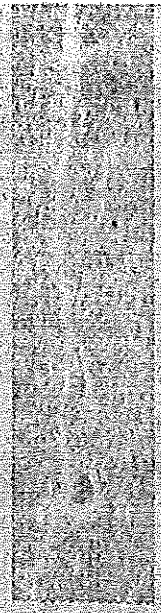


Exhibit D-1

ZONING REGULATIONS

of

TOWN OF SOMERS



ZONING ORDINANCE

For the

TOWN OF SOMERS, CONNECTICUT

REVISED AND COMPILED

JANUARY 1, 1955

Third Edition

Section 1. Purpose of this Ordinance and kinds of Districts.

(a) For the purpose of promoting the health, comfort, safety, and general welfare of the community; to regulate and restrict unsightly or detrimental developments, tending to depreciate the value of property and hinder progressive improvements; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land and avoid undue concentration of population; to conserve the value of buildings and encourage the most appropriate use of land throughout the town; to regulate and restrict the location, the height, number of stories, and size of buildings and other structures, the area of the lot which may be occupied, the size of yards and other open spaces, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes within the limits of such town, the

Town of Somers is hereby divided into three (3) districts as follows:—

1. Residence Districts
2. Business Districts
3. Industrial Districts

as shown on the building zone map, prepared by the Connecticut State Highway Department (Dated 1938) entitled "Building Zone Map of the Town of Somers" which accompanies and which with any amendments and with all explanatory matter thereon is hereby declared to be part of this Ordinance.

(b) The Building Code which became effective in the Town of Somers on June 3, 1953, is now a part of these regulations.

Section 2. Definitions:

Certain words in this Ordinance are defined for the purpose thereof as follows:

(a) A "lot" is any lot or plot under one ownership occupied or intended to be occupied by one building or one unit group of buildings and its accessory buildings and uses, including such open spaces as are provided or as are required by this ordinance.

(b) The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.

(c) A "street line" is the dividing line between a street and a lot.

(d) The "height" of a building or a wall shall be measured above the ground level. The

height of a building is the mean elevation above the ground level of the upper surface of the highest main roof.

(e) A "story" is that part of a building between any floor and the floor above.

An "attic" is the space between the top story and a pitched roof.

A "ground story" or "first" story shall mean the lowest story entirely above the ground level.

(f) A "rear lot line" is the lot line opposite the street line or, in the case of a corner lot, the rear lot line shall be considered that opposite to the narrowest street line.

(g) The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The width of a lot is its mean width measured at right angles to its depth.

(h) A "front yard" is a required open unoccupied space within and extending the full width of the lot, between the street line and the parts of the building nearest to such street line. On a corner lot, the "front yard" shall be considered that on the narrowest frontage of the lot.

(i) A "side yard" is a required open unoccupied space within the lot between a side lot line, not a street line, and the parts of the building nearest to such side lot line. Such a side yard may extend through for its required

width from the street line or the front yard, to the rear yard or its equivalent or to another street.

(j) A "rear yard" is a required open unoccupied space, the full width of a lot, between the rear wall of the building throughout its height and the rear line of the lot, or where the rear lot line borders on a public street or dedicated alley, to the line of such street or alley. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and the line half-way between such rear wall and the point of intersection of the side lines of the lot.

(k) The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line, and such distance is termed "set back".

(1) The "length of a wall" of a building in relation to a lot or street line is the length of a wall which makes an angle of forty-five (45) degrees or less with such lot or street line.

(m) A "non-conforming building or use" is one that does not conform with the applicable regulations of the district in which it is situated.

(n) A dwelling is any house, building, structure, enclosed space or shelter, or any portion thereof which is occupied in whole or in part as the home, residence, or sleeping place of one or more persons either permanently or transiently.

Section 3. General.

(a) **EXISTING BUILDINGS:** No premises shall be used nor shall any building or structure be used, constructed, or altered, except in conformity with the provisions of this ordinance which apply to the district in which the premises, building, or structure are located; provided, however, that to the date of its enactment, this ordinance shall not apply to the uses of any buildings or structures under construction, nor to the use of any building, structure, or premise as it existed on said date, but this ordinance shall apply to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration.

(b) **NON-CONFORMING USES:** No non-conforming use which shall have been discontinued for a period exceeding one year shall be resumed or replaced by any other non-conforming use. No non-conforming building, structure, or use, when once changed to conform to the requirements of the district in which it is located, shall ever be changed back so as to be non-conforming.

(c) **RECONSTRUCTION AFTER DAMAGE:** Nothing in this ordinance shall prevent the reconstruction and resumption of use of any non-conforming building which may hereafter be accidentally or criminally damaged, provided, however, that the reconstruction be

started within one (1) year from the occurrence of said damage.

(d) UNSAFE BUILDINGS: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

(e) REDUCING LOT AREA: No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this ordinance for the district in which it is located.

(f) ADJOINING DISTRICTS: Along and within fifty (50) feet of any boundary line between two different kinds of district, any side yard or rear yard required in the less restricted districts shall be increased in minimum width and depth to equal the required minimum widths and depths for such yards in the more restricted districts.

(g) ACCESS FOR FIRE APPARATUS: In a business or industrial zone, no building shall be constructed on any lot or part of a lot unless such lot or part of a lot has a frontage not less than twenty (20) feet in its least width on a public street or on an open and unoccupied private way leading to a public street.

(h) LOCATION OF AUTOMOBILE SERVICES: No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses, shall be within a radius of 200 feet of any public or

private school, public library, church playground, or institution for the sick, dependent, or for children under sixteen years of age.

(i) HEIGHT EXEMPTION: The provision of this ordinance governing height of buildings in all districts shall not apply to cupolas, bellies, chimneys, flag or radio poles, grain elevations, water towers, nor the bulk-heads, hose towers, silos, elevators enclosures, water tanks, scenery lofts, or scenery towers, nor to churches, towns, or institutional buildings.

(j) CORNER VISIBILITY: On a corner lot, there shall be no building, structure, or planting such as to obstruct traffic visibility within the triangular space bounded by the two intersecting street lines and a straight line connecting a point on each street line twenty-five (25) feet from the intersection.

(k) BUSINESS OR INDUSTRY ADJACENT TO RESIDENCE: In any business or industrial district, every building which is within fifty feet of a residence district shall set back from the street line a distance equal to at least one half of that set-back required for the adjoining lot in the residence district, except that residence in these districts shall conform to Section 4-(b).

(l) ADVERTISING SIGNS: No advertising sign painted or otherwise created, nor any advertising device, poster or posterboard shall be created, erected, or placed within any business

or industrial district unless the person, firm, or corporation intending to erect, place, or create such sign, poster, or posterboard has obtained permission to do so from the Zoning Commission.

Section 4. Residence Districts.

(a) USES: The conduct of an enterprise for profit, in and upon premises constructed, used, and occupied as a dwelling, for the manufacture and/or sale therein of articles directly to the ultimate consumer at retail, or for the furnishing of services to the public, provided such enterprise shall not be injurious or annoying to adjacent premises or occupants thereof by reason of the emission of dust, fumes, smoke, odor, noise, vibration, or other interference to life, health, or property, or the enjoyment thereof. The intent hereof is to allow only the conduct of hobby shops and such other occupations as may be carried on incidental to the occupation of a building as a dwelling; provided, however, that nothing herein shall be construed to permit the conduct of any enterprise requiring more than two employees regularly engaged; and further provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such conduct; and further provided that no display of products or services is visible from the street or adjacent building.

1. Single family dwellings or tenements for housekeeping units only.

2. Tourist accommodations, including the renting of rooms and (or) the furnishings of table board and the selling of antiques and gifts in a dwelling occupied as a residence, provided there is no display visible from the street nor signboard used to advertise such use, except for a small announcement sign.

3. The office of a resident professional person, including surgery, library, laboratory, drafting room or studio, subject to the restrictions herein prescribed for home occupation.

4. Customary home occupations, such as dressmaking, millinery, hairdressing, or manicuring, carried on by a resident occupant with the assistance of not more than two employees regularly engaged; provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such use, and provided that there is no display of products or service visible from the street.

5. Churches and other places of worship, including parish houses and Sunday School building.

6. Schools, colleges, public libraries, public museums.

7. Membership clubs, lodges, social, recreational and community center organizations, and grounds for games or sports, not including enterprises, a chief activity of which is carried on or is customarily carried on, primarily for gain.

8. Town recreational buildings, play-grounds, parks, and reservations.

9. (Eliminated April 22, 1952.)

10. Cemeteries adjacent to or in extension of existing cemeteries.

11. Town buildings and properties, such as fire and police stations and water supply plant.

12. Railroad or other public transportation service and rights-of-way and airports.

13. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith.

14. Farms, truck gardens, greenhouses, shelters, and buildings for the sale of agricultural products, raising of products of the soil of any kind or breeding, raising and maintaining of animals, bees or birds, for the sale of any of the aforesaid or of their by-products, either on or off the premises. No greenhouse heating plant shall be within sixty (60) feet of any line nor shall any structure for housing animals or birds be constructed within two hundred (200) feet of the three (3) adjoining property lines or within one hundred (100) feet of the front highway line.

(a) No new fur farms shall be started in any section of the Town of Somers without the consent of the Zoning Commission.

(b) No new commercial piggery shall be started in the Town of Somers without the consent of the Zoning Commission.

15. Real estate signs not over 12 square feet in area, advertising the sale, rental or lease of the premises on which they are maintained and not referring to other premises.

16. Small announcement or professional signs, not over two square feet in area, placed in or on the building, in connection with any public welfare or professional activity or home occupation herein permitted.

17. Accessory uses and structures customarily incident to any use permitted herein, provided that such accessory uses shall not include any billboard or advertising sign, signboard, or poster except for small announcement signs. Such accessory building may be erected on a then vacant lot, if so placed as not to interfere with the eventual practicable and conforming location of a principal building. Private garages, under limitations herein-after contained are permitted accessory structures.

18. Private garages or stables, provided that they shall not contain space for more than one motor vehicle for each 2500 square feet of lot area, nor for more than six horses, or six vehicles in any case. These provisions shall not apply to farm vehicles and horses.

19. Boat houses, landing docks, and structures accessory thereto which are not conducted for profit.

(b) AREA: The plot on which any residence shall be built shall have a minimum frontage of 175 feet and not less than an average depth of 200 feet, and not less than a minimum area of 40,000 square feet for each family unit.

(c) HEIGHT: No building or structure to be used as a dwelling shall be erected or converted to a height in excess of two stories and an attic, nor shall it be less than one full story above the ground, nor less than eight feet in height.

(d) FRONT YARDS: No story, enclosed porch, or part of any building shall be erected nearer to the street line of any street on which it faces than the average alignment of the corresponding stories, enclosed porches or parts of existing buildings within three hundred (300) feet on each side of the lot on the same side of the street within the same block and district.

Where the alignment of a building is not controlled by the preceding paragraph of Section 4 (c) no part of any building shall extend within fifty feet of the street line of any street on which the lot faces.

On one side of a corner lot, a building may extend to within twenty feet of the side street line. On a corner lot, the front yard set back shall be considered that on the narrowest frontage of the lot.

(e) REAR YARD: There shall be a rear yard on every lot except as hereinafter specified. Except for accessory buildings, no rear yard shall be less than twenty-five feet in depth behind the rear line of the principal building.

(f) SIDE YARD: There shall be a side yard, except for accessory buildings, of at least 25% of the width of the lot, and a minimum set back of six (6) feet on one side.

A private garage or accessory building unless a part of the main building shall not be erected on any lot within sixty (60) feet of the front street line thereof, nor within six (6) feet of the side or rear line, and if it be on a corner lot, the same shall not be erected within thirty (30) feet of the side line thereof. A storage building or warehouse erected on farm property may be within thirty (30) feet of the front street line thereof.

Section 5. Business District.

(a) USES: In any business district, no building structure or premises shall be used and no building or structure, or part of a building or structure, shall be erected which is intended or designed to be used in whole or in part for any of the following specific trades, industries, or uses.

1. Bottling works.

2. Carousel, roller coaster, whirligig, merry-go-round, ferris wheel, or similar amusement device.

3. Carpet, rag, or bag cleaning establishment.
4. Dry cleaning or dyeing establishment employing more than four persons.
5. Laundry employing more than four persons.
6. Metal or woodworking shop employing more than four persons.
7. Motor vehicle or service station, except as provided in Section 3, paragraph (h).
8. Storage or baling of scrap paper, iron, bottles, rags, or junk.
9. Any kind of manufacture or treatment other than the manufacture of products clearly incidental to the conduct of a retail business conducted on the premises.
10. Any trade, industry, or use prohibited in an industrial zone.

(b) HEIGHTS: No building shall be erected to a height in excess of two and one half (2½) stories or thirty-five (35) feet.

(c) FRONT YARD: Except as otherwise specified in Section 3-(k), no front yards shall be required. Buildings used entirely for residence purposes shall conform to front yard requirements of Section 4-(d).

(d) SIDE YARDS: Except as otherwise specified in Section 3-(f), no side yard is required except that residences when built in a business zone shall conform to the requirements of Section 4-(f).

(e) REAR YARDS: There shall be a rear yard on every lot of not less than twenty (20) feet.

(f) AREA: Residences built in a business zone shall conform to the requirements of Section 4-(b), and section 9.

Section 6. Industrial District.

(a) USES: Permitted uses in any industrial district as indicated on the building zone map, no building or other structure shall be erected, altered, or used, and no land shall be used or occupied for any purpose except one of the following:

1. For residence purposes.

2. Any business or agricultural use permitted in a Residential or Business District, except that no more than single family residence shall be permitted.

3. Any industrial use, except those contained in the following list:

(1) The manufacturing of ammonia, chlorine, or bleaching powder.

(2) Blast furnaces, drop forging, foundries, abattoirs.

(3) Distillation of coal, petroleum, refuse or bones.

(4) Manufacture or storage of explosives.

- (5) Fertilizer manufacture, except in connection with the operation of a sewerage disposal plant.
- (6) Glue or size manufacture from fish or animal offal.
- (7) Smelting of iron, copper, tin, zinc, or lead.
- (8) Manufacturing of sulphurous, nitric, picric, carbolic, or hydrochloric acid.
- (9) Fat rendering in the manufacture of tallow, grease, and oils.
- (10) Gas manufacture or storage, except as permitted by the Board of Appeals.
- (11) Sewerage and surface water drainage and disposal shall be installed and maintained in a manner acceptable to the Zoning Commission.
- (12) All other enterprises or uses commonly regarded as hazardous or offensive.

(b) HEIGHTS: No building shall be erected to a height in excess of that prescribed by State Law. No building to be used for residence purposes shall exceed two and one half (2½) stories or thirty-five (35) feet in height.

(c) FRONT YARD: No part of any building shall be required to set back from any street line, except that building used entirely for residence purposes shall conform to front yard requirements in Section 4-(d).

(d) SIDE YARD: No side yard is required, except that residences when built in an industrial zone shall conform to the side yard requirements in Section 4-(f).

(e) REAR YARD: There shall be a rear yard on every lot of not less than twenty (20) feet.

(f) AREA: Residences built in an industrial zone shall conform to the requirements of Section 4-(b), and Section 3.

(g) Any new business establishment must provide adequate off-street parking subject to the use of the building.

(h) All established business zones without depth limitations shall not exceed 400 feet in depth.

Section 7. Enforcement.

(a) Before commencing to build a new structure of any kind, or adding to any existing structure, or changing the use of any structure from its present use, a permit shall be obtained from the Zoning Commission by the Owner of the land on which said proposed building or structure is to be located.

(b) All applications for building permits shall be made to the Zoning Commission and shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the set back lines

and such other information as may be necessary to provide for the enforcement of these regulations, or as may be required by the Zoning Commission.

Section 8. A Board of Appeals shall be established pursuant to the General Statutes. Said Board may in a specific case, after Public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose so that substantial justice may be done where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these Regulations.

Section 9. No building, structure, or dwelling shall be built, constructed, installed, occupied, or used for occupancy by human beings unless the same shall have not less than 850 square feet of floor area if only one (1) story nor less than 1200 square feet of floor area if more than one story.

(a) No new multiple dwelling shall be constructed, nor existing dwelling be converted to a multiple dwelling with less than 720 square feet of floor area per family unit. Basement areas shall be excluded.

Section 10. The invalidity of any section, or provision of these regulations shall not invalidate any other section or provisions thereof.

1. 1953: 1954: 1955: 1956: 1957: 1958: 1959: 1960: 1961: 1962: 1963: 1964: 1965: 1966: 1967: 1968: 1969: 1970: 1971: 1972: 1973: 1974: 1975: 1976: 1977: 1978: 1979: 1980: 1981: 1982: 1983: 1984: 1985: 1986: 1987: 1988: 1989: 1990: 1991: 1992: 1993: 1994: 1995: 1996: 1997: 1998: 1999: 2000: 2001: 2002: 2003: 2004: 2005: 2006: 2007: 2008: 2009: 2010: 2011: 2012: 2013: 2014: 2015: 2016: 2017: 2018: 2019: 2020: 2021: 2022: 2023: 2024: 2025: 2026: 2027: 2028: 2029: 2030: 2031: 2032: 2033: 2034: 2035: 2036: 2037: 2038: 2039: 2040: 2041: 2042: 2043: 2044: 2045: 2046: 2047: 2048: 2049: 2050: 2051: 2052: 2053: 2054: 2055: 2056: 2057: 2058: 2059: 2060: 2061: 2062: 2063: 2064: 2065: 2066: 2067: 2068: 2069: 2070: 2071: 2072: 2073: 2074: 2075: 2076: 2077: 2078: 2079: 2080: 2081: 2082: 2083: 2084: 2085: 2086: 2087: 2088: 2089: 2090: 2091: 2092: 2093: 2094: 2095: 2096: 2097: 2098: 2099: 2100: 2101: 2102: 2103: 2104: 2105: 2106: 2107: 2108: 2109: 2110: 2111: 2112: 2113: 2114: 2115: 2116: 2117: 2118: 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ing cost and one dollar (\$1.00) for each subsequent thousand dollars of building cost. Each application for an occupancy permit shall be accompanied with a fee of three dollars (\$3.00).

Each appeal or application submitted to the Zoning Board of Appeals shall be accompanied by a fee in the amount of nine dollars (\$9.00). These fees are not returnable.

Section 16. No dwelling shall be erected except upon foundation walls or other permanent support carried not less than one foot below the frost line and shall rest on solid ground or on leveled rock. All of said dwellings shall have footings which shall consist of masonry, reinforced concrete or steel grillages and shall be so designed that the pressure on the soil shall be uniform under all parts of said dwelling.

Section 17. No building, structure, or dwelling or outside alterations thereof shall be commenced until the permit holder or his authorized agent shall have posted the building permit or such facsimile thereof as may be approved by the Zoning Commission in a conspicuous place near the front of the premises, protected from the weather and in such a position as to permit the building official to make entries thereon respecting inspection of the work. Such permit shall be preserved and shall remain posted until the completion of the work.

Section 18. Construction which is done under the authority and permission of a building permit as provided for in these regulations shall be begun not later than ninety days after the date of such permit and shall be completed not later than one year after the date of such permit. All permits pursuant to which construction has not been begun in said period of ninety days shall be void. Any permits pending and not yet used upon the effective date of this regulation shall be void thirty days after the effective date of this regulation or 90 days from the date such permit was issued, whichever shall be later. The Zoning Commission may in its discretion renew from time to time permits for the construction of buildings which have been only partially completed.

Section 19. No permit for any building shall be granted unless the premises upon which said building is proposed to be erected shall have direct access to a state highway, town highway or the equivalent thereof having not less than fifty feet right of way.

Section 20. In any business district no building structure or premises shall be used or erected which has less than 720 square feet of floor area, except, however, that smaller structures may be erected and used for the sale of farm produce grown upon the premises upon which stand is erected. A residence built in a business district shall conform with section 9 and section 4 b.

Section 21. New Business Zone: Starting at a point where Main Street intersects with Battle Street, thence Easterly on Main Street to the West bound of Carlos and Annetta Turrin, thence Northerly and parallel with the West boundary line of Carlos and Annetta Turrin to Battle Street, thence South Westerly to the place of being on Battle Street and Main Street.

Section 22. New Business Zone: Starting at a point now designated on the Zone map filed in the Town Clerk's office on the boundary line of David Desso and Edward McClurg, designated as a Business Zone, thence Southerly on the highway leading to Rockville to the boundary line between Wilfred Bordeaux and Perlin Parker, and the boundary line on the Westerly side of South Road between John Johnson and George Downing.

Section 23. New Business and Industrial Zone: Starting at a point on the so-called South Road at point where Field Road intersects with it, thence South Westerly to a point on both sides of the road to the North East boundary of Constanty Percoski.

(a) Extension of the present industrial zone on Field Road: Starting at a point on the easterly side of Field Road at the boundary line of property of Constanty Percoski et al and Robert A. Galbraith, said point being located at the most southerly extreme of the present business and industrial zone, as recorded on a

map filed with the Town Clerk; thence southerly on both sides of said Field Road a distance of two thousand feet (2,000 ft), with a maximum depth of four hundred feet (400 ft); thence southerly on said Field Road to the intersection of Field Road and Billings Road, with a maximum depth of six hundred feet (600 ft.). A further extension of the industrial zone from the intersection of Field Road and Billings Road on both sides of Egypt Road to the Ellington Town line, is in the planning stage, but no action will be taken on this area at this time or until circumstances warrant, and is mentioned for the record only.

(b) The herewithin described business and industrial zone shall extend for a depth of not more than four hundred feet (400 ft.) on either side of Field Road and shall at no place approach Route 83 by less than four hundred feet (400 ft.).

Section 24. New Industrial Zone: Located off East Main Street, Route 20, at rear of Somers Inn on land now or formerly of one Eleanor Gerich, described as follows: Commencing at a point about 525 feet, more or less, from the southeast corner of land of Somers Inn and the southwest corner of land of Eleanor Gerich on a proposed fifty foot (50 ft.) road leading north from Main Street, Route 20, about four hundred twenty-five feet (425 ft) west, more or less, to a pin in the ground; thence North about three hundred twenty-five feet (325 ft.), more or less, to a fence of Everett Kibbe;

thence East about two hundred seventy-five feet (275 ft.), more or less, along said fence; thence Northeast about two hundred twenty-five feet (225 ft.) along said fence; thence Easterly along land of Eleanor L. Gerich for about three hundred twenty feet (320 ft.), more or less; thence Southerly along land of Eleanor L. Gerich and a proposed fifty foot road for six hundred seventy-five feet (675 ft.), more or less; thence Westerly along land of Eleanor L. Gerich about one hundred feet (100 ft.), more or less, to the point of beginning; containing about six acres, more or less.

Zoning Commission

Robert A. Galbraith, Chairman
Horace Pease, Jr.
W. Colton Bliss
Willard F. Pinney
Rockwell Holcomb

Zoning Board of Appeals

Morey W. Smith
Herman Haas
William Halpin
Walter Merrill
Clarence Mosher

SOMERS, CONNECTICUT
ZONING ORDINANCE

July 1960

SOMERS ZONING COMMISSION
M. O. SAUNDERS, CONSULTANT

Revised
Jan. 1, 1955
July 11, 1960
Fourth Edition

Exhibit D-2

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For the purpose of promoting the health, comfort, safety, and general welfare of the community; to regulate and restrict unsightly or detrimental developments; tending to depreciate the value of property and hinder progress-
sive improvements; to secure safety from fire, panic, and other danger; to provide adequate light and air; to prevent overcrowding of land and avoid undue concentration of population; to conserve the value of buildings and encourage the most appropriate use of land throughout the town; to regulate and restrict the location, the height, number of stories, and size of buildings and other structures, the area of the lot which may be occupied, the size of yards and open spaces, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes within the limits of such town, the Town of Somers is hereby divided into four (4) districts as follows:

1. Residence Districts "A"
2. Residence Districts "A-1"
3. Business Districts
4. Industrial Districts

as shown on the building zone map which accompanies and which with any amendments, and with all explanatory matter thereon is hereby declared to be part of this Ordinance.

SECTION 2. DEFINITIONS.

Certain words in this Ordinance are defined for the purpose thereof as follows:

a. A "lot" is any lot or plot under one ownership occupied or intended to be occupied by one building or one unit group of buildings and its accessory buildings and uses including such open spaces as are provided or as are required by this ordinance.

b. The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.

c. A "street line" is the dividing line between a street and a lot.

d. The "height" of a building or a wall shall be measured above the ground level of the upper surface of the highest main roof.

e. A "story" is that part of a building between any floor and the floor above.

f. An "attic" is the space between the top story and a pitched roof.

g. A "ground story" or "first story" shall mean the lowest story entirely above the ground level.

ZONING ORDINANCE

FOR THE

TOWN OF SOMERS, CONNECTICUT

SECTION 1. PURPOSE OF THIS ORDINANCE AND KINDS OF DISTRICTS.

h. A "rear lot line" is the lot line opposite the street line or, in the case of a corner lot, the rear lot line shall be considered that opposite to the narrowest street line.

i. The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The "width of a lot" is its mean width measured at right angles to its depth.

j. A "front yard" is a required open unoccupied space within and extending the full width of the lot, between the street line and the parts of the principal building nearest to such street line. On a corner lot, the "front yard" shall be considered that on the narrowest frontage of the lot.

k. A "side yard" is a required open unoccupied space within the lot between a side lot line, not a street line, and the parts of the principal building nearest to such lot line. Such a side yard may extend through for its required width from the street line or the front yard, to the rear yard or its equivalent or to another street.

l. A "rear yard" is a required open unoccupied space, the full width of a lot, between the rear wall of the principal building throughout its height and the rear line of the lot, or where the rear lot line borders on a public street or dedicated alley, to the line of such street or alley. In the case of a triangular lot with only one side fronting on a street, the "rear yard" shall be the open unoccupied space between such rear wall and the point of intersection of the side lines of the lot.

m. The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line, and such distance is termed "set back".

n. The "length of a wall" of a building in relation to a lot or street line is the length of a wall which makes an angle of forty-five (45) degrees or less with such lot or street line.

o. A "non-conforming building or use" is one that does not conform with the applicable regulations of the district in which it is situated.

p. A "dwelling" is any house, building, structure, enclosed space or shelter, or any portion thereof which is occupied in whole or in part as the home, residence, or sleeping place of one more persons either permanently or transiently.

q. A "family" or "family unit" is a person or group of persons of immediate kindred who live together as single or family unit house, keeping unit under one head.

SECTION 3. GENERAL:

a. *Existing Buildings:* No premises shall be used nor shall any building or structure be used, constructed, or altered, except in conformity with the provisions of this Ordinance which apply to the district in which the premises, building, or structure are located; provided, however, that to the date of its enactment, this Ordinance shall not apply to the legal uses of any buildings or structures under construction, nor to the legal use of any building, structure, or premises as it existed on said date, but this Ordinance shall apply to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration.

b. *Non-conforming Uses:* No non-conforming use which shall have been discontinued for a period exceeding one year shall be replaced by any other non-conforming use. No non-conforming building, structure, or use, when once changed to conform to the requirements of the district in which it is located shall ever be changed back so as to be non-conforming.

c. *Reconstruction After Damage:* Nothing in this Ordinance shall prevent the reconstruction and resumption of use of any non-conforming building which may hereafter be accidentally or criminally damaged, provided, however, that the reconstruction be started within one (1) year from the occurrence of said damage.

d. *Unsafe Buildings:* Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

e. *Reducing Lot Area:* No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this Ordinance for the district in which it is located.

f. *Adjoining Districts:* Along and within fifty (50) feet of any boundary line between two different kinds of districts, any side yard or rear yard required in the less restricted districts shall be increased in minimum width and depth to equal the required minimum width and depths for such yards in the more restricted districts.

g. *Access For Fire Apparatus:* In a business or industrial zone, no building shall be constructed on any lot or part of a lot unless such lot or part of a lot has a frontage not less than twenty (20) feet in its least width on public street or on an open and unoccupied private way leading to a public street.

h. *Location of Automobile Services:* No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses, shall be permitted within a radius of 200 feet, measured between the nearest property lines, of any public or private school, public library, church playground, or institution for the sick, dependent, or for children under sixteen years of age.

i. *Height Exemption:* The provision of this Ordinance governing height of buildings in all districts shall not apply to cupolas, bellies, chimneys, flag, or radio poles, grain elevators, water towers, water tanks, scenery towers, town or enclosures, water tanks, scenery lofts, or scenery towers not to churches, town or institutional buildings.

j. *Corner Visibility:* On a corner lot, there shall be no building, structure, or planting such as to obstruct traffic visibility within the triangular space bounded by the two intersecting street lines and a straight line connecting a point on each street line twenty-five (25) feet from the intersection.

k. *Business Or Industry Adjacent To Residence:* In any business or industrial district, every building which is within fifty (50) feet of a residence district shall set back from the street line a distance equal to at least one half of that setback required for ground story parts of a principal building on the adjoining lot in the residence district, except that residence buildings in these districts shall conform to Section 4, B, 2.

l. *Advertising Signs:* No advertising sign painted or otherwise created, or placed any advertising devices, poster or posterboard shall be created, erected, or placed

within any business or industrial district unless the person, firm, or corporation intending to erect, place, or create such sign, poster, or posterboard has obtained permission to do so from the Zoning Commission.

SECTION 4. "A", and "A-1" Districts.

A. Permitted uses in Residence "A" Districts.

1. Single family dwellings for one housekeeping unit only.
2. The office of a resident professional person including surgery, library, laboratory, drafting room or studio, subject to the restrictions herein prescribed for home occupation.
3. Churches and other places of worship, including parish houses and Sunday school buildings.
4. Public school, colleges, public libraries, public museums.
5. Town recreational buildings, playgrounds, parks, and reservations.
6. Cemeteries adjacent to or in extension of existing cemeteries. New cemeteries shall be located only after a public hearing before the Zoning Commission, and at a location approved by the Commission.
7. Town buildings and properties, such as fire and police stations and water supply plant.
8. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith, with consent of the Zoning Commission.
9. Real estate signs not over 12 square feet in area, advertising the sale, rental or lease of the premises on which they are maintained and not referring to other premises.
10. Small announcement or professional signs, not over two (2) square feet in area, placed in, or on the building, in connection with any public welfare or professional activity or home occupation herein permitted.
11. Accessory uses and structures customarily incident to any use permitted herein, provided that such accessory uses shall not include any billboard or advertising sign, signboard, or poster except for small announcement signs. Such accessory building may be erected on a then vacant lot, if so placed as not to interfere with the eventual practicable and conforming location of a principal building. Private garages, under limitations hereinafter contained are permitted accessory structures.
12. Private garages or stables, provided that they shall not contain space for more than one motor vehicle for each 2500 square feet of lot area, nor for more than six horses or six vehicles and horses.
13. Boat houses, landing docks, and structures accessory thereto which are not conducted for profit.
14. Riding horses on lots of no less than one acre in area for one horse plus one half (1/2) acre for each additional horse.
15. Removal of Sand, Gravel and Loam: The Zoning Commission may issue a permit for the removal of sand, gravel or loam, or for the operation of a commercial sand and gravel pit, but shall require as a condition that after completion of the operations, the land shall be left in a condition no less valuable for development and use than it was before the commencement of operation.

Each applicant shall file with the Zoning Commission a map or plan prepared at the expense of the applicant, showing the existing contours of the land and the contours as they are proposed after the completion of the operations. Such map or plan shall be accurately drawn on tracing cloth, the contour interval being two feet, and shall contain complete information to make the physical characteristics clear. No permit shall be issued until such a plan has been filed with the Commission, the approval of said Commission recorded on the plan.

No applicant shall carry on operations below such a grade as may be fixed by the Commission without, on each occasion, obtaining the permission of said Commission in writing, but a tolerance of 12 inches shall be permitted at the termination of operations.

No excavations shall take place within 100 feet of any property line or of a street line if below the established grade of the street.

No buildings shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Zoning Commission.

At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Zoning Commission for the protection of pedestrians and vehicles.

Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be so provided with a dustless surface.

Proper measures, as determined by the Zoning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.

When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable top-soil, of a quality approved by the Town Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Zoning Commission.

The Zoning Commission shall require a bond in a sufficient penal sum with sufficient surety or sureties conditioned on the performance of sub-section (15), hereto, and the conditions of the permit.

A permit issued for the removal of sand, gravel, or loam shall state the time within which work is to be carried on and finished and the land brought to the predetermined grade, but the Zoning Commission, without consent of any surety, may extend the permit from time to time.

Loam shall not be sold or transported outside the boundaries of the Town of Somers.

A-1 Permitted uses in Residence "A-1" Districts.

1. Any use permitted in Residence "A" districts. No new multiple dwelling shall be constructed nor existing dwelling be converted to a multiple dwelling with less than 720 square feet of floor area per family unit, and less than 40,000 square feet of lot area per family unit.

2. Tourist accommodations including the renting of room and (or) the furnishings of table board and the selling of antiques and gifts in a dwelling occupied as a residence, provided there is no display visible from the street nor signboard used to advertise such use, except for a small announcement sign, not over two (2) square feet in area.

3. Customary home occupations, such as dressmaking, millinery, hair-dressing, or manicuring, carried on by a resident occupant with the assistance of not more than two (2) employees regularly engaged; provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such use, and provided that there is no display of products or service visible from the street.

4. Farms, truck gardens, greenhouses, shelters, and buildings for the sale of agricultural products, raising and maintaining of animals, bees, or birds, for the sale of any of the aforesaid or of their by-products, either on or off the premises. No greenhouse heating plant or stable for riding horses shall be within sixty (60) feet of any line nor shall any structure for housing animals, be constructed within two hundred (200) feet of the three (3) adjoining property lines or within one hundred (100) feet of the front highway line.

a. No new fur farms shall be started in any section of the Town of Somers without the consent of the Zoning Commission, after a public hearing.

b. No new commercial pigfery shall be started in the Town of Somers without the consent of the Zoning Commission, after a public hearing.

5. Agricultural Fairs with the consent of the Zoning Commission, after a public hearing.

6. Riding horses, riding stables or riding schools on lots of one acre in area for one horse plus an additional acre for each additional horse.

7. The conduct of an enterprise for profit, in and upon premises constructed, used, and occupied as a dwelling, for the manufacture or sale therein of articles directly to the ultimate consumer at retail, or for the furnishing of services to the public, provided such enterprise shall not be injurious or annoying to adjacent premises or occupants thereof by reason of the emission of dust, fumes, smoke, odor, noise, vibration, or other interference to life, health, or property or the enjoyment thereof. The intent hereof is to allow only the conduct of hobby shops and such other occupation as may be carried on incidental to the occupations of a dwelling; provided however, that nothing herein shall be construed to permit the conduct of any enterprise requiring more than two (2) employees regularly engaged; and further provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such conduct; and further provided that no display of products or services is visible from the street or adjacent building.

8. Membership clubs, lodges, social, recreational and community center organizations, and grounds for games or sports, not including enterprises, a

chief activity of which is carried on or is customarily carried on, primarily for gain, provided that:

a. The land on which such activity is located shall contain at least four hundred (400) square feet per member.

b. After a public hearing before the Zoning Commission, at least seventy-five (75%) per cent of the abutting owners shall have indicated their approval of such use.

9. Parking for permitted non-residential uses, shall be sufficient to accommodate all persons parking on the lot, and entirely off the traveled way.

B. AREA AND BULK REGULATIONS:

1. Residence "A" Districts: In a Residence "A" District, the following minimum area and bulk provisions shall be required:

Lot Frontage	One hundred and seventy-five (175) feet.
Lot Area	40,000 square feet.
Front Yard Depth	Fifty (50) feet.
Side Yard Width	Twenty-five (25) feet.
Rear Yard Depth	Forty (40) feet.
Accessory Building	Twelve (12) feet from any lot.
Height of Buildings	A residence building shall not exceed two and one-half (2½) stories or thirty (30) feet in height.
Area of Buildings	A single story residence building shall have a ground floor area of not less than one thousand-fifty (1,050) square feet. A one and one-half (1½) or a two (2) story building shall have a ground floor area of not less than eight-hundred-sixty (860) square feet and a total floor area of not less than one-thousand-two-hundred (1,200) square feet.

2. Residence "A-1" Districts:

In a Residence "A-1" District, the following minimum area and bulk provisions shall be required:

Lot Frontage	One-hundred seventy-five (175) feet.
Lot Area	40,000 square feet.
Front Yard Depth	Fifty (50) feet.
Side Yard Width	Fifteen (15) feet.
Rear Yard Depth	Forty (40) feet.
Accessory Buildings	Twelve (12) feet from any lot line.
Height of Buildings	A residence building shall not exceed two and one-half (2½) stories or thirty (30) feet in height.
Area of Buildings	A single story residence building shall have a ground floor area of not less than eight hundred sixty (860) square feet. A one and

one-half (1 1/2) or a two (2) story building shall have a ground floor area of not less than seven hundred twenty (720) square feet and a total floor area of not less than one-thousand (1,000) square feet.

SECTION 5. BUSINESS DISTRICTS.

A. Uses:

In any business district, the main purpose of any building, structure or premises shall be to store and display goods for sale at retail on the premises, or to furnish a service for residents of the locality. Any use permitted in any residence district shall be permitted in a business district.

The making of articles incidental to the conduct of the business on the premises shall be permitted not more than two (2) persons are employed in the making of such articles.

B. In a business district the following minimum provisions shall be required.

Lot Frontage	Seventy-five (75) feet.
Lot Area	20,000 square feet.
Front Yard Depth	Twenty-five (25) feet.
Building Coverage	Fifty (50) per cent.
Side Yard Width	Ten (10) feet.
Rear Yard Depth	Ten (10) feet.
Height of Buildings	A business building shall not exceed three (3) stories or forty (40) feet in height. These provisions shall not apply to chimneys, flag or radio poles, water tanks or hose towers, nor to required bulkheads or elevator penthouses.

Parking and Loading

a. Facilities shall be provided for loading and unloading all materials, equipment and merchandise on the premises and entirely off the traveled way.

b. Space shall be provided for customer parking on the following basis: Three hundred (300) square feet of parking area for each item listed below:

Theaters, Auditoriums, Stadiums each 8 sets.
Hotels: each 3 guest rooms.
Retail Businesses: Each 250 sq. ft. of first floor area plus 500 sq. ft. of each of upper floor areas.
Restaurants: Each 200 sq. ft. of floor area.
Office Buildings: Each 250 sq. ft. of first floor area plus 500 sq. ft. of each of upper floor areas.

A building, devoted in whole or in part to residence purpose, shall comply with the requirements of lot coverage in Residence "A-1" Districts.

SECTION 6. INDUSTRIAL DISTRICTS.

A. Uses. In any industrial district as indicated on the building zone map, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except the following:

1. Any business or agricultural use permitted in the residence or business districts.

2. Any Industrial use except those contained in the following list, which may be allowed only after a public hearing held by the Somers Zoning Commission.

Acetylene Gas, Ammonia, Cyanide Compound or Oxygen manufacture.
Asphalt manufacture or refining, abattoirs.
Blast furnaces, drop forging, foundries.
Chlorine or Bleaching Powder manufacture.
Creosote manufacture.
Distillation of coal, refuse, or bones, or wood.
Explosives, fireworks or ammunition manufacture or storage.
Fat rendering in the manufacture of tallow, grease and oils.
Fertilizer manufacture, except in connection with the operation of a sewerage disposal plant.
Furnigation plants.
Gas manufacture or storage, except as permitted by the Board of Appeals.
Glue or size manufacture from fish or animal offal.
Gypsum, Cement, plaster or plaster of paris manufacture.
Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis (except where controlled by the Town).
Junk yard or wrecking of automobiles.
Linoleum manufacture.
Match manufacture.
Paint and lacquer manufacture.
Petroleum refining and the bulk storage of petroleum products.
Pyroxylin plastic manufacture.
Rubber, natural or synthetic, or gutta-percha manufacture, from crude or scrap material.
Slaughter house.
Smelting of iron, copper, tin, zinc, picric, carbolic or hydrochloric acid manufacture.
Tannery.
Tar or asphalt roofing manufacture.
Tar products manufacture.
Tire recapping or retreading.
All other enterprises or uses commonly regarded as hazardous or offensive.

B. In any industrial district the following minimum provisions shall be required.

Lot Frontage	One hundred (100) feet.
Lot Area	Twenty thousand (20,000) square feet.
Side Yard Width	Ten (10) feet
Front Yard Depth	Thirty-five (35) feet.
Rear Yard Depth	Ten (10) feet.
Building Coverage	Forty (40) per cent.
Height of Building	No limit

SECTION 7. ENFORCEMENT.

A. Before commencing to build a new structure of any kind, or adding to any existing structure, or changing the use of any structure from its present use, a permit shall be obtained from the Zoning Commission by the Owner of the land on which said proposed building or structure is to be located.

B. All applications for building permits shall be made to the Zoning Commission and shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and the location of the building upon the lot, the set back lines and such other information as may be necessary to provide for the enforcement of these regulations, or as may be required by the Zoning Commission.

SECTION 8. BOARD OF APPEALS.

A Board of Appeals shall be established pursuant to the General Statutes. Said Board may in a specified case, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose so that substantial justice may be done where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these Regulations.

SECTION 9. INVALIDITY.

The invalidity of any section, or provision of these regulations shall not invalidate any other section or provisions thereof.

SECTION 10. DATE OF EFFECT.

These regulations shall take effect on July 11, 1960.

SECTION 11. VIOLATIONS AND PENALTIES.

Whoever violates any provision of this ordinance or is accessory to such violation shall be punished according to Section 846 of the General Statutes as it exists, or may be amended.

SECTION 12. OCCUPANCY PERMITS.

Occupancy Permits — No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or on any premises without a certificate of Occupancy from the Zoning Commission, stating that the use of the building or premises, complies with the provisions of these regulations.

SECTION 13. APPLICATION FOR CERTIFICATE.

Application for a certificate of occupancy shall be made with the application for a building permit or may be directly applied for where no building is necessary.

Exhibit D-3

SOMERS, CONNECTICUT

ZONING ORDINANCE

April 1964

Note Back Pages
for Amendment

SOMERS ZONING COMMISSION

M. O. SAUNDERS, CONSULTANT

ZONING BOARD

L. Monstello, *Chairman*

Hunt, *Secretary*

ed Bordeaux

Horace Pease, Jr.

Willard F. Pinney

Max Gysi, Building Inspector

SOMERS, CONNECTICUT

ZONING ORDINANCE

April 1964

SOMERS ZONING COMMISSION

M. O. SAUNDERS, CONSULTANT

Fifth Edition

Revised April 1964

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ZONING ORDINANCE

FOR THE

TOWN OF SOMERS, CONNECTICUT

SECTION 1. PURPOSE OF THIS ORDINANCE AND KINDS OF DISTRICTS.

For the purpose of promoting the health, comfort, safety, and general welfare of the community; to regulate and restrict unsightly or detrimental developments; tending to depreciate the value of property and hinder progressive improvements; to secure safety from fire, panic, and other danger; to provide adequate light and air; to prevent overcrowding of land and avoid undue concentration of population; to conserve the value of buildings and encourage the most appropriate use of land throughout the town; to regulate and restrict the location, the height, number of stories, and size of buildings and other structures, the area of the lot which may be occupied, the size of yards and other open spaces, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes within the limits of such town, the Town of Somers is hereby divided into four (4) districts as follows:

1. Residence Districts "A"
2. Residence Districts "A-1"
3. Business Districts
4. Industrial Districts

as shown on the building zone map which accompanies and which with any amendments, and with all explanatory matter thereon is hereby declared to be part of this Ordinance.

SECTION 2. DEFINITIONS.

Certain words in this Ordinance are defined for the purpose thereof as follows:

- a. A "lot" is any lot or plot under one ownership occupied or intended to be occupied by one building or one unit group of buildings and its accessory buildings and uses including such open spaces as are provided or as are required by this Ordinance.
- b. The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.
- c. A "street line" is the dividing line between a street and a lot.
- d. The "height" of a building or a wall shall be measured above the ground level of the upper surface of the highest main roof.
- e. A "story" is that part of a building between any floor and the floor above.
- f. An "attic" is the space between the top story and a pitched roof.
- g. A "ground story" or "first story" shall mean the lowest story entirely above the ground level.

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.. A "rear lot line" is the lot line opposite the street line or, in the case of tier lot, the rear lot line shall be considered that opposite to the narrowest line.

The "depth of a lot" is the mean distance from a street line of the lot to positive rear line, measured in the mean general direction of the side lines of lot. The "width of a lot" is its mean width measured at right angles depth.

A "front yard" is a required open unoccupied space within and extending all width of the lot, between any street line and the parts of the principal building nearest to such street line.

A "side yard" is a required space within the lot between a side lot line, not set line, and the parts of the principal building nearest to such lot line. A side yard may extend through for its required width from the street line front yard, to the rear yard or its equivalent or to another street.

A "rear yard" is a required space, the full width of a lot, between the wall of the principal building throughout its height and the rear line of lot, or where the rear lot line borders on a public street or dedicated alley, to the case of a triangular lot with only one side on a street, the "rear yard" shall be the open unoccupied space between car wall and the point of intersection of the side lines of the lot.

1. The "minimum distance" and the "average distance" from a building of line are always measured at right angles to such line, and such distance need "set back".

2. The "length of a wall" of a building in relation to a lot or street line length of a wall which makes an angle of forty-five (45) degrees or less such lot or street line.

A "non-conforming building or use" is one that does not conform with applicable regulations of the district in which it is situated.

A "dwelling" is any house, building, structure, enclosed space or shelter, portion thereof which is occupied in whole or in part as the home, rest, or sleeping place of one or more persons either permanently or transiently.

1. A "family" or "family unit" is a person or group of persons of immediate kindred who live together as single or family unit house, keeping unit one head.

ON 3. GENERAL.

.. *Existing Buildings*; No premises shall be used nor shall any building or be used, constructed, or altered, except in conformity with the provisions of Ordinance which apply to the district in which the premises, building, or are located; provided, however, that to the date of its enactment, Ordinance shall not apply to the legal uses of any buildings or structures construction, nor to the legal use of any building, structure, or premise as stated on said date, but this Ordinance shall apply to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration.

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b. *Non-conforming Uses*; No non-conforming use which shall have been discontinued for a period exceeding one year shall be replaced by any other non-conforming use. No non-conforming building, structure, or use, when once changed to conform to the requirements of the district in which it is located shall ever be changed back so as to be non-conforming.

c. *Reconstruction After Damage*; Nothing in this Ordinance shall prevent the reconstruction and resumption of use of any non-conforming building which may hereafter be accidentally or criminally damaged, provided, however, that the reconstruction be started within one (1) year from the occurrence of said damage.

d. *Unsafe Buildings*; Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

e. *Reducing Lot Area*; No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this Ordinance for the district in which it is located.

f. *Adjoining Districts*; Along and within fifty (50) feet of any boundary line between two different kinds of districts, any side yard or rear yard required in the less restricted districts shall be increased in minimum width and depth to equal the required minimum width and depths for such yards in the more restricted districts.

g. *Access For Fire Apparatus*; In a business or industrial zone, no building shall be constructed on any lot or part of a lot unless such lot or part of a lot has a frontage not less than twenty (20) feet in its least width on public street or on an open and unoccupied private way leading to a public street.

h. *Location of Automobile Services*; No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses, shall be permitted within a radius of 200 feet, measured between the nearest property lines, of any public or private school, public library, church playground, or institution for the sick, dependent, or for children under sixteen years of age.

i. *Height Exemption*; The provision of this Ordinance governing height of buildings in all districts shall not apply to cupolas, bellies, chimneys, flag, or radio poles, grain elevators, water towers, nor to bulk-heads hose towers, silos, elevator enclosures, water tanks, scenery lofts, or scenery towers nor to churches, town or institutional buildings.

j. *Corner Visibility*; On a corner lot, there shall be no building, structure, or planting such as to obstruct traffic visibility within the triangular space bounded by the two intersecting street lines and a straight line connecting a point on each street line fifty (50) feet from the intersection.

k. *Business Or Industry Adjacent To Residence*; In any business or industrial district, every building which is within fifty (50) feet of a residence district shall set back from the street line a distance equal to at least one half of that setback required for ground story parts of a principal building on the adjoining lot in the residence district, except that residence buildings in these districts shall conform to Section 4, B, 2.

l. *Advertising Signs*; No advertising sign painted or otherwise created, nor

CN 4, "A", AND "A-1" DISTRICTS.

.. The office of a resident professional person including surgery, library, drafting room or studio, subject to the restrictions herein prescribed same occupation.

- Public school, colleges, public libraries, public museums.
- Town recreational buildings, playgrounds, parks, and reservations.

- Town buildings and properties, such as fire and police stations and water / plant.
- Telephone exchanges, transmission towers and lines, and static trans- / stations; provided there is no service or storage yard in conjunction there- / with consent of the Zoning Commission.

0. Small announcement or professional signs, not over two (2) square area, placed in or on the building, in connection with any public welfare or professional activity or home occupation herein permitted.

2. Private garages or stables, provided that they shall not contain space more than one motor vehicle for each 2500 square feet of lot area, nor for more than six horses or six vehicles and horses; and provided that at no time more than two unregistered passenger motor vehicles be permitted on any lot, shall be permitted in a residential zone.

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15. *Removal of Sand, Gravel and Loam:* The Zoning Commission may issue a permit for the removal of sand, gravel or loam, or for the operation of a commercial sand and gravel pit, but shall require as a condition that after completion of the operations, the land shall be left in a condition no less valuable for development and use than it was before the commencement of operation.

No applicant shall carry on operations below such a grade as may be fixed by the Commission without, on each occasion, obtaining the permission of said Commission in writing, but a tolerance of 12 inches shall be permitted at the termination of operations.

No buildings shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Zoning Commission.

During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Zoning Commission for the protection of pedestrians and vehicles.

Proper measures, as determined by the Zoning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.

When excavation and removal operations of either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of suitable top-soil, of a quality approved by the Town Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches, according to the approved contract plan. The area shall be seeded with a

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The Zoning Commission shall require a bond in a sufficient penal sum sufficient surety or sureties conditioned on the performance of sub-section hereof and the conditions of the permit.

A permit issued for the removal of sand, gravel, or loam shall state the within which work is to be carried on and finished and the land brought predetermined grade, but the Zoning Commission, without consent of any, may extend the permit from time to time.

room shall not be sold or transported outside the boundaries of the Townmers without the consent of the Zoning Commission after a public hearing.

PERMITTED USES IN RESIDENCE "A-1" DISTRICTS.

. Any use permitted in Residence "A" districts. No new multiple dwelling be constructed nor existing dwelling be converted to a multiple dwelling less than 720 square feet of floor area per family unit, and less than 40,000 feet of lot area per family unit.

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. Riding horses, riding stables or riding schools on lots of one acre in or one horse plus an additional acre for each additional horse.

. The conduct of an enterprise for profit, in and upon premises constructed,

used, and occupied as a dwelling, for the manufacture or sale therein of articles directly to the ultimate consumer at retail, or for the furnishing of services to cent premises or occupants thereof by reason of the emission of dust, fumes, smoke, odor, noise, vibration, or other interference to life, health, or property or the enjoyment thereof. The intent hereof is to allow only the conduct of hobby shops and such other occupation as may be carried on incidental to the occupa- tions of a building as a dwelling; provided however, that nothing herein shall be construed to permit the conduct of any enterprise requiring more than two (2) employees regularly engaged; and further provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such conduct; and further provided that no display of products or services is visible from the street or adjacent building.

8. Membership clubs, lodges, social, recreational and community center or ganizations, and grounds for games or sports, not including enterprises, a chief activity of which is carried on or is customarily carried on, primarily for gain, provided that:

a. The land on which such activity is located shall contain at least four hundred (400) square feet per member.

b. After a public hearing before the Zoning Commission, at least seventy-five (75%) per cent of the abutting owners shall have indicated their approval of such use.

9. Parking for permitted non-residential uses, shall be sufficient to accommo- date all persons parking on the lot, and entirely off the traveled way.

B. AREA AND BULK REGULATIONS:

1. Residence "A" Districts: In a Residence "A" District, the following minimum area and bulk provisions shall be required:

Lot Frontage One hundred and seventy-five (175) feet.

Lot Area 40,000 square feet.

Front Yard Depth Fifty (50) feet.

Side Yard Width Twenty-five (25) feet.

Rear Yard Depth Forty (40) feet.

Accessory Building Twelve (12) feet from any side or rear lot line, but fifty (50) feet from any front lot

Height of Buildings A residence building shall not exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

Area of Buildings A single story residence building with base-

ment shall have a ground floor area of not less than one thousand three hundred fifty (1,350) square feet, and without basement shall have a ground floor area of not less than one thousand four hundred seventy (1,470) square feet. A

one and one-half (1 1/2) story building shall have a ground floor area of not less than one thousand one hundred sixty (1,160) square feet and a second floor area of not less than seven hundred fifty (750) square feet. A two (2) story building shall have a ground floor area of not less than one thousand two hundred (1,200) square feet if the second floor is unfinished, and such a building shall have a total floor area of one thousand eight hundred (1,800) square feet if both floors are finished.

RESIDENCE "A-1" DISTRICTS:

in a Residence "A-1" District, the following minimum area and bulk provisions shall be required:

- Lot Frontage One-hundred seventy-five (175) feet.
- Lot Area 40,000 square feet.
- Front Yard Depth Fifty (50) feet except where existing dwellings within three hundred (300) feet on any side of the subject lot have a lesser front yard depth; in such instances the front yard depth or setback of a new dwelling may conform to the average depth or setback of such existing dwellings.

- Side Yard Width Fifteen (15) feet.
- Rear Yard Depth Forty (40) feet.
- Accessory Buildings Twelve (12) feet from any side or rear lot line, but fifty (50) feet from any front lot line or any street line.
- Height of Buildings A residence building shall not exceed two and one-half (2 1/2) stories or thirty (30) feet in height.
- Area of Buildings A single story residence building with basement shall have a ground floor area of not less than one thousand one hundred fifty (1,150) square feet, and without basement shall have a ground floor area of not less than one thousand two hundred seventy (1,270) square feet. A one and one-half (1 1/2) story building shall have a ground floor area of not less than nine hundred sixty (960) square feet and a second floor area of not less than five hundred fifty (550) square feet. A two (2) story building shall have a ground floor area of not less than one thousand (1,000) square feet if the second floor is unfinished, and such a building shall have a total floor area of one thousand six hundred (1,600) square feet if both floors are finished.

SECTION 5. BUSINESS DISTRICTS.

A. Uses.

In any business district, the main purpose of any building, structure or premises shall be to store and display goods for sale at retail on the premises, or to furnish a service for residents of the locality. Any use permitted in any residence district shall be permitted in a business district.

The making of articles incidental to the conduct of the business on the premises shall be permitted if not more than two (2) persons are employed in the making of such articles.

B. In a business district the following minimum provisions shall be required.

- Lot Frontage Seventy-five (75) feet.
- Lot Area 20,000 square feet.
- Front Yard Depth Twenty-five (25) feet.
- Building Coverage Fifty (50) per cent.
- Side Yard Width Ten (10) feet.
- Rear Yard Depth Ten (10) feet.

Height of Buildings

A business building shall not exceed three (3) stories or forty (40) feet in height. These provisions shall not apply to chimneys, flag or radio poles, water tanks or hose towers, nor to required bulkheads or elevator penthouses.

a. Facilities shall be provided for loading and unloading all materials, equipment and merchandise on the premises and entirely off the traveled way.

b. Space shall be provided for customer parking on the following basis: Three hundred (300) square feet of parking area for each item listed below:

Parking and Loading

- Theaters, Auditoriums, Stadiums each 8 sets.
- Hotels: Each 3 guest rooms.
- Retail Business: Each 250 sq. ft. of first floor area plus 500 sq. ft. of each of upper floor areas.
- Restaurants: Each 200 sq. ft. of floor area.
- Office Buildings: Each 250 sq. ft. of first floor area plus 500 sq. ft. of each of upper floor areas.

A building devoted in whole or in part to residence purpose, shall comply with the requirements of lot coverage in Residence "A-1" Districts.

SECTION 6. INDUSTRIAL DISTRICTS.

A. Uses. In any industrial district as indicated on the building zone map, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except the following:

- 1. Any business or agricultural use permitted in the residence or business districts.

n. Any Industrial use except those contained in the following list, which e allowed only after a public hearing held by the Somers Zoning Com-

Acetylene Gas, Ammonia, Cyanide Compound or Oxygen manufacture.
Asphalt manufacture or refining, abattoirs.
Blast furnaces, drop forging, foundries.
Chlorine or Bleaching Powder manufacture.
Creosote manufacture.
Distillation of coal, refuse, or bones, or wood.
Explosives, fireworks or ammunition manufacture or storage.
Fat rendering in the manufacture of tallow, grease and oils.
Fertilizer manufacture, except in connection with the operation of a sewerage disposal plant.
Furnigation plants.
Gas manufacture or storage, except as permitted by the Board of Appeals.

Glue or size manufacture from fish or animal offal.
Gypsum, Cement, plaster or plaster of paris manufacture.
Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis (except where controlled by the Town).
Junk yard or wrecking of automobiles.

Linooleum manufacture.
Match manufacture.
Paint and lacquer manufacture.
Petroleum refining and the bulk storage of petroleum products.
Pyroxylin plastic manufacture.
Rubber, natural or synthetic, or gutta-percha manufacture, from crude or scrap material.
Slaughter house.
Smelting of iron, copper, tin, zinc, picric, carbolic or hydrochloric acid manufacture.
Tannery.
Tar or asphalt roofing manufacture.
Tar products manufacture.
Tire recapping or retreading.
All other enterprises or uses commonly regarded as hazardous or offensive.

In any industrial district the following minimum provisions shall be ed.

Lot Frontage Two hundred (200) feet.
Lot Area Sixty thousand (60,000) square feet.
Side Yard Width Ten (10) feet.
Front Yard Depth Thirty-five (35) feet.

SECTION 7. ENFORCEMENT.

A. Before commencing to build a new structure of any kind, or adding to any existing structure, or changing the use of any structure from its present use, a permit shall be obtained from the Zoning Commission by the Owner of the land on which said proposed building or structure is to be located.
B. All applications for building permits shall be made to the Zoning Commission and shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and the location of the building upon the lot, the set back lines and such other information as may be necessary to provide for the enforcement of these regulations, or as may be required by the Zoning Commission.

Rear Yard Depth	Ten (10) feet.
Building Coverage	Twenty-five (25) per cent.
Height of Building	No limit.

SECTION 10. DATE OF EFFECT.

These regulations shall take effect on July 11, 1960.

SECTION 11. VIOLATIONS AND PENALTIES.

Whoever violates any provision of this Ordinance or is accessory to such violation shall be punished according to Section 846 of the General Statutes as it exists, or may be amended.

SECTION 12. OCCUPANCY PERMITS.

Occupancy Permits — No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or on any premises without a certificate of Occupancy from the Zoning Commission, stating that the use of the building or premises, complies with the provisions of these regulations.

SECTION 13. APPLICATION FOR CERTIFICATE.

Application for a certificate of occupancy shall be made with the application for a building permit or may be directly applied for where no building is necessary.

IS HEREBY GIVEN that a public hearing having been held
Zoning Commission of the Town of Somers, Connecticut,
the regulations of said Town of Somers are hereby amended
on October 11, 1965, in accordance with the following

2. DEFINITIONS

Section "c" to be amended to read as follows:

Set line" is the dividing line between a public street,
lot, and "frontage" is distance measured along such
line.

Section "q" to be amended to read as follows:

ly" or "family unit" is a person or group of persons
date kindred who live together as single or family
living unit under one head.

3. GENERAL

Section "h" to be amended to read as follows:

n of Automobile Services: No public garage, automobile
shop, greasing station, storage battery service station,
oline filling station, nor any of their appurtenances
sory uses, shall be permitted within a radius of 500
assured between the nearest property lines, of any public
the school, public library, church, playground, or
tion for the sick, dependent, or for children under
years of age.

4. "A", and "A-1" DISTRICTS.
mitted Uses in Residence "A" Districts.

Section 14 to be amended to read as follows:

horses on lots of no less than one acre for one horse
; acre for each additional horse.

A-1. Permitted Uses in Residence "A-1" Districts.

Subsection 1 to be amended to read as follows:

Any use permitted in Residence "A" districts.
Any new multiple dwelling to be constructed or existing
dwelling to be converted to a multiple dwelling shall
have not less than (a) 1150 square feet of floor area
per family unit; (b) 40,000 square feet of good drainage
lot area per family unit; and (c) 175 feet of frontage
per family unit. There shall be not more than two
family units in each multiple dwelling

B. Area and Bulk Regulations.

Subsection 1. Residence "A" Districts.

Area of Buildings to be amended to read as follows:

A single story residence building shall have a ground
floor area of not less than fifteen hundred fifty (1550)
square feet. A one and one-half (1½) story building
shall have a ground floor area of not less than thirteen
hundred sixty (1360) square feet and a second floor area
of not less than nine hundred fifty (950) square feet.
A two (2) story building shall have a ground floor area
of not less than twelve hundred (1200) square feet, and
such a building shall have a total floor area of not
less than two thousand (2,000) square feet. Floor area
means finished floor area. All residence buildings shall
have full basements, except that any split level style
dwelling shall have basement area of at least one-half
the first floor area of said dwelling.

Subsection 2. Residence "A-1" Districts.

Ide Yard Width to be amended to read as follows:

Twenty-Five (25) Feet.

Area of Buildings to be amended to read as follows:

Single story residence building shall have a ground floor area of not less than thirteen hundred (1300) square feet. A one and one-half (1½) story building shall have a ground floor area of not less than eleven hundred (1100) square feet and a second floor area of not less than seven hundred (700) square feet. Two (2) story building shall have a ground floor area of not less than one thousand (1000) square feet, and such a building shall have a total floor area of not less than sixteen hundred (1600) square feet. Floor area means finished floor area. All residence buildings shall have full basements, except that any split level style dwelling shall have basement area of at least one-half the first floor area of said dwelling.

SECTION 5. BUSINESS DISTRICTS.

Subsection "B" "Parking and Loading" to be amended to read as follows:

Space shall be provided for customer parking on the following basis: Nine hundred (900) square feet of parking area for each item listed below:

Restaurants, Auditoriums, Stadiums each 8 seats.

Hotels: Each 3 guest rooms.

Office Buildings: Each 250 square feet of first floor area plus 50 square feet of each of upper floor areas.

Somers Zoning Commission
Willard F. Finney
Chairman
Lloyd J. Hunt
Secretary

Restaurants: Each 200 square feet of floor area.
Office Buildings: Each 250 square feet of first floor area plus 50 square feet of each of upper floor areas.