

343. Required Plan:

A plan for the proposed development of a lot for a special permit use shall be submitted with the special permit application. The plan shall show, as deemed necessary by the Planning and Zoning Commission to determine and provide for the proper enforcement of these Regulations, any or all of the following: the location and external appearance of all buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, topography (including regraded contours with an erosion control plan, Section 359.1), signs, exterior lighting, special features, and any other pertinent information, including information about the neighboring properties.^{1 2}

344. Conditions:

The Planning and Zoning Commission shall attach such conditions to any approved use as are, in its opinion, necessary to assure initial and continued conformance to all applicable standards and requirements set forth in Section 340, in addition to all other requirements of these Regulations.

345. Action Following Approval:

Within fifteen (15) days after the approval of a special permit use, the Planning and Zoning Commission shall file with the Buildings Inspector and Zoning Enforcement Officer each one print of the approval plans, with the approval noted thereon, and a copy of the Commission's resolution, including a list of any conditions pertaining to the approval. One print of said plans and the resolution shall be made available to the applicant.

346. Revocation of Special Permit

A special permit shall be deemed to authorize only the particular use or uses specified in the permit. Any permit issued, granted or approved shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, or if said use or uses change in nature, degree, or intensity.³

SECTION 350. ADDITIONAL STANDARDS AND REQUIREMENTS**351.** Church or Other Place of Worship, Public Library, Museum, Art Gallery, Private School, Private Recreation Club, Nursery School, or Day Camp, Golf Course Facility, Golf Course Residential Community.⁴

¹ Revised 11/01/03

² Revised 11/01/04

³ Revised 11/01/04

⁴ Effective 9-16-99

351.1 Location:

All such uses shall be permitted only in locations fronting on, or having direct or convenient access to, a major or collector road as determined by the Planning and Zoning Commission and shown on the “Zoning Map, Town of Sherman.”

351.2 Coverage:

Building coverage shall not be permitted to exceed 10 percent (10%) of the site area. The sum total of the land covered with buildings and parking, including driveways, shall be submitted to the Commission for approval.

351.3 Setbacks and Parking:

All new principal structures and accessory structures shall be required to be set back from any adjoining street line a distance equal to at least one-and-one-half times the required front lot setback distance for residence buildings. Minimum setbacks from other property lines shall be twice the distance required for residence buildings. Off-street parking facilities shall not be permitted in the front lot except for necessary access drives, nor shall such facilities be located within thirty (30) feet of any other property line. The Planning and Zoning Commission may, however, permit not more than ten percent (10%) of the required off-street parking spaces to be relocated in the front lot, provided such parking is designated for and limited to visitor use, and further provided that it is attractively landscaped and maintained.

351.4 Buffer Area:

A buffer area shall be required along all lot lines adjoining residential or undeveloped properties. Such a buffer area shall be at least twenty-five (25) feet in width and contain evergreen planting of such type, height, spacing and arrangement as will screen the activity on the lot from neighboring residential areas. Such required landscaping shall be properly trimmed and maintained in good condition at all times throughout the duration of the use in connection with which it was required. A wall or fence, of location, height, design and materials approved by the Planning and Zoning Commission as providing equivalent screening, may be substituted for part or all of the required planting.

351.5 Maximum Intensity of Use:

Maximum intensity of use and/or membership limit shall be as specified by special permit. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by special permit.

Dwelling use on the same lot is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.

351.6¹

352. **Farming**²

It is the intention of the people of Sherman to encourage farming in the town, in accordance with the guidance of the Plan of Conservation and Development, in order to preserve open space, preserve the rural character of the town, maintain the historical integrity of the town, and manage the density of population consistent with the natural resources and the infrastructure in the town. The town recognizes, as well, that farming must be done responsibly, with consideration for the rights of one's neighbors.³

352.1 The definition of “farming” for the town shall be based on the definition set forth in the Connecticut General Statutes Chapter 1 Section 1-1(q). See Section 610 of these regulations.⁴

352.2 Other regulations pertaining to nuisances to the contrary notwithstanding, no farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima

¹ Revised 2/9/79, 11/12/87 (see 321.6)

² Renamed 11/15/05

³ Revised 11/15/05

⁴ Revised 11/15/05

facie evidence that such operation follows generally accepted agricultural practices.¹

The provisions of this section shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.²

352.3 The lot upon which the principal buildings for livestock farming are located shall be at least five contiguous acres in area. Dwelling use on the same property is permitted but an additional 80,000 square feet shall be required for the dwelling and all requirements for the dwelling and lot must meet these Regulations.³

352.4 Minimum setback requirements for barns housing animals shall be 100 feet from any side or rear lot line and 50 feet from the front lot line or any lot line on a road or 75 feet from the center of the road. Minimum setback requirements for other farm buildings shall be as in 331.5 and 332.5.⁴

352.5 The display and sale of farm produce is considered to be a permitted use under the definition of Farming. The Planning and Zoning Commission shall require a site plan to be submitted for approval before such activity begins.⁵

- a. The activities must be conducted on the premises which contain the principal farming activity. Any structures used for this purpose shall meet all the requirements of these regulations.⁶
- b. A majority of the produce offered for sale shall originate on the site.⁷
- c. A detailed plan of the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 372 as being of adequate size for the particular use, suitably screened with evergreen planting, walls or fences

¹ Revised 11/15/05

² Revised 11/15/05

³ Revised 11/15/05

⁴ Revised 11/15/05

⁵ Revised 11/15/05

⁶ Revised 11/15/05

⁷ Revised 11/15/05

or combinations thereof, and with entrance and exit drives designed so as to minimize traffic hazards.¹

- d. Vehicles used in connection with such display or sale shall be garaged or otherwise screened and hidden from view of adjoining properties when not in use.²
- e. Signs shall be permitted as set forth in Section 362.³

352.6⁴

352.7⁵

353. Office or Home Occupation:

Professions, fine arts, handicrafts and customary home occupations may be conducted as an accessory use in the principal dwelling only provided there is no display or advertising visible from the outside excepting a name plate or announcement not to exceed two square feet in area, and provided that such occupations are carried on in each case by resident occupants with no more than two hired assistants, subject to the following conditions:⁶

353.1 Such use shall not create any noise, odor or unsightly condition noticeable beyond the boundaries of the property on which it is located.

353.2 No more than two commercial vehicles shall be used in connection with any such use, and the vehicles shall be garaged or otherwise screened and hidden from view of adjoining properties when not in use.

353.3 Parking area or areas shall be subject to the review and approval of the Commission in accordance with the procedures set forth in Section 372, as being of adequate size for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed so as to minimize traffic hazards.

353.4⁷

¹ Revised 11/15/05

² Revised 11/15/05

³ Revised 11/15/05

⁴ Deleted 11/15/05

⁵ Deleted 11/15/05

⁶ Revised 11/12/87

⁷ Deleted 11/12/87