

**TOWN OF LISBON  
REGULATION AMENDMENT APPLICATION**

**CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1,2 AND 3 BELOW:**

- |  |                             |
|--|-----------------------------|
| ➤ APPLICANT: Lisbon Planning and Zoning Commission                         | TELEPHONE: 860-376-3400     |
| ADDRESS: 1 Newent Road, Lisbon, CT 06351                                   | EMAIL: ejoseph@lisbonct.com |
| ➤ APPLICANT'S AGENT (IF ANY): Michael J. Murphy, AICP, Lisbon Town Planner | TELEPHONE: 860-885-8697     |
| ➤ ADDRESS: c/o Lisbon Town Hall, 1 Newent Road, Lisbon, CT 06351           | EMAIL: mmurphy@seccog.org   |
| ➤ OWNER / RUSTEE: N/A  | TELEPHONE: N/A              |
| ADDRESS: N/A   | EMAIL: N/A                  |
| ➤ ENGINEER/ SURVEYOR/ARCHITECT: N/A  | TELEPHONE: N/A              |
| ➤ ADDRESS: N/A   | EMAIL: N/A                  |

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S).

2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER PROPERTY FOR THE PURPOSE OF INSPECTION IF PERTINENT TO THE APPLICATION.

3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LISBON LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT Michael J. Murphy PRINTED NAME OF APPLICANT/AGENT: Michael J. Murphy, AICP

DATE: March 23, 2022

SIGNATURE/RECORD OWNER: N/A

PRINTED NAME/RECORD OWNER: N/A

DATE: N/A

**REGULATIONS PROPOSED FOR AMENDMENT:**

ZONING: **X** SUBDIVISION: N/A

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):  
Section 1.3 (Purpose); Section 9, inclusive (Non-conforming uses and structures); Section 10.2.4 (Opting Out of the Accessory Apartment Provisions of Public Act 21-29); Section 10.14, inclusive (Accessory Uses and Structures); Section 11.1 inclusive, 11.3, 11.4 (Special Permits); Section 12, 12.1, 12.6.7 (Site Plan Requirements); Section 13, 13.9.4.a.z (Parking Ratios for Residential and Accessory Dwelling Units); Section 13.13 (Opting Out of Certain Parking Provisions of Public Act 21-29).

REASONS FOR EACH AMENDMENT REQUEST:  
This amendment proposal has been developed to address recent legislative enactments that require municipal zoning commissions to update regulations to address new standards and mandates regarding the purposes of zoning regulations, the treatment of non-conforming uses and structures, standards regarding accessory apartment dwellings and parking requirements for residential dwellings, special permit approval criteria, and site plan approval criteria. These amendments also include Opt Out provisions as permitted by statute to protect the Town of Lisbon as well as editorial provisions to update the regulations.

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**APPLICATION SUBMITTAL DATE:** \_\_\_\_\_ **FEE(S) PAID:** WAIVED  
**OFFICIAL DAY OF RECEIPT:** April 6, 2022  
**P & Z COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**CHAIR'S SIGNATURE:** \_\_\_\_\_

Adopted \_\_\_\_\_ Modified and Adopted \_\_\_\_\_ Denied \_\_\_\_\_

APPLICATION OF THE LISBON PLANNING AND ZONING COMMISSION FOR ZONING  
TEXT AMENDMENTS TO ADDRESS NEW STATE LEGISLATIVE REQUIREMENTS,  
STANDARDS AND MANDATES

SECTION 1 - TITLE, AUTHORITY, PURPOSE

- 1.3 Purpose. These Regulations are intended to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; **to provide adequate light and air;** ~~to prevent the overcrowding of land; to avoid undue concentration of population;~~ to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to preserve the character of the various parts of the Town **through specific physical standards for structures and site work;** ~~to conserve the value of buildings;~~ to protect historic, **tribal, cultural, and environmental resource factors;** to control soil erosion and sedimentation; to encourage energy efficient patterns of development, the use of solar, **wind** and other renewable forms of energy, and energy conservation; **consider impacts to adjacent municipalities and on the planning region; address disparities in housing needs and access to opportunities, including employment and education; promote efficient application review; affirmatively further purposes of the Fair Housing Act;** and to encourage the most appropriate use of land throughout the Town of Lisbon;; further, these regulations, and subsequent amendments thereto, are enacted to carry out the purposes defined in Section 8-2 and Section 8-2j, Connecticut General Statutes, and any subsequent amendments thereto.

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SECTION 9 - NON-CONFORMING USES AND STRUCTURES

- 9.1 Intent. Lots, uses and structures that were lawful at the time these Regulations were adopted or amended but that would be prohibited, regulated or restricted under the provisions of these Regulations, are declared to be nonconforming. It is the intent of these Regulations to allow the continuation of such lots, uses and structures as they existed at the time they became nonconforming but to discourage their enlargement, expansion or extension in any way which would increase their nonconformity.
- 9.2 Applicability. Nothing in these Regulations shall be interpreted as authorization for or approval of the continuation of ~~the any land uses of land,~~ buildings or structures ~~if such use that were was~~ not lawful at the time these Regulations or subsequent amendments became effective.

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9.3 Nonconforming Lots In any district, a lot recorded by deed in the Land Records prior to the effective date of **these Zoning Regulations** ~~zoning regulations~~ or any amendment ~~thereto there-to~~, which does not meet the requirements of these Regulations may be utilized for any use otherwise permitted in the district, under the following provisions:

9.3.1 That such lot became nonconforming by reason of the adoption of the Zoning Regulations of the Town of Lisbon on July 6, 1970 or any subsequent amendments and was in compliance with the Regulations, if any, at the time such lot was **first** separately described in a deed on file in the Lisbon Land Records.

9.3.2 The owner(s) of the lot do not also own sufficient adjoining property, which, if merged with the nonconforming lot, would cause such lot to comply with the provisions of these Regulations.

9.3.3 The use of the lot shall conform to the requirements of the State Public Health Code.

9.3.4 Yard dimensions as required in these Regulations must be maintained. The ~~building~~ **buildable** area requirements of Section ~~8-38.4~~, above, shall not apply to subdivision lots existing as of September 20, 2000 which have not been built upon, provided such lots satisfy the Public Health Code.

9.4 Nonconforming Uses of Land Where it can be successfully demonstrated by a property owner that a lawful use of land existed at the effective date of the adoption or amendment of these Regulations that is ~~made~~ no longer permissible under these Regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

9.4.1 No such use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.

9.4.2 ~~These regulations-~~ Regulations shall not ~~be deemed that~~ be deemed to require a non-conforming use ~~is to be terminated solely as a result of mere nonuse merely~~ for a specified period of time ~~or a~~ without regard to the intent of the property owner to maintain that use. Said use shall not be deemed to terminate unless the property owner of such use voluntarily discontinues such use and such discontinuance is accompanied by an ~~in~~ intent to not reestablish such use.

9.4.23 **Notwithstanding section 9.4.2, n**No such use intentionally abandoned for more than 12 consecutive months shall be allowed to resume. The cessation of such

use for 365 consecutive days shall be deemed to constitute intentional abandonment unless the property owner can ~~subsequently~~ provide clear evidence to the Commission of a continuous intention to maintain the use. Any subsequent use of such land shall conform to the requirements of the district in which such land is located.

9.5 Nonconforming Structures Where a lawful structure exists at the effective date of the adoption or amendment of these Regulations that could no longer be built under these Regulations by reason of restrictions on area, lot coverage, height, yard requirements, or other characteristics of the structure or its location on the lot, such structure may continue to exist so long as it remains otherwise lawful, subject to the following provisions:

9.5.1 9.5.1 No structure may be enlarged or altered in such a way as to increase the nonconformity, except as follows:

a. If the structure extends into a required yard, the footprint area of that portion of the structure extending into the required yard may be ~~increase~~ **increased** by no more than five (5) percent, and the cubic area of that portion of the structure extending into the required yard may ~~not~~ be increased by **no** more than one hundred (100) percent.

b. If the structure, together with any other structures on the lot, causes the property to exceed any lot coverage limitations, the footprint area of the structure may ~~not~~ be ~~increase~~**increased** by **no** more than ten (10) percent.

9.5.2 If damaged or destroyed by fire or other catastrophe, the structure may be reconstructed by the owner of record, provided the restored structure is no more nonconforming than the original. Such restoration must commence within 12 months of the destruction and be completed within 24 of such destruction.

9.5.3 If such structure is to be moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the zone in which it is located after it is moved.

9.6 Nonconforming Uses of Structures and Land If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of these Regulations that would no longer be allowed under these Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 9.6.1 No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner that increases the floor area devoted to the nonconforming use by more than five (5) percent, except as provided in Section 9.6.5.
- 9.6.2 Any nonconforming use may also be changed to a conforming use in its respective zoning district classification. In addition, a landowner may apply for, and the Commission may issue, a special permit to convert a nonconforming use to a less intensive nonconforming use. For the purposes of these Regulations, a proposed new nonconforming use for a parcel of land may be found to be less intensive than the existing nonconforming use of that land if any of the following circumstances exist: (a) the Regulations do not allow the existing use in any district but would allow the proposed use in at least one district; (b) the existing use is allowable only in an industrial district but the proposed use would be allowable in a business or residential district; (c) the existing use is allowable only in a business district but the proposed use would be allowable in a residential district; or (d) the existing use would be allowable only by special permit in one or more districts but the proposed use would be allowable by site plan review or by right in the same district or districts. The Commission must find that the proposed use would satisfy the criteria of Section 11 of these Regulations, except that, in determining appropriateness and impact under Sections 11.3 and 11.4, the Commission may also consider whether, and the extent to which, any negative impacts of the existing use would be ameliorated by the proposed use. In issuing any special permit, the Commission may require appropriate conditions and mitigating actions to protect the public and the environment in accordance with these Regulations.
- 9.6.3 9.6.3 When a nonconforming use of a structure or structure and land in combination is intentionally abandoned as prescribed in these Regulations ~~regulations~~, the structure and/or land shall thereafter be used only in conformance with these ~~Regulations regulations~~. The cessation of such use for 365 consecutive days shall be deemed to constitute intentional abandonment unless the property owner can ~~subsequently~~ provide clear evidence to the Commission of a continuous intention to maintain the use. Any subsequent use of such land shall conform to the requirements of the district in which such land is located. **Said nonconforming uses of structures and land shall be subject to the same protections as those prescribed in section 9.4.2 above.**

- 9.6.4 When a nonconforming use is changed to a conforming use, the **prior** nonconforming use may not subsequently be resumed.
- 9.6.5 Legally existing mobile homes may be replaced by another mobile home of the same size and dimensions or by a mobile home of smaller size or dimensions. Legally existing mobile homes may be replaced by another larger mobile home only if the replacement mobile home meets all of the following requirements:
- a. It has a sloped shingled roof.
  - b. It meets all of the State of Connecticut building codes for mobile homes.
  - c. It is no closer to the road than the pre-existing mobile home.
  - d. It meets side lot and rear lot requirements.
  - e. It is no larger than the next available size.
- 9.7 Repairs and Maintenance Repairs may be made and remodeling done to any structure provided that such work does not increase the nonconformity. Nothing in these Regulations shall prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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## SECTION 10 - SUPPLEMENTARY REGULATIONS

### 10.2 Accessory Dwelling Units (ADU)

(no proposed changes to recently adopted sections 10.2.1, 10.2.2, or 10.2.3)

#### **10.2.4 Opting Out of the Accessory Apartment Provisions of Public Act 21-29. The Town of Lisbon hereby opts out of Section 6, subsections (a) through (d), inclusive, of Public Act 21-29.**

10.14 Accessory Uses and Structures. No accessory use shall be made nor accessory structure erected prior to the construction of the principal building or establishment of the principal use. Agricultural uses and structures are considered principal uses and structures, but

agricultural structures shall be treated as accessory structures for the purpose of determining yard requirements.

10.14.1 Location. Accessory structures **and/or appurtenances** may not be located within the required front yard, side and rear yards, except as stated in Section ~~8.4.1~~ **8.5.1** **a through d or permitted elsewhere in the regulations**. Accessory uses and structures shall be located on the same lot as the principal structure or use to which they are accessory.

10.14.2 Attachment to Buildings. A structure attached to the principal building by a covered passageway, or by having a wall or part of a wall in common with it, shall be considered a part of the principal structure.

10.14.3 Customary accessory uses and structures in Residential Zones. The following list is a partial list of acceptable accessory uses and structures that are accessory to a residential use.

- a. Private garages, sheds, doghouses, greenhouses, **accessory dwelling units** or other **attached or** detached structures associated with residential use, **as the case may be**.
- b. Signs, subject to the requirements of Sec. 15.
- c. Radio and television reception equipment, including satellite dishes for private use non-commercial smaller than 36 inches in diameter.
- d. Swimming pools.
- e. Outside storage of vehicles, camp trailers, recreational motor homes, boats, equipment or miscellaneous materials considered accessory to residential use, provided the following conditions are met.
  1. Such storage shall not constitute a junkyard.
  2. Such storage is of a scope and nature clearly accessory to the residential use.
  3. Such storage shall not be located within the front yard.
  4. No more than one unregistered vehicle or one unregistered camp trailer or recreational home on a lot.
  5. Outside storage of miscellaneous materials shall occupy no more than 200 contiguous square feet of the lot.
  6. Trailers while stored shall not be occupied, inhabited, or used for sleeping purposes.

7. Trailers while stored shall be kept at all times in a safe and sanitary condition.
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## SECTION 11 - SPECIAL PERMITS

11.1 Intent. A special permit use is a use, which has been identified by these Regulations as appropriate in a particular district only when the proposed use has been planned such that the proposed structures and uses shall be found to:

11.1.1 Be arranged and constructed in a manner that protects the health, safety and welfare of the citizens of Lisbon;

11.1.2 Be of such character as to harmonize with the **physical characteristics of the neighborhood as prescribed in these regulations;**

11.1.3 Allow for **safe and free-flowing movement of pedestrian and vehicular** traffic;

11.1.4 Preserve and protect natural resources, historic and culturally significant landscapes, and the appearance and beauty of the community.

11.1.5 Be consistent with future development as identified and envisioned in these Regulations and the Lisbon Plan of Conservation and Development.

11.3 Appropriateness of Use. The proposed use shall be **found to be** appropriate for the designated location with regard to: the size and intensity of the proposed use, and its relation to existing land uses; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, **anticipated vehicle miles traveled (VMT) or vehicle trips expected to be generated by the proposed use, as well as any changes to the "Level of Service" traffic calculation in relation to the site** and any special traffic characteristics, **including traffic mitigation strategies such as reducing required parking and/or incorporating infrastructure and provisions for multi-modal travel and transit ridership,** of the proposed use; the impact of the proposal on public access to light and air; the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions; ~~the overall impact on neighborhood property values;~~ the preservation of the character of the neighborhood in terms of scale, density, intensity of use, architectural character, and similar factors **relating to its physical characteristics;** the ability of existing municipal, state, or other services and infrastructure to provide for the needs of the proposed use, including but not limited to: fire and police protection, transportation, water, sewerage, utilities, storm water drainage, schools, and open space.



11.4 Uses in, Adjacent to, or Impacting Residential Areas. The Commission shall find that: the location, size, nature, and intensity of the proposed use will not be detrimental to the character of the said residential district **per the standards in section 11.3 above** or conflict with the vehicular or traffic characteristics of the neighborhood; the location, size, and nature of structures, and extent of site development shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

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## SECTION 12 - SITE PLAN REQUIREMENTS

12.1 Intent. A site plan is intended to provide the Commission with information necessary to determine that the proposed activity is in compliance with all applicable requirements of these Regulations. It is also intended to provide the Commission with information that will enable it to determine that the proposed buildings and uses shall be arranged in a manner that enhances the health, safety and welfare of the citizens of Lisbon and shall be of such character **with respect to physical characteristics established in these regulations** as to harmonize with the neighborhood, to accomplish a transition in **such** character between the areas of unlike character, ~~to protect property values in the neighborhood,~~ to preserve and protect natural resources and the appearance and beauty of the community, ~~and to~~ avoid undue traffic congestion, **and encourage the most appropriate use of land throughout the Town of Lisbon.**

12.6.7 Architectural Character, Historic Preservation, Site Design, Landscape Preservation. The overall character of the proposed site design and architectural character of proposed structures shall: ~~protect property values in the neighborhood and the Town;~~ preserve the existing historic character in terms of scale, density, architecture, materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; preserve public access to scenic views and vistas.

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## SECTION 13 - PARKING AND LOADING

13.9.4 Parking Ratios: The following off-street parking ratios shall apply to all uses and/or combination of uses:

a. Single and Two-Family Residential dwellings: 1 space for each studio or one-bedroom dwelling and 2 spaces per dwelling unit with more than one bedroom

z. Accessory Dwelling Units: 1 space per bedroom for Accessory Dwelling Units with a maximum of 2 spaces

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13.13 Opting Out of Certain Parking Provisions of Public Act 21-29. The Town of Lisbon hereby opts out of the provisions of subdivision (9) of subsection (d) of section 8-2 of the General Statutes, as amended by Public Act 21-29.

Legend: **Bold type:** new/proposed language

~~and:~~ language to be removed

standard type: existing language to remain/no change