

ZONING REGULATIONS

NORFOLK, CONNECTICUT



Planning and Zoning Commission

Effective – January 1, 2024

Zoning Map

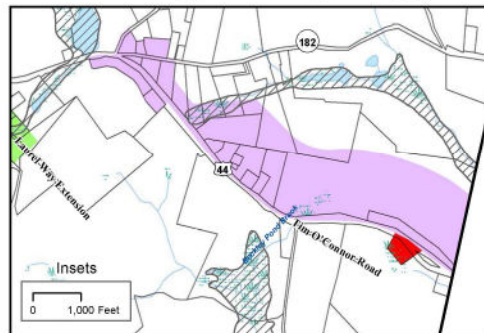
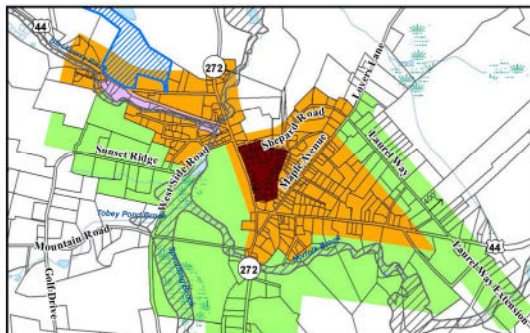
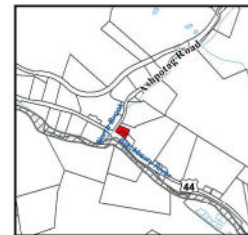
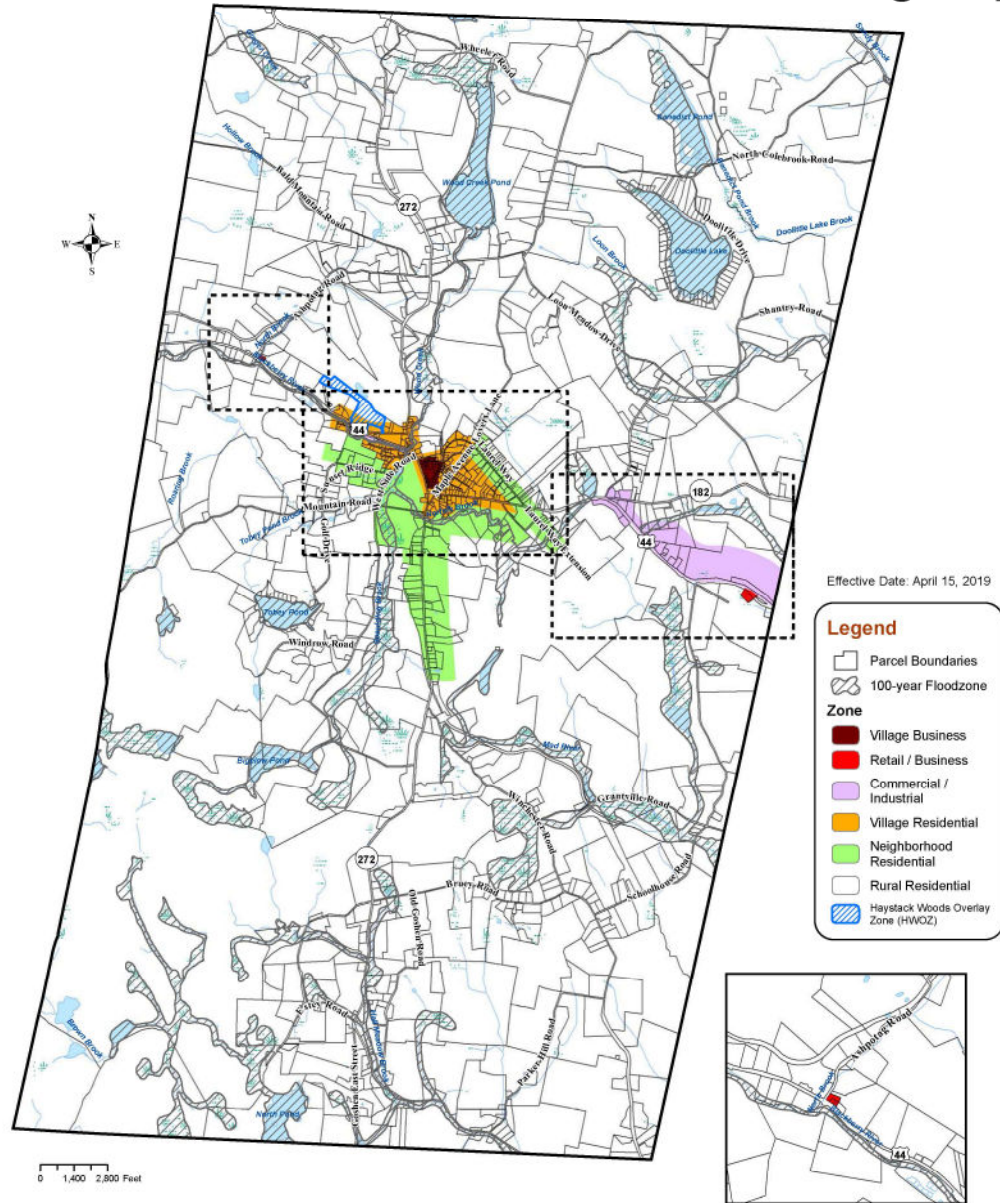


Table of Contents

Article 1. Administration 1

Section 1.01	Authority.....	1
Section 1.02	Purposes	1
Section 1.03	Zoning Districts & Boundaries	2
Section 1.04	Interpretation	2
Section 1.05	Conformity	3
Section 1.06	Administration	3
Section 1.07	Enforcement	4
Section 1.08	Zoning Board of Appeals (ZBA)	4
Section 1.09	Severability	4
Section 1.10	Effective Date.....	4

Article 2. Definitions..... 5

Section 2.01	Use of Terms	5
	A. Specific Terms.....	5
	B. Terms Not Defined	5
Section 2.02	Definitions.....	6

Article 3. Residential Zones 13

Section 3.01	Purpose.....	13
Section 3.02	Uses Allowed As Principal Uses	13
Section 3.03	Uses Allowed As Accessory Uses	16
Section 3.04	Dimensional Standards	19
Section 3.05	Supplemental Regulations	20
	A. Home Office.....	20
	B. Professional Home Activity.....	21
	C. Home Enterprise.....	22
	D. Accessory Dwelling Unit	24
	E. Two-Family Dwellings	25
	F. Conversion To Multiple-Unit Building	25
	G. Open Space Residential Development	26
	H. Rear Lots	27
	I. Farm Animals	28
	J. Kennels And Veterinary Medical Facilities	29
	K. Veterinary Clinic	29
	L. Recreational Facilities.....	29
	M. Recreation Camps.....	29
	N. Recreational Vehicles	30
	O. Bed-And-Breakfast Establishments	30
	P. Country Inn.....	31
	Q. Membership Clubs.....	33
	R. Care Facilities.....	33
	S. Commercial Wood Processing Facility.....	33
	T. Small Wind Energy System	33
	U. Temporary Storage Structure	34
	V. Affordable Housing.....	34

Article 4. Business Zones	37
Section 4.01 Purpose.....	37
Section 4.02 Village District Declared.....	37
Section 4.03 Uses Allowed As Principal Uses	37
Section 4.04 Uses Allowed As Accessory Uses	40
Section 4.05 Dimensional Standards	42
Section 4.06 Supplemental Regulations	43
A. Accessory Outdoor Food and Beverage Service.....	43
Article 5. Other Zones	45
Section 5.01 Flood Hazard Area Overlay Zone	45
Section 5.02 Cluster Development Zone	46
Section 5.03 Design Districts	52
Section 5.04 Haystack Woods Overlay Zone	56
Article 6. Basic Standards	61
Section 6.01 Signs.....	61
Section 6.02 Parking and Loading.....	64
Section 6.03 Traffic and Access	66
Section 6.04 Earth Excavation	67
Section 6.05 Soil Erosion and Sediment Control	71
Section 6.06 Performance Standards	73
Section 6.07 Stormwater Management	73
Section 6.08 Landscaping	73
Section 6.09 Lighting	73
Section 6.10 Solar Energy Systems.....	75
Article 7. Special Standards	77
Section 7.01 Non-Conforming Conditions	77
Section 7.02 Telecommunication Facilities	79
Section 7.03 Outdoor Wood-Burning Furnaces.....	83
Section 7.04 Application Of State Or Federal Law.....	83
Section 7.05 Cannabis Establishments	84
Article 8. Procedures	85
Section 8.01 Staff Procedures	85
Section 8.02 Pre-Application Reviews (Staff / PZC)	87
Section 8.03 Site Plan Application (PZC).....	88
Section 8.04 Special Permit Application (PZC).....	93
Section 8.05 Text Amendment Application (PZC).....	98
Section 8.06 Zone Change Application (PZC).....	101
Section 8.07 Variance Application (ZBA)	104
Section 8.08 Motor Vehicle Location Application (ZBA).....	107
Section 8.09 Procedural Requirements	109
Section 8.10 Enforcement Procedures	117

Article 1. Administration

Section 1.01 Authority

The Norfolk Zoning Regulations (hereinafter, the "Regulations") are adopted under the authority granted by Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.), as amended.

Section 1.02 Purposes

As Amended – Effective 10-07-22

These Regulations have been adopted for the purposes contained in Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.) including, but not limited to, the following:

1. To protect the public health, safety, and the general welfare in Norfolk.
2. To help implement the plan of conservation and development.
3. To protect natural, cultural, and historic resources.
4. To promote the most appropriate use of land in Norfolk with reasonable consideration as to the suitability of such land for particular uses.
5. To facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.
6. To encourage the development of housing opportunities and economic diversity.



Section 1.03 Zoning Districts & Boundaries

1. To accomplish these purposes, the town is divided into zones as enumerated within these Regulations.
2. Within such zones, these Regulations govern the erection, construction, reconstruction, alteration or use of buildings and structures and the use of land.
3. The boundaries of these zones are shown on a map, as may be amended, entitled "Zoning Map of the Town of Norfolk, Connecticut" which is on file in the Town Clerk's office.
4. The Zoning Map shall hereby be considered a part of these Regulations.
5. Such zone boundaries shall generally be interpreted to:
 - a. follow property lines where so indicated,
 - b. follow the street line of streets where so indicated,
 - c. follow the centerlines of rivers, brooks or other natural features where so indicated, or
 - d. run parallel to streets or natural features where so indicated.
6. If not clearly delineated on the Zoning Map, zone boundaries shall be determined by the Planning and Zoning Commission (hereinafter, the "Commission").
7. In the case of a lot existing on the effective date of these Regulations and lying in more than one zone, the use of land, buildings and other structures allowed in one zone but not in another may be extended into the other zone for a distance of up to 50 feet.

Section 1.04 Interpretation

As Amended – Effective 10-07-22

1. Any principal use of land, buildings or structures not expressly allowed by these Regulations in a particular zoning district is prohibited in that district.
2. Any activity not expressly allowed in the Regulations is prohibited.
3. For a principal use allowed by these Regulations, accessory uses (as defined herein) are allowed thereto.
4. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for accomplishing the purposes of these Regulations, unless the context clearly indicates that such provision is intended to be a maximum limitation.
5. Should a conflict arise between a provision of these Regulations and any other provision of these Regulations or any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control except as may be allowed by Section 7.04 of these Regulations.
6. With regard to the interpretation of any provision of these Regulations, the decision and interpretation of the Commission shall prevail.

Section 1.05 Conformity

Except as may be otherwise provided in these Regulations (such as for a lawfully existing nonconforming lot or similar circumstance):

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.
2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations.
3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.
8. Notwithstanding the above, when a change is adopted in the Regulations or boundaries of zoning districts, no improvements or proposed improvements shall be required to conform to such change where a Site Plan for the use has been approved by the Commission prior to the effective date of such change and said plan has been filed or recorded with the Town Clerk.

Section 1.06 Administration

1. These Regulations shall be administered by the Commission or by its authorized agent, the Zoning Enforcement Officer (hereinafter, the "ZEO") in accordance with the applicable requirements of the Connecticut General Statutes.
2. The Commission or the ZEO shall receive applications, issue certificates of compliance and collect fees.
3. The Commission may from time to time adopt administrative rules and policies for the administration of these Regulations and may establish fees for applications and certificates that are governed under these Regulations.
4. Fees have been established, and may be amended, by Town ordinance.
5. The ZEO shall maintain a record of all Zoning Permits and certificates of compliance, and, upon request, a copy shall be furnished to any person having a proprietary or tenancy interest in the building or use affected.

Section 1.07 Enforcement

As Amended – Effective 10-07-22

1. These Regulations shall be enforced by the Commission through its authorized agent, the ZEO, who shall be authorized to conduct inspections and to order in writing the remedying of any condition found to exist in violation of these Regulations in accordance with Section 8.10 of these Regulations and any other applicable laws and ordinances including, but not limited to, CGS Section 8-3(e).
2. The Commission, the ZEO or other official having jurisdiction may institute legal action to prevent the unlawful construction, alteration or use of any building or structure; or to prevent the illegal occupation of any building, structure, or land; or to prevent any violation of these Regulations.
3. The penalties for violation of these Regulations shall be as provided for in the Connecticut General Statutes.

Section 1.08 Zoning Board of Appeals (ZBA)

A. Establishment

Norfolk has established a Zoning Board of Appeals ("ZBA") pursuant to the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.).

Section 1.09 Severability

1. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be void, inoperable or invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be void, inoperable, or invalid.
2. If any provision of these Regulations is so adjudged to be void, inoperable or invalid as it applies to a particular building, structure or lot, the effect of such decision shall be limited to such building, structure or lot and shall not affect the validity of the remaining Regulations.

Section 1.10 Effective Date

These Regulations and any subsequent amendments shall become effective on the dates established by the Commission after due notice and public hearing as prescribed by law.

**Zoning Regulations for the Town of Norfolk were first adopted by the
Planning and Zoning Commission on July 30, 1973.**

Article 2. Definitions

Section 2.01 Use of Terms

A. Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
 - a. Words in the present tense include the future and vice-versa.
 - b. Words in the singular include the plural and vice-versa.
 - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The word "building" includes the word "structure" and any part thereof.
5. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
6. The words "zone", "zoning district", and "district" have the same meaning.
7. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
8. The word "built" includes the words "erected, constructed, reconstructed, altered, enlarged and moved."

B. Terms Not Defined

1. In the interpretation and enforcement of these Regulations, words not defined in Section 2.01 or Section 2.02 shall be interpreted by the Commission.
2. In making an interpretation, the Commission may consult one or more of the following:
 - a. The State Building Code, as amended.
 - b. The Connecticut General Statutes, as amended.
 - c. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
 - d. Black's Law Dictionary, as amended.
 - e. A comprehensive general dictionary.
 - f. Such other references as may be appropriate for the situation.

Section 2.02 Definitions

As Amended – Effective 10-07-22

ABANDONMENT — The intentional cessation and relinquishment of a use by the person who has been conducting the use.

ACCESSORY — Customarily incidental and subordinate to a principal building, structure, or use on the same property.

ACCESSORY DWELLING UNIT — A separate living unit, containing both a bathroom (with sink, toilet and tub or shower) and a kitchen unit (with stove, sink and refrigerator) created as part of or in addition to a single-family residential structure, retail store or commercial building.

ACCESSORY DWELLING UNIT , ATTACHED — An accessory dwelling unit created within a primary single-family residential structure, retail store or commercial building, sharing a common wall.

ACCESSORY DWELLING UNIT , DETACHED — An accessory dwelling unit that is contained partially or completely within an accessory building, separate from and secondary to the primary building.

ACCESSORY BUILDING — A detached building, such as a shed, whose use is customary and subordinate to the principal building on the same property or contiguous lot under the same ownership.

ACCESSORY STRUCTURE — A structure which is customarily incidental and subordinate to an allowed principal building or use on the same property or contiguous lot under the same ownership, including but not limited to a deck, gazebo, swimming pool, or fence above six feet in height.

ACCESSORY USE — A use customarily incidental and subordinate to a principal use on the same lot or contiguous lot under the same ownership.

ADEQUATE COVERAGE — Coverage is considered to be adequate within that area surrounding a base station tower where the predicted or measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95 dbm, so long as the signal regains its strength to greater than -95 dbm further away from the base station tower. The boundary of the area of adequate coverage is that location past which the signal does not regain a strength of greater than -95 dbm.

ANTENNA — A device used to receive or transmit telecommunications or radio signals.

BARN — An agricultural building used primarily for the purpose of sheltering any or all of the following: harvested crops, livestock, pigs and fowl, and agricultural implements, including farm vehicles. No building, any part of which is used in the operation of a kennel, shall be considered a barn. When a barn or barn-style building has been converted to any other uses, it will no longer be considered a "barn."

BED-AND-BREAKFAST — An owner-occupied residence providing not more than eight guest rooms offering transient lodging and breakfast to the general public for a fee.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, or materials of any kind.

BUILDING HEIGHT (Feet) — Height in feet is measured from the average ground level at the foundation or base of a building or structure to the level of the highest roof of the building or highest feature of a structure.

BUILDING HEIGHT (Stories) — Height in stories is measured by counting the stories of a building one over the other, excluding basements having a ceiling height four or less feet above the average ground level.

CARPORT, RESIDENTIAL — A roofed area for the storage of one or more vehicles, provided no business or service is conducted.

CERTIFICATE OF COMPLIANCE — A written approval issued by the Chairman of the Commission or the ZEO, certifying that the premises, building and/or use comply with these Regulations.

CERTIFICATE OF OCCUPANCY — A written approval issued by the Building Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with applicable regulations and approvals.

CGS — Connecticut General Statutes.

CHANGE OF USE — The modification of a building, structure or use to other than that for which it was originally constructed or used.

CHILD CARE -

A. FAMILY CHILD CARE HOME — A private family home providing care for the number of children authorized by CGS Section 19a-77 in accordance with CGS Section 19a-77 et seq.

B. GROUP CHILD CARE HOME — A facility which offers or provides a program of supplementary care:

- To not less than seven (7) nor more than twelve (12) related or unrelated children outside their own homes on a regular basis in a private family home , or
- That meets the definition of a family child care home except that it operates in a facility other than a private family home .

C. CHILD CARE CENTER — A facility which offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis.

CLUB — An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that no commercial activities are conducted, except as required generally for the benefit of the membership and purposes of the club.

COBBS PROTOCOL — A testing protocol used to monitor emissions from existing and new personal wireless service facilities.

COMMISSION — The Planning and Zoning Commission of the Town of Norfolk.

CONVERSIONS (TO MULTI-DWELLING UNIT) — An existing single-family dwelling which by renovation is made suitable for multiple-family dwelling use with a maximum of six dwelling units.

COTTAGE FOOD OPERATION — As provided in CGS Section 21a-62a et seq, the production of cottage food products when licensed by the Department of Consumer Protection.

COUNTRY INN — A building or group of buildings with not more than 25 guest rooms offering transient lodging and related facilities to the general public for a fee.

DISTURBED AREAS — An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

DWELLING — A building, other than a mobile home, intended for human habitation erected on a solid foundation, using permanent weatherproof exterior materials, connected to a safe water supply and adequate sanitary sewage disposal facilities, equipped with at least one furnace or other form of heating, and constructed with ceilings and walls finished on the inside according to State Building Code specifications, forming a separate, independent, housekeeping establishment and containing independent cooking and sleeping facilities.

DWELLING, MULTIFAMILY — A building designed for and occupied as a residence for three or more families living in separate dwelling units.

DWELLING, SINGLE-FAMILY — A building, other than a mobile home, designed for and occupied as a residence for one family and having a single dwelling unit.

DWELLING, TWO-FAMILY — A building designed for and occupied as a residence by two families and having two separate dwelling units.

EARTH EXCAVATION — excavating, filling, grading or depositing of earth materials or the grading or removal of earth materials except for such activities which are incidental to a bona fide construction, landscape or agricultural operation conducted on the premises.

EARTH MATERIALS - topsoil, loam, peat, clay, rock, quarry stone, stone, sand, gravel or other natural earth products.

EASEMENT — The right of a person or entity to use public or private land owned by another for a specific purpose and duly recorded in the land records.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EX-POST-FACTO FEE — A supplemental fee applied to Zoning Permits for land which has been occupied or used or for buildings or structures which have been erected, moved, enlarged or changed to another use without the prior issuance of a required Zoning Permit.

FAMILY — Any number of individuals related by blood, marriage or adoption plus guests and domestic employees thereof; or a group of not more than six unrelated individuals living together on the premises as a single housekeeping unit and maintaining a common household. Persons to whom rooms are let or board in a dwelling, as allowed by these Regulations, are not considered members of a family for the purposes of these Regulations.

FARM — A tract of land used for agriculture, the production of crops for human or animal consumption, livestock, grazing, commercial dairying or the raising of poultry expressly excluding commercial piggeries, the raising of fur-bearing animals for their pelts, slaughterhouses or fertilizer manufacturing. Tree farms, nurseries and greenhouses are defined elsewhere in these Regulations. .

FARM STAND— An accessory structure established and operated by the owner of the property used for, and limited to, the sale of agricultural products grown, raised, or produced on the premises. (*Also see “road-side stand”*)

FARMING — The use of a tract of land as a farm.

FDIC — Federal Deposit Insurance Corporation.

FENCE — A man-made enclosure or barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLOOR AREA — The gross horizontal area of a building, generally measured by the bounding walls, excluding the area of unfinished basements, unfinished attics, porches, decks, balconies, garages, service utility rooms and breezeways.

FREE SPLIT – ("FIRST CUT") — The division of a parcel of land which had not been divided since the date of adoption of subdivision regulations in Norfolk into one additional parcel (allowed without subdivision approval by the definition of subdivision in CGS Section 8-18) subject to review by the ZEO.

GARAGE, COMMERCIAL — A building used for repairing, overhauling, adjusting, assembling or disassembling any motor vehicle as a business, including storage of such vehicles, requiring State of Connecticut licensing.

GRANDFATHERING — See *"non-conforming"*.

GREENHOUSE — An accessory structure, primarily of glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants for private use. *For commercial purposes, see "nurseries."*

GROUND COVERAGE — The percentage of a lot area that is covered by the total of all buildings or structures.

HARDSHIP — A peculiar or unique feature of a particular piece of property that prevents the landowner from making reasonable use of the property in conformance with these Regulations.

HAZARDOUS MATERIAL OR WASTE — Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to the health of humans or other living organisms.

HEIGHT — See *"Building Height"*.

HOME BUSINESS — A business conducted by the resident within a dwelling or accessory building, secondary to the primary residential use.

HOME ENTERPRISE — A business conducted by the resident as an accessory use to the dwelling with specific limitations regarding the number of employees, external impact and other criteria.

HOME OFFICE — A business conducted by telephone, computer and/or mail, with no non-resident employees or external impact.

HOME OFFICE, PROFESSIONAL — A business conducted with specific limitations regarding the number of employees and external impact.

INN or HOTEL — See *"Country Inn."*

INSPECTION — A review of an activity or use to determine compliance with these Regulations and/or an approved plan, such as an on-site review of sediment and erosion control measures.

JUNK — Trash, rubbish, debris, building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment, and similar material.

JUNKYARD — Any property, or portion thereof, used for the outdoor accumulation of junk in such a manner as to be visible from the street or adjoining property. Junkyards are expressly prohibited in all zones.

LIVING SPACE — See *"Floor Area."*

KENNEL — A commercial establishment in which more than three dogs over the age of six months are housed, groomed, bred, boarded, trained or sold.

LOT — A parcel of land:

- Which complies with the minimum area, street frontage and other dimensional requirements as specified in these Regulations, and
- for which, a deed has been recorded in the land records or a building lot shown on a subdivision map approved by the Commission and recorded in the land records.

LOT, FRONT — A lot which:

- meets the minimum street frontage requirement as specified in these Regulations, and
- has direct driveway access to the street, and
- where the building site is generally located on or near the front yard setback as measured from the front lot line.

LOT, REAR — A lot which:

- does not meet the minimum street frontage requirement as specified in these Regulations, and
- is located generally to the rear of other lots having frontage on the same street, and
- has access to the street by an accessway or strip of land.

LOT LINE — A line or boundary line of record which separates a lot from another parcel of land or from the street.

LOT LINE ADJUSTMENT — A boundary revision between two adjoining lots. Minimum lot size and street frontage is required in all zones. Review by the ZEO is required.

NATURE PRESERVE — An area of land set aside in its natural condition.

NON-CONFORMING— Any situation which fails to conform to one or more provisions of these Regulations.

NON-CONFORMING, PRE-EXISTING— A non-conforming situation which has been legally in existence prior to and since the effective date of these Regulations or any subsequent prohibiting amendment thereto.

NON-CONFORMING LOT — A parcel of land which does not conform to the area and/or dimensional requirements of these Regulations and.

NON-CONFORMING STRUCTURE — A structure, the size or location of which is not allowed by any provision of these Regulations for the zone.

NON-CONFORMING USE — Any use of land, buildings or structures, or any portion thereof, which is not allowed by these Regulations in the zone where it is located.

NURSERIES — Agricultural operations in which the primary use is the growing of flowers, plants, shrubs or trees for commercial gain. Garden supply stores and sales of agricultural or gardening equipment and implements are retail establishments rather than nurseries.

OPEN SPACE — Land permanently preserved for agriculture, forestry, passive recreation, wildlife habitat, natural resource conservation, scenic resource conservation, or as undeveloped land.

PARCEL — A single lot or multiple contiguous lots under the same ownership.

PARKING SPACE — An area designed, intended, or used for parking of a motor vehicle.

PRINCIPAL — The primary or predominant building, structure, use, or activity on a lot or parcel.

RECREATION FACILITY — a facility used for recreational purposes such as golf, tennis, swimming, fishing, hunting, riding, shooting, skiing or similar recreation activities, expressly excluding racing tracks for motorized vehicles, operated either as a membership club or commercially, and including customary accessory services and eating facilities.

RESUBDIVISION — A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

ROADSIDE STAND— An accessory structure established and operated by the owner of the property used for, and limited to, the sale of agricultural products grown, raised, or produced on the premises or items created or produced on the premises (such as home cooking, needlework, and similar items),

SCIENTIFIC RESEARCH FACILITY — Those facilities related to the study of ecology, climate, weather, winds, soils, hydrology, wildlife populations or forests. Such facilities may include associated structures for offices, libraries, public meeting rooms and limited residential opportunities for field research and staff.

SEDIMENT — Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SETBACK — The shortest distance between any part of a building or structure and the nearest property line.

SF — Square foot or square feet.

SHED — A freestanding structure used for storage, maintenance, hobbies, recreation, or similar accessory activities but not used for human habitation.

SIGN — Any natural or artificial structure, device or object which shall use any letter, word, number, banner, flag, pennant, insignia or logo to attract attention; to identify or advertise, announce, or draw attention to any object, product, place, event, activity, person, institution, organization, firm, group, commodity, profession, enterprise, business or industry and which is intended to be seen from a public street.

SITE PLAN — The comprehensive documents and maps submitted to aid in determining the conformity of a proposed building, use or structure.

SLOPE — The incline of land as measured between contour lines, typically expressed as a ratio (as in a 2:1 slope, signifying two feet horizontal to one foot vertical), or as a percentage (as in 25%, signifying five feet vertical and 20 feet horizontal).

SMALL WIND ENERGY SYSTEM — A tower-mounted wind energy system which provides energy only to the premises, and which has a maximum rated output of electric power production of no greater than 60 kilowatts (also referred to as the “Rated Nameplate Capacity”).

SOIL — Any unconsolidated material or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A scheme that minimizes soil erosion and sedimentation resulting from development, and includes but is not limited to a map and narrative.

SOLAR COLLECTOR — The component of a solar energy system that is exposed to the sun’s rays and transforms solar radiation into electricity or heat. For the purposes of these Regulations, any associated rack systems are considered part of the solar collector.

GLARE — The effect produced by light reflecting from a solar collector with an intensity sufficient to cause annoyance, discomfort, or loss of visibility.

SOLAR ENERGY SYSTEM — Equipment designed to collect solar energy and actively transform it into electricity or heat suitable for use on the property.

SPECIAL PERMIT — A special form of approval that may be granted by the Commission for a use declared to possess such special characteristics that each such Special Permit shall be considered on an individual basis subject to the standards and requirements specified in these Regulations.

STREET — An existing State highway or Town road or a private road shown on a subdivision map as approved by the Commission.

STRUCTURE — Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having a fixed location on the ground.

SUBDIVISION — The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission (adopted July 12, 1963; amended January 12, 1982), for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes.

TAHD — Torrington Area Health District.

TIMBER LOT — Forested land, especially land containing timber of commercial value.

TOWER — A support structure (such as a monopole, lattice or roof stub structure) intended to support antennas or other equipment.

TOWN — The Town of Norfolk, Connecticut.

TREE FARM — An area of forest land on which trees are grown, typically for commercial use.

TRUCK GARDEN — A farm where produce is grown for market or sale at a location off the premises.

USE — The specific purpose for which land or a building is designed, arranged, or for which it is occupied or may be occupied and maintained.

VARIANCE — An exception granted by the ZBA from the terms of the Zoning Regulations, where, because of special conditions, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship.

VETERINARY CLINIC — A commercial establishment in which a veterinarian provides medical and surgical care to small animals.

VETERINARY MEDICAL FACILITY — A commercial establishment in which a veterinarian provides medical and surgical care, including accessory boarding, for animals.

“VILLAGE DISTRICT” — As authorized by CGS Section 8-2j, a special type of zoning district where additional controls are allowed in order to help protect the distinctive characteristics, landscape and historic structures within such district.

WIRELESS COMMUNICATION FACILITIES — The equipment and structures used to receive or transmit telecommunications or radio signals and to transmit signals to another wireless site, another communications source or receiver or to a central switching location.

WIRELESS SERVICE PROVIDER — An entity, licensed by the Federal Communications Commission (FCC), to provide personal wireless services to individuals or institutions.

WOOD PROCESSING FACILITY, COMMERCIAL — Any building, facility or area used for storage of wood, logs, or lumber or for the milling, sawing, cutting or processing of logs or for the parking of associated heavy equipment, including trucks.

YARD SALE — Yard sales, garage sales, and tag sales are allowed by right, without a Zoning Permit, provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no longer than three consecutive days.

ZBA — The Zoning Board of Appeals of the Town of Norfolk.

ZEO — The Zoning Enforcement Officer of the Town of Norfolk.

ZONING PERMIT — A written approval issued by the Commission or its authorized agent, the ZEO, certifying that land, a building or structure or a use is allowed under these Regulations.

Article 3. Residential Zones

Section 3.01 Purpose

As Amended – Effective 10-07-22

The various residential zoning districts in Norfolk are intended to provide suitable areas for residential uses and development appropriate to the environmental characteristics of the land, including soil types, terrain, infrastructure capacity, and the characteristics of the neighborhood. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses.

Section 3.02 Uses Allowed As Principal Uses

1. No principal use shall be established or maintained in a residential zone except in conformance with Table 3.02-1.
2. Unless otherwise allowed by these Regulations, only one principal building is allowed on a lot used for residential purposes.

Table 3.02-1 – Principal Uses In A Residential Zone

A. Residential Uses	Village Residential	Neighborhood Residential	Rural Residential
1. One-family dwellings.	Zoning Permit	Zoning Permit	Zoning Permit
2. Two-family dwellings in accordance with the provisions of Section 3.05.E.	Special Permit	Special Permit	Special Permit
3. Conversion of a house to a multiple-dwelling unit in accordance with the provisions of Section 3.05.F.	Special Permit	Special Permit	Special Permit
4. Rear lots in accordance with the provisions of Section 3.05.H.	Special Permit	Special Permit	Special Permit
5. Open space residential development in accordance with the provisions of Section 3.05.G.	X	X	Zone Change (see Section 5.03)
6. Establishment of a Cluster Development Zone in accordance with the provisions of Section 5.02.	Zone Change (see Section 5.02)	Zone Change (see Section 5.02)	Zone Change (see Section 5.02)

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the ZEO or the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

B. Open Space Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Open space, nature preserves and wildlife sanctuaries.	Allowed	Allowed	Allowed

C. Agricultural Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Farms, as a principal use, provided the keeping of animals is conducted in accordance with the provisions of Section 3.05.I.	X	X	Allowed
2. Timber lots, tree farms and truck gardens as a principal use.	Allowed	Allowed	Allowed
3. Nurseries as a principal use.	Special Permit	Special Permit	Special Permit
4. Greenhouses as a principal use.	Special Permit	Special Permit	Special Permit
5. Farmers market.	Special Permit	Special Permit	Special Permit

D. Recreational / Club Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Recreation facilities in accordance with the provisions of Section 3.05.L.	Special Permit	Special Permit	Special Permit
2. Recreational camps in accordance with the provisions of Section 3.05.M.	X	X	Special Permit
3. Storage or use of a recreational vehicle as a principal use in accordance with the provisions of Section 3.05.N.	Zoning Permit	Zoning Permit	Zoning Permit
4. Membership clubs or community halls, social, fraternal clubs and lodges in accordance with the provisions of Section 3.05.Q.	Special Permit	Special Permit	Special Permit
5. On an otherwise undeveloped lot, a single structure to be used as a shed or garage, not to exceed 800 square feet of total floor area, provided that no additional structures shall be allowed until a conforming principal use has been established.	X	X	Zoning Permit

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

E. Lodging Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Country inns of nine (9) or more guest rooms in accordance with the provisions of Section 3.05.P.	Special Permit	Special Permit	Special Permit

F. Institutional Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Buildings, uses and facilities of the Town of Norfolk.	Special Permit	Special Permit	Special Permit
2. Elementary and secondary schools, trade and vocational schools, colleges and universities, including dormitories, athletic fields and offices.	Special Permit	Special Permit	Special Permit
3. Religious institutions, places of worship and accessory facilities including residential units for religious personnel.	Special Permit	Special Permit	Special Permit
4. Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities).	Special Permit	Special Permit	Special Permit
5. Care facilities such as skilled nursing facilities, assisted living facilities, chronic and convalescent homes or continuing care retirement communities as defined in the Connecticut General Statutes in accordance with the provisions of Section 3.05.R.	Special Permit	Special Permit	Special Permit

G. Other Uses	Village Residential	Neighborhood Residential	Rural Residential
1. Cemeteries of the Town or a local church or cemetery association.	Special Permit	Special Permit	Special Permit
2. Public utility company facilities.	Special Permit	Special Permit	Special Permit
3. Commercial wood processing facility as a principal use in accordance with Section 3.05.S.	X	Special Permit	Special Permit
4. Commercial kennels or veterinary medical facilities as a principal use in accordance with Section 3.05.J.	X	X	Special Permit
5. Veterinary clinic as a principal use in accordance with Section 3.05.K.	Special Permit	Special Permit	Special Permit
6. Antiques shop as a principal use.	Special Permit	Special Permit	X
7. Child-care center (principal use) licensed by the Office of Early Childhood.	Special Permit	Special Permit	Special Permit
8. Medical offices as a principal use.	Special Permit	Special Permit	X
9. Scientific research facilities as a principal use.	X	X	Special Permit

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

Section 3.03 Uses Allowed As Accessory Uses

As Amended – Effective 10-07-22

No accessory use shall be established or maintained in a residential zone except in accordance with an allowed principal use and in conformance with Table 3.03-1 or as otherwise allowed by these Regulations.

Table 3.03-1 – Accessory Uses In A Residential Zone

A. Agricultural Activities	Village Residential	Neighborhood Residential	Rural Residential
1. Farms, as an accessory use, provided the keeping of animals is conducted in accordance with the provisions of Section 3.05.I.	Allowed	Allowed	Allowed
2. Timber lots, tree farms, nurseries, and truck gardens as an accessory use.	Allowed	Allowed	Allowed
3. Temporary and seasonal greenhouses up to 200 SF in area and not built on a permanent foundation.	Allowed	Allowed	Allowed
4. Greenhouses of any size when built on a permanent foundation or when larger than 200 SF, not on a permanent foundation, and incidental and subordinate to a residence.	Zoning Permit	Zoning Permit	Zoning Permit
5. Roadside stand of 32 square feet or less (not built on a permanent foundation).	Allowed	Allowed	Allowed
6. Farm stand of more than 32 square feet but not more than 64 square feet.	Zoning Permit	Zoning Permit	Zoning Permit
7. Farm stand larger than 64 square feet.	Special Permit	Special Permit	Special Permit
8. Farmers market.	Special Permit	Special Permit	Special Permit

B. Residential Activities	Village Residential	Neighborhood Residential	Rural Residential
1. Keeping of domestic animals as pets.	Allowed	Allowed	Allowed
2. Attached and/or detached garage for up to four (4) vehicles in total provided that a detached garage is smaller than the principal building.	Zoning Permit	Zoning Permit	Zoning Permit
3. Attached and/or detached garage for five (5) or more vehicles in total or where the detached garage is larger than the principal building.	Special Permit	Special Permit	Special Permit
4. Accessory dwelling unit in accordance with the provisions of Section 3.05.D.	Special Permit	Special Permit	Special Permit
5. Storage of a recreational vehicle in accordance with the provisions of Section 3.05.N.	Allowed	Allowed	Allowed
6. Rental or occupancy of a dwelling unit by one (1) family other than that of the owner.	Allowed	Allowed	Allowed

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

C. Lodging Activities	Village Residential	Neighborhood Residential	Rural Residential
1. Country inns of eight (8) or fewer guest rooms in accordance with the provisions of Section 3.05.P.	Special Permit	Special Permit	Special Permit
2. Bed-and-breakfast establishments in accordance with the provisions of Section 3.05.O.	Special Permit	Special Permit	Special Permit
3. In an owner-occupied dwelling, the letting of up to two bedrooms which may include the furnishing of breakfast.	Allowed	Allowed	Allowed
4. In an owner-occupied dwelling, the letting of up to four bedrooms to students affiliated with an accredited educational institution, for up to three consecutive months in a calendar year.	Allowed	Allowed	Allowed

D. Business Activities	Village Residential	Neighborhood Residential	Rural Residential
1. Family child care home licensed by the Office of Early Childhood when accessory to a residence (not subject to Section 3.05.C).	Zoning Permit	Zoning Permit	Zoning Permit
2. Group child care home licensed by the Office of Early Childhood when accessory to a residence (not subject to Section 3.05.C).	Zoning Permit	Zoning Permit	Zoning Permit
3. Home office in accordance with the provisions of Section 3.05.A.	Allowed	Allowed	Allowed
4. Professional home activity in accordance with the provisions of Section 3.05.B.	Zoning Permit	Zoning Permit	Zoning Permit
5. Home enterprise in accordance with the provisions of Section 3.05.C.	Special Permit	Special Permit	Special Permit
6. Letting of accessory buildings for storage space only in accordance with the provisions of Section 3.05.O.	Special Permit	Special Permit	Special Permit
7. Commercial wood processing facility as an accessory use of property in accordance with Section 3.05.S.	X	Special Permit	Special Permit
8. Commercial kennels or veterinary medical facilities as an accessory use of property in accordance with Section 3.05.J.	X	X	Special Permit
9. Veterinary clinic as an accessory use of property in accordance with Section 3.05.K.	Special Permit	Special Permit	Special Permit
10. Antique shops as an accessory use of property.	Special Permit	Special Permit	Special Permit
11. Child care center licensed by the Office of Early Childhood as an accessory use of property (such as accessory to a religious institution).	Special Permit	Special Permit	Special Permit
12. Medical offices as an accessory use of property.	Special Permit	Special Permit	Special Permit
13. Cottage Food Operation licensed by the Commissioner of Consumer Protection as per CGS Section 21a-62a	Allowed	Allowed	Allowed

E. Energy Facilities	Village Residential	Neighborhood Residential	Rural Residential
1. Solar collector	See Section 6.10	See Section 6.10	See Section 6.10
2. << reserved for future use >>			
3. << reserved for future use >>			
4. Small wind energy system in accordance with the provisions of Section 3.05.T.	Special Permit	Special Permit	Special Permit

F. Other Activities	Village Residential	Neighborhood Residential	Rural Residential
1. Accessory uses customary with, and subordinate to, an allowed principal use and located on the same lot with the allowed principal use.	Allowed	Allowed	Allowed
2. Accessory uses or structures not customary with or not subordinate to an allowed principal use.	Special Permit	Special Permit	Special Permit
3. Buildings or structures accessory to an allowed principal use on the same lot provided that such building or structure is smaller than the principal building.	Zoning Permit	Zoning Permit	Zoning Permit
4. Buildings or structures accessory to an allowed principal use on the same lot if such building or structure is larger than the principal building.	Special Permit	Special Permit	Special Permit
5. Fence up to six (6) feet in height.	Allowed	Allowed	Allowed
6. Fence six (6) feet in height or more.	Zoning Permit	Zoning Permit	Zoning Permit
7. Temporary storage structure in accordance with the provisions of Section 3.05.U.	Allowed	Allowed	Allowed
8. Construction trailers.	Special Permit	Special Permit	Special Permit
9. Scientific research facilities.	X	X	Special Permit

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

Section 3.04 Dimensional Standards

As Amended – Effective 10-07-22

		Village Residential	Neighborhood Residential	Rural Residential
A. Lot Area	Minimum lot area	0.5 acres	1.0 acre	2.0 acres
B. Frontage	Minimum street frontage	100 feet	120 feet	200 feet
C. Setback	Minimum setback from front property line	25 feet	25 feet	30 feet
	Minimum setback from all other property lines	15 feet	15 feet	30 feet
D. Coverage	Maximum ground coverage (buildings and structures on lot)	20 %	20 %	10 %
E. Building Height	Maximum building height (stories)	3 stories	3 stories	3 stories
	Maximum building height (feet)	45 feet	45 feet	45 feet

See Section 3.05.H for special requirements for rear lots.

See Section 3.05.G for possible exceptions for open space developments.

See Section 7.04 for possible exceptions related to state or federal laws or regulations

Section 3.05 Supplemental Regulations

A. Home Office

No permit required <i>See also Professional Home Activity and Home Enterprise</i>	Non-resident employees <u>not</u> allowed Clients <u>not</u> allowed on premises Retail sales <u>not</u> allowed
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The use of a residence by the resident for a home office shall be allowed under the following conditions:

1. The home office use shall clearly be incidental to the use of the premises as a residence.
2. No business shall be conducted on the premises except by telephone, mail, or the internet.
3. Only the residents of the premises shall work in the home office.
4. There shall be no outdoor display or storage of materials, goods, supplies or equipment nor any other exterior visible evidence of the home office use.
5. There shall be no additional parking spaces, traffic, noise or electrical interference associated with the home office which exceeds that which is typical for a residential use without a home office use.
6. There shall be no hazardous material stored, used or displayed in association with a home office use other than that related to on-site heating or hazardous materials which are part of and normally associated with a residential use.

B. Professional Home Activity

Zoning Permit required <i>See also Home Office and Home Enterprise</i>	Non-resident employees allowed Clients allowed on premises (except medical or dental) Retail sales <u>not</u> allowed
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The use of a residence by the resident for a professional home activity may be allowed with the granting of a Zoning Permit and under the following conditions:

1. The professional office use shall clearly be incidental to the use of the premises as a residence.
2. A resident shall be the primary professional in a professional home activity use.
3. The types of activities allowed under this section include, but are not limited to:
 - a. professional offices such as accountants, attorneys, consultants, stockbrokers and similar non-medical professionals,
 - b. design studios such as architects, engineers, interior designers, surveyors and similar design professionals,
 - c. art studios such as artists, artisans, craftspeople, authors, composers, and similar artistic professionals,
 - d. hairdressers, massage therapists and similar service providers,
 - e. clergy, psychologists, therapists and similar counseling professionals
 - f. real estate brokers, salesmen, sales or manufacturer's representatives and similar sales occupations,
 - g. educational or musical instruction for up to six students per day for up to three days per week provided that no instrument is amplified.
4. Employees
 - a. Residents of the dwelling may be employed, in the professional home activity.
 - b. Up to two (2) non-resident employees shall be allowed in the professional home activity.
5. The professional office use shall not occupy more than one-third (1/3) of the gross floor area of the dwelling where the calculation of gross floor area shall not include areas in an attic or cellar which are not designed or arranged for human occupancy.
6. There shall be no sales of merchandise associated with the professional office use.
7. There shall be no outdoor display or storage of materials, goods, supplies or equipment nor any other exterior visible evidence of the professional office use other than one sign not exceeding two square feet as allowed for a residential use under Section 6.01 of these Regulations..
8. Parking shall be provided in accordance with Section 6.02 of these Regulations. Any additional parking created for the professional home activity shall be located to the side or rear of the dwelling and shall be screened from view from the street.
9. There shall be no noise or electrical interference associated with the professional office which exceeds that which is typical for a residential use without a professional office use.
10. There shall be no hazardous material stored, used or displayed in association with a professional office use other than that related to on-site heating or hazardous materials which are part of and normally associated with a residential use.

C. Home Enterprise

As Amended – Effective 10-07-22

<p>Special Permit Required</p> <p><i>See also Home Office and Professional Home Activity</i></p>	<p>Non-resident employees allowed</p> <p>Clients allowed on premises (including medical and dental)</p> <p>Retail sales <u>may</u> be allowed</p>
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The use of a residence or an accessory building by the resident for a home enterprise may be permitted upon the granting of a Special Permit by the Commission under the following conditions:

1. Each application shall be based on its own merits and the particular factors of the proposed home enterprise in the context of the zone and neighborhood.
2. Failure to comply with the requirements of this Section or the conditions of the Special Permit shall be grounds for revocation.
3. Employees.
 - a. Residents of the dwelling may be employed in the home enterprise.
 - b. Up to four (4) non-resident employees may be allowed to work on the premises in the home enterprise.
 - c. In the case of contractors or tradesmen conducting their trade or services off-premises, the Commission may allow more than four (4) outside employees if:
 - i. the applicant can demonstrate adequate off-street parking will be provided for all vehicles, and
 - ii. adequate information has been submitted by the applicant for the Commission to find that the proposed home enterprise will be compatible with the location.
 - d. Notwithstanding the above, the Commission may limit the number of outside employees to fewer than four (4) where it finds that such limitation is necessary to satisfy the purpose and standards of these Regulations or the general standards for Special Permits.
4. Health Care Professionals - Outpatient health service professionals, including but not limited to chiropractors, dentists, physicians and other human health care professionals, may be allowed by the Commission as a home enterprise.
5. Retail sales.
 - a. Retail sales associated with a home enterprise may be allowed only where:
 - i. the application has specified the types of products to be offered for sale,
 - ii. the Commission has approved the types of products to be offered for sale,
 - iii. such sales are related and accessory to the primary product or service (such as the sale of furniture polish associated with a woodworking home enterprise), and
 - iv. such sales are clearly incidental to the primary home enterprise.
 - b. No home enterprise shall be primarily devoted to retail sales on the premises.
 - c. No goods offered for sale shall be visible outside of buildings unless specifically authorized by the Commission.
 - d. Where requested by the Commission, samples of products proposed for retail sale shall be provided as part of the application.
6. If to be located within an accessory building or a portion thereof, the Commission shall determine that the type and intensity of the proposed use (client activity, traffic activity, etc.) in the proposed location and building will not alter the residential characteristics of the neighborhood based upon the following:
 - a. the size of the lot and its relationship to neighboring lots;
 - b. the size and appearance of the accessory building in relationship to the buildings on the lot and in the neighborhood;
 - c. the location of the accessory building on the lot in relationship to property boundaries, existing or projected location of buildings on adjacent lots; and
 - d. existing or proposed topographic and vegetative buffering or screening between the accessory building, neighboring properties and public streets.

7. If to be located within a residential dwelling, the home enterprise shall not occupy more than one-third (1/3) of the gross floor area of the dwelling where the calculation of gross floor area shall not include areas in an attic or cellar which are not designed or arranged for human occupancy.
8. The Commission may limit the total floor area of the home enterprise use in an accessory building, but in no case shall the total floor area in an accessory building(s) be greater than 2,400 square feet.
9. Parking shall be provided in accordance with Section 6.02 of these Regulations. The application shall demonstrate that adequate off-street parking shall be provided for both the residence and the home enterprise.
 - a. No parking associated with the home enterprise shall be allowed on a public street.
 - b. The Commission may limit the number of off-street parking spaces designated for the home enterprise and may designate parking location and screening requirements as a condition of the Special Permit.
 - c. Where retail sales are proposed in association with a home enterprise, the Commission may require that a specific off-street parking area be designated and maintained for customer use.
10. Sign. Any sign shall be in accordance with Section 6.01 of these Regulations.
11. Standards for appearance/impact assessment.
 - a. The home enterprise shall maintain the appearance and integrity of residential neighborhoods.
 - b. The home enterprise located either in the dwelling or in an accessory building shall show neither the outward appearance nor the characteristics of a business.
 - c. The appearance of structures on the lot shall not be altered in a manner that would cause the lot to differ from its residential characteristics by use of materials, construction, lighting or signs.
 - d. The activities on the lot shall not be conducted in a manner that would cause the lot to differ from its residential characteristics by the emission of sounds, vibrations or odors; or by electrical interference with radio or television reception in the area; or fluctuations in line voltage off premises.
12. Required application materials.
 - a. Site plan. The applicant shall submit a Site Plan showing the proposed use except that:
 - i. when the proposed application involves no exterior changes or site improvements, the ZEO may authorize the submission of a plot plan drawn to scale showing the location of the buildings and parking areas, screening and other relevant information, or
 - ii. when exterior changes or improvements are proposed, the Commission may waive portions of the Site Plan requirements where it determines such information is not applicable or necessary to render its decision on the proposed use.
 - b. Floor plan. The applicant shall submit a floor plan drawn to scale showing:
 - i. the total square footage to be devoted to the home enterprise in the home and any accessory building, and
 - ii. the different activity areas, i.e., office area, customer area, work area, storage areas.
 - c. Business use and activity plan. The applicant shall submit a business use and activity plan consisting of a written statement generally describing:
 - i. the type and nature of the proposed home enterprise use,
 - ii. the product, equipment and processes involved,
 - iii. projected typical volume and type of vehicular activity,
 - iv. employee and customer/client activity, and
 - v. such other information as the Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these Regulations.
13. Additional reports.
 - a. Where on-site well and/or septic systems exist or are proposed, the Torrington Area Health District (TAHD) shall certify that the systems are adequate for the proposed use.
 - b. Where applicable, the Fire Marshal shall provide written review of the proposed plans.

D. Accessory Dwelling Unit

As Amended – Effective 10-07-22

See also Two-Family Dwellings and Conversion To Multiple-Unit Building

The establishment of an accessory dwelling unit may be allowed subject to the following requirements:

1. The intent of this Section of the Regulations is to provide additional housing opportunities in Norfolk.
2. For an accessory dwelling unit which is accessory to a principal dwelling in any zone:
 - a. No more than one accessory dwelling unit shall be allowed on that residential parcel and:
 - An accessory dwelling unit which is within the single-family home or attached to the single-family home may be authorized by Zoning Permit from the ZEO, and
 - An accessory dwelling unit which is detached from the single-family home shall only be authorized by Special Permit from the Commission.
 - b. The owner of the property shall be required to reside on the property (whether in the principal dwelling or in the accessory dwelling unit) throughout the duration of time the accessory dwelling unit is in use.
 - c. So that the accessory dwelling unit shall be incidental and subordinate to the principal dwelling in terms of size and appearance, the living space of the accessory dwelling unit shall not exceed the lesser of:
 - 1,200 square feet
 - 40% of the living space of the principal dwelling.
 - d. The accessory dwelling unit shall have its own outside access convenient to the vehicular access of the lot.
 - e. Parking shall be provided in accordance with Section 6.02 of these Regulations for the principal dwelling and accessory dwelling unit .
 - f. Fire escapes and outside stairways shall be located on the rear of the building where practicable and shall not be located on any building wall facing a street.
 - g. Each unit shall have an adequate water supply and sewage disposal arrangement. An existing septic system and/or well system on the lot may be utilized if approved by the Torrington Area Health District (TAHD). If, however, either system is found by the TAHD to be inadequate, such system shall be replaced by a modified or completely new system in compliance with the Public Health Code.
3. In a commercial or retail building, residential uses are allowed in accordance with Table 4.03-1.D.1.

E. Two-Family Dwellings

As Amended – Effective 10-07-22

See also Accessory Dwelling Units and Conversion To Multiple-Unit Building

A two-family dwelling may be permitted in certain residential zones upon the granting of a Special Permit by the Commission subject to the following requirements:

1. Each dwelling unit shall have a minimum floor area of 800 square feet.
2. Each dwelling unit shall have a separate independent entry and exit.
3. The location and layout of the two-family dwelling and associated parking and other facilities shall not detract from the characteristics of surrounding single-family residences.
4. The two-family dwelling shall be constructed in a manner that maintains the characteristics and scale of the adjoining residences and blends into the existing neighborhood.
5. Parking shall be provided in accordance with Section 6.02 of these Regulations.

F. Conversion To Multiple-Unit Building

See also Two-Family Dwellings and Accessory Dwelling Units

Conversion of a house to a multiple-unit building may be permitted upon the granting of a Special Permit by the Commission subject to the following requirements:

1. The house shall have existed as of August 2, 1973.
2. The maximum number of dwelling units shall be six.
3. The building may not be enlarged or expanded for multiple-dwelling use purposes except that fire escape stairways or other building code safety requirements shall not be considered enlargements or expansions.
4. Each dwelling unit shall contain a minimum floor area of 500 square feet.
5. The premises shall be served by public water and sewer or have a water supply and on-site septic system approved by the Torrington Area Health District.
6. Parking shall be provided in accordance with Section 6.02 of these Regulations.
7. In a Rural Residence Zone (RR), the minimum lot area shall be one acre for each dwelling unit.

G. Open Space Residential Development

As Amended – Effective 10-07-22

1. The Commission may, through approval of a Design District in accordance with Section 5.03, allow variety and flexibility in single-family detached residential development in an Open Space Residential Development (OSRD) in order to help conserve natural resources, open spaces and scenic resources.
2. A preliminary discussion with the Commission regarding the layout of the OSRD development is required prior to application submittal.
3. In reviewing an OSRD, the Commission shall consider whether the development flexibility afforded by this Section of the Regulations will result in a better development of the property than what may occur without approval of a Design District.
4. At least forty percent (40%) of the land area of the parcel shall be permanently preserved as open space.
5. As part of the approval of a Design District for the OSRD, the Commission shall have the ability to modify any of the dimensional standards (Section 3.04) for any lot in the OSRD in proportion to the amount of open space to be permanently preserved on the parcel:
 - a. A minimum standard may be reduced by up to the same percentage as the percent of the parcel to be permanently preserved as open space.
 - b. A maximum limitation may be increased by up to the same percentage as the percent of the parcel to be permanently preserved as open space.
6. Land provided to meet the open space set-aside requirement for the OSRD development shall, in the opinion of the Commission, preserve important agricultural lands and/or environmentally sensitive areas such as ridgelines, hillsides, river corridors, wildlife sanctuaries or other features.
7. Any land to be preserved as open space or for other public purposes:
 - a. shall be preserved in perpetuity for open space or other public purposes.
 - b. shall be contiguous to other open space whenever possible,
 - c. shall be of sufficient size to make a meaningful contribution to the open space network,
 - d. shall be dedicated to the Town, the State, a land trust, or other recognized non-profit conservation organization, at the option of the Commission, with adequate controls to assure its maintenance and preservation, and
 - e. may, at the option of the Commission, be located to establish a substantial open space buffer along the undeveloped portions of existing roads.
8. The Commission reserves the right to make the final decision on the suitability of open space land and the means of preservation.
9. As part of granting approval of a Design District for the OSRD, the Commission shall make findings on the record that:
 - a. there will be a significant community benefit resulting from the land being preserved in perpetuity for open space or other public purposes, such as:
 - i. protection of important natural or scenic resources,
 - ii. preservation of a sizable area of open space,
 - iii. preservation of agricultural land,
 - iv. preservation of areas along Town or State roads that will protect rural appearance or characteristics,
 - v. establishment of an open space corridor or greenway or interconnection of existing open spaces, and/or
 - vi. provision for public access,
 - b. that there will be an appropriate visual buffer or separation to adjacent existing residential development, and
 - c. that the open space will not result in small or fragmented open space parcels that do not provide community benefits.

H. Rear Lots

A rear lot for a single-family residential dwelling may be permitted in a residential zone upon the granting of a Special Permit by the Commission subject to the following requirements:

1. The lot shall not be required to comply with the street frontage requirement but shall be at least twice the size of the minimum lot area required for the zone.
2. The rear lot must be served by:
 - a. a permanent right-of-way established by deed and recorded in the Town land records or as shown on a subdivision map approved by the Commission, or
 - b. a strip of land owned in fee by the owner of the rear lot.
3. The minimum width of the right-of-way or strip owned in fee serving a rear lot shall be no less than 30 feet in width at all points and in no case shall the area of the right-of-way or strip owned in fee be included in the calculation of the required minimum lot area for the rear lot.
4. The property line on a rear lot which intersects the right-of-way or strip in fee and is most parallel to the Town street serving the rear lot shall be of a dimension equal to the street frontage requirement for the zone.
5. No more than two rear lots shall be served by a right-of-way or strip owned in fee.
6. No more than 25 percent of the lots in a subdivision shall be rear lots except that no subdivision of seven lots or fewer shall have more than one rear lot.
7. The location of the driveway serving a rear lot shall be shown on the Site Plan or subdivision plan.
8. For driveways in excess of 200 feet in length, the Commission may require:
 - a. a parking area at the intersection with the street, and
 - b. pull-off areas to allow two vehicles to pass on the driveway.
9. For driveways with a grade in excess of ten percent (10%), a driveway drainage plan prepared by a professional engineer licensed to practice in Connecticut shall be provided.

I. Farm Animals

As Amended – Effective 05-30-21

1. Keeping of farm animals is allowed (no Zoning Permit required) subject to the provisions of this Section.
2. Generally acceptable agricultural practices as determined by the Commissioner of Agriculture shall be followed.
3. Any new building for housing farm animals shall be located at least 50 feet from any property line.
4. No manure shall be concentrated in such a way as to be considered obnoxious or offensive, or to impair the reasonable use or enjoyment of adjacent property, or to constitute a hazard to public health or safety.
5. A commercial piggery and/or the raising of animals for the purpose of harvesting of their pelts is not allowed on any parcel, regardless of parcel size(s).
6. The keeping of farm animals on a parcel of land less than 10 acres in area, or contiguous parcels of land under the same ownership totaling less than 10 acres in area, shall only be allowed subject to the limitations established in Table 3.05.I-1 (the sum of the areas required for farm animals shall not exceed the area of the parcel and land area shall not be double-counted for more than one animal) unless a Special Permit allowing a greater number of farm animals is granted by the Commission.

Table 3.05.I-1 – Area Required For Farm Animals

Animal Type	Area Required For First Such Animal	Area Required For Each Additional Such Animal
1) Roosters / Male Peacocks	2.0 acres	2.0 acres
2) Horses, Cows, Llamas Or Similar Large Animals	2.0 acres	1.0 acre
3) Sheep, Goats, Pigs, Or Similar Small Animals	1.0 acre	0.5 acres
4) Female Peacock, Pheasant, Turkey, Duck, Or Other Fowl	0.5 acres	0.25 acres
5) Poultry	N/A - 10 birds allowed for property one acre or less in area	If more than one acre = 10 birds plus one additional bird allowed per 0.1 acres above one acre

SAMPLE CALCULATION

Michele owns 6.97 acres of land. Michele wants to know if she can keep two horses, four sheep, and a dozen hens. The calculation is:

ROOSTERS / MALE PEACOCKS (zero roosters / peacocks @ 2.0 acres each) =	0.0 acres
HORSES (2.0 acres for the first horse plus 1.0 acre for the second horse) =	3.0 acres
SHEEP (1.0 acre for the first sheep plus 1.5 acres for the additional 3 sheep) =	2.5 acres
OTHER FOWL (zero such fowl) =	0.0 acres
<u>HENS (12 hens minus 10 hens allowed by right at 0.10 acre each) =</u>	<u>0.2 acres</u>
TOTAL	5.7 acres

Since Michele owns more land (6.97 acres) this is needed for the animals she wants (5.7 acres), Michele can keep the animals she wishes (and add more if she wishes).

J. Kennels And Veterinary Medical Facilities

Use of property for a kennel or a veterinary medical facility may be permitted upon the granting of a Special Permit by the Commission subject to the following requirements:

1. Minimum lot area shall be five acres.
2. Minimum setback for a kennel, dog run, or other facility for enclosure for keeping of animals shall be 150 feet from any property line or street line.

K. Veterinary Clinic

Use of property for a veterinary clinic may be permitted upon the granting of a Special Permit by the Commission subject to the following requirements:

1. Boarding shall be limited to only those small animals which are required to be kept overnight as a result of a surgical procedure or for treatment of a medical condition.
2. Any animals kept overnight shall be kept indoors.
3. In granting a Special Permit for a veterinary clinic, the Commission may establish conditions as it feels necessary to ensure compliance with Subsection 8.04.D.9 of these Regulations.

L. Recreational Facilities

A recreational facility, whether for use as a membership club or commercially, may be permitted in a residential zone upon the granting of a Special Permit by the Commission subject to the following requirements:

1. Minimum lot area shall be:
 - a. five acres for any tennis, swimming, fishing, horseback riding or stables facility or any indoor facility, and
 - b. 20 acres for all other facilities.
2. Unless otherwise authorized by the Commission for safety or security purposes, no outside lighting shall be allowed between 10:00 PM and sunrise.
3. Minimum setback for any building used for keeping horses or other animals shall be 150 feet from any property or street line.

M. Recreation Camps

A recreation camp, such as a day camp or an overnight camp or similar use, may be permitted in a residential zone upon the granting of a Special Permit by the Commission subject to the following requirements:

1. Minimum lot area shall be 20 acres.
2. Minimum lot area per person accommodated: 10,000 square feet.
3. Minimum setback of all camp facilities, including athletic fields, from any property line or street line: 200 feet.

N. Recreational Vehicles

1. No residential property shall be used to store more than one (1) house trailer, camper or similar recreational vehicle as a principal use or as an accessory use.
2. The use of a house trailer, camper or other recreational vehicle for temporary lodging purposes shall be allowed as an accessory use of residential property subject to the following requirements:
 - a. Such vehicle shall be owned by a resident of the property or a visiting guest.
 - b. Such vehicle shall not be occupied for more than ten (10) days in any one-month period.
3. The storage or use of a house trailer, camper or other recreational vehicle for lodging or other purposes on a seasonal basis shall be permitted as a principal use of residential property subject to the following requirements:
 - a. A permit from the ZEO shall be obtained before any such occupancy shall be permitted.
 - b. Such vehicles shall not be occupied for more than ten (10) days in any one-month period.
 - c. Such vehicle shall not be parked or stored on the property for more than seven (7) months in any calendar year.
4. No such house trailer, camper or similar recreational vehicle shall be parked or stored within 50 feet of a public highway or a property line.

O. Bed-And-Breakfast Establishments

See also Country Inn

A bed-and-breakfast establishment may be permitted upon the granting of a Special Permit by the Commission subject to the following requirements:

1. The business shall be conducted by the resident owner of the dwelling.
2. No more than eight guest bedrooms shall be permitted.
3. No meals shall be served to non-guests.
4. The lot must meet the minimum lot size requirement and be of sufficient size and shape to accommodate required off-street parking.
5. Parking shall be provided in accordance with Section 6.02 of these Regulations.
6. Any sign shall be in accordance with Section 6.01 of these Regulations.
7. Where on-site water and sewage disposal systems are proposed, the Torrington Area Health District shall determine that the systems are adequate to serve the proposed use.
8. The proposed Site Plan shall be reviewed for compliance with applicable codes by the following officials:
 - a. Building Official,
 - b. Fire Marshal.
9. Additions to a bed-and-breakfast establishment for the purpose of providing additional guest rooms or facilities are allowed where the addition is in keeping with the size and scale of the dwelling, maintains the residential appearance of the structure, and blends with the existing neighborhood.

P. Country Inn

As Amended – Effective 10-07-22

See also Bed and Breakfast (if to be owner-occupied)

A country inn providing transient lodging and related facilities compatible in size, scale and appearance with the rural residential characteristics of Norfolk may be permitted in a residential zone upon the granting of a Special Permit by the Commission subject to the following requirements:

1. When approved by the Commission as part of the Special Permit, the country inn use may include:
 - a. a restaurant,
 - b. conference facilities,
 - c. recreational facilities, and
 - d. similar uses contributing to the comfort, convenience or necessity of the guests of the country inn.
2. When approved by the Commission as part of the Special Permit, such related uses may also be available on a limited basis to the general public provided that:
 - a. the application clearly defines and limits the size and scale of general public use, and
 - b. the Commission determines that the additional facilities and activity associated with the public use portion of the country inn meets all the other requirements of these Regulations.
3. Lot area.
 - a. In the Village Residential (VR) zone and the Neighborhood Residential (NR) zone, the minimum lot area shall be two acres.
 - b. In the Rural Residential (RR) Zone, the minimum lot area shall be four acres.
4. The lot shall be of a shape sufficient to accommodate the use, proposed buildings and required off-street parking.
5. Street frontage - The minimum street frontage shall be:
 - a. 120 feet in the Village Residential (VR) zone and the Neighborhood Residential (NR) zone.
 - b. 200 feet in the Rural Residential (RR) Zone.
6. Access - In terms of access, the Commission:
 - a. shall determine that the projected traffic from the proposed inn can be safely accommodated on the access route, and
 - b. may require the applicant to submit a traffic and access analysis, prepared by a licensed traffic engineer, and such analysis shall address:
 - i. the safety and adequacy of the access route to the inn on the road system,
 - ii. the safe traffic-carrying capacity of the access route and suitability for delivery trucks and other vehicles projected to serve the proposed inn, and
 - iii. the road grade, pavement width and cleared right-of-way width, sight lines, bridges and any other conditions affecting safe vehicular access to the site.
7. Building location
 - a. No building or other major structure other than an accessory building for storage purposes may be located within 50 feet of side or rear property lines.
 - b. These minimum requirements may be increased by the Commission where it determines a greater setback is needed in consideration of the proximity of surrounding residences and the adequacy of the landscape or visual screen between the proposed use and surrounding uses.

8. Standards for appearance and impact assessment.
 - a. The appearance of the inn and other buildings and structures on the lot shall be compatible with the residential characteristics of the neighborhood and of Norfolk.
 - b. Where a building, building addition or changes to the site are proposed and such are visible from the road or a neighboring property, the Commission may require the applicant to submit an architectural and/or landscape rendering showing how the completed project meets this standard.
9. Off-street parking.
 - a. Parking and loading shall be provided in accordance with Section 6.02 of these Regulations.
 - b. When a proposed country inn includes a restaurant or other activities open to the public or in other cases where it is deemed necessary, the Commission may require the applicant provide a parking analysis prepared by a traffic engineer.
 - c. All parking shall be screened from view from the surrounding residences.
 - d. Parking shall be located to the rear or side of the inn, wherever possible.
 - e. Unless modified by the Commission, no parking space for the country inn shall be located within 50 feet of side or rear property lines.
 - f. No parking shall be allowed within the minimum setback area from the street.
10. Noise.
 - a. The application shall identify any proposed outdoor functions or other activity associated with the inn use.
 - b. Any such activity not so identified in the application and approved by the Commission shall be prohibited.
 - c. The Commission reserves the right to attach conditions to the Special Permit where it determines that, in consideration of the particular location and activity, such conditions are necessary to avoid excessive noise levels and disturbance to the residential neighborhood.
11. Lighting – Any exterior lighting shall be in accordance with Section 6.09 of these Regulations.
12. Signs - Any sign shall be in accordance with Section 6.01 of these Regulations.
13. Where on-site water and sewage disposal systems are proposed, the Torrington Area Health District (TAHD) shall determine that the systems are adequate to serve the proposed use.
14. The proposed site plan shall be reviewed for compliance with applicable codes by the following officials:
 - a. Building Official.
 - b. Fire Marshal.
15. Conditions.
 - a. The Commission may approve a Special Permit for a country inn subject to such conditions as it determines necessary and appropriate to the proposed use in the proposed location.
 - b. Conditions may include, but are not limited to, a limitation on the number of rooms and the type and level of related uses as set forth herein.

Q. Membership Clubs

Unless specifically authorized by the Commission, no membership club, community hall, or social, fraternal club or lodge shall operate in such a manner that non-club events shall be its principal activity as determined by the Commission based on the number of events annually, the number of persons on the premises at different times, and similar considerations.

R. Care Facilities

A skilled nursing facility, assisted living facility, chronic and convalescent home, or continuing care retirement community may be permitted upon the granting of a Special Permit by the Commission, subject to the following requirements:

1. Minimum lot area shall be five acres.
2. Minimum lot area for each patient or resident accommodated shall be 8,000 square feet.
3. Parking and loading shall be provided in accordance with Section 6.02 of these Regulations.

S. Commercial Wood Processing Facility

Specific standards and requirements for a commercial wood processing facility shall be as follows:

1. Minimum setback for any building, facility or area used for storage of wood, logs or lumber or for the milling, sawing, cutting or processing of logs or for the parking of heavy equipment, including trucks, shall be not less than 200 feet from a property line or street line.

T. Small Wind Energy System

A small wind energy system may be permitted as an accessory use upon the granting of a Special Permit by the Commission subject to the following requirements:

1. The lot shall have a minimum area of one acre (43,560 square feet) or as required by the applicable zone, whichever is greater.
2. The small wind energy system shall be set back from all lot lines and from the principal building a distance at least equal to the total height of the structure.
3. No small wind energy system shall:
 - a. exceed one-hundred (100) feet in total height, or
 - b. be located within a front yard unless it shall be located 150 feet or more from a front property line, or
 - c. be located in any required yard setback, or
 - d. be lighted unless specifically authorized by the Commission.
4. The construction and operation of a small wind energy system shall be consistent with all applicable local, State and Federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and Federal Aviation Administration (FAA) requirements.
5. As part of any application to establish a small wind energy system, the applicant shall submit:
 - a. wind system specifications, including manufacturer and model, rotor diameter, tower height and tower type.
 - b. foundation and design plans.
 - c. Information showing how the facility shall be designed to prevent unauthorized access.
 - d. A letter indicating that the small wind energy system will be removed if:
 - i. it has reached the end of its useful life,
 - ii. fails to operate for a one year period, or has been abandoned.

U. Temporary Storage Structure

When accessory to a residential use, one (1) temporary storage structure may be allowed on a residential property subject to the following requirements:

1. Such structure shall not be in use for more than one hundred twenty (120) days in any twelve-month period, and
2. Such structure shall not be larger than 1,024 cubic feet or exceed any of the following dimensions (8' x 8' x 24'), and
3. Such structure shall observe the yard setback requirements for accessory structures, and
4. Such structure shall be kept in good repair.

V. Affordable Housing

As Amended – Effective 02-01-14 / 07-01-15 / XX-XX-22

As authorized by Section 8-2i of the Connecticut General Statutes, as amended, construction of new buildings and conversion and expansion of existing residential building(s) to two family or multiple unit dwellings for affordable housing rental units may be permitted upon the granting of a Special Permit by the Commission subject to the following requirements:

1. At least one-third of the units in the development shall be established, maintained, and preserved as rental units affordable to households earning 80 percent or less of the area median income .
2. The owner or applicant shall be responsible for preparing a housing affordability plan in accordance with statutory requirements and for submitting the name of a qualified, experienced, and capable administrator responsible for monitoring, complying with, and enforcing all affordability restrictions by deed restrictions and lease provisions. Any administrator of the housing affordability plan (or change thereof) shall be approved the Commission. Written notice of any change of ownership or agent (including name(s) of responsible persons, mailing address, telephone number and email address) shall be submitted to the Commission within 30 days of such change.
3. The affordability of the units shall, unless modified by the Commission, be deed-restricted for at least 40 years and may be restricted by the Commission for a longer period.
4. Each such development shall have an adequate water supply and sewage disposal arrangement in compliance with the Public Health Code.
5. The maximum density of dwelling units shall be eight units per acre with the condition that any fractional result shall be rounded down to the next lower whole number.
6. Adequate off-street parking shall be provided in accordance with Section 6.02 of these Regulations.
7. Appropriate landscaping and/or buffering shall be provided to adjacent residential uses.

8. Unless modified by the Commission, any affordable housing development shall comply with the following dimensional standards:
 - a. The minimum setback from the street line as exhibited by existing buildings on the subject property shall be maintained.
 - b. The minimum setback from the side or rear property lines shall be 15 feet.
 - c. The maximum building coverage of the property shall not exceed 20 percent.
9. The architectural design of any building proposed shall be compatible with the New England village characteristics existing within Norfolk and, if within the Village Business Zone, shall be subject to the provisions of Section 8.09N of these Regulations.
10. Parking areas, fire escapes, outside stairways and similar features shall be located to minimize visibility from adjacent properties and public streets and, if within the Village Business Zone, shall be designed in order to maintain the overall characteristics of the village center area.
11. No more than one-half of the units shall contain more than two bedrooms.

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Article 4. Business Zones

Section 4.01 Purpose

As Amended – Effective 10-07-22

The various business zones in Norfolk are intended to provide areas for business development appropriate to overall community needs, the location of the land, and the characteristics of the neighborhood. The business districts may allow for certain non-business uses when it can be demonstrated that they shall be compatible with nearby uses.

Section 4.02 Village District Declared

The Village Business zone is hereby designated as a “village district” as authorized by CGS 8-2j, as may be amended, and any new construction or remodeling of the exterior of a building shall, in addition to other provisions of these Regulations, be reviewed in accordance with the provisions of Section 8.09.N of these Regulations and are subject to Special Permit approval.

Section 4.03 Uses Allowed As Principal Uses

No principal use shall be established or maintained in a business zone except in conformance with Table 4.03-1.

Table 4.03-1 – Principal Uses In A Business Zone

A. General Business Uses	Village Business	Retail / Business	Commercial / Industrial
1. Retail stores and/or retail sales.	Site Plan	Special Permit	Special Permit
2. Restaurants, retail bakeries, ice cream parlors and other food and beverage establishments, expressly excluding drive-through windows.	Site Plan	Special Permit	X
3. Personal service establishments such as hair salons, nail salons, tailoring, shoe repair or similar establishments.	Site Plan	Special Permit	X
4. Business service establishments such as printing, publishing or similar establishments.	Site Plan	Special Permit	Special Permit
5. Business or professional offices.	Site Plan	Site Plan	Special Permit
6. Financial institutions.	Site Plan	Special Permit	X
7. Medical or dental clinics.	Site Plan	Special Permit	X

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

B. Special Business Uses	Village Business	Retail / Business	Commercial / Industrial
1. Artists, artisans, craftsperson studios including creation and/or sales.	Special Permit	Special Permit	Special Permit
2. Indoor theaters and assembly halls, bowling alleys or other indoor commercial recreational facilities.	Special Permit	Special Permit	X
3. Self-service and/or retail laundry, cleaning.	Special Permit	X	Special Permit
4. Data processing centers.	X	X	Special Permit
5. Automotive sales, repair or service establishments, expressly excluding motor vehicle junkyards.	X	X	Special Permit
6. Truck rental (not to exceed 26,000 pounds gross vehicle weight and/or two axles) and/or trailer rental businesses (not to exceed 26,000 pounds gross vehicle weight and/or two axles).	X	X	Special Permit

C. Residential Uses	Village Business	Retail / Business	Commercial / Industrial
1. One-family dwellings.	Zoning Permit	Zoning Permit	Special Permit
2. Two-family dwellings.	Zoning Permit	Zoning Permit	Special Permit
3. Affordable housing sponsored by the Town of Norfolk or a registered non-profit organization devoted to affordable housing rental units in accordance with the provisions of Section 3.05 V.	Special Permit	X	X

D. Mixed Uses	Village Business	Retail / Business	Commercial / Industrial
1. Residential use (such as apartments) and a business use allowed by Section 4.03 of these Regulations within the same building.	Special Permit	Special Permit	Special Permit

E. Industrial-Type Uses	Village Business	Retail / Business	Commercial / Industrial
1. The manufacture, fabricating, assembling or finishing of goods.	X	X	Special Permit
2. Establishments for painting, upholstering, woodwork-ing or cabinetry.	Special Permit	Special Permit	Special Permit
3. Establishments for sheet metal, blacksmith, welding, plumbing or electrical work.	Special Permit	Special Permit	Special Permit
4. Warehousing or wholesale businesses.	X	X	Special Permit
5. Lumber yard.	X	X	Special Permit
6. Contractor's yard / storage.	X	Special Permit	Special Permit
7. Commercial storage of fuel or distribution of fuel.	X	X	Special Permit
8. Bus terminals, trucking businesses, or terminals.	X	X	Special Permit

F. Other Uses	Village Business	Retail / Business	Commercial / Industrial
1. Buildings, uses and facilities of the Town of Norfolk.	Special Permit	Special Permit	Special Permit
2. Religious institutions, places of worship and accessory facilities including residential units for religious personnel.	Special Permit	Special Permit	Special Permit
3. Membership clubs, community halls, fraternal institutions, or charitable institutions.	Special Permit	Special Permit	Special Permit
4. Funeral home or undertaker's establishments.	Special Permit	Special Permit	Special Permit
5. Kennel or veterinary medical facility in accordance with the provisions of Section 3.05.J.	X	X	Special Permit
6. Veterinary clinic in accordance with the provisions of Section 3.05.K.	X	Special Permit	Special Permit
7. Child care center licensed by the Office of Early Childhood.	Special Permit	Special Permit	Special Permit
8. Schools and educational institutions.	Special Permit	Special Permit	Special Permit
9. Country inns in accordance with the provisions of Section 3.05.P.	Special Permit	Special Permit	Special Permit
10. Public utility company facilities.	Special Permit	Special Permit	Special Permit
11. Rear lots in accordance with the provisions of Section 3.05.H.	Special Permit	Special Permit	Special Permit
12. Farmers market.	Special Permit	Special Permit	Special Permit
13. A drive through window.	Special Permit	Special Permit	Special Permit
14. Scientific research facilities.	X	X	Special Permit

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

Section 4.04 Uses Allowed As Accessory Uses

As Amended – Effective 10-07-22

No accessory use shall be established or maintained in a business zone except in conformance with Table 4.04-1.

Table 4.04-1 – Accessory Uses In A Business Zone

A. Residential Activities	Village Business	Retail / Business	Commercial / Industrial
1. The letting of rooms or furnishing of board by the resident owner for up to two people.	Allowed	Allowed	Allowed
2. The letting of rooms or furnishing of board by the resident owner for more than two people.	Special Permit	Special Permit	Special Permit
3. The temporary letting of rooms and/or furnishing of board by the resident owner for up to four persons for up to three months in a calendar year.	Allowed	Allowed	Allowed
4. The temporary letting of rooms and/or furnishing of board by the resident owner for more than four persons for up to three months in a calendar year.	Special Permit	Special Permit	Special Permit
5. Bed-and-breakfast establishments in a dwelling by the resident owner in accordance with the provisions of Section 3.05.O.	Special Permit	Special Permit	Special Permit
6. Accessory dwelling unit in a dwelling by the resident owner in accordance with the provisions of Section 3.05.D.	Special Permit	Special Permit	Special Permit

B. Business Activities	Village Business	Retail / Business	Commercial / Industrial
1. Letting of accessory buildings for storage space in accordance with the provisions of Section 3.05.O.	Allowed	Allowed	Allowed
2. The manufacture, assembling or finishing of goods as an accessory use to a retail store or shop.	Special Permit	Special Permit	Special Permit
3. A retail store or shop as an accessory use to the manufacture, assembling or finishing of goods.	Special Permit	Special Permit	Special Permit
4. Family child care home licensed by the Office of Early Childhood when accessory to a residence.	Zoning Permit	Zoning Permit	Zoning Permit
5. Group child care home licensed by the Office of Early Childhood when accessory to a residence.	Zoning Permit	Zoning Permit	Zoning Permit
6. Home office in a residence in accordance with the provisions of Section 3.05.A.	Allowed	Allowed	Allowed
7. Professional home activity in a residence in accordance with the provisions of Section 3.05.B.	Zoning Permit	Zoning Permit	Zoning Permit
8. Home enterprise in a residence in accordance with the provisions of Section 3.05.C.	Special Permit	Special Permit	Special Permit
9. A drive-through window for any use except a restaurant or other food service.	Special Permit	Special Permit	Special Permit
10. Outdoor food and beverage service accessory to a permitted food establishment in accordance with the provisions of Section 4.06.A.	Site Plan	Site Plan	X

C. Energy Facilities	Village Business	Retail / Business	Commercial / Industrial
1. Solar collector	Special Permit	See Section 6.10	See Section 6.10
2. << reserved for future use >>			
3. << reserved for future use >>			
4. Small wind energy system in accordance with the provisions of Section 3.05.T.	Special Permit	Special Permit	Special Permit

D. Other Activities	Village Business	Retail / Business	Commercial / Industrial
1. Accessory uses customary with and subordinate to a principal use allowed in the zoning district.	Allowed	Allowed	Allowed
2. Construction trailer during construction of an approved structure (for less than one year).	Allowed	Allowed	Allowed
3. Construction trailer during construction of an approved structure (for use over one year).	Special Permit	Special Permit	Special Permit
4. Temporary storage structure accessory to a residential use in accordance with the provisions of Section 3.05.U.	Allowed	Allowed	Allowed
5. Temporary storage structure accessory to a non-residential use.	Special Permit	Special Permit	Special Permit
6. Farmers market.	Special Permit	Special Permit	Special Permit
7. Buildings or structures accessory to an allowed principal use on the same lot provided that such building or structure is smaller than the principal building.	Zoning Permit	Zoning Permit	Zoning Permit
8. Buildings or structures accessory to an allowed principal use on the same lot if such building or structure is larger than the principal building.	Special Permit	Special Permit	Special Permit
9. Fence up to six (6) feet in height.	Allowed	Allowed	Allowed
10. Fence six (6) feet in height or more.	Zoning Permit	Zoning Permit	Zoning Permit
11. Scientific research facilities	X	X	Special Permit

Legend

Allowed	Zoning Permit	Site Plan	Special Permit	X
Allowed with no approval required from the Commission	Permitted with issuance of a Zoning Permit from the ZEO	Permitted with approval of a Site Plan application by the Planning and Zoning Commission	Permitted with approval of a Special Permit application by the Planning and Zoning Commission	Not allowed

Section 4.05 Dimensional Standards

As Amended – Effective 10-07-22

		Village Business	Retail / Business	Commercial / Industrial
A. Area	Minimum lot area	5,000 SF	1 acre	2 acres (3 acres if rear lot)
B. Frontage	Minimum street frontage	50 feet	120 feet	200 feet (50 feet if rear lot)
C. Setback *	Minimum setback from front property line	10 feet	25 feet	75 feet
	Minimum setback from all other property lines	5 feet	15 feet	40 feet
	Minimum setback from residential zone boundary line except that residential uses in a business zone shall not be required to comply with this requirement.	20 feet	20 feet	100 feet
D. Coverage *	Maximum ground coverage (buildings and structures on lot)	75 %	25 %	20 %
E. Building Height	Maximum building height	3 stories	3 stories	3 stories
	Maximum building height	45 feet	45 feet	45 feet

See Section 7.04 for possible exceptions related to state or federal laws or regulations

F. Dimensional Flexibility in Village Business Zone

Within the Village Business (VB) zone, the Commission may, by Special Permit, modify any dimensional standard in Section 4.05 in order to promote the appropriate overall development of the village center area and support the enhancement of a mixed use, pedestrian-scale, village-type environment.

G. Dimensional Flexibility For Scientific Research Facilities

The Commission may, by Special Permit, modify the maximum height of any structure in order to allow for appropriate scientific study and research as required.

Section 4.06 Supplemental Regulations

A. Accessory Outdoor Food and Beverage Service

NEW – Effective 10-07-22

1. For the purposes of this section:
 - a. "Beverage" includes alcoholic liquor or an alcoholic beverage, as defined in CGS Section 30-1, and
 - b. "Food establishment" means a food establishment that is licensed or permitted to operate pursuant to CGS Section 19a-36i,
2. As provided in Section 2 of Public Act 22-1, a licensee or permittee of a food establishment may engage in outdoor food and beverage service as an accessory use of such food establishment's permitted principal use:
 - a. Subject to site plan review to determine conformance with zoning requirements, and
 - b. Provided such accessory use would not result in the expansion of a nonconforming use.
3. Such licensee or permittee may engage in outdoor food and beverage service:
 - a. On public sidewalks and other pedestrian pathways abutting the area permitted for principal use and on which vehicular access is not allowed:
 - Provided such pathway
 - Is constructed and maintained in compliance with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time, and the State Building Code, and
 - Extends for the length of the lot upon which the area permitted for principal use is located, and not less than four feet in width, not including any area on a street or highway,
 - shall remain unobstructed for pedestrian use, and
 - Subject to reasonable conditions imposed by the Board of Selectmen or other municipal official or agency that issues right-of-way or obstruction permits;
 - b. On off-street parking spaces associated with the permitted use, notwithstanding any municipal ordinance or zoning regulation establishing minimum requirements for off-street parking;
 - c. On any lot, yard, court or open space abutting the area permitted for principal use, provided:
 - such lot, yard, court or open space is located in a zoning district where the operation of food establishments is permitted,
 - such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time, and the State Building Code, and
 - the licensee or permittee obtains written authorization to engage in such service from the owner of such lot, yard, court or open space and provides a copy of such authorization to the Commission; and
 - d. Until 9:00 PM meaning that no food or beverage shall be served to a customer after 9:00 PM or consumed outdoors on the premises after 9:00 PM.

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Article 5. Other Zones

Section 5.01 Flood Hazard Area Overlay Zone

A. Purpose

The purpose of this zone is to avoid an increase in flood hazard in Norfolk and to assure that property in the community will maintain its eligibility for flood insurance under the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA)

B. Boundaries

The boundaries of the Flood Hazard Area Overlay Zone are shown on the Flood Hazard Boundary Map (FHBM) for Norfolk, as amended, which is on file in the Town Clerk's office.

C. Zone Requirements

1. Within the Flood Hazard Area Overlay Zone, the requirements of the Flood Damage Prevention Ordinance (Ordinance #88) shall apply in addition to the requirements of the underlying zone.

D. Technical Requirements

1. Any proposal for development within the Flood Hazard Area Overlay Zone shall include references to any base flood elevation data available from FEMA.
2. Unless otherwise allowed by the Flood Damage Prevention Ordinance (Ordinance #88), residential and non-residential buildings within the Flood Hazard Area Overlay Zone shall have the lowest floor, including basement, elevated to not less than one foot above the base flood level.
3. Unless otherwise allowed by the Flood Damage Prevention Ordinance (Ordinance #88), nonresidential structures within the Flood Hazard Area Overlay Zone shall have the lowest floor level flood-proofed to or above the base flood level.
4. Unless otherwise allowed by the Flood Damage Prevention Ordinance (Ordinance #88), new and replacement water supply systems within the Flood Hazard Area Overlay Zone shall be designed to eliminate infiltration of floodwaters into the systems.
5. Unless otherwise allowed by the Flood Damage Prevention Ordinance (Ordinance #88), new and replacement on-site septic systems within the Flood Hazard Area Overlay Zone shall be located to avoid impairment during flooding, and all utilities shall be located to avoid flood damage.

Section 5.02 Cluster Development Zone

A. Purpose

1. The purposes of the Cluster Development Zone Regulations are to:
 - a. encourage residential development in the town center that is served by town sewer and town water;
 - b. encourage the development of affordable housing by providing an alternative to the conventional residential subdivision;
 - c. allow the use and development of land for residential purposes pursuant to a plan that is in keeping with the overall residential density and open space objectives of these Regulations;
 - d. permit flexible site design so that property can be used and developed in harmony with and in preservation of natural resources and open space.
2. Cluster Developments shall be designed to:
 - a. concentrate development in a particular area or areas of a site, preserving open space and natural resources and allowing for the efficient construction of infrastructure;
 - b. permit a creative approach to the development of residential land by avoiding the conventional gridiron pattern;
 - c. accomplish a more desirable environment than would be possible under the strict application of the requirements of the existing Regulations;
 - d. provide for the most effective use of land;
 - e. enhance the appearance of neighborhoods through the preservation of natural features and open space;
 - f. provide structure to neighborhood design to add to the sense of spaciousness and to encourage participation by all age groups in the use and care of local open space tracts within residential subdivisions;
 - g. help promote the health, safety, and welfare of the general public and of the people residing in and near the subdivision;
 - h. provide incentives for the development of affordable housing.

B. Location Of Cluster Development Zones

A Cluster Development Zone may be established in any residential zone provided that all residences in the proposed development will be connected to the municipal sewage disposal system and the public water supply system.

C. Application / Approval Process

1. A Cluster Development Zone may only be established through a Zone Change process in accordance with the provisions of Section 8.06 of these Regulations.
2. Any application to establish a Cluster Development Zone shall be accompanied by a Site Plan for the proposed cluster development prepared in accordance with the provisions of Section 8.03 of these Regulations and the standards of this Section.
3. An application for subdivision approval of the cluster development shall also be submitted if separate lots are to be created as a result of the plan.
4. Approval of the change of zone to Cluster Development Zone shall:
 - a. be construed to include approval of the plan(s) as submitted to and/or modified by the Commission,
 - b. be considered a separate and distinct zone, and
 - c. result in the land included in such zone being indicated on the zoning map as “Cluster Development Zone.”
5. No Building Permit or Zoning Permit shall be issued in any Cluster Development Zone except in accordance with the plan(s) as approved by the Commission.
6. No certificate of occupancy for a dwelling may be issued until the dwelling is connected to the municipal sewage disposal system and the public water supply system.

D. Allowed Uses

As Amended – Effective 10-07-22

Notwithstanding the uses which may be allowed in other residential zoning districts, allowed uses in the Cluster Development Zone include only the following:

1. Single family dwellings;
2. Accessory dwelling units ;
3. Detached outbuildings;
4. Accessory uses incidental to the residential use;
5. Home office uses that would not require a Special Permit under other sections of these Regulations;
6. A community building for use in community activities and storage, the architectural design of which shall be of such characteristics as to harmonize with the neighborhood and the appearance of the community;
7. Parking for recreational and conservation areas.
8. Open space.
9. Roads, utilities, and stormwater management facilities.

E. Number of Lots / Units

The number of lots or units to be allowed in a Cluster Development shall be determined by the Commission after considering the following:

1. The maximum number of lots or units which could be achieved in a conventional subdivision layout shall be determined by the Commission based on a sketch plan submitted by the Applicant. Such sketch plan shall meet the requirements of the Norfolk Zoning Regulations and Subdivision Regulations based upon:
 - a. the requirements of the original zone, and
 - b. the area of the parcel excluding the following:
 - i. Wetlands, waterbodies, watercourses,
 - ii. Designated floodplain;
 - iii. Easements, rights-of-way, and public or private street rights-of-way; and
 - iv. Pre-development slopes exceeding twenty-five (25) percent.
 - v. Open space.
2. The Commission may adjust such sketch plan to represent the number of lots or units which may be reasonably approved by the Commission for a conventional subdivision plan.
3. The maximum number of lots or units allowed in the Cluster Development shall not exceed 120 percent of the lots shown on the final sketch plan required by this Section except that, where a cluster development is proposed to dedicate 20 percent of the total number of lots to affordable housing meeting the affordability criteria of CGS Section 8-30g, as the same may be amended, the maximum number of lots shall not exceed 150% of the number of lots that the Commission determines might reasonably be approved in a conventional subdivision.

F. Dimensional Standards

		Cluster Development
1. Minimum Lot Size	Single Family Dwelling	7,260 SF
	Single Family Dwelling with Accessory Dwelling Unit	10,890 SF
2. Minimum Open Space	Minimum Open Space (at least 15% of the required open space must be buildable land)	50% of Zone Area
3. Lot Dimensions	Minimum Street Frontage	40 feet
	Minimum Square with Front line Parallel to Street	50 feet on each side

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4. Yard / Setback Dimensions	Minimum Setback from any Zone other than Village Residential (VR) zone	30 feet
	Minimum Building Setback from Front Property Line*	18 feet
	Minimum Building Setback from Side and Rear Property Lines* <ul style="list-style-type: none"> The minimum side yard and rear yard may be zero if buildings on adjoining lots share a common wall that runs along the lot line. 	8 feet
	Minimum Building Setback from any town or state road not part of the Cluster Development Zone** <p>** The Commission may modify this requirement if, In the Commission's sole discretion, site conditions and lot layout warrant a reduction in setback. If a reduction of setback is allowed, the use of buffers may be required.</p>	100 feet
5. Building Height	Maximum Building Height	35 feet
6. Principal Building Coverage	Lot Area (SF)	Coverage
	Up to 7,500	25%
	7,500 – 9,999	1,875 SF plus 17% of lot area in excess of 7,500 SF
	10,000 – 14,519	2,300 SF plus 3.7% of lot area in excess if 10,000 SF
	14,520 – 21,799	2,468 SF plus 2% of lot area in excess of 14,520 SF
	21,780 – 43,559	2,614 SF plus 4% of lot area in excess of 21,780 SF
	43,560 and above	3,485 SF plus 4% of lot area in excess of 43,560 SF
7. Accessory Building Coverage	Maximum Total Accessory Building Coverage	900 SF

8. Dimensional Flexibility For Affordable Housing

Within the Cluster Development zone, the Commission may, by Special Permit, modify any dimensional standard in Section 5.02 in order to promote the development of affordable housing, including an affordable housing development in accordance with CGS Section 8-30g, as amended.

G. Street, Utility, And Orientation Standards

1. Streets: The street standards as provided in the Norfolk Subdivision Regulations shall apply to a Cluster Development except as follows:
 - a. All streets and utilities shall be owned and maintained by a duly established homeowners association unless the Town of Norfolk accepts a street and has taken over its maintenance.
 - b. The minimum right-of-way width shall be 50 feet at all points, except that the Commission may reduce the required width to 30 feet if site conditions and lot layout warrant,
 - c. The minimum width of the traveled surface of the street shall be 18 feet.
 - d. Street and driveways shall have a surface of gravel or other permeable material rather than asphalt, except if site conditions and lot layout require an impermeable surface.
 - e. Swales rather than curbs shall be used to control drainage except if site conditions and lot layout require the use of curbs.
 - f. There may be up to 30 lots on a street with only one outlet.
 - g. Dead-end streets shall terminate in a cul-de-sac with vegetative landscaping.
 - h. All utilities shall be placed underground.
2. Parking:
 - a. A minimum of two parking spaces shall be provided for each dwelling unit, which may include garage spaces and driveway spaces as well as surface off-street parking spaces.
 - b. A minimum of an additional 0.5 parking spaces for guests and visitors shall be provided per lot, and may be located along a street, in a parking area that is not part of a lot, or on a lot on which a community building is located.
3. All outbuildings shall be located behind the façade of the single family dwelling. Garage doors shall be oriented to face perpendicular to or away from the street, unless otherwise modified by the Commission if site conditions and lot layout warrant.

H. Open Space Preservation Standards

1. Layout:
 - a. Open space shall be in one continuous parcel, (or two parcels separated only by a street), at least seventy-five percent (75%) of which shall have a minimum dimension of 100 feet, except that the Commission may reduce the minimum dimension if site conditions and conditions on adjacent parcels warrant.
 - b. Open space shall be readily accessible to all dwellings in the development by street or by pedestrian way and shall have adequate vehicular access for service and maintenance.
 - c. If open space is determined by the Commission not to be left in its natural state, it shall be suitably graded and landscaped and shall have adequate provisions for drainage.
 - d. The Commission may require that such open space be located so as to be used in conjunction with similar adjoining areas, either existing or potential.
 - e. The open space area shall be noted on the plan as “Restricted to Open Space Purposes - Not a Buildable Lot”.
2. Open Space Ownership:
 - a. Land marked “Restricted to Open Space Purposes” on the plan approved by the Commission shall be conveyed to a homeowners' association, to the Town of Norfolk, or to a non-profit conservation organization, but in any case shall be maintained as open space in perpetuity.
 - b. The conveyance of open space land shall not require the consent of adjacent property owners.

I. Homeowner's Association Standards

Any Homeowner's Association formed in connection with a cluster development shall comport with the following:

1. The homeowner's association must be legally established in accordance with the provisions of CGS Chapter 828, as amended;
2. The owner of each lot or unit shall be a member of the homeowner's association.
3. The homeowner's association shall be responsible for liability insurance, local taxes and any maintenance of the open space land held by the association;
4. All costs of such homeowner's association shall be shared by the members and the assessment for such cost levied by the association shall become a lien on the lot owners' property and any improvements on it;
5. The homeowner's association shall be able to adjust the amount of the assessment to meet changed needs;
6. The homeowner's association shall be so established that, in the event of dissolution, all open space shall revert to ownership by the Town of Norfolk or to a non-profit conservation organization acceptable to the Commission.
7. The homeowner's association documents shall provide that if maintenance, preservation or use of the open space no longer complies with the Commission's conditions of approval, the Commission, its ZEO or the Town of Norfolk may enforce such conditions of approval and shall be entitled to be reimbursed by the homeowners association for all costs and expenses incurred including reasonable attorney's fees.

J. Fee In Lieu Of Open Space

1. Where the Commission determines that the dedication of land as open space will not meet the purposes of this section, the Commission may request that the developer pay a fee to the Town or transfer land to the Town of equal value in lieu of the requirement to provide open space. If payment of such a fee is proposed by the developer, or if the developer offers to transfer land of equal value to the Town, the Commission may deny such proposal if it determines, in its sole discretion, that there are acceptable areas on the subdivision which merit preservation by the methods set forth in these Regulations.
2. The open space payment shall be placed in a fund established by the Town to be used for preserving land for open space, recreation, or agricultural purposes, including easements or purchases of development rights.
3. Unless otherwise agreed to by the Commission and the subdivider, fee in lieu of open space procedures shall be in accordance with the provisions of CGS Section 8-25, as amended.
4. The fee in lieu of open space may be paid in one lump sum by the subdivider or may be made in partial payments at the time of the sale of each approved lot in the subdivision. If partial payments are to be made, each payment shall be prorated in value relative to the number of approved lots in the subdivision, and the balance due shall be secured by a mortgage.
5. The open space requirement may be waived by the Commission for an affordable housing development in accordance with CGS Section 8-30g, as amended.

Section 5.03 Design Districts

A. Purpose

Design Districts are intended to:

- enable the development of a specific area in accordance with an overall master plan for such area;
- encourage a mixture of compatible uses and structures to create a sustainable and attractive environment;
- be flexible in order to allow for innovative design techniques, accommodate unique uses and encourage creative approaches to development issues; and
- result in a development that demonstrates a high regard for design and that is compatible with the historic, cultural and geographic qualities of Norfolk.

B. Basic Parameters

1. Persons submitting an application to establish a Design District hereunder are strongly encouraged to arrange for preliminary meetings with the Planning and Zoning Commission prior to submitting an application for a Design District.
2. A Design District may only be established by approval of:
 - a. A master plan in accordance with Section 5.03.C,
 - b. A Text Amendment application, processed in accordance with Section 8.05, codifying the approved master plan as part of this Section of the Regulations, and
 - c. A Zone Change application, processed in accordance with Section 8.06, locating the approved master plan on the official Zoning Map.

C. Master Plan Requirements

A master plan submitted to the Commission for approval shall include the following:

1. **Name of Design District** – A name identifying the proposed Design District.
2. **Purpose Statement** – A general statement regarding the intent of the proposed Design District.
3. **Proposed Uses** – A statement identifying the specific uses proposed within the Design District and whether such uses will be subsequently permitted by:
 - a. Zoning Permit approval, or
 - b. Site Plan approval.
4. **General Development Plans** – One or more sheets depicting the proposed schematic design of the site including:
 - a. The identification and general location of proposed uses;
 - b. Existing and proposed building footprints;
 - c. Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
 - d. A landscaping plan, including the location of proposed buffers;
 - e. Information regarding the provision of water, sewer, drainage, and other utilities; and
 - f. The location of public and/or private open space or conservation areas.

5. **Schematic Architectural Drawings** – One or more sheets illustrating the schematic design of the proposed buildings and structures, which may include:
 - a. Schematic floor plans;
 - b. Architectural elevations of all buildings, and/or
 - c. Photographs of buildings similar to the proposed buildings.
6. **Data Table** – Information regarding the proposed development including:
 - a. Lot area and lot frontage;
 - b. Building setbacks, yards, and/or building separations;
 - c. Building coverage;
 - d. Impervious coverage;
 - e. Proposed floor area by proposed use;
 - f. Parking spaces.
7. **Additional Documentation** – Depending on the nature and/or intensity of the proposed Design District, the following documentation may also be required by the Commission:
 - a. A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the district to accommodate the projected traffic;
 - b. A report from utility providers or the Health District regarding the adequacy of proposed utility services;
 - c. A statement on how the proposed development complies with the Plan of Conservation and Development; and
 - d. Any additional information as may be required by Section 5.03.F of these Regulations.

D. Decision Process

1. While the establishment of a Design District is a legislative decision rather than a Special Permit, the Commission may use the criteria in Section 8.04.D of these Regulations when reviewing an application to establish a Design District.
2. Following the close of the public hearing(s), the Commission shall first approve, modify and approve, or deny the master plan.
3. If the Commission denies the master plan, they shall also deny the Text Amendment application and the Zone Change application.
4. If the development proposed in the Design District is a “set-aside development” as defined in CGS Section 8-30g, the application shall also be processed in accordance with applicable provisions in Section 5.03.F of these Regulations and applicable provisions of CGS Section 8-30g et seq.

5. If the Commission approves or modifies and approves the master plan, the Commission may approve the Text Amendment application and the effect of such approval of the Text Amendment application shall be to include the following in Section 5.03.H of these Regulations provided that the approved master plan has been signed by the Chair of the Commission and filed on the Norfolk land records:

<p># Name of Design District.</p> <ul style="list-style-type: none">a. Purpose of Design District.b. Allowed uses - as approved by the Commission and shown on the approved master plan filed on the Norfolk land records on <i>(insert date here)</i>.c. Development layout and design - as shown on general development plans titled <i>(insert name here which must include the name of the design district)</i> as revised through <i>(insert date here)</i> and filed on the Norfolk land records on <i>(insert date here)</i>.d. Architectural design - as shown on schematic architectural plans titled <i>(insert name here which must include the name of the design district)</i> as revised through <i>(insert date here)</i> and filed on the Norfolk land records on <i>(insert date here)</i>.e. Other provisions or limitations – <i>(if any, such as the affordability plan)</i> as revised through <i>(insert date here)</i> and filed on the Norfolk land records on <i>(insert date here)</i>.f. Effective date - <i>(insert date here – the date filed on the Norfolk land records)</i>.
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6. If the Commission approves the Text Amendment application, the approved master plan and accompanying material shall, within thirty (30) days of the Commission's action unless some other period of time is authorized, be submitted to the Commission for signature by the Chair.
7. Once signed by the Chair of the Commission, the approved master plan shall be filed on the Norfolk land records and the Text Amendment and the Zone Change shall not be effective until such filing on the land records.
8. If the Commission approves or modifies and approves the master plan, the Commission may approve the Zone Change application and the effect of approval of the Zone Change application shall be to rezone the property to the name of the Design District provided the approved master plan and accompanying material shall have been signed by the Chair of the Commission and filed on the land records.

E. Following Approval

As Amended– Effective 10-07-22

1. Development within a Design District shall only be as authorized by the approved master plan.
2. Development within a Design District shall conform to the approved master plan.
3. Any modification of an approved master plan that, in the opinion of the Commission, does not substantially alter the characteristics of the approved master plan may be approved by Site Plan approval in accordance with Section 8.03 of these Regulations.
4. Any modification of an approved master plan which substantially alters the characteristics of the approved master plan shall be processed as a Text Amendment application, processed in accordance with Section 8.05, codifying the revised master plan as part of this Section of the Regulations.

F. Special Provisions If Affordable Housing

1. If the development proposed in the Design District is a “set-aside development” as defined in CGS Section 8-30g, the applicant shall submit an Affordability Plan in accordance with applicable state requirements and any model housing affordability plan established by the Commission.

G. (reserved)

H. Approved Design Districts

(to be added at a later date)

Section 5.04 Haystack Woods Overlay Zone

As Amended / Effective 11-08-21

A. Purpose

As provided for by CGS Section 8-2i, the Haystack Woods Overlay Zone has been established to:

1. Create housing in a location served by public water and public sewer to help address current and future housing needs,
2. Provide for housing units that will be affordable to persons and families earning 80 percent or less of the area median income,
3. Allow for homes to be clustered in part of the site in order to preserve a significant amount of open space on the property, and
4. Utilize sustainability concepts such as low impact development, energy efficiency, life cycle costing, etc.

B. Development Plans

1. The Commission's approval of the Haystack Woods Overlay Zone is based upon the set of Site Development Plans entitled "Haystack Woods Site Development Plans Prepared For The Foundation For Norfolk Living Old Colony Road Norfolk, Connecticut," dated March 08, 2019, and revised through September 01, 2021 (hereinafter referred to as the "Plans"), which Plans include the following pages: a cover sheet; Sheet C1 Resubdivision Map, dated 03/01/2021, revised through 07/22/21; Sheet C2 Existing Conditions Map, dated 03/08/2019, revised through 07/22/21; Sheet C3 Site Grading Plan, dated 04/24/2021, revised through 09/01/21; Sheet C4 Site Utility Plan, dated 04/24/2021, revised through 07/22/21; Sheet C5 Roadway Plan & Profile, dated 10/14/20, revised through 07/22/21; Sheet C6 Roadway Plan & Profile, dated 10/14/20, revised through 07/22/21; Sheet C7 Construction Notes & Details, dated 03/08/2019, revised through 09/01/21; Sheet C8 Construction Notes & Details, dated 03/08/2019, revised through 07/06/21; Sheet C9 Construction Notes & Details, dated 03/08/2019, revised through 09/01/21; Sheet C10 Erosion & Sediment Control Plan, dated 02/10/2019, revised through 07/22/21; Sheet C11 Sedimentation & Erosion Control Narrative, dated 03/08/2019; and Sheet C12 Wetland Mitigation Plan dated 08/21/2021. The Commission may approve minor revisions to those Plans under the Site Plan approval process provided such revisions do not involve uses or activities not identified in Section 5.04.C and do not otherwise conflict with these regulations.
2. The following floor plans and accompanying architectural elevations of the schematic design of the proposed buildings and structures were instrumental in the Commission's approval of the Haystack Woods Overlay Zone and shall guide development within the zone: three plans designated, respectively, "Floor Plan – Cape," "Floor Plan – Ranch," and "Floor Plans – 2 Story," with each plan numbered A-101, and bearing an issue date of 1-2-19 and a scale of 1/4" = 1', prepared by Schadler Selnau Associates, P.C. The Commission may approve minor modifications (those which would not substantially affect the gross schematic design) by Site Plan Approval and may approve any other modifications to the gross schematic design by Special Permit.

C. Permitted Uses

1. Provided the buildings, structures and site development are in general accordance with the plans and elevations referred to in Section 5.04.B.1 and 5.04.B.2 above, the following uses and activities will be permitted in the Haystack Woods Overlay Zone, subject to Site Plan approval by the Commission:
 - a. No more than ten (10) single family detached homes.
 - b. Detached accessory outbuildings (such as carports, sheds, gazebos etc.).
 - c. Accessory uses incidental to the residential use.
 - d. Home office uses that would not require a Special Permit under other sections of these Regulations.
 - e. Driveways, utilities (including solar arrays) and stormwater management facilities.
2. Uses or activities other than those set forth in Section 5.04.C.1, above, shall be allowed only by Text Amendment to this Regulation and the incorporation of amended plans.

D. Development Standards

As Amended / Effective XX-XX-22

Parcel Area	<ul style="list-style-type: none"> Minimum area of overlay zone: 38.0 acres
Minimum Frontage of Overlay Zone Area	<ul style="list-style-type: none"> 50 feet
Minimum Setbacks	<ul style="list-style-type: none"> 100 feet from all portions of the boundaries of the overlay zone No setback is required from public roads within the overlay zone
Minimum Building Separation	<ul style="list-style-type: none"> Principal buildings (single family detached dwellings) shall be separated at least 20 feet from other principal buildings Accessory structures shall be separated at least 15 feet from principal buildings and other accessory structures Separations shall be measured between exterior walls and porches but roof overhangs of less than 18 inches and decks shall not be subject to such separation requirements
Maximum Building Coverage	<ul style="list-style-type: none"> 10 percent of the total area of the Overlay Zone that is not reserved for open space
Maximum Impervious Coverage	<ul style="list-style-type: none"> 20 percent of the total area of the Overlay Zone that is not reserved for open space
Minimum Parking	<ul style="list-style-type: none"> At least 2.0 parking spaces shall be provided for each dwelling unit. Parking spaces, which may include covered parking spaces and driveway spaces, shall be shown on the Site Plan to be approved by the Commission Tandem parking may be allowed for guest spaces
Driveways / Parking Areas	<ul style="list-style-type: none"> Town roads shall be built in accordance with the road standards of the Subdivision Regulations unless waived in accordance with the provisions of those Regulations The driveway and parking areas shall be paved to control erosion and minimize annual maintenance A gravel access road may be provided to the recreation area as shown on the Plans referred to in Section 5.04.B.1

Sitework / Landscaping	<ul style="list-style-type: none"> • Earth excavation, removal, and grading shall be allowed to the extent shown on the Plans referred to in Section 5.04.B.1 and the Site Plan approval process. • No separate Special Permit shall be required under Section 6.04 so long as such earth excavation, removal, and/or grading is: <ul style="list-style-type: none"> ○ bona fide construction in conjunction with site improvements for allowed uses; ○ conducted in accordance with Sections 6.04.B.1, 6.04.B.2, Section 6.04.C (except Section 6.04.C.5), and Section 6.04.D; and ○ not commenced until the landowner: (1) provides to the Commission a financing commitment letter from a state or federal agency or similar documentation demonstrating the landowner's financial ability to complete the development; (2) posts with the Town a financial guaranty for erosion and sediment control, acceptable in form and amount to the Commission; and (3) installs adequate sediment and erosion controls, as may be required and approved by the Commission. • Finished grades shall not exceed a 3:1 finished slope or, with approval by the Commission, a 2:1 finished slope with engineered slope stabilization.
Utilities	<ul style="list-style-type: none"> • All utility services shall be underground
Drainage	<ul style="list-style-type: none"> • Swales (rather than curbs and catch basins) may be used to control drainage

E. Open Space Requirements

1. The protection of at least 50 percent of the area comprising the Haystack Woods Overlay Zone for open space and/or conservation purposes was instrumental in the Commission's establishment of the Zone.
2. The area identified as "Open Space 1,000,520 + S.F. 23.08 + Ac." on the Plans referred to in Section 5.04.B.1 shall be the area protected for open space and/or conservation purposes in accordance with Section 5.04.E.1. The Commission may modify the location by Site Plan or subdivision approval provided the proposed alternative area complies with the provisions of Section 5.04.E.1 and is contained in one contiguous parcel.
3. The open space/conservation area shall be dedicated for protection, prior to the issuance of any Certificate of Occupancy, by a fee simple conveyance or by conservation easement in perpetuity to a land trust or other non-profit organization acceptable to the Commission or, if approved by the Town, to the Town of Norfolk. The form of conveyance or easement must be approved by the Commission.
4. No certificate of zoning compliance or certificate of occupancy shall be issued for any dwelling unit until the requirements of Section 5.04.E.3 have been satisfied.

F. Affordability Requirements

1. The commitment that at least 30 percent of the housing units shall be deed-restricted for an extended period as housing for which persons and families pay 30 percent or less of their annual income, where such income is less than or equal to 80 percent of the area median income, was instrumental in the Commission's establishment of the Haystack Woods Overlay Zone.
2. No certificate of zoning compliance or certificate of occupancy shall be issued for any dwelling unit until the applicant submits and the Commission approves:
3. An affordability plan, which shall include at least the following: (A) designation of the person, entity or agency (hereinafter referred to as the "Administrator") that will be responsible, for the duration of any affordability restrictions, for the administration of the affordability plan (hereinafter referred to as the "Housing Affordability Plan") and its compliance with the income limits and sale price or rental restrictions of this Section 5.04; (B) an affirmative fair housing marketing plan governing the sale or rental of all dwelling units; (C) a sample calculation of the maximum sales prices or rents of the intended affordable dwelling units; and (D) a description of the projected sequence in which the affordable dwelling units will be built and offered for occupancy and the location of such units within the proposed development.
4. The proposed deed restrictions for the affordable units.
5. The name and credentials of the proposed Administrator of the Housing Affordability Plan, whom the Commission must find to be independent, qualified, capable and durable in order to ensure income eligible households and sales prices or rental rates.
6. To allow for possible changes and ensure that any changes are in accordance with State law, the deed restrictions and the Housing Affordability Plan shall provide that the Commission shall have the right to review and approve any change in the Housing Affordability Plan and the designation of the Administrator
7. At no time shall a Building Permit or a Certificate of Occupancy be granted for a housing unit in the Haystack Woods Overlay Zone if doing so would result in the number of affordable units falling below 30 percent of the total number of housing units in the Haystack Woods Overlay Zone.
8. The affordability period for each affordable unit shall be 40 years commencing on: (a) for a unit to be sold, the date the initial deed documenting the sale of such affordable unit to a qualifying buyer is recorded in the land records; or (b) for a unit to be rented, the date on which such affordable unit is first rented to a qualifying tenant.
9. Any affordable single-family detached home shall be deed restricted in accordance with the affordability criteria and period described above to sell or rent as an affordable unit with a deed containing covenants or restrictions which shall require that such dwelling unit shall be sold or rented at, or below, prices which will preserve the unit as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the area median income.
10. The affordability requirement may be satisfied by any affordability requirements that are established as part of a financing program by the Connecticut Department of Housing and that provide that at least 30 percent of the housing units shall be deed-restricted in accordance with the affordability criteria and period described above.

G. Maintenance Requirements

1. The Town shall be responsible for maintenance of public improvements only as specified on Sheet 1 Resubdivision Map, as referred to in Section 5.04.B.1, above.
2. A homeowners' association for all other maintenance obligations, including but not limited to driveways, walkways, parking areas, common buildings and structures and common areas, must be legally established in accordance with the provisions of CGS Chapter 828 ("Common Interest Ownership Act"), as it may be amended, before any Building Permit or a Certificate of Occupancy may be granted for a housing unit in the Haystack Woods Overlay Zone.

H. Completion of Public Improvements

No certificate of zoning compliance or certificate of occupancy shall be issued for any dwelling unit until the Commission finds that all public roads, drainage facilities and other public improvements have been satisfactorily completed.

Article 6. Basic Standards

Section 6.01 Signs

A. Purpose

As Amended – Effective 11-01-13 / XX-XX-22

It is the purpose of this section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs that would be detrimental to the public safety or the appearance and beauty of the community.

B. Signs Allowed in Residential Zones

As Amended – Effective 05-30-21

The following signs are allowed on any lot in a residential zone when pertaining to such lot:

1. One sign identifying the occupant(s) of the site and/or any authorized use (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.
2. One “for sale” or “for rent” sign (no permit required).
 - a. Size: not to exceed four square feet in area.
 - b. Setback: one foot from property line.
3. Signage identifying a church, cemetery, club, institution, inn, farm or similar use.
 - a. One sign not to exceed twelve square feet in area (Zoning Permit required from the ZEO) or two or more signs not to exceed sixteen square feet in combined area (Special Permit required from the Commission)
 - b. Setback: ten feet from property line.
4. Warning, street numbering, or directional sign (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.
5. Temporary sign for a contractor or designer of a construction project (no permit required).
 - a. Size: not to exceed four square feet in area.
 - b. Setback: one foot from property line.
6. Lettering, identification, names, and insignia that are an integral part of the structure and architecture of a building (Special Permit required from the Commission).
7. For buildings more than one hundred years old, one sign pertaining to such building indicating the original owner and/or the date built (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.

C. Signs Allowed in Retail Business or Commercial Industrial Zones

The following signs are allowed on any lot in a Retail Business or Commercial Industrial zone when pertaining to such lot:

1. One or more signs for each business, advertising a use on the lot (Zoning Permit required from the ZEO) subject to the following conditions:

- a. Size: the total area of all signs for each business (including temporary signs) shall not exceed twenty square feet. A maximum number of four signs per business shall be allowed.
 - b. No individual sign shall exceed fifteen square feet.
 - c. Projections:
 - i. no such sign shall extend above the top of the wall of the building.
 - ii. any sign projecting from a building shall not exceed four square feet in area and the lowest point of the sign shall be no less than eight feet above any public sidewalk, driveway or the finished grade immediately below the sign.
2. For a dwelling, one sign identifying the occupant (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.
 3. One “for sale” or “for rent” sign pertaining to such lot (no permit required).
 - a. Size: not to exceed four square feet in area.
 - b. Setback: one foot from property line.
 4. One sign identifying a church, cemetery, club, institution, inn, farm or similar use (Zoning Permit required from the ZEO).
 - a. Size: not to exceed twelve square feet in area.
 - b. Setback: ten feet from the property line.
 5. Warning, street numbering, or directional sign (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.
 6. Temporary sign for a contractor or designer of a construction project (no permit required).
 - a. Size: not to exceed four square feet in area.
 - b. Setback: one foot from property line.
 7. Lettering, identification, names, and insignia that are an integral part of the structure and architecture of a building (Special Permit required from the Commission).
 8. For buildings more than one hundred years old, one sign pertaining to such building indicating the original owner and/or the date built (no permit required).
 - a. Size: not to exceed two square feet in area.
 - b. Setback: one foot from property line.

D. Signs in the Village Business Zone (“Village district”)

As Amended – Effective 10-07-22

1. Signs where no permit is required pursuant to Sections C.2, C.3, C.5, C.6 and C.8 shall not require a permit, provided such signs comply with the requirements of such sections.
2. The Village Business Zone is a “Village district” as authorized by CGS Section 8-2j. The Commission and the ZEO shall give special consideration to protecting the distinctive character, landscape, and historic ambience of this area. With respect to signs where a Zoning Permit is required pursuant to Sections C.1 and C.4, the ZEO is hereby authorized to approve such signage in the Village district by the issuance of a Zoning Permit, provided he/she shall find that the proposed sign will be compatible with the historic or distinctive character of the area.

Should the ZEO be concerned that the proposed sign may not be compatible with the historic or distinctive characteristics of the area, the proposed application shall be forwarded to the Commission for review and action. The Commission may require Special Permit approval.

3. A detached collective signpost with individual panels identifying businesses, organizations and uses within the Village district are subject to the following conditions: (Special Permit required from the Commission)

- a. The initial design of the signpost and individual panels (size, shape, color, lighting, etc.) shall be submitted with the Special Permit application. Any subsequent change to the design of the signpost or panels (other than changes in names on the approved panels) shall be subject to modification of the Special Permit.
- b. The square footage of the individual panels shall not exceed forty-two square feet in the aggregate.
- c. Individual panels dedicated to any business, organization or use shall not exceed three square feet in area.
- d. The property owner shall be responsible for the maintenance of the signpost and individual panels.

E. Municipal Signs

Signs to be erected by the Town of Norfolk, outside the limits set forth above, solely for public awareness or safety are subject to the following conditions (Special Permit required from the Commission):

1. Any signage within a State right-of-way is subject to written approval from the State of Connecticut.
2. Commercial advertising shall be expressly prohibited.

F. Standards for All Signs

1. All signs shall be located on private property unless written permission has been granted by the Norfolk Board of Selectmen or the State of Connecticut.
2. Nothing herein shall prohibit the erection or display of:
 - a. signs displayed by a religious, charitable, educational, or cultural organization, provided that such signs may be displayed for no more than thirty consecutive days.
 - b. political signs provided that such signs shall be removed within seven days after the election or referendum.
3. No sign shall be located so as to cause any hazard to traffic or pedestrians, to conflict with or obscure the view of any traffic sign or signal, or to obstruct any door, window, ventilation system, fire escape or exit.
4. In addition to the standards of Section 6.09, no sign shall be lighted so as to cause any hazard to traffic or pedestrians, to conflict with or obscure the view of any traffic sign or signal, or to obstruct any door, window, ventilation system, fire escape or exit.
5. No sign or light for the purpose of advertising the presence of any business shall rotate or oscillate.

G. Existing Signs

Signs in existence prior to the effective date of these Regulations (August 2, 1973) or any relevant amendment hereto and not in conformity with these Regulations may be maintained but may not be enlarged.

Section 6.02 Parking and Loading

A. Parking Spaces Required

Unless modified by the Commission as provided in this Section, each property shall provide for adequate parking spaces for the use or uses situated thereon:

1. The minimum number of spaces provided shall conform to the requirements of Table 6.02-1.
2. Each parking space shall be at least nine feet (9') wide by eighteen feet (18') long.
3. Except in connection with a single-family or two-family dwelling unit, handicapped parking spaces shall be provided and properly marked in accordance with the provisions of CGS Section 14-253a, as amended.
4. The layout of spaces and access aisles shall provide for safe and convenient use and adequate safeguards for pedestrians.
5. Except in the Village Business area, such parking spaces shall be off-street parking spaces and shall be provided on the same lot.
6. For multiple uses on the same site, the parking requirements for each use shall be computed separately and added together except that the Commission may modify or waive this requirement:
 - a. if the Commission finds that the peak parking demands of the different uses will occur at different times of the day, or
 - b. in the Village Business area, if adequate information is submitted by the applicant to demonstrate that adequate parking will be available in the area for the proposed uses.
7. If the parking calculations result in a fractional remainder, the parking requirement shall be rounded up to the next higher whole number.

B. Loading Spaces Required

Each property shall provide and satisfactorily maintain adequate off-street loading spaces on the same lot.

Table 6.02-1 – Parking Requirements

Residential / Care / Lodging Facilities	Minimum Number of Required Spaces
Dwellings	2 spaces per dwelling unit
Letting of rooms in a dwelling	1 space per room let
Country inn or bed and breakfast	1 space per guest room
Hospital, sanitarium or convalescent home or nursing home	1 space for each four (4) patient accommodations and 1 space for each staff person on the largest shift
Business Operations	Minimum Number of Required Spaces
Stores, shops, and other retail establishments	1 space per each 250 square feet of floor area
Offices, clinics, veterinary clinics, and veterinary medical facilities	1 space per each 250 square feet of floor area
Food and beverage establishments	1 space per each 4 seats
Manufacturing, warehouse or wholesale business	1 1/2 spaces per each employee during the largest shift period
Automotive sales, repair and service establishment	10 spaces
Other Activities	Minimum Number of Required Spaces
Church, auditorium, theater or assembly hall	1 space per each 4 seats
Uses not listed	As determined by the Commission commensurate with the expected use of the property

C. Potential Waiver or Modification

As Amended– Effective 10-07-22

The Commission may modify or waive the requirement to establish parking spaces and/or loading spaces where:

1. The Commission determines that sufficient spaces are provided by the Town (such as on Station Place and John Curtiss Road) for the use of lots and places of business fronting on or in the vicinity of such streets to offset some or all of the parking requirements.
2. The development includes studio or one-bedroom units and the applicant has provided adequate information to the Commission to demonstrate that a lower parking requirement (such as 1.5 spaces per unit) will provide adequate spaces for such units and for the development as a whole.

D. Design Requirements.

1. Parking and loading areas shall be provided with all-weather surfacing, suitable drainage, and landscaping.
2. No parking or loading space for a business or industrial use shall be located in a yard setback where the yard is adjacent to a residential use or a residential zone.
3. Except in connection with a single-family residential dwelling, each parking and loading space shall be arranged with off-street access aisles so that it is not necessary to back a vehicle within any street right-of-way.

Section 6.03 Traffic and Access

The following standards shall apply to any use which requires a Site Plan application or a Special Permit application except that it shall not apply to a single-family residential use or allowed accessory activities:

1. The traffic impacts and access implications of proposed uses and activities shall be evaluated by the Commission using the following considerations:
 - a. The location of any points of ingress and egress.
 - b. Ease of entrance to and exit from the property with a minimum of disturbance to outside traffic flow.
 - c. The capability of the adjacent and feeder streets to accommodate the projected traffic volumes.
 - d. The arrangement of off-street parking facilities.
 - e. The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces and loading.
 - f. Accessibility for emergency vehicles and equipment.
2. Unless modified by the Commission, proposed driveway entrances and exits for business uses shall be located either at an existing driveway or at a minimum distance of 50 feet from any other driveway intersection located on the same side of the street or across the street as measured from the center lines of the driveways.
3. The Commission may, where it determines it is necessary, require that the applicant submit a traffic study prepared by a professional engineer licensed in the State of Connecticut addressing the impact of the development upon the street system in the area.

Section 6.04 Earth Excavation

A. Purpose

As Amended– Effective 10-07-22

The purposes of this section are:

1. to protect scenic qualities in Norfolk,
2. to ensure that earth excavation activities will not cause a nuisance to the surrounding neighborhood due to noise, dust or vibration, and
3. to ensure that suitable grade and vegetative cover will be established at the conclusion of earth excavation activities.

B. Allowed Activities

1. Earth excavation is only allowed in conjunction with an authorized and allowed use or development of property.
2. Commercial earth excavation is prohibited.
3. No earth excavation be conducted within the town of Norfolk except in conformance with Table 6.04-1.

C. Standards For Earth Excavation

The following standards shall apply to all earth excavation, whether as an allowed use or by Special Permit:

1. Proper soil erosion and sedimentation controls in accordance with the *2002 Connecticut Guidelines for Soil, Erosion and Sediment Control*, as amended, shall be planned, designed, installed and maintained at all times.
2. No earth excavation shall take place on weekends or legal holidays or before 8:00 a.m. or after 5:00 p.m. on other days.
3. No blasting shall occur on any site unless such activity has been specifically allowed by:
 - a. issuance of a Special Permit by the Commission, or
 - b. prior authorization of the ZEO.
4. No on-site processing of earth materials shall occur on any site unless such activity has been specifically allowed by:
 - a. issuance of a Special Permit by the Commission, or
 - b. prior authorization of the ZEO.
5. Unless expressly approved by the Commission as part of a Special Permit, no excavation shall be made below pre-existing grade within 150 feet of:
 - a. any abutting street, or
 - b. any property boundary.
6. Anti-tracking pads shall be used in all street access areas.
7. No topsoil shall be transported from the property, except that which is required to be excavated from the location of buildings, structures, streets, driveways, sidewalks, terraces, and other impermeable areas on the property in connection with the work to be performed.

Table 6.04-1 Earth Excavation Thresholds

	Exported From Property	Imported To Property	Excavated On Property
1. Earth excavation on a property necessary for, associated with, and secondary to the construction or alteration of buildings, foundations, roads, driveways, drainage facilities, storm sewers, utility services, fences, walls, swimming pools and other bona fide construction projects for which the Town of Norfolk or the State of Connecticut has issued a currently in force permit.	Up to two hundred fifty (250) cubic yards of earth material may be taken from a property during any continuous twelve (12) month period as part of a listed activity.	Up to five hundred (500) cubic yards of earth material may be brought to a property during any continuous twelve (12) month period as part of a listed activity.	Up to two thousand (2,000) cubic yards of earth excavation may occur at a property during any continuous twelve (12) month period as part of the listed activity.
2. Earth excavation on a property necessary for the installation or repair of on site septic systems, provided a currently in force permit has been issued by the Torrington Area Health District or the State of Connecticut.			
3. Earth excavation on a property necessary for, associated with, and secondary to improvements which improvements are solely for farming or landscaping purposes, burying of stones, re-grading of difficult contours, or the excavation of gravel, dirt, loam or stone by a landowner on his own property for use on the same property, including customary agricultural activities involving soil preparation and grading.	Removal of a greater volume of earth material from the property in any continuous twelve (12) month period requires the granting of a Special Permit by the Commission.	Bringing in of a greater volume of earth material to the property in any continuous twelve (12) month period requires the granting of a Special Permit by the Commission.	Excavation of a greater volume of earth material on the property in any continuous twelve (12) month period requires the granting of a Special Permit by the Commission.
4. Earth excavation on a property necessary for the construction or maintenance of ponds, draining of wet land or improvements to water courses, provided a currently in force permit has been issued by the Norfolk Inland Wetlands Agency or the State of Connecticut.			

8. No slopes in excess of one foot vertical to three feet horizontal shall be created unless the site development plan shows sufficient soil analysis calculations, performed by a professional engineer licensed in the State of Connecticut, confirming an acceptable safety factor for the finished slope.
9. Unless otherwise approved by the Commission, no excavation shall be made lower than three feet above ledge or such greater distance above ledge as may be required to permit the re-graded site to meet the final restored grades.
10. No excavation shall be made that would reduce the final ground elevation below flood plain, change the area of the flood plain, or expose groundwater unless after proper analysis it is determined that no pollution or silting of existing water courses, or increased flood or erosion hazards, or other effect on water supply or purity will result and any necessary permits have been issued by the Norfolk Inland Wetlands Agency or the State of Connecticut.
11. All vehicles and equipment used in connection with earth excavation shall use noise reduction materials, such as rubber lined truck bodies, muffler systems or other noise abatement mitigating procedures.
12. No equipment for processing of earth materials shall be located within one hundred (100) feet of a property line.

D. Requirements For Restoration

The following standards shall apply to all earth excavation, whether as ab allowed use or by Special Permit:

1. At the conclusion of the work, all disturbed areas, except ponds, shall be covered with whatever topsoil was on the lot before commencement of the work and shall be seeded with a suitable cover crop and grown to an erosion-resistant condition.
2. Site restoration shall be compatible with the adjoining properties and surrounding neighborhood.
3. Final restored slopes shall be at least three feet horizontal to one foot vertical unless steeper slopes are expressly approved as part of a Special Permit.

E. Special Permit Application Materials

The following materials shall be submitted to the Commission for any activity requiring issuance of a Special Permit by the Commission:

1. A narrative describing:
 - a. the total cubic yards of excavation or filling of earth materials on the property;
 - b. the estimated dates when the operation will commence and when it will be completed;
 - c. the estimated number and types of trucks, machinery and other equipment required to complete the excavation;
 - d. the estimated number of times trucks will enter and leave the site on a daily basis throughout the construction period;
 - e. the proposed truck access to and egress from the site;
 - f. information regarding any proposed blasting; and
 - g. information regarding any proposed processing of earth materials.
2. A grading plan, certified by a land surveyor or a professional engineer licensed in the State of Connecticut, depicting the following:
 - a. existing and proposed contours at not less than two-foot intervals in the area to be excavated and extending 100 feet beyond the excavated area;
 - b. storm drainage data showing drainage areas and estimated runoff of the area to be served by existing and proposed drainage facilities;
 - c. detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises, both during and following completion of excavation;
 - d. all buildings, structures, and site improvements; and
 - e. a detailed plan for re-grading and re-vegetation of the excavated area at the conclusion of the operation.
3. If blasting is proposed, the Commission may require a professional pre-blast survey evaluating, among other considerations, safety, potential damage to neighboring properties, potential environmental impact and any alternatives to the proposed blasting.

F. Special Permit Parameters

1. The Commission may impose conditions to any Special Permit to ensure compliance with the general requirements for all earth excavations set forth in Section 6.04.C and Section 6.04.D.
2. A Special Permit issued pursuant to this Section shall be valid for a period of one year from the date of issuance and may be renewed upon submission of an application detailing then current topographical conditions and any substantial changes at the property.
3. The Commission may require a public hearing on any renewal application if it determines that there has been a substantial change in circumstances at any time following the issuance of the initial Special Permit.
4. In acting on any application for a Special Permit under this Section, the Commission may require an applicant to provide a performance guaranty in accordance with Section 8.09.L, in form and amount satisfactory to the Commission, to assure completion of work pursuant to the plans approved under the Special Permit, including site restoration.
5. When a performance guaranty has been required by the Commission, no earth excavation shall begin until an acceptable performance guaranty has been provided.

Section 6.05 Soil Erosion and Sediment Control

A. Applicability

1. All development shall establish, implement, and maintain soil erosion and sediment controls in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended.
2. A soil erosion and sediment control plan prepared in accordance with this Section shall be required in conjunction with any application for development when the cumulative disturbed area is more than 1/2 acre.
3. A lot in a subdivision shall be subject to the requirement for a soil erosion and sediment control plan, both as part of the subdivision plan and as part of the application for a Zoning Permit.

B. Plan Requirements

1. The applicant shall describe in mapped and narrative form the measures to be taken to control soil erosion and sedimentation both during and after construction.
2. The soil erosion and sediment control plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended.
3. The narrative shall:
 - a. describe the development project;
 - b. provide design criteria, construction details; detailed installation/application procedures and a maintenance program for the soil erosion and sediment control measures; and
 - c. provide a timeline for all major construction activities, indicating the anticipated start and completion dates for:
 - i. overall development,
 - ii. creating and stabilizing disturbed areas,
 - iii. grading operations, and
 - iv. applying soil erosion and sediment control measures and facilities.
4. The soil erosion and sediment control plan shall show:
 - a. Existing and proposed topography within the disturbed areas at no less than two-foot contour intervals based upon field survey unless the Commission agrees that ground surface conditions can be adequately represented by contours with longer intervals or by spot indication of elevation.
 - b. Proposed site alterations and disturbed areas, including cleared, excavated, filled or graded areas.
 - c. Location of and other detailed information concerning erosion and sediment control measures and facilities.

C. Determination Of Compliance

1. The Commission shall determine whether the soil erosion and sediment control plan complies with the requirements and objectives of these Regulations.
2. Prior to making such determination, any plan submitted to the Commission may be reviewed by the Northwest Conservation District or other qualified consultants to the Commission, which may make recommendations concerning such plan.
3. The Commission may require a performance guaranty in accordance with Section 8.09.L or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measures.

D. Installation and Maintenance

1. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.
2. All control measures and facilities shall be maintained in effective condition to ensure the compliance with the approved plan.

E. Inspections

The Commission or its authorized agent may conduct inspections during development to ensure compliance with the approved plan and that control measures and facilities are properly performed, installed and maintained.

Section 6.06 Performance Standards

No land, building or other structure shall be used for any use, trade, business or process which is obnoxious or offensive by reason of dust, dirt, smoke, odor, gas, fumes, vibration, noise, illumination, heat or liquid discharge so as to impair the reasonable use or enjoyment of any other property or to constitute a hazard to public health or safety.

Section 6.07 Stormwater Management

1. Any application or activity involving Site Plan approval, Special Permit approval, or subdivision approval shall provide for a stormwater management system, including low impact development techniques, in accordance with the *Connecticut Stormwater Quality Manual*, as amended.
2. Any modifications and/or waivers to the standards and requirements of the *Connecticut Stormwater Quality Manual*, as amended, shall be as approved by the Commission.

Section 6.08 Landscaping

1. The use of invasive or potentially invasive plants, as defined by the Connecticut Invasive Plants Council, is prohibited.
2. The use of Connecticut-native or New England-native plant species is encouraged.

Section 6.09 Lighting

1. The standards herein shall apply to all exterior lighting, except for single-family dwellings, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, and to discourage the installation of lighting fixtures that emit objectionable illumination.
2. The following types of lighting are exempt from these Regulations:
 - a. Traditional seasonal lighting;
 - b. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Norfolk;
 - c. Temporary light used by emergency service or public safety personnel.
3. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. prevent direct glare or light trespass;
 - b. employ soft, transitional light levels which are consistent from area to area;
 - c. minimize contrast between light sources, lit areas and dark surroundings; and
 - d. be confined within the target area.

4. For business uses, industrial uses, multi-family developments, and institutional uses:
 - a. lighting fixtures for all vehicular areas and pedestrian areas and for security or other purposes shall be full cut-off type fixtures or Illuminating Engineering Society of North America (IESNA) cut-off fixtures as approved by the Commission, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface, and
 - b. no exterior direct light source (such as a bulb) shall be visible at the property line at ground level or above.
5. Unless modified by the Commission, during operating hours of the business and for a transition period of up to one hour before and after business hours:
 - a. Parking area, display, aesthetic, and sign lighting is allowed.
 - b. Security lighting shall be allowed provided:
 - i. it is configured for motion detection, infrared sensor operation or other trigger, and
 - ii. it is configured to shut off after a 5 minute duration.
6. Unless modified by the Commission, outside of operating hours and the transition period of up to one hour before and after business hours:
 - a. Parking area, display, aesthetic, and sign lighting shall be off.
 - b. Security lighting shall be allowed provided:
 - i. it is configured for motion detection, infrared sensor operation or other trigger, and
 - ii. it is configured to shut off after a 5 minute duration.
7. The height of luminaires on private property shall be the minimum height necessary to provide adequate illumination.
8. The “maintained horizontal illuminance recommendations” set by the Illuminating Engineering Society of North America (IESNA) shall be observed unless modified by the Commission.
9. The Commission shall determine whether the type and style of proposed lighting fixtures and illumination meets the standards, purpose and intent of these Regulations based on the following information to be submitted by the applicant:
 - a. The specific fixtures to be installed,
 - b. A plan showing the location of all outdoor lighting fixtures,
 - c. The levels of illuminance projected to occur on the property, and
 - d. Information indicating that the proposed lighting will not cast an arc of illumination beyond the boundaries of the property.
10. The Commission may, by Special Permit, allow lighting that does not comply with the specific standards set forth in this Section provided the Commission determines that such proposed lighting is consistent with the purpose and intent of these Regulations.

Section 6.10 Solar Energy Systems

As Amended– Effective 10-07-22

A. Purpose

To promote the safe, effective, and efficient use of solar energy systems and to reduce the on-site consumption of fossil fuels and utility supplied electric energy consistent with the strategies and recommendations set forth in the Norfolk Plan of Conservation and Development as may be amended and the Norfolk Natural Resource Inventory (2009) as may be amended .

B. Solar Collectors, roof mounted

Solar collectors attached to a roof are allowed as of right in all but the Village Business zone (Special Permit required) subject to Section 6.10.E and the following conditions:

1. No portion of the solar collector shall extend beyond the perimeter of the roof on which it is mounted.
2. No portion of the solar collector, in combination with the building height, shall exceed the applicable maximum building height (in feet), as set forth in Sections 3.04 and 4.05.

C. Solar Collectors, wall mounted

Wall mounted solar collectors shall be subject to Section 6.10.E and the following conditions:

1. A Zoning Permit application (accompanied by a site layout plan and building photographs) is required in all zones other than the Village Business zone (Special Permit required).
2. The site layout plan and building photographs shall show the location of the solar collector(s).
3. No portion of a solar collector shall be within the applicable minimum setbacks as set forth in Sections 3.04 and 4.05.

D. Solar Collectors, ground mounted

Subject to Section 6.10.E and the following conditions, ground mounted solar collectors are permitted by:

- Special Permit in the Village Business zone, and
 - Zoning Permit in all other zones except that a Special Permit shall be required if:
 - Any part of a ground mounted solar collector exceeds 15 feet in height.
 - The total area of the face(s) of the ground mounted solar panels exceeds 500 SF.
1. An application shall be accompanied by a site layout plan of sufficient detail and such other information as necessary to determine compliance with these Regulations. For a Special Permit application, the Commission may waive the requirement that the plan be signed and sealed by an appropriate professional if the site layout plan provides sufficient detail and accuracy, as determined by the Commission.
 2. The site layout plan shall show the location of the solar collector(s), relevant setbacks and property lines, existing structures, and septic system location (as applicable).
 3. Ground mounted solar collectors shall be located so that no portion of the structure is within the required setback for the zone.
 4. All electrical and other connections to ground mounted solar collectors shall be located underground.

Note – Ground mounted solar collectors count to the coverage limit within each zoning district and such installations may be constrained by the size of the lot and the amount of existing coverage. It is the responsibility of the applicant to demonstrate that the coverage limitation will not be exceeded.

E. Conditions Applicable To All Systems

1. Exterior surfaces of any system shall have a non-reflective surface and be designed and installed so as to prevent glare.
2. No signage shall be allowed on any system other than the manufacturer's label on the back of each solar collector.
3. The issuance of a permit does not relieve the applicant of the responsibility of securing all necessary building, health, and fire permits prior to the commencement of construction.

Article 7. Special Standards

Section 7.01 Non-Conforming Conditions

A. Claim of Pre-Existing Status

As Amended – Effective 05-30-21

Whenever an applicant claims that a condition pre-dates the adoption of these Regulations or any amendment hereto and may thereby be entitled to certain protections as provided in these Regulations or in State statute, such claim shall be documented by the applicant by a written statement. Such statement shall explain in detail the basis for the claim of a non-conforming use, building, or structure, including:

1. The date the use began or the building or structure was established;
2. Any changes to the use, building, or structure and the dates thereof;
3. If the claim is that the use began prior to July 30, 1973, the nature of the use actually being made of the premises on July 30, 1973;
4. If the claim is that the building or structure was established prior to July 30, 1973 the extent of the building or structure on July 30, 1973;
5. If the use, building, or structure was not at all times continuous after it began, provide a chronology of when such use, building, or structure was active and an explanation of why such use, building, or structure was intermittent;
6. Providing a list of all owners of the property and their dates of ownership from the date the use, building, or structure first began through the date of the written statement; and
7. Indicating whether the use, building, or structure changed in any manner since it was begun, including explanation of all changes in such use, building, or structure and the date of such changes.

B. Non-Conforming Use

1. Any non-conforming use of building or land lawfully existing at the time of the adoption of these Regulations, or any amendments hereto, may be continued as a non-conforming use.
2. No non-conforming use may be changed except to a conforming use or, with the granting of a Special Permit by the Commission, to another non-conforming use more consistent with the uses allowed in the zone.
3. A non-conforming use or a portion of a building containing a non-conforming use or an area used for a non-conforming use may only be extended or expanded if:
 - a. a Special Permit for such extension or expansion has been granted by the Commission, and
 - b. such extension or expansion does not exceed 100% of the floor area used for such non-conforming use at the time of adoption of these Regulations (July 30, 1973) or any subsequent prohibiting amendment.
4. No non-conforming use shall, once changed to a more conforming use, be changed back to a less conforming use.

C. Non-Conforming Buildings and Structures

1. Any non-conforming building or structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a non-conforming building or structure.
2. A non-conforming building or structure or part thereof may only be altered or enlarged when:
 - a. such alteration or enlargement complies with applicable parts of these Regulations for the specific use and zone, or
 - b. a Special Permit for such alteration or enlargement shall have been issued by the Commission.
3. A non-conforming building or structure may be replaced or restored in the same footprint and for the same area and volume but not enlarged.
4. Nothing in these Regulations shall prevent the strengthening or restoration to a safe or lawful condition of any non-conforming building or structure.
5. No non-conforming building or structure shall, once changed to a more conforming building or structure, be changed back to a less conforming building or structure.

D. Non-Conforming Lots and Parcels

1. Any non-conforming lot or parcel lawfully existing at the time of the adoption of these Regulations, or any amendments hereto which made the lot non-conforming, may be continued as a non-conforming lot or parcel and may be built upon in compliance with these Regulations provided one of the following conditions exists:
 - a. The lot existed as a separate parcel as evidenced by deed recorded in the land records of the Town of Norfolk on the effective date of these Regulations or relevant amendment hereto; or
 - b. The lot was shown on a subdivision map approved by the Norfolk Planning and Zoning Commission.
2. In accordance with CGS Section 8-26a, a non-conforming lot upon which no building has been erected may be built upon in compliance with the standards for height and setback requirements in effect at the time of approval of the lot or adoption of zoning, whichever is later.
3. No non-conforming lot or parcel shall, once changed to a more conforming lot or parcel, be changed back to a less conforming lot or parcel.

Section 7.02 Telecommunication Facilities

A. Purpose

This Section, which has been drafted in consideration of the Telecommunications Act of 1996 as may be amended, establishes standards and requirements for antennas, towers and other wireless communication facilities in order to protect Norfolk's visual quality and to safeguard the safety of the community and to:

1. Establish locations least disruptive to the public health, safety and welfare in Norfolk and consistent with the Plan of Conservation and Development.
2. Minimize adverse visual effects through proper design, siting and vegetative screening.
3. Avoid potential damage to adjacent properties.
4. Minimize the height of towers and the number of towers, especially freestanding towers.
5. Provide for the orderly removal of abandoned antennas and towers.
6. Provide guidance for towers and other wireless communication facilities which are subject to the jurisdiction of the Connecticut Siting Council.
7. Require the information necessary to evaluate the proposed facility.

B. Exempt Facilities

1. This regulation specifically exempts the following wireless telecommunications facilities:
 - a. police, fire, ambulance, and other emergency dispatch;
 - b. amateur (HAM) radio;
 - c. citizens band radio;
 - d. radio dispatch services for local businesses; and
 - e. roof-mounted satellite uplink dishes, less than 1.8 meters in diameter.
2. Any new tower, erected for the primary purpose of providing wireless telecommunications for any of the above-listed exempt uses, shall not be shared by any personal wireless service provider unless:
 - a. the tower is located on a site which complies with all standards and requirements of this Section, and
 - b. the personal wireless provider obtains a personal wireless facility Special Permit from the Commission in accordance with the requirements of this Section.

C. Facilities Permitted By Site Plan Approval

The following antenna and wireless facilities may be permitted by the Commission, subject to approval of a Site Plan in accordance with the requirements of Section 8.03 and where the Commission determines that an antenna proposed on an existing structure or building is:

1. An omni-directional or whip antenna with a length of 20 feet or less and seven inches or less in diameter, provided that its color matches the exterior of the structure.
2. A directional or panel antenna, six feet or less in height and two feet or less in width, provided that its color matches the exterior of the structure.
3. A satellite and microwave dish antenna, six feet or less in diameter, provided that the building or rooftop mount is located or screened so it is not visible from abutting public streets.

D. Facilities Permitted By Special Permit

Any antenna, tower, or other wireless communication facility not meeting the above criteria may only be permitted following issuance of a Special Permit by the Commission in accordance with the requirements of these Regulations.

The preferred location of antennas or towers and wireless facilities shall be:

1. Antennas: on existing communication towers or existing buildings, water towers or other suitable structures.
2. Towers: in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long-range visual effect.
3. New towers: in locations outside the Village Residential (VR) zone and the Neighborhood Residential (NR) zone.
4. On Town-owned land or buildings where the Town of Norfolk has endorsed location of a wireless facility.

E. Special Permit Application Requirements

As Amended– Effective 10-07-22

In addition to the requirements of Section 8.04 of these Regulations, a Special Permit application for antennas, towers and wireless facilities shall also include the following:

1. Documentation that the applicant qualifies as a wireless service provider.
2. Documentation that the entity proposing to construct and maintain the tower has the financial capability to do so.
3. A list of all federal, state, regional, district and municipal agencies which have conducted or will conduct a review of the proposed tower, together with a copy of any position / decision / recommendation of such agency or board with respect to the proposed facility.
4. A Site Plan meeting the requirements of these Regulations and showing the following:
 - a. The antenna and/or tower location and guy wires.
 - b. Areas of construction or improvement, including the access road to the site.
 - c. The boundaries of the tower fall zone.
 - d. The location of any approved or proposed buildings or construction on or adjacent to the site.
 - e. The following areas on or adjacent to the site shall be shown either on the Site Plan or a separate existing conditions map:
 - i. Inland wetlands and watercourses.
 - ii. Critical habitats for plants and animals.
 - iii. Historic structures or sites, unusual features, buildings, monuments or areas.
 - iv. Permanently protected lands, such as state park and forest lands, land protected by a land trust.
5. A construction plan, prepared by a professional engineer licensed to practice in Connecticut, showing construction and drainage details, including the access road and construction or drainage improvements, above-ground wires, cables, ducts, utility and signal cables, guying and guy anchor details.
6. A rendering drawn to scale depicting the tower, showing all antenna and wireless facilities, with details and dimensions, including any lighting, colors and accessory elements.
7. A topographic location map, at a scale of one inch equals 2,000 feet, showing:
 - a. The antenna or tower location.
 - b. Existing and proposed towers in and outside Norfolk that would connect or be interconnected with or hand off to the proposed facility.
 - c. The boundaries of the tower viewshed, i.e., the area within which the tower can be seen based upon an assessment of the topography surrounding the site.

8. An evaluation of the visual effect of the proposed tower within the viewshed, including land in adjacent towns, and with regard to areas of special concern including, but not limited to:
 - a. Areas identified as existing or proposed open space or preservation areas in the Plan of Conservation and Development.
 - b. Land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State Department of Energy and Environmental Protection - Natural Resources Center.
 - c. Areas within the Norfolk center area.
9. A written report, prepared by qualified expert(s), providing:
 - a. A description of the service area for each communication system on the tower.
 - b. The rationale and justification for the proposed antenna and/or tower in the proposed location.
 - c. Documentation that the antenna height is the minimum required to provide adequate coverage as defined herein.
 - d. An analysis comparing the site to alternative sites within the proposed service area.
 - e. Identification of the location of tall structures within 1/4 mile of the site and documentation that the owners of such structures have been contacted and asked for permission to install an antenna and such permission has been denied for other than economic reasons.
10. A statement from the applicant indicating that the applicant will, weather permitting:
 - a. Raise a balloon of at least three feet in diameter at the proposed tower site.
 - b. Raise such balloon to the height of the proposed tower.
 - c. Raise such balloon at least three days prior to the scheduled date of the public hearing.
 - d. Provide the Commission with at least 72 hour notice of the date and time the balloon will be raised.
 - e. Keep the balloon in place for a period acceptable to the Commission.

F. Supplemental Application Requirements

As part of a Special Permit application for an antenna, tower, or wireless facilities, the Commission may require submission of the following:

1. A report assessing the environmental impact of the proposed construction and operation on:
 - a. Areas designated for conservation in the Plan of Conservation and Development,
 - b. Areas designated as conservation or preservation areas in the State Plan of Conservation and Development, and
 - c. The areas indicated below.
 - i. Inland wetlands and watercourses.
 - ii. Critical habitats for plants and animals.
 - iii. Historic structures or sites, unusual features, buildings, monuments or areas.
 - iv. Permanently protected lands, such as state park and forest lands, or land protected by a land trust.
2. A report regarding electronic emissions from the proposed tower operation which shall, at a minimum, include the following:
 - a. Identification of each proposed transmitter and identification of all potential transmitters that could be located on the tower or facility.
 - b. For each proposed or potential transmitter, identification of the frequency limits, signal band width and the upper limit of both peak and average power of each transmitter.
 - c. An analysis of the combined worst case radio frequency (RF) power density computed using Federal Communications Commission Office of Science and Technology Bulletin 65, as amended, in comparison to the applicable Federal Communications Commission power density standards.
3. A report regarding noise emissions from the proposed facility including the characteristics of any emergency or backup power source to be situated at the site.
4. A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, Manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.

G. Standards For Special Permit Applications

An antenna, tower, or wireless facilities required to obtain a Special Permit from the Commission shall comply with the following standards:

1. No new tower shall be permitted in a Village Residential (VR) zone, Neighborhood Residential (NR) zone, or other area of Norfolk where the existing development density is equivalent to that of the VR zone or the NR zone.
2. A new tower shall be on a lot of at least two acres of land and shall be of an area and configuration such that the tower in the proposed location shall be set back from all property lines by a distance no less than 120 percent of the height of the tower.
3. New tower applications shall demonstrate that the service proposed cannot be provided with equipment added to an existing or other proposed antenna or tower.
4. A related unmanned equipment and/or storage building(s) shall be permitted, provided that it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height.
5. All other uses not clearly necessary to the operation or maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit.
6. Commercial advertising shall not be allowed on an antenna or the tower.
7. Signal lights or illumination shall not be allowed unless required by the Federal Communications Commission or Federal Aviation Administration and specifically approved by the Commission.
8. Landscape and screening requirements.
 - a. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - b. A planting plan shall be provided showing that building(s), fuel tanks, other man-made structures and as much of the tower as possible will be screened by an evergreen screen meeting the following parameters:
 - i. The screen shall be a row of evergreen trees planted ten feet (10') on center maximum.
 - ii. The evergreens shall have a minimum height of six feet (6') at planting and be of a type that grows to a minimum of fifteen feet (15') at maturity.
 - c. The Commission may accept any combination of existing vegetation, topography, walls or other features, provided that it meets or exceeds the above evergreen screen requirement.
 - d. For a new tower, a fence with a minimum height of eight feet (8') shall be provided.
9. The Commission may require, as a condition of the permit, that the applicant monitor the radio frequency emissions from the facility on a regular basis, providing both a pre-installation and post-installation assessment. The applicant shall provide a copy of such monitoring reports to the Planning and Zoning Commission in a timely manner.
10. A wireless facility not used for six months shall be removed by the facility owner. This removal shall be completed within 90 days of the end of such six-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area. As a condition of the approval of the permit, the Commission may require a performance guaranty in accordance with Section 8.09.L in an amount sufficient to cover the cost of completing this requirement.

Section 7.03 Outdoor Wood-Burning Furnaces

1. The installation of an outdoor wood-burning furnace or any similar device within the town of Norfolk is prohibited.
2. For the purposes of these Regulations, an outdoor wood-burning furnace is defined as:
 - a. a structure or appliance located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water, or
 - b. provided in CGS Section 22a-174k (pursuant to Public Act 05-227).
3. An outdoor wood-burning furnace does not include a fire pot, wood-fired barbecue or similar outdoor grill, or chiminea.

Section 7.04 Application Of State Or Federal Law

NEW– Effective 10-07-22

1. Certain provisions of state or federal law or regulations may, under certain circumstances, be deemed to supersede the requirements of these Regulations (Americans with Disabilities Act, etc.). If a landowner or applicant for any form of zoning permit or approval claims a right under any such law or regulation to approval of a use, building or structure that would not or does not conform to the requirements of these Regulations, the Commission or the ZEO may grant such approval if the landowner or applicant provides sufficient evidence to establish:
 - a. That a provision or provisions of state or federal law or regulations apply to the proposed use, building or structure;
 - b. That a departure from the requirements of these Regulations is appropriate to address such provisions of state or federal law or regulations;
 - c. That any departure from the requirements of these Regulations is no more than reasonable or necessary to address such provisions of state or federal laws or regulations;
 - d. That reasonable strategies have been employed to mitigate any impacts to abutting properties.

Section 7.05 Cannabis Establishments

NEW – Effective 10-07-22

With enactment of Public Act 21-1 and Public Act 22-103, cannabis establishments were authorized in Connecticut subject to licensing by the Department of Consumer Protection.

Subject to licensing by the Connecticut Department of Consumer Protection, cannabis establishments within Norfolk shall be regulated as follows:

1. All definitions related to cannabis are as defined in State statutes.
2. As per CGS Section 1-1, the cultivation of cannabis does not fall within the definition of "agriculture" or "farming".
3. Cannabis establishments shall be regulated as follows:

Establishment Type(s)	Business Zone (VB, RB, CI)	Residential Zone (VR, NR, RR)
1. Dispensary facility 2. Hybrid retailer 3. Retailer	Treated as a retail use	Not allowed
4. Cultivator 5. Micro-cultivator 6. Producer 7. Product manufacturer 8. Product packager	Treated as a manufacturing establishment	Not allowed
9. Food and beverage manufacturer	Treated as a manufacturing establishment	Not allowed. Not considered to be a cottage food operation.
10. Delivery service 11. Transporter	Treated as a business service establishment	May be allowed by Special Permit as a "home enterprise" provided there is no on-site storage of cannabis products.

Article 8. Procedures

Section 8.01 Staff Procedures

A. Zoning Permit

1. **Applicability** - When a Zoning Permit is required by these Regulations, no building or land shall be occupied or used, the use of an existing building or land shall not be changed, and no building or other structure shall be constructed, reconstructed, altered, extended or enlarged in whole or in part for any purpose until a Zoning Permit shall have been issued by the Commission or, for an allowed use, by the ZEO showing conformance:
 - a. with these Regulations, or
 - b. to an approval granted by the Planning and Zoning Commission, or
 - c. to a variance granted by the ZBA.
2. **Application Procedures** -
 - a. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
 - b. If the activity to be authorized by the Zoning Permit involves new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district”, such Zoning Permit shall not be issued until the application has been reviewed and approved by the Commission.
 - c. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.
3. **Notice Provisions** -
 - a. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7.
 - b. Any such notice to be published by the recipient shall contain:
 - a description of the building, use or structure and its location,
 - the identity of the applicant, and
 - a statement that an aggrieved person may appeal to the ZBA in accordance with the provisions of CGS Section 8-7.
4. **Expiration** - Any Zoning Permit issued under these Regulations shall expire twelve (12) months from the date of issuance unless a valid building permit is in effect or the Commission renews the Zoning Permit for one additional period not to exceed twelve (12) months when it is determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

B. Certificate of Zoning Compliance

1. **Applicability** - No building permit or certificate of occupancy shall be issued for a building or structure subject to these Regulations without a Zoning Permit and/or Certificate Of Zoning Compliance having been issued, in writing, by the Commission or the ZEO, as its authorized agent, indicating that such building or structure conforms to such Regulations or is a valid non-conforming use under such Regulations.
2. **Application Procedures** -
 - a. An application for a Certificate of Zoning Compliance shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
 - b. If the activity to be authorized by the Certificate of Zoning Compliance involves new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district”, such Certificate of Zoning Compliance shall not be issued until the application has been reviewed and approved by the Commission.
 - c. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such permit or certificate shall be null and void.
 - d. A Certificate of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are complied with and properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.
3. **Notice Provisions** -
 - a. In accordance with CGS Section 8-3(f), the recipient of a Certificate of Zoning Compliance may publish notice of issuance of the certificate of zoning compliance in order to establish the appeal period per CGS Section 8-7.
 - b. Any such notice to be published by the recipient shall contain:
 - a description of the building, use or structure and its address / location,
 - the identity of the applicant, and
 - a statement that an aggrieved person may appeal to the ZBA in accordance with the provisions of CGS Section 8-7.

Section 8.02 Pre-Application Reviews (Staff / PZC)

As Amended – Effective 05-30-21

A. Pre-Application Review By Staff

1. Prior to the submission of an official application, it is recommended that the applicant meet with the ZEO to discuss the proposed application in order to:
 - a. Facilitate consideration of factors that may be associated with a particular proposal before the applicant prepares detailed maps, plans and documents required for formal consideration,
 - b. Identify potential areas of concern and/or discuss possible enhancements,
 - c. Identify the potential need for third party consultants in accordance with Section 8.09.E of these Regulations, and
 - d. Minimize delay, expense, and inconvenience to the applicant.
2. Neither the pre-application plan nor the informal consideration by the ZEO shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

B. Pre-Application Review By Commission

1. In accordance with CGS Section 7-159b, any potential applicant may request a pre-application review with the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or identification of areas of concern.
2. Such request for a pre-application review shall, at a minimum, include the following:
 - a. A plan providing sufficient information for the Commission to visualize the proposed application, to identify the location of significant natural features, and other relevant information; and
 - b. A written summary of the project, situation, and/or issue(s) the Commission is being asked to provide input or feedback on.
3. The pre-application materials shall be submitted to the Commission through the ZEO so that the Commission may discuss whether the request for a pre-application review will provide for a productive discussion.
4. With regard to such pre-application review:
 - a. Neither the pre-application plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.
 - b. Neither the potential applicant nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the potential applicant, and the Commission upon the future receipt, if any, of a formal application.
 - c. While the meeting and optional pre-application plan should benefit any formal application, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member made during such consideration be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response, like the request itself, is preliminary and subject to further refinement.

Section 8.03 Site Plan Application (PZC)

A. Purpose

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

B. Applicability

A Site Plan application shall be submitted:

1. for any activity designated in the Regulations as requiring Site Plan approval.
2. for any activity designated in the Regulations as requiring Special Permit approval.
3. in a residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.
4. in a non-residential zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.

C. Submission Requirements

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by detailed plans that comply with the requirements in the Appendix of these Regulations, signed and sealed by an appropriate professional, for review by the Commission and its designees.
3. A Soil Erosion and Sediment Control Plan in accordance with the requirements of Section 6.04 shall be submitted when the disturbed area of any development is more than one-half (1/2) acre.
4. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. Proceedings

As Amended– Effective 10-07-22

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 8.09.B.
2. An incomplete Site Plan application may be denied in accordance with Section 8.09.C.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Agency not later than the day such Site Plan application is filed with the Commission.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.09.I.
5. Notification to water companies may be required in accordance with the requirements of Section 8.09.J.
6. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8.09.K.
7. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
 - a. the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
 - b. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
8. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Agency, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. In accordance with CGS Section 8-3(g), a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.
11. The applicant may, at any time prior to action by the Commission, withdraw such application.

E. Considerations

As Amended– Effective 10-07-22

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Inland Wetlands Agency has submitted a report with its final decision, and
 - b. give due consideration to any report of the Inland Wetlands Agency when making its decision.
2. On a Site Plan application involving notice to adjoining municipalities under Section 8.09.I or notice to water companies under Section 8.09.J or notice to DEEP under Section 8.09.K, the Commission shall give due consideration to any report or testimony received.
3. On a Site Plan application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j (such as the VB Zone), the Commission shall undertake a design review in accordance with Section 8.09.N of these Regulations.
4. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.
5. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with these Regulations.
6. A Site Plan may be modified or denied only if it fails to comply with these Regulations.
7. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect public health, safety, or welfare.
8. As a condition of approval of a Site Plan, the Commission may require submission of a passbook savings account, a statement savings account, or similar cash equivalent to guaranty the installation and performance of erosion and sediment control measures at the site.
9. As a condition of approval of a Site Plan, the Commission may require a performance guaranty in accordance with Section 8.09.L of these Regulations in an amount and in a form satisfactory to the Commission to guaranty satisfactory completion of drainage facilities, parking and access facilities, buffer strips and any other site improvements other than buildings.
10. When a performance guaranty in accordance with CGS Section 8-3 is required by the Commission, the applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate.
11. When a performance guaranty is provided, the performance guaranty shall be held by the Commission and the Commission shall not release the performance guaranty until it has determined that all of the improvements subject to the guaranty have been satisfactorily completed.
12. The Commission may require an "as built" A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.
13. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

F. Action Documentation

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of a Site Plan to be published in a newspaper having a substantial circulation in Norfolk within fifteen (15) days after such decision is rendered and, in any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period, as set forth in Section 8.03.H below, expires.

G. Following Approval

1. Following approval of a Site Plan application, two (2) paper copies of the approved plan(s) shall be submitted to the ZEO or agent:
 - a. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
 - b. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
 - c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission, and
 - d. stating the date on which the five-year period for completing all work in connection with such Site Plan, as set forth in Section 8.03.H below, expires.
2. Following signature by the Chairman, such plans shall be filed in the office of the ZEO or agent before any Zoning Permits are issued for the activities shown on the approved plan.
3. Proposed modifications to approved Site Plans shall be submitted to the ZEO for review and such proposed modifications:
 - a. may be approved by the ZEO if minor in nature, or
 - b. shall be submitted to the Commission for additional review if major changes (such as additional building floor area, alteration of building location, etc.) are proposed.
4. The ZEO shall submit a monthly report to the Commission summarizing any actions taken in connection with Section 8.03.G.3.a above.
5. Within an area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j (such as the VB Zone), no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reason(s) for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.

H. Expiration and Completion

1. Unless otherwise provided in CGS Section 8-3, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan unless the Commission shall have granted an extension of the time to complete such work.
2. Provided the applicant has requested an extension prior to the expiration of the completion period, the Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan.
3. The Commission may condition the approval of such extension on a determination of the adequacy of any performance guaranty in accordance with Section 8.09.L or other surety.

Section 8.04 Special Permit Application (PZC)

A. Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
2. Notwithstanding the above, a Special Permit shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a Site Plan under Section 8.03, or as a Special Permit under Section 8.04 of these Regulations, provided that:
 - a. The use is allowed within the zone;
 - b. There are no exterior alterations to the structure or the site;
 - c. There is no additional requirement for parking under Section 6.02 of the Zoning Regulations.

B. Submission Requirements

1. A Special Permit application, in accordance with the requirements as specified in the Appendix of these Regulations, shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.
2. Each application for a Special Permit shall be accompanied by a Site Plan application unless the ZEO finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
3. Each application for a Special Permit shall be accompanied by a written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations.
4. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.

C. Proceedings

As Amended– Effective 10-07-22

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 8.09.B.
2. An incomplete Special Permit application may be denied in accordance with Section 8.09.C.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Agency not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and:
 - a. publish a legal notice in accordance with the requirements of Section 8.09.F of these Regulations, and
 - b. require that the applicant give notice to property owners in accordance with the requirements of Section 8.09.G of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.09.I.
6. Notification to water companies may be required in accordance with the requirements of Section 8.09.J.
7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8.09.K.

8. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Agency, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Special Permit Criteria

As Amended– Effective 10-07-22

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes

Whether the proposed use or activity conflicts with the purposes of the Regulations.

2. Environmental Protection and Conservation

Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the characteristics and environment of the area.

3. Overall Neighborhood Compatibility

Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

4. Suitable Location For Use

Whether the nature and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

5. Appropriate Improvements

Whether the design elements of the proposed development (such as building, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future characteristics of the neighborhood in which the use is located.

6. Suitable Transportation Conditions

Whether the streets and other rights-of-way are or will be of such size, condition and capacity (width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use and not create traffic problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

E. Decision Considerations

As Amended– Effective 10-07-22

1. Special Permit uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.
2. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 8.04.D of these Regulations are addressed.
3. Before the Commission approves a Special Permit application, it shall determine that the application:
 - a. has, in the sole discretion of the Commission, satisfied the applicable Special Permit criteria in Section 8.04.D of these Regulations, and
 - b. is in conformance with other applicable provisions of these Regulations, and
 - c. is in harmony with the purposes and intent of these Regulations.
4. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Inland Wetlands Agency has submitted a report with its final decision, and
 - b. give due consideration to any report of the Inland Wetlands Agency when making its decision.
5. On a Special Permit application involving notice to adjoining municipalities under Section 8.09.I or notice to water companies under Section 8.09.J or notice to DEEP under Section 8.09.K, the Commission shall give due consideration to any report or testimony received.
6. On a Special Permit application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j (such as the VB Zone), the Commission shall undertake a design review in accordance with Section 8.09.N of these Regulations.
7. In accordance with CGS Section 8-25a, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m.
8. In granting a Special Permit, the Commission may determine whether and to what extent allowed uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
 - a. protect or promote the public health, safety or welfare; or
 - b. enhance overall neighborhood compatibility.
9. A Special Permit and any condition attached to the granting of a Special Permit shall:
 - a. remain with the property as long as the Special Permit use is in operation, and
 - b. continue in force and effect regardless of any change in ownership of the property.
10. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

F. Action Documentation

1. The Planning and Zoning Commission shall approve, disapprove or approve with conditions the proposed Special Permit.
2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
3. Whenever it acts on a Special Permit application, the Commission may:
 - a. establish a condition that commencement of the use or construction begin within a certain time frame.
 - b. require a performance guaranty in accordance with Section 8.09.L of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.
4. Any decision to grant a Special Permit shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates,
 - c. identify the Section and/or Section of the Regulations under which the Special Permit was granted, and
 - d. specify the nature of the Special Permit, and
 - e. state the conditions of approval, if any.
5. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
6. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Norfolk.
7. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

G. Following Approval

1. A Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
4. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit.

Section 8.05 Text Amendment Application (PZC)

A. Applicability

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

B. Submission Requirements

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.
2. A Text Amendment application shall be accompanied by ten (10) copies of the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment.
3. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

C. Proceedings

As Amended – Effective 05-30-21

1. The date of receipt for the Text Amendment application shall be determined in accordance with Section 8.09.B.
2. An incomplete Text Amendment application may be denied in accordance with Section 8.09.C.
3. The Commission shall hold a public hearing on the Text Amendment application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of Section 8.09.F. of these Regulations.
 - b. may publish the full text of such proposed regulation in full in such notice.
4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
 - a. such notice shall be made at least thirty (30) days before the public hearing.
 - b. such notice may be made by electronic mail, except that if no confirmation of electronic receipt is received on a timely basis, such notice shall then be made by certified mail, return receipt requested, not later than twenty-five (25) days before the public hearing.
 - c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.09.I.
6. Notification to water companies may be required in accordance with the requirements of Section 8.09.J.
7. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

8. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Text Amendment application within the period of time provided under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

As Amended– Effective 10-07-22

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities under Section 8.09.I or notice to water companies under Section 8.09.J or notice to a regional planning agency under CGS Section 8-3b:
 - a. any report received from those agencies shall be made a part of the record of such hearing.
 - b. the Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
 - a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
 - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
 - a. protecting the public health, safety, welfare, and
 - b. attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

E. Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.
2. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
3. As part of approving a Text Amendment application:
 - a. the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Norfolk before such effective date, or
 - b. if an effective date is not so specified, the text amendment shall become effective upon publication in a newspaper having a substantial circulation in Norfolk.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Norfolk.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

F. Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

G. Modification Requirement

Any modification in the use of uses of a Special Permit shall require a Public Hearing.

Section 8.06 Zone Change Application (PZC)

A. Applicability

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form, the appropriate application fee, and a separate payment for the map change fee (if any).
2. A Zone Change application shall be accompanied by:
 - a. two (2) copies of a map at an appropriate scale (such as 1" = 100' or 1" = 40') indicating existing and proposed zone boundaries, and
 - b. ten (10) copies of an 11 x 17 map indicating existing and proposed zone boundaries.
3. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

C. Proceedings

As Amended – Effective 05-30-21

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 8.09.B.
2. An incomplete Zone Change application may be denied in accordance with Section 8.09.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
 - a. publish a legal notice in accordance with the requirements of Section 8.09.F of these Regulations,
 - b. require that the applicant give notice to property owners in accordance with the requirements of Section 8.09.G of these Regulations, and
 - c. require that the applicant post a sign on the land affected by the application in accordance with the requirements of Section 8.09.H of these Regulations.
4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
 - a. such notice shall be made at least thirty (30) days before the public hearing.
 - b. such notice may be made by electronic mail, except that, if no confirmation of electronic receipt is received on a timely basis, such notice shall then be made by certified mail, return receipt requested, not later than twenty-five (25) days before the public hearing.
 - c. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.09.I.
6. Notification to water companies may be required in accordance with the requirements of Section 8.09.J.

7. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
8. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
 - e. these provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

As Amended– Effective 10-07-22

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities under Section 8.09.I or notice to water companies under Section 8.09.J or notice to DEEP under Section 8.09.K or notice to a regional planning agency under CGS Section 8-3b:
 - a. any report received from those agencies shall be made a part of the record of such hearing.
 - b. the Commission shall give due consideration to any report or testimony received from such agencies.
3. Changes in zone district boundaries:
 - a. should be in harmony with the Plan of Conservation and Development for Norfolk, as amended.
 - b. shall, where possible, constitute logical extensions of like or compatible districts.
 - c. where appropriate, follow property lines or geo-physical features.
4. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
 - a. is in accordance with the Plan of Conservation and Development,
 - b. is suitable for the intended location,
 - c. will aid in protecting the public health, safety, and welfare, and
 - d. will aid in attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

E. Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
 - a. the reason(s) for its decision.
 - b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
 - a. the Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Norfolk before such effective date, or
 - b. if an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in Norfolk.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Norfolk.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

F. Following Action By The Commission

As Amended – Effective 05-30-21

1. For a zoning map change approved by the Commission:
 - a. the payment submitted with the application for the map change fee (if any) shall be processed by the Commission,
 - b. documentation of the zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date,
 - c. such zoning map change shall be made on the Zoning Map provided that any map change fee (if any) has been paid, and
 - d. such zoning map change shall be noted with an entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of the boundary amendment.
2. For a zoning map change not approved by the Commission, the map change fee (if any) submitted with the application shall, at the applicant's option, be returned to the applicant or destroyed.

Section 8.07 Variance Application (ZBA)

A. Applicability

A Variance application shall be tendered to the ZBA for any proposal to vary the application of the Zoning Regulations with regard to any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Variance application shall be submitted to the ZBA or agent and shall include a completed application form and the appropriate fee.
2. A Variance application shall be accompanied by ten (10) copies of materials that comply with the requirements in the Appendix of these Regulations.
3. The ZBA shall require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.
4. As provided by CGS Section 8-6, the ZBA shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the ZBA or by a court on an earlier such application.
5. If a Variance application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Agency not later than the day such application is filed with the Commission.

C. Proceedings

1. The date of receipt for the Variance application shall be determined in accordance with Section 8.09.B.
2. An incomplete Variance application may be denied in accordance with Section 8.09.C.
3. The ZBA shall hold a public hearing on the Variance application and:
 - a. publish a legal notice in advance of the hearing in accordance with the requirements of Section 8.09.F of these Regulations, and
 - b. require that the applicant give notice to property owners in accordance with the requirements of Section 8.09.G of these Regulations.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.09.I.
5. Notification to water companies may be required in accordance with the requirements of Section 8.09.J.
6. The ZBA shall process the Variance application within the period of time provided under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
7. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Consideration

As Amended– Effective 10-07-22

1. On a Variance application involving notice to adjoining municipalities under Section 8.09.I or notice to water companies under Section 8.09.J:
 - a. any report received from those agencies shall be made a part of the record of such hearing.
 - b. the Commission shall give due consideration to any report or testimony received from such agency.
2. Before granting a variance, the ZBA shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - a. solely with respect to the parcel of land that is the subject of the application, and
 - b. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
3. The ZBA shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - a. in harmony with the general purpose and intent of the Regulations.
 - b. with due consideration for conserving the public health, safety, and welfare, and
 - c. so that substantial justice shall be done and the public safety and welfare secured.
4. The concurring vote of four (4) members of the ZBA shall be necessary to vary the application of the Zoning Regulations.

E. Additional Considerations for Use Variances

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
2. No use variance for a business use or an industrial use shall be granted in a Residence Zone.
3. A use variance shall be granted only where, without the use variance, the private property would be rendered valueless.

F. Action Documentation

1. Whenever it grants or denies a Variance application, the ZBA shall state upon the record:
 - a. the reason(s) for its decision,
 - b. the Regulation which is varied in its application, and
 - c. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
2. Notice of the decision of the ZBA shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates,
 - c. state the nature of the hardship found, and
 - d. specify the nature of such variance including the Regulation which is varied in its application.
4. Notice of the decision of the ZBA shall be published within fifteen (15) days after such decision has been rendered in a newspaper having a substantial circulation in Norfolk.
5. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

G. Following Approval

1. A variance granted by the ZBA shall only become effective upon the filing of a copy, certified by the ZBA, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A variance shall authorize only the particular activity specified in the ZBA's approval.

Section 8.08 Motor Vehicle Location Application (ZBA)

A. Applicability

1. In accordance with CGS Section 14-54, an application for a Certificate of Location Approval shall be submitted to the ZBA by any person who desires to obtain a license for dealing in or repairing motor vehicles in Norfolk except that this requirement shall not apply to:
 - a. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
 - b. a transfer of ownership to, or from, a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
 - c. a change in ownership involving the withdrawal of one or more partners from a partnership.
2. In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the ZBA by any person who desires to obtain a license for the sale of gasoline or any other product under the provisions of CGS Section 14-319 including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:
 - a. in the case of a renewal of a license by the holder of the license;
 - b. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
 - c. in the case of the addition or discontinuance of pumps.

B. Proceedings

1. In reviewing a Certificate of Location Approval application, the ZBA acts as an agent of the State of Connecticut and the notice provisions and other provisions of CGS Chapter 124 (CGS Section 8-1 et seq.) shall not apply.
2. The ZBA may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:
 - a. shall cause a legal notice to be published in accordance with the requirements of Section 8.09.F of these Regulations; and
 - b. may require that the applicant give notice to nearby property owners in accordance with the requirements of Section 8.09.G of these Regulations.
3. The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the ZBA.

C. Decision Considerations

As Amended– Effective 10-07-22

As an agent of the State of Connecticut, the ZBA serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:

1. whether the use is allowed in the zoning district;
2. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering;
4. whether the proposed use of the location would imperil the safety and welfare of the public;
5. whether the proposed use of the location would have a detrimental effect on nearby properties or development thereof; or
6. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

D. Action Documentation

1. Whenever it grants or denies a Motor Vehicle Location application, the ZBA shall state upon its records the reason(s) for its decision.
2. Notice of the decision of the ZBA shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates, and
 - c. state the reason(s) why the application was approved or denied.

Section 8.09 Procedural Requirements

A. Application Submittal Requirements

1. Applications to the Commission or ZBA shall be submitted to the ZEO or agent.
2. Applications shall be submitted on forms obtained from the ZEO or agent for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town of Norfolk shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant or an authorized agent.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

B. Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the ZBA shall be:

1. the day of the next regularly scheduled meeting of the Commission or the ZBA immediately following the day of submission of the application to the ZEO or agent, or
2. thirty-five (35) days after submission, whichever is sooner.

C. Incomplete Applications

1. Each application shall be reviewed by the ZEO or agent to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or ZBA shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the ZBA has been received by the Commission or the ZBA at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

D. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the ZBA may conduct any public hearings simultaneously or in the order they deem appropriate.

E. Consultations

As Amended– Effective 10-07-22

1. On any application, the Commission or ZBA may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. In accordance with Ordinance #84-2, the Commission or ZBA may also, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.
3. The ZEO may make a preliminary determination of the need for such technical assistance to be provided by non-Town personnel following a review of the application provided that such preliminary determination shall be subject to review by the Commission or the ZBA.
4. Prior to actually retaining such outside consultant(s), the Commission or the ZBA shall make findings that the nature and intensity of the proposal may have a significant impact on Norfolk and that:
 - a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
 - b. that the proposal is of such a nature as to require expertise not available from staff.
5. The Commission, ZBA or ZEO shall estimate the projected expenses for reviewing, evaluating and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such fee estimate. If necessary, the Commission or ZBA shall review information submitted by the applicant relative to the statutory provisions of CGS Section 8-1(c) and affirm or modify the fee estimate for consultant review(s).
6. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the ZEO and the application shall be deemed incomplete until the fee(s) have been submitted.
7. Should the estimate of supplemental funds prove inadequate, the Commission, ZBA or ZEO shall recalculate the projected expenses for reviewing, evaluating and processing the application and notify the applicant of such supplemental fee estimate.
8. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the ZEO and the application shall be deemed incomplete until the fee(s) have been submitted.
9. Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.
10. In accordance with Ordinance #84-2, the Commission or ZBA shall bill the applicant for any costs incurred by the Town of Norfolk in processing the application in excess of the estimated processing fee(s) paid by the applicant and this bill shall be paid by the applicant within fifteen (15) calendar days of such notice regardless of whether the application is approved, denied, or withdrawn.
11. No permits shall be issued until all processing fees are paid.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or ZBA, the ZEO or agent shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Norfolk.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

G. Notification to Property Owners

1. When required by these Regulations, the applicant (other than the Commission which is exempt as per PA 06-80) shall notify owners of property within one hundred (100) feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside Norfolk, of a pending application by mailing a notice at least ten (10) days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
 - a. a description of the proposed activity,
 - b. notification of the date, time, and place of the first scheduled hearing.
3. Notices to such property owners shall be sent via "Certified United States Mail, Return Receipt Requested" except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. The most recent Assessor's records on file in the Norfolk Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.
5. The applicant shall certify to the Commission or the ZBA prior to or at the public hearing that the required notices were mailed to all parties identified in Section 8.09.G.1.
6. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the ZEO or agent or the application shall be considered incomplete:
 - a. a copy of the complete package of information sent to abutters,
 - b. a list of the abutters to whom the notices were sent, and
 - c. proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service, and
 - d. return receipts, as available.

H. Posting of Sign

1. When required by these Regulations, the applicant shall post one or more signs at his or her expense, in conspicuous locations on the property or properties affected by the application.
2. In the event any such property has frontage on or access to more than one street, there will be posted a minimum of one sign on each street on which the property has frontage or access.
3. The sign shall be no smaller than two feet by two feet and shall be no larger than four feet by four feet..
4. The sign shall:
 - a. give information as to the type of application,
 - b. give information as to the time, date and location of the public hearing pertaining to the application,
 - c. be clearly legible from the street, and
 - d. be posted at least ten (10) days prior to the public hearing.
5. The applicant shall file a written statement with the Commission at the time of the public hearing certifying that the required signs were posted as required by these Regulations.
6. Failure to post and maintain the signs as required by this section shall constitute grounds for denial of the application.
7. Any signs shall be removed following the close of the public hearing.

I. Notification to Abutting Municipalities

1. In accordance with CGS Section 8-7d(f), the Commission or ZBA shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
 - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
 - c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the ZEO or agent of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Notification to Water Companies

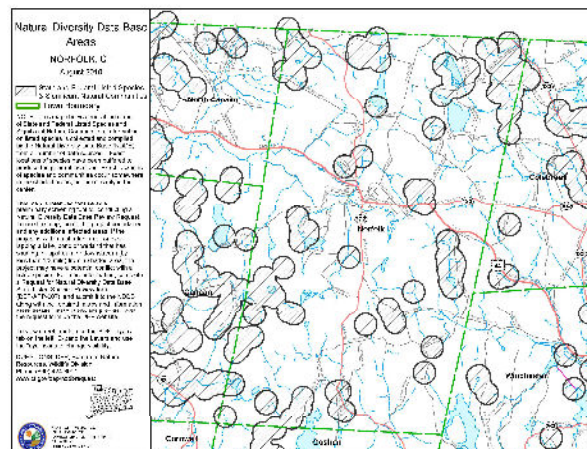
1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or ZBA concerning any project on any site that is within:
 - a. an aquifer protection area (for a preliminary but unofficial indication, see www.ct.gov/dep/aquiferprotection) provided such area has been delineated in accordance with CGS Section 22a-354c, or
 - b. the watershed of a water company (for a preliminary but unofficial indication, see http://cteco.uconn.edu/map_catalog/maps/town/wtrqualcl/WtrQualCl_Norfolk.pdf), provided such water company or said commissioner has filed a map with the Commission or the ZBA and on the Norfolk land records showing boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the ZEO or agent.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the ZEO or agent or the application shall be considered incomplete:
 - a. a copy of the complete package of information, and
 - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

K. Notification of DEEP

As Amended— Effective 10-07-22

1. If any portion of the property which is the subject of the application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Norfolk (for a preliminary but unofficial indication, see http://cteco.uconn.edu/map_catalog/maps/town/nddbsmall/nddbsmall_Norfolk.pdf), the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project.
2. A report from DEEP shall be a required for any application for a Site Plan or a Special Permit for property located within a “shaded area” identified on the most current Natural Diversity Database maps for Norfolk.
3. Any application submitted without a DEEP report shall be considered incomplete (see Section 8.09.C).
4. Additional information is available on the DEEP website (www.ct.gov/deep/nddb).

Example of Map (check DEEP website for most current information)



L. Performance Guaranty

1. Where a performance guaranty is required by any Section of these Regulations, it shall be in one (1) of the following forms and the ZEO shall require evidence of compliance with the following standards before accepting any performance guaranty:
 - a. Cash deposited with the Town.
 - b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
 - c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
 - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
 - a. such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 - b. the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
 - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
 - iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
 - e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. No portion of any required performance guaranty shall be released by the Commission or the ZEO until:
 - a. A release has been requested, in writing, by the applicant,
 - b. the applicant's engineer or surveyor has certified to the Town, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans,
 - c. if such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans, and
 - d. the ZEO has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
3. In accordance with CGS Section 8-3, if the person posting a performance guaranty requests a release of all or a portion of such performance guaranty, the Commission or the ZEO shall, not later than sixty-five days after receiving such request:
 - a. release any such performance guaranty or portion thereof, provided the Commission or the ZEO is reasonably satisfied that the improvements for which such performance guaranty or portion thereof was posted have been completed, or
 - b. provide the person posting such performance guaranty with a written explanation as to the additional work that must be completed before such performance guaranty or portion thereof may be released.
4. Any cost of collecting a performance guaranty, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Section 8.09.L.2.

M. Beneficiaries of a Trust

Any person who makes an application to the Commission or ZBA pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

N. Design Guidelines In A Village District

As Amended– Effective 10-07-22

1. Within any area designated within these Regulations as a “village district” in accordance with CGS Section 8-2j:
 - a. Special consideration shall be given to protecting the distinctive character, landscape, and historic structures.
 - b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
 - c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive characteristics of the “village district” shall be encouraged.
 - d. In reviewing the exterior of structures or sites, the Commission may consider:
 - i. the *Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as amended; or
 - ii. the distinctive characteristics of the district, including those specifically identified in the Plan of Conservation and Development.
 - e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
 - f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the “village district” in and around the proposed building or modification.
 - g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, lighting (subject to the provisions of Sections 6.09) and any proposed signs (subject to the provisions of Sections 6.01 D.2 and D.3) shall be evaluated for compatibility with the local architectural motif.
 - h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.
2. The Commission shall also consider the relationship of buildings within the “village district” to the site and adjoining areas:
 - a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
 - b. A unified design theme for building massing, exterior treatments and signage (subject to the provisions of Sections 6.01 D.2 and D.3) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
 - c. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
 - d. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

3. The Commission shall also consider the landscape and site treatment within the “village district”:
 - a. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
 - b. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
 - c. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
 - d. Existing trees at four (4) inches or greater caliper shall be incorporated into the plan.
4. The Commission shall also consider the building design within the “village district”:
 - a. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
 - b. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
 - c. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
 - d. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
 - e. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
5. The Commission shall also consider the lighting (subject to the provisions of Sections 6.09) and signs (subject to the provisions of Section 6.01 D.2 and D.3) within the “village district”:
 - a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
 - b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
 - c. Lighting shall be restrained in design and excessive brightness avoided.
6. In reviewing an application within a designated “village district”, any application for new construction or remodeling of the exterior of a building shall be subject to Special Permit approval. As part of its review, the Commission shall utilize one or more “village district” consultants.
 - a. In accordance with CGS Section 8-2j, such “village district” consultant shall be:
 - i. a registered architect or an architectural firm,
 - ii. a licensed landscape architect, or
 - iii. a planner who is a member of the American Institute of Certified Planners.
 - b. Alternatively, an architectural design review board may be designated as the “village district” consultant provided the members shall include at least one (1) architect, one (1) landscape architect, or one (1) planner who is a member of the American Institute of Certified Planners.
 - c. All applications shall be subject to review and recommendation by the “village district” consultant designated by the Commission as the “village district” consultant for such application.
 - d. The “village district” consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
 - e. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
 - f. Failure of the “village district” consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
 - g. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Norfolk Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
 - h. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

Section 8.10 Enforcement Procedures

As Mended - Effective 02-05-18 / XX-XX-22

A. GENERAL

1. **AUTHORITY** - Pursuant to Chapter 124 of the Connecticut General Statutes (hereinafter the “CGS”), the Planning and Zoning Commission (hereinafter the “Commission”) is empowered to establish how the Zoning Regulations are to be enforced.
2. **GOALS** - The Commission has established these guidelines for enforcement of the Zoning Regulations in order to ensure that:
 - a. zoning enforcements have a specific process to follow,
 - b. complaints are dealt with in a fair and equitable manner,
 - c. alleged violations are investigated, and
 - d. violations are brought into compliance.
3. **PRINCIPLES** - The Commission has established the following principles to guide the enforcement program:
 - a. Responsiveness –
 - The Zoning Enforcement Officer (hereinafter the “ZEO”) will investigate and document zoning complaints.
 - b. Compliance, Not Punishment –
 - The overall goal of zoning enforcement is to bring property or land uses into compliance consistent with the Zoning Regulations.
 - The Commission shall take action authorized by law if there is not progressive, diligent and obvious action toward compliance.
 - c. Transparency –
 - The ZEO will document and make a record of any actions taken.
 - The record of any actions taken will be made available to the public as State statutes require.
 - The ZEO will make regular reports to the Commission on the progress of zoning enforcement issues.
 - d. Consistency –
 - The ZEO will strive to be consistent when managing enforcement actions.
 - These guidelines have been prepared to assist in that effort.
 - These guidelines provide a process for the ZEO to exercise reasonable judgment. The Commission recognizes that absolute adherence to these guidelines may not be practical. Where deviation from these guidelines is appropriate, the ZEO shall document the basis for such deviation.

B. IDENTIFICATION / DETERMINATION

As Amended– Effective 10-07-22

1. SITUATION IDENTIFIED -

- a. Complaint Filed – An allegation of a zoning violation may be submitted by any concerned citizen. If the concerned citizen wishes to be informed of the progress or disposition of any complaint, it must be submitted in writing to the ZEO. Anonymous complaints are accepted, but are promptly investigated only when the ZEO determines that the alleged zoning violation may pose an imminent peril to the public health or safety of the community.
- b. Violation Noted - An allegation of a zoning violation may also be investigated by the ZEO if it is:
 - observed personally by the ZEO, or
 - brought to the ZEO's attention by a Town official.

2. CONDUCT A SITE VISIT –

- a. A site visit or visual inspection by the ZEO may be part of a town-wide investigation of zoning compliance or it may be an inspection of a specific property by the ZEO to investigate an alleged zoning violation on that property.
- b. The ZEO may conduct an on-site inspection with the consent of the property owner.
- c. If the property owner does not provide such consent, the ZEO or the Commission may conduct a visual inspection from a public street or from a nearby property and/or may seek judicial authorization to conduct an on-site inspection.

3. RESEARCH RECORDS - Research shall be conducted to establish relevant background information such as the zoning district in which the property is located, if any variances have been granted, or if any permits have been issued to conduct the activity that is the source of the alleged zoning violation.

4. DETERMINATION -

- a. After inspecting the site and researching the records, the ZEO will determine whether a violation exists.
- b. If a determination is made that a zoning violation exists, the ZEO will proceed to Section C.1, except the ZEO will proceed directly to Section D.1 for properties that have been the subject of previous Notices of Violation(s), as provided for in Section C.1, for the same type of violation.
- c. If a zoning violation is found not to exist, the ZEO shall close the case. The ZEO will inform the original complainant of this finding, provided that a written complaint was filed.

C. VOLUNTARY COMPLIANCE

As Amended– Effective 10-07-22

1. SEND NOTICE OF VIOLATION / REQUEST FOR VOLUNTARY COMPLIANCE -

- a. If a zoning violation is found to exist, the ZEO will attempt to contact the property owner by telephone and, following such attempt, shall send him/her, by first class mail, a Notice of Violation/Request for Voluntary Compliance.
- b. In communicating with the property owner, the ZEO shall:
 - identify the zoning violation(s) and the date of inspection,
 - identify the section(s) of the regulations that are violated,
 - include information on how to remedy the situation,
 - request voluntary compliance, and
 - specify a grace period for voluntary compliance, which shall not be more than fourteen (14) days from the date of the Notice of Violation provided; however, that the ZEO may, at his/her discretion, specify a shorter period if he/she determines that there is an imminent peril to public health or safety.
- c. If after receiving a Notice of Violation/Request for Voluntary Compliance, the property owner makes diligent and substantial progress towards the correction of the violation(s), the ZEO may extend the grace period for no more than an additional thirty (30) days.

2. EMERGENCY ACTION - Where the ZEO determines that there is an imminent peril to public health or safety involving earth excavation, soil erosion and sedimentation controls, storm water management, or other such activities, the ZEO may, without further notice, immediately issue an Enforcement/Cease and Desist Order, as provided for in Section D.1, and require immediate compliance.

3. FOLLOW UP SITE INSPECTION - After the grace period has expired or the ZEO is advised in writing by the property owner that the violation has been remedied, the ZEO will conduct a site visit, consistent with Section 8.10.B.2, to determine if zoning compliance has been achieved.

4. DETERMINATION OF VIOLATION -

- a. After the follow-up site inspection, the ZEO will determine whether the zoning violation continues to exist or has been remedied.
- b. If the zoning violation continues to exist, the ZEO will proceed to Section 8.10.D.1.
- c. If the zoning violation has been remedied, the ZEO shall prepare a written report of his/her findings and close the case and will inform the original complainant of this result, provided that a written complaint was filed.

D. OFFICIAL ACTION

As Amended– Effective 10-07-22

1. SEND ENFORCEMENT / CEASE AND DESIST ORDER -

- a. If the zoning violation has not been remedied through voluntary compliance, the ZEO will send the property owner, by certified mail, return receipt requested, and by first class mail, an Enforcement/Cease and Desist Order.
- b. The date of service of such order shall be deemed to be four (4) calendar days after the mailing of the Enforcement/Cease and Desist Order.
- c. This communication shall:
 - identify the zoning violation(s),
 - identify the section(s) of the regulations that are violated,
 - include information on how to remedy the situation, and
 - inform the property owner of the option to appeal to the Zoning Board of Appeals (hereinafter the "Board").

2. APPEAL OF ENFORCEMENT / CEASE AND DESIST ORDER -

- a. Consistent with CGS Section 8-7, an appeal may be taken to the Zoning Board of Appeals by an aggrieved person where it is alleged there is an error in an order, requirement, or decision made by the ZEO.
- b. The appeal must be submitted to the Board on the appropriate application, together with payment of the application fee.
- c. Such appeal shall be taken within thirty (30) days of the date of service of the Enforcement/Cease and Desist Order and shall specify the grounds for such appeal.
- d. An appeal shall not stay further enforcement and proceedings of any such order, requirement or decision which prohibits further construction or expansion of a use in violation of a zoning regulation except to the extent the Board grants a stay thereof.
- e. An appeal from any other order, requirement or decision shall stay all proceedings in the action appealed from unless the ZEO or the Commission certifies to the Board that, for the reasons set forth in such certification, a stay would cause an imminent peril to life or property, consistent with CGS Section 8-7.

3. FOLLOW UP SITE INSPECTION -

- a. If no appeal to the Board is filed, the ZEO will conduct a follow up site visit, consistent with Section 8.10.B.2, to determine if zoning compliance has been achieved.
- b. After inspecting the site, the ZEO shall determine whether the alleged zoning violation continues to exist or if it has been remedied.
- c. If the zoning violation continues to exist, the ZEO will proceed to Section 8.10.E.1.

4. BOARD DETERMINATION -

- a. If an appeal to the Board is filed, the Board shall hold a public hearing on the appeal.
- b. Following the public hearing, the Board shall affirm, affirm in part, reverse, or modify the decision of the ZEO provided that any vote to reverse or modify a decision of the ZEO shall require the concurring vote of four (4) members of the Board and shall specify the reasons therefor.
- c. If the Board affirms, affirms in part or modifies the decision of the ZEO that a zoning violation exists, the ZEO will proceed to Section 8.10.E.1.
- d. If the Board reverses the decision of the ZEO, the ZEO shall, unless an appeal of the Board's decision is taken to Superior Court, close the case and inform the original complainant of the Board's decision, provided that a written complaint was filed.

E. ENFORCEMENT ACTIONS

As Amended– Effective 10-07-22

1. **SELECT AN ENFORCEMENT ACTION** - Except in cases of violations requiring immediate remediation as provided for in Sections 8.10.C.1 and 8.10.C.2, the ZEO may, in his/her discretion:
 - a. Enter into a Consent and Abatement Order (Section 8.10.E.2), or
 - b. Issue a Citation (Section 8.10.E.3), or
 - c. Apply to the Connecticut Superior Court for appropriate relief (Section 8.10.E.4).
2. **CONSENT AND ABATEMENT ORDER**
 - a. In those instances where an Enforcement/Cease and Desist Order has been issued and, although willing to remedy the violation(s), the property owner is not capable of doing so within the specified time period, provided that the property owner has commenced to remedy and is diligently proceeding to remedy the zoning violation, the ZEO may agree to an abeyance of the enforcement action subject to written and mutually agreed terms of compliance (a "Consent and Abatement Order").
 - b. The Consent and Abatement Order shall provide for further actions to be taken should the property owner fail to comply with such order, including without limitation the actions set forth in Sections 8.10.E.3 and 8.10.E.4.
 - c. Once the zoning violation has been remedied and the property owner is in compliance, the ZEO shall prepare a written report of his/her findings and close the case and inform the original complainant of this result, provided that a written complaint was filed.
3. **CITATION** -
 - a. Pursuant to CGS Section 8-12a, the Town of Norfolk adopted an Ordinance for the Enforcement for Land Use Violations (the "Ordinance") establishing municipal penalties for violations of zoning regulations.
 - b. This Citation process is intended to result in local resolution of zoning violations, as opposed to involving the court system and possible civil or criminal penalties.
 - c. The Commission authorizes the ZEO to issue citations for violations of the Zoning Regulations, consistent with the Ordinance, following the ZEO's compliance with the provisions set forth in Sections B, C, and D.
4. **COURT RELIEF - CEASE AND DESIST ORDER (Superior Court)**
 - a. A Cease and Desist Order is a legal proceeding involving the Connecticut court system which seeks compliance with the Zoning Regulations.
 - b. If the property owner has not complied with the Enforcement/Cease and Desist Order, the matter may be then forwarded to the Town Attorney to seek injunctive and other relief through the Connecticut court system.
 - c. While rare, failure to comply with an Enforcement/Cease and Desist Order can be prosecuted through the Connecticut criminal court system, and the Commission has the authority to seek this relief.
 - d. If the Court rules in the Commission's favor, the ZEO is authorized to monitor the property owner's compliance with the court order.
 - e. If the property owner does not comply with the court order or timetable, the ZEO may bring the property owner to court on a contempt of court motion.
 - f. Once the zoning violation has ceased and the property owner is in compliance, the ZEO shall prepare a written report of his/her findings and close the case and inform the original complainant of this result, provided that a written complaint was filed.

Appendix

BASIC MAP REQUIREMENTS

1. Unless modified or waived by the Commission or the ZBA, all maps shall be based on an A-2 survey of the property.
2. Unless modified or waived by the Commission or the ZBA, sheet size shall not exceed 24" by 36".
3. Map scale shall be appropriate for the information being displayed with a typical scale being 1 inch equals 40 feet.
4. All maps and plans shall be sealed by the appropriate professional licensed by the State of Connecticut.
5. All maps and plans shall contain the following, as applicable:
 - a. The name of the applicant and owner of the property.
 - b. A scale and North arrow.
 - c. The property boundary, dimensions, angles, area and zoning classification.
 - d. The names of owners of record of abutting properties within 100' of the applicant's property line (including across the street or road).
6. The Site Plan shall include an approval block, as shown below, which shall include a space for the date of approval and the date of expiration, which shall be five years from the date of approval.

Approved by the Norfolk Planning and Zoning Commission on _____.
(date of meeting)

Signed: _____
(Chairman or Secretary)

Pursuant to Connecticut General Statutes, Chapter 124, Section 8-3(i), this Site Plan approval shall automatically expire five years from the date of approval or on _____ (date of expiration).

MODIFICATION OF REQUIREMENTS

1. Upon the request of an applicant, the Commission may, by resolution, determine information required as part of the Site Plan or preliminary architectural plan is not necessary to enable the Commission to consider the application and, therefore, the applicant is excused from having to submit such information.
2. The Commission may, of its own volition, modify or waive one or more of the items listed in this Appendix if it determines that the information is not needed to adequately evaluate the proposal.
3. The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

Appendix

APPLICATION REQUIREMENTS - ZONING PERMIT

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
 - ☐ Application fee
-
- ☐ Unless waived by the ZEO, a plot plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed land surveyor and stamped with an embossed seal showing, as applicable:
 - ☐ A key map showing:
 - the location of the property in relation to surrounding areas
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the plot is located
 - ☐ A Class A-2 boundary survey including the names of abutting property owners within 100' of the applicant's property line including across any street or road).
 - ☐ Applicable setback lines
 - ☐ The location of any wetlands and/or watercourses or areas of special flood hazard
 - ☐ All existing and proposed structures on the site
 - ☐ The location of septic system(s) and well(s)
 - ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.
-
- ☐ Additional information as required by the ZEO or as necessary to demonstrate compliance with the Zoning Regulations
 - ☐ Existing and proposed ground elevations with contours at two-foot intervals
 - ☐ Dimensioned building plans, including floor plans and elevations
-
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 6.04 of these Regulations.
 - ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required
 - ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Norfolk Town Clerk

Appendix

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
 - ☐ Application fee
-
- ☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed land surveyor and stamped with an embossed seal showing, as applicable:
 - ☐ A key map showing:
 - the location of the property in relation to surrounding areas
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the plot is located
 - ☐ A Class A-2 boundary survey including the names of abutting property owners within 100' of the applicant's property line (including across any street or road)
 - ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site
 - Existing and proposed driveway, parking and loading areas
 - Existing and proposed grading with contours at two-foot intervals
 - The location of any wetlands and/or watercourses or areas of special flood hazard
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - ☐ A utility plan showing:
 - The location and design of sewage treatment and water supply
 - The location and design of storm drainage facilities in compliance with the 2004 Connecticut Storm-water Quality Manual, as amended
 - The location and design of refuse disposal facilities
 - ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.
 - ☐ Architectural plans and elevations
 - ☐ Construction notes and details
 - ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handi-capped spaces), number of loading spaces (if any) required and provided.
-
- ☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations
-
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 6.04 of these Regulations.
 - ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required
 - ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Norfolk Town Clerk

Appendix

APPLICATION REQUIREMENTS – SOIL EROSION / SEDIMENTATION

- ☐ Ten (10) copies of a narrative describing:
 - ☐ The schedule for grading and construction activities including:
 - Start and completion dates
 - Sequence of grading and construction activities
 - Sequence for installation and/or application of soil erosion and sediment control measures
 - Sequence for final stabilization of the project site
 - ☐ The design criteria, construction details, and installation procedures for proposed soil erosion and sediment control measures and storm water management facilities
 - ☐ The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities
- ☐ Ten (10) copies of a soil erosion and sediment control drawing showing:
 - ☐
 - Existing and proposed buildings and other structures on the site
 - Existing and proposed driveway, parking and loading areas
 - Existing and proposed grading with contours at two-foot intervals
 - The location of any wetlands and/or watercourses or areas of special flood hazard
 - ☐ The location of and design details for all proposed temporary and permanent erosion and sediment control measures and storm water management facilities
 - ☐ The sequence of grading and construction activities; the sequence for the installation and/or application of soil erosion and sediment control measures; and the sequence for final stabilization of the development site

Appendix

APPLICATION REQUIREMENTS – EARTH EXCAVATION

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
 - ☐ Application fee
-
- ☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed land surveyor and stamped with an embossed seal showing, as applicable:
 - ☐ A key map showing:
 - the location of the property in relation to surrounding areas
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the plot is located;
 - ☐ A Class A-2 boundary survey including the names of abutting property owners within 100' of the applicant's property line (including across any street or road).
 - ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site
 - Existing and proposed driveway, parking and loading areas
 - Existing and proposed grading with contours at two-foot intervals within 100 feet of the property
 - The location of any wetlands and/or watercourses or areas of special flood hazard
 - ☐ A landscaping plan showing existing vegetation and proposed planting
 - ☐ Location of any proposed fixed machinery, stockpiles, drainage structures and detention/retention areas
-
- ☐ Additional information as required by the Commission or as necessary to demonstrate compliance with the Zoning Regulations
 - ☐ Traffic study
 - ☐ A written statement describing the proposed work and the purpose of the excavation and/or filling with an indication of proposed commencement and completion dates
 - ☐ Information regarding the manner in which the site owner/operator intends to progress in furthering site excavation and extraction of earth material
 - ☐ A drainage analysis showing watershed area
 - ☐ Geologic reports related to rock excavation or other matters
-
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 6.04 of these Regulations.
 - ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such are required
 - ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Norfolk Town Clerk

Appendix

APPLICATION REQUIREMENTS – REGULATION CHANGE

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
 - ☐ Application fee
-
- ☐ Ten (10) copies of the proposed text amendment identifying the Article, Section, and/or paragraph numbers for all text proposed to be altered indicating:
 - text to be added with underline, and
 - text to be deleted with strike through.
 - ☐ Ten (10) copies of a written statement indicating the reason(s) for the proposed change and to what extent it would enhance the general health, safety and welfare of the town of Norfolk
-
- ☐ Additional information as required by the Commission
-
- ☐ A digital version of the proposed amendment in a Microsoft Word compatible format
 - ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such are required

APPLICATION REQUIREMENTS – MAP AMENDMENT

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
 - ☐ Application fee
-
- ☐ Ten (10) copies of a key map showing:
 - the location of the property in relation to surrounding areas, and
 - properties within 500 feet in all directions of the premises proposed to be rezone
 - ☐ Ten (10) copies of a map at an appropriate scale showing the property proposed to be rezoned:
 - indicating the existing zoning district designation,
 - the proposed boundary line(s), and
 - the proposed zoning district designation
 - ☐ Ten (10) copies of a simple metes and bounds description defining in writing the boundaries of the proposed zoning district change
-
- ☐ A calculations report prepared by a Connecticut-licensed land surveyor or civil engineer based upon the latest Assessor's data indicating the area of the lots (or portion thereof) contained within 500 feet in all directions of the premises proposed to be rezoned
-
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required

Amendments to Zoning Regulations Since Comprehensive Reorganization In 2012

Effective Date	Section(s)	Amendment(s)
November 1, 2013	Section 6.01 Section 8.09.N	Signs Design Guidelines in the Village District
(expired)	Moratorium	Medical Marijuana Production and Dispensing
February 1, 2014	Section 3.05 V	Affordable Housing
June 1, 2014		Miscellaneous
June 1 2015	Section 3.05 V (1)	Affordable Housing
May 5, 2016	Zoning Map	Colebrook Road zone changes
April 15, 2019	Section 5.04	Haystack Woods Overlay Zone
May 30, 2021	Section 3.03 Section 3.05.I Section 6.01.B Section 7.01.A Section 8.01 Section 8.02 Section 8.05.C Section 8.06	Uses Allowed As Accessory Uses Farm Animals Signs Permitted In Residential Zones Claim Of Pre-Existing (Non-Conforming) Status Reorganized Staff Procedures Text Pre-Application Reviews (Staff/PZC) Text Amendment Proceedings Zone Change Application Miscellaneous

[illegible]

