 1, 2003 shall have a minimum Net Buildable Area of at least 40,000 square feet for single-family houses, and 60,000 square feet for a two (2)-family detached dwelling unless the lot complies with the condition stipulated in Section 3.2.1. (10/1/13)

SECTION 5A - SR SEASONAL RESIDENTIAL ZONE (4/28/95)

5A.1 Purpose - Many small parcels of land in this part of the Town were established to provide sites for seasonal dwellings near the area's largest water body, Gardner Lake. Experience has shown that high-density residential use of land near water bodies can result in ground and surface water contamination if the residences depend on on-site subsurface sewage disposal, as in the case throughout this zoning district. It is the intent of these Regulations to allow legally existing non-conforming lots to be used for seasonal dwelling if certain conditions, as described below, are met:

5A.2 Permitted Uses:

5A.2.1 Single-family dwellings on lots meeting the following minimum standards: (4/10/00)

Lot Size: 40,000 square feet
Frontage and Lot Width: 150 feet

The following shall be minimum setbacks for all buildings within this district, except as provided for in Sections 5A.2.2 and 5A.2.5 or otherwise in these Regulations:

Front Yard – No building shall be erected closer than fifty (50) feet from the front line.
Side Yard – No building shall be erected closer than twenty-five) 25 feet from any side lot line.
Rear Yard – No building shall be erected closer than fifty (50) feet from the rear lot line.

5A.2.2 Seasonal dwellings on lots legally existing prior to January 1, 1999 that contain less than 40,000 square feet of area, provided the following minimum standards are met: (4/10/00)

Lot Size: 10,000 square feet
Frontage and Lot Width: 75 feet

The following shall be minimum setbacks for all buildings within this district, except as provided in Section 5A.2.5 or otherwise in these Regulations:

Front Yard – No building shall be erected closer than fifty (50) feet from the front lot line.
Side Yard – No building shall be erected closer than ten (10) feet from any side lot line.
Rear Yard – No building shall be erected closer than twenty-five (25) feet from the rear lot line.

5A.2.3 For an accepted (by the Town Sanitarian) year-round dwelling established prior to 4/28/95, where the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance, the setbacks specified in Section 5A.2.1 apply. (1/01/99)

5A.2.4 Home Occupations. (1/01/99)

5A.2.5 Accessory STORAGE buildings are subordinate to residential. One residential accessory STORAGE building per lot meeting the standards set forth in Sections 5A.2.1 or 5A.2.2 may have the following reduced side yard and rear yard setbacks: (1/01/99) (4/10/00)

Side Yard – No STORAGE building shall be erected closer than five (5) feet from the side lot line.

Rear Yard – No STORAGE building shall be erected closer than ten (10) feet from the rear lot line.

An accessory STORAGE building that abides by these reduced setbacks must meet the following standards:

- The STORAGE building shall not house animals or humans, store cars or trucks, or be used for a Home Occupation.
- The STORAGE building shall be freestanding; the peak of the roof shall be no higher than twelve (12) feet from the ground and the footprint shall be no larger than eighteen (18) feet by eighteen (18) feet.
- The front yard setback shall meet the requirements in Sections 5A.2.1 and 5A.2.2.

5A.2.6 Parks and playgrounds.

5A.2.7 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

5A.2.8 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

5A.2.9 Nature preserves managed by a Land Trust that may permit public use for passive recreation. (9/01/02)

SPECIAL EXCEPTIONS (5/02/00)

The following uses may be permitted only as Special Exceptions within the Seasonal Residential Zone, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

5A.3.1 Wireless Telecommunication Towers, Antennae, and Facilities not listed in 5A.2.7 or 5A.2.8, and in accordance with the provisions of Section 29 of these Regulations.

AUTHORIZATION OF CERTAIN YEAR-ROUND USES (1/01/09)

5A.4.1 Year-round use in the SR Zone will only be allowed in accordance with these regulations. However, year-round uses on properties in the SR Zone that do not satisfy the requirements in the current regulations, or those regulations in effect at the time the year-round use was established, may continue provided:

5A.4.1(a) The year-round use existed for a period of twelve (12) continuous months prior to April 25, 1995;

5A.4.1(b) The year-round use has continued uninterrupted since April 25, 1995;

5A.4.1(c) The owner of any property seeking year-round use authorization pursuant to this regulation, neither as of April 14, 1960, nor at anytime thereafter, was the owner of an adjoining lot as evidenced by deeds recorded in the Land Records of the Town of Salem;

5A.4.1(d) The lot area of the property on which the year-round use is located has not been decreased in size since the use was established;

5A.4.1(e) The buildings upon the property have not been renovated, modified, or enlarged, nor new buildings been constructed, in violation of the Town of Salem Zoning Regulations and/or any applicable Building Code regulations;

5A.4.1(f) The property owner must, within six (6) months of the application for year-round use authorization, obtain from the Building Official, verification, in writing, that the dwelling on the property was constructed in accordance with the State Building Code in effect at the time of construction, or that the dwelling was constructed prior to the effective date of the State Building Code.

5A.4.2 The owner must prove the twelve (12) continuous months of year-round use prior to April 25, 1995 in accordance with the criteria in Section 5A.4.3(a) below. The owner must prove the continued uninterrupted year-round use since April 25, 1995 in accordance with the criteria in Section 5A.4.3(b) below.

5A.4.3 Standards for proving year round use.

5A.4.3(a) In order to prove that a year-round use existed for a period of twelve (12) continuous months prior to April 25, 1995, the owner must support the claim by submitting, for the twelve (12) month period, three (3) of the following documents:

1. Legal permanent address shown on the <u>Grand List</u> (this information may be found in the Office of the Tax Assessor);

2. Mailing address of the residence on tax notices (this information may be found in the Office of the Tax Collector);

3. Address of the residence on voter registration cards (this information may be found in the Office of the Registrar of Voters);

4. Address of the residence used for student enrollment or school bus pickup;

5. Electric bills that indicate year-round occupancy energy consumption at the residence;

6. Telephone bills that demonstrate year-round telephone usage at the residence;

7. Evidence of home heating fuel procurement at the residence at the rate of year-round occupancy consumption;

8. Personal mail received at this address throughout the year; and

9. Other acceptable documents attesting to legal year-round occupancy at the address, including, but not limited to, driver's license, bank statements, legal documents, church records, birth records/notices, notarized signed affidavits.

5A.4.3(b) In order to prove that a year-round use has continued uninterrupted since April 25, 1995, the owner must support the claim by submitting, for each year since 1995, one (1) of the following documents:

1. Legal permanent address shown on the Grand List (this information may be found in the Office of the Tax Assessor);

2. Mailing address of the residence on tax notices (this information may be found in the Office of the Tax Collector);

3. Address of the residence on voter registration cards (this information may be found in the Office of the Registrar of Voters);

4. Address of the residence used for student enrollment or school bus pickup;

5. Electric bills that indicate year-round occupancy energy consumption at the residence;

6. Telephone bills that demonstrate year-round telephone usage at the residence;

7. Evidence of home heating fuel procurement at the residence at the rate of year-round occupancy consumption;

8. Personal mail received at this address throughout the year; and

9. Other acceptable documents attesting to legal year-round occupancy at the address including, but not limited to, driver's license, bank statements, legal documents, church records, birth records/notices, notarized signed affidavit.

5A.4.4 Applications for authorization to continue a year-round use pursuant to the terms of this regulation shall be made to the Zoning Enforcement Officer. The Zoning Enforcement is empowered to make determinations that a year-round use has been properly established in accordance with this regulation and to issue the appropriate Certificate of Zoning Compliance.

5A.4.4(b) The Zoning Enforcement Officer's final determination as to whether a property is eligible to continue year-round use pursuant to this regulation is a final determination that may be appealed to the Zoning Board of Appeals as provided for in the General Statutes and elsewhere in these Regulations.

5A.4.4(b) Nothing in this regulation shall prohibit or limit the authority of the Zoning Enforcement Officer from taking enforcement actions against properties that are continuing al illegal year-round use.

SECTION 6 - RESIDENTIAL ZONE A

6.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet, except as otherwise noted herein, and the following are permitted uses within this district:

6.1.1 Single-family detached dwelling.

6.1.2 Customary Home Occupations, as defined in Section 2.1 and subject to the conditions of Section 3.7 of these Regulations. (7/15/01)

6.1.3 Parks and playgrounds.

6.1.4 Cemeteries established and operated by an ecclesiastical society, governmental unit, or cemetery associations.

6.1.5 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

6.1.6 Signs pertaining only to a use on the same lot, in accordance with the requirements of Section 13 of these Regulations.

6.1.7 Family and group day care homes, as defined in Section 19a-77 of the Connecticut General Statues. (2/01/91)

6.1.8 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Fire, Police, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

6.1.9 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

6.1.10 Nature preserves managed by a Land Trust that may permit public use for passive recreation. (9/01/02)

6.1.11 Residential driveway in accordance with Section 3.6.1 of these Regulations. (1/01/05)

6.2 SPECIAL EXCEPTIONS

The following uses may be permitted only as a Special Exception within Residential Zone A, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

6.2.1 Farming, agriculture, poultry or animal raising, forestry, lumbering and lumber yards, truck or nursery gardening, greenhouses and nurseries, dairy farming, including the bottling or packaging of dairy products from milk produced on the premises, and the necessary buildings therefore, provided any lot on which such uses are located is at least 80,000 square feet in size.

6.2.2 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 square feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than twenty-five (25) feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities for the consumption of products shall be no closer than fifty (50) feet from the travel lanes. (6/01/91)

6.2.3 Public buildings and schools owned and operated by the Town of Salem, except sewerage treatment facilities, power plants, and a town garage facility.

6.2.4 Libraries, parks, and playgrounds. (3/01/84)

6.2.5 DELETED (2/01/91)

6.2.6 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 6.1.8 or 6.1.9, and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

6.2.7 Common driveways, in accordance with Section 3.6.1 and Section 3.25 of these regulations. (12/08/02) (12-1-10)

6.2.8 *DELETED IN ITS ENTIRETY (12-1-10)*

6.3 MINIMUM FRONTAGE: LOT WIDTH

a) Each lot within this zoning district shall have a minimum lot width of 150 feet at the building line and a minimum lot frontage of 150 feet on a street, except as provided in subsections b) and c) below.

b) DELETED (12/08/02)

c) When new streets are constructed as part of an approved subdivision, minimum lot frontage may be reduced to fifty (50) feet for lots fronting on a cul-de-sac and to 150 feet for all other lots, provided each lot has a minimum width of 150 feet at the building line. (12/15/89) (6/01/91)

6.4 MINIMUM SETBACKS

6.4.1 The following shall be minimum setbacks for all buildings within this district, except as provided in Section 6.4.2 or otherwise in these Regulations. (6/01/91) (4/10/00)

Front Yard - No building shall be erected closer than fifty (50) feet from the front lot line.

Side Yard – No building shall be erected closer than twenty-five (25) feet from any side lot line.

Rear Yard – No building shall be erected closer than fifty (50) feet from the rear lot line.

6.4.2 One residential accessory STORAGE building per lot may have the following reduced side yard and rear yard setbacks: (4/10/00)

Side yard – No STORAGE building shall be erected closer than fifteen (15) feet from the side lot line.

Rear Yard – No STORAGE building shall be erected closer than twenty (20) feet from the rear lot line.

An accessory STORAGE building that abides by these reduced setbacks must meet the following standards:

- The STORAGE building shall not house animals or humans, store cars or trucks, or be used for a Home Occupation.
- The STORAGE building shall be freestanding; the peak of the roof shall be no higher than twelve (12) feet from the ground and the footprint shall be no larger than eighteen (18) feet by eighteen (18) feet.
- The front yard setback shall meet the requirements in Section 6.4.1 of these Regulations.

6.5 NET BUILDABLE AREA – Any new lot created after December 1, 2003 shall have a minimum Net Buildable Area of at least 40,000 square feet unless the lot complies with the condition stipulated in Section 3.2.1. (10/1/13)

SECTION 6A - RURAL CLUSTER DEVELOPMENT (6/03/92)

6A.1 PURPOSES

To provide a greater range of residential choices in a preserved rural setting, to foster a sense of community and place within a rural environment, to preserve and protect natural resources, to provide greater opportunity for the continuation of agriculture and forestry, and to preserve scenic vistas.

6A.2 DEFINITION

Rural Cluster Development (RCD) means a building pattern which concentrates dwellings and accessory building on a particular portion of a parcel so that at least 70% of the parcel remains as open space to be used exclusively for recreational, conservation, and agricultural purposes.

6A.3 PROCEDURE

6A.3.1 Any person intending to establish an RCD in the Town of Salem is encouraged to appear before the Commission prior to making formal application to discuss the proposal prior to incurring significant costs for surveys and plans. Sketch layouts and readily available information about soils and topography should be provided to help in understanding the proposal and its setting.

6A.3.2 Formal application for an RCD shall follow the procedures prescribed in these Regulations for a Special Exception and in the Salem Subdivision Regulations for a subdivision. The applications shall be processed concurrently and a single public hearing shall satisfy the provisions of both the Zoning Regulations and the Subdivision Regulations.

6A.4 PERMITTED LOCATIONS

RCD's shall be established by Special Exception only within the boundaries of Rural Zones A and B.

6A.5 PERMITTED USES

RCD areas shall be used for only the following purposes:

6A.5.1 Single-family dwellings.

6A.5.2 Two-family dwellings, provided the number of family units in such structures does not exceed 30% of the total number of family units in the development.

6A.5.3 Three-family dwellings, provided the number of family units in such structures does not exceed 20% of the total number of family units in the development.

6A.5.4 Accessory uses customarily incidental to residential uses, but specifically excluding:

a. Outbuildings for home occupations.

b. The outside storage of commercial vehicles other than one commercial vehicle of not more than one and one-half ton capacity for each family unit.

6A.5.5 The construction, maintenance, and use of supporting facilities designed to serve the residents of the RCD, approved by the Commission and consisting of, but not limited to, the following:

a. Recreation, such as tennis courts, swimming pools, and ball fields.

b. Common services, such as meeting rooms, administrative office space for the RCD residents, storage space for recreational equipment, trash removal facilities, and school bus pickup shelters.

c. Farming operations.

6A.5.6 Open space and common land. Land included in the 70% open space requirement shall be disposed of in one or more of the methods listed in Sections 8.2.1 through 8.2.5 of the Salem Subdivision Regulations. The land required for, and designated as, open space may not be subsequently subdivided for development of any kind, regardless of its ownership. Other parcels within the RCD held in common or individual ownership, which are not initially designated as building lots and which are not part of the required open space, may be subsequently resubdivided in accordance with the provisions of the Salem Zoning and Subdivision Regulations, provided the density limits for the original RCD are not exceeded.

The Commission may allow structures for recreation purposes on common land, regardless of whether or not said common land is designated as part of the required open space, provided said structures do not occupy more than 1% of the area of the required open space or more than 10% of the area of a parcel in common ownership that is not part of the required open space.

6A.6 DENSITY

The maximum number of family units permitted within the boundaries of the RCD shall be equal to one family unit per seven (7) acres in Rural Zone A and one family unit per eight (8) acres in Rural Zone B.

6A.6.1 If an RCD is located in more than one underlying zoning district, such maximum number shall be the sum of the number of units, which would be permitted in each zone, calculated separately according to the area of the RCD in each zone. The resulting units may be located in any part of the RCD, regardless of the underlying zoning classification of their location.

6A.6.2 If the calculation of permitted units results in a fraction, it shall be rounded to the nearest whole number and if the fraction part is equal to 0.5, the number of units shall be rounded to the next higher whole number.

6A.7 STANDARDS

An RCD shall conform to all of the standards prescribed by other Sections of these Regulations and the Salem Subdivision Regulations, except as otherwise prescribed by this Section of these Regulations. Where conflicting standards occur, this Section of these Regulations shall prevail.

6A.7.1 The minimum size of a parcel to be used for an RCD shall be fourteen (14) acres.

6A.7.2 The applicant shall provide verification from a Certified Soils Scientist that the areas of the development to be used for subsurface sewage disposal are underlain by soils classified by the US Soil Conservation Service in the Soil Survey for New London County (1983) as having "slight" or "moderate" limitations for the operation of septic tank absorption fields.

6A.7.3 The minimum lot size for residential use shall be 40,000 square feet per family unit, except that a 25% reduction in lot size is permitted in that part of the development where fifteen (15) or more family units are proposed, and where a public water supply, approved by the State Departments of Public Utility Control and Health Services, is provided for their use.

6A.7.3.1 The Commission may permit a residential lot having an area as small as 20,000 square feet per family unit when said lot is adjacent to open space or other commonly-owned land with soils rated by the US Soil Conservation Service in the Soil Survey for New London County (1983) as having "slight" or "moderate" limitations for the operation of septic tank absorption fields. In such cases, the so-rated land of the adjacent open space or commonly-owned land shall be of sufficient size and shape to

accommodate both primary and secondary absorption fields of the units it may serve, and its use for such purpose shall be clearly allowable, as evidenced by deed and by a note on the plan. When subsurface sewage disposal systems are proposed to be shared by more than one family unit and/or located on land other than the lot or lots being served, the Commission shall require evidence from the State Department of Health Services or the Department of Environmental Protection, whichever has jurisdiction, that such arrangements are feasible. The Commission shall condition any approval of an RCD containing such arrangements on the successful acquisition of state permits for them, and no lot in the development shall be sold until said permits are acquired.

6A.7.4 No more than 10% of any residential lot shall include regulated wetlands.

6A.7.5 The following additional dimensional requirements shall be met for each residential lot:

a. Minimum lot width
-175 ft. for 120,000 sq. ft. lot
-150 ft. for 80,000 sq. ft. lot
-125 ft. for 40,000 sq. ft. lot
-100 ft. for 30,000 sq. ft. lot
-100 ft. for 20,000 sq. ft. lot

b. Minimum front yard - twenty (20) feet.

c. Minimum side yard - twenty (20) feet.

d. Minimum rear yard - thirty-five (35) feet.

e. Maximum building coverage - 15%.

f. One residential accessory STORAGE building per lot may have the following reduced side yard and rear yard setbacks: (4/10/00)

Side Yard – No building shall be erected closer than ten (10) feet from the side lot line.
Rear Yard – No building shall be erected closer than fifteen (15) feet from the rear lot line.

An accessory STORAGE building that abides by these reduced setbacks must meet the following standards:

- The STORAGE building shall not house animals or humans, store cars or trucks, or be used for a Home Occupation.

- The STORAGE building shall be freestanding; the peak of the roof shall be no higher than twelve (12) feet from the ground and the footprint shall be no longer than eighteen (18) feet by eighteen (18) feet.
- The front yard setback shall meet the requirements in 6A.7.5 b.

g. NET BUILDABLE AREA – Any new lot created after December 1, 2003 shall have a minimum Net Buildable area of at least 20,000 square feet. (12/01/03)

6A.7.6 For the purpose of insuring privacy for adjoining properties outside of the RCD, the Commission may require an increase in any yard requirement or require visual screening, or both, except that such increase in a yard dimension shall not exceed 100 feet.

6A.7.7 All utility lines (telephone, electricity, cable) serving more than four dwelling units shall be underground, except where the excavation and placement of such lines underground poses a significant environmental risk, affecting existing large trees, wetlands, steep slopes, or ledge outcroppings. Utility lines should be installed parallel to and at least five (5) feet from the travel lanes of the road.

6A.7.8 Each lot shall have at least ten (10) feet of common boundary with the preserved open space or with a deeded right-of-way leading directly to the open space.

6A.7.9 Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds, and provide for adequate circulation within the RCD and to its related facilities and open space. Walkways, courts, and paths shall provide pedestrian access to and between residential structures, supporting facilities and open space areas and shall be separated from vehicular traffic wherever reasonably possible.

6A.7.10 The design of the RCD shall seek to keep the number of driveway intersections with state highways and major town roads to as few as possible. Major town roads include: Witch Meadow Road, Rattlesnake Ledge Road, Witter Road, West Road, Darling Road, White Birch Road, Gungy Road, Old New London Road, Forsyth Road, Music Vale Road, and Round Hill Road. A driveway serving a rear lot shall not be closer than 100 feet to any other such driveway on the same side of the street.

6A.7.11 All roads serving ten (10) or more family units shall be constructed to standards prescribed by the Town Road Ordinance. Roads serving less than ten (10) units shall be required to be paved, curbed, or provided with storm drains unless a determination is made by the Board of Selectmen that natural conditions in the area, including, but not limited to, steep slopes, natural drainage features, or soil conditions warrant such

improvements. Such roads shall meet the Town Road Ordinance standards for subgrade and base course and, at a minimum, shall meet the following standards:

a. Right-of-way - forty (40) feet

b. Surface of travel lanes - four (4) inches of processed aggregate base per ConnDot Standard Specifications Form 814, Section M.05.

c. Combined width of travel lanes - twenty (20) feet.

6A.7.11.1 Any road constructed to standards less than those specifically prescribed by the Town Road Ordinance shall be and remain a private road, owned jointly by the owners of the property in the RCD, as evidenced by deed and/or other documents prescribed by the Connecticut Common Interest Ownership Act. Said owners shall be responsible for the repair, maintenance, and snow plowing of any such road. A note shall be placed on the plan reflecting the requirement of this paragraph to emphasize that roads, which are not built to the full standards of the Town Road Ordinance, shall not ever be accepted as town roads.

6A.7.11.2 A vehicle access way serving a single lot or less than three (3) family units shall be considered a private driveway.

SECTION 7 - BUSINESS ZONE

7.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet, except as otherwise noted herein, and the following are permitted uses within this district:

7.1.1 DELETED (8/01/87)

7.1.2 DELETED (8/01/97)

7.1.3 Customary Home Occupations as defined in Section 2.1 and subject to the conditions of Section 3.7. (7/15/01)

7.1.4 Farming, agriculture, poultry or animal raising, forestry, lumbering and lumber yards, truck or nursery gardening, greenhouses and nurseries, dairy farming, including the bottling or packaging of dairy products from milk produced on the premises, and the necessary buildings therefore.

7.1.5 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 square feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than twenty-five (250 feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities for the consumption of products shall be no closer than fifty (50) feet from the travel lanes. (6/01/91)

7.1.6 Public buildings and schools owned and operated by the Town of Salem, except sewerage treatment facilities and power plants.

7.1.7 Buildings and uses owned and operated by a volunteer fire company.

7.1.8 Libraries, parks, and playgrounds. (3/01/84)

7.1.9 Veterinary hospitals and riding or boarding stables, provided that they are located on lots of not less than 120,000 square feet, and provided that buildings containing animals are situated at least 100 feet from any property line, and provided there are no outdoor enclosures for dogs. (12/29/86)

7.1.10 A private hospital or nursing home as defined in Section 19-32 of the State Statutes or a health care facility as defined in Section 19-73b of the State Statutes, except central service facilities, provided that total lot area is not less than 120,000 square feet and at least 5,000 square feet of lot area is provided for each

patient accommodation, and further provided that all buildings shall be at least 100 feet from every lot line. (12-1-10)

7.1.11 Private school.

7.1.12 Any retail business or retail service or repair shop, including the sale of alcoholic beverages.

7.1.13 A restaurant, except that no drive-up window service is permitted. (12/15/89)

7.1.14 Automobile, mobile homes and camping vehicles and farm equipment sales rooms, including outdoor sales areas.

7.1.15 Indoor theaters and playhouses.

7.1.16 Public parking areas.

7.1.17 Research laboratories, provided that there is no manufacture or processing of material except as incident to research and experiment. (12/15/89)

7.1.18 DELETED. (12/15/91)

7.1.19 Business or professional offices.

7.1.20 Automobile repair and garages, but not including a junk yard or open storage of abandoned automobiles or other junk. (12/15/91)

7.1.21 Banks.

7.1.22 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

7.1.23 Signs pertaining only to a use on the same lot, in accordance with the requirements of Section 13 of these Regulations.

7.1.24 DELETED. (2/01/91)

7.1.25 DELETED (7/15/01)

7.1.26 (12/1/88) In any Business District, residential apartments are allowed by right in the same building with permitted non-residential uses under the following conditions:

a. The building shall contain at least 3,000 square feet of space on the first floor and the first floor shall be occupied exclusively by non-residential uses.

b. Apartments shall have a minimum floor area of 650 square feet. No apartment shall have more than one (1) bedroom. Hallways outside the living area shall not be included in computing floor area of any apartment.

c. If the building's first floor is larger than 10,000 square feet, no more than half of the second floor may be used for apartments.

d. The Sanitarian shall certify in writing to the Commission that existing or proposed water supply and sewage disposal facilities on the lot are adequate for all existing and proposed uses of the lot.

e. Parking shall be provided on the basis of two (2) spaces per apartment.

7.1.27 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

7.1.28 Wireless Telecommunication Facilities that do not require a tower to be constructed, in accordance with Section 29 of these Regulations. (5/02/00)

7.1.29 Age-Restricted Residential Development (ARD) in accordance with the provisions of Section 26A of these Regulations. (11/01/04)

A.. Minimum Parcel Size – Age-Restricted Residential Development (ARD): The parcel shall consist of a single lot or a consolidation of contiguous lots into one (1) single lot, and shall have a total of Open and Development Land as defined in Section 26A of these Regulations of not less than ten (10) acres exclusive of wetlands. (11/01/04)

7.1A SPECIAL EXCEPTIONS (2/01/91)

The following uses may be permitted only as a Special Exception within a Business Zone if approved by the Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

7.1A.1 Child day care centers, as defined in Section 19a-77 of the Connecticut General Statutes.

7.1A.2 Funeral home or mortuary. (12/15/91)

7.1A.3 Automobile gas stations. (12/15/91)

7.1A.4 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 7.1.27 or 7.1.28 and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

7.1A.5 Shopping centers. (7/15/01)

7.1A.6 Senior Housing Developments in accordance with the provisions of Section 26 of these Regulations. (6/01/04)

7.1A.7 Congregate/Assisted Living Facilities in accordance with the provisions of Section 27 of these Regulations. (6/01/04)

7.1A.8 Nursing Home Facilities in accordance with Section 28 of these Regulations. (6/01/04)

7.1A.9 Retail establishments, including food service establishments, which include drive-up window service, provided site design conforms to the following, in addition to Section 11A Site Plan Requirements: (1/15/06) (12/01/07) (12-1-10)

a) Incorporate wall plane projections or recesses so that no uninterrupted length of any façade exceeds one hundred (100) feet. (12/01/07)

b) Incorporate display windows, awnings or other such features to create visual interest on a ground floor facade facing a public street. (12/01/07)

c) Recess windows and include visually prominent sills, shutters or other forms of framing. (12/01/07)

d) All building facades visible from a public street should be designed with windows and other architectural elements so that no visible elevations look like the back of a building. (12/01/07)

e) Variations in rooflines should be used to add interest and complement the character of the town. (12/01/07)

f) Siting should not have a negative impact to views from any public street with regards to the placement of dumpsters, loading docks, roof-mounted mechanical units, antennas, etc. (12/01/07)

g) Landscaping, with native plantings of sufficient size and quantity to enhance the site and to buffer any adjacent residential zones or uses, should be used. (12/01/07)

h) Color scheme, design and signage must be compatible with an historic New England village appearance. (12/01/07)

i) Traffic circulation shall have no negative impact on traffic flow or safety. See Section 11.4.3 and Sections 11A.1, 11A.1.2, 11A.1.3, 11A.5.4, 11A.5.5, 11A.5.6, and 11A.5.13. (12/01/07)

7.1A.10 Bed and Breakfast Inn. (4/01/07)

7.2 MINIMUM FRONTAGE

Each lot used in accordance with Section 7.1 herein shall have a minimum frontage of 150 feet on a street.

7.3 MINIMUM SETBACKS

The following shall be minimum setbacks for all buildings within this district, except where otherwise provided in these Regulations:

Front Yard - No building shall be erected closer than fifty (50) feet from the front lot line.

Side Yard - There shall be a minimum side yard of twenty-five (25) feet provided between any building and a side lot line.

Rear Yard - There shall be a minimum rear yard of fifty (50) feet provided between any building and the rear lot line.

7.4 MAXIMUM LOT COVERAGE

The aggregate building area of all buildings and other structures on any lot shall not exceed 50% of the total lot area.

7.5 DELETED (6/01/91)

7.6 PARKING AND TRUCK LOADING

Off-street parking and truck loading facilities shall be provided in accordance with the requirements of Section 10 of these Regulations.

7.7 SITE PLAN REQUIREMENT

No building, structure, parking lot, storage area, except those serving residential and/or agricultural uses, shall be used, constructed, moved, or enlarged until a site plan has been submitted to the Planning and Zoning Commission in accordance with the requirements of Section 11A of these Regulations and such plan has been approved by said Commission.

SECTION 7A - SPECIAL BUSINESS ZONE A (5/01/91) (5/01/96)

7A.1 GENERAL

The purpose of this zoning district is to allow specialized commercial establishments in locations in various parts of the town which will not adversely impact nearby residential uses and which will not detract from the planning objective of focusing the major part of the town's retail commercial activity in the Business Zone at Salem Four Corners. The minimum lot size in this district is 120,000 square feet.

7A.2 PERMITTED USES

7A.2.1 Commercial nurseries and garden centers, including the raising of plants and shrubs in the open or in greenhouses, the retail sales of plants and shrubs, floral decorations, gardening and landscaping materials, tools and machinery other than large motorized farm equipment, and landscaping services related to, and on the same premises with, a nursery operation or garden center. Such uses may include the subordinate use of the sale, preparation, and consumption in a café setting, of foods. (10/1/13)

7A.2.2 Camping vehicle sales and farm equipment sales rooms, including outdoor sales areas, but excluding service and repair facilities.

7A.2.3 Home improvement centers, including the sale of materials and tools used in home construction and maintenance.

7A.2.4 Public buildings and schools owned and operated by the Town of Salem, except sewerage treatment facilities and power plants.

7A.2.5 Buildings and uses owned and operated by a volunteer fire company.

7A.2.6 Libraries, parks, and playgrounds.

7A.2.7 Veterinary hospitals and riding or boarding stables, provided that they are located on lots of not less than 120,000 square feet, and provided that buildings containing animals are situated at least 100 feet from any property line, and provided there are no outdoor enclosures for dogs.

7A.2.8 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot provided any such accessory use shall not change the character of the primary use.

7A.2.9 Signs pertaining only to a use on the same lot in accordance with the requirements of Section 13 of these Regulations.

7A.2.10 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for

the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

7A.2.11 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

SPECIAL EXCEPTIONS (5/02/00)

The following uses may be permitted only by Special Exception within Special Business Zone A, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

7A.2A.1 Wireless telecommunication Towers, Antennae and Facilities not listed in Sections 7A.2.10 or 7A.2.11 and in accordance with the provisions of Section 29 of these Regulations.

7A.3 MINIMUM FRONTAGE

Each lot shall have a minimum of 200 feet on a street.

7A.4 MINIMUM SETBACKS

Front yard - 100 feet from the front lot line

Side and Rear Yards - fifty (50) feet

7A.5 MAXIMUM LOT COVERAGE

The aggregate building area of all buildings and display areas shall not exceed 50% of the total lot area. (Areas where nursery products are grown shall not be included in these calculations.)

SECTION 7B - SPECIAL BUSINESS ZONE B (5/01/96)

7B.1 The purpose of this zoning district is to allow wholesale businesses to mix with retail businesses in locations that will not adversely impact present and future retail business development fronting on state highways.

7B.2 PERMITTED USES

7B.2.1 All uses permitted under Section 7.1 of these Regulations

7B.2.2 Cold storage locker plants.

7B.2.3 Sale of building materials and supplies.

7B.2.4 Wholesale and distributing establishments.

7B.2.5 Storage warehouses and cold storage locker plants.

7B.2.6 A paint, woodworking, sheet metal, blacksmith or machine shop.

7B.2.7 Public utility buildings, including storage yards.

7B.2.8 Elderly housing, in accordance with Section 26 of these Regulations. (7/28/05)

7B.2.9 Day care centers.

7B.2.10 Funeral home or mortuary.

7B.2.11 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

7B.2.12 Commercial golf ranges, pursuant to the provisions of Section 4.2.18 4.A and 4.B of these Regulations. (6/15/98) (6/01/04)

7B.2.13 Golf courses, pursuant to the provisions of Sections 4.2.18 4.A. and 4.B. of these Regulations, including miniature, chip & putt. (6/15/98) (6/01/04)

7B.2.14 Retail golf outlets. (6/15/98)

7B.2.15 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance or other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens

Band Radio; existing Commercial Towers or Radio Dispatch Services for local business. (5/02/00)

7B.2.16 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

7B.2A SPECIAL EXCEPTIONS (5/02/00)

The following uses may be permitted only as Special Exceptions within Special Business Zone B, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

7B.2A.1 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 7B.2.15 or 7B.2.16 and in accordance with the provisions of Section 29 of these Regulations.

7B.3 Minimum lot size - 40,000 square feet.

7B.4 Minimum lot width - 150 feet at the building line.

7B.5 Minimum set backs from property lines - front, fifty (50) feet; side, twenty-five (25) feet; rear, fifty (50) feet.

7B.6 Maximum lot coverage by buildings - 50%.

7B.7 Parking and truck loading shall be in accordance with the requirements of Section 10 of these Regulations.

Zoning Map Amendment: DELETED (7/15/01)

Zoning Map Amendment: DELETED (7/15/01)

SECTION 8 - HIGHWAY COMMERCIAL ZONE

8.1 GENERAL

The purpose of this district is to establish an area within the Town of Salem adjacent to the Route 11 Expressway where highway-oriented business and industrial uses may be accommodated. The minimum lot size in this district shall be 80,000 square feet except as otherwise noted herein.

8.2 PERMITTED USES

The following are permitted uses within this district:

8.2.1 Retail business and service establishments. (8/01/87) (12/15/91)

8.2.2 DELETED (8/01/87)

8.2.3 Customary Home Occupations as defined in Section 2.1 subject to the conditions of Section 3.7 of these Regulations. (7/15/01)

8.2.4 Farming, agriculture, poultry or animal raising, forestry, lumbering and lumber yards, truck or nursery gardening, greenhouses and nurseries, dairy farming, including the bottling or packaging of dairy products from milk produced on the premises, and the necessary building therefore.

8.2.5 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than twenty-five (25) feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities from the consumption of products shall be no closer than fifty (50) feet from the travel lanes. (6/01/91)

8.2.6 Motels and hotels, provided no lot used for such purposes is less than five (5) acres in size and contains at least 4,000 square feet of lot area for each bedroom unit within said motel or hotel.

8.2.7 Restaurants where customers are served only when seated at tables or counters within a completely enclosed building, including the sale of alcoholic beverages under the provisions of a State restaurant permit.

8.2.8 Business or professional offices.

8.2.9 Meeting rooms and meeting facilities.

8.2.10 Tourist Information Center.

8.2.11 Public parking areas.

8.2.12 Automobile, mobile homes and camping vehicles, and farm equipment salesroom, including outdoor sales area.

8.2.13 Cold storage locker plants.

8.2.14 Research laboratories, provided that there is no manufacture or processing of material except as incidental to research and experiment. (12/15/89)

8.2.15 Sale of building materials and supplies.

8.2.16 Wholesale and distributing establishments.

8.2.17 Storage warehouses.

8.2.18 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot provided any such accessory use shall not change the character of the primary use.

8.2.19 Signs pertaining only to a use on the same lot, in accordance with the requirements of Section 13 of these Regulations.

8.2.20 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

8.2.21 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

8.2.22 Age-Restricted Residential Development (ARD) in accordance with the provisions of Section 26A of these Regulations. (11/01/04)

8.3 SPECIAL EXCEPTIONS

The following uses may be permitted only as a Special Exception within the Highway Commercial Zone, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

8.3.1 Gasoline stations.

8.3.2 Restaurants where customers are served from either counters or windows, or where customers do not have to be seated at tables or counters within a completely enclosed building in order to be served, except that no drive-up window service is permitted. (12/15/89)

8.3.3 A commercial golf facility, pursuant to the provisions of Sections 4.2.18 4.A. and 4.B. of these Regulations, including a driving range and country club, a bowling alley, a pool or billiards parlor, a health spa, a tennis or squash club, a roller skating or ice skating rink, swimming pool or swimming club, provided that any of the uses listed herein are located on a lot of not less than five (5) acres and provided that no building is located within 100 feet of any street line or within 150 feet of any side or rear lot line. (6/01/04)

8.3.4 Indoor theaters and playhouses.

8.3.5 DELETED. (12/15/91)

8.3.6 A shopping center.

8.3.7 Banks.

8.3.8 Motor truck terminals, which shall include freight transfer terminals, truck service areas, moving and storage uses, and any other uses which require more than the regular garaging, parking, or storing of ten (10) or more trucks on any one lot.

8.3.9 Child day care centers, as defined in Section 19a-77 of the Connecticut General Statutes. (12/15/89) (2/01/91)

8.3.10 Excavations (8/01/93)

8.3.11 The processing of raw materials or assembling of parts for products sold on the premises, provided:

a) processing or assembling activities shall be in the same building where the products are sold;

b) the area of the building used for processing or assembling shall be located to the rear of any sales area;

c) raw materials or unassembled parts shall be stored only within the processing or assembly area of the principal building, or within accessory buildings, or in areas screened from view and to the side or rear of the principal building (10/24/95)

8.3.12 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 8.2.20 or 8.2.21 and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

8.3.13 Senior Housing Developments in accordance with the provisions of Section 26 of these Regulations. (6/01/04)

8.3.14 Congregate/Assisted Living Facilities in accordance with the provisions of Section 27 of these Regulations. (6/01/04)

8.3.15 Nursing Home Facilities in accordance with Section 28 of these Regulations. (6/01/04)

8.3.16 Retail establishments, which include drive-up window service, but not including food service. (1/15/06)

8.4 MINIMUM FRONTAGE

No lot in this district shall contain less than 200 feet frontage on a street.

8.5 SETBACK REQUIREMENTS

a. Front Yard - No building or structure shall be located within fifty (50) feet from a front lot line.

b. Side Yard and Rear Yard - No building or structure shall be located within twenty-five (25) feet of any side or rear lot line.

8.6 LOT COVERAGE

The aggregate building area of all buildings and other structures on any lot shall not exceed 25% of the total lot area.

8.7 DELETED (6/01/91)

8.8 PARKING AND TRUCK LOADING

Off-street parking and truck loading facilities shall be provided in accordance with the requirements of Section 10 of these Regulations.

8.9 SITE PLAN REQUIREMENT

No building, structure, parking lot, or storage area, except those serving residential and/or agricultural uses, shall be used, constructed, moved, or enlarged until a site plan has been submitted to the Planning and Zoning Commission in accordance with the requirements of Section 11A of these Regulations and such plan has been approved by the Commission.

8.10 MINIMUM PARCEL SIZE

Age-Restricted Residential Development (ARD): The parcel shall consist of a single lot or a consolidation of contiguous lots into one (1) single lot, and shall have a total of Open and Development Land as defined in Section 26A of these Regulations of not less than ten (10) acres exclusive of wetlands. (11/01/04)

SECTION 8A - COMMERCIAL RECREATION ZONE (4/01/91)

8A.1 GENERAL

The purpose of this district is to preserve this unique property fronting on Gardner Lake as a place for water-oriented recreation and entertainment activities. The minimum lot size in this district is five (5) acres and the property shall include direct deeded access to and egress from a state highway.

8A.2 USES PERMITTED BY SPECIAL EXCEPTION

The following uses are permitted by Special Exception, in accordance with procedures and criteria established in Section 11 of these Regulations.

8A.2.1 One or more of the recreational activities conducted on the premises shall be water-dependent. For purposes of this Section, water-dependent means direct use of, and dependence upon, the waters of Gardner Lake.

8A.2.2 Recreation uses shall be limited to the following activities:

a. swimming
b. bath houses
c. picnicking
d. field sports
e. batting cages
f. bumper boats
g. miniature golf
h. open-sided shelters for group picnicking
i. the storage and use of rental watercraft, such as canoes, row boats, SPECIAL paddle boats, and jet skis.

8A.2.3 Wireless telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

8A.2.4 Wireless telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

8A.2.5 Wireless Telecommunicat5ion Towers, multiple antenna, and facilities not listed in Section 8A.2.3 or 8A.2.4 and in accordance with the provisions of Section 29 of these Regulations. (12-1-10)

8A.2A *DELETED IN ITS ENTIRETY (12-1-10)*

8A.3 SPECIAL REQUIREMENTS

8A.3.1 Such uses shall be open to the public only between the hours of 10:00 am and 9:00 pm.

8A.3.2 Outdoor lighting fixtures shall be of the type that directs light downward, shielding the view of the light source from adjoining properties.

8A.3.3 A suitable visual buffer, at least six (6) feet in height and consisting of opaque fencing or evergreen shrubs, shall be provided where deemed appropriate to protect the privacy of neighboring residences, and, where practical, to provide for the least impact on neighbors' views of the lake.

8A.3.4 No permanent outdoor public address systems are permitted.

8A.3.5 Where such uses are open to the public only from May through October, inclusive, the Commission may waive the paving requirements for public parking areas as prescribed in Section 10.7 of these Regulations. However, if not paved, such parking areas shall be surfaced and maintained with a durable and dustless all-weather material, as may be approved by the Commission.

8A.3.6 If the Commission waives the paved parking requirement, it may also waive the paving for the driveway beyond fifteen (15) feet from the edge of the state highway. An unpaved driveway shall be no less than twenty (20) feet wide and shall have a dustless surface spread over at least one (1) foot of bank-run gravel or other well-drained soil, as approved by the Commission.

8A.4 SETBACK REQUIREMENTS

No building shall be located within fifty (50) feet of a property line or the high-water line of Gardner Lake.

8A.5 LOT COVERAGE

The aggregate building area of all buildings shall not exceed 25% of the total lot area.

SECTION 9 – INDUSTRIAL ZONE

9.1 GENERAL

The minimum lot size in this district shall be 80,000 square feet, except as otherwise noted herein, and the following are permitted uses within this district:

9.1.1 DELETED (8/01/87)

9.1.2 DELETED (8/01/87)

9.1.3 Customary Home Occupations as defined in Section 2.1, subject to the conditions of Section 3.7 of these Regulations. (7/15/01)

9.1.4 Farming, agriculture, poultry or animal raising, forestry, lumbering and lumber yards, truck or nursery gardening, greenhouses and nurseries, dairy farming, including the bottling or packaging of dairy products from milk produced on the premises and retail and wholesale sales of goods related to the above, and the necessary buildings therefore. (1/04/85)

9.1.5 Roadside stands for the sale of farm, greenhouse, and nursery products, provided such products are made or grown on the premises or on land under the same ownership and within the Town of Salem. Such stands shall not be larger than 200 square feet in the aggregate. There shall be no enclosed or sheltered facilities for the consumption of products on the premises. No such stand shall be closer than fifteen (15) feet from the edge of the travel lanes of the abutting road. Sufficient space shall be available to allow the off-street parking of customer vehicles and their unobstructed visibility along the road when exiting the premises. Facilities from the consumption of products shall be no closer than fifty (50) feet from the travel lanes. (6/01/91)

9.1.6 Public buildings owned and operated by the Town of Salem.

9.1.7 Buildings and uses owned and operated by a volunteer fire company.

9.1.8 Parks and playgrounds.

9.1.9 DELETED (12/15/91)

9.1.10 Public parking areas.

9.1.11 Research laboratories, including manufacturing or processing of material.

9.1.12 Business or professional offices.

9.1.13 The manufacture, processing, or packaging of foods, beverages, toilet supplies, pharmaceuticals, perfumes, and similar products.

9.1.14 A paint, woodworking, sheet metal, blacksmith or machine shop.

9.1.15 The finishing or assembling of articles made from wood, metals, plastics, textiles, paper, glass, leather, fiber, or other similar materials.

9.1.16 Motor truck terminals and storage warehouses.

9.1.17 Public utility buildings, including storage yards.

9.1.18 Industrial equipment storage and sales.

9.1.19 Manufacture of concrete products, except for bituminous concrete, asphalts and other oil-based products. (8/21/97)

9.1.20 Cold storage locker plants.

9.1.21 Wholesale and distributing establishments.

9.1.22 Accessory uses customarily subordinate and incidental to uses conducted upon the same lot, provided any such accessory use shall not change the character of the primary use.

9.1.23 Signs pertaining only to a use on the same lot, in accordance with the requirements of Section 13 of these Regulations.

9.1.24 Child day care centers, as defined in Section 19a-77 of the Connecticut General Statutes. (2/01/91)

9.1.25 Wireless Telecommunication Facilities sixty-five (65) feet in height or less used for Police, Fire, Ambulance and other Emergency Dispatch; Municipal Uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Towers or Radio Dispatch Services for local business. (5/02/00)

9.1.26 Wireless Telecommunication Facilities that do not require a tower to be constructed in accordance with Section 29 of these Regulations. (5/02/00)

9.1.27 Age-Restricted Residential Development (ARD) in accordance with the provisions of Section 26A of these Regulations. (11/01/04)

9.1.28 Crematorium as defined in *Section 2 DEFINITIONS* of these Regulations. (4/01/07)

9.1.29 Industrial Park. Any Industrial Park approved per this section of the Regulations may include those uses permitted in Sections 9.1 and 9.2 of these Regulations. (12/1/10)

9.1.30 Storage warehouses. (12/1/10)

9.2 SPECIAL EXCEPTIONS

The following uses may be permitted only as a Special Exception within the Industrial Zone, if approved by the Planning and Zoning Commission in accordance with the procedures and criteria established in Section 11 of these Regulations:

9.2.1 DELETED. (12/15/91)

9.2.2 Automotive repair, automobile service station, and a garage, excluding a junkyard or open storage of abandoned automobiles or other vehicles.

9.2.3 Automobile, mobile homes and camping vehicles, and farm equipment salesroom, including outdoor sales area.

9.2.4 Town owned and operated refuse disposal facility for refuse generated within the Town only.

9.2.5 Excavations in accordance with the provisions of Section 14 of these Regulations.

9.2.6 Printing establishments.

9.2.7 A cleaning and dyeing works and carpet or rug cleaning establishment, provided all wastes are discharged in a manner approved by the State Department of Environmental Protection.

9.2.8 The manufacture of pottery and ceramic products.

9.2.9 DELETED. (2/01/91)

9.2.10 Wireless Telecommunication Towers, Antennae, and Facilities not listed in Sections 9.1.26 or 9.1.27 and in accordance with the provisions of Section 29 of these Regulations. (5/02/00)

9.3 MINIMUM FRONTAGE

Each lot within this district shall have a minimum frontage of 200 feet or more on the street.

9.4 SETBACK REQUIREMENTS

a. Front Yard - No building or structure on an existing Town road or State highway shall be located within 100 feet from a front lot line. (12/1/10)

   1. No building or structure located in an industrial park layout on a new road, public or private, within an Industrial Zone shall be located within thirty-five (35) feet of a front lot line unless adequate buffering is provided. (12/1/10)

b. Side Yard and Rear Yard - No building or structure shall be located within thirty (30) feet of any side or rear lot line, except that no building or structure shall be located

within fifty (50) feet of any side or rear lot line abutting a Residential Zone. (12/1/10)

9.5 LOT COVERAGE

The aggregate building area of all buildings and other structures on any lot shall not exceed 50% of the total lot area.

9.6 DELETED. (6/01/91)

9.7 PARKING AND TRUCK LOADING

Off-street parking and truck loading facilities shall be provided in accordance with the requirements of Section 10 of these Regulations.

9.8 SITE PLAN REQUIREMENT

No building, structure, parking lot, or storage area, except those serving residential and/or agricultural uses, shall be used, constructed, moved, or enlarged until a site plan has been submitted to the Planning and zoning Commission in accordance with the requirements of Section 11A of these Regulations and such plan has been approved by the Commission.

9.9 MINIMUM PARCEL SIZE

Age-Restricted Residential Development (ARD): The parcel shall consist of a single lot or a consolidation of contiguous lots into one (1) single lot, and shall have a total of Open and Development Land as defined in Section 26A of these Regulations of not less than ten (10) acres exclusive of wetlands. (11/01/04)

SECTION 10 – OFF STREET PARKING REQUIREMENTS

10.1 PARKING FACILITIES - GENERAL

Parking facilities off the street right-of-way shall be provided to serve all non-residential buildings and uses erected, moved, altered, or enlarged and all lots otherwise developed after the adoption of these Regulations.

10.2 PARKING SPACE REQUIREMENTS

Adequate parking facilities located off the street right-of-way shall be provided to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting each building or lot at any one time in accordance with the following requirements:

a. For business or professional offices: one (1) space for each 350 square feet of gross floor area.

b. For retail stores, personal services, shops, and similar commercial uses: one (1) space for each 250 square feet of gross sales area.

c. For restaurants, night clubs, bars, and lounges: one (1) space for each 100 square feet of gross floor area. However, in those cases where entertainment and dancing is provided, additional parking spaces shall be provided at the requirement of not less than one (1) space for each fourteen (14) square feet of dance floor area and/or waiting space.

d. For fast food restaurants or other food service establishments where customers are served primarily counter service: one (1) space for every three (3) permanent seats and one (1) space for each nine (9) square feet of public floor area not devoted to permanent seating facilities, excluding restroom areas.

e. For theaters, playhouses, auditoriums or meeting rooms, and similar places of public assembly: one (1) space for every three (3) seats if permanent seating is provided, or one (1) space for each twenty-one (21) square feet of public area for areas not served by permanent seating.

f. For hotels, motels, lodging, or boarding houses: one (1) space for each room, plus spaces as required for other related uses.

g. For furniture, machinery, equipment and automobile sales, and/or service establishments: one (1) space for each 400 square feet of gross floor area and one (1) space for each 800 square feet of outdoor sales and/or display area.

h. Commercial Recreational Facility: one (1) space for each three (3) users who could be utilizing the premises at any one single time, plus one (1) space for each three (3) seats provided for spectator observance of the establishment's activities.

If restaurant or other commercial facilities are included in the facility, additional parking shall also be provided in accordance with the requirements for such related uses as specified herein.

i. For industrial plants, wholesale establishments, warehouses, and similar buildings: one (1) space for each 1,000 square feet of floor area, or on(1)space for each three (3) persons normally employed, whichever is greater.

j. For truck parking: adequate provision as determined by the Planning and Zoning Commission shall be provided for the storage of trucks serving any commercial or industrial establishment.

k. Library: eight (8) parking spaces plus one (1) parking space for every 600 square feet of gross floor area. (10/01/01)

10.3 REQUIRED LOADING AND UNLOADING SPACE

Where the Commission deems necessary, provision shall be made for truck loading and unloading space to serve any commercial or industrial use. Such space shall consist of not less than 400 square feet of loading and unloading area for each 15,000 square feet, or major fraction thereof, of floor area up to 30,000 square feet of floor area, and, in addition thereto, one (1) space of not less than 400 square feet for each additional 30,000 square feet, or major fraction thereof, of floor area in excess of 30,000 square feet of floor area. Truck loading and unloading spaces and facilities shall be located only in side and rear yards. (12/15/89)

10.4 LOCATION OF REQUIRED PARKING FACILITIES (10/01/01)

Required parking facilities shall be located on the same lot as the building or use which they serve, except uses on adjacent lots may share driveways and/or parking spaces subject to approval by the Commission of a site plan which satisfies all of the provisions of Section 11A of these Regulations and complies with the following standards:

10.4.1 The shared use of driveways and/or parking spaces must be guaranteed to the Commission by means of a Restrictive Covenant to which the Commission is a party, so that such shared use may not be terminated without the consent of the Commission. If the Restrictive Covenant is terminated with the consent of the Commission, then, in that event, the users of the shared driveway and/or parking spaces shall submit a revised site plan application to the Commission showing the revised parking and access for their lots. (10/01/01)

10.4.2 The number of spaces provided on the approved site plan must be sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of the land, buildings, or other structure as shown on the approved site plan. (10/01/01)

10.4.3 There is sufficient and suitable area on each lot to provide the full number of spaces required by this Section of the Zoning Regulations designated on the approved site plan as reserved for future parking and/or loading. (10/01/01)

10.4.4 Any approval granted hereunder is only applicable to the particular use or occupancy of the land, buildings, or other structures shown on the approved site plan and any approvals granted hereunder shall become null and void in the event that such use or occupancy is changed to another use or occupancy without approval of a modified site plan by the Commission. (10/01/01)

10.4.5 The Commission shall not approve shared driveways and/or parking spaces unless one or more of these conditions is present: separate facilities would create a traffic conflict on a public street; separate facilities would result in the destruction of a natural or rural feature; or shared facilities would substantially reduce impervious surface coverage. The Commission shall insure that the shared facilities do not create unsafe conditions for interior circulation on the subject parcels, and that a reserved area for future parking facilities is shown on the site plan to demonstrate that if the shared parking agreement is ever terminated, each use can support the required facilities on their lot.

10.5 MINIMUM AREA

For the purpose of this Regulation, an off-street parking space is an approved surfaced area having a width of not less than nine (9) feet and a length of not less than twenty (20) feet. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required area is to be exclusive of driveways and shall be permanently reserved for the temporary parking of one (1) automobile and shall be connected with a street by an approved surfaced driveway.

10.6 INTERIOR DRIVEWAYS

Interior driveways shall be of adequate width to serve a particular design arrangement of parking spaces. Ninety-degree parking shall be used unless there is positive control of traffic directions. The minimum width of an interior driveway shall be as follows:

90° parking:	twenty (20) feet;	60° parking:	seventeen (17) feet
45° parking:	eleven (11) feet;	30° parking:	eleven (11) feet

10.7 SURFACE OF PARKING AREAS

All off-street parking areas shall be surfaced and maintained with a durable and dustless all weather material as may be approved by the Planning and Zoning Commission. Parking areas shall be so graded and drained as to dispose of all surface water and proposed surfacing and drainage plans shall be submitted to and approved by the Planning and Zoning Commission. In no case shall drainage be allowed across any sidewalk areas. Furthermore, any parking area, which serves more than fifteen (15) cars, shall be surfaced with bituminous concrete and <u>all</u> parking areas in B, HC, I, and SB Zoning Districts shall be paved. (12/15/89) (12/15/91)

10.7.1 The Commission may waive the paving and/or durable and dustless surface requirements, in whole or in part, for any parking lot when it finds that the lot, or part thereof, will be used only for irregular and infrequent events and/or where a non-paved and/or non-durable and non-dustless surface would substantially enhance environmental quality and will be maintained to the satisfaction of the Commission. (12/15/91) (9/01/02)

10.8 HANDICAPPED PARKING (12/15/89)

Parking lots shall have paved level parking spaces, minimally sloped for drainage, reserved for use by the physically handicapped. Each such reserved space shall be identified by an above-grade sign displaying the international symbol of accessibility for the physically handicapped and containing the words "Handicapped Parking, State Permit Required". Each reserved parking space shall be not less than twelve (12) feet wide. Each handicapped space shall have three (3) foot buffers on both sides, painted with yellow crosshatched lines. Adjacent handicapped spaces may share a common three (3) foot buffer. (12/15/91)

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces should be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways, and elevators.

The minimum number of required spaces for the handicapped shall be as follows:

Total Spaces in Lot	Required Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

Nothing herein shall be constructed as limiting state or federal handicapped regulations where said regulations are more stringent than those provided above.

10.9 MODIFICATION OF STANDARDS (10/01/01)

The Commission, in connection with the approval of a site plan under these Regulations, may authorize modification of off-street parking and/or loading standards subject to compliance with the following standards:

10.9.1 The number of spaces provided on the approved site plan is sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of the land, buildings, or other structures as shown on the approved site plan.(10/01/01)

10.9.2 There is a sufficient and suitable area on the lot to provide the full number of spaces, required by this Section of the Regulations, designated on the approved site plan as reserved for future parking and/or loading. (10/01/01)

10.9.3 Any approval granted hereunder is applicable only to the particular use or occupancy of the land, buildings, or other structures shown on the approved site plan and any approvals granted hereunder shall become null and void in the event that such use or occupancy is changed to another use or occupancy without the approval of a modified site plan by the Commission. (10/01/01)

10.9.4 The Commission may require the owner(s) or subsequent owner(s) of the land shown on the approved site plan to provide, within a period of six (6) months from the date of its demand, a greater number or the full number of spaces designated on the approved site plan as reserved for future parking and/or loading. (10/01/01)

SECTION 11 - SPECIAL EXCEPTIONS (10/01/84)

11.1 PURPOSE

The development and execution of a comprehensive Zoning Regulation is based upon the division of the community into zoning districts in which the use of land and buildings and the bulk and location of buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be distinctly classified or uniformly permitted in a particular zoning district without consideration in each case of the impact of such uses upon neighboring uses and the surrounding area as compared with the public need for them in particular locations. Such uses shall, therefore, be treated as Special Exceptions and the provisions of this Section shall apply to all uses listed as Special Exceptions in these Regulations.

11.2 APPLICATIONS FOR SPECIAL EXCEPTIONS

Applications for the approval of a Special Exception shall be filed with the Administrative Assistant of the Town of Salem Planning and Zoning Commission at least five (5) business days prior to the Commission's next regularly scheduled meeting in order to appear on the agenda. Pursuant to Section 8-7d of the Connecticut General Statutes, the day of receipt for the application is the earlier of the next regularly scheduled Commission meeting immediately following the day of submission or thirty-five (35) days after the application was submitted. The application shall be accompanied by eight (8) copies of a site plan, as prescribed in Section 11A following, and by a fee, as prescribed by Town Ordinance (see Appendix). A sign shall be posted in accordance with Section 13.8 of these Regulations. (7/15/01)

11.3 PROCEDURES FOR SPECIAL EXCEPTIONS

The Commission shall hold a Public Hearing on an application for a Special Exception within sixty-five (65) days after receipt of such application and shall complete such hearing within thirty-five (35) days after such hearing commences. A decision on the application shall be rendered within sixty-five (65) days after completion of the hearing. The applicant may consent to one (1) or more extensions of any period specified in this subsection, provided the total of all extensions together shall not exceed sixty-five (65) days, or may withdraw such application. (4/01/07)

11.3.1 The Commission may act simultaneously on the site plan prepared for the subject property; however, approval of a Special Exception shall not constitute approval of a site plan unless specifically stated by the Commission.

11.3.2 When applying for a Special Exception under the provision of this Section, the applicant shall describe in detail all accessory uses, which are to be established in conjunction with the proposed principal use for which a Special Exception is requested. Only those accessory uses specifically approved by the Commission, as part of their approval of a Special Exception application, shall be permitted to

be established on the subject site. Establishment of any additional accessory uses, not specified in a Special Exception approval, shall require a new Special Exception application.

11.3.3 After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of the names and addresses of the owners of all properties within the area which is the subject of the application and of all properties 500 feet or less distance therefrom, all as shown on the most recent records on file in the Town of Salem Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one (1) owner of each such property not more than thirty (30) days nor less than ten (10) days before the date set for the public hearing by transmitting the text of the Public Hearing Notice. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Secretary of the Salem Planning and Zoning Commission along with the above said list of property owners not less than seven (7) days prior to the hearing date.

11.3.4 Approval of a Special Exception shall not be granted unless all conditions of these Regulations have been met. In acting on a Special Exception application, the Planning and Zoning Commission may specify the number of years for which approval for any Special Exception is to be given, and may impose such terms, conditions, or restrictions upon a Special Exception as they deem necessary.

11.3.5 The grounds for the Commission's action on a Special Exception application shall be stated in its records.

11.3.6 A Special Exception shall not be effective until a mylar copy of the site plan thereof, endorsed by the Chairman or Secretary of the Commission, and a Certificate of Approval of the Special Exception, containing a description of the premises to which it relates and specifying the nature of the Special Exception, including the subsection of the Regulations under which such use is permitted, and stating the name of the owner of record, is recorded in the Land Records of the Town of Salem. The Town Clerk shall index the same in the grantor's index under the name of the record owner, who shall pay for such recording.

11.3.7 Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted, that any of the terms, conditions, or restrictions upon which such approval was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and the applicant for said Special Exception. Continuation of a use for which a Special Exception approval has been rescinded or revoked shall constitute a violation of these Regulations.

11.4 FINDINGS

A Special Exception shall not be granted until the Commission has determined that all of the following conditions have been satisfied:

11.4.1 The proposed use is consistent with the objectives of the Plan of Conservation and Development for the Town of Salem, and the intent and requirements of the Zoning Regulations, as such documents may be amended by the Commission.

11.4.2 The proposed use will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the neighborhood in general.

11.4.3 The proposed use will not impair the movement of through-traffic along the adjoining streets by creating congestion or reducing street capacities.

11.4.4 The proposed use will not result in a fragmentation of the area's development pattern, and will not create unnecessary additional points of vehicular conflict with the adjoining streets and will not adversely affect the orderly development of surrounding properties.

11.4.5 The proposed use will not depreciate adjacent property values, and the character and extent of the proposed development will be in harmony with the existing use of adjoining properties.

11.4.6 The proposed use will provide off-street parking and loading facilities in accordance with Section 10 of these Regulations.

11.4.7 The proposed use will not result in the loss of any existing buffering between the subject site and adjacent properties and when different uses exist on adjacent land, adequate buffering is provided.

11.4.8 The proposed use will meet any other special conditions for specific Special Exceptions as may be prescribed elsewhere in these Regulations. (6/01/91)

SECTION 11A - SITE PLANS (12/15/89)

11A.1 PURPOSE

The purpose of the site plan is to provide the Commission with information that allows it to evaluate the conformance of the proposed development with the objectives and requirements of these Regulations. The Commission shall seek to determine that structures and uses of land are arranged in a manner that preserves and enhances the health, safety, and general welfare of the citizens of the Town of Salem and the values of their property, and that the proposed buildings or uses shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to preserve and protect natural resources and the appearance and beauty of the community, and to avoid causing or further aggravating traffic hazards or congestion. In reviewing a site plan, the Commission shall seek to insure the accomplishment of the following objectives:

11A.1.1 That all buildings, structures, uses, equipment and material are readily accessible for fire and police protection.

11A.1.2 That all proposed traffic accessways are adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly, and other accessways; and adequate in design for other similar safety considerations.

11A.1.3 That off-street parking and loading spaces are provided, as required by these Regulations, to prevent on-street traffic congestion; that all parking spaces, maneuvering areas, entrances, and exits are suitably identified; that the interior circulation system is designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps, and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property.

11A.2 WHEN REQUIRED

When these Regulations require that a site plan be submitted to the Commission for approval, the applicant shall submit eight (8) copies of such site plan prepared in accordance with the provisions of this Section of these Regulations. The Commission may require the applicant to provide additional information including, but not limited to, traffic, safety and environmental impact information. (6/1/94) (7/15/01) (4/01/07)

11A.2.1 A site plan as described in these Regulations shall not be required for a single-family dwelling, for any accessory building on a farm, for cold-frame greenhouses, or for any other permitted accessory building less than 200 square feet in size. However, the Zoning Enforcement Officer may require a plot plan prepared by a Registered Land Surveyor, if needed to

clearly show dimensions and the relationships between structures and required setbacks. (5/01/91)

11A.2.2 The Commission may, for good cause shown, waive the site plan requirement when a permitted retail, commercial, business, or office use is changed to another permitted retail, commercial, business, or office use, provided no significant exterior alterations are made to the buildings or premises containing the use and the off-street parking and loading requirements of these Regulations are satisfied.

11A.2.3 The Commission may, upon written request by the applicant, waive one or more of the site plan contents required in Section 11A.4 below if the applicant can show, to the satisfaction of the Commission, that the information or level of detail is not needed to reach a decision on the application. (7/15/01)

11A.2.4 A site plan is not required for a change in the use of a conforming business or retail establishment in a shopping center.

11A.2.5 Applications for proposed changes to an approved site plan shall be submitted to the Commission. If a change is proposed to a site plan that was part of a Special Exception approval, and the Commission determines that the proposed changes are substantial, the Commission may require the applicant to apply for a new Special Exception. (7/15/01)

11A.2.6 At the request of the applicant, a majority of the full Commission may waive some or all of the site plan requirements in Section 11A.4 and Section 11A.5 for proposals on lands where publicly accessible passive recreation is allowed. (9/01/02) (12/1/10)

11A.3 PROCEDURES

Applications for the approval of a site plan or site plan modification shall be filed with the Administrative Assistant of the Town of Salem Planning and Zoning Commission at least five (5) business days prior to the Commission's next regularly scheduled meeting in order to appear on the agenda. Pursuant to Section 8-7d of the Connecticut General Statutes, the day of receipt for the application is the earlier of the next regularly scheduled Commission meeting immediately following the day of submission or thirty-five (35) days after the application was submitted. The application shall be accompanied by eight (8) copies of the site plan, as prescribed in these Regulations, and by a fee, as prescribed by Town Ordinance (see Appendix). (7/15/01)

11A.3.1 If the property for which a site plan has been prepared involves an activity regulated by the Salem Inland Wetlands and Watercourses Regulations, the applicant shall submit an application for a permit to the Salem Inland Wetlands and Conservation Commission not later than the day such application is filed with the Commission. The decision of the Commission shall not be rendered on the site plan until the Conservation Commission

has submitted a report with its final decision. In making its decision, the Planning and Zoning Commission shall give due consideration the report of the Conservation Commission. (7/15/01)

11A.3.2 The Commission shall notify the Clerk of any adjoining municipality of the pendency of any application or site plan concerning any project on any site when: (1 any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality, (2 a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site, (3 a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality, or (4 water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard on any such application or site plan.

11A.3.3 Whenever the approval of a site plan is the only requirement to be met, or remaining to be met, under these Regulations for a proposed building, use, or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five (65) days after receipt of such site plan. The applicant may consent to one (1) or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one (1) further sixty-five (65) day period, or may withdraw such plan. Notwithstanding the provisions of this subsection, if the application involves an activity regulated by the Salem Inland Wetlands and Watercourses Regulations, and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands and Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of the Inland Wetlands and Conservation Commission. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant. (7/15/01) (4/01/07)

11A.3.4 The applicant shall provide the Commission with a mylar copy and three (3) paper prints of the site plan as finally approved. The Chairman or Secretary of the Commission shall sign the prints and the mylar copy and return it to the applicant who shall file it with the Town Clerk. A Zoning Permit, which is required before a building permit can be issued, shall not be given until the site plan is so filed. Upon completion of the project and prior to the Certification of Zoning Compliance required before issuance of the final Certificate of Occupancy, the applicant shall submit a mylar copy of an as-built site plan, showing the locations of all buildings,

driveways, parking areas, drainage features, and other site improvements as they exist after completion of construction. (9/16/97)

11A.3.5 All work in connection with a site plan shall be completed within five (5) years from the date of approval of the plan. For any site plan approved before July 1, 2011 which has not expired prior to May 9, 2011, all work in connection with said site plan shall be completed within nine (9) years. Failure to complete all work within such period shall result in automatic expiration of the approval of the site plan. "Work", for the purposes of this subsection, means all physical improvements required by the approved plan. The Commission may, for good cause shown, grant one (1) or more extensions of the time to complete work in connection with a site plan. In no case shall the extended time for completing work exceed ten (10) years from the date the site plan was approved, and in the case of a site plan approved before July 1, 2011 which has not expired prior to May 9, 2011, 14 years from the date the site plan was approved. (6/01/94) (4/06/12)

11A.4 CONTENTS

A site plan shall consist of a detailed drawing prepared by a registered professional engineer, land surveyor, architect, or landscape architect, and drawn on sheets no larger than 24 x 36 inches, at a scale of one (1) inch equals forty (40) feet, or such other scale approved by the Commission. If only a portion of a lot is being developed, detailed information needs to be submitted for only that portion being developed, and a preliminary scheme shall be submitted for use of the remaining portion of the lot to enable the Commission to determine the relationship and impact the proposed development will have on the entire lot and on adjoining lots, and how the ultimate use of the lot might affect the portion of land proposed for development. The site plan shall show the following information:

11A.4.1 Title block, showing the name of the project, if any, the name of the property owner, and the name of the applicant, if different from the owner, and the address of the property.

11A.4.2 Legend, scale, north arrow, date of original drawing, dates and explanation of revisions, certification of Class A-2 standard for accuracy of information, and seal and signature of the Connecticut licensed professional responsible for the preparation of the plan.

11A.4.3 Statement of the intended use of the property and a chart or table showing compliance with the requirements of these Regulations, including: a) the zoning of the property, b) lot size, c) lot coverage, d) setbacks, e) building heights, f) parking spaces, including parking calculations, g) loading areas, and h) Net Buildable Area. (12/01/03)

11A.4.4 Location map, at a scale not smaller than one (1) inch equals 1000 feet, showing the location of the property, roads within 1000 feet of the property, and the distance to the nearest road intersection if it is more than 1000 feet from the property.

11A.4.5 The boundaries of the property, the names of the abutting property-owners, and the locations and dimensions of all existing and proposed easements and rights-of-way; locations of all existing monuments and markers; locations of all significant natural features on the property, including, but not limited to, wetlands, watercourses, rock outcroppings, and the boundaries of special flood hazard areas, and the locations and numbers of existing utility poles along any abutting road. All required setback lines and buffer strips shall also be shown. Where easements exist on the property, the applicant shall present evidence that the easement holders have been notified of the proposed use of the property. (12/05/95)

11A.4.6 The locations and dimensions of all existing and proposed structures and uses on and within fifty (50) feet of the property, including, but not limited to: buildings, signs, fences, walls, recreation facilities, light fixtures, storage tanks, public utility installations, and waste disposal containers.

11A.4.7 Existing and proposed contours, shown at a minimum of two (2) foot intervals, and spot elevations, as needed, to clearly show the direction of stormwater flow and the land elevations in the vicinity of buildings, and the first-floor elevations and heights of all buildings. Bench marks shall be shown in the vicinity of the site work with the elevation datum referenced. Existing and proposed contours shall be shown for twenty (20) feet outside the area of proposed construction and shall be shown at a minimum of two (2) foot contour intervals with critical spot elevations as needed.

11A.4.8 The locations, dimensions and surface conditions of existing and proposed driveways, traffic islands, curbing, vehicle parking and maneuvering areas, loading and unloading areas, pedestrian walkways, ramps, and fire lanes.

11A.4.9 Elevations, pipe sizes, material types, slopes, and locations and dimensions on all existing and proposed storm drainage features on the property, and those adjacent to the site, that would be impacted by expected runoff from the site shall be shown. Construction details for such features shall also be shown. In addition, all easements and rights to drain and maintain shall be provided on the plan. All existing and proposed pipes, ditches, etc. shall be analyzed by a drainage impact report submitted to the Commission.

11A.4.10 Location and description of all existing and proposed facilities to be used for water supply and sewage disposal, electricity, telephones, and fire

protection devices, specifying their engineering design, dimensions, and functional capabilities.

11A.4.11 The site plan for any proposed commercial or industrial building shall include elevation views on all sides showing proposed architectural features, including basic floor plans to scale, identifying the proposed use of interior space. The plans shall also show locations of all existing and proposed outdoor fixed trash receptacle areas along with outdoor fixed seating and other miscellaneous structures.

11A.4.12 The location, type, and size of all existing and proposed signs shall be shown on the site plan in accordance with these Regulations, including a detail of the sign design and dimensions.

11A.4.13 On commercial site plans, a separate landscaping plan shall be presented identifying the location, size, and species of trees and shrubs proposed and the location and size of proposed walls and/or fences. Said landscaping plan shall include a plantings legend and schedule, and construction detail for walls and/or fences if proposed. (4/01/07)

11A.4.14 Erosion and Sediment (E&S) Control Plan: Whenever plans for the proposed development show that it will result in the disturbance of more than one-half (½) acre of land, the applicant will submit as part of the site plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control", available from the Natural Resources Center of the Connecticut Department of Environmental Protection. A single-family dwelling that is not part of a subdivision of land shall be exempt from these E&S plan requirements.

The E&S Control Plan shall include the following:

a. A description of the project and a schedule of the major activities to be constructed on the land.

b. Locations of areas to be stripped of vegetation.

c. Locations of areas to be regraded and contour data sufficient to clearly indicate existing and proposed grades.

d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features, and the like.

e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.

f. Location, design, and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.

g. A description of procedures to be followed to maintain sediment control measures.

h. The plan map shall show the words: "Erosion and Sediment Control Plan certified by vote of the Salem Planning and Zoning Commission on (date)", and a space for the signature of the Chairman or Secretary of the Commission.

After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply approval of the E&S plan as well.)

The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

11A.4.15 The location and listing of significant natural resources such as prominent geological features and important habitat including species of critical federal or state concern along with measures proposed to minimize impact on such resources. (10/1/13)

11A.4.16 Each site plan shall contain a signature block, including the words "Approved by the Salem Planning and Zoning Commission on (date)", and spaces for the signature of the Commission's Chairman or Secretary and the date of the signature.

11A.4.17 Existing and proposed lighting shall be shown on the site plan for industrial, commercial or business uses. Lighting for parking areas, drives and general use shall be in fixtures with shielding or cut-offs, which direct the light to its intended location. No light shall be directed off the premises. Lighting attached to commercial or industrial buildings to illuminate service bays, loading docks, or similar purposes, shall be in fixtures which direct the light toward the intended area. Poles for lighting shall not exceed eighteen (18) feet in height unless a written request for waiver is presented to and approved by the Planning and Zoning Commission. Lighting attached to buildings shall be decorative and intended primarily for safety. Spotlights and bare bulbs are not permitted. High-pressure sodium-type fixtures are preferred. Lighting illumination plan and spec sheets shall be submitted as part of the application. (1/01/05)

11A.5 SITE PLAN STANDARDS

Plans for site improvements shall be consistent with sound engineering practices and standards and with the following:

11A.5.1 The Commission shall consult with the First Selectman and the Fire Marshal to determine that buildings and storage areas will be reasonably accessible by emergency vehicles.

11A.5.2 Aboveground storage tanks and waste disposal containers shall be located in side or rear yards and shielded from the public view by landscaping or opaque fencing.

11A.5.3 Building-mounted lighting shall be avoided in favor of pole-mounted lights, but the Commission may allow building-mounted fixtures on side or rear walls of buildings when the source of light is shielded from nearby residences and public areas. Pole lights that reflect their light downward shall be used on sites adjoining or across a road from residential zones or properties being used for residential purposes.

11A.5.4 Driveway intersections with abutting roads shall be limited to one (1) per street frontage unless it can be satisfactorily demonstrated that public safety will be enhanced with more than one (1) per street frontage. Curb radii shall not be less than thirty-two (32) feet, but the Commission may require larger radii where truck traffic is expected. The Commission may require the applicant to provide acceleration or deceleration lanes in the abutting roadway where expected traffic conditions indicate such features are warranted.

11A.5.5 Driveways to new commercial uses in Business and Highway Commercial Zones, and to new industrial uses in Industrial Zones, shall be paved to a width of at least twenty (20) feet. All bituminous concrete paving for entrance drives and parking lots shall be installed to a minimum of two-and-a-half (2½) inches, compacted and laid in two (2) courses using a minimum ten-ton roller. Pavement shall be laid over four (4) inches of processed gravel, spread over at least twelve (12) inches of bank-run gravel. Grading of all parking lots and access drives shall provide a minimum slope of one percent (1%) and a maximum slope of eight percent (8%). Entrances shall be clearly defined by bituminous concrete, concrete, or granite curbing. The paving shall extend fifteen (15) feet from the edge of the roadway or to the front property line of the use, whichever is greater, except that the full driveway shall be paved where a paved parking lot is required by these Regulations. The location and design of the intersection of a proposed driveway with a local street or state highway shall be approved by the appropriate traffic authority. A clear sight line of at least 200 feet in both directions along a public road is required at any new driveway intersection, except that the Connecticut

Department of Transportation may require a greater sight line on state highways. The Commission may require warning signs along town roads approaching driveways to be used by large vehicles. (12-1-10)

11A.5.6 No driveway to a use for which a site plan is required shall be located within 150 feet of a street intersection or of another driveway on the same side of the street, except that, wherever possible, driveways to abutting properties shall use a common apron to access a state highway or major town road. The Commission may require an applicant to provide easements to adjacent properties in order to provide a service connection road to existing or potential future commercial uses in order to reduce the number of driveways to existing roads.

11A.5.7 A driveway to a rear lot in a Business, Industrial or Highway Commercial Zone shall be constructed with a right-of-way not less than forty (40) feet wide; except that where more than four (4) business or commercial uses are served by the same driveway, the right-of-way shall be at least fifty (50) feet wide. (12/1/10)

11A.5.8 If a road is constructed or improved to current Town road standards to serve an HC or B Zone, rear lot driveways may connect with such new or improved road, but if no rear lots are to be served by such new or improved road, lot frontages of lots to be used for business and commercial purposes may be reduced to 150 feet in HC Zones and 100 feet in B Zones, and the frontages of lots fronting on a cul-de-sac may be reduced to fifty (50) feet, provided the widths of such lots at the building lines shall be 150 feet in HC Zones and 200 feet in B Zones.

11A.5.9 Vehicle parking spaces, maneuvering aisles, and truck loading areas shall be provided in accordance with Section 10 of these Regulations. Handicapped parking and ramps shall be provided as prescribed by the Connecticut Basic Building Code and Section 10 of these Regulations. Where a paved parking surface is required, spaces shall be designated by painted white four (4) inch lines, or equivalent. Fire lanes shall be painted yellow and located as prescribed by the Fire Marshal.

11A.5.10 Signs shall conform to the requirements of Section 13 of these Regulations.

11A.5.11 Proposed septic systems and wells shall not be located closer than seventy-five (75) feet from a property line unless the applicant provides mapped information verifying that the locations of such facilities on the site and on adjoining properties meet the separation requirements of the State Department of Health Services.

11A.5.12 All drainage improvements shall be designed for at least a twenty-five (25) year storm; however, the Commission retains the right to require a

design to a greater storm when engineering review and existing and potential down-stream land uses indicate it to be appropriate.

11A.5.13 Drive-through lanes for drive-up windows shall be at least twelve (12) feet wide, and shall have an overhead clearance of fourteen (14) feet. Driveways or parking lot areas used for access to, or egress from, such lanes shall have unobstructed inside radii of not less than twenty-five (25) feet. Vehicle queuing area shall be adequate in length and location to avoid interference with parking spaces and related maneuvering areas and with on- and off-site traffic circulation, and shall accommodate a minimum of six (6) vehicles per drive-up window.

11A.5.14 Any site plan for commercial or industrial development on a lot abutting a residential district shall indicate a buffer strip at least fifty (50) feet wide, within which evergreen vegetation, sufficient to effect a visual screening along the residential boundary, shall be established and maintained. The Commission may waive this requirement where natural terrain, artificial berms, or other features satisfy the objectives of this requirement.

11A.5.15 Drainage to Off-Site Properties (4/01/07)
No increase in stormwater peak flows or volume of runoff from 2, 10, 25, 50, and 100 year design storms shall be allowed unless downstream increases are compatible with the overall downstream drainage system and said increase is reviewed and verified by the Town Engineer and approved by the Commission. The following items shall be addressed by the applicant(s) in determining whether increased peak flows or runoff volumes are compatible with the overall downstream drainage system:

a. The timing of peak flows from sub-watersheds;

b. The increased duration of high flow rates;

c. The adequacy of downstream drainage features.

11A.6 BONDING – DELETED IN ITS ENTIRETY (4/06/12)

11A.7 SUBMISSION OF DIGITAL DATA FOR APPROVED PLANS (4/01/07)

Prior to the endorsement of mylars of an approved plan, the applicant shall submit a digital file of the approved plan in a digital exchange format, as may be revised from time-to-time, suitable to the Commission and available at the Land Use Office. The applicant may request, in writing, that the Commission approve payment of a fee as outlined in Appendix 1, as amended, of the Zoning Regulations in lieu of digital data submission.

SECTION 12 - NONCONFORMING USES

12.1 Any nonconforming use of a building or land or property lawfully existing at the time of the adoption of these Regulations or of any amendments thereto, may be continued and any building so existing which was designed or arranged and devoted to a nonconforming use may be reconstructed and structurally altered, and the nonconforming use therein changed subject to the following regulations:

12.1.1 No nonconforming use may be changed except to a conforming use, or, with the approval of the Zoning Board of Appeals, to another nonconforming use not more objectionable in character.

12.1.1 No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

12.1.2 No nonconforming use shall be extended or expanded, except that the Zoning Board of Appeals may grant a variance to this provision in accordance with Section 16 of these Regulations. Any single-family resident on any lot in a Business, Special Business, Highway Commercial, Commercial Recreation, or Industrial Zone, legally existing on the effective date of this amendment, may be extended or expanded by right without variance. (8/01/95)

12.1.3 No nonconforming use, which has been discontinued for a period of one (1) year, shall thereafter be resumed unless a longer period of time is granted by the Zoning Board of Appeals because of sickness, or litigation, or similar reason.

12.2 Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure, which is unsafe.

12.3 Nothing in these Regulations shall prevent the reconstruction of a building damaged by fire, explosion, accident, or an act of God to its condition prior to such damage or to a larger condition subject to the provision of Section 12.1.3 above, or prevent the restoration of a wall or structural member, provided that any such reconstruction shall be started within one (1) year of such damage, unless a longer period of time is granted by the Zoning Board of Appeals because of sickness, or litigation, or similar reason, and be diligently prosecuted to completion.

12.4 Nothing in these Regulations shall require any change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of these Regulations or to any amendment hereto. Actual construction is the excavation of a basement, cellar, or foundation and the actual placing of construction materials in their permanent position fastened in a permanent manner.

12.5 DELETED (4/28/95)

SECTION 13 - SIGNS (1/04/85)

13.1 GENERAL (10/28/00)

13.1.1 No permanent sign shall be erected until a description of the sign has been submitted to the Zoning Enforcement Officer, who shall issue a sign permit at no charge, provided the sign conforms to the requirements of these Regulations. (4/23/96)

13.1.2 The Commission may approve a request from the Board of Selectmen, acting on behalf of any public or non-profit agency, to erect a public-purpose sign, which does not comply with the dimensional and location standards enumerated in these Regulations. The request shall be accompanied by a clear representation of the sign, written permission of the property owner in front of whose property the sign is to be erected, and a written statement indicating who shall be responsible for the maintenance of the sign. Any such sign that is not maintained, or whose purpose has ended, shall be removed.

13.1.3 Signs informing the public of official public meetings or events may be erected by, or, on the order of, the First Selectman in the performance of his or her public duty. Such events include, but are not limited to, elections, referenda, and town meetings. Such signs may be erected in locations deemed appropriate by the Selectman. Such signs shall be erected not more than thirty (30) days prior to the meeting or event and shall be removed within seventy-two (72) hours after the date of the meeting or event. The total number of signs erected under this Section shall not exceed five (5) signs at any one time. (11/01/90)

13.2 SIGNS IN ALL ZONING DISTRICTS (10/28/00)

The following requirements apply to signs in <u>all zoning districts</u>:

13.2.1 Except as provided by these Regulations, only signs advertising an activity conducted or a product sold on the lot on which they are erected are permitted.

13.2.2 No sign shall advertise an activity or use on a lot after such activity or use has been changed to another activity or use.

13.2.3 All signs shall comply with the requirements of the State Building Code and shall be kept in good repair.

13.2.4 No signs shall have blinking, flashing or fluttering lights, or other illumination device which has a changing light density, brightness, or color, except such as to indicate the local time and/or weather.

13.2.5 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

13.2.6 No sign, other than a state or municipal traffic or information sign, shall be placed within a town highway or street right-of-way without the written consent of the owner of the abutting private property if said owner is other than the owner of the sign. A sign shall not be placed within the state highway or right-of-way without a permit from the Department of Transportation and such signs shall meet the standards contained in these Regulations.

13.2.7 A double-faced sign shall be counted as one sign for purposes of measuring its area, provided the faces are identical and mounted back-to-back.

13.2.8 No part of any sign mounted on a building shall project above the highest point of the roof or parapet of the structure to which it is attached, and no rooftop signs are permitted.

13.2.9 All signs shall be firmly anchored.

13.2.10 No part of any sign shall extend within ten (10) feet of any highway travel lane or shoulder or within ten (10) feet of any side or rear property line, except as provided elsewhere in these Regulations.

13.2.11 Information and warning signs required by local, state or federal laws, authorities, or regulations are permitted. Traffic control signs shall conform to the Manual on Uniform Traffic Control Devices of the Federal Highway Administration. (4/01/88)

13.2.12 Portable signs are prohibited except in conformance with Section13.5.6 of these Regulations. This shall not be construed as prohibiting signs painted on motor vehicles used in connection with a business or other activity, provided such signs do not project out from the sides, roof, or hood of such vehicle, and provided such vehicle is not used to circumvent these Regulations by prolonged or regular parking in the same location on the same lot as the activity being advertised.

13.3 SIGNS IN RESIDENTIAL ZONE A AND SEASONAL RESIDENTIAL ZONE

No part of any sign shall extend more than six (6) feet above the ground surface as measured from a point directly below the sign.

The following signs are permitted:

13.3.1 One (1) identification sign, not exceeding two (2) square feet, indicating the name of the owner and any lawful activity being conducted on the premises.

13.3.2 The builder, contractor, or real estate firms that are currently involved with a property may each locate one (1) sign, not exceeding nine (9) square feet, on that property.

13.3.3 An approved Special Exception may have one (1) free-standing sign not exceeding twenty-five (25) square feet and building-mounted signs not exceeding twenty-five (25) square feet in the aggregate.

13.4 SIGNS IN RURAL ZONES A AND B (10/28/00)

No part of any sign shall extend more than ten (10) feet above the ground surface as measured from a point directly below the sign.

The following signs are permitted:

13.4.1 One (1) identification sign, not exceeding twelve (12) square feet, indicating the name of the owner or the name of the property or any lawful activity occurring on the same lot.

13.4.2 One (1) sign, not exceeding fifty (50) square feet, advertising lots or homes for sale in an approved subdivision containing five (5) or more lot or multi-family housing project containing five (5) or more units, provided such sign shall be removed within one (1) year after completion of the subdivision or multi-family housing units. Such sign shall be located on the same property as the lots or units being advertised.

13.4.3 One (1) permanent sign, not exceeding thirty-two (32) square feet, indicating the name of the subdivision containing ten (10) or more lots or multi-family housing project containing ten (10) or more units.

13.4.4 An approved Special Exception may have one (1) freestanding sign, not exceeding fifty (50) square feet and building-mounted signs, not exceeding fifty (50) square feet in the aggregate.

13.4.5 The builder, contractor, or real estate firms that are currently involved with a property may each locate one (1) sign, not exceeding nine (9) square feet, on that property.

13.5 SIGNS IN BUSINESS, SPECIAL BUSINESS A AND B, HIGHWAY COMMERCIAL, COMMERCIAL RECREATION AND INDUSTRIAL ZONES (10/28/00)

No part of any sign shall extend more than twenty (20) feet above the ground surface, as measured from a point directly below the sign.

The following signs are permitted:

13.5.1 One (1) permanent freestanding sign on each street frontage, each not exceeding fifty (50) square feet, and building-mounted signs not exceeding in the aggregate 20% of the area of the wall on which they are mounted. (4/01/88)

13.5.2 Not more than two (2) signs on each street frontage, each not to exceed fifty (50) square feet, advertising the builder, contractor, financier, and/or real estate firm currently involved with the property on which the sign is located. (4/01/88)

13.5.3 Where more than one (1) business is conducted within a single building, the freestanding sign may have attached to it smaller signs containing the names of individual businesses, provided the total area of such directory sign shall not exceed eighty-five (85) square feet. (4/23/96)

13.5.4 In addition to signs permitted in Sections 13.5.1 and 13.5.2 above, the entrance driveway(s) to any lot containing a non-residential use in a Business, Special Business A and B, Commercial Recreation, Highway Commercial, or Industrial Zone may be marked by one (1) sign for each such driveway. Such sign shall be not larger than nine (9) square feet and shall not extend more than the four (4) feet above the ground surface. (4/01/88)

13.5.5 Flags with the word "open" on them and decorative flags and banners, not exceeding twenty-five (25) square feet in area and one (1) per each 100 feet of road frontage, are permitted in all non-residential zoning districts.

13.5.6 Portable signs: A portable sign is a sign that is not affixed to a building, structure, or the ground. Portable signs, excluding those used for public purposes as regulated in Section 13.1 of these Regulations, shall meet the following standards:

- A portable sign shall not exceed twelve (12) square feet in area.
- A portable sign shall be designed to prevent movement by high winds.
- A portable sign must be located at least ten (10) feet from the edge of the roadway pavement and on the property which contains the business.
- A maximum of one (1) portable sign per business is permitted.

13.6 DIRECTIONAL SIGNS

Directional signs, not more than two (2) square feet in area, lettered in blue or black on white or white on blue or black, and similar in style to State Department of Transportation signs, may be erected on private land adjoining a crossroads with the approval of the land owner and the Zoning Enforcement Officer. If such sign is to be located within the town or state right-of-way, the permission of the abutting property owner must be obtained.

13.6.1 No more than two (2) such directional signs are permitted for any use or activity.

13.6.2 Traffic control signs in parking lots or driveways shall conform to the Manual on Uniform Traffic Control Devices of the Federal Highway Administration. (4/01/88)

13.7 SIGNS FOR REAR LOTS

Permitted signs relating to uses on rear lots may be erected on any lot abutting the driveway to such rear lots with the written permission of the abutting lot owner. Such permission of the abutting lot owner is also required when the sign is to be placed within a state or town right-of-way.

13.7.1 When an abutting lot owner permits a rear lot owner to erect a sign on his property, said sign may be located anywhere in the side yard of said abutting lot nearest the driveway to the rear lot, except that it shall not extend closer than ten (10) feet to any highway travel lane or shoulder.

13.8 POSTING OF SIGN CONCERNING PROPOSED ZONE CHANGE OR SPECIAL EXCEPTION (8/01/86)

At least fifteen (15) days prior to the required Public Hearing for any petitioned zone change or for any application involving a Special Exception under these Regulations, the applicant shall post a sign on the premises indicating that such action is proposed. The sign shall be obtained from the Town Office Building upon submission of a deposit in an amount prescribed by the Salem List of Fees and Forms. The sign shall be four (4) feet by four (4) feet in size and shall be firmly set at least three (3) feet above ground surface and shall be located so as to be clearly visible and legible from the most heavily used adjacent Town road or two-lane state highway. The location shall be subject to approval by the Zoning Enforcement Officer. The sign shall indicate the following:

PUBLIC NOTICE

This Property Proposed for a

(Change of Zoning or Special Exception)

For Information, Contact

First Selectman's Office

Salem Planning and Zoning Commission

The sign shall be removed from the premises immediately after the Public Hearing on the application and taken to the Town Office Building for return of deposit.

13.9 (12/15/91) A sign informing the public of a Public Hearing on a matter initiated by the Commission may be erected by, or on the order of, the chair of the Commission. Such Public Hearings may be concerned with, but are not limited to, proposed amendments to the Plan of Conservation and Development, the Zoning Regulations, or the Subdivision Regulations. The sign shall be erected in front of the Town Office Building not less than fifteen (15) days prior to the Public Hearing and removed not more than seventy-two (72) hours after said hearing.

SECTION 14 - EXCAVATIONS (6/18/85) (11/01/88) (1/01/07)

Excavations are permitted as Special Exceptions in Rural Zone A (RU-A), Rural Zone B (RU-B), and Industrial (I) Zones and, therefore, must comply with the provisions of Section 11, Section 11A and this Section of these Regulations, except that processing shall be prohibited in Rural Zone A and Rural Zone B.

14.1 DEFINITIONS

Crushing: Size reduction of earth products to a specified size.

Cone Crusher: A crusher that breaks material by squeezing it between cones. Normally, a second or third stage crusher.

Equipment: Machinery used for mining or processing of earth products, including, but not limited to, screeners, conveyor belts, crushers, backhoes, pay loaders, dump trucks, and the like.

Earth materials: Loam, sand, peat, muck, gravel, clay, quarry stone or crushed stone.

Excavation shall include:

1. Digging or moving from the premises more than one hundred (100) cubic yards of earth materials such as loam, sand, peat or muck.

2. Quarrying, i.e. digging or mining, or moving from the premises more than one hundred (100) cubic yards of gravel, clay, quarry stone or crushed stone, and

3. Removal off premises of landscaping material (topsoil) whether or not for site.

Excavation shall not include:

1. Digging or removal off premises of:

    a) Less than three hundred (300) cubic yards of earth materials from a landscaping or agricultural operation, (12-1-10) or
    b) Removal off premises of surplus material resulting from a bona fide construction project for which a site plan or subdivision plan has been approved by the Planning and Zoning Commission, or for which a Zoning Permit has been issued by the Zoning Enforcement Officer. (12-1-10)

Jaw Crusher: A crusher that breaks material by squeezing it between two (2) jaw plates, one (1) moveable and one (1) stationary. Normally, a primary crusher.

Primary Crusher: First-stage crusher used to reduce shot rock to a size that can be processed by secondary and tertiary crushers.

Processing shall mean and may include the crushing, screening, washing, blending or otherwise breaking down of excavated or quarried earth products to create intermediate or finished product, whether or not for the purposes of sale,

Screening: Separation of earth products according to size.

Secondary Crusher: Crusher that receives feed from the primary crusher and further reduces rock in size.

Surplus Material: Earth products, including, but not limited to, topsoil, subsoil, sand, gravel, and rock, disturbed from the earth as part of an on-going construction project. (12-1-10)

Tertiary Crusher: Crusher that receives feed from the secondary crusher and further reduces rock in size.

14.2 PURPOSE

The purposes of this Section are to: 1) reduce threats to public safety as much as possible during the period of excavation, 2) produce excavation operations that are conducted in a manner that has minimal adverse impacts on surrounding properties, and 3) ensure that excavated properties are restored to attractive and useful sites.

14.3 PROCEDURES

14.3.1 Approved processing in Industrial Zones shall comply with the following unless otherwise specifically authorized by the Special Exception:

a) No processing equipment shall be located within one hundred fifty (150) feet of a street line, a wetland or watercourse or within one hundred (100) feet of an abutting property line, unless such abutting property is owned by the owner of the property on which the processing will occur.

b) No processing equipment shall be located within three hundred (300) feet of an abutting residential property unless Section 14.3.1a), above, applies, and no processing equipment shall be located within five hundred (500) feet of a Rural or Residential Zone. (12-1-10)

c) All conveyors and chutes associated with the processing equipment shall, at all times, utilize noise reduction materials or procedures approved by the Commission which may include, but are not limited to, muffling equipment, sound-insulated buildings, and the use of buffer zones or berms. Evidence of same shall be submitted to the Commission at the time the application is filed. No processing operation in an Industrial Zone shall be conducted on a lot that is less than forty (40) acres in size. (12-1-10)

d) Processing may be limited or prohibited in the Industrial Zone if the Commission finds the activity will have a detrimental impact on adjoining

properties and their residents, which cannot be adequately mitigated. Machinery to be used in conjunction with the operation must be approved by the Commission. The washing, screening, grading or processing of earth, sand, gravel, stone or other natural material may be permitted, if requested by the applicant at the time of initial application and approved by the Commission in Industrial Zones.

e) No processing operation in an Industrial Zone shall be conducted on a lot that is less than forty (40) acres in size. (12/1/10)

14.3.2 In RU-A, RU-B, and I Zones, the required site plan shall show the following, in addition to what is required in Section 11A of these Regulations:

a) Grading plan showing existing contours in the area to be excavated, any future phase(s), if applicable, and proposed contours for the area(s) after operations. Such plans shall include the area(s) to be excavated as well as the surrounding area within one hundred (100) feet of the excavation and shall be drawn at a scale of one (1) inch equals forty (40) feet (1" = 40').

b) A baseline longitudinal to the long section of the proposed operations with cross sections at fifty (50) feet intervals shall be provided. Monitors for static water level, finish elevations, groundwater test pits, and monitoring wells to establish the seasonal groundwater table may be required.

c) Exact routes of vehicle access to and egress from the excavation, vehicle parking, and stockpile locations. These locations shall be included in the disturbed area computation.

d) A construction entrance meeting the requirements set forth in the current version of Connecticut Guidelines on Soil Erosion and Sediment Control shall be installed, extending into the site from the limits of the paved entrance for a distance of one hundred (100) feet. Following approval by the Commission, said construction entrance shall be replaced in whole or in sections as deemed necessary by the Zoning Enforcement Officer.

e) The number and types of trucks and other machinery to be used on the site.

f) An estimate of the number of cubic yards of material to be excavated, removed, graded or dumped annually.

g) Processing of material brought in from off-site shall be prohibited in Industrial Zones.

h) Restoration Plan, prepared by a Certified Professional Engineer, showing condition of the property following completion of the operation including grading, erosion and sedimentation control, final status of any pond(s) created for the operation, landscaping, all contours, and resolution of any public safety concerns. Where a final Restoration Plan has not been filed for an excavation

operating under an existing permit, such plan shall be required to be submitted to the Commission for approval prior to renewal of such permit.

14.3.3 Appropriateness of Location in RU-A, RU-B and Industrial Zones

a) The applicant shall show measures to be taken to minimize the nuisance of noise, flying dust or rock and dangerous conditions. Such measures must include, when considered necessary, limitations upon the practice of stockpiling excavated materials and storage of equipment on the site and hours of work. Proposed hours of operation and the location and types of any buildings to be erected and processing equipment to be used shall be included. Additional measures may be required by the Commission.

b) The applicant shall show the compatibility of the proposed activity with:

i) The Town's Plan of Conservation and Development, the zone in which it will occur, and existing or proposed land uses therein;

ii) The present, proposed or potential water supply uses or capabilities of the area;

iii) The creation of such real or potential nuisances as noise, traffic, odors, dust, visual blight, natural resource degradation, erosion and sedimentation, flooding, the impact on surrounding existing or proposed land uses, and the end use of the excavated area.

14.3.4 Statement: The applicant shall provide a statement signed by the applicant(s) indicating that they have read the requirements and will conform to the provisions of this regulation, and to such additional conditions as may be imposed by the Commission under the provisions of Section 11.3.4 of these Regulations.

14.3.5 Traffic study prepared by a Professional Traffic Engineer, if deemed appropriate by the Commission.

14.4 CONDITIONS OF OPERATION IN RU-A, RU-B AND INDUSTRIAL ZONES

The following conditions shall be met by the excavation operator:

14.4.1 In the Industrial Zone, the exposed or otherwise disturbed area of the operation or reclamation process shall not exceed four (4) acres and in the RU-A and RU-B Zones shall not exceed one (1) acre at any one time, except that the surface area of any resulting pond shall not be included in the calculation.

14.4.2 The plan shall provide for proper drainage of the area of the operation after completion and no bank shall exceed a slope of one (1) foot of vertical rise in two (2) feet of horizontal distance. In stone quarries, or where ledge is encountered, steep slopes may be permitted, provided a properly maintained

heavy wire fence at least six (6) feet high is erected fifty (50) feet from the top of the slope. No removal shall take place within one hundred (100) feet of a property line unless a lesser distance is allowed by the Commission for good cause shown. Good cause shall include, but not necessarily be limited to, the opportunity to obtain a more desirable grade in the area of the property boundary, or the stability of the earth material in the area of the property boundary. The Commission may require excavation operations to be screened from view from adjoining properties or public streets.

14.4.3 No pit shall be created that is deeper then four (4) feet unless it can be easily and safely entered and exited by way of a path or other area no steeper than one (1) foot of vertical rise in three (3) feet of horizontal distance.

14.4.4 A sufficient amount of topsoil shall be kept on the site to cover disturbed areas to a depth of four (4) inches. Loam may be substituted for topsoil.

14.4.5 During the conduct of the operation, any condition deemed by the Zoning Enforcement Officer to be a threat to public safety shall result in an order to immediately cease the operation until such condition is corrected. At the conclusion of the operation, all disturbed area shall be graded and covered with no less than four (4) inches of topsoil and seeded with a suitable cover crop.

14.4.6 The Commission must approve the hours of operation of the excavating and the processing machinery.

14.4.7 Truck access to the site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The first one hundred (100) feet (or more if deemed necessary by the Commission) of an access road into a site shall be paved to minimize dust. Other roads or areas in the site shall be moistened or otherwise treated to keep dust to a minimum.

14.4.8 The excavation operator shall notify the Office of the First Selectman prior to any blasting. Blasting associated with earth materials excavation under this Section 14 of these Regulations must be specifically authorized by the Special Exception.

14.5 BOND

As a condition of approval of any excavation, the Commission shall require a performance bond, in a form approved by the Commission, to be posted with the Board of Selectmen sufficient to cover the costs of any required access, drainage, or safety improvements and the costs of any regarding of disturbed areas, covering with topsoil, and seeding. The applicant shall present an estimate of such costs, prepared by a Registered Professional Engineer, said estimate to be reviewed by the Town Engineer and approved by the Commission. The bond shall remain in effect through the period of the permit and any subsequent renewal, plus one (1) year. Bond increases may be

required by the Commission at times of permit renewal to reflect increases in costs of site restoration. The Commission may approve releases of portions of bonds as site restoration is completed.

14.6 DURATION OF PERMIT

The approval of a Special Exception for an excavation shall be valid for a period of one (1) year and may be renewed annually by the Commission provided that the excavation is proceeding according to the approved plan. The Commission may require a public hearing for any request for renewal of a Special Exception for an excavation and shall require a public hearing if new development activity is proposed. If a public hearing is held, the applicant shall demonstrate compliance with Section 11 of these Regulations. The following shall constitute a complete application for renewal: (9/15/08)

a) Application;

b) Renewal fee;

c) Public hearing fee, if applicable;

d) Complete site plan based on existing conditions, said plan to be prepared by a Professional Engineer or Licensed Surveyor;

e) Revised Restoration Plan if new activity is proposed;

f) Monitoring and Inspection Fee of $10.00 per 1000 cubic yards of earth excavation to be removed after 9/15/08 in accordance with the approved plan; (12-1-10)

g) Documentation of Material Removed from the Site: (9/15/08)

    1. Copies of all truck slips for the one (1) year period from the date of the most recent approval, as well as annual surveys of removal quantities either by field survey methods or aerial photogrammetric methods. A spreadsheet may be submitted in lieu of truck slips provided the following information is reflected on the spreadsheet: date, ticket #, type of material, and gross weight, tare weight and net tonnage. For those operations without access to a scale, cubic yardage may be submitted in lieu of net tonnage. Should a spreadsheet be submitted in lieu of truck slips, the Commission may authorize the Zoning Enforcement Officer to perform a random comparison. (9/15/08)

h) All bonding requirements as outlined in Section 14.5 above, must be satisfied prior to renewal of a Special Exception for excavation;

i) Traffic Study, prepared by a Professional Traffic Engineer, if deemed appropriate by the Commission;

j) Where a Final Restoration Plan has not been filed for an excavation operating under an existing permit, such plan shall be required to be submitted to the Commission for approval prior to renewal of such permit.

k) The provisions of d) and g) may be waived by the Commission when there is a finding by the Zoning Enforcement Officer that the operation is in full compliance and there has been no greater than 5,000 cubic yards, or its equivalent in tonnage, of material removed annually. Waiver requests shall be submitted at the time of renewal application submission. (9/15/08)

14.7 The Commission may deny an application for permit renewal if it determines that there is an existing violation of the approved Special Exception/Site Plan or, in the case of alleged violation(s), delay such renewal until an investigation is completed and it is found that no violation(s) exist.

14.7.1 Nothing herein shall prevent the applicant from requesting approval of a revised site plan, modifying, expanding, or reducing the scope of the excavation originally approved. If the Commission determines that such proposed revision would pose significant additional impacts on the surrounding area, it may require the applicant to submit an application for a new Special Exception.

SECTION 15 - MULTI-FAMILY DWELLINGS

15.1 GENERAL

A Special Exception may be granted by the Planning and Zoning Commission to construct multiple family dwellings in Rural Zone A if the Commission shall find the applicant conforms to the requirements listed in the following subparagraphs. In evaluating applications for multiple family dwellings, the Commission shall be especially concerned with possible pollution of ground and surface waters from sewage disposal systems, public health and safety, traffic congestion, and the preservation of private and public property values. Residential apartments in buildings containing nonresidential uses in business districts shall conform to the requirements of Section 7.1.26 of these Regulations. (12/01/88)

15.2 DESIGN STANDARDS

15.2.1 Minimum lot frontage on a street and minimum average lot width shall be 200 feet.

15.2.2 There shall be a minimum separation of 100 feet between buildings.

15.2.3 All minimum setback requirements of Rural Zone A shall be complied with.

15.2.4 Parking areas and access roads shall not be included in minimum front, side, or rear yard areas.

15.2.5 For multiple family dwellings using subsurface sewage disposal systems, no more than four (4) family units shall be located on any four (4) acres of land.

15.2.6 No multiple family dwelling shall contain more than four (4) family units and no multiple family dwelling project shall contain more than eighty (80) family units.

15.2.7 Required floor area in multiple family dwellings shall consist of not less than the following floor area for each type of family unit. (Hallways serving more than one (1) unit shall not be included in the computation of floor area.)

Bedrooms	Minimum Floor Area
Efficiency:	500 square feet
One bedroom:	650 square feet
Two Bedrooms:	800 square feet

Plus 150 square feet for each additional bedroom over two (2).

15.2.8 No building shall exceed two and one (2½) half stories or thirty-five (35) feet in height.

15.2.9 No space having its floor level above the second floor level above the finish grade shall be used for dwelling purposes and no space having its floor level below the finish grade shall be used for dwelling purposes, except as a recreation or utility room.

15.2.10 Outdoor clothes drying areas and refuse storage areas shall be provided. Refuse storage areas shall be fenced and screened from view from all streets by a planting of dense shrubbery or closed picket or screen type of fence. Accumulated refuse shall be removed from the premises at least once weekly.

15.2.11 NET BUILDABLE AREA – For any new multi-family dwellings constructed after December 1, 2003, the Net Buildable Area shall be at least 40,000 square feet for the first family unit, and 20,000 square feet for each additional family unit. The Commission may, at its discretion, permit an altered NBA shape configuration when it can be demonstrated by the applicant that the intent of the NBA as listed in Section 3.2.2 items 1 through 4 are satisfied. (12/01/03)(10/01/13).

15.3 SEWAGE DISPOSAL AND WATER SUPPLY

a) Sewage disposal systems and water supplies must conform to the standards of the State of Connecticut Public Health Code. Moreover, unless served by a public sewage disposal system approved by the Connecticut Department of Health or the Connecticut Department of Environmental Protection and providing tertiary treatment of all effluents, a separate sewage disposal system shall be provided for each multiple family dwelling.

b) The minimum separation distance between any two (2) sewage disposal systems shall be that established within the Public Health Code of the State of Connecticut. Furthermore, in addition to other requirements regarding separation distances established under said Code, no sewage disposal system serving any multiple family dwelling shall be located closer than 100 feet to any well whether on the same or an adjacent lot.

15.4 PARKING AND ROADWAYS

15.4.1 Parking shall be provided at the rate of one and three-fourth (1¾) spaces per family unit in parking areas located off the street not less than ten (10) feet or more than 120 feet from the building or buildings they are intended to serve.

15.4.2 Curb parking on the street and access road parking shall not be considered as meeting the off-street parking requirements.

15.4.3 Parking areas and access roads shall be paved with a two (2) inch thickness of dense grade bituminous concrete placed on two (2) four (4) inch layers of compacted gravel sub-base or equivalent paving. Bituminous concrete curbing or similar quality curbing shall be used on all parking areas and access roads where necessary for drainage.

15.4.4 Provisions for storm drainage shall be made in all paved areas and any easements or drainage rights required for the project shall be secured by the applicant.

15.4.4.1 Paved surface of one-way access roads shall be twelve (12) feet. (10/01/07)

15.4.4.2 Paved surface of two-way access roads shall be twenty (20) feet. (10/01/07)

15.4.4.3 All points of intersection with a street shall be designed to provide at least 500 feet of unobstructed visibility along such streets. (10/01/07)

15.4.4.4 The location, landscaping, and design of buildings, parking areas, driveways, lighting, and other features shall be such that possible adverse impact on nearby properties is minimized. (10/01/07)

15.4.4.5 Where a building front entrance is located more than 250 feet from a street, the developer shall construct a street or private roadway to serve the building or group of buildings that meets the road and drainage standards of Salem's Subdivision Regulations. (10/01/07)

15.5 ALTERATION, ENLARGEMENT OR SUBDIVISION

15.5.1 No multiple family dwelling project shall be altered or enlarged, except in conformance with an approved Special Exception application and in conformance with an approved site plan as required under Section 11 of these Regulations.

15.5.2 No multiple family dwelling project shall be subdivided, and no part of any such project shall be sold or otherwise conveyed unless the site plan for each part so subdivided has been approved by the Planning and Zoning Commission.

15.6 CONVERSION OF EXISTING BUILDINGS

Where conversion of an existing single family residence to a multi-family use may be accomplished in harmony with the purposes of these Regulations, and where the residence contains not less than 2000 square feet of living floor area before conversion; and where the area of the lot contains 80,000 square feet per family unit after conversion, the Planning and Zoning Commission may grant approval of a Special Exception for the conversion of such building if all the requirements of Section 11 are met and the minimum floor area in each family unit meets the requirements of Section 15.2.7 herein. In addition, all requirements of Sections 15.2.9, 15.2.10, 15.3 and 15.4.1, herein, shall be met.

15.7 CERTIFICATE OF OCCUPANCY

At the completion of any multiple family dwelling(s), the Zoning Enforcement Officer will determine if the buildings, water and sewage systems, roads, parking areas, and storm water drainage have been constructed according to the approved site plan and

report his findings to the Commission. Upon favorable review of his findings, the Commission may authorize the issuance of a Certificate of Occupancy. . (4/06/12)

SECTION 16 - BOARD OF APPEALS

16.1 POWERS AND DUTIES

The Board of Appeals shall have the powers and duties prescribed by Section 8-6, Chapter 124, of the State Statutes, such as:

16.1.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer.

16.1.2 To determine and vary the application of these Regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not effecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

16.1.3 To hear and decide other matters required by State law and these Regulations, but any such decision shall be in accordance with the general purpose and intent of these Regulations and of the public health and welfare.

16.2 GENERAL

An appeal may be taken to the Zoning Board of Appeals by an aggrieved party within thirty (30) days of an action of the Zoning Enforcement Officer. Any such appeal shall be processed in accordance with Section 8-7 of the Connecticut General Statutes. The fee for an appeal or variance application shall be sufficient to cover the costs of all legal advertising required by the State Statutes with regard to each appeal or application for a variance.

16.3 NOTIFICATION OF ADJACENT PROPERTY OWNERS (6/01/94) (4/01/07)

After making application for a variance and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of all properties within the area which is the subject of the application and of all properties 500 feet or less distant therefrom, all as shown on the most recent records on file in the Town of Salem Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one (1) owner of each such property no more than thirty (30) days nor less than ten (10) days before the date set for the Public Hearing, by transmitting the text of the Public Hearing Notice. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the office of the Zoning Board of Appeals along with the above said list of property owners not less than seven (7) days prior to the hearing date.

16.4 REFERRAL TO NEIGHBORING TOWN (1/01/88)

The Board shall notify the Clerk of the adjoining municipality of the pendency of any application or request concerning any project of any site in which: (1 any portion of the property affected by a decision of the Board is within 500 feet of the adjoining municipality; (2 a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3 a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer within the adjoining municipality; or (4 water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (P.A. 87-307)

16.5 FILING OF VARIANCE (6/01/94)

No variance shall be effective until a copy thereof is filed on the Land Records of the Town of Salem. The Town Clerk shall index the same in the grantor's index under the name of the then owner of record and the owner of record shall pay for such recording. The variance certificate shall include a description of the premises to which it relates, the name of the owner of record, a statement specifying the nature of the variance, including the section of these Regulations, which is varied in its application.

SECTION 17 - ADMINISTRATION

17.1 ENFORCEMENT

These Regulations shall be enforced by an Enforcement Officer to be appointed by the Planning and Zoning Commission. Such Enforcement Officer shall serve as an agent of the Commission.

17.2 ISSUANCE OF ZONING PERMIT (9/16/97)

17.2.1 Before any foundation is dug, excavated, laid, or prepared, or before any building or part may hereafter be erected, built, reconstructed, enlarged, moved, or changed in use, a Zoning Permit, in a form designated by the Commission, shall be obtained from the Zoning Enforcement Officer. After footing forms are set, but before any concrete is poured for any principal building, the Zoning Enforcement Officer may require that the location of the footing be certified by a licensed land surveyor to be in accordance with the plot plan. (6/01/86) (8/01/86) (9/16/97)

17.2.2 Application for a Certificate of Zoning Compliance shall be made to the Zoning Enforcement Officer on a form designated by the Commission after the building project is complete, according to plans submitted with the application for the Zoning Permit. (9/16/97)

17.2.3 A fee for this permit shall be set by the Commission.

17.2.4 After the effective date of these Regulations, the Planning and Zoning Commission may authorize the Enforcement Officer to issue, without charge, upon request of the owner or occupant, a statement of nonconformance for any legal nonconforming building and/or use existing and in use on the effective date of these Regulations, or any amendment thereto, creating such nonconformity.

17.3 EXPIRATION OF PERMITS

17.3.1 All Zoning Permits shall expire one (1) year after their date of issue if no building permit is obtained. (9/16/97) (4/01/07)

17.3.2 A Certificate of Zoning Compliance shall remain valid only so long as the building, the use thereof, and the use of the land remains in full conformity with these Regulations or of any amendments thereto.

17.4 VIOLATIONS (8/01/91)

17.4.1 Any violation of these Regulations may be enforced, corrected, abated, or punished in any manner provided for in Chapter 124 of the Connecticut General Statutes, as same may from time to time be amended, and as same may from time to time be interpreted by the Courts of the State of Connecticut.

17.4.2 The Commission shall cause zoning violations to be noticed and recorded on the Land Records for the Town of Salem. Before a Notice of Zoning Violation is recorded on the Land Records of the Town of Salem, the following step-by-step procedure must be complied with:

a) The existence of the zoning violation must be brought to the attention of the Commission and the Commission must, through its minutes, acknowledge its awareness of said violation.

b) The Commission, acting through its Zoning Enforcement Officer or other duly appointed authority, must issue a Cease and Desist Order to the owners or any owner of the property in question, demanding that the illegal activity on the property immediately cease and desist from operation. Said notice must give the owner(s) of the property a period of time, not less than ten (10) days, in which to cure or terminate the illegal activity on the property, except that in the case of violations involving grading of land, the removal of earth, or soil erosion and sediment control said notice shall order that the illegal activity be cured or terminated immediately. The notice must apprise the owner(s) of the property of the Commission's intent to file a Notice of Zoning Violation on the Land Records if the owner(s) have failed to cease and desist the illegal activity within thirty (30) days. Said notice must also apprise the owner(s) of their right to appear before the Commission and contest the claim of zoning violation before said Notice of Zoning Violation is recorded on the Land Records. Said Cease and Desist order must be mailed to the property owner(s), certified mail, return receipt requested, at whatever address the Commission has valid reason to believe the owner(s) of the property might be found.

c) After the expiration of the time allotted by the Commission for remedying the zoning violation in question, the Commission must affirmatively direct its Zoning Enforcement Officer or other designee to place a Notice of Zoning Violation on the Land Records. The Commission shall not issue said directive unless it has evidence, based upon an inspection of the property made within ninety-six (96) hours prior to issuing said directive, that the illegal activity on said property still persists.

d. Upon directing the placement of a Notice of Zoning Violation on the Land Records, the Commission's Zoning Enforcement Officer or other designee shall cause the Notice of Zoning Violation to be recorded on the Land Records. Said notice shall be substantially in the following format:

NOTICE OF ZONING VIOLATION

This is to certify that the Town of Salem Planning and Zoning Commission, at a Commission meeting held on _____, did find that certain property

located at _____, is in violation of Section(s) _____ of the Salem Zoning Regulations for the following reasons:

_____

_____

_____

At said meeting, the Commission did approve the recording of this Notice of Zoning Violation on the Salem Land Records.

Dated at Salem, Connecticut this _____ day of _____, _____.

_____, Zoning Enforcement Officer

e. A copy of the Notice of Zoning Violation must be mailed to the property owner(s) in the same manner as specified in Paragraph 17.4.2(b) above.

17.4.3 The time period allocated by the Commission to cure said zoning violation, as provided for in Paragraph 17.4.2(b), may, for good cause shown, be extended, provided the owner(s) of the property request to appear at a Commission meeting and do appear at said meeting to address the issue of the zoning violation.

17.4.4 If, at some time after a Notice of Zoning Violation has been recorded on the Land Records, the Salem Planning and Zoning Commission is satisfied that said zoning violation has been cured, then a release of said Notice of Zoning Violation shall be prepared. Said release shall be in substantially the following format:

RELEASE OF NOTICE OF ZONING VIOLATION

This is to certify that on the _____day of _____, _____, the Salem Planning and Zoning Commission did cause a Notice of Zoning Violation with respect to the property of _____, located at _____, to be recorded in Volume _____, Page _____ of the Salem Land Records. This is to certify that said Commission is satisfied that said zoning violation is hereby released.

Dated at Salem, Connecticut this _____ day of _____, _____.

_____, Zoning Enforcement Officer

Said Release of Notice of Zoning Violation shall be maintained in the files of the Salem Planning and Zoning Commission. Said release shall be recorded on the Land Records of the Town of Salem upon payment by the owner(s) of the property of a $20.00 fee to cover the cost of recording the original Notice of Zoning Violation and the cost of recording the release of said notice.

17.4.5 No inferences may be drawn as to the absence of any zoning violations with respect to any property in the Town of Salem merely by virtue of the fact that no

Notice of Zoning Violation has been recorded on the Land Records with respect to said property.

17.4.6 The remedies and procedures described in Sections 17.4.2 through 17.4.4 above are in addition to and cumulative with whatever remedies are available for enforcement of Zoning Regulations as described in Chapter 124 of the Connecticut General Statutes, as that Chapter may, from time to time be amended.

SECTION 18 - AMENDMENTS

18.1 GENERAL

These Regulations may be amended as provided by Section 8-3 of the Connecticut State Statutes. Application for zoning regulation and zoning map changes shall be accompanied by a fee sufficient to cover the cost of all legal advertising required by State Statutes regarding such application, but in no case shall such fee be less than $35.00.

18.2 NOTIFICATION OF ADJACENT PROPERTY OWNERS

After making application and being given assignment for Public Hearing thereon, the applicant for any zoning map change shall prepare a list of names and addresses of owners of all properties 500 feet or less distant therefrom, all as shown on the most recent records on file in the Town of Salem Assessor's Office (or the actual owners of record, if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one (1) owner of each such property not more than thirty (30) days nor less than ten (10) days before the date set for the Public Hearing by transmitting the text of the Public Hearing Notice. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Secretary of the Salem Planning and Zoning Commission along with the above said list of property owners not less than seven (7) days prior to the hearing date. A sign shall be posted in accordance with Section 13.8 of these Regulations.

The provision of this section shall not apply in the case of amendments to the Town's Zoning Regulations and/or Zoning Map initiated by the Salem Planning and Zoning Commission.

18.3 Any application for a zone change submitted for a specific proposed land use shall be accompanied by a site plan for the use. The Commission may condition an approval of a zone change specifically for an affordable housing development on the use of the zone solely for affordable housing, as defined in Section 8-30g of the Connecticut General Statutes or any amendment thereto. Conditional approvals that depend on the actions of other agencies may also be granted for applications relating to affordable housing developments. (8/01/95)

SECTION 19 - EFFECTIVE DATE AND REPEAL

19.1 These Regulations shall become effective on November 12, 1977. All previous Zoning Regulations, with the exception of the Trailer Regulations, Salem, Connecticut, effective February 12, 1973, which shall hereafter become Section 21 of these Regulations, and the Regulations Governing the Design and Operation of Seasonal Campgrounds, Town of Salem, Connecticut, as approved by the Planning and Zoning Commission on May 25, 1976, effective June 28, 1976, which shall hereafter become Section 22 of these Regulations, are hereby repealed. However, nothing herein shall be deemed to affect any rights or duties arising by virtue of such former regulations.

SECTION 20 - SEPARABILITY

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

SECTION 21 - MOBILE HOMES

21.1 DEFINITION

"Mobile Home" means a building mass-produced in a factory as an individual unit or a module for combination with other elements, designed for long-term residential use when connected to the required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camping vehicle. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria, shall not be construed to be mobile homes.

21.2 CONDITIONS FOR USE

No mobile home shall be located in the Town of Salem except as provided in these Regulations.

21.2.1 A mobile home, or a camping vehicle, being used as a permanent residence, which existed prior to December 1, 1959, may be replaced on the same lot as the original unit by a mobile home, provided such replacement occurs within thirty (30) days after removal of the original or other replacement unit. The applicant shall provide documentation that the site has been occupied by a mobile home or a camping vehicle used as a permanent resident continuously since December 1, 1959. The Zoning Enforcement Officer may allow a change in location on the lot when such change will result in greater conformance with these Regulations.

21.2.2 The Zoning Enforcement Officer may approve the use of a mobile home, mobile office designed for that purpose, or camping vehicle for six (6) months as a temporary residence or office on a lot during the construction of a principal building on the same lot, provided a building permit has been issued for the principal building, the water supply and sewage disposal facilities have been installed, and the mobile home, mobile office, or camping vehicle is connected to said facilities. Such approval may be extended by the Zoning Enforcement Officer if the building permit has been extended and as long as substantial work is continuing. In no event shall such approval exceed eighteen (18) months. As a condition of approval of such use, the applicant shall post a bond of $500, which shall be deposited with the Town Treasurer. The mobile home, mobile office, or camping vehicle shall be disconnected from the utilities and any mobile home or mobile office shall be removed from the premises before a final Certificate of Occupancy is granted for the principal building whereupon the bond shall be released. (5/10/87) (6/01/91) (12/15/91)

21.2.3 DELETED (6/01/91)

SECTION 22 - SEASONAL CAMPGROUNDS (10/01/84)

22.1 DEFINITIONS

The following definitions apply to certain words, terms, and phrases used in this Section.

22.1.1 "Seasonal Campground" means a tract or parcel or land used or intended to be used by the public for the establishment of overnight living quarters consisting of tents, camping vehicles, or temporary structures, primarily occupied by family groups engaged in travel, recreation, or vacation.

22.1.2 "Camp Site" is the space reserved for a single tent, camping vehicle, or temporary structure.

22.1.3 "Camping Vehicle" means a mobile, vehicular structure mounted on wheels and designed as a temporary dwelling for travel, recreation or vacation, including but not limited to self-propelled motor homes, travel trailers not exceeding 400 square feet in total area, collapsible tent trailers, and truck mounted units. (6/01/91)

22.1.4 "Remote Camp Sites" means campsites located greater than three hundred (300) feet from a service building or water distribution point.

22.1.5 "Natural Campground" means a family campground with remote campsites containing not more than ten (10) sites per acre and laid out to preserve natural environmental features.

22.2 CONDITIONS FOR APPROVAL

In addition to meeting the more general conditions for Special Exceptions, as prescribed in Section 11 of these Regulations, seasonal campgrounds shall comply with the following special conditions:

22.2.1 No person, firm, or corporation shall establish, maintain, conduct, or operate a camp within the Town of Salem except as a seasonal campground. A seasonal campground shall be allowed to operate only in the time period commencing midnight, April 14, and ending midnight, November 3, inclusive, of each year.

22.2.2 No seasonal campground shall be located on a parcel of land containing less than twenty (20) acres. The number of campsites per acre shall not exceed an average of four (4) for the total acreage. All seasonal campgrounds shall have a frontal or unobstructed easement of not less than one hundred (100) feet in width extending from the right-of-way along a Town road or a State highway to the campground site.

22.2.3 No campsites, trailer sites, sanitary facilities, recreation areas or buildings may be located within fifty (50) feet of any property line, or within three hundred (300)

feet of any existing year-round residence, church, school, or public library. When the property line abuts a body of water, two hundred (200) feet or more in width, a buffer shall be required for a distance of two hundred fifty (250) feet from the high water mark. Where possible, buffer areas shall be maintained in their natural state. Screen planting and/or a wall or fence may be required to be installed where existing natural conditions are not adequate to screen out visual observation of all campsites and camp facilities along all adjoining property lines and along the frontage of an adjoining public highway, street, road, or other public right-of-way.

22.2.4 The campsite areas shall be grouped for a maximum of twenty-four (24) individual campsites per group. Campsite groups shall have a minimum distance of fifty (50) feet between groups and these areas shall be maintained in their natural state or developed and maintained as landscape areas. Toilet facilities, service buildings, or recreation areas may be located within these areas.

22.2.5 Each individual campsite shall contain not less than three thousand (3,000) square feet, including space for off-street parking. Parking shall be provided at each campsite to serve the vehicles at that site. No more than one (1) camping unit may be accommodated on each individual campsite. The minimum width of each individual campsite shall be forty (40) feet as measured along a camp road serving a particular group, except at cul-de-sacs, where the minimum width may be reduced to thirty (30) feet. No campsite shall be located less than fifty (50) feet from any building or structure. Each campsite shall be provided with a permanent marker designating its lot number.

22.2.6 Water supply and sanitary facilities shall be provided in accordance with the requirements of the Town sanitary regulations and the Public Health Code of the State of Connecticut, currently amended, and all plans for such facilities shall be shown on plans for new or expanded campgrounds. All spigots, which dispense running water, shall empty into drains connected to a subsurface sanitary disposal system. Separate wash houses and/or comfort stations shall be provided and shall serve not more than forty-eight (48) sites and shall be no further than three hundred (300) feet from any campsite it is intended to serve, and shall be well lighted at night. All wash houses and comfort stations shall utilize a flush system with subsurface disposal of wastes. Sanitary fixtures shall be provided to meet the minimum standards specified in the regulations of the Public Health Code of Connecticut. Each such wash house may contain no more than two (2) clothes washers.

22.2.7 The operator of a campground may establish, as part of the campground, a store to be known as the camp store, providing merchandise for sale to registered campers only. The store may also provide rental of recreational equipment and supplies. Sale of alcoholic beverages will not be permitted. The camp store must be located in the interior of the campground and not less than fifty (50) feet from any property line.

22.2.8 Access roads to campgrounds shall be paved within twenty (20) feet of, and to the surface of, the Town road or State highway. Such paved area shall be at least thirty (30) feet wide for two-way traffic and at least twenty (20) feet wide for one-way traffic. The paving shall be curbed and suitably drained, and the curve radius of the curb at the intersection shall be not less than thirty (30) feet. A sight distance along the main road of at least three hundred fifty (350) feet shall be maintained, as measured from a point on the access road twenty (20) feet back from the edge of the travel way of the main road at an elevation of three (3) feet. The Commission shall find that the main road is adequate in terms of its construction, grades, curves, and abutting land uses to accommodate the camper traffic in a reasonably safe and efficient manner.

22.2.9 Each individual campsite shall be accessible from a camp road, except natural, remote sites. All roads and driveways shall be maintained with a dustless surface, and shall be graded and drained properly. The minimum width of camp roads serving a particular group shall be fifteen (15) feet and the minimum width of a main circulation artery shall be twenty (20) feet. The main circulation arteries shall have an oiled, gravel, or hard surface.

22.2.10 Seasonal campgrounds may not be used year-round for the parking or storage of vacation and recreational camping equipment except those vehicles registered in the Town of Salem. Use of the campground by a non-resident of the Town of Salem shall not be construed as a qualification for residency in the Town. (6/01/91)

22.2.11 Each campground will be allowed a single sign, which shall meet the requirements for signs as specified in the Zoning Regulations. This sign shall not advertise or make reference to a store on the campground and shall be set back a minimum of ten (10) feet from any property line.

22.2.12 Fly-tight and rodent-proof garbage containers with close-fitting covers shall be provided within one hundred (100) feet of each individual campsite. Refuse pick-up shall be often enough so that, in the opinion of the Commission, conditions harmful to health do not occur.

22.2.13 The campground operator shall keep a register containing the following information:

a) Full name and signature of individual renting a campground lot.

b) Make, model, year, width and length dimensions, and registration number of a camp trailer.

c) Make, model, year, and license number of any automobile or other vehicle.

d) Date of rental or vacancy and lot number rented.

22.2.14 The campground operator shall keep the register open at all times for inspection by law enforcement officers, the Town Enforcement Officer, public health officials, and other officials whose duties require examination of register information.

22.2.15 The establishment of a laundry containing more than two clothes washers will not be permitted except by a separate Special Exception issued by the Commission. In determining the eligibility for a permit, the Commission shall be guided by the soil characteristics in the immediate area of the proposed disposal and/or leaching fields to ascertain the ability of the soil to properly and adequately sustain all drainage requirements. The Commission must find that the placement and location of these fields present no significant risk of environmental damage to the immediate area and to adjacent and surrounding areas.

22.2.16 Each camper unit may have a deck or screened enclosure, with or without adjustable shades and blinds, not exceeding in area the floor area of the camper unit to which it is accessory or 400 square feet, whichever is less. At least 50% of each side of such enclosure (except for a side adjoining a camper unit) must consist of screens. When the campground is closed, the enclosure may be weatherproofed. A screen is defined as a framed wire mesh used to keep out insects while admitting light and air. Mesh is defined as any of the open spaces of a screen admitting light and air. (4/23/96) (10/28/97)

22.2.17 One detached storage shed is permitted on each campsite, provided the floor area of such shed is not larger than 100 square feet. (4/23/96)

22.3 APPLICATION CONTENTS

Three (3) copies of an application for approval of a seasonal campground shall be filed with the Commission at least ten (10) days prior to the Commission's next regularly scheduled meeting and shall be accompanied by a fee as prescribed in the current Salem Planning and Zoning List of Fees and Forms, intended to cover the costs of site inspection and plan review. The application shall be accompanied by three (3) copies of a site plan, as described below. No approval of an application shall be given until the Commission receives written certification from the Town Health Officer that the proposed plan and site conditions meet the sanitary requirements of the Public Health Code and these Regulations.

22.3.1 Each application shall be accompanied by a site plan. Such plan shall meet all the requirements of Section 11.5, except as they may be modified or expanded by the requirements of this subsection, as follows:

a) The site plan for the campground shall be drawn on sheets not larger than twenty-four (24) by thirty-six (36) inches and at a scale of one (1) inch equals one hundred (100) feet and shall show the entire property on which the campground is to be located.

b) The site plan shall show the locations of all existing and proposed roads, buildings, water and sewer facilities, open space, and recreation areas. The Commission may require any of these features to be drawn at a scale larger than one hundred (100) feet per inch if such enlargement is needed to clarify construction details.

22.4 PROCEDURES

The Commission shall hold a public hearing on a seasonal campground application as prescribed for all Special Exceptions in Section 11.3 of these Regulations. The requirements for notification of adjacent property owners, as prescribed in Section 11.3.3 of these Regulations, must be complied with.

22.4.1 Whenever a campground is planned and submitted for approval and its location is such that it abuts or includes land of two (2) or more municipalities, one of which is the Town of Salem, the Commission shall submit said plan to the Southeastern Connecticut Regional Planning Agency for review and comment.

22.4.2 The Commission shall approve or deny any application for a campground within the time limits prescribed in Section 11 of these Regulations. As with all Special Exceptions, Certificates of Approval for campgrounds, including site plans thereof, must be filed on the Land Records of the Town of Salem, in accordance with Section 8-3d of the Connecticut General Statutes.

22.5 BOND

The Commission may require the posting of a bond in a form acceptable to the Commission and in any amount adequate to cover costs of improvements that may effect the public health, safety, and welfare, such as, but not limited to, public road or roadside improvement, drainage features, and access driveway construction. All bonds must be made payable to the Town of Salem. Bonds will be returned when the Commission is advised by its Enforcement Officer that all conditions have been met. In cases where plans are rejected and not approved, bonds will be returned upon demand.

22.6 CONSTRUCTION PERMIT DURATION AND RENEWAL

Permits granted for the <u>construction</u> of a campground will be valid for a period of one (1) year, expiring on the anniversary date of issue. The permit may be renewed annually subject to review by the Commission and compliance with all updated State of Connecticut and Town of Salem Regulations. The permit, new or renewed, will be issued by the Zoning Enforcement Officer on direction of the Commission Chairman and no fee will be charged.

22.7 OPERATION PERMIT AND FEES

Each permit granted for the <u>operation</u> of a campground will allow the <u>operation</u> of a campground between midnight, April 14th and midnight, November 3rd of the calendar year of issuance. Access to a licensed campground for purposes of maintenance, upkeep,

and site improvement is allowed at any time during the year. Operation permits must be obtained annually in accordance with the following procedures:

22.7.1 Application: Application must be made annually at any time after January 1st and before the commencement of operations. Application shall be made in writing to the Chairman of the Commission not less than seven (7) days prior to a regularly scheduled meeting of the Planning and Zoning Commission. Applicants are encouraged to submit their applications as soon as possible after January 1st of each year.

22.7.2 Application Fees: Each application for renewal of a campground permit will be accompanied by an application fee made payable to the Town of Salem. This fee shall cover the costs of routine site inspection and regulation enforcement. The amount of the fee shall be prescribed in the current Salem Planning and Zoning List of Fees and Forms.

22.7.3 Review by Commission: Upon receipt, each application shall be promptly placed on the agenda of a regularly scheduled meeting of the Planning and Zoning Commission. Each applicant for a permit is encouraged to attend the Commission meeting at which his or her application is reviewed for the purpose of answering any questions the Commission may have with regard to past and future campground operations. The Enforcement Officer shall make a site inspection to ensure compliance with all regulations of the Town of Salem and the State of Connecticut and shall make a report to the Commission as to past operations prior to action by the Commission on approval of the permit.

22.7.4 Bond: After said review of past campground operation, the Commission may require a bond of up to one thousand ($1,000) dollars. Said bond shall be in a form acceptable to the Commission. The Commission shall be authorized to make withdrawals from said account. The purpose of said bond shall be to ensure future compliance with the requirements of all regulations of the Town of Salem and the State of Connecticut and to defray all legal or other expenses incurred by the Town as a result of enforcing said regulations. Other than the cost of litigation, expenses may include the cost of extraordinary inspections by the Enforcement Officer.

22.7.5 Issuance: No permit will be issued without the review, including the appearance of applicant, if requested, specified herein. After satisfactory review and the posting of any required bond, the Commission will direct its Enforcement Officer to issue an operating permit for the period from midnight, April 14th through midnight, November 3rd of the year of application.

22.7.6 Effect: No campground affected by these Regulations shall operate without the operating permit described herein.

22.8 POSTING OF PERMIT

The operating permit issued by the Zoning Enforcement Officer pursuant to the provisions of these Regulations shall at all times be posted in a conspicuous place on the premises where any campground is operated.

22.9 ENFORCEMENT

The following apply to violation of this Section:

22.9.1 Criminal: Any person, firm, corporation, or other entity constructing, operating, or otherwise carrying on a seasonal campground business within the Town of Salem without first obtaining the approval of the Commission shall be fined not more than twenty ($20) dollars per site developed or offered for rent, and each day's occurrence shall constitute a separate offense.

22.9.2 Civil: The Commission, acting through its Chairman, shall have full authority provided by law to enforce compliance with these Regulations, including, but not limited to, revoking operation permits, instituting legal action for injunction relief, and requiring, for cause, forfeiture of all or a portion of the bond specified in Section 22.5 of these Regulations.

22.9.3 Separability: If any section, subsection, sentence, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 23 - WIND ENERGY CONVERSION SYSTEMS (WECS)

23.1 DEFINITION

A WECS is any mechanism designed for the purpose of converting wind into mechanical or electrical power intended for use on the premises on which the WECS is located. For purposes of these Regulations, the abbreviation "WECS" shall be deemed to be both singular and plural.

23.2 REQUIRED CONDITIONS

23.2.1 WECS installation shall be permitted by Special Exception in any zoning district provided the procedures required by this Section are followed and the standards imposed by this Section are met.

23.2.2 An applicant for a WECS Special Exception shall comply with all application requirements of Section 11 of these Regulations.

23.2.3 Approval of a WECS Special Exception by the Commission shall be contingent upon a finding by the Commission that the WECS will not pose a threat to the health, safety, and general welfare of people living and working in the vicinity of the installation. No Special Exception shall be granted until the Commission has determined that all of the conditions of Section 11 of these Regulations have been satisfied.

23.2.4 In addition to the conditions of Section 11 of these Regulations, the following minimum requirements shall be met by all proposed WECS installations prior to the granting of a Special Exception:

a) No WECS shall be permitted on a lot containing less than 40,000 square feet.

b) The maximum height of any support tower for a WECS shall be eighty (80) feet. No rotor blade(s) shall extend closer than fifteen (15) feet to the ground surface.

c) Any WECS tower or structure, including guy wires, if any, shall be set back from all property lines a distance equal to the sum or the height of the tower plus the radius of the rotor, but no part of any WECS tower or structure, including guy wires, if any, shall be located closer than twenty-five (25) feet to any property line.

d) Each WECS installation shall be equipped with a breaking device that will prevent the rotor blades from turning faster than a rate produced by a forty (40) mile per hour wind.

e) No WECS installation shall be permitted to cause interference with radio or television reception.

f) Any applicant for a WECS Special Exception shall be required to demonstrate to the Commission's satisfaction that the installation plans have been reviewed and found to be satisfactory by the public utility responsible for providing conventional electric power to the property.

g) All wiring of any WECS installation shall be installed by a certified electrician.

h) The maximum permitted noise level of a WECS shall be 45 decibels, as measured on the DBA scale, and as detected at any point on the property line.

i) Any applicant for a WECS Special Exception shall be required to demonstrate to the Commission's satisfaction that suitable precautions have been designed to prevent unauthorized persons from climbing on the WECS tower or structure.

j) Any WECS tower or structure shall be used solely for the support of the WECS.

23.2.5 Discontinuance of Special Exceptions:

a) Any WECS Special Exception shall continue in force only so long as the WECS does not produce any interference with radio or television reception. If such interference is demonstrated to the Commission's satisfaction, the property owner shall be required to take whatever measures are necessary to end the interference. Upon the failure of the WECS owner to correct such interference, the Commission may revoke the WECS Special Exception and require a relocation or removal of the WECS.

b) The Special Exception for any WECS, which causes to be used for energy conversion for a period of twelve (12) months, shall terminate automatically, and the WECS owner shall be required to remove the installation, except that the Commission may, for good cause shown, waive this requirement. (12/15/91)

SECTION 24 - FEES

DELETED (7/15/01)

SEE FEE ORDINANCE IN APPENDIX 1

SECTION 25 - GROUNDWATER PROTECTION REGULATIONS (11/15/93)

25.1 BACKGROUND, PURPOSE, AND AUTHORITY

A fundamental need of any community is a safe and adequate water supply. This natural resource is essential to residential, business, governmental, and institutional interests alike. In Salem, all water is taken from wells dug or drilled into saturated earth strata or into fractured bedrock. Such sources are generally referred to as groundwater.

Groundwater percolates from the earth's surface into the underlying strata, and its quality is dependent on the extent to which it remains uncontaminated by elements added to it or materials through which it must pass. Consequently, groundwater quality is influenced primarily by the use of the land at the surface. All of the liquid discharges from surface use, such as the runoff from parking lots, the effluent from sewage disposal systems, and accidental chemical spills, enter the same geologic formations from which we derive our drinking water. Since the flow of groundwater is measured in inches per day, by the time contamination is discovered, it is usually too late for corrective action. Water quality in underground sources can be protected only by exercising care in all activities that occur in the areas where the water and other liquids enter the ground. This is the reason for groundwater protection regulations.

It is the purpose of these Regulations to promote the health, safety, and general welfare of the residents of the Town of Salem by protecting the existing and potential groundwater supplies within the Town of Salem from contamination due to discharges of hazardous materials.

Authority for promulgating these Regulations is found in Section 8-2 of the Connecticut General Statutes, which states, in part: "Zoning Regulations…shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies."

25.2 DEFINITION OF HAZARDOUS MATERIALS

Hazardous material means any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater. Any substance deemed a "hazardous waste" under the Connecticut General Statutes or the Regulations of

Connecticut State Agencies shall also be deemed a hazardous material for the purposes of these Regulations. Hazardous materials include, but are not limited to, the following:

25.2.1 Substances which are toxic, flammable, corrosive, explosive, radioactive, or infections;

25.2.2 Substances listed in the US Environmental Protection Agency's "Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986";

25.2.3 Acids and alkalis outside the pH range of 2 to 10;

25.2.4 Petroleum products, including fuels and waste oils;

25.2.5 Synthetic organic chemicals;

25.2.6 Any solid material, which if exposed to water will leach or dissolve to form a hazardous material as defined above.

25.3 SPECIAL REQUIREMENTS FOR STORM DRAINAGE

The site plan for any new or modified building or use shall conform to the following:

25.3.1 Dumpsters and other waste receptacles shall have covers or shall be located within roofed areas and shall be placed on impervious surfaces away from storm drains.

25.3.2 Loading docks shall be designed to contain spillage or discharges and shall be located away from storm drains.

25.3.3 Except for clean roof drainage, the use of underground dry wells or leaching trenches is not allowed for any stormwater runoff from developed areas.

25.3.4 The Commission may require detention ponds, basins, swales, oil separators, or other measures designed to treat runoff, contain pollution, control peak flows, and/or allow for clean water infiltration into the ground.

25.4 SPECIAL REQUIREMENTS FOR USE AND STORAGE OF HAZARDOUS MATERIALS

Whenever a use is proposed that can reasonably be expected to involve the use or storage of hazardous materials in quantities greater than necessary for normal household use, the site plan shall include the following:

25.4.1 An inventory of all hazardous materials which are manufactured, produced, stored, or utilized at the facility and a description of the methods utilized for the receipt, handling, storage, utilization, treatment, and disposal of such materials.

25.4.2 The locations and types of containers used to store hazardous materials and a description of any leak detection system in place.

25.4.3 A description of the operations on the site, including service or manufacturing processes which may result in contamination of surface or groundwater, and copies of any discharge permits issued for the operations by the Connecticut Department of Environmental Protection.

25.4.4 A plan for emergency response to natural or man-made disasters. The plan shall include a description of the potential damage that could result in pollution of surface or groundwater by a release of hazardous materials on the site and any methods that would be utilized to prevent such potential releases.

25.5 REQUIRED FINDINGS BY COMMISSION

25.5.1 Sufficient information shall be provided to allow the Commission to find that all possible measures have been or will be taken to protect and preserve the quality of groundwater. A site plan shall be denied if the Commission determines proposed activities and/or the lack of groundwater protection measures might reasonably be expected to result in groundwater contamination.

SECTION 25A – RIPARIAN CORRIDOR OVERLAY ZONE (RCOZ) (11/01/07)

25A.1 Purpose and Intent

The purpose of the Riparian Corridor Overlay Zone is to protect and enhance the functions and values of the riparian features of the Eightmile River, as identified in the Eightmile River Wild and Scenic River Management Study, completed in 2006. These features are a key component of the largely intact watersheds and natural character of Salem. In order to preserve a fully functioning aquatic system in the Eightmile River Watershed and to prevent damage to the critical buffer area around its water bodies, the Riparian Corridor Overlay Zone is hereby established. Any use not specifically listed as permitted shall be considered prohibited.

Within the Riparian Corridor Overlay Zone, it is intended that there shall be a continuous buffer of native forest and shrubs around all watercourses consisting of a mix of trees, shrubs and herbaceous plants native to the region and appropriate to the environment in which they are to be planted or retained. Protection of a vegetated buffer around watercourses is crucial for public health, safety, and welfare because the buffer regulates water flow, preserves diversity and abundance of wildlife species and habitat, protects water quality and maintains important cultural and historic features of the Town. Specific functions include:

Regulation of water flow:

a. Promotes water infiltration and groundwater discharge.
b. Reduces flooding.
c. Reduces streambed scour.

Preservation of wildlife habitat:

a. Provides a unique habitat that supports a diverse species assemblage.
b. Shades, filters, and moderates stream flow, improving habitat for fish and other aquatic organisms.
c. Provides an effective travel corridor for terrestrial wildlife.

Protection of water quality:

a. Reduces sedimentation.
b. Filters out pesticides, heavy metals, and biocontaminants.
c. Removes excess nutrients that lead to the deterioration of water quality, including nitrogen and phosphorus, which leads to eutrophication.
d. Prevents erosion through bank stabilization by vegetation.

Preservation of views:

a. Provides a screen that protects privacy of riverfront landowners.
b. Enhances landscape diversity resulting in improved esthetics.

25A.2 RCOZ Defined

The RCOZ includes all perennial river or streams in the Eightmile River Watershed and the area landward and horizontal from the stream edge, for a distance of fifty (50) feet for smaller

headwater streams and one hundred (100) feet for larger streams as defined by the map described below. The Eightmile River Watershed is the land surfaces that drain into the Eightmile River. A stream edge is the ordinary high water mark, typically defined by vegetation or soil types that are distinct from the upland area. The proposed overlay zone does not apply to wetlands or vernal pools, which are not connected by surface flow to streams. The watershed and those streams to which this setback requirement applies are shown on a map entitled "Town of Salem Riparian Corridor Overlay Map, dated August 28, 2007, effective November 1, 2007" and filed in the Office of the Salem Town Clerk.

25A.3 Significant Activities within the RCOZ

No land-disturbing activity within the RCOZ established in Section 25A.2 shall be permitted by the Planning and Zoning Commission, except in conformance with these Regulations. The Planning and Zoning Commission shall presume that such activity will have a significant adverse impact on the functions of the required RCOZ unless the Commission finds that there is no reasonably available alternative with less adverse impact on RCOZ functions, and that the project as proposed will not have a significant adverse impact on those functions.

25A.4 Standards and Permitted Activities within the RCOZ

25A.4.1 Vegetation Coverage: Within the RCOZ, wherever possible, not less than ninety (90%) percent of the total surface area shall be covered with live vegetation. Diversity of vegetation and forest stages is encouraged, including a mix of trees, shrubs and herbaceous vegetation not having invasive characteristics (as defined by the most recent version of the Connecticut Invasive Plant List [as authorized by CT Public Act 03-136]). The list can be obtained from the Land Use Office. A variety of plant types is more effective at capturing a wide range of pollutants than a single vegetation type.

Vegetation Management: In general, where suitable vegetation existed within the RCOZ before the effective date of this amendment, vegetation is to be left in a natural state.

25A.4.2 The following activities are permitted as-of-right within the RCOZ:

(a) Mowing and maintenance of lawns, gardens, meadows, fields, and agricultural plantings that legally pre-existed prior to this regulation; continuation, but not expansion of, pre-existing farm practices.

(b) Removal or pruning of dead, dying, diseased, or invasive plants. Leaving some downed woody debris is also preferable to provide a greater variety of wildlife habitat unless the spread of plant diseases is a concern. If removal of healthy trees four (4) inches in diameter or greater at four (4) feet above the ground is proposed, there shall be a plan by a qualified forester which is subject to approval by the Commission.

(c) Construction and maintenance of one (1) unpaved meandering footpath per property not more than five (5) feet in width to provide non-motorized access to the water body.

(d) Fire prevention activities and emergency operations necessary for public safety and protection of property.

(e) Surveying and boundary posting, including fences, for the purpose of marking boundary lines, subject to any other applicable regulations.

(f) State and municipal utility improvements and operations for which activity within the RCOZ is unavoidable and necessary. This includes activities such as the replacement, rehabilitation or creation of infrastructure such as sewer, water, power lines, bridges, highway maintenance, and drainage facilities. Any activity within the Zone may be undertaken only if there is no practical and feasible alternative for provision of these services, and only if all measures will be taken to minimize any adverse impacts to natural features and the functions of the watershed. These activities are subject to all other applicable regulations.

(g) In areas where a diverse natural setback does not exist, landowners are encouraged to create, enhance or restore native vegetation and soil grades appropriate to the water resource being buffered. Replanting with native trees or shrubs is encouraged if natural regeneration is not sufficient to restore vegetative cover. A list of suggested native plants for riparian setbacks can be obtained from the Land Use Office.

(h) Removal of non-native invasive species and replacement by native vegetation. Invasive plants are those listed on the most recent version of the Connecticut Invasive Plant List (as authorized by CT Public Act 03-136). The list can be obtained from the Land Use Office.

(i) Existing Activities: Existing structures or continuing activities that were, such as agriculture that were legally and actively in existence before the effective date of this regulation.

(j) Granted Permits: The building of new structures, modification of existing structures or commencement of activities that were granted all applicable permits before the effective date of this regulation.

(k) Septic System Maintenance: If a system has failed, repair/replacement must minimize encroachment on the RCOZ.

25A.5 Activities Requiring Commission-Issued Zoning Permit

25A.5.1 Activities listed below are allowed only by a Zoning Permit issued by the Planning and Zoning Commission as described in this regulation:

(a) Forest Management and Conservation Activities:

(1) Commercial activities must be carried out under the supervision of a licensed professional forester, forest ecologist, or wildlife biologist in accordance with a written forest and/or wildlife management plan that addresses such

issues as the location and construction of logging roads, wetland crossings, equipment use, forest regeneration and wildlife habitat. The forest management plan should provide for maintaining a healthy forest understory and succession to a natural wooded or other permitted state in the RCOZ. Forest harvest practices must leave a full and natural tree canopy over the watercourse. They shall follow DEP "best management forestry practices" as detailed in Best Management Practices Connecticut Field Guide, as may be revised from time to time, for all forestry practices including stream crossings.

(2) Clearing or maintenance of existing or abandoned woods roads for the purposes of habitat management, firewood cutting, agricultural or timber access or other access needs under the following conditions: follow current best management practices for erosion control.

(3) Forest harvest practices must allow for and enhance regeneration of a predominantly woody state. All activities must account for restoration and enhancement of natural ecosystems and wildlife habitat.

(4) Leave full and natural tree canopy over the watercourse.

(5) There shall be no removal of more than twenty-five (25%) percent tree canopy within the RCOZ at any given time, and there shall be no removal of more than twenty-five (25%) percent of standing trees within any given size category within any one (1) acre area with the exception of wildlife clearings described in #(1) and #(2) above.

(6) There shall be no activity within twenty-five (25) feet of the high water mark of any watercourse, and there shall be maintained a seventy-five (75%) percent canopy cover for the RCOZ at all times.

(7) DEP's Best Management Practices Connecticut Field Guide, shall be followed for all forestry practices including stream crossings.

(8) All activities shall follow a written plan approved by the Commission.

(b) New or expansion of existing agricultural activities under the following conditions: following current best management practices for erosion control, fertilizer application and run-off prevention, not exceeding in size ten (10%) percent of the total area of the portion of the lot that falls within the RCOZ, providing not less than twenty-five (25) feet of natural and/or undisturbed vegetative buffer between the agricultural activity and the stream edge.

(c) Clearing of vegetation from recently abandoned agricultural fields for the purpose of agriculture or non-commercial activities under the following conditions:

(1) No less than twenty-five (25) foot buffer of live native or undisturbed vegetation remains between the clearing and the watercourse, and
(2) Clearing does not require the cutting of saplings over one (1) in dbh (diameter at 4.5 feet from ground).

(d) Clearing or maintenance of existing or abandoned woods roads for the purposes of habitat management, non-commercial firewood cutting, agricultural or timber access or other access needs provided that current best management practices for erosion control are followed.

(e) Building of fences outside a twenty-five (25) foot buffer of a stream. Fences must not block or impair the movement of wildlife or water within the RCOZ.

(f) Other land-disturbing activities occurring outside of a twenty-five (25) foot buffer of a stream and resulting in less than one hundred (100) square feet of land-disturbing activity in total and having an insignificant impact on the purposes of the RCOZ.

(g) Construction and maintenance of more than one (1) unpaved footpath per property not more than five (5) feet in width to provide non-motorized access to the water body. The construction or maintenance of footpaths must be done in such a manner that it does not result in erosion or the creation of a channel of surface runoff.

(h) Stream crossings not requiring structures or excavation of any kind, for the purposes of footpaths and equestrian trails for the purposes of recreation and non-motorized property access. In general, stream crossings at grade are discouraged. Within reason, crossings must be implemented at a point in the stream with a relatively narrow streambed and flat approach from the bank. Reinforcement of the bank and streamside with areas is encouraged and may be required if conditions warrant. Loose stone and other materials may not be placed in the stream without a plan from an engineer, hydologist or other approved expert. Stream crossings may not block natural connectivity of aquatic or terrestrial life including, but not limited to, fish passage and may not alter, or cause to be altered, the stream width or flow type.

25A.5.2 Planning and Zoning Commission Permit Process

(a) Application for Permit: The applicant shall include, at a minimum, a written description of the site, including slope, current vegetation coverage, current use, and proposed activity, and erosion and sedimentation control measures, as well as any other relevant features and such additional documentation as deemed necessary by the Commission.

(b) Application Fee: Each application for a Zoning Permit to be considered by the Commission shall be in accompanied by a fee payable to the Town of Salem in accordance with the schedule adopted by the Commission.

(c) Approval of Permit: Application for a Zoning Permit under the RCOZ shall be granted only by the Salem Planning and Zoning Commission.

25A.5.3 Specific Standards for Zoning Permit in the RCOZ

The Commission shall issue a Zoning Permit only for activities as described above in Section 25A.5.1 which shall have an insignificant impact on the purpose of the RCOZ. The Commission shall instead require a Special Exception as described in Section 25A.6 if the application proposes excavation, the building of structures or the installation of any impervious service.

The Commission may require a Special Exception for any of the activities above in Section 25A.5.1 if the Commission finds that the circumstances of the application (such as soil type or slope, past disturbance in the area, other recent permits or activities within the same area of the RCOZ or any other circumstance) warrant a Special Exception application.

25A.6 Activities Permitted by Special Exception

25A.6.1 Activities listed below are allowed only by Special Exception. When the Special Exception results in disturbing or removal of the vegetative RCOZ, the Commission may require an expansion of the RCOZ in an alternate location to compensate for the loss of setback area due to the disruption.

(a) Building of new and/or accessory structures, modification of existing structures associated with lawfully existing single family, multi-family houses or commercial/industrial buildings where the Planning and Zoning Commission finds that alternatives outside the setback area are not available, provided that the size and impacts of the proposed structure or use have been minimized, and that the structure/ use is located as far from the resource as possible. As mitigation, the Commission may require that the applicant plant or maintain a naturally vegetated buffer of the

maximum feasible width given the size, topography and configuration of the lot.

(b) Structures used for shoreline access, including, but not limited to, docks, boathouses, stairs, may be built after granting a Special Exception. The Special Exception application must demonstrate that the construction and installation of the proposed structure does not contribute to significant flow alteration, channel modification, or create any other deleterious effects on the watercourse.

(c) Alteration of an existing activity located within a specific portion of the RCOZ that is already altered such that the RCOZ cannot be provided without the removal of pre-existing structures and/or pavement, provided that the proposed alteration will not increase adverse impacts on the specific portion of the overlay area and the applicant can demonstrate to the satisfaction of the Commission that there exists no feasible construction alternative.

(d) Stream crossings requiring structures or excavation of any kind for the purposes of recreation, property access, forestry operations, agriculture or other uses. Permanent crossings must follow the "Massachusetts River and Stream Crossing Standards: Technical Guidelines". Temporary crossings must follow the CT DEP publication "Best Management Practices for water quality while harvesting forest products 2007 Connecticut Field Guide" Chapter 5 – Stream Crossings. The Commission may use its discretion as to the requirement of "General" versus "Optimum" standards as defined by the "Massachusetts River and Stream Crossing Standards" document as a general guide. Stream crossings may not block natural connectivity of aquatic or terrestrial life including, but not limited to, fish passage.

25A.6.2 Special Exception Process

(a) Application for permit: The applicant shall submit a site plan, prepared in accordance with Section 11A of these Regulations, and provide documentation demonstrating the need for a Special Exception, the efforts made to minimize disturbance to the functions of the RCOZ and water resources, or other documentation that may be reasonably requested by the Commission.

25A.6.3 Specific Standards for Special Exception in RCOZ

When reviewing an application for Special Exception within the RCOZ, in addition to determining whether the conditions in Section 11.4 Findings of these Regulations have been met, the Commission shall not grant the requested Special Exception unless the following additional specific conditions have been met:

(a) The permitted activity is compatible with the purposes of the RCOZ and the Plan of Conservation and Development;
(b) The activity will have an insignificant impact on the purpose of the RCOZ;
(c) The strict application of the RCOZ Regulations would deny the applicant reasonable use of the property; and
(d) The relief granted is the minimum necessary and does not conflict with other municipal, state or federal regulations.

25A.7 Zone District Overlap

The RCOZ overlaps other zones and federal, state or municipality regulated areas and in all cases the more restrictive regulation will take precedence.

25B AQUIFER PROTECTION OVERLAY ZONES (5/1/15)

25B.1 Statement of Intent

A U.S. Geologic Survey has identified two aquifers (course grained stratified drift deposits) in Salem with the potential to produce enough water to supply a public water system. This regulation seeks to protect these aquifers from potential land use pollution sources and to ensure that Salem has access to clean groundwater sources.

25B.2 Establishment of Overlay Zones

This regulation establishes two Aquifer Protection Overlay Zones. These overlay zones encompass the aquifers and a buffer around of each aquifer perimeter. The boundaries of these zones are shown on the map entitled "TOWN OF SALEM ZONING MAP". Within these overlay zones the existing land uses of the underlying zones continue to apply. Prohibited land uses and uses allowed by special exception are noted below.

Section 25 of these regulations shall be the reference source for potential pollutants. Residential propane fuel storage tanks are exempt.

25B.3 Prohibited Land Uses

The following land uses are prohibited within the Aquifer Protection Overlay Zones.

a) the manufacture, use, storage, transport or disposal of hazardous materials as a principal activity;
b) sanitary landfills, septage lagoons, wastewater treatment facilities for municipal or industrial wastes;
c) road salt storage;
d) truck terminals;
e) gasoline stations, car washes, auto repair and auto body shops;
f) underground storage of hazardous materials; and
g) any proposed land use deemed by the Commission to pose a potentially serious pollution threat to the aquifers based on documented evidence.

25B.4 Special Exception Land Uses

Excavations, as defined in Section 14 of these regulations, may be allowed within the Aquifer Protection Overlay Zones as a Special Exception.

SECTION 26 – SENIOR HOUSING DEVELOPMENTS (1/01/99)

26.1 GENERAL

A Special Exception may be granted by the Planning and Zoning Commission to construct senior housing units in Rural Zone A, Rural Zone B, Business, Special Business B, or Highway Commercial Zones, should the Commission find that the applicant conforms to the requirements listed in the following subparagraphs and the provisions of Sections 11 and 11A of these Regulations. In evaluating applications for senior housing, the Commission shall be especially concerned with possible pollution of ground and surface waters from sewage disposal systems, public health and safety, road accessibility, traffic congestion, favorable impacts on demands for town services, and the preservation of private and public property values. To encourage development of varied and affordable types of housing for an increasing percentage of senior citizens in the population, the Commission shall grant increased levels of density per acre and the number of units per building if development concerns can be addressed and minimized through the Special Exception process. (7/28/05)

26.2 METHOD OF OWNERSHIP AND OCCUPANCY

Dwelling units may be for sale, lease, or rental in individual, public, cooperative, or condominium ownership. Owners' deed restrictions, rental or lease agreements shall include stipulations which address the number and age of the residents in the unit.

26.2.1 The senior housing unit shall be occupied by no more than three (3) persons who are at least fifty-five (55) years old.

26.2.2 Units would be limited to two (2) bedrooms with no possible future expansion of living space or accessory building.

26.2.3 For the purposes of this Regulation, an occupant has primary residence therein. A guest who may be under fifty-five (55), may not reside on the premises more than three (3) weeks in a calendar year.

26.3 SITE CHARACTERISTICS

26.3.1 Minimum lot size shall be ten (10) acres with at least 200 feet frontage on an approved town road. Not more than 15% of the site should be flagged wetlands. The Commission may waive this requirement provided a written request is submitted by the applicant, said request to include demonstration to the satisfaction of the cognizant authority that all Public Health Code requirements will be met. In addition, the Salem Inland Wetlands and Conservation Commission must verify that there will be no adverse impacts to wetlands. (7/28/05)

26.3.2 Senior housing units shall be located on a suitable site primarily determined by site characteristics for on-site water supply and septic disposal. The average density on the site shall not exceed six (6) bedrooms per acre of land, not including flagged wetland areas. On-site water and septic systems may be for

individual buildings or designed as community systems as appropriate to the site configuration and soil characteristics. The Commission will receive and evaluate the recommendations made by the Town Sanitarian, CT Department of Health and Addiction Services (DPHAS) and the CT Department of Environmental Protection, as appropriate, concerning on-site water and septic systems. In addition to minimum separating distances between two (2) septic systems from the Public Health Code, no sewage disposal system shall be located closer than 100 feet to any well whether on the same or an adjacent lot.

26.3.3 Dwelling units shall be varied in configuration to include building one (1) or two (2) bedroom units with no more than six (6) units in one (1) building.

26.3.4 Required floor area in senior housing units shall consist of at least 650 square feet for one (1) bedroom units or 800 square feet for two (2) bedroom units. Hallways or common areas serving more than one (1) unit shall not be included in the floor area computation.

26.3.5 No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height at the peak.

26.3.6 No dwelling units shall be located within setback limitations of fifty (50) feet at the front, twenty-five (25) feet on either side, and fifty (50) feet at the rear of the site.

26.3.7 There shall be a minimum separation of thirty-five (35) feet between buildings.

26.3.8 A detailed landscaping plan shall be submitted as part of the site plan for review by the Commission which includes visual screening between units and of service areas either through dense vegetation that is drought and deer-resistant or through appropriately sized fencing.

26.3.9 Parking areas shall be provided convenient to the dwelling units at the level of one and one-half (1½) spaces per unit. These parking areas shall be located off the street or access road and within 120 feet of the dwelling unit or building.

26.3.10 Outdoor space designed for common use by the residents such as park areas, pool areas, tennis courts, and grill areas, shall be at least fifty (50) square feet per unit with a minimum of 2000 square feet. This space shall be landscaped with paved walkways, benches, downward directed site lighting, and have visual screening from access roads or parking lots.

26.3.10 NET BUILDABLE AREA – the minimum Net Buildable area shall be 40,000 square feet for the first four (4) bedrooms, plus 5,000 square feet for each additional bedroom in the facility. (12/01/03)

26.4 SPECIAL REQUIREMENTS

26.4.1 The applicant shall provide a traffic and access analysis. This traffic analysis shall identify and project the type and volume of vehicular traffic generated by the proposed activity and assess the adequacy of existing streets/highways to serve projected traffic from proposed senior housing.

SECTION 26A – AGE-RESTRICTED RESIDENTIAL DEVELOPMENT (ARD) ZONE (11/01/04) (6/01/07)

26A.1 AGE-RESTRICTED RESIDENTIAL DEVELOPMENT

The purpose of this Section of the Regulations is to provide for the construction of housing to meet the needs of those of age fifty-five (55) and older. The Planning and Zoning Commission may designate a specific area as an "Age-Restricted Residential Development (ARD) Zone". Provision for age-restricted housing with special design features is desirable in order to provide a balance and variety of housing types and styles, to offer a wide choice to the prospective resident, and to recognize the unique and special needs of those Salem residents of age fifty-five (55) years and older and to preserve to the greatest extent feasible Open Land in the Town of Salem. It is anticipated that the development under this Section will utilize the Uniform Common Interest Ownership provisions of the Connecticut General Statutes. No provision of this Regulation shall be applied, enforced or implemented in a manner which is inconsistent with or prohibited by the fair housing laws of the United States and the State of Connecticut.

26A.2 DEFINITIONS

In addition to the definitions contained in SECTION 2 – DEFINITIONS, the following words and phrases shall, for the purposes of this Regulation, be defined as follows:

Acre – 43,560 square feet.

Age-Restricted Residential Development (ARD) – a housing development wherein 100% of all the dwelling units located therein are occupied by at least one (1) person of the age of fifty-five (55) years or older (the "Age-Qualified Person"). No individual who has not attained the age of twenty-one (21) years many be domiciled within the unit. Any person who is permitted to and did occupy a unit with an Age-Qualified Person may continue to occupy the unit after the death of such Age-Qualified Person, or if such person becomes a permanent resident of a health care facility.

Age-Restricted Residential Development Parcel (ARD Parcel) – a single, contiguous parcel of land consisting of a single lot or a consolidation of contiguous lots, inclusive of wetlands, designated by the Planning and Zoning Commission for development of age-restricted residential housing. The parcel shall have a total of Open and Development Land as defined in Section 26A of these Regulations of not less than ten (10) acres exclusive of wetlands.

Arterial Street – streets whose main function is the movement of vehicles from place to place or town to town. Access to properties is a secondary function of these streets.

Collector Street – streets whose main function is to collect traffic from abutting properties or from local streets and provide access to other roads or properties in the community. A collector is often a connecting road between two (2) arteries.

Development Land – a portion of the ARD parcel, exclusive of wetlands and Open Land, that shall be designated for on ground and above ground construction of housing units, driveways, attendant front, side, and back yards, streets, parking, senior centers, barns.

Open Land – the remaining portion of the ARD Parcel, exclusive of wetlands and Development Land.

Wetlands – land classified as wetlands as defined in the Salem Inland Wetlands and Watercourses Regulations.

26A.3 MINIMUM QUALIFYING STANDARDS

No parcel of land shall be considered for an Age-Restricted Residential Development (ARD) Zone unless it meets the following minimum qualifying standards:

A. The parcel shall consist of a single lot or a consolidation of contiguous lots into one (1) lot, and shall have a total of Open and Development Land of not less than ten (10) acres (note that wetlands are excluded from this calculation).

B. The ARD parcel shall have a minimum of two hundred (200) feet of frontage on a State Highway and/or an arterial or collector street and shall have primary ingress and egress onto said street.

C. The ARD parcel shall be located in an Industrial Zone, a Highway Commercial Zone, a Business Zone, or Rural Zone A.

26A.4 APPROVAL PROCEDURES (6/01/07)

A. Request for the establishment of an ARD Zone constitutes an application to amend the Zoning Regulations and the Zoning Map and shall be signed by the owner or owners of all lots within the proposed zone, provided however, that the zone may also include existing street, highway and utility rights-of-way not owned by the applicant. Simultaneously with the filing of said application, the applicant shall file either a conceptual site plan or a site plan. By providing an applicant with the choice of filing a conceptual site plan at the time an application is filed to establish an ARD Zone, it is the Commission's intent that this will provide a less burdensome process for the applicant, only requiring the additional information and formality of a site plan when the ARD Zone application is actually approved. (6/01/07)

1. If a site plan is filed in conjunction with the application, it shall include all of the information required by Section 11A of these Regulations. The Commission shall be authorized to approve the zone change and site plan simultaneously. (6/01/07)
2. If a conceptual site plan is filed in conjunction with the application, it shall include the following information: contours as depicted on the applicable USGS quadrangle map, lot dimensions and acreage, number and layout of dwelling units and roadways, general locations of required open space and any wetlands/watercourses, preliminary test pit and perc test results, and a key map showing all properties within a five hundred (500) foot radius around the subject site. The following information, and other such information the Commission may require, must also accompany the conceptual site plan: a statement regarding how the proposed zone change will be of benefit to the Town of Salem, and a detailed narrative description of the project and existing and proposed use of land and buildings in the zone. (6/01/07)
3. If the Commission approves the application and conceptual site plan, or approves with modifications, the applicant shall submit a final site plan to the Commission for approval pursuant to the provisions of Section 11A of these Regulations. The final site plan must be consistent with the approved conceptual site plan. (06/01/07)

B. After a public hearing, the Commission shall act upon the changes requested for establishing an Age-Restricted Residential Development (ARD) Zone. If an ARD Zone is established, the official Zoning Map shall be amended accordingly following the effective date of such change.

C. All work in connection with the approved site plan shall be completed within five (5) years after the date of the approval of the plan. The certification of approval of such plan shall state the date on which the five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of the site plan unless extended by the Commission for an additional period not exceeding five (5) years. The Commission is deemed to be authorized by the owner of the parcel which has been designated as an Age-Restricted Residential Development (ARD) Zone to amend these Regulations and the Zoning Map deleting the zone and establishing in its place the previous or another zone.

D. At the time of application for a Zone Change to establish an ARD Zone, the applicant shall submit evidence of availability and adequacy of a water supply and subsurface sewage disposal system. Written comments on those utility systems from the State Department of Health and the State Department of Environmental Protection shall be required in those cases where they have jurisdiction.

26A.5 DEVELOPMENT STANDARDS

A. Age-Restricted Residential Development (ARD):
Single-family detached and/or attached housing in which the owner/occupants of each dwelling unit shall be restricted by deed pursuant to the definition of "Age-Restricted Residential Development (ARD)" in Sections 2.2 and Section 26A.2 of these Regulations.

B. Maximum Unit Density:

Maximum Unit Density in an Industrial, Business, or Highway Commercial Zone shall be calculated as follows:

(1) From the ARD Parcel, deduct the wetlands acreage.
(2) Multiply the remaining acreage by seventy percent (70%) to determine Development Land Acreage. (The thirty percent (30%) remainder constitutes Open Land.)
(3) Multiply the Development Land acreage by three (3) to arrive at Maximum Unit Density. Any fraction shall be rounded according to standard mathematical rounding practice.

Maximum Unit Density in Rural A Zone shall be calculated as follows:

(1) From the ARD Parcel, deduct the wetlands acreage.
(2) Multiply the remaining acreage by fifty percent (50%) to determine Development Land acreage. (The fifty percent (50%) remainder constitutes Open Land.)
(3) Multiply the Development Land acreage by three (3) to arrive at Maximum Unit Density. Any fraction shall be rounded according to standard mathematical rounding practice.

C. Density Reductions:

1. Affordable Housing Reduction: To promote affordable housing, a minimum of fifteen percent (15%) of the units must be affordable (in accordance with the definition used in Title 8, Chapter 126a, Section 8-30g of the Connecticut General Statutes, as amended). However, if the percentage of affordable units is below fifteen percent (15%), then that shall result in a unit reduction using the following formula: [fifteen (15) minus the actual % affordable units] times the Maximum Unit Density divided by one hundred (100). Any fraction shall be rounded according to standard mathematical rounding practice.

2. Planning and Zoning Commission Discretionary Reduction: When, in the judgement of the Planning and Zoning Commission, a lower unit density would better meet the goals of the Town's Plan of Conservation and Development, after consideration of public hearing comments, soils, topography, archaeological sites, adjacent land uses, and any other information pertinent to ARD, the Commission may require a reduction in the number of units.

3. The Planning and Zoning Commission can provide prospective applicants with a spreadsheet tool for making the density calculations.

D. Bedrooms:

No dwelling unit in an ARD shall contain more than three (3) bedrooms. At least one (1) bedroom shall be located on the primary living floor. A bedroom is every habitable room other than a kitchen, living room, dining room, laundry or bathroom, but not including open air or screened porches, unheated or non-insulated spaces, and basements not designated to accommodate sleeping.

E. Attached Dwellings:

Each attached dwelling group shall contain not more than six (6) dwelling units. The ARD shall conform to the requirements and standards of the United States Department of Housing and Urban Development for age-restricted housing. Each of the dwelling units shall be provided with its own separate entrance directly from the outside.

F. Open Land:

1. Open Land shall be permanently reserved by one of the following means:

   a) Natural areas deeded to the Town of Salem, with appropriate restrictions concerning the future use of the land.
   b) Held in common association ownership by the owner/occupants of the dwelling units within the development. Membership in said association shall be mandatory for all owner/occupants of dwelling units within the development and shall be so stipulated, together with the beneficial right to the use of the Open Land, by the members of the corporation, in their deed or lease, as the case may be.
   c) DELETED (6/01/08)
   d) A conservation easement under terms satisfactory to the Planning and Zoning Commission.
   e) A combination of the above, as approved by the Planning and Zoning Commission.

2. The location, proposed use(s), and extent of all Open Land shall be identified on the site plan. Subsequent changes in use, size or location of Open Land from that designated on the approved site plan must follow the procedures mandated by the General Statutes or an amendment to the Zoning Regulations and/or the Zoning Map.

3. Open Land requirements may be met by one (1) large area, or by multiple areas, within the ARD parcel. The minimum acreage requirement for multiple areas shall be two (2) acres per area.

4. Open Land shall remain largely undeveloped, but may include such minor development as walking/hiking/biking paths, recreational areas, wells, and subsurface septic systems. Open Land may be partially or completely designated as "Open Space" according to the legal definition.

G. Accessory Uses:

1. Accessory uses of Open Land shall be shown on the site plan and may include:

   a) Recreational facilities such as walking/hiking/biking and horse riding paths, and pleasure gardens to be used solely by owner/occupants of the ARD and their guests.
   b) Water and sanitary sewage systems, either individual-per-unit systems, communal systems, or a combination of the two.
   c) Agriculture and silviculture uses such as tree groves, hay fields and pastures may be arranged by the Community Association.
   d) Open Land may be used as a nature preserve by the Community Association.
   e) Should ownership of the Open Land be by other than the ARD Community Association, approval of said owner(s) shall be required prior to establishment of any accessory use.

2. Accessory uses of Development Land may include:

   a) Security and maintenance facilities such as gate houses and garden sheds to be used solely by the owner/occupants of the ARD, their guests, and their employees.
   b) Communal facilities such as swimming pools, senior centers, streets, sidewalks, and excess parking to be used solely by the owner/occupants of the ARD, their guests, and their employees.

H. Community Association:

All approved ARDs shall be required to establish and maintain a Community Association, and such association shall certify annually to the Zoning Enforcement Officer that the ARD is in compliance with the age-restricted requirements. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development.

I. ARD Zone Standards:

1. ARD Parcel Setback Requirements: No structure shall be located less than fifty (50) feet from an ARD parcel boundary line.

2. Housing Requirements:

1) Single-Family Detached Housing:
   a) Maximum number of stories: Two and one-half (2½)
   b) Maximum height: Thirty-five (35) feet from lowest grade to roof peak
   c) Dwelling unit habitable floor area:
      i. Two (2) bedroom – 1000 square feet minimum
      ii Three (3) bedroom – 1250 square feet minimum

2) Single-Family Attached Housing:
   a) Maximum number of stories: Two and one half (2½)
   b) Maximum height: Thirty-five (35) feet from lowest grade to roof peak
   c) Minimum dwelling unit habitable floor area
      i. Two (2) bedroom – 950 square feet
      ii. Three (3) bedroom – 1150 square feet

3) Impervious Surface Coverage Requirements: (06/01/09)

Maximum impervious surface coverage shall not exceed fifteen percent (15%) of the Development Land area. Where feasible, pervious surface is preferred. The Commission may, for those proposals, which include a minimum of three (3) units per building, permit a waiver of the maximum impervious surface coverage to no more than 20%. Said waiver request shall be submitted in writing at the time of application submission. As part of the waiver request, the applicant shall show the following:

a) That there is a substantive hardship resulting from a 15% impervious coverage limit;
b) To the satisfaction of the Commission, no significant adverse impacts will result from the increase, taking into consideration the topography, natural resource values and alternative site plan layouts;
c) Site storm drainage is designed to be intermittent to the maximum extent practicable; and
d) The additional impervious surface coverage will be offset by the use of best management practices and Low Impact Development design as contained in the current Connecticut Stormwater Quality Manual.

4) Parking Requirements:

Off-street parking (including garages and outside spaces) shall be provided in accordance with the following schedule:

1. Two (2) parking spaces per dwelling unit in a Single-Family Attached or Detached ARD, of which at least one (1) space shall be part of the principal structure, preferably a garage rather than a carport.

2. Parking setbacks: No parking spaces shall be located within the parcel setbacks.

5) Street Requirements:

1. All streets shall be private and designed so as to discourage through traffic. Such streets shall be at least twenty-five (25) feet from any dwelling. Streets shall be designed using best management practices as contained in the current *Connecticut Stormwater Quality Manual*, and curbs may be eliminated if storm run-off can be accommodated by landscaped swales, retention basins or other methods upon the recommendation of the Town Engineer and approved by the Planning and Zoning Commission.
2. Minimum street width shall be twenty-two (22) feet. If other than a paved surface treatment is proposed, said treatment may be approved by the Planning and Zoning Commission subject to favorable reports by the Town's Engineer and Fire Marshal. (6/01/07)
3. Dead-end street length shall not exceed 1500 feet in length and have no more than twenty-five (25) dwelling units on said street.
4. Dead-end street length may be extended if fire hydrants are provided per NFPA requirements, said length to be approved by the Planning and Zoning Commission.
5. A cul-de-sac meeting the requirements of the Town of Salem Road Standards shall be constructed at the limit of all dead-end streets.

6) Building Location Requirements:

1. Principal building separation distances shall comply with State Building Code requirements, and shall be located a minimum of twenty-five (25) feet from the edge of pavement of any street within the parcel.
2. Accessory buildings shall be located at least twenty-five (25) feet from the edge of any street within the parcel.

7) Utility Requirements:

All utility wiring, including, but not limited to electric, telephone and cable television services, shall be installed underground. An ARD shall be served by an adequate water supply, storm drainage system and sanitary sewage disposal system(s). Sewage systems and water supply may be individualized for each unit, individualized in the Open Land, consolidated in the Open land, or many combination of these approaches.

8) Landscaping Requirements:

Use of plants native to the region is encouraged.

9) Sale and Resale Restrictions:

In order to establish and preserve an ARD, units for sale shall be restricted by deed to require that in the event of any sale or resale, at least one (1) of the owner/occupants shall be of fifty-five (55) years of age or older. At the time of application for an ARD, the applicant shall provide proposed deed restrictions that implement this provision. (6/01/07)

10) Declaration of Covenants:

The applicant shall provide its proposed Declaration of Covenants at the time of application. The declaration shall contain clear language that maintenance responsibility of the common interest areas shall rest with the Community Association.

26A.6 APPLICATION PROCEDURE

In addition to the requirements contained in Section 11A Site Plan, the Age-Restricted Residential Development Plan shall include the following information, and other such information as the Commission may require: (6/01/07)

1) The current zone designation and the proposed zone designation.

2) Description of existing and proposed use of land and buildings in zone change area.

3) Statement regarding how the proposed zone change will be of benefit to the Town of Salem.

4) Signature of owner(s). If in multiple ownerships, the owners and applicants (if different from the owners) shall submit, as part of the application, an agreement binding them to act as one (1) person in developing the property.

5) Key map showing all properties, labeled with the owner name and Assessor's Map Number and Lot Number, within a five hundred (500) foot radius around the subject site.

6) Date, true north arrow, and scale.

7) The boundary line of the parcel, which is the subject of the proposed zone change, with accurate linear and angular dimension drawn to scale.

8) Proposed Land Use Plan which shall include:
   a) An overall design concept to be carried out within the Plan.
   b) A Phasing Plan shall be required if phasing is proposed.
   c) Architectural renderings and perspectives of all structures.
   d) Conceptual building plans, including schematic floor plans and exterior elevations.
   e) Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut.
   f) The area of the Age-Restricted Residential Development (ARD) covered by impervious material shall be delineated and identified, including calculation of coverage percentages.
   g) A Proposed Utility Service Concept Plan including electric, telephone, television, potable water supply, water supplies for fire protection, and an engineering report regarding disposal of storm water drainage. The Connecticut licensed engineer designing sanitary, storm and water systems shall certify "best management practices" in accordance with the current *Connecticut Stormwater Quality Manual* were used in designing the systems.
   h) Landscaping (including the number, sizes and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain no to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible. Existing buildings, stone walls, large trees (two [2] feet in diameter or greater), large stone outcroppings, and other notable natural and manmade structures shall be shown on the plan with indication of whether they will be preserved or destroyed.
   i) Lighting detail, both building-mounted and free-standing, showing location, lighting cut-sheets (brochure or product sheet, with specifications), and photometrics shall be provided.

9) Proposed deed and declaration of covenants.

10) A narrative detailed description of the project.

11) Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.

12) Acceptance agreement for ownership of Open Land, should ownership not be retained by the ARD Community Association.

13) The applicant shall submit additional information or material if required by the Planning and Zoning Commission.

26A.7 CHANGES IN THE APPROVED AGE-RESTRICTED RESIDENTIAL DEVELOPMENT PLAN

Changes in the approved Age-Residential Development Plan may be permitted upon approval of the Planning and Zoning Commission. If the Commission determines that proposed changes constitute a major change, it may require a public hearing.

26A.8 SUBDIVISION APPROVAL

Where subdivision or resubdivision is required as part of a project that includes an ARD Zone, the applicant shall comply with the provisions of the Town of Salem Subdivision Regulations. To the extent practicable, the processing of any application for subdivision approval shall be coordinated with the processing of an application under these ARD regulations. Where these regulations provide development controls substantially the same as those provided by the Subdivision Regulations, the Commission may, upon written request from the applicant, waive any duplicative or unnecessary provisions of the Subdivision Regulations.

SECTION 27 - CONGREGATE/ASSISTED LIVING FACILITIES (1/01/99)

27.1 GENERAL

The objective of this Regulation is to provide guidelines to developers of congregate/assisted living facilities and to encourage their development to serve an aging town/regional population.

A Special Exception may be granted by the Planning and Zoning Commission to construct congregate/assisted living facilities in the Business Zone, Highway Commercial, Rural Zone A, and Rural Zone B, should the Commission find that the applicant's site plan conforms to the requirements listed in the following subparagraphs and the provisions of Sections 11 and 11A of these regulations.

For the purposes of this Regulation, a congregate/assisted living facility (ALF) is a residential facility which provides assisted living services by a Connecticut licensed assisted living services agency in a managed residential community, as defined under regulations of the State of Connecticut Department of Public Health, including the provision of supportive services to assist those in need of assistance in the activities of daily living. Such services would commonly include delivery of meals in a common dining room, health/wellness counseling, social/recreational activities, medication management, nursing availability, laundry, housekeeping, and other related support services such as clinics, physical therapists, or hairdressers.

27.2 SITE CHARACTERISTICS

27.2.1 Minimum lot size shall be three (3) acres with at least 200 feet of frontage on an approved town road. There shall be not less than 2000 square feet of lot area for each person accommodated or residing in the ALF. Not more than 20% of the wetland area situated on the lot may be counted for purposes of computing lot area for each resident. No more than 30% of the lot area shall be covered by buildings or passageways.

27.2.2 ALFs shall be located on a suitable site determined by soil characteristics for on-site water supply and septic disposal. The Commission will evaluate the recommendations made by the Town Sanitarian, CT Department of Health and Addiction Services, or the CT Department of Environmental Protection depending on the planned scope of the project after all governmental levels have reviewed engineering documentation concerning how the site can support water supply and septic disposal for the ALF.

27.2.3 The ALF may be constructed in either one (1) or several buildings on the site with covered walkways or enclosed hallways between buildings. ALFs shall have community support spaces consisting of not less than seventy-five (75) square feet for each dwelling unit, which shall consist of dining rooms, kitchen facilities, medical or clinical care rooms, meeting or activity rooms, recreation rooms, administrative offices for the facility, and similar uses in support of those living units at the facility.

27.2.4 No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height at the peak.

27.2.5 There shall be a minimum separation of thirty-five (35) feet between buildings. A landscaping plan for site plan requirements shall include vegetation or fencing as visual/acoustic screens between buildings**.**

27.2.6 Setback limitations or wetlands buffers shall be the same as for each respective land use zone.

27.2.7 The site area accessible to residents shall have no slope greater than 5% which brings compliance to the Americans with Disabilities Act (ADA) requirements.

27.2.8 Van drop-off areas and parking spaces shall be located at the main entry for the convenience of the residents.

27.2.9 Parking for ALFs shall be a minimum of one (1) per every three (3) dwelling units and one (1) for every employee on the largest shift.

27.2.10 Visual screens to shield loading or service areas from view by residents shall be provided through vegetative or fencing methods described in the site plans.

27.2.11 Outdoor space designed for common use by the residents, like shaded sitting areas, shall be at least fifty (50) square feet per unit with a minimum of 2000 square feet. This space shall be landscaped with paved walkways, benches, downward directed site lighting, and have visual screening from access road or parking lot.

27.2.12 NET BUILDABLE AREA – the minimum Net Buildable Area shall be 40,000 square feet for the first four (4) bedrooms, plus 5,000 square feet for each additional bedroom in the facility. (12/01/03)

27.3 SPECIAL REQUIREMENTS

27.3.1 The applicant shall provide traffic and access analysis. This traffic impact analysis shall identify and project the type and volume of vehicular traffic generated by the ALF, and assess the adequacy of existing adjacent streets/highways to serve the projected traffic.

SECTION 28 - NURSING HOME FACILITIES (1/01/99)

28.1 GENERAL

The objective of this Regulation is to provide guidelines to developers of nursing home facilities so that they may locate suitable sites in Salem and provide for the needs of an aging town/regional population.

A Special Exception may be granted by the Planning and Zoning Commission to construct a nursing home/private hospital or health care facility in Rural Zone A , Rural Zone B, Business, or Highway Commercial Zone, should the Commission find that the applicant's site plan conforms to the requirements listed in the following subparagraphs and the general provisions of Section 11 and 11A of these Regulations.

For the purposes of this Regulation, a private hospital/nursing home shall meet the requirements of Section 19-32 of the State Statutes and a healthcare facility shall meet the requirements of Section 189-73b of the State Statutes.

28.2 SITE CHARACTERISTICS

28.2.1 Minimum lot size shall be three (3) acres with at least 200 feet of frontage on an approved town road. There shall be not less than 2000 square feet of lot area for each patient. No more than 10% of the wetland area situated on the lot may be counted for purposes of computing lot area for each patient. No more than 30% of the lot area shall be covered by buildings or passageways.

28.2.2 Nursing home/private hospital or healthcare facilities shall be located on a suitable site determined by soil characteristics for on-site water supply and sewage disposal. The Commission shall evaluate the recommendations made by the Town Sanitarian, CT Department of Health and Addiction Services, or the CT Department of Environmental Protection, depending on the scope of the project after all governmental levels have reviewed engineering documentation concerning how the site can support water supply and septic disposal for the facility.

28.2.3 The nursing home/private hospital or healthcare facility may be constructed in either one (1) or several buildings on site with covered walkways or enclosed hallways between buildings. Facilities shall have community spaces of not less than forty (40) square feet for each patient, which shall consist of dining rooms, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the patients in the facility.

28.2.4 No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height at the peak.

28.2.5 There shall be a minimum separation of thirty-five (35) feet between buildings. Landscaping plans for site plan requirements shall include vegetation or fencing as visual/acoustic screens between buildings.

28.2.6 Setback limitations or wetlands buffers shall be the same as for each respective land use zone.

28.2.7 Parking shall be a minimum of one (1) per every five (5) patients plus one (1) for every employee on the largest shift.

28.2.8 Outdoor space designed for use by patients sitting or walking should be at least twenty (20) square feet per patient with a minimum of 2000 square feet. This space should be landscaped with paved sidewalks, benches, downward directed site lighting, and have visual screening from access road and parking lot.

28.2.9 NET BUILDABLE AREA – the minimum Net Buildable area shall be 40,000 square feet for the first four (4) bedrooms, plus 5,000 square feet for each additional bedroom in the facility. (12/01/03)

28.3 SPECIAL REQUIREMENTS

28.3.1 The applicant shall provide traffic and access analysis. This traffic impact analysis shall identify and project the type and volume of vehicular traffic generated by the nursing home/private hospital or healthcare facility and assess the adequacy of existing adjacent streets/highways to serve this projected traffic.

SECTION 29 - WIRELESS TELECOMMUNICATION TOWERS, ANTENNAE, AND FACILITIES (1/01/99) (5/02/00)

29.1 PURPOSE AND DEFINITIONS

29.1.1 GENERAL PURPOSE

The purpose of this regulation is to provide for the location of wireless telecommunication towers and antennae; address safety concerns, reduce adverse visual effects through careful design, siting and vegetative screening; and to minimize the number of towers by encouraging shared or joint use where practical. These regulations are consistent with the Federal Telecommunications Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provision of personal wireless services, or regulate the placement and construction of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations regarding such emissions.

Additional purposes include:

a) To encourage use of existing facilities, nonresidential buildings, and structures for the location of antennae,
b) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers,
c) To protect historic and residential areas from potential adverse impacts of wireless communication facilities,
d) To reduce the number of towers needed in the future by sizing facilities for growth, and
e) To provide for the location of traditional business and residential use type antennae and towers.

29.2 SITING PREFERENCES

The general order of preference for alternative facility locations shall range from 1. as the most preferred to 4. as the least preferred:

1. Antennae on existing structures such as nonresidential buildings/facades, utility poles, steeples, chimneys, silos, windmills, or existing approved towers.
2. On new towers located on property occupied by one or more existing towers.
3. On new towers located in Business (B), Special Business A (SB-A), Special Business B (SB-B), Commercial Recreation (CR), Highway Commercial (HC), or Industrial (I) zones.
4. On new towers located in Rural Zone A (RU-A), Rural Zone B (RU-B), Residential Zone A (R-A), and Seasonal Residential Zone (SR).

29.3 WIRELESS TELECOMMUNICATIONS FACILITIES EXEMPTIONS

These regulations specifically exempt the following Wireless Telecommunication Facilities from requiring a Special Exception provided the tower is less than sixty-five (65) feet in height: Police, Fire, Ambulance and other Emergency Dispatch; Municipal uses for the Town of Salem; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Tower, and Radio Dispatch Services for local businesses. Any tower over sixty-five (65) feet in height requires a Special Exception under these regulations to address potential increased visual and safety impacts. Exempt uses must meet setback requirements for the zoning district and must obtain building and zoning permits, as required.

29.4 PERMITTED USES

Wireless telecommunication facilities that do not require a tower to be constructed are permitted in all zoning districts since they generally pose minimum adverse visual effects. This includes the placement of antennae on towers that were approved by Special Exception. The facilities must meet the Zoning Regulations for the underlying zone, must obtain a zoning permit and building permit, and must meet the following standards:

29.4.1 Wireless telecommunication facilities where the antenna is mounted on the rooftop or facade of a nonresidential or residential building, provided the following standards are met:

a) Facilities shall be of a material or color matching the exterior of the building and shall blend into the existing architecture.
b) Rooftop or facade mounted antennae shall not exceed the highest point of the rooftop by more than ten (10) feet.
c) New equipment cabinets and buildings shall meet the requirements of these Regulations (Section 29.7).
d) No signs or advertising shall be permitted on any tower or antenna except no trespassing, warning, and ownership signs are permitted at ground level.

29.4.2 Wireless telecommunication facilities where the antenna is mounted on existing utility poles, chimneys, silos, and windmills provided the following standards are met:

a) Facilities shall be of a material or color matching the exterior of the structure and shall blend into the existing architecture of the structure.
b) New equipment cabinets and buildings shall meet the requirements of these Regulations (Section 29.7).
c) No signs or advertising shall be permitted on any tower or antenna except no trespassing, warning, and ownership signs are permitted at ground level.

29.5 USE BY SPECIAL EXCEPTION IN ALL ZONES

Wireless telecommunication facilities requiring the construction of a tower and not exempt in accordance with Section 29.3 may be located in all zoning districts in the Town of Salem by Special Exception according to the standards in these Regulations in addition to the standards set forth in Sections 11 and 11A of the Zoning Regulations.

29.5.1 SITE PLAN, DESIGN, VISUAL ANALYSIS AND SAFETY REQUIREMENTS, AND REPORTS FOR SPECIAL EXEMPTIONS

The following information shall be submitted for each Special Exception application, in addition to site plan requirements listed in Section 11:

a) A map indicating the extent of the provider's existing and planned coverage. The applicant shall demonstrate that co-location on an existing or proposed tower is not feasible. All existing and/or proposed wireless service facilities within the Town of Salem shall be shown on the site plan. The applicant shall demonstrate in a written report that the proposed service cannot be provided by adding equipment to existing or proposed towers within the Town of Salem or that the owners of these other towers have denied the applicant's request for co-location. The Commission may require the applicant to provide a determination from the Connecticut Siting Council that co-location on a particular facility is not feasible, pursuant to CGS 16-50aa. The Commission may deny a Special Exception to an applicant that has not demonstrated a good faith effort to provide for co-location.

b) The applicant shall also show tall structures (over sixty-five (65) feet in height) located one-half (½) mile from the proposed tower. The applicant must demonstrate that placing antennae on these tall structures is either not technically feasible or that the owner of the tall structure has denied the applicant's request to locate on the structure.

c) A tower proposed in a residential zone must demonstrate that there are no feasible sites in any non-residential zone within the Town of Salem. The applicant must demonstrate that such non-residential sites are not feasible for technical or legal reasons or because the property owner is unwilling to sell or lease the land.

d) A description of the tower capacity, including the number and type of antennae it can accommodate, the proposed locations of all mounting positions for co-located antennae, minimum separating distances, an antenna separation analysis, a scaled plan and elevation drawing showing where and how the proposed antenna and mounting supports will be affixed to a particular building or structure, and a detailed list of all antenna and mounting supports indicating size and color.

e) Elevations of all proposed visual screening, fencing, and details of material, including color.

f) Elevations of all proposed equipment buildings, enclosures, and cabinets.

g) Design plans and tower base elevation showing the height and fall circles of all towers. The fall circle shall be equal to the tower height.
h) A signed statement from the radio-frequency engineer indicating that the proposed wireless telecommunications facility will comply with current FCC radio frequency emission standards and will be operated in accordance with the owner's FCC license and FAA requirements.
i) Proposed access to the site.
j) Nature of uses within 1,000 feet of the proposed tower.
k) Surrounding topography within 1,000 feet of the proposed tower at contour intervals not exceeding ten (10) feet.
l) A visual analysis showing areas from which the tower would be visible, and a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal. This visual analysis should include a simulation (using a balloon or computer-generated landscape view from each octant of the compass) of the tower's appearance during the winter months from the furthest extent of the tower's visibility at the five (5) foot height and from a distance of 1,000 feet.
m) Propagation modeling results to facilitate the Commission's review of tower height and proposed coverage. The applicant shall submit a propagation study for the lowest and highest antenna height on the tower to ensure adequate coverage of Salem while minimizing visual impacts. The Commission also may request propagation modeling for elevations higher than the highest proposed antenna height or lower than the lowest proposed antenna height.

29.5.2 GENERAL STANDARDS FOR SPECIAL EXCEPTIONS

The wireless telecommunication facility standards enumerated below shall be followed in addition to all other standards set forth in the Zoning Regulations:

1. All towers shall meet the minimum setback requirements for the underlying zone. In addition, a tower must meet the following standards:
    a) Unless otherwise allowed in these Regulations, a new tower shall be set back from all property lines a distance equal to the height of the tower. In nonresidential zones, where it can be demonstrated by the applicant and approved by the Commission that it is unlikely that any building will be constructed on adjacent property within the tower fall circle and that adjacent property is not zones for or currently used for residential purposes, this distance may be reduced by no more than one-third.
    b) A new tower shall not be located within a distance of one and one-half (1½) times the tower height of an existing residential structure or proposed residential structure with a valid building permit as of the date of the submittal of the proposed tower application.
    c) A new tower shall not be located within a distance of one and one-half (1½) times the tower height of a playground, school, day care, or outdoor recreational facility.

d) A new tower shall not be located within a distance of one and one-half (1½) times the tower height of an historic district.
e) A building or residential structure that is owned by the applicant may be located within the setback distance.

2. A telecommunications facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one (1) tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower.

3. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.

4. All towers in residential zones shall be a monopole. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part or other suitable art form/sculpture as determined by the Commission.

5. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.

6. No lights or illumination shall be permitted unless required by the FAA.

7. No signs or advertising shall be permitted on any tower or antenna except no trespassing, warning, and ownership signs are permitted at ground level.

8. The proposed support structure, building, and electrical utilities shall be required to accommodate a minimum of three (3) users. These users shall include other wireless communication companies, business, municipal, public safety, and emergency services. If co-users are not known at the time of application, applicants may base design for co-users on equipment requirements similar to their own.

9. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

10. Guy-wire anchors shall be surrounded by a chain link fence and landscaped with a visual border of evergreen trees at least six (6) feet in height that are maintained by the tower owner. Anchors shall meet setback requirements for that zone.

11. Tower design characteristics shall have the effect of reducing or eliminating visual obtrusiveness.

29.6 APPLICATION REVIEW STANDARDS FOR SPECIAL EXCEPTION

In addition to other appropriate review standards found in these Regulations, the Commission shall consider:

1. Detailed analysis of alternative sites, structures, antennae, and access as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 29.2 of these Regulations.

2. Detailed propagation and antenna separation analysis relative to tower height.

3. Tower sharing or co-location to facilitate the telecommunication need of municipalities, emergency services, and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing.

4. Assessment of tower structure type.

5. Achievement of site design characteristics/architectural treatments that eliminate, reduce, or mitigate visual impacts on adjacent areas.

6. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

29.7 ACCESSORY BUILDINGS AND CABINETS

All accessory buildings and cabinets associated with wireless telecommunication facilities shall comply with the following:

1. Within residential zones, each accessory building shall not exceed 200 square feet gross floor area and shall not exceed twelve (12) feet in height.

2. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

3. If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.

4. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and landscaped with a visual border of evergreen trees at least six (6) feet in height that are maintained by the tower owner.

5. All utilities shall be underground.

29.8 ABANDONMENT OF TELECOMMUNICATION FACILITIES

A wireless telecommunication tower, which was permitted by Special Exception and is not in use by a Personal Wireless Service Provider for twelve (12) consecutive months, shall be removed by the landowner at their expense. This removal shall occur within ninety (90) days of the end of such twelve (12) month period. The Commission shall require a bond or other surety satisfactory to the Town of Salem to guarantee removal of the tower, which shall be reviewed and renewed every two (2) years.

SECTION 30 – SPECIAL AGRICULTURE ZONE (1/01/05)

30.1 INTENT

The Town of Salem recognizes that agricultural uses are an asset to the town's rural character. It is the intent of these regulations to establish a floating zone to ensure that those uses continue and expand, and to promote adaptive re-use of existing agricultural buildings. (4/01/07)

30.2 GENERAL

The minimum lot size in this zone shall be five (5) acres, in addition to the minimum acreage requirement of the underlying zone. The lot must not be located in whole or in part within five hundred (500) feet of the municipal boundary. (4/01/07)

The intensity of all uses proposed within the Special Agriculture Zone shall be as deemed appropriate by the Commission.

30.3 DEFINITIONS

a) Acre – 43,560 square feet
b) Animal Unit – a measure for comparing livestock as follows:
   i. Class A Livestock = One (1) animal per Animal Unit
   ii. Class B Livestock = Three (3) animals per animal Unit
   iii. Class C Livestock = Fifteen (15) animals per Animal Unit
   iv. Class D Livestock = One –half (0.5) animal per Animal Unit
c) Class A Livestock – large animals whose mature weight is five hundred (500) pounds or more such as equine, bovine and other large animals. (See also definition of Livestock.)
d) Class B Livestock – medium-sized animals whose mature weight falls within the range of thirty (30) to five hundred (500) pounds, such as sheep and goats, but excluding pigs. (See also definition of Livestock.)
e) Class C Livestock – small animals with a mature weight of less than thirty (30) pounds such as poultry, fowl and rabbits. (See also definition of Livestock.)
f) Class D Livestock – pigs subject to Section 19-13-B23(a) of the Connecticut Public Health Code, as amended. (See also definition of Livestock.)
g) Floating Zone – Zone established over an existing zone and may provide additional requirements or provide additional uses.
h) Hoop House – a permanent structure with the following characteristics:
   i. Supporting structure constructed of tubular metal, fiberglass or other similar structural tent-like supports affixed to the ground.
   ii. Covered by a flexible poly or fabric-like material stretched over and secured to the supporting structure.
i) Livestock – all domestic animals except those usually kept as a companion and housed with human occupants in a residential building.

30.4 PERMITTED USES

a) Uses permitted in the underlying zone;
b) Feed & grain store; tack shop;
c) Storage and repair of farm vehicles and other similar equipment, not to include operation of a repair garage for the general public;
d) Riding, carriage/wagon/sleigh rides, boarding and instructional activities involved with the keeping of horses;
e) Farm store, products produced from farming not including manufacture of farm equipment;
f) Greenhouse/nursery;
g) Veterinary clinic;
h) Keeping of livestock, which may include raising, breeding, instructing, training, sales, boarding, riding, driving and similar uses normally associated with the keeping of livestock;
i) Construction and sale or rental of agricultural and livestock related products, including, but not limited to troughs, jumps and the like; (4/01/07)
j) Wineries;
k) Farm stands;
l) Farm markets;
m) Storage, packaging and bottling of local farm products.

30.5 PERMITTED ANIMAL UNITS PER ACRE

A maximum of two (2) animal units (as defined in Section 30.3) per acre for the additional acreage of five (5) acres in addition to the underlying zone requirement shall be permitted for the first five (5) acres of a Special Agriculture Zone parcel.

30.6 ADDITIONAL ANIMALS ALLOWED PER LOT

After the first five (5) acres, additional animals may be kept as follows:

One (1) Class A animal per	21,780 square feet of land area;
One (1) Class B animal per	7,260 square feet of land area;
One (1) Class C animal per	1,452 square feet of land area; and
One (1) Class D animal per	43,560 square feet of land area.

30.7 Where applicable, offspring shall apply only to the number of animals per lot beyond the juvenile stage.

30.8 All manure piles shall be set back a minimum of fifty (50) feet from all property lines, shall be visually screened from dwellings on adjacent properties and shall not be placed

within the minimum required side, rear and front yard setbacks of the underlying zone. Fully composted manure may be applied within said restricted area for soil restoration.

30.9 The raising of animals exclusively for their pelts is prohibited.

30.10 Shelter shall be provided for all livestock. Any new shelter, or any new agricultural building, shall be set back from all property lines a minimum distance of one hundred (100) feet.

30.11 Any existing non-conforming structure, originally constructed for agricultural purposes, may continue to be used, maintained or expanded subject to the requirements of Section 12 of these Regulations, or replaced for agricultural purposes.

30.12 Impervious coverage shall not exceed five percent (5%). This requirement may be waived by the Commission if a written request is presented by the applicant and just cause shown. Said waiver shall be subject to Inland Wetlands and Conservation Commission recommendation, if applicable, regarding any impacts within their jurisdiction.

30.13 Detached greenhouses, including hoop houses, shall be permitted provided they are located on the premises in accordance with Sections 30.10 and 30.11 of these Regulations.

30.14 APPLICATION REQUIREMENTS

Application for designation of a Special Agriculture Zone shall be filed in accordance with SECTION 18 – AMENDMENTS of these Regulations.

If the property which is the subject of said application contains wetlands and/or watercourses as defined in the Town of Salem Inland Wetlands and Watercourses Regulations, as amended, an application shall be submitted to the Inland Wetlands and Conservation Commission no later than the same day as application to the Planning and Zoning Commission.

The following documentation shall be included with said application for designation of a Special Agriculture Zone:

a) Site plan prepared in accordance with Section 11A of these Regulations. Section 11A.2.1 of these Regulations shall not apply.
b) Narrative describing the proposal.
c) Traffic Impact Study prepared by a professional Traffic Engineer.
d) Lighting illumination plan and lighting product spec sheets.
e) Any other information the Commission may deem necessary, which may include traffic control, lighting, noise, hours of operation, parking, and access.

The Commission may waive any and/or all of the above documentation requirements provided a written request is submitted by the applicant.

30.15 FINDINGS

A zone change to create a Special Agriculture Zone shall not be approved by the

Commission until the Commission finds that the proposed zone change:

a) Meets the intent of the Town of Salem Zoning Regulations by allowing development that encourages maintaining/preserving the rural character of the town;
b) Is in keeping with the Town of Salem Plan of Conservation and Development;
c) Is consistent with the comprehensive plan of zoning for the town; and
d) Will not adversely affect public health, welfare, safety, and property values.

~~APPENDIX 1 Zoning Map Amendment~~ DELETED (7/15/01)

~~APPENDIX 2 Zoning Map Amendment~~ DELETED (7/15/01)

~~APPENDIX 3~~ DELETED (7/15/01)

Ordinance Concerning Planning and Zoning Commission Fees moved to APPENDIX 1.

APPENDIX 1 (7/15/01) (1/01/07) (4/16/09)

ORDINANCE CONCERNING
PLANNING AND ZONING COMMISSION FEES

Section 1) Pursuant to the authority granted by Section 8-1c of the Connecticut General Statutes, the Town of Salem adopts the following Zoning and Subdivision fees:

Application for Zoning Permit:	
Main building or primary use structure:	$50.00
Accessory structures over 100 sq. ft.:	$25.00
Accessory structures under 100 sq. ft.:	No fee
Application for Home Occupation:	$50.00
Application for Excavation Permit Renewal:	$200.00 (1/01/07)
Application for Special Exception:	$200.00
Application for Amendments to the Zoning Regulations or Zoning Map:	$200.00
Application for Construction of a Campground *(this fee is in addition to that required for a Special Exception).*	$500.00 or $5.00 per proposed site, whichever is greater
Application for Annual Campground Permit:	$100.00 or $1.00 per site, whichever is greater.
Application for Permit for Sign:	No fee
Public Hearing, if required:	$250.00 (1/01/07)

Deposit for Sign under Section 13.8 of the Salem Regulations:	$60.00 *($50.00 of this deposit will be refunded if the sign is returned within seven (7) days after action by the Commission.)*
Application involving Site Plan Review *(no additional fee is required for Site Plan Review when a Site Plan is submitted in connection with an application for a Special Exception or Zone Change).*	
Where an engineer's seal is not required on the Site Plan:	$150.00 (1/01/07)
Where an engineer's seal is required on the Site Plan:	$250.00 (1/01/07)
Application for Subdivision:	$200.00 + $100 per proposed lot (1/01/07)
Application for Resubdivision:	$200.00 + $100 per proposed lot *(the fee will be based on the number of new lots resulting from the resubdivision)* (1/01/07)
Fee in lieu of Digital Map Submission:	$250.00 per lot (1/01/07) (4/16/09)

Section 2) Any person making an original application for any approval required by the Zoning or Subdivision Regulations shall pay a fee in accordance with PA-92-235, as amended, in addition to any other fee, which may be required. (06/01/04) (1/01/07)

Section 3) Fees for applications, certifications, permits, and other zoning-related procedures shall be paid by cash, certified check, personal check, or money order made payable to the Town of Salem.

Section 4) Fees shall be payable at the time an application is submitted, except as otherwise provided.

Section 5) This Ordinance shall become effective fourteen (14) days after publication in a newspaper having circulation in the Town.

Adopted at Special Town Meeting on April 16, 2009.

Recorded in Record of Minutes, Volume 6, Page 89.

APPENDIX 2 (4/01/07)

RESIDENTIAL DRIVEWAY ORDINANCE FOR THE TOWN OF SALEM

PURPOSE:

It is the purpose of this Ordinance to regulate the construction of residential driveways in the Town of Salem in order to provide safe and structurally adequate access to properties from public roads. Driveways that access State roads must also meet State requirements. All commercial driveways must comply with the applicable current zoning regulations.

PROCEDURE:

1. No person shall construct a new residential driveway or relocate an existing residential driveway leading onto a public road in Salem without first obtaining a written Driveway Construction Permit from the Director of Public Works or the First selectman of the Town of Salem.

2. No building permit(s) for projects that include construction of residential driveways shall be issued until a Salem Driveway Construction Permit has been issued.

3. No Certificate of Occupancy for projects that include construction of residential driveways shall be issued until the Director of Public Works or the First Selectman of the Town of Salem issues a final approval of the driveway installation or a bond has been posted in accordance with Procedure #5 (below).

4. Application for a Driveway Construction Permit shall be made to the Director of Public Works or the First Selectman and shall include a sketch of the lot and a plan showing the proposed location and dimensions of the residential driveway, public road right-of-way and existing pavement boundaries. In order to adequately evaluate the safety of the proposed residential driveway, other information may be required as stipulated by the Director of Public Works or the First Selectman. The application shall include a fee of twenty-five dollars ($25.00).

5. During the months where required materials cannot be procured (generally November through March), a two thousand dollar ($2,000.00) cash or passbook bond shall be posted until the Director of Public Works or the First Selectman of the Town of Salem issues a final approval of the residential driveway installation.

STANDARDS:

1. In no case shall a residential driveway grade exceed five percent (5%) of the first thirty (30) feet extending in from a public road. No residential driveway shall have a grade greater than fifteen percent (15%) at any point.

2. Residential driveways shall be paved for a minimum of fifteen (15) feet from the edge of a public road into the property, in accordance with "Typical Treatment of Driveway" detail drawings.

3. All residential driveways shall be a minimum of twenty-four (24) feet wide at the edge of the public road and shall taper to a minimum of twelve (12) feet wide at twenty-two (22) feet into the property, which shall be cleared of all obstructions for an additional three (3) feet on either side. Residential driveway width shall not be less than twelve (12) feet throughout its length. Other configurations may be required by the Director of Public Works or the First Selectman to address special sites.

4. Residential driveways shall intersect public roads at an angle of approximately ninety (90) degrees, but not less than sixty (60) degrees.

5. Residential driveways shall be accessible to emergency vehicles. Obstructions shall be cleared throughout the width and length of the driveway to a height of twelve (12) feet. At no point in a driveway shall the radius of curvature be less than fifty (50) feet.

6. As a minimum, paved residential driveway cross-sections shall consist of a compacted six (6) inch base of bank run gravel that meets all requirements of CONNDOT gradation A and a two (2) inch finish course of broken or crushed stone, or equal.

7. All residential driveways that include sections with grades of ten percent (10%) or greater, and all sections adjacent to these sections with grades of five percent (5%) or greater, shall consist of a compacted six (6) inch base of bank run gravel that meets all requirements of CONNDOT gradation A, and a two (2) inch finish course of class 2 bituminous concrete.

8. A clear line-of-sight distance of two hundred (200) feet measured five (5) feet back from the edge of road pavement shall be provided at the intersection of a residential driveway and the public road. Greater distances may be required by the Director of Public Works or the First Selectman.

9. Driveways shall be designed, to the satisfaction of the Director of Public Works or the First Selectman, to ensure that water does not flow from the driveway onto the road pavement or from the road pavement onto the driveway.

WAIVERS:

Applications to waive any of the provisions of this ordinance must be submitted in writing to the First Selectman, who may waive provisions at his sole discretion.

MODIFICATIONS:

The Board of Selectmen may make necessary modifications to the standards in this Ordinance.

Adopted at Special Town Meeting: September 18, 2002.
Town of Salem, Records and Minutes; Volume 5; Page 138.