

SECTION 13A

HORIZONLINE CONSERVATION DISTRICT

13A.1 PURPOSE OF THE DISTRICT: The purpose of this Horizonline Conservation District is to conserve and

protect the hill summits and ridges which form the high horizon visible from the Town's system of roads while allowing reasonable, appropriate and compatible uses of the land. The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town, and the minimization of erosion and sedimentation hazards caused by the development and use of steep hillsides and ridges.

13A.2 BOUNDARIES: The Horizonline Conservation District shall comprise all of those areas shown and designated as "Horizon Belts" on a map entitled "TOWN OF KENT, CONNECTICUT Horizonline Conservation Districts," filed in the office of the Town Clerk and dated 4/14/05, as it may be amended by the Commission. The map, with all explanatory matter thereon, is hereby declared to be a part of these Regulations.

13A.3 NATURE OF THE DISTRICT: The Horizonline Conservation District shall be deemed to be an overlay

district. All property within the Horizonline Conservation District shall be subject both to the provisions of

Section 13A of these Regulations and to all regulations applicable to the underlying zoning districts, except

as those regulations may be expressly modified by the provisions of Section 13A. The term "underlying zoning districts" shall mean those zoning districts shown on the zoning maps described in Section 5.2 of these Regulations and such other overlay districts as may have been created elsewhere pursuant to these Regulations.

13A.4 DEVELOPMENT RESTRICTIONS AND PROCEDURES:

13A.4.1 Applicability. Except as provided below, no construction, erection, alteration or placement of any building or structure, and no excavation, filling or grading of land, clear cutting of trees, or cutting of two or more trees greater than 24 inches in diameter (measured at a height of four feet from the ground surface), shall be allowed within the Horizonline Conservation District unless the Commission approves a Site Plan for such activity in accordance with section 4 of these Regulations, as well as this Section 13A.4. An accessory structure less than 150 square feet in area and 12 feet in height shall not require Site Plan approval unless the structure would also require clear cutting of trees, or cutting of two or more trees greater than 24 inches in diameter.

13A.4.2 Site Plan Requirement.

a. Minimum Requirements. In addition to the requirements in Section 4.3 of these Regulations, all Site Plans submitted for activity within the Horizonline Conservation District must include:

1. The indication of any tree removal either by noting individual trees or stands of trees to be removed.
2. Architectural drawings that show exterior wall elevations, roof lines and façade materials of proposed buildings and structures.

b. Potential Additional Requirements. If the Commission finds that additional information is necessary to allow adequate review of a Site Plan in accordance with the standards set forth in Section 13A.4.3 of these Regulations, it may require any or all of the following:

1. A physical demonstration of the potential visual impact of the proposed activity or structure by use of such measures as a balloon, platform or colorful markers, of such size and color as to be readily visible from a public road, and at an elevation to be prescribed by the Commission on the basis of the specific nature of the proposed activity.

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2. Field marking by a licensed surveyor or other qualified individual of points deemed relevant by the Commission.

3. Such other information as the Commission may reasonably determine to be helpful in determining whether the proposed activity complies with the standards set forth in Section 13A.4.3 of these Regulations.

13A.4.3 Site Plan Standards. No site plan shall be approved for any activity described in Section 13A.4.1 of these Regulations unless the Commission finds that the site plan complies with the applicable standards set forth in Section 4 of these Regulations, as well as the following additional standards

and criteria:

a. The applicant must demonstrate that efforts were made to minimize the visual impact of the proposed structure and/or clear cutting on the horizon, and to minimize the use, disturbance and grading of steep slopes, as well as potential erosion and sedimentation. Such efforts must be demonstrated in terms of the placement of the structure and/or the location of the clear cutting on the lot; the use of colors, shapes and other architectural features and the preservation or emplacement planting of vegetative screening to enable the structure to blend in with the natural features of the horizon to the extent practical. The applicant must demonstrate particular care to avoid the removal of trees along or near the crest of a hill, summit or ridge so as to cause an interruption of the tree line along the horizon when the hill, summit or ridge is viewed from a public road.

b. Except as provided in subsection d, no site plan shall be approved in which an existing structure that is fully or partly obscured from view from Town roads would be rendered substantially more visible along the horizon as a result of additional construction or expansion of the structure, the removal of vegetation, or any movement of earth materials.

c. Except as provided in subsection d, no site plan shall be approved in which clear cutting occurs in a contiguous area having any dimension, measured within the Horizonline Conservation District, longer than two hundred feet.

d. If the Commission finds that the provisions of subsection b or c would prohibit the reasonable development of any lot, it may approve a site plan for such development, provided that reasonable efforts have been made to minimize the impact on the natural and scenic character of the horizon and to prevent erosion, sedimentation and stormwater damage.

13A.5 APPLICABILITY OUTSIDE THE DISTRICT: No site plan shall be required pursuant to Section 13A.4.1

of these Regulations for any activity occurring outside of the Horizonline Conservation District, regardless of whether other portions of the same lot are located within the District. The Zoning Enforcement Officer shall be authorized to make the initial determination, based upon available information, of whether a proposed activity would occur within any portion of the Horizonline Conservation District. If the applicant disagrees with such determination, the applicant may either (1) provide additional information, such as surveyor's or engineer's mapping or flagging, to the Zoning Enforcement Officer to assist in establishing the location of the District boundary in relation to the proposed activity; (2) request that the issue be referred to the Commission for determination; or (3) proceed in accordance with Section 13A.4.

13A.6 WAIVER OF REQUIREMENTS: Upon written request by the applicant, the Commission may waive one

or more of the requirements of Section 13 A.4.2 if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application. Such waiver shall require an affirmative majority vote of all voting members of the Commission.