

ZONING REGULATIONS

Town of Sterling, Connecticut

Sterling Planning and Zoning Commission

Adopted: September 10, 2009 – effective date September 14, 2009

Latest Revision: Adopted March 24, 2015 – effective date April 4, 2015

**TOWN OF STERLING
ZONING REGULATIONS
ARTICLE I - PREAMBLE**

Section 1.01 Purpose and Authority

These Zoning Regulations for the Town of Sterling have been adopted in accordance with, and for the purposes set forth in, Chapter 124 of the Connecticut General Statutes, and more specifically for the following purposes:

To protect and promote the public health, safety, welfare, convenience, and property values; to lessen congestion in the streets; to secure safety from fire, panic, flood, environmental damage, and other dangers; to provide adequate light, air, and water, to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements; to preserve and protect the unique character of the Town of Sterling; to protect sites and features of historic and archaeological significance; to conserve and protect existing and potential surface-water and groundwater drinking supplies, inland wetlands and watercourses, and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Sterling consistent with soil types, terrain, infrastructure capacity, and the rural character of the Town.

Section 1.02 Comprehensive Plan

The Zoning Regulations established hereunder are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Sterling. In adopting these Regulations, the Commission has considered the Town's Plan of Conservation and Development prepared pursuant to Conn. Gen. Stat. Section 8-23.

Section 1.03 Conformity With the Regulations

On or after the effective date, no building or structure shall be erected, altered, enlarged, moved, or used except in conformity with these regulations. No lot or parcel of land shall be divided or otherwise diminished in area, width or length except in conformity with these regulations.

ARTICLE II - DEFINITIONS

Section 2.01 Specific Definitions

For the purposes of these regulations, the following words shall have the meanings set forth in this section:

Accessway: Any portion of a lot that provides access to and from a street, and that has a width of fifty (50) feet or less when measured in a direction perpendicular to either boundary line of the accessway.

Applicant: The person or business entity who applies for a permit or approval or to whom a permit or approval is granted.

Buildable area: A contiguous area of a lot within which permitted buildings or other structures may be readily erected, used and maintained, and primary and reserved septic systems, domestic water, and personal open space and recreation areas may be readily supported, due to favorable

soil, groundwater, and other natural characteristics. The minimum buildable area required for a lot in any area in town shall be determined by these regulations.

Building: Any structure that has a roof and is supported on all sides by walls.

Commercial Building:. A building used for any nonresidential purpose, regardless of whether such use is for profit.

Commission: The Sterling Planning and Zoning Commission or, depending upon the context, the former Sterling Planning Commission.

Corner lot: A lot having continuous frontage on two intersecting streets.

Dwelling: A freestanding building or structure (including a mobile home or manufactured home) containing one or more dwelling units, regardless of whether any other portion(s) of the same building or structure contain nonresidential uses.

Dwelling unit: A building, structure, mobile home or manufactured home, or any portion of any of the foregoing forms of residence, that is used or intended to be used as a residence by one family.

Earth Materials: All natural mineral materials including, but not limited to, loam, topsoil, sand, gravel, clay, rock, bedrock, and/or stone.

Effective date: The effective date established under Section 10.1 of these regulations.

Excavation: The removal, grading, and/or processing of earth materials.

Excavation Permit: A permit issued by the Selectmen for excavation activities that require a permit under these regulations.

Highway: Same meaning as street.

Lot: A plot or parcel of land, other than submerged land, that is separately described on a deed or map filed in the Sterling land records, and that is occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards and street frontage as are required by this ordinance.

Lot frontage: The distance between lot sidelines measured along a continuous front lot line.

Lot line, front: Any line separating a lot from a street right-of-way. Corner lots shall be deemed to have a front lot line along each adjacent street. If street right-of-way boundaries have not been established, the boundaries shall be deemed to be twenty-five (25) feet distant from the centerline of the existing traveled way, or such other distance from the centerline as may have been established by the commission or the town. The front lot line must be continuous and unbroken as measured along the adjacent street.

Lot line, rear: Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, a front lot line shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

Lot line, side: Any lot line that is not a front lot line or a rear lot line as defined herein.

Lot of record: A lot which, on July 23, 2004, was both (1) listed as a separate and distinct parcel of land for tax purposes in the records of the Town Assessor; and (2) either described as a separate and distinct parcel of land in a deed or other instrument recorded on the Sterling land records, or shown on a subdivision plan approved by the Sterling Planning Commission and filed in the office of the Sterling Town Clerk in accordance with Connecticut General Statutes Section 8-25.

Nonresidential use: Any use that is not either a dwelling or an accessory use customarily associated with a dwelling, such as, but not limited to, a garage, outbuilding, or pool. Nonresidential uses include, but are not limited to, business, commercial and industrial uses.

Public Improvements: Any physical improvements to, or proposed for, public property

Principal nonresidential building: A building other than a dwelling in which the principal activities associated with a non-residential use of property are carried on.

Rear lot: A lot having an accessway with no less than 25 feet and no more than 50 feet of frontage on a town or state street.

Road: Same meaning as street.

Selectmen: For the purpose of these regulations the term Selectmen shall mean the Board of Selectmen of the Town of Sterling.

Setbacks, front, rear and side yard: The horizontal distance measured at right angles to the boundary of the lot, between the main wall of the building or any other structural component (i.e. carport, column or roof) and the main boundary.

Single-family dwelling: A dwelling containing only one dwelling unit.

Street: An improved right-of-way dedicated and accepted for public use by lawful procedure and suitable for vehicular travel, or a proposed street shown on a subdivision plan approved by the Sterling Planning Commission.

Structure: Anything constructed or erected that either requires a building permit or has an impervious surface. Every "building" is also a "structure," but not every "structure" is a "building."

Town: The Town of Sterling.

Two-family dwelling: A dwelling containing two dwelling units.

ARTICLE III – ZONING DISTRICT

The Town of Sterling shall have one zoning district. Any use otherwise permissible under state and federal law shall be permissible within the district provided that the other requirements of these regulations are met. Different uses, including residential and nonresidential uses, may be combined on a single lot provided that such uses comply with the other requirements of these regulations. Certain uses shall require the submission and approval of a site plan.

ARTICLE IV – DIMENSIONAL REQUIREMENTS

The dimensional requirements in this Article IV shall apply to all uses, except as otherwise provided in Article V.

Section 4.01 Minimum Lot Area

Residential: No dwelling may be established on any lot after the effective date unless the lot contains (1) at least two acres (87,120 square feet) of land per dwelling unit, and (2) a buildable area, as defined in Section 4.02, of at least 30,000 square feet per dwelling unit.

No lot shall contain more than one dwelling or more than two dwelling units within a dwelling. If two dwelling units are constructed within a dwelling an additional two acres will be required for a total of four acres (174,240 square feet).

Non-Residential: No nonresidential building or additional nonresidential building may be established or expanded on any lot after the effective date unless the lot contains at least two acres (87,120 square feet) of land and a minimum buildable area, defined in Section 4.02, of 30,000 square feet. There shall be no restriction on the number of nonresidential buildings or uses that may be established on any lot, provided that all of the other applicable requirements of these Regulations are met.

For purposes of this Section 4.01, the area of the lot shall not be deemed to include any accessway(s) or any land defined as an inland wetland or watercourse pursuant to Section 22a-38 of the Connecticut General Statutes, as amended.

Section 4.02 Minimum Buildable Area

- A. Minimum required buildable area is 30,000sq. ft. as further defined below.
- B. Buildable Area defined: The term “buildable area” shall mean a contiguous area that, at the time of application for a proposed use, excludes the following categories of land:
 1. Inland wetlands and watercourses, as defined by Section 22a-38 of the Connecticut General Statutes;
 2. Storm water retention or detention areas (existing and/or proposed);
 3. Floodplain soils or areas within the 100 year flood boundary;
 4. Rights-of-way or easements and utility and drainage easements (existing and/or proposed);

5. Required front yard, side yard, and rear yard setbacks;
6. Areas with slope equal or greater than 20%;
7. Exposed ledge and;
8. Conservation easement areas in which the disturbance of land and/or building of structures is prohibited (existing and/or proposed).

C. Shape and Location of Minimum Buildable Area.

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building, accessory uses and on-site water and sewer facilities without major physical alterations of the land. The buildable area must exist and must be physically accessible from a street at the time of application. For lots requiring a minimum buildable area of 30,000 square feet, a rectangle having a minimum dimension of 150 feet by 150 feet must be capable of fitting within the designated buildable area.

Section 4.03 Frontage

Whenever any dwelling is established or expanded, or any nonresidential use is established or expanded, after the effective date, on any lot other than a rear lot, the lot must have no less than 250 feet of continuous frontage along a street. Whenever any dwelling is established or expanded, after the effective date, on a rear lot containing no other dwelling, the rear lot must have no more than 50 feet and no less than 25 feet of continuous frontage along a street. Whenever any nonresidential use is established or expanded after the effective date on a rear lot, or when an additional dwelling is to be established or expanded on a rear lot containing another dwelling, the rear lot must have no more than 50 feet and no less than 40 feet of continuous frontage along a street. There shall be no more than two rear lots per 500 feet of continuous frontage on a street.

Section 4.04 Setbacks

- A. No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these regulations:

<u>Land Use</u>	<u>Front Yard Setback</u>	<u>Side and Rear Yard Setbacks</u>
Residential	50 feet (Town street) 75 feet (state highway)	25 feet
Non-residential	60 feet (Town street) 75 feet (state highway)	25 feet

Notwithstanding the provisions above, if a lot is abutted on both sides by lots containing a principal structure, the closest part of which is 200 feet or less from the boundary of the center lot, the minimum front yard setback for the center lot maybe reduced to the average of the actual front yard setbacks of the existing, adjacent principal structures.

- B. Driveways shall not be located within ten feet of any side or rear lot line except in an accessway. Driveways shall not be located within five feet of the boundary of any accessway.

- C. Except as provided hereafter parking areas, parking spaces and internal access drives may not be located within any required setback area. Parking areas, parking spaces and internal access drives for residential and nonresidential uses may be located within half of any required setback area farthest from the relevant lot line, provided that the remainder of the setback area contains sufficient screening by trees, shrubs, earthen berms or other landscape materials to prevent the parking areas, parking spaces, or internal access drives from being readily visible from the abutting property line or street to which the relevant setback applies.

Section 4.05 Building and Impervious Surface Coverage

- A. Building Coverage: The following is the maximum portion of the lot that may be covered by buildings:

Residential	10%
Non-residential	40%

- B. Impervious Surface Coverage: The following is the maximum portion of the lot that may be covered by impervious surfaces, including buildings:

Residential	20%
Non-Residential	60%

ARTICLE V – NON-CONFORMING BUILDINGS AND LOTS

Section 5.01 APPLICABILITY

As used in Article V of these Regulations, the term “non-conforming building, structure or lot” shall refer exclusively to a building, structure or lot, respectively, that existed lawfully prior to July 23, 2004 (the effective date of the Town’s previous Land Use Ordinance), or before the effective date of any applicable amendment to that Ordinance or these Zoning Regulations, and that fails to conform to one or more of the current requirements of these Regulations. Such non-conforming building, structure or lot may be continued according to the requirements of these Regulations.

SECTION 5.02 NON-CONFORMING BUILDINGS AND STRUCTURES

- A. Any non-conforming structure may be continued as a nonconforming structure. However, the structure may not be expanded or enlarged in such a way as to increase the area, extent or amount of non-conformity, and the structure may not be expanded or extended vertically or horizontally within a required setback area.
- B. Any non-conforming structure that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, provided such work:
 - 1. does not increase the prior amount of nonconformity or expand or enlarge the structure in such a way as to increase the area, extent or amount of non-conformity; and
 - 2. does not expand or extend the structure vertically or horizontally within a required setback area; and
 - 3. complies with other applicable provisions of these Regulations for the specific use and zone; and

4. commences within five years of the date of damage.

- C. Normal maintenance and repair to a non-conforming structure is permitted provided such work does not expand or enlarge the structure in such a way as to increase the area, extent or amount of non-conformity, and does not expand or extend the structure vertically or horizontally within a required setback area.

SECTION 5.03 NON-CONFORMING LOTS

Except as provided in this Section 5.03, these Regulations shall not prevent the construction or expansion of a permitted structure, or the establishment of a permitted use in the relevant zoning district on a non-conforming lot that does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, but which, as of July 23, 2004, and continuously thereafter, was owned separately from any adjoining lot, as evidenced by deed(s) recorded in the Land Records of the Town of Sterling. However, no building may be constructed on a non-conforming lot that does not have frontage on an accepted street unless the lot has access to an accepted street over a permanent right-of-way or easement.

ARTICLE VI – USE REGULATIONS

Section 6.01 Well and Septic System Locations

In order to help protect the quality of drinking water in the Town of Sterling, no well shall be drilled, dug or otherwise installed for the purposes of supplying drinking water unless such well is located 75 feet or more from all lot boundaries and existing septic systems, whether or not the septic system is located on the same lot. For the same reason, no portion of any subsurface sewage disposal system shall be constructed within 75 feet of any existing well, whether or not such well is located on the same lot. No septic system shall be constructed within 25 feet of any lot boundary unless (i) the portion to be constructed is needed to repair or replace a subsurface sewage disposal system that was constructed prior to July 23, 2004, and (ii) the Town's sanitarian, director of health or other appropriate official determines that there is no other feasible location for the repair or replacement.

Section 6.02 Lighting

No site feature or activity shall create glare or illumination that extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the security of the proposed activity. Lamp posts shall be the minimum height necessary to provide the adequate illumination, and in no case shall they exceed 20 feet in height. Lighting shall be designed such that the light source is shielded and the light is directed downward. Lighting fixtures shall be of a design appropriate to the use and area. Parking and loading areas and walkways shall be provided with adequate lighting.

The Town of Sterling shall be exempt from these requirements for the purposes of lighting Town-owned and operated athletic sports fields (i.e., baseball, soccer, football, tennis). However, lighting for these facilities shall be designed per national standards for such facilities.

Section 6.03 Excavations

- A. **Excavation Permit Required.** The excavation and/or processing of on-site or off-site materials on any parcel shall not be allowed without an Excavation Permit issued in conformance with the provisions of Appendix A of these Regulations.
- B. **Exemptions:** The provisions of this section and the requirements to obtain an Excavation Permit shall not apply to the cases set forth below. However, these exemptions do not eliminate the need to obtain any and all other approvals and/or permits that may be required from any other local, state, and/or federal regulatory agencies (i.e., Town of Sterling Inland Wetlands and Watercourses Agency, Connecticut Department of Energy and Environmental Protection (DEEP), U.S. Army Corps of Engineers) that may have jurisdiction over the activity.
1. Necessary excavation, grading or removal in direct connection with the lawful construction on the lot of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, provided that a detailed site plan and soil and erosion control plan are submitted for approval to the Zoning Enforcement Officer prior to any earth material excavation. A written statement specifying the hours and days of the week when the excavation, grading or removal is to be conducted and estimating the number and kind of trucks and other equipment to be used shall be submitted. Such excavation and removal shall not be more than five hundred cubic yards from any lot.
 2. Excavation, grading or removal of not more than five hundred (500) cubic yards of earth materials where the Commission determines, upon submission of an application for such determination, that such activity is reasonably necessary for agricultural purposes or for landscaping. Nothing in this subsection shall relieve the applicant of the requirements for preparing a sediment and erosion control plan if the area of disturbance exceeds one-half acre.
 3. Excavation, processing, grading or removal of less than one hundred (100) cubic yards of earth materials during any twelve (12) month period.
 4. Excavation, processing, grading or removal of earth materials resulting from any Town municipal project.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

Section 7.01 Authority of Commission

Except as provided in the Appendix to these Regulations with regard to Excavation Permits, the provisions of these Regulations shall be administered and enforced by the Commission. The Commission may delegate certain powers and duties to an agent, but any such delegation shall not be deemed to deprive the Commission of the ability to exercise such powers or duties independently in the event the Commission determines that it would be appropriate to do so. In the event the Commission has not appointed an agent to act on its behalf, or if the appointed agent is unavailable, the Chairman, or the acting Chairman if the Chairman is unavailable, may act as the agent for the Commission in matters of enforcement or in any other matters in or on which an agent would be authorized to act under these Regulations. The Commission shall not modify, reverse or rescind any order issued by its authorized agent; any person receiving such an order and seeking modification, reversal or rescission must appeal to the Zoning Board of Appeals. However, the Commission may issue an order in circumstances in which its designated agent has refused, declined or failed to do so.

Section 7.02 Permit Required

No land use shall be established or substantially changed and no building or structure shall be used, erected, constructed, moved, enlarged, or altered, in whole or in part, until a zoning permit has been issued by the Commission or its authorized agent.

Section 7.03 Zoning Permit Requirements

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The original and one copy of each application shall be submitted. If the application involves the construction of a new structure, the exterior alteration of an existing structure (not including painting, siding, or similar cosmetic changes to the surface of a structure), the alteration (grading, excavation, or filling) of any land, the application shall be accompanied by a copy of the most recently recorded deed or subdivision plan on which the subject lot is described or shown as a separate and discrete parcel of land and by a plot plan containing the requirements described in Section 7.04 of these regulations. The Commission or its agent may also require the submission of additional information in any situation in which he or she determines that such information would be helpful in determining the conformity of an existing or proposed building, structure or use to these regulations.

Inland Wetlands: If an application for a Zoning Permit involves an activity regulated under the provisions of Chapter 440 of the Connecticut General Statutes and/or the Town of Sterling Inland Wetlands and Watercourses Agency Regulations, the Applicant shall submit an application for a permit to the Sterling Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Commission, Selectmen, and/or staff shall not be rendered until the Sterling Inland Wetlands and Watercourses Agency has submitted a report with its final decision. In making its decision, the Commission, Selectmen, and/or staff shall give due consideration to the report of the Sterling Inland Wetlands and Watercourses Agency.

Section 7.04 Site Plans

Plot plans shall be drawn to scale and shall show: (i) the total area of the lot and the area of each and every accessway, inland wetland and watercourse; (ii) the amount of street frontage; (iii) the locations of all existing and proposed buildings, structures, wells and subsurface sewage disposal systems; and (iv) the distances of all proposed wells and subsurface sewage disposal systems from all property boundaries. The Commission or its agent may require the plot plan to be drawn by a professional surveyor and/or engineer, and may further require that the plot plan be drawn to any level of accuracy the building official determines is reasonably necessary to confirm that the proposed uses will comply with these regulations.

Notwithstanding the above, site plans associated with excavations shall be governed by Appendix A.

Section 7.05 Lot Review

No zoning permit shall be issued for any new building or structure unless the lot on which such building or structure is to be established either (i) is a lot of record, as defined in Section 2.01 of these regulations; or (ii) has been reviewed by the Commission and determined to be a lot that does not require subdivision approval.

ARTICLE VIII - ENFORCEMENT

These regulations shall be enforced by the Commission, who may appoint and delegate all or any portion of this authority to a zoning enforcement officer. If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these regulations, the Commission or the zoning enforcement officer may, in addition to other remedies, institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The Commission and the zoning enforcement officer may cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately.

ARTICLE IX - ZONING BOARD OF APPEALS

Section 9.01 Appointment

The Board of Selectmen shall appoint a Zoning Board of Appeals, to consist of five (5) members and three (3) alternates. The initial terms of each regular and alternate member shall be deemed to begin on the effective date. The initial terms of the five regular members shall be as follows: two (2) shall be appointed for a term of one (1) year, and three (3) shall be appointed for a term of two (2) years. The initial terms of the three (3) alternate members shall be as follows: one (1) shall be appointed for a term of one (1) year, and two (2) shall be appointed for a term of two (2) years. Following the initial terms, each regular and alternate member shall be appointed or reappointed for a term of two (2) years, each term to commence upon the day immediately following the day on which the previous term expired, the intention being to maintain the staggered term expiration dates. Vacancies in any position may be filled by appointment by the Board of Selectmen only for the balance of the term for which the vacant member was or may have been appointed. The Board of Selectmen may, for good cause, terminate the membership of any person on

the Commission and replace that person with another for the balance of the relevant term. Good cause shall include, but shall not be limited to, frequent absences from Commission meetings.

Section 9.02 Powers and Duties

The Zoning Board of Appeals shall have the powers and duties specified in Sections 8-5 through 8-8, inclusive, of the Connecticut General Statutes, as they may be amended.

Section 9.03 Fees

The fee for any appeal or application filed with the Zoning Board of Appeals shall be four hundred fifty dollars (\$450.00).

ARTICLE X - EFFECTIVE DATE

Section 10.1 Establishment of Effective Date

The effective date of these regulations, as amended, shall be April 4, 2015.