40 Bricktop Lane, Windham 22.57 Land in R-1 Zone



LYMAN

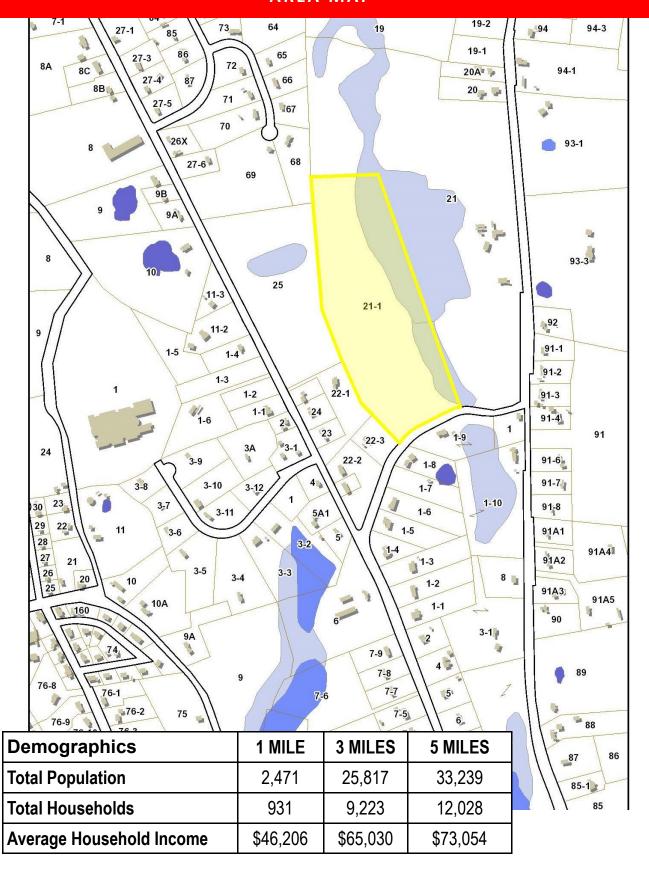
REAL ESTATE BROKERAGE & DEVELOPMENT

www.LymanRE.com

RON LYMAN

Main Office: 1160 Boston Post Rd. Westbrook, CT 06498 Mailing Address: 73 Second Ave. Westbrook, CT 06498 860-887-5000 Office ronl@lymanre.com

AREA MAP



ARTICLE II

SECTION 21 - RESIDENCE R-1 DISTRICT

- 21.0 <u>PURPOSE AND INTENT</u>: The purpose of this District is to maintain the existing rural character of the area, and to promote self-sufficient low density residential and agricultural uses in order to limit the need for major capital improvements in the District. (added 06/10/96)
- 21.1 <u>GENERAL</u>: The following regulations shall apply to the use of land, buildings and other structures, and the location and bulk of buildings and other structures in any Residence R-1 District.
- 21.2 <u>PERMITTED USES</u>: Land, buildings and other structures shall be used for one or more of the following purposes:
 - 21.2.1 A single detached dwelling for one family and not more than one such dwelling per lot.
 - 21.2.2 The Zoning Board of Appeals is authorized to permit separate quarters for an inlaw/accessory apartment within an owner occupied single-family dwelling or accessory structure by Special Exception in accordance with Section 92 provided that separate utilities are not connected for a second dwelling unit. Such dwelling unit shall be integrated into the existing structure. The use of such separate quarters as a rental unit shall be prohibited unless approved by the Zoning Board of Appeals as a Special Exception in accordance with Section 92 as an accessory apartment. If a separate entrance is planned, it shall be placed on the side or rear of the dwelling. (amended 06/10/09)
 - 21.2.3 Buildings, uses and facilities of the Town of Windham, State of Connecticut and Federal Government.
 - 21.2.4 Low intensity general farming uses provided that the lot is at least five acres in size. Where any structure is used to house animals, it shall be located not less than 100 feet from any neighboring residence (exclusive of the farm owner's house) or street line. (added 06/10/96)
 - 21.2.5 Railroad rights-of-way including customary accessory services therein but not including switching, freight yards, freight terminals or storage sidings.
 - 21.2.6 SPECIAL USES: (entire Section amended 06/10/96) The following uses are permitted by Special Permit in accordance with Section 62 by the Planning & Zoning Commission (amended 11/22/02):
 - a. churches, cemeteries, places of worship and parish halls;
 - b. private schools or colleges;
 - c. private museums, libraries, membership clubs, charitable institutions, excluding drug or alcohol addiction treatment facilities or a halfway house;
 - d. day care centers and facilities for more than six (6) children or adults;
 - e. nursing and rest homes;
 - f. public utility substations;

- g. bed and breakfast inns within existing buildings limited to six (6) rooms;
- h. camping areas;
- i. private clubs and non-profit recreational facilities;
- j. commercial kennels, veterinary hospitals and commercial boarding stables;
- k. commercial radio, communications or television towers;
- 1. high intensity agricultural uses; and,
- m. Nurseries, truck gardens and commercial greenhouses, provided that such use is located on a lot of at least five acres and not less than 100 feet from any residential property or street.
- 21.2.7 <u>ACCESSORY STRUCTURES AND USES PERMITTED</u>: (entire Section amended 06/10/96) Permitted accessory uses include, but are not limited to, the following:
 - a. An attached or detached private garage or carport.
 - b. Private greenhouse, vegetable, fruit or flower garden and shed for the storage or maintenance of recreation and yard equipment used on the premises.
 - c. Roadside Stands for Farm Produce: Stands for the purpose of displaying and selling agricultural or farming products which are grown or produced on the owners premises on which said stand is located. Said stand shall not exceed ground coverage of 300 square feet, and limited to one stand per parcel of property. Such stand shall be limited in its operation to daylight hours only. Further, the stand shall not be located closer than twenty (20) feet from a street, and access to the stand shall be from an entrance to the farm or residence.
 - d. Children's playhouse and playground equipment.
 - e. Structures for the shelter of household pets except kennels. Private kennels may be permitted provided that any such kennel occupied by more than three dogs, and any run connected therewith, is located not less than 100 feet from any property or street line. Commercial kennels as defined may only be permitted by the Planning & Zoning Commission by Special Permit in accordance with Section 62.
 - f. Barbecue pits, flagpoles, trellises, statuary, arbors and gazebos.
 - g. Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests subject to the setback requirements of the District and the performance requirements for lighting.
 - h. A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests.
 - i. Fences, retaining walls and hedges subject to Section 3.3.3.
 - j. Outdoor storage of no more than one boat and boat trailer and no more than one camping trailer or recreational vehicle per dwelling unit; provided no

- part of such storage area shall be located in a front yard setback area and provided such boat and camping trailer or recreational vehicle shall not be used for living, sleeping or housekeeping purposes.
- k. The leasing of rooms in a dwelling to not more than three persons or the taking of not more than three boarders; the person or persons leasing rooms or providing board shall reside in the dwelling.
- A satellite dish antenna provided it is located in the rear yard; or where a large lot exists, it should be placed at least fifty (50) feet from the street.
- m. Community fairs sponsored by a local charitable or benevolent organization and then for a period not to exceed three days.
- n. Permitted signs as specified in these Regulations.
- o. Home occupations as specified in these Regulations and provided that no home occupation shall be permitted in which there is associated therewith:
 - Any commodity sold upon the premises except that which is produced thereon or is accessory to the home occupation conducted on the premises.
 - 2. Any disturbance such as noises, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory building.
 - 3. Any house calls after 9:00 p.m. or before 8:00 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
 - Any exterior displays, or exterior storage of materials, except as expressly permitted.
- p. Radio and television antennas subject to the height restrictions of the district in which they are located.
- q. Off-street parking subject to the provisions of these Regulations.
- r. Roadside bus shelters may be permitted provided said shelter does not exceed fifty (50) square feet in area or ten (10) feet in height. Its location shall be no closer than one foot from the owner's front or side property line subject to Section 3.3.4 and shall not be placed on a permanent foundation. Shelters may be located within the road right-of-way with written approval of the Connecticut Department of Transportation, as applicable. In no case shall the shelter be located closer than ten (10) feet of the traveled portion of the road. Said shelter shall be removed by the owner if not used for its intended purpose for one year, or upon order of the Superintendent of Public Works or the Board of Selectmen if the building interferes with road right-of-way.
- s. Farm buildings and structures such as windmills, silos, buildings or shelters for farm equipment and machinery, water wells, water reservoirs and storage tanks.

- Buildings or structures required to house, nurture or for the confinement or storage of animals, products or other uses lawfully produced or permitted on the property.
- u. Livestock and Poultry: These Regulations are not intended to prevent the keeping and raising of a limited supply of livestock and poultry on a lot at least two acres in size for the owner's personal use, except roosters over six (6) months of age. However, any outdoor fenced or enclosed area for such use shall be no less than ten (10) feet from the property line abutting a residence. Buildings or structures housing such animals shall be placed no less than 100 feet from any abutting residence.
- v. Horses or Large Animals: The keeping of horses or large animals for non-commercial purposes is permitted as an accessory use to a permitted principal residential use, subject to the following conditions and standards:
 - 1. No horse or large animal shall be maintained on any parcel of land less than two acres in area. Horses or large animals shall be allowed at the rate of one for the first two acres, and one for each one half (1/2) acre in addition thereto exclusive of any wetland area or steep slope in excess of fifteen (15) percent in grade.
 - 2. All outdoor areas for the pasturing of horses or large animals shall be enclosed with a fence capable of confining the horse(s) or large animal(s) to the property, which fence shall be no less than three feet from any abutting property line exclusive of a street line.
 - 3. In addition, when more than three horses or large animals are kept, the following conditions and standards shall apply:
 - 4. A stall or other space in a suitable, dry, weather tight shelter, by a barn, stable or other permanent structure, shall be provided for each and every horse or large animal excluding a garage where a vehicle or flammable liquids are stored to be maintained on the property. Horses or large animals shall not be housed in trailers, tents, or other mobile or temporary shelters.
 - 5. No stable, barn or other structure housing horses or large animals, nor any feed or watering trough shall be established or maintained within 100 feet of any dwelling on an adjacent property. Any outdoor fenced or enclosed area for the pasturing of horses or other large animals shall be no less than three feet from the property line abutting a residence in order to prevent the animals from eating a neighbor's vegetation.
 - 6. Best management practices shall be employed to control odor and insects, especially where abutting a neighboring residence.
- 21.2.8 <u>ACCESSORY USE RESTRICTIONS</u>: (entire Section amended 06/10/96) The following is a list of restrictions on accessory uses and structures:
 - a. There shall be no parking of trucks, buses or other vehicles with a manufacturer's rating of more than two tons, except on a farm, unless a Special

- Exception is granted by the Zoning Board of Appeals in accordance with Section 92.
- b. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
- Vision clearance areas shall be free of obstructions as specified under Section 3.3.4.
- d. Accessory buildings and structures shall not cover more than thirty (30) percent of any rear yard and shall abide by all setback requirements unless otherwise specified.
- e. Maximum Height: Accessory buildings and structures shall not exceed a height of twenty (20) feet unless for a farm use or when attached to the principal building, then it shall not exceed the height limits for the district.
- f. Attached Accessory Buildings: Attached accessory buildings shall be located pursuant to the requirements for principal buildings.
- 21.2.9 <u>SPECIAL USE REGULATIONS</u>: (entire Section amended 06/10/96) The following regulations shall be used as a guideline for certain special uses:
 - a. Farm Labor Quarters: The Zoning Board of Appeals may grant a Special Exception in accordance with Section 92 to the owner or operator of a farm for farm laborer(s) quarters employed on the premises. Such Special Exception shall be limited to the following conditions:
 - 1. The farm shall be a bona-fide farming operation and the owner or operator shall reside in a permanent dwelling on the farm.
 - 2. The dwelling shall be occupied only by a person who is employed on the premises, and may include the family of such person
 - 3. There shall be not more than one additional dwelling for each ten- (10) acres of land on a bona-fide farming operation.
 - 4. The use of two or more dwellings on a farm under this Section shall not be construed as a camp and the requirements applicable to such use shall not apply.
 - 5. The number, size, occupancy and other characteristics of the dwellings allowable under this Section shall be such as to constitute an accessory use, as that term is defined in these Regulations, to the principal farming use.
 - b. <u>Commercial Kennels, Commercial Boarding Stables</u> and <u>Veterinary Hospitals</u>: (entire Section amended 06/10/96) The Planning & Zoning Commission may approve the use of a property for these uses by Special Permit in accordance with Section 62.
 - Minimum Parcel Size: Commercial kennels, commercial boarding stables, and veterinary hospitals shall not be permitted on a parcel less than five acres in area.
 - 2. <u>Setback</u>: No building, run, pen or other structure or enclosure designed or intended for occupancy by dogs and no stable, paddock or other structure or

- enclosure designed or intended for overnight occupancy or exercise by horses shall be less than 100 feet from any neighboring residence. The foregoing shall not apply to pasture areas or other large, open areas for the grazing of horses, provided, however, that any such areas abutting private property under separate ownership shall be no less than three feet from the property line.
- 3. Noise Control: All runs, pens or other enclosures designed or intended for occupancy by dogs shall be surrounded by walls or earthen berms no less than eight (8) feet in height. All buildings or structures for occupancy by dogs shall be fully enclosed, with walls, roof and windows, and shall be ventilated by louvered or baffled openings or by mechanical ventilation equipment to control noise.
- 4. Waste Control: All fecal waste shall be enclosed in a watertight enclosure designed to prevent the escape of odor or access by insects or other pests. Such container shall be emptied regularly or otherwise disposed, so as to control odor or risks to the public health.
- c. <u>Camping Areas</u>: (entire Section added 06/10/96) For the establishment or expansion of a camping area, the following regulations shall apply:
 - No camping areas may be established or operated unless a Special Permit
 for such purposes has been issued by the Planning & Zoning Commission
 in accordance with Section 62. Any existing campground may continue to
 operate, but any changes to the property shall be reviewed in accordance
 with these Regulations, and/or the provisions for non-conforming
 properties under Section 3.10 as applicable for minor modifications or
 Section 62 for substantial changes by Special Permit.
 - 2. Applications for the establishment or expansion of a camping area shall be accompanied by a site plan showing: lot lines, dimensions of the lot, setback dimensions; location and description of shelter and toilet facilities; location and capacity of parking facilities; general layout of campsites including overflow field, access and egress roads; and such other information as may be required by the Planning & Zoning Commission to determine that the proposed facility complies with these Regulations. The site plan shall also show the names of the owners of land abutting the property for which a camping area permit is being requested.
 - 3. The following guidelines will be used in evaluating the proposed camping area:
 - i. Minimum Area of Lot: Twenty (20) acres.
 - ii. <u>Maximum Density</u>: Eight (8) seasonal campsites per acre. Each campsite for recreational vehicles shall have a minimum area of thirty (30) feet by fifty (50) feet in size, excluding the area of any wetland. Such campsite shall not be converted to year round residency, unless satisfying the standard lot requirements of the district.
 - iii. Minimum Toilet Facilities: One men's room and one ladies room for each twenty-five (25) campsites or fraction thereof.

- a. Each men's room shall include at least: a shower room; two lavatories; a utility sink; and two water closets; and two urinals. Each ladies room shall include at least: a shower room; two lavatories; a utility sink; and four water closets. Each toilet facility shall have adequate provisions for the supply of running hot and cold water to corresponding fixtures. All toilet facilities proposed shall meet the approval of the Town Health Officer.
- b. In those camping areas where the use is restricted to self-contained camping vehicles with full sanitary facilities, the above requirements shall not apply, but sanitary facilities shall be as required by the public health code of the State of Connecticut, as to the number, location, physical features and construction. A self-contained camping vehicle means a camping vehicle equipped with a sink, shower and toilet, a water supply tank and a holding tank or tank for sink, shower and toilet waste.
 - iv. <u>Refuse Disposal</u>: The site plan shall also indicate areas designated for the location of refuse containers. Said containers shall be rodent and odor proof, and located within suitable visual barriers away from campsites.
 - v. <u>Shelter</u>: All weather shelter structures shall be provided. Said shelter shall be of adequate size and design and located within walking distance from the camping site.
 - vi. <u>Buffer Zone/Strip</u>: Each camping area shall be provided with a buffer zone/strip of at least 100 feet around its boundaries. If natural vegetation does not exist, said buffer zone/strip shall be properly planted with evergreen trees and/or shrubbery of no less than six (6) feet in height in order to provide adequate year round screening.
 - vii. Open Space Recreational Area: Each camping area shall be provided with open space recreational areas (excluding overflow fields, campsites, and circulation spaces) at the rate of no less than twenty (20) percent of the total area of the lot.
- 4. Camping areas shall be provided with driveways of adequate design and paving and shall be in accordance with the Town's Public Improvement Specifications.
- 5. Permittees of camping areas shall maintain an up-to-date register indicating the names of campsite occupants including number of license plates on all motor vehicles in the campground. A copy of said register shall be available for inspection by the Planning & Zoning Commission or its authorized agent.

- 21.3 LOT AREA, SHAPE AND FRONTAGE: Each lot shall have a minimum area of 2 acres, shall be consistent with Section 3.3.1 regarding lot area and shape, and a buildable envelope as specified under Section 3.3.6 will fit on the lot and shall have a frontage of 200 feet or more on a street. The only exceptions shall be as provided in these Regulations for flexible design subdivisions, and rear lots or as otherwise authorized. (Effective 10/1/09)
- 21.4 <u>SETBACKS</u>: No building or other structure shall extend within thirty (30) feet of any street line or within thirty (30) (Effective 10/1/09) feet of any property line, except as follows:
 - 21.4.1 The required setback from a street line shall be increased to fifty (50) feet from the street line of Plains Road, Back Road, Jerusalem Road, Tuckie Road and any state highway.
 - 21.4.2 Permitted signs, as specified in Section 72, may extend within lesser distances of a property or street line.
 - 21.4.3 Marquees, canopies, eaves, open fire escapes, ground story unenclosed porches and similar projections without projecting walls may protect not more than two feet into the area required for setback from a property or street line.
 - 21.4.4 Any property of record created prior to October 1, 2009 would be subject to a twenty foot building line setback along any side and rear property line. (Effective 10/1/09)
 - 21.4.5 Roadside stands, permitted under Paragraph 21.2.6, may extend to within twenty-five (25) feet of a street line.
 - 21.4.6 <u>Fences and Terraces</u>: The installation of these features shall be guided by the general provisions of Section 3.3 of these Regulations. (added 06/10/96)
- 21.5 <u>HEIGHT</u>: No building or other structure shall exceed a height of three stories or thirty-five (35) feet, whichever is less.
- 21.6 COVERAGE AND BULK: The aggregate lot coverage of impervious surfaces of all buildings and other structures on any lot shall not exceed fifteen (15) percent of the area of the lot. The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed forty (40) percent of the area of the lot. (Effective 10/1/09)
- 21.7 <u>MINIMUM FLOOR AREA FOR DWELLING</u>: Each dwelling shall have a minimum floor area of 750 square feet. (Effective 10/1/09)
- 21.8 <u>DRIVEWAYS</u>: Each lot shall be served by a driveway or common driveway. (Effective 10/1/09)

