

Town of Litchfield

Land Use Office

Town Hall Annex 80 Doyle Road. Bantam, CT

Ph: (860) 567-7565 Fax: (860) 567-7573 Mailing Address: P.O. Box 12 Bantam, CT 06750

Date: May 14, 2021

From: The Desk of the ZEO – Zoning Enforcement Officer

To: 31 North Street – Lodging – New England B&B (Rose Haven) application file

Subject: Upon submission of this application, the applicant's attorney requested the Land Use Department (government) should provide assistance in application preparation. Subsequently, the following salient materials were found missing in this application (not submitted by the applicant). Along with summary questions, the following materials are submitted by the ZEO for Commission review:

April 30, Land Use Administrator letter
Application form submitted by applicant – May 11, 2021
HR-30
HTC
Convalescent Home
Country Inn and Country Inn with Restaurant
Bed & Breakfast, Motel, and Hotel
State of Connecticut Department of Revenue Services definitions
Nonconforming Use Regulation

ZEO Summary Questions:

- What is a *New England Bed & Breakfast Inn*? Where and how is it defined?
- How will the material zone change be legally accomplished changing a convalescent home to *New England Bed & Breakfast?* No overlap of definitions exists.
- There are no bed and breakfasts, inns, motels, or hotels permitted in the HR-30 and HTC districts. HR-30 protects "single-family residential character."
- Is there a legal change of a convalescent home to bed & breakfast, country inn, motel, or hotel? The Town nonconforming regulation states that a nonconforming structural expansion may be approved but not a change to a more nonconforming use. There are no conforming measures in this application.
- How does convalescent home contrast with bed and breakfast, motel, or hotel and correspond with the Department of Revenue definitions? Take note on how the Town/ State define a bed and breakfast; i.e., the number or rooms, etc. Take note on Town definitions involving owner occupancy, acreage, etc.

Dear Anthony:

This letter serves as **only an instructional response** for your request to apply for zoning approval of 31 North Street Rose Haven adaptive reuse. As confirmed by both the Chair and Vice-Chair of the Litchfield Planning and Zoning Commission and as policy since my tenure, informal applications are not entertained or processed during the Commission meetings. Therefore, your letter will be received as correspondence at the next meeting – May 17th. As policy within correspondence, there will be no Commission discussion/review or comment accepted by the public.

Although, you may submit a formal application to the Commission for that date. You state on page 4 of your letter that you "...favor a plan that...would follow the provisions of Litchfield's code and state law which support the pre-existing pattern of use for the property. In effect, a modification or continuation of a long-existing non-conforming use." Furthermore (page 4), you mention: "In December 2002, the current owner was granted approval for a Special Exception – Expansion of the non-conforming use as a convalescent home."

Since you are stating there is a non-conforming use and a Special Exception approval, I suggest you apply for a modification to the Special Exception approval for the fee of \$160 payable to the Town of Litchfield. Due to the complex legal issues (as described in you letter) this application impacts a significant portion of the HR-30 and HTC districts which have no zoning definition for a hotel; I am also estimating an additional application fee of \$3,500 for the Planning and Zoning Commission Attorney. This estimate was determined after discussion with the Commission Attorney. You can submit the fee (under separate check payable to the Town of Litchfield) along with your standard application and fee. At the meeting of May of 17th, I will then ask for motion from the Commission for legal review fee of the amount of \$3,500 legal review of the pre-existing nonconforming status and Commission Attorney attendance at a June Planning and Zoning Commission meeting. Any monies not utilized for legal review will be refunded to you.

The above outlined application process is proposed to facilitate the question you mentioned in your letter. I have attached a modified Special Exception application and section of pre-existing regulation section and the HR-30 district. A newspaper article is also included to illustrate the current use of the property. In order to appear at the meeting the May 17th meeting make sure to have your application submitted by Tuesday, May 11th – both hard copy and electronic are required due to COVID ZOOM meetings. Due to the extended time review granted by the Special Exception process, a site plan may be submitted once you have obtained the legal applicability of your application; as well as the scheduling of a public hearing.

Yours in the Highest and Best Use of the Land,

Dennis Tobin, PhD

State OKs Rose Haven closure

Parent company cites financial losses as reason to shutter facility

BY JOHN MCKENNA REPUBLICAN-AMERICAN

LITCHFIELD — The state Department of Social Services has approved a request by Apple Rehab to close Rose Haven rest home and nursing facility on North Street due to heavy financial losses.

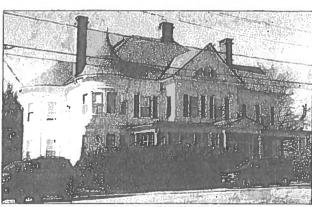
DOSS granted approval Thursday, Apple Rehab Vice President Karen Donorfio said in a statement Tuesday.

"We are saddened by the decision to close, however,

the cost to maintain, staff and operate a multi-licensed facility coupled with the current reimbursement system has not made it sustainable," Donorfio said.

Apple Rehab thanked the staff for creating a community of caring and delivering the highest quality of care to those living or being treated at Rose Haven, Donorfio added.

Rose Haven has been a Litchfield landmark since



JOHN MCKENNA REPUBLICAN-AMERICAN

Rose Haven, a rest home and skilled nursing facility for 29 patients on North Street in Litchfield, has the state's permission to close for financial reasons. The closure date has not been announced yet.

CLOSE: Lost over \$800,000

Continued from 1B

1946. Most of its 29 patients are long-term care residents, and Apple Rehab has committed to helping them find new homes.

Donorfio provided no timetable for the closure.

Apple Rehab, citing operational losses at Rose Haven of \$442,000 in 2016, \$286,000 in 2017 and a projected \$100,000 in 2018, sought DOSS approval to close the facility, one of 22 it owns in the state.

The approval to close came two weeks after a hearing at Rose Haven, where residents and staff, as well as some Litchfield residents, opposed the closure plan.

Managing and maintaining Rose Haven's separate residential and skilled nursing departments, along with declining Medicare and insurance reimbursements, has made it difficult for the business to remain financially viable, according to Apple Rehab.



Town of Litchfield

Planning and Zoning Commission Site Plan/Special Exception Application

Name and mailing address of Applicant:		Location of Property:					
Anthony Champalimaud			31 North Street				
115 North Street			Litchfield, (CT 06759			
Litchfield, CT 06759							
Phone: (917)691-7575							
Email address: Anthony@Trou							
Name and address of Owner. Brian Foley			Zone <u>K-30H</u> non-conforming? <u>Yes</u>				
		Ma	ap <u>. 206 .</u>	Block . ()46	_ot <u>. 075.</u>	
	Description of Exis	stin	g Use/Proper	ty			
Existing Use(s)	Nursing home / Conva	alece	ent Care Home				
· Size of property	96,441 sq. ft.						
Buildings	2 - Main House an	d R	Rear Single Sto	ory			
Parking	32 - 49 approved	in 2	002				
Signage(# of signs & square feet)							
other important features		5555					
	Description of	Pro	oposed Use				
Proposed Use(s)	Lodging - New Eng	glar	nd Bed and Bre	eadfast			
Buildings	2 - Main House and R	ear :	Single Story - der	mo small ad	dition on	Main House	
Parking							
Signage(# of signs & square feet)	E (2)						
Number of Employees							
	Where applica	ble.	number of:				
Hotel/Motel Rooms	30 Proposed			escent Home	40 curi	ent/58 approved	in 2
Hospital/Clinic Beds	40 Existing		Occupants of As	sembly Hall		.A	
Water & Sewer provided by	Town		•		'		
Professional Engineer/Survey	or name/address: .	Da	ate Submitted	Date Rec'd	by PZC	PH Date	
Alford Associates Inc.							
200 Piegon Hill Road, P.C). Box 484					·	
. Windsor, CT 06095							
Phone: (860)) 888/288		P	roject Number:		Fee:		
1 that	5/11/2021						
Signature of Applicant	Date		Signature of	Owner		Date	

IR Historic Borough Residences

The HR districts are located within the Borough of Litchfield Historic District and are hereby established to assist in the preservation of the unique character of the Borough of Litchfield by encouraging the enhancement of the center's historical character, the preservation and restoration of its architectural assets and their appropriate setting, and the continuation of its pedestrian scale and orientation. This area serves as Litchfield's geographic and social center.

HR-30

Statement of Purpose: This district delineates a sector of the Borough of Litchfield Historic District that is characterized by large historic residential dwellings and structures located on proportionally large lots. The requirements for new construction and development in this district are designed to protect the single-family residential character and its widely recognized unique setting, especially the open space around its dwellings and its historic streetscape. As used in these regulations or the subdivision regulations, the term, "existing public street" within the HR-30 district shall include those streets or street segments both sides of which lie within the HR-30 district. These streets or street segments are North Street, South Street, Prospect Street, Westover Street and Old South Road.

1. Lot Dimensions (Minimum):

Lot Area	30,000 square feet
Lot Width	140 feet
Additional requirements in Subd	livision Regulations

Duilding Placement (Minimum):

(<i>j</i> ·
Front Setback	.60 feet
Side Setback	.30 feet each; 60 feet
	aggregate
Rear Setback	.60 feet
Green Space	. 30%
Maintenance Shed	.10 feet from rear or
	side lot line (not
	permitted in front
	yard)
	•

3. Building Dimensions (Maximum):

Building	Covera	ge	 	 	.12	%
Building	Height		 	 	. 35	feet

- 4. **Signs:** One sign is allowed up to two square feet in area giving the name of the land or buildings on which displayed.
- 5. **Off-Street Parking:** A driveway is required and vehicular parking is allowed in any yard.

6. Additional Setback Regulations:

 a. <u>Side Yard Setbacks</u>: A building erected on a lot in the HR-30 district, other than on an interior lot, must be located such that the distance between each side of the new building or an addition to a building and the nearest side on an existing principal building equals or exceeds that block's "average distance" between two adjacent principal The "average distance" is to be buildings. determined separately for each side of each block within the HR-30 district, and is measured by the length of a line extending between the nearest points of any two adjacent principal buildings existing on the effective date of this regulation, which line runs as parallel as is possible to the street from which the principal buildings measure their front/rear setback. For the average distance for each block within the HR-30 district is as follows:

Street/Side Distance/Feet

North Street - West Side 121'
North Street - East Side 106'
South Street - West Side 106'
South Street - East Side 81'
Prospect Street - North Side 130'
Prospect Street - South Side 199'
Meadow Street - East Side 125'
Tallmadge Avenue - South Side 139'
Wolcott Street - South Side 70'

b. Front Yard Setbacks: A building erected on a lot in the HR-30 district, other than on an interior lot, must be located such that the distance between each side of the new building or an addition to a building and the nearest side on an existing principal building equals or exceeds that block's

"average distance" between two adjacent principal buildings. The "average distance" is to be determined separately for each side of each block within the HR-30 district, and is measured by the length of a line extending between the nearest points of any two adjacent principal buildings existing on the effective date of this regulation, which line runs as parallel as is possible to the street from which the principal buildings measure their front/rear setback.

- 7. **Permitted Uses:** The following uses are permitted in the HR:
 - Single Family Dwelling ZP
 - Construction Trailers ZP
 - Farm ZP
 - Public Administrative Facility SP

- Public Safety Facility SP
- 8. **Special Exceptions:** The following uses are Special Exceptions in the HR:
 - Accessory Apartment
 - Affordable Housing
 - Club
 - Farm Stand (Temporary)
 - Farm Winery
 - Philanthropic, Instructional and Educational Institutions
 - Two-Family Dwelling (Duplex)
 - Worship Place
- 9. **Accessory Structures**: Allowed subject to Zoning Permit.

HR-20

The HR-20 district is characterized by medium-to-large sized homes on lots smaller than those in the HR-30 district, and the gulations in this district are established to protect its single-family residential character, unique development pattern, spacing of buildings, and its historic streetscape. Lots in HR-20 are subject to the additional requirements of the Litchfield Historic District Commission.

1. Lot Dimensions (Minimum):

Lot Area	20,000 square feet
Lot Width	100 feet
Additional requirements	in Subdivision Regulations

2. Building Placement (Minimum):

50 feet
20 feet each; 40 foot
aggregate
60 feet
10%
10 feet from rear or
side lot line (not
permitted in front
yard)

3. Building Dimensions (Maximum):

_	,		*	,
Building	Covera	ge		.12%
Building	Height			35 feet

4. **Signs:** One sign is allowed up to two square feet in area giving the name of the land or buildings on which

displayed, or of the owner or lessees thereof, and of their profession or activity.

- 5. **Off-Street Parking:** A driveway is required.
- 6. **Permitted Uses:** The following uses are permitted in the HR:
 - Construction Trailers ZP
 - Single Family Dwelling ZP
 - Farm ZP
 - Public Administrative Services SP
 - Public Safety Facility SP
 - Farm Stand (Temporary) SP
- 7. **Special Exceptions:** The following uses are Special Exceptions in the HR:
 - Accessory Apartment
 - Affordable Housing
 - Bed & Breakfast
 - Cemetery
 - Club

TC Historic Town Center

The HTC district is located within the Borough of Litchfield Historic District and is hereby established to assist in the preservation of the unique character of the Borough of Litchfield by encouraging in its commercial district the enhancement of the center's historical character, the preservation and restoration of its architectural assets and their appropriate setting, and the continuation of its pedestrian scale and orientation. This area serves as Litchfield's geographic and social center.

In addition to these regulations, the Borough of Litchfield Historic District Regulations shall apply to all lots within the HTC district.

1. Lot Dimensions (Minimum):

Lot Area	20,000 square feet
Lot Width	100 feet
Additional requirements in	Subdivision Regulations

2. Building Placement (Minimum):

Front Setback	20 feet
Side Setback	10 feet each, 25 foot
	aggregate
Rear Setback	30 feet
Green Space	10%
Maintenance Shed	10 feet from rear or
	side lot line (not
	permitted in front
	yard)

3. Building Dimensions (Maximum):

Building	Covera	ge	25	%
Building	Height		35	feet

- 4. Signs: One wall sign and projecting sign is allowed.
- 5. **Off-Street Parking:** See Exhibit "A" for minimum parking requirements for specific uses and see Off-Street Parking and Loading below for generally applicable parking regulations.
- 6. **Permitted Uses:** The following uses are permitted in the HTC district:
 - Construction Trailer ZP
 - Farm ZP
 - Farm Stand (Temporary) SP
 - Public Administration Facility SP
 - Public Safety Facility SP
 - Single Family Dwelling ZP

- 7. **Special Exceptions:** The following uses are Special Exceptions in the HTC district:
 - Accessary Apartment
 - Affordable Housing

Bakery

- Banks and Financial Institutions
- Bed & Breakfast
- Business and Professional Offices
- Caterer
- Contractor, Trades, Shop and Storage
- Country Inn
- Country Inn/Restaurant
- Drug Store, Small Format
- Drug Store, Large Format
- Philanthropic, Instructional and Educational Institutions
- Farm Stand (Temporary)
- Printing Establishment
- Recreational and Entertainment Facility (Outdoor)
- Residential Use within a Business Building
- Restaurant (Not High Turnover/Fast Food)
- Retail, Convenience
- Retail, Grocery Large Format
- Retail, Grocery Small Format
- Retail, Large Shop
- Retail, Personal Services
- Retail, Small Shop
- Worship Place
- 8. **Accessory Structures**: Allowed subject to Site Plan approval.

. CONSTRUCTION TRAILERS

Trailers used for business, office, and storage purposes in connection with a bonafide construction operation within the Town may be used for such purposes in any district for a period of time not to exceed the duration of the construction contract.

G. COUNTRY INN

A facility having ten or less guest rooms in which lodging is offered for compensation and meals for guest lodgers only may be offered that meets the following requirements:

- 1. The minimum lot area shall be five acres. The total area of impervious surfaces on the lot shall not exceed 15% of the total area of the lot. (For the purpose of this section of the regulations impervious surface shall include the footprint of any building and the area of any paved parking areas. The total area of the lot shall not include inland wetlands and watercourses area as defined on the Litchfield Inland Wetland and Watercourse Map.)
- 2. Modifications or additions proposed to accommodate the use of the structure as a country inn shall not exceed 50% of the total habitable floor area of the existing structure.
- 3. All parking areas shall be screened from view from surrounding residences. Parking shall be located to the side and rear of the structure, wherever possible. No parking shall be located within 50 feet of the front line or 25 feet of a side or rear lot line.
- 4. If a Special Exception is required, the applicant shall notify all lot owners within 1,500 feet of the lot boundaries.
- 5. No separate commercial use other than that related to food, beverage and transient accommodations shall be permitted.
- 6. A residence or structure in existence at the time of the adoption of these regulations may be converted for use as a country inn with meals offered for compensation to guest lodgers and the public, so long as the following conditions are satisfied:

H. COUNTRY INN/RESTAURANT

A residence or structure in existence at the time of the adoption of these regulations may be converted for use as an Inn/Restaurant, subject to the following limitations and standards:

- 1. The minimum lot area shall be five acres.
- 2. The lot shall be frontage on a State highway and the primary vehicular access to the inn/restaurant shall be from a State highway.
- 3. The number of guest rooms within the existing structure shall be limited to ten; however this maximum may be increased by an addition to the existing structure or by construction of a new building (for guest room use only) where the applicant can demonstrate that:
- 4. The addition or new construction is in keeping with the size, scale and appearance of the existing structure, and the size, shape, topography and landscape of the lot is such that the addition or new structure will be in a location which will blend in with the physical character and visual appearance of existing development on the lot, the surrounding neighborhood and the historic character and rural environs of the community. A residence or structure in existence at the time of the adoption of these regulations may be converted for use as an inn/restaurant.

I. CONVALESCENT HOME/NURSING HOME

A residence for the aging, sick, whether temporary or permanent that meets the following requirements:

- a. The minimum lot area shall be five acres.
- b. The facility shall be served by a public water system approved by the State Department of Health Services and public sewer facilities approved by the Litchfield Sewer Commission.
- c. The lot shall be of such a size and shape that a 300 foot in area square can be located within the lot boundaries.
- d. The minimum setback distance for all buildings and parking areas shall be 100 foot from a State Highway right-of-way and 75 feet from a Town street right-of-way and 50 feet from all other lot lines.
- e. The total lot coverage of the footprint of all buildings on the lot shall not exceed 10% of the total lot area.
- f. The total floor area of all buildings on the lot shall not exceed 20% of the total lot area.
- g. The total ground coverage by all buildings and other structures, outside storage area, areas for off street parking, loading, and driveway and all paved areas on the lot shall not exceed 30% of the total lot area.
- h. A landscape plan for the lot prepared by a landscape architect, licensed to practice in the State of Connecticut, shall be submitted as part of the Special Exception application. All portions of the lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping. Areas not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot. Where the lot abuts a residence district the required setback area (see 4 above) along the lot boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping in combination with embankments, fences and/or walls, to provide a screen and transition from the site to the residence district. Suitable natural terrain and existing evergreen trees and shrubs may be preserved or augmented with new planting to satisfy the landscape requirement in the setback area.

J. FARM

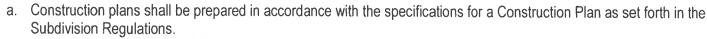
' tract of land used for commercial purposes as defined in Connecticut General Statutes 1-1(q) to produce agricultural, aquaculture, horticultural, floricultural, vegetable, tree or fruit products, and also including the raising, caring for, and training of horses and other livestock, but excluding the slaughtering of animals not raised on the lot. The term farming includes farm buildings and accessory farm buildings and structures and uses that are incidental to the normal farm operations. A farm shall meet all of the following requirements:

- With the exception of dwellings and farm stands, all farm-related buildings and structures shall be located not less than 100 feet from any street line and 100 feet from any dwelling on an adjacent lot. This requirement shall not restrict the location of fencing for pastures. One sign of up to 10 square feet shall be permitted.
- 2. Commercial slaughtering is not permitted with the exception of animals raised on the lot.
- 3. No zoning permit shall be required for a temporary moveable farm stand provided that all of the following requirements are satisfied:
 - a. it is set up and used only for the sale of farm produce in season:
 - b. the produce has been grown on the lot; and
 - c. the stand is no greater than 100 square feet in surface area and is located not closer than 20 feet of the street pavement or travel way.
- 4. A temporary, moveable stand set up for the sale of local and Connecticut-grown products in season may be permitted as an accessory use to the principal commercial use of a lot subject to approval of a site plan application. The site plan application shall provide for sufficient parking and circulation for both the principal and accessory use.

The Litchfield Zoning Regulations

SPECIFIC STANDARDS AND REQUIREMENTS

Effective 1/15/2019



- b. The access way shall have a paved width, grade and alignment suitable for the number of proposed dwelling units and for safe access by emergency vehicles.
- c. The Commission shall refer all applications for review and comment by the Volunteer Fire Department and the Fire Marshal.

D. BED & BREAKFAST

Lodging rooms for paying transient visitors located in a residential dwelling that meets all of the following requirements:

- 1. The owner of the principle dwelling resides on the lot housing the bed and breakfast use.
- 2. The lot shall be large enough to provide additional parking at the rate of one space per guest room, screened from public view and located in the rear yard.
- 3. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition.
 - a. No more than three guest rooms rated for double occupancy are permitted in a structure in which the owner is in full time residence.
 - b. Full bathrooms shall be provided at the rate of one per two guest rooms.
 - c. The Regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. A complete new sanitary system may be required if the existing system is inadequate for the proposed use or if there is insufficient data concerning the nature of the existing system.
- 4. Minor additions may be made to a structure, up to 200 square feet, for improvements necessary for such occupancy.
- 5. The length of stay shall not exceed three days per guest. Food service shall be limited to continental breakfast only.
- 6. The operation of a "Bed and Breakfast" use shall require a written permit. This permit will be issued by the Land Use Administrator following approval of a Special Exception by the Commission. The permit will be effective for a two year period, and must be renewed for additional two year periods. Willful failure to abide by these regulations is cause for the Commission to revoke the permit.

E. CAR WASH

A car wash may be permitted subject to the following conditions:

- 1. The Special Exception application shall include a statement of use with the following information:
 - a. The application shall include a statement of use including proposed hours of operation, plan for staffing during all hours of operation, vehicle cleaning plan of operation, security, upkeep and maintenance of the site; monitoring of lights and noise control, observance of hours of operation, compliance with environmental safeguards, including water-use conservation measures; and onsite traffic and stacking control to prevent back-ups into public rights of way.
 - b. Projected business volume by season and by hours of operation.
 - c. Calculations of stacking requirements.
 - d. Detailed description of vehicle washing machinery and equipment proposed including any tanks.

Jonopole Tower

The type of mount that is self-supporting with a single shaft of wood, steel, fiberglass or concrete and a platform (or racks) for panel antennas arrayed at the top.

Motel

A facility with six or more guest rooms or suites designed for transient habitation, where access to individual units is predominantly through a common lobby that may provide additional services, such as conference and meeting rooms, restaurants, bars or recreation facilities available to guests or to the general public. This classification includes motor lodges, hotels, hostels, extended stay hotels and tourist courts; but does not include rooming houses, boarding houses or residential hotels that are used, designed or intended to be used for sleeping for a period of 30 consecutive days or longer.

Mount

The structure or surface upon which antennas are mounted, including the following four types of mounts.

N

New Construction

Structures for which the "start of construction" commenced on or after the effective date of these regulations ad includes any subsequent improvements to such structures.

Non-conforming Building or Structure.

A building or structure that has legally existed since before the adoption of these regulations, or any relevant amendment pereto, and that does not meet one or more of the dimension requirements for building location on a lot.

Non-conforming Lot

A lot that has legally existed since before the adoption of these regulations, or any relevant amendment thereto, and that does not meet the requirements for the district in which the lot exists.

Non-conforming Situation

A non-conforming use, non-conforming building or structure, or non-conforming lot lawfully existing at the time of the adoption of these regulations or any relevant amendment thereto which does not conform to the requirements of these regulations or such amendment.

Non-conforming Use

A use of a lot, building or structure that has legally existed since before the adoption of these regulations, or any relevant amendment thereto, and that does not meet the use requirements for the district in which the building, structure or lot exists. A non- conforming use may be a non-conforming use of land only, of a building or structure only, or of a building, structure and land in combination.

0

Old Barn

A building originally constructed for use in connection with farming or agriculture and which is more than 50 years old.

otel

A building providing lodging for persons, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby.

Household

A person living alone or two or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate or group housing. For purposes of these regulations, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- 1. Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations.
- 2. Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord.
- 3. The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members

Housing For Elderly

Dwelling units designated to be occupied exclusively by persons who meet federally established criteria as being elderly. Others may occupy units to provide management and maintenance for the units and site or care and companionship for the elderly.

1

Impermeable

Material impenetrable by water or other substances.

independent Living Retirement Facilities

Housing where the occupants, the majority of whom are 60 years of age or older, are capable of living independently, but where programs or services are provided on site to support them in life enrichment and enjoyment and maintaining life skills that promote independent living.

J

Junkvard

Any place in or on which old material, glass, paper, cordage or other waste or discarded or secondhand material which has not been a part, or is not intended to be a part of any motor vehicle, is stored or deposited. It also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part of any motor vehicle, the sum of which parts or materials shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place or business or storage or deposits or motor vehicles for parts or for use of the metal for scrap or to cut up parts thereof. Excluded from this definition is farming equipment, other than motor vehicles, located on operating farms.

K

Kennel

ny lot on which four or more cats or dogs six months old or older are kept for boarding, grooming or sale and shall meet all of the following requirements: on lots not less than three acres, and provided that no dogs are kept in any building or



STATE OF CONNECTICUT DEPARTMENT OF REVENUE SERVICES

PS 2017(7)

450 Columbus Blvd Ste 1 Hartford CT 06103-1837

POLICY STATEMENT

Room Occupancy Tax and Sales and Use Taxes for Hotels, Motels, and Bed & Breakfasts

Purpose: This Policy Statement provides information about the applicability of room occupancy tax and sales and use taxes to various charges made by hotels, motels, and bed and breakfast establishments to their guests. It includes the taxation of charges for the use of facilities offered to guests, such as health and athletic clubs and golf courses, and charges for items of tangible personal property that are delivered to guests

Effective Date: Effective when issued.

Imposition of Room Occupancy Tax: The room occupancy tax applies to the transfer for compensation or other consideration of the occupancy of a room or rooms in a hotel, motel, or bed and breakfast establishment for 30 consecutive calendar days or less.

There are two rates of tax for room occupancy:

- 15% for hotels and motels; and
- 11% for bed and breakfast establishments.

Definitions:

Hotel means any building regularly used and kept open to the public for feeding and lodging guests, including any apartment hotel where apartments are rented for fixed periods of time, furnished or unfurnished. "Hotel" does not include a bed and breakfast establishment. Conn. Gen. Stat. § 12-407(a)(16).

Motel means an establishment, other than a hotel or bed and breakfast establishment, that provides lodging accessible from an outdoor parking area.

Bed and breakfast establishment means any private operator-occupied house, other than a hotel, with twelve or fewer rooms where persons pay for lodging

and a full morning meal is included in the payment. Conn. Gen. Stat. § 12-407(a)(42).

Exclusions:

The terms "hotel," "apartment hotel," "motel" and "bed and breakfast establishment" do **not** include:

- Privately owned and operated convalescent homes, residential care homes, homes for the infirm, indigent or chronically ill;
- religious or charitable homes for the aged, infirm, indigent or chronically ill;
- privately owned and operated summer camps for children;
- summer camps for children operated by religious or charitable organizations;
- lodging accommodations at educational institutions; or
- lodging accommodations at any facility operated by and in the name of any nonprofit charitable organization, provided the income from such lodging accommodations at such facility is not subject to federal income tax.

Operator means any person operating a hotel, motel, or bed and breakfast establishment in the state, including, but not limited to, the owner or proprietor, lessee, sublessee, mortgagee in possession, or licensee of the premises, or any other person otherwise operating such hotel, motel, or bed and breakfast establishment. Conn. Gen. Stat. § 12-407(a)(18).

Occupancy means use or possession, or the right to use or possession, of any room or rooms in a hotel, motel, or bed and breakfast establishment, including the right to the use of the furnishings, services, and

H. NON-CONFORMING USES, BUILDINGS/STRUCTURES, LOTS

- 1. <u>Purpose</u>. As required by Section 8-2 of the Connecticut General Statutes, these regulations do not prohibit the continuance of any non-conforming use, lot, building or structure legally existing at the time of the adoption of these regulations or any relevant amendment thereto. It is the public policy of the Town, and the intent of these regulations, that the degree of non-conformity in any non-conforming situations be eliminated, as quickly as justice allows.
- 2. <u>General Rule Concerning Change of Non-conforming Situation to Conform.</u> Once a non-conforming situation, or any portion thereof, has been changed so that it conforms to these regulations, that situation or portion thereof shall not revert to or again become non-conforming.
- 3. Change of Non-conforming Use. The Commission shall determine whether a non-conforming use has changed such that its status is altered from a non-conforming use to an unlawful use. In determining whether an activity represents such a change in non-conforming use, consideration shall be given to the following three factors:
 - The extent to which the new use reflects the nature and purpose of the original non-conforming use;
 - ii. Any difference in the character, nature and kind of use involved;
 - iii. Any substantial difference in effect upon the surrounding area resulting from the differences in the activities conducted on the lot.
- 4. Enlargement of Buildings Containing a Non-conforming Use. A building containing a non-conforming use in a residence district shall not be enlarged in total floor area or volume, except as approved by the Commission in accordance the following standards and requirements:
 - i. The Commission shall find that the proposed enlargement will not have significant additional adverse impact upon the surrounding land uses and the neighborhood
 - ii. The applicant shall provide a statement from the assessor or copies of the assessor's records documenting that the building has not been expanded since the date it became non-conforming. Where the building was previously expanded the applicant shall document that the expansion was approved by the Town and the total floor area of the expansion does not exceed 25% of the total floor area of the building which is devoted to the non-conforming use.
 - iii. The total floor area of the enlargement shall not exceed 25% of the total habitable floor area legally dedicated to the non-conforming use at the time it became non-conforming (including any previously granted approval for expansion).
 - iv. Enlargements shall be allowed only to an existing building containing a non-conforming use. No new building or structure containing a non-conforming use shall be permitted.
 - v. The total maximum building coverage of the lot with the enlargement shall not exceed 25% of the total lot area.
 - vi. Only portions of the building or structure that meet the yard and set back and other dimensional requirements of these regulations shall be eligible for a variance and the location and dimensions of the enlargement shall conform to the requirements herein.
 - vii. Off-street parking spaces meeting the requirements of these regulations shall be provided on the lot.
- 5. <u>Enlargement or Additions</u>. No non-conforming building or structure shall be altered, enlarged or extended in any way that increases the area or space of that portion of the building or structure which is non-conforming. This prohibition includes but is not limited to second-story additions or similar additions to the height or bulk of that portion of a building which is non-conforming.
- 6. Change to a Non-conforming Sign. A non-conforming sign is a sign existing prior to the effective date of these regulations (or pertinent amendment thereto) which does not meet the size, height, location, lighting or other requirements of these

NON-CONFORMING USES, BUILDING/STRUCTURES, LOTS

The Litchfield Zoning Regulations

Effective 1/15/2019

regulations. A non-conforming sign may be continued or repaired provided such repair does not result in an increase in the area of such sign or otherwise increase its non-conforming condition. Once a non-conforming sign is removed it shall not be reestablished. Where the commission approves a change from one non-conforming use to another non-conforming use the new use may continue to utilize the existing sign space. A change in the location of sign space may be permitted by the Zoning Board of Appeals only where there is a reduction of the existing sign area and where, in the opinion of the Zoning Board of Appeals, the proposed signage will be more suitable for the lot and for the surrounding neighborhood.

- 7. <u>Improvements and Repair</u>. A non-conforming building or structure may be improved, repaired or reconstructed as made necessary by wear and tear or deterioration, however substantial improvements to buildings or manufactured homes in the FP-O district shall be subject to the requirements of the district.
- 8. <u>Casualty</u>. Any non-conforming building or structure which has been damaged or destroyed by fire, flood, explosion, act of nature or public enemy may be restored and used in the manner in which it exists and was used prior to such damage. Any such restoration within the FP-O district shall meet the standards and conditions for said district.
- 9. Changes While Permit is Open. Nothing in this section shall require any change in the plans, construction, or designated use of a building for which a building permit has been issued in accordance with these regulations, provided construction commences prior to the adoption of these regulations or any relevant amendment thereto, and is completed within one year of adoption of same.
- 10. Abandonment of a Non-conforming Use. The continuance of any non-conforming use, building or structure existing at the time of the adoption of such regulations shall not be prohibited. A non-conforming use shall not be terminated solely as a result of nonuse for a specified period of time without regard to the intent of the lot owner to maintain that use. Whenever a non-conforming use of land, building or structure or any portion thereof, has been abandoned, such non-conforming use shall not thereafter be reestablished and all future use shall be in conformity with these regulations.