

SECTION 6b - Rural Commercial District

The purpose of this District is to encourage small scale development that is both appropriate for Pomfret and consistent with the historical character of the area.

6b.1 Permitted Uses. The following uses are permitted in the RC District subject to issuance of a zoning permit by the Zoning Enforcement Officer. Uses for which site plan review is required by these Regulations must be approved by the Commission pursuant to Section 14 before the Zoning Enforcement Officer may issue a Zoning Permit. Notwithstanding any prior site plan approval, the Zoning Enforcement Officer shall not issue a zoning permit unless he or she finds that the proposed use is in conformance with all other applicable provisions of these Regulations.

6b.1.1 Single-family dwelling not to exceed one such dwelling per lot, but excluding the use of Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are not affixed to a permanent (i.e., non-movable) foundation.

6b.1.2 A single accessory dwelling unit

6b.1.3 Buildings and structures having a footprint of 800 square feet or less that are accessory to principal uses of a single-family dwelling.

6b.1.4 Signs in accordance with Section 17 of these Regulations.

6b.1.5 Buildings and structures having a footprint of 800 square feet or less that are accessory to principal uses of non-single-family dwellings. Site Plan approval required.

6b.1.6 Home Occupations Class I. Site Plan approval required.

6b.1.7 Agriculture, forestry, conservation activities, tree and nursery gardening, greenhouses, livestock, and poultry raising, buildings used for the storing and processing of agricultural products accessory to the farm. When horses are kept on any lot or parcel of land, the lot or parcel must meet the greater of (1) the minimum lot size required for a principal use in the underlying zone; or (2) three acres (130,680 square feet), including at least one acre (43,560 square feet) of useable land for grazing, for one horse and at least one additional half-acre (21,780 square feet) of useable land for grazing for each additional horse.

6b.1.8 Trailer, mobile home, or other temporary units to be used on a lot by the owner only during construction or repair of a dwelling (building permit must be issued for a dwelling), for a period not to exceed 12 months. A new application may be submitted for an extension not to exceed 6 months. Such temporary units must be removed from the lot prior to an issuance of Certificate of Occupancy (C.O.) for the permanent dwelling. The maximum permit approval is limited to an eighteen (18) month period and cannot be extended beyond eighteen (18) months.

6b.2 Special Permits. The following uses are permitted by special permit in RC District, provided the applicable requirements of Section 13 of these Regulations are met.

6b.2.1 A second accessory dwelling unit

6b.2.2 Retail stores selling goods other than live animals, liquid, and gaseous fuels (including, but not limited to, kerosene, gasoline, and diesel fuel), and automobiles (new or used).

- 6b.2.3** Business services, such as banks, credit unions, loan companies, and other financial institutions; accounting, legal, real estate and insurance agencies; utility offices; and business and professional offices.
- 6b.2.4** Government offices. (Town, State, Federal)
- 6b.2.5** Personal services such as medical offices, clinical offices, hair care, fitness center/gym, beauty salons, photographic studios, tailor, dressmaking, and millinery.
- 6b.2.6** Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops, but excluding vehicular repair and/or installation services.
- 6b.2.7** Restaurants. Liquor may be served in restaurants, provided the total floor area of any bar, together with its associated seating and service areas, does not exceed 25% of the gross floor area of the restaurant, excluding kitchen and storage areas. For purposes of this section, “associated seating shall include any seating area that is not distinctly separated from the bar by a wall, aisle or other physical separation. At least seventy-five percent (75%) of the food service area must be distinctly separated from the bar area. Outdoor Dining is permitted with live entertainment. Music (radio) is permitted for outdoor dining provided that the sound does not extend past the property lines.
- 6b.2.8** Multiple use commercial developments. Developments with more than one proposed use listed under Sections 6.1 and/or 6.2 shall require a special permit
- 6b.2.9** Buildings and structures having a footprint greater than 800 square feet and uses that are accessory to principal uses permitted under Section 6.2 of these Regulations.
- 6b.2.10** Wineries and Distilleries in accordance with State Statutes. Food service permitted. Outdoor Dining/gathering is permitted along with live entertainment. Music (radio) is permitted for outdoor dining/gathering provided that the sound does not extend past the property lines.
- 6b.2.11** Assembling, converting, altering, finishing, cleaning or any other processing of products that is clearly incidental to a retail or service business and where goods so produced and/or processed are to be sold exclusively on the lot provided that:
- a.** The area used for such purposes shall be fully concealed from any street and shall not be greater in area than 20% of the square feet devoted to retail sales or service.
 - b.** Not more than four (4) employees are engaged in such production or processing.
- 6b.2.12** Drive-through windows as accessory uses to financial institutions, minimum stack ten (10) spaces.
- 6b.2.13** Temporary structures for testing the feasibility of alternative energy sources.
- 6b.2.14** Special Events Facility with indoor and outdoor gatherings up to 150 persons. Live entertainment is permitted. Radio and DJ are permitted between the hours of 11:00am and 9:00pm for a duration of no more than 6 hours per day and at levels that do not adversely affect the neighborhood. Radio where sound does not extend past the property lines is permitted without restriction, in accordance with any conditions set by the Commission.

SECTION 10 - DIMENSIONAL REQUIREMENTS

10.1 Minimum Lot Sizes.

RR	87,120 square feet (2 acres)
PSR	174,240 square feet (4 acres)
V	43,560 square feet (1 acre)
V-II	43,560 square feet (1 acre)
RCD	43,560 square feet (1 acre)
BV	87,120 square feet (2 acres)
CV	87,120 square feet (2 acres)
CB	87,120 square feet (2 acres)
PSRVD	21,730 square feet (.5 acres) with sewer
PSRVD	43,560 square feet (1 acre) without sewer

10.2 Minimum Street Frontage.

RR	200 feet
PSR	250 feet
V	150 feet
V-II	150 feet
RCD	150 feet
BV	200 feet
CV	200 feet
CB	200 feet
PSRVD	100 feet

10.2.1 The frontage requirement may be reduced by no more than 25 percent for lots on the circular turnaround at the end of a dead-end street, provided the minimum buildable area required by Section 10.3.2, below, is maintained.

10.2.2 Interior lots may be permitted by the Commission pursuant to a Special Permit under the provisions of Section 13 of these Regulations.

10.2.3 The proposed frontage must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting the Pomfret Driveway Ordinance requirements. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage. At the time of application, the applicant must demonstrate that the frontage can accommodate a permissible driveway per the Town's regulations and ordinances. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee. by the same person or persons who own the remainder of the lot) unless the Planning and Zoning Commission expressly allows a common driveway per Section 12.1.

10.3 Minimum Buildable Area.

10.3.1 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:

- a) inland wetlands and watercourses, as defined by Conn. Gen. Stat. Sec. 22a-38.
- b) storm water retention or detention areas.
- c) floodplain soils or areas within the 100-year flood boundary.

- d) rights of ways or easements and utility and drainage easements.

- e) required front yard, side yard, and rear yard setbacks.
- f) areas with slope equal to or greater than 20% and;
- g) exposed ledge.
- h) conservation easement areas in which the disturbance of land and/or building of structures is prohibited.

10.3.2 Minimum Buildable Area Required.

RR	37,500 sq. ft.
PSR	37,500 sq. ft.
V	25,000 sq. ft.
V-II	25,000 sq. ft.
RCD	25,000 sq. ft.
BV	37,500 sq. ft.
CV	37,500 sq. ft.
CB	7,500 sq. ft.
PSRVD	- no minimum buildable area required

10.3.3 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 25,000 square feet, a rectangle having dimensions of 125 feet by 100 feet must be capable of fitting within the designated buildable area. For lots requiring a minimum buildable area of 37,500 square feet, a rectangle having dimensions of 125 feet by 175 feet must be capable of fitting within the designated buildable area.

10.4 Yard Requirements. No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these Regulations:

10.4.1 Dimensions

District	Front Yard Setback	Side and rear yard setbacks
RR	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
PSR	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
V	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
V-II	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
RCD	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
BV	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
CB	60 feet (Town or Private Road); 75 feet (State Highway)	25 feet
PSRVD	25 feet (Town or Private Road); 50 feet (State Highway)	20 feet

10.4.2 Notwithstanding the provisions of Section 10.4, if a lot is abutted on both sides by lots containing a principal structure that is 200 feet or less from the center lot, the minimum front yard setback for the center lot may be reduced to the average of the actual front yard setbacks of the existing, adjacent principal structures.

10.4.3 Except as provided hereafter, parking areas, parking spaces, and internal access drives may not be located within the required front, side, and rear yard setbacks.

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- a. In a Residential District, single-family residential driveways shall not be located within 10 feet of a side and/or rear property line. Non-residential driveways and parking areas shall not be located within 15 feet of a side and/or rear property line and shall be suitably landscaped/screened from abutting property.
- b. In non-residential districts, parking areas, parking spaces, and internal access drives may, by Special Permit, be located within that half of the required setback area that is farthest from the property line, when appropriately screened from the street and/or abutting property with landscape materials including trees, shrubs, and/or an earthen berm.
- c. In the Pomfret Street Residential Village District (PSRVD), setback lines for parking areas may be reduced by 30%, provided a minimum distance of 60 feet to be maintained to edge of pavement on a State Highway and 35 feet to edge of pavement on a Town Road, is done by special permit.

10.4.4 Notwithstanding the provisions of Section 10.4.1, a non-engineered septic system may be located within that half of a front, side, or rear yard setback area furthest from the property line, and an engineered septic system may be located within that half of a front yard setback area (but not within a side or rear yard setback area) furthest from the property line. For purposes of this Section 10.4.4, the term “engineered septic system” shall mean any septic system for which fill must be placed on the lot in order to construct the system.

10.4.5 Notwithstanding the provisions of Section 10.4, no water-supply well may be located closer than 75 feet to any property line, unless the well is on a lot of record legally filed with the Town clerk and contained within the land records of the Town prior to month day, 2004 (effective date of this revision) and the Commission determines that there is no feasible and prudent method of maintaining such separation distance.

10.4.6 Cornices, belt courses, sills, cantilevered roofs, and other incidental or decorative architectural features may project not more than three (3) feet into a required yard.

10.4.7 Rear yard setbacks may be reduced by a 3/4 vote of the entire Commission as part of a special permit application for Age Restricted Housing in a Village District II and **Rural Commercial District** under the following circumstances:

1. The reduction does not conflict with abutting property use and an adequate buffer is provided between proposed use and abutting use of property as determined by the Commission and:
2. The Town of Pomfret Fire Marshall determines in writing that the proposed reduction does not conflict with emergency access to any of the proposed buildings and/or structures.

10.4.8 Side and rear yards setbacks may be reduced by a ¾ vote of the entire Commission for accessory uses associated with Section 4.1.3 provided that the reduction does not conflict with abutting property use and an adequate buffer is provided between the proposed use and abutting use of property as determined by the Commission.

10.4.9 Side and rear yards setbacks may be reduced by 75% for accessory uses associated with Section 4.2.2 and 5.2.3 where such proposed use or structure abuts a public right-of-

way, Town Road/Street, State Road or a former Kings Highway provided that the reduction does not conflict with abutting property use and is located a minimum of 150' away from any existing dwelling unit. If the proposed accessory use is less than 100' from an existing dwelling unit an adequate buffer shall be provided between the proposed use and abutting use of property as determined by the Commission.

10.5 Buffers. When a lot in any district other than the Rural Residential District (RR) and Pomfret Street Residential District (PSR) is proposed for any use other than a single-family dwelling, and the lot abuts (i) property in the Rural Residential District (RR), (ii) property in the Pomfret Street Residential District (PSR) or (iii) any parcel on which a single-family dwelling already exists, a buffer strip, as described in this Section 10.5, must be provided within the lot proposed for the new use along the full length of the abutting areas. The width of the required buffer strip shall be twenty-five (25) feet in the Village District (V), ten (10) feet in the Village District II (V-II), Rural Commercial District (RCD), fifty (50) feet in the Business Village (BV) and Commercial Village (CV) Districts, and one hundred (100) feet in the Commercial/Business Districts (CB). Unless the Commission makes a finding that existing vegetation on the lot proposed for the new use will provide an effective, year-round visual barrier (i.e., complete visual screening) between the affected parcels, the buffer

strip shall be planted with a sufficient number of additional evergreen trees and shrubs to create such a barrier. No zoning permit or special permit may be issued for the proposed use unless a landscape plan showing the work to be done and species to be planted, and a plan describing proposed maintenance procedures, have been filed with and approved by the Commission. The Commission may require that the developer posts a surety for such planting. Failure to maintain such strip in good condition shall constitute a violation of these Regulations by the owner of such lot or portion thereof. The planting standards of Section 16 shall apply. Additional buffer requirements for developments in the CB Zones are enumerated in Section 16 of these Regulations.

10.6 Maximum Lot Coverage.

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

RR	20%
PSR	10%
V	50%
V-II	50%
RCD	50%
BV	40%
CV	40%
CB	40%
PSRVD	10%

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

RR	35%
PSR	30%
V	60%
V-II	60%
RCD	60%
BV	60%

CV	60%
CB	60%
PSRVD	40%

10.7 Maximum Building Height. No building shall exceed the height specified for its zoning district, as follows:

10.7.1 Principal Building/Structure.

RR	40 feet
PSR	45 feet
V	40 feet
V-II	40 feet
RCD	45 feet
BV	45 feet
CV	45 feet
CB	45 feet
PSRVD	45 feet

The Commission may grant a special permit to allow a school building, municipal building, or other agricultural building to have a greater height, not to exceed 100 feet. Other buildings may exceed the height limit by special permit if further than 200' from front property line.

10.7.2 Accessory Building/Structure.

RR	25 feet
PSR	40 feet
V	25 feet
V-II	25 feet
RCD	30feet
BV	30 feet
CV	30 feet
CB	30 feet
PSRVD	40 feet

10.7.3 Exemptions.

Structures such as chimneys, flues, cupola(s), and radio and TV antennas, and other wireless telecommunications antennas may extend an additional 10 feet in height as measured from the highest point of a building's/structure's existing and/or proposed roof line. Church spires may extend an additional thirty (30) feet in height as measured from the highest point of a building's structures existing/or proposed roofline.

10.8 Multiple Uses and Buildings. Unless expressly allowed elsewhere in these Regulations, no more than one principal use may be established on any lot, and no more than one principal building may be established on the lot in connection with such principal use. When the principal use of a lot is related to the provision of wireless telecommunications facilities, more than one building may be established on such lot in connection with such use, provided all such buildings are planned as a unit, with integrated access, building design and landscaping, and further provided that all other relevant provisions of these Regulations are met.

10.9 Outdoor Storage and Activities. Except as expressly provided hereafter, all material, merchandise, supplies, work in progress, finished or semi-finished products, waste materials,

commercial vehicles, construction, or earth-moving equipment located on any lot used or permitted to be used for an industrial or commercial purpose must be stored within a building. Such materials, except merchandise, displays, and waste products, may, however, be stored in the rear portion of the lot (i.e., behind the principal building or buildings), provided that the storage area is screened by landscaping, fencing, or both, which is in harmony with the principal structures, and which has been approved by the Commission. There shall be no outside retail sales and/or display associated with such uses, except that the retail sale of gasoline at a dispensing mechanism (gas pump) shall be allowed at a gas station as part of an approved site plan and special permit. This section shall not be deemed to apply to commercial vehicles that are parked on the site for purposes of site work (excavating, grading, or filling); building construction, renovation or repair; or loading or unloading of materials and supplies delivered to or removed from the site for business purposes.

12.2 Development in PSR, V, V-II, RCD, BV, and CV Districts.

In considering any application for a Special Permit in the PSR, V, V-II, RCD, BV and CB Districts, the Commission shall require that the applicant demonstrate, to the extent applicable:

- a. The preservation of historically significant structures.
- b. Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town where classic examples of historic New England architecture exists.
- d. The use of building materials that is harmonious in appearance with those typical elsewhere in the District and in the Town.
- e. Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
- e. Site planning and landscaping that:
 1. enhance the attractiveness of the proposed development
 2. screen unsightly elements such as parking lots, utilities, and unattractive accessory structures, from public view
 3. help to visually or physically integrate the proposed development into the District and the Town.
 4. establish and maintain landscape buffers satisfactory to the Commission.
- f. The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on all local and state roads.
- g. Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

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- ### **12.2.1 Development in PSRVD and RC District.** The historic architectural elements and development patterns contained within the Pomfret Street Residential Village District are important to the Town as a whole. Any new developments that are permitted within the District shall respect the historic nature of the area as it relates to its architecture and scale (bulk and density).

The following design guidelines have been developed in an effort to ensure that new development complements the existing physical, visual, and spatial characteristic that have been established in the District over time and that new development re-enforces these patterns through consistent appropriately scaled buildings and architectural elements.

In addition to the requirements contained in Section 12.2, the following additional standards shall apply:

12.2.1a Architectural Character:

1. All new designs shall respect the historic development patterns. Architectural elements shall be incorporated into the design of each new individual structure and be developed in a harmonious manner, resulting in a coherent overall development pattern and architectural design vocabulary.
2. Non-residential buildings with a footprint greater than 3,600 feet and/or any one wall having a length greater than 60 feet shall:
 - a. Incorporate horizontal variations of any wall greater than 60 feet in length
 - b. Incorporate variations in rooflines to reduce the scale or proposed structures and add visual interest
 - c. Incorporate clearly defined visible entrance with appropriate features
 - d. Design elements such as front porches and/or porticoes shall be utilized to reduce the scale of building.

12.2.1b Color and Materials:

1. All predominant exterior building materials must be of high quality. These include brick, wood, sandstone, and other native stone. Smooth-faced concrete bloc, tilt-up concrete panels, or prefabricated steel panels are prohibited as the predominant exterior building materials. The Commission may accept alternative materials that maintain the look and integrity of the materials listed above (i.e., cement fiberboard).
2. Façade color must be of “low reflectance,” subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors (i.e., blue, green, orange, red, yellow), black or fluorescent colors is prohibited.

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12.2.1c Relationship to Surrounding Community/Streets:

1. All facades of a building that are visible from adjoining properties and/or a public street should contribute to the pleasing scale features of the building and encourage integration by featuring characteristics similar to a front façade.
2. Buildings with frontage on a public road/street shall be oriented to that public road/street.

12.2.1d Pedestrian Flow:

1. The Commission may require sidewalks along all sides of a lot that abut a public street (State route/highway). In addition, the Commission may require that a continuous internal pedestrian walkway be provided from the perimeter public sidewalk to the principal entrance.

2. Internal pedestrian walkways must be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.

12.2.1e Ancillary additions/functions:

1. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the buildings and the landscaping so that the visual and acoustic impact of these functions is fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No delivery, loading, trash removal, or similar operations are permitted between the hours of 8 p.m. and 8 a.m., except in special circumstances and where steps are taken to reduce noise impacts.

12.2.1f Parking:

1. In order to lessen the impact of impervious surfaces, new development shall provide off-street parking and loading in accordance with Section 15, with the following exceptions:
 - a. Shared parking may be utilized to meet the parking requirements according to the following table.

Location	Portion of Required Parking Spaces (%)
Upon the Lot	10
Upon and within 400 feet of the Lot	50
upon and within 1,000 feet of the Lot	100