

## Section 4 Uses & Use Related Standards

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### 4.1 Overview

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The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as a primary or accessory use of a parcel of land and consistent with the Town's Plan of Conservation and Development. The Consolidated Use Table identifies the zoning districts in which the various primary and accessory uses are allowed, identifies any special processes that might be required for the use, and establishes any use related standards that might be applicable to the various uses.

### 4.2 Consolidated Use Table

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The following consolidated use table establishes the allowable uses by district and shall be interpreted as described below:

#### A. Organization

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The Consolidated Use Table is organized by Use Classification, Use Category, and Use Type.

1. Use Classification refers to the broadest and most general categories, such as Residential, Commercial, or Industrial.
2. Use Categories represent major subgroups of each use classification that have common functional, product, or physical characteristics, such as food and beverage services and manufacturing / production facilities.
3. Use Types identify the primary land use whose characteristics fall within the various use categories, such as a sit-down restaurant and bakery in the food and beverage services use category.
4. Additional Criteria: Use Types that require additional standards or procedures shall note all applicable sections of the code within the "Additional Criteria" column. Any Use Type noted as having additional criteria within the Consolidated Use Table must adhere to such additional standards, outlined within their respective sections of the code.
  - a. In addition to any use-related sections noted within the Consolidated Use Table, all Commercial & Industrial Operations shall comply with the standards outlined in Section 4.3.D (Commercial & Industrial Operation Standards). All development within a commercial or industrial district shall require Site Plan approval.

#### B. Primary Use Designations

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The Consolidated Use Table uses the following designations and abbreviations to describe allowable uses and applicable permitting procedures.

1. Permitted (P): Indicates the Use Type is allowed by right in the zoning district. Permitted uses may still require Site Plan approval.
2. Special Permit (SP): Indicates the Use Type is allowed with approval of a Special Permit.
3. Not Permitted: Any blank / empty cell indicates that the Use Type is not permitted within that zoning district.

### **C. Uses Not Listed in the Consolidated Use Table**

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Only those uses identified in this Section shall be permitted. Any use of land, buildings, or structures that are not expressly permitted in a district by these Regulations are prohibited in that district, unless the Planning & Zoning Commission determines that a proposed use is compatible and in harmony with the district in which it is proposed.

### **D. Consolidated Use Table**

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The consolidated use table may be reviewed on the following pages.

Town of Avon - Permitted Uses Table																								
Use Category	Use / Suggested Action	Residential				Commercial & Industrial										Rural		Other			Overlay			Additional Criteria
		R15	R30	R40	RU2A	NB	CPA	CPB	CS	CR	AVC	I	IP	RI	OP	A	ROS	DD/HOD	AR/HOD	EL	RPO	AHOZ	FP	
<b>RESIDENTIAL</b>																								
Residences	Accessory Dwelling Unit	P	P	P	P																			4.3.A
	Residential Buildings (at a Farm or Educational Facility)														P					P				5.1
	Age-Restricted Dwelling Unit										SP													
	Multifamily Dwellings										SP											P		
	Single Family Dwelling	P	P	P	P	SP <sup>1</sup>															P	P		
	Two-Family Dwellings		P	P																		P		
Group Living & Health Care Related	Assisted Living & Congregate Living Facilities																				SP			
	Group Home	P	P	P	P																			
	Nursing & Convalescent Homes	SP	SP	SP	SP								SP	SP	SP									
Special Development Types	Multifamily Dwellings	SP	SP	SP	SP			SP															6.3	
	Planned Elderly Residential Developments	SP	SP	SP	SP								SP	SP									6.5	
	Planned Residential Developments	SP	SP	SP	SP					SP			SP	SP	SP								6.4	
	Cluster Developments	SP	SP	SP	SP																		6.2	
	Affordable Housing																	P <sup>2</sup>				SP		
Other	Day Care, Family Home (0-6 Children)	P	P	P	P																		4.3.F	
	Day Care, Group Home (7-12 Children)	P	P	P	P																		4.3.F	
	Home Occupation, Major	SP	SP	SP	SP																			
	Home Occupation, Minor	P	P	P	P																			
	Other Similar Uses, Incidental/Subordinate to Principal Use	P	P	P	P													P			P			
<b>Community Facilities / Government / Institutional</b>																								
Community or Cultural Facility	Art Gallery, Museum, Performing Arts Center										SP													
	Community Centers (provided no liquor is sold)	SP	SP	SP	SP						SP													
	Day Care, Center (12+ Children) (Public)	SP	SP	SP	SP																		4.3.F	
	Social Clubs (provided no liquor is sold)	SP	SP	SP	SP																			
Educational Facilities	Public Educational Facilities	SP	SP	SP	SP															P		SP		
	Private Educational Facilities	SP	SP	SP	SP															P		SP		
	Technical / Vocational Facilities	SP	SP	SP	SP		SP	SP												P				
Government	Municipal Buildings / Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			SP		SP	4.3.L	
	Public Utility Buildings/Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			SP			4.3.L	
Parks/Recreation	Parks, Recreation, and Open Space	SP	SP	SP	SP						SP						P				P	SP		
Religious Assembly	Cemeteries	SP	SP	SP	SP																			
	Places of Worship / Religious Institutions	SP	SP	SP	SP																			
<b>Commercial</b>																								
Age-Restricted	Alcoholic Beverages (Sale of)					SP																	4.3.B	
	Medical Marijuana Dispensary						SP	SP	SP	SP					SP								4.3.K	

<sup>1</sup> Only in association with a use permitted by right or by Special Permit.

Town of Avon - Permitted Uses Table																							
Use Category	Use / Suggested Action	Residential				Commercial & Industrial										Rural		Other			Overlay		Additional Criteria
		R15	R30	R40	RU2A	NB	CPA	CPB	CS	CR	AVC	I	IP	RI	OP	A	ROS	DD/HOD	AR/HOD	EL	RPO	AHOZ	
Animal Related	Animal Hospital / Veterinary Services																SP						4.3.C
	Commercial Kennels																SP						4.3.C
Automotive	Automotive Repair Services												SP										
	Gas Stations / Service Stations												SP	SP									4.3.J
Day Care	Day Care, Center (12+ Children) (Private)	SP	SP	SP	SP																		4.3.F
Food & Beverage Service	Restaurant (Class 1)					SP	P	P	P	P		SP	P	P	P								4.3.N
	Restaurant (Class 2)						P		P	P					SP								4.3.N
	Restaurant (Class 3)						SP		SP	SP					SP								4.3.N
	Outdoor Dining					P	P	P	P	P	P	P	P	P	P								4.3.N
Health Care & Medical	Emergency Medical Care Facilities					SP				SP													
	Laboratories (Medical, Dental, Optical)															P							
	Medical Offices					P	P	P	P	P		P	P	P	P								
	Rehabilitation, Medical Diagnostic, & Ambulatory Services														SP								
	Urgent Care Center					SP				SP													
Lodging	Hotel / Motel						P																
Office & Professional Services	Business & Professional Offices					P	P	P	P	P		P	P	P	P								
	Financial Institutions & Banks (without Drive Thru)						P		P	P			P		P								
	Financial Institutions & Banks (with Drive Thru)						SP		SP	SP			SP		SP								
	Printing & Publishing Establishments						P	P															
Other Services	Personal Services					P	P	P	P	P					P								
Recreation/ Entertainment	Golf Courses (Private)															SP							
	Movie Theatres / Performance Venues						P																
	Recreation Facilities, Indoors						P									SP							
Retail Sales & Services	Convenience Stores					P																	
	Drive Through Window / Walk-Up Window									SP													
	Home Furnishings & Equipment (Sales and Service)								P														
	Outdoor Display of Merchandise						SP	SP	SP	SP					SP								4.3.M
	Plant Nurseries / Garden Center	SP	SP	SP	SP																		P
	Retail Stores						P <sup>2</sup>	P	P	P													
Other	Social Clubs	SP	SP	SP	SP																		
	Trade, Business, or Instructional Services										SP												
	Other Similar Uses					SP	SP	SP	SP	SP					SP								
	Outdoor Storage					SP	SP	SP	SP	SP	SP	SP	SP	SP	SP								

<sup>2</sup> Permitted provided that the minimum landscaped area is at least 50% of the total lot area.

Town of Avon - Permitted Uses Table																									
Use Category	Use / Suggested Action	Residential				Commercial & Industrial										Rural		Other			Overlay			Additional Criteria	
		R15	R30	R40	RU2A	NB	CPA	CPB	CS	CR	AVC	I	IP	RI	OP	A	ROS	DD/HOD	AR/HOD	EL	RPO	AHOZ	FP		
<b>Industrial</b>																									
Food & Beverage Production and Processing	Distribution Facilities																								
	Food, Bakery, and Dairy Processing Facility																								
	Pharmaceuticals, Perfumes, & Similar Product Production																								
Industrial Services & Storage	Building Material Sales																								
	Contractor's Office & Storage																								
Manufacturing & Production	Foundries & Concrete Production & Products																								
	Manufacturing & Assembly Facilities																								
Research & Development	Laboratories (Research & Development)								P																
Warehouses & Associated Uses	Retail & Wholesale Establishments																								
	Warehouse & Distribution Facilities																								
	Wholesale / Warehouse																								
Other	Other Similar Uses																								
<b>Other</b>																									
Agricultural	Farming	P	P	P	P																			P	4.3.G
	Farming (Limited)	P	P	P	P																				4.3.H
	Farm Products (Sale of)	SP	SP	SP	SP																				4.3.I
Communication	Communication Transmission Station & Towers (Modification / Replacement)	SP	SP	SP	SP																				4.3.E
Forestry	Forestry																								P
	Selective Timbering																								P
Mixed Use	Avon Center Design Development																								6.1
	Work/Live Spaces																								4.3.P
Temporary Use	Temporary Special Events	SP	SP	SP	SP	P	P	P	P	P	P	P	P	P	P	P	P	P						4.3.O	

## 4.3 Use Specific Standards

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### A. Accessory Dwelling Units

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#### 1. Applicability

One accessory apartment is permitted, per lot, within a residential district, provided that such accessory apartment is subordinate to the principal single-family dwelling and that it must meet the general requirements outlined in Section 4.3.A.2, below. An accessory apartment may be constructed as one of the following:

- a. Attached to and within the existing principal single-family dwelling.
- b. Detached, (including a garage conversion). A detached accessory dwelling unit, including the conversion of all, or a portion of, an existing garage or outbuilding shall be permitted as of right.
- c. The minimum lot size for an ADU is the lot size that was deemed acceptable when the lot was originally created.

#### 2. General Requirements

All accessory apartments shall adhere to the general requirements outlined below:

- a. Accessory apartments may only be permitted on a lot that conforms to the various requirements for the zone in which it is located, and all proposed accessory structures, including the accessory apartment, must meet applicable setbacks.
- b. The accessory apartment may not exceed 30% of the primary single-family dwelling after modification(s), if any. The accessory apartment must contain at least 400 square feet, but not exceed 1,000 square feet in habitable area with a maximum of two bedrooms. The Commission may modify the area requirement by a maximum of 10% when, in the opinion of the Commission, such modification will preserve the public health, safety and welfare, and provide a more practical layout of the principal or accessory living unit.
- c. The gross ground floor area after modification(s), if any, and the accessory apartment shall not exceed the maximum lot coverage regulation of the zone.
- d. The total living area in the principal dwelling unit after modification(s), if any, shall conform to the living area requirements of these Regulations and shall meet all applicable fire and building codes.
- e. An owner of the real estate must occupy either the principal single-family dwelling or the accessory apartment as their primary residence.
- f. All applicable sanitary requirements for the accessory apartment as enumerated in the Connecticut Public Health Code are met.
- g. Adequate parking facilities shall be provided on site for both dwellings. A minimum of one parking space shall be provided for the accessory apartment.
- h. An accessory apartment shall not be used for short-term rentals or vacation/entertainment stays/uses. For purposes of this section rentals must be

longer than 30 days and no more than three (3) rentals may be permitted in each calendar year.

- i. The owner of real estate shall not have both an accessory apartment and home occupation, major. A home occupation minor and accessory apartment is permissible.
- j. The real estate containing an accessory apartment may not be subdivided or converted to condominiums to separate the principal single-family dwelling from the accessory apartment.
- k. The owner of real estate should consider renting or leasing the accessory apartment as an affordable housing dwelling, in accordance with CT General Statutes, as amended, Section 8-39a.
- l. The Commission may require that the design of the accessory apartment, both interior and exterior, be such that conversion back to a single-family dwelling may be readily accomplished when it is no longer needed.
- m. Any garage or detached accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the principal single-family dwelling remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building. Any garage or new detached accessory apartment shall be appropriately designed so as to be compatible with or to improve the existing site architecture.
- n. Manufactured mobile homes and mobile home vehicles are not to be used as detached accessory apartments.

### **3. Approval Validity**

Building Permit approval for any accessory apartment shall be valid for two years from the date of approval. If the accessory apartment has not received a Certificate of Occupancy within two years, an extension of time must be requested or the permit shall become void.

## **B. Alcoholic Beverages (Sale of)**

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### **1. Applicability**

Permits for the sale of alcoholic beverages shall be interpreted as outlined in the State's Liquor Control Act. Drug store, grocery beer, restaurant, and hotel permits are permitted as incidental uses only.

Café permits may only be permitted in CS and CR zones upon issuance of a Special Permit and only then when they are found by the Commission to meet the Special Permit Criteria of Section 7.1.C (Special Permit) with due consideration to factors including the hours of operation, the specific nature and details of the proposed use, and the potential for adverse impacts of noise and/or other disturbance to the neighborhood.

- a. In addition, the following restrictions apply to any café permit issued by the Commission:

Closing times are limited to the following:

- 1) Sunday through Wednesday: 9pm;
  - 2) Thursday through Saturday: 10pm.
- b. No off-premises noise is permitted.
  - c. A discontinuance under applicable law and/or Regulations of a café permit approved under this Special Permit terminates such permit

## **2. Distance Separation Requirements**

Buildings intended to be used for the sale of alcoholic beverages shall observe the following requirements:

- a. Buildings shall be located at least 500 feet in a straight line from any property used for church, public school, private school, or library purposes.
- b. Any portion of the floor of a building to be used with a restaurant liquor permit or hotel liquor permit or any other use involving alcohol and regulated by the State of Connecticut shall be located at least 200 feet in a straight line from a property used for residential purposes and shall not advertise any alcoholic liquors or beverages in such a way that it is visible from the street.
- c. A restaurant beer and wine only permit may be permitted in any commercial zone regardless of distance to residential use only if granted a Special Permit which is found to meet the standards of Section 7. All abutting property owners within 500 feet shall be notified of the public hearing for such a Special Permit by the Applicant. Proof of notification is required.

## **C. Animal Hospitals, Commercial Kennels, and Veterinary Offices**

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### **1. Applicability**

Animal hospitals, commercial kennels, and veterinary offices may be permitted in the Agriculture District with approval of a Special Permit pursuant of 7.1.C.

### **2. General Requirements**

Animal hospitals, commercial kennels, and veterinary offices shall adhere to the following requirements:

- a. No outside kennels or runs for animals shall be allowed.
- b. Buildings used for overnight boarding of animals shall be fully enclosed and shall be designed to keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used.
- c. No new structures housing animals shall be located closer than 150 feet to any residential zone boundary.
- d. Minimum lot area coverage, height and yard requirements shall be those of the R-40 Zone.

## **D. Commercial & Industrial Operation Standards**

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### **1. Applicability**

The requirements of this section apply to all Commercial and Industrial Zones in addition to all other requirements for the specific zone. The use of any land or building shall not be changed and no building shall be erected or added to unless in conformance with these Regulations.

### **2. Parcel Consolidation**

For the purpose of integrated development, any number of contiguous parcels may be consolidated for the purpose of development, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:

- a. The owner of each lot to be consolidated shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading.
- b. The consolidated parcel is developed with an integrated plan of buildings, parking, loading, and unloading, and open space.
- c. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid congestion.

### **3. Enclosed Operations**

All commercial and industrial uses and accessory uses shall be conducted wholly within enclosed buildings, except for off-street loading and those operations normally conducted outdoors. Outdoor storage shall be kept to a minimum and is subject to Site Plan approval by the Commission.

### **4. Hours of Operation**

Retail establishments and restaurants shall be closed to the public between the hours of 2:00 a.m. and 5:00 a.m. In a Neighborhood Business Zone, all premises shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. except for emergency medical care facilities, which may be open for business 24 hours per day.

### **5. Noise Levels**

Commercial and industrial uses and processes shall not be conducted in such a way as to create noise which is considered objectionable due to volume, intermittence, beat, frequency, shrillness, or intensity. Sustained noise levels shall not exceed the following decibel readings at the indicated locations:

Frequency (Hertz)	Maximum Sound Levels (Decibels)	
	At Residential Zone Boundaries	At Property Lines in Commercial or Industrial Zones
0-74	72	75
75-149	67	70
150-299	59	63
300-599	52	57
600-1199	46	52
1200-2399	40	45
2400-4799	34	40
4800 +	32	38

## **E. Communication Transmission Stations/Towers (Modifications, Replacement)**

### **1. Applicability**

The standards of this section shall apply to the modification to or replacement of an existing communications transmission station or tower within a Residential District. These Regulations shall not apply to modifications involving colocation, removal of equipment, or replacement of equipment that does not substantially change the physical dimensions of the structure. The standards of this section are not intended to be applied to any wireless telecommunication facility under full jurisdiction of the Connecticut Siting Council.

### **2. Permits & Applications Required**

A Special Permit is required for the modification to or replacement of an existing communication transmission station, as described above. Such Special Permit application shall be accompanied by:

- a. A Site Plan conforming to 7.1.B, including detailed elevations of all existing towers, antennas, dishes, and other transmitting and receiving devices.
- b. A report showing field measurements of ambient nonionizing electromagnetic radiation (NIER) levels in the frequency range of those sources existing and proposed on the site. Such readings shall be submitted by a qualified engineer and shall be taken at the nearest point of the main NIER source to the property boundary and at any other point deemed necessary by the Commission. The report shall include calculations of estimated total NIER levels following the proposed modifications and shall compare these to the standards noted in Section 4.3 E.3.E.

### **3. General Requirements**

The following are minimum conditions of any permit granted under this section:

- a. No strobe or white aviation lights shall be permitted. Only standard red aviation lights shall be allowed. If after the approval any applicable authority requires the

refitting of a tower to white or strobe lights, the tower must be lowered in height to a point where red lights are acceptable, or the tower shall be removed.

- b. Any tower shall be set back from all street lines and property lines a distance at least equal to the tower height, however, the Commission may modify this setback along certain property lines where, in the opinion of the Commission, the abutting property is not likely to be used for residential purposes. In no instance shall the tower or guy wire anchors be placed within the required yard areas.
- c. No employees shall be employed on a regular basis at the site and no office or broadcast studios shall be permitted.
- d. NIER emissions from this site as measured at the property lines and combined with ambient levels in similar frequency ranges shall not exceed levels adopted or established by either the American National Standards Committee C95.1 (ANSI), the Environmental Protection Agency of the United States, or the State of Connecticut, whichever is more stringent.
- e. Any approval shall include the requirement that the Applicant submit annual records of NIER measurements and annual reports to the Commission by a qualified engineer verifying compliance to NIER levels.
- f. The visual intrusion of these structures shall be minimized to the maximum extent possible. Berming and/or year-round screen planting may be required by the Commission to screen view from any public road or any residences.
- g. Any increase in tower height shall be discouraged as not in keeping with the policy of the Town to preserve the beauty of the Talcott Mountain ridge line. Any increase in height shall only be permitted when in the judgment of the Commission the following is provided:
  - 1) The radiation level at the nearest property line is reduced; and
  - 2) The resulting impact on the ridge line is materially improved by other site equipment, or tower modifications.
- h. The owner shall submit an annual report indicating that the facility is still in use. A facility not in use for more than one year or whose use is terminated shall be removed by the service facility owner. This removal shall be completed within 90 days of the end of the one-year period. Upon removal, the site shall be restored to its previous appearance.

## **F. Day Care Facilities**

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### **1. Applicability**

Day care facilities in the Town of Avon shall be subject to the standards and requirements of this Section.

**a. Day Care, Home (Or Group Home)**

A day care home or day care group home, as defined in Section 19a-77 of the Connecticut General Statutes as amended, conducted in a resident's dwelling unit is permitted within all residential districts in association with a single-family dwelling.

**b. Day Care, Center**

A day care center, caring for 12 or more children, is permitted within a residential district with Special Permit approval, provided that such service is conducted in a public or institutional building with a valid State license.

## **G. Farming**

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### **1. Applicability**

Farming within the Town of Avon is permitted subject to the standards and requirements of this Section.

#### **1. General Requirements**

- a. Farming shall only be conducted on a property of at least 10 acres.
- b. The commercial slaughtering of animals (as distinguished from fowl), fertilizer manufacturing, and commercial reduction of inedible animal matter is prohibited.

## **H. Farming (Limited)**

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### **1. Applicability**

Limited farming, on a tract of land which is clearly accessory to a residential use, is subject to the requirements of this Section.

#### **2. General Requirements**

- a. On a lot containing 80,000 square feet, a maximum of one large animal, two medium animals, or 15 small animals may be kept. For each additional 43,560 square feet, one additional large animal may be kept; or for each additional 21,780 square feet, one additional medium animal or 15 small animals may be kept.
- b. No more than 100 small animals may be kept on any lot.
- c. The keeping of pigs is not permitted.
- d. Dogs, cats, and other pets which are kept as companions and housed together with human occupants are permitted in any residential zone on any size lot in conjunction with a residence.
- e. The keeping of up to ten rabbits or chickens or ducks shall be permitted on any conforming lot of any size. No roosters or geese or peacocks are permitted.
- f. The boarding of horses or other farm animals or any other commercial activities undertaken for compensation is not permitted, unless granted a Special Permit by the Commission.

- g. Any and all farm animals shall be kept in a clean environment including an enclosure in accordance with modern agricultural standards and not create a nuisance to the adjoining property owners. All such structures shall meet setback requirements for the zone in which they are located.

### **3. Distance Separation Requirements**

- a. Buildings/structures for the purpose of housing horses and livestock shall be located at least 100 feet from any lot line.
- b. Manure must be stored at least 100 feet from any lot line and visually screened from adjoining properties.
- c. Buildings/structures for the purpose of housing fowl shall meet the required setback for the zone.

## **I. Farm Products (Sale of)**

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### **1. Applicability**

Farms, on parcels of land in excess of ten acres (unless the acreage requirement is modified by the Commission upon a finding that all criteria in Section 7.1 C of these Regulations have been met), may be allowed retail sales of farm-grown or farm-related products and the construction of farm buildings for the purpose of farming operations or retail sales in excess of the size specified in Section 5.1 E, provided that the criteria of this Section are met.

### **2. General Requirements**

- a. The farm store must be located on an active farm site.
- b. The retail sales of farm products must be of a scale such that it is compatible with nearby residential uses.
- c. The following items may be sold:
  - 1) Produce grown on the farm and farm-related products produced on the farm excluding meat products.
  - 2) Farm products grown elsewhere and other products related to agriculture may also be sold such that the total sales of these other products do not exceed 20% of the total amount of gross revenue generated from all retail sales at the farm stand.
  - 3) Items such as agricultural fertilizers, bark mulch, top soil, peat moss, plants pots, statuary items, prepackaged convenience food items, and soft drinks shall not be permitted for sale.
- d. The farm store may be located in a free-standing building or may be situated in a portion of a larger structure which may be used in part to support other farming operations such as a dairy barn, hay loft, or farm equipment storage area. In all cases, the farm store shall not exceed 3,000 square feet in area.

- e. The farm store must have a primary means of access and egress from a through street capable of safely accommodating anticipated volumes of traffic. Preference shall be given to arterial roadways.
- f. All structures shall meet the minimum requirements established for the residential zoning district in which the farm is located.
- g. All parking shall meet the setback requirements for structures for the residential zoning district in which the farm stand is located. Parking shall be provided at a rate to be approved by the Commission. In addition, a “B Bufferyard” shall be observed between any farm buildings and farm store parking areas and adjoining residentially zoned properties.

## **J. Gas Stations**

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### **1. Applicability**

Premises intended to be used for a gasoline station shall observe all requirements of this Section.

### **2. Permits & Applications Required**

Gasoline filling stations may be permitted by the Commission as a Special Permit in either the Commercial-Retail or Commercial-Specialized Zone. The Commission shall carefully review the suitability of any site proposed for such use in relation to the purposes of the specific zone and the Special Permit criteria.

### **3. Distance Separation Requirements**

- a. Premises shall be located at least 1,500 feet in a straight line from any other property used as a gasoline filling station.
- b. Premises shall be located at least 1,000 feet in a straight line from any property used for a church, school, playground, or public park.
- c. Gasoline pumps or other filling appliances shall be located at least 40 feet from any street or property line.

## **K. Medical Marijuana Dispensary Facilities**

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### **1. Applicability**

Medical marijuana dispensary facilities are permitted in the Commercial Park A, Commercial Park B, Commercial Retail, Commercial Specialized, and the Office Park zones with Special Permit and Site Plan Approval, provided that the use meets the requirements of this section.

In approving a Special Permit for a medical marijuana dispensary facility in the Town of Avon, the Commission shall require that the Applicant provide a copy of the required Department of Consumer Protection permit within six months of the Commission’s approval. A six-month extension for this requirement may be granted by the Commission at

the request of the Applicant, provided that the Applicant provides proof that the application for the Department of Consumer Protection permit has been filed. If a permit is not obtained within the above period of time, the Commission shall void the approval.

## **2. General Requirements**

- a. Any proposed dispensary facility shall meet all criteria as established by any applicable Connecticut General Statute or any applicable regulation of the Department of Consumer Protection pertaining to such facilities.
- b. Any medical marijuana dispensary facility which is permitted under this Section, or any Section of the Connecticut General Statutes may not be permitted to dispense marijuana for recreational purposes and further other cannabis establishments, as defined in CGS 21a-420, are not permitted in any Zone in Avon.

## **3. Distance Separation Requirements**

No medical marijuana dispensary facility shall be permitted to be located closer than 300 feet measured closest point of the building housing the use to closest point, in a straight line, from a public or private school or an established place of worship.

## **L. Municipal & Public Utility Uses**

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### **1. Applicability**

Municipal and public utility uses, buildings, and structures, including governmental and emergency services communication towers and/or antennas, may be authorized by the Commission as a Special Permit in any zone under the applicable criteria of Section 7.1 C, provided that the requirements outlined in Section 4.3 L.2 are met.

### **2. General Requirements**

- a. All of the requirements of the zone are met except floor area, lot area, and lot width.
- b. The land is of sufficient area and width to protect public health, safety, and welfare.
- c. The proposed use is compatible with existing development and the site development blends with the character of the area.
- d. Plants generating power and plants disposing of sewage and/or garbage are not permitted in residential zones.
- e. For all applications involving towers and/or antennas, information as required in Section 4.3 E.2 shall be provided; and the minimum standards and conditions in Section 4.3 E.3 (b, c, e-h).
- f. These requirements shall not apply to standard utility distribution systems.

## **M. Outdoor Display of Merchandise**

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### **1. Applicability**

The outdoor display of merchandise may be permitted in commercial zones (except for the Neighborhood Business), with Special Permit and Site Plan Approval.

### **2. General Requirements**

- a. Merchandise shall not be displayed within the required front yard setback.
- b. Parking spaces, landscaped areas, and walkways shall not be used for sales, storage, display of goods, or advertising purposes of any kind except for detached signs installed in conformance with these Regulations and except for the display of automobiles accessory to new car sales in parking spaces.
- c. The area to be used for outdoor display shall be adequately screened from public view from any nearby public roadway or residence. The area shall be screened using a combination of landscape materials and decorative masonry walls which complement the main structure. The materials which will be used to construct the enclosure shall be of a design and overall quality as the Commission may require in determining that the display area will enhance the overall aesthetics of a project. No advertising signage shall be permitted on the enclosure or within the enclosure such that it can be seen by the public from outside the building. Measures shall be taken to prevent any adverse impact on nearby residences from sound which may be generated from the display area.
- d. The pad for the display area shall be constructed of concrete, brick, or a similar material approved by the Commission.
- e. The area shall not conflict with pedestrian or vehicular circulation.
- f. The entire enclosure area shall be considered additional retail space and lot coverage. Accordingly, additional parking shall be required and certification shall be provided which documents compliance with maximum building and minimum landscaping requirements.
- g. The outdoor display area may include a permanent structure(s) such as a trellis to be used in conjunction with the display of live plants. Any structure must receive Site Plan approval from the Commission. No temporary structures, such as tents, shall be permitted.

### **3. Approval Validity**

Approvals shall be valid for an initial period of three years from the issuance of a Certificate of Occupancy. Prior to the expiration of the initial three-year period, or any subsequent approval, an application for renewal must be submitted. Consecutive extensions in increments of up to five years may be granted if there are no documented violations of this regulation, any other sections of these Regulations, or conditions of approval imposed by the Commission.

## **N. Restaurants**

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### **1. Applicability**

All restaurants (Class I, II, and III) are subject to the general requirements of this Section. Please see Section 2.3 for the various restaurant classifications.

### **2. General Requirements**

- a. Restaurants that are expected to or actually produce more than 350 vehicle trip ends per peak hour of generation are prohibited.
- b. Traffic generated by restaurant operations shall not adversely affect traffic flow, circulation patterns, or the level of service on adjacent or nearby streets. The Commission may require an Applicant for approval of a Special Permit for any restaurant to provide data or analyses from a qualified traffic engineer or other appropriate expert and may condition the approval of a Special Permit on roadway, signalization, intersection, drainage, or other improvements if the Commission deems such requirements to be necessary to assure compliance with these Regulations.
- c. The size, nature, character, and site layout of any restaurant requiring a Special Permit shall be designed in such a way as to minimize hazards to pedestrians and vehicles; to harmonize with the physical character of the neighborhood and zoning district in which the restaurant is or is to be located; and to prevent any nuisance or unnecessary annoyance to nearby properties. In determining whether a restaurant meets these requirements, the Commission may consider, and may limit by conditions, all operational aspects of the restaurant relevant to the generation of traffic, noise, litter, and pollution, including but not limited to the relative proportions of on-premises and off-premises consumption of food and beverages, the percentage of building space used for patron seating, the expected average duration of visits by customers, hours of operation, the nature of the food and beverages served at the premises, and the manner in which service is provided. If the operational aspects of any restaurant for which a Special Permit has been issued are changed in any manner that the Commission or its lawful agent determines to create a nuisance or to have a significant impact on the generation of traffic, noise, litter, or pollution, the Commission or its lawful agent may issue an order to cease such changed operations or may require an application for a new Special Permit.
- d. Any change in the nature of a restaurant from one class to any other class shall be considered a change to a new use and shall be allowed only upon proper application for and issuance of such approvals, permits, or Special Permits, as may be required by these Regulations for such new use. In determining whether to issue such new approvals, permits, or Special Permits, the Commission or its lawful agent shall employ the standards and procedures set forth in these Regulations as they may be amended and existing on the date of such application.

### **3. Outdoor, Walk-Up Windows, & Drive-Through Windows**

Outdoor walk-up windows and drive-through windows shall be permitted only in the Commercial-Retail Zone and only upon the submission of evidence satisfactory to the Commission that the proposed walk-up or drive-through window will not cause or contribute to hazards from ~~to~~ vehicles to ~~or~~ pedestrians.

### **4. Outdoor Dining**

Outdoor dining is permitted as an accessory use to all classes of restaurants. The following criteria shall be met in addition to those listed in Section 4.3.N.2:

- a. It will not create visibility problems or hazards for motorists or pedestrians. Where appropriate, walls, fencing, or plantings are encouraged to separate seating from traveled areas and parking areas.
- b. No required parking spaces or drives shall be utilized.
- c. Additional parking shall be provided at the rate required by these Regulations for the additional number of seats to be added.
- d. Tables shall not be located in such a manner as to restrict access by emergency services to any portion of the building. Access to neighboring properties shall not be obstructed, and at least 44 inches of unobstructed public walkway space shall be maintained around the perimeter of all buildings, including the portion of the building where outdoor dining is provided.
- e. Hours of operation shall be limited to no later than 10:00 p.m. unless waived by the Commission.
- f. All portions of the dining area shall be separated by a distance equal to the required yard separating distances for structures for the zone in which the restaurant is located unless waived by the Commission.
- g. If any structural or lighting changes are proposed, Site Plan approval shall be required.
- h. If the service of alcoholic beverages is proposed, the Applicant must demonstrate that the location is compatible with surrounding uses; offers maximum protection to the public health, safety, and welfare; and does not detract from neighboring property values.

## **O. Temporary Special Event**

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### **1. Applicability**

Temporary special events, as defined in Section 2.3 of these Regulations, are permitted up to a maximum of four times per parcel of land during each calendar year. Individual parcels which are joined as a result of a common merchants' association shall be limited to a maximum of four events per calendar year. Events held on Town-owned properties shall not be limited as to frequency. Special events are permitted only:

- a. On an established commercial property within a Commercial District;

- b. On an established industrial property within an Industrial or Office Park District;
- c. On the property of a use which has been approved by Special Permit, such as a school, church, library, or golf course within any zoning district; or
- d. On property owned by the Town of Avon.

## **2. Permits & Applications Required**

Thirty days in advance of the event, a permit shall be applied for and approvals obtained from the Building Official, Fire Marshal, Farmington Valley Health District, and Public Safety Department. Applications must be signed by the property owner or, in the case of consolidated properties, by the owners of all properties subject to the consolidated agreement.

## **P. Work / Live Spaces**

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### **1. Purpose**

Work / Live Spaces are intended to provide for:

- a. The appropriate development of buildings that incorporate both living and working areas;
- b. Flexibility for the development of Work/live spaces and units, particularly within existing buildings;
- c. Locations where appropriate new businesses can start up;
- d. Opportunities for people to live in mixed use commercial and residential areas where compatible with existing uses;
- e. Protection for existing and potential uses from conflicts with each other by application of applicable standards; and
- f. Ensure that the exterior design of work/live buildings is compatible with the exterior design of other building in the area if appropriate while remaining consistent with the necessary function of the buildings

### **2. Applicability**

Work/Live Spaces, as defined in Section 2.3, may be permitted in the Commercial Retail and Commercial Specialized districts with approval of a Special Permit, provided they meet the requirements of this section.

### **3. General Requirements**

Work/Live Spaces are subject to the following general requirements:

- a. A Work/Live Space shall combine a commercial use or activity, which is allowed in the zone, with a residential living space or unit for the owner of the commercial business, or the owner's employee, and that person's household.

- 1) At least one resident in each work/live unit shall maintain a formal connection such as owner or employee of the business and must be able to prove it upon request. Any inhabited residential unit without this required connection shall be deemed a zoning violation and will be subject to formal zoning enforcement procedures.
- b. The resident owner or employee of the business is responsible for the commercial activity performed.
- c. The commercial activity conducted takes place subject to a valid business license associated with the premise and the service provided.
- d. The residential component of a Work/live space or unit may not be located on the street level of a multi-floor building, such that if a work/live space or unit has two floors within it, the ground floor shall act as the commercial component, while the upper floor shall be the residential aspect.
  - 1) The residential use may not exceed 50% of the total floor area of such building.
  - 2) The number of residential units may not exceed the number of separate bona fide commercial uses (i.e. 1:1).
  - 3) Work/live uses for multi-story buildings shall be reviewed and may be approved on a case-by-case basis by the Commission.
- e. Where such use is proposed for a single story building the street frontage of the commercial use shall make up at least 80% of the building's street frontage and street presentation.
- f. Work / Live Spaces shall not exceed 3,000 square feet in size.
- g. Each work/live space of less than 2,500 square feet must provide at least one (1) parking space for the residential use. For work/live spaces greater than 2,500 square feet in size (but less than 3,000 square feet), required parking will be based on applicable parking standard for the nonresidential use or the closest similar use as determined by the Zoning Enforcement Officer.

#### **4. Approval**

Any approval for a work/live unit shall automatically and immediately become void and cease upon the cessation of the commercial portion of the use. Continuation of the residential use when the commercial use has ceased or when the unit is no longer in compliance with the original approval shall be subject to all available zoning enforcement and legal procedures.