

Chapter 1 – Purpose and Authority

101 **TITLE**

These Regulations shall be known as the "Zoning Regulations, Town of North Stonington, Connecticut," and are referred to herein as "these Regulations."

102 **AUTHORITY**

These Regulations have been promulgated by the North Stonington Planning and Zoning Commission, hereinafter referred to as the Commission, in accordance with and under the authority prescribed by Chapter 124 of the Connecticut General Statutes, as amended. The Town's initial Zoning Regulations were adopted by the Planning and Zoning Commission on May 21, 1964.

103 **PURPOSE**

These Regulations are adopted to further the goals and objectives of the Plan of Conservation and Development and 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; to conserve the value of buildings; to protect historic factors; to control soil erosion and sedimentation; to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; and to encourage the most appropriate use of land throughout the Town of North Stonington. In addition, these Regulations are adopted to give consideration to the character of each area and its peculiar suitability for particular uses; conserve the value of buildings and encourage the most appropriate use of land throughout North Stonington; protect historic factors and resources; protect existing and potential public surface and ground drinking water supplies; provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of North Stonington and the planning region; and provide for housing choice and economic diversity in housing, including housing that will meet identified housing needs. Further, these regulations, and subsequent amendments thereto, are enacted to carry out the purposes set forth in Chapter 124, and particularly §8-2, of the Connecticut General Statutes, as those statutes may be amended.

104 **ZONING DISTRICTS AND OVERLAY AREAS**

The Town of North Stonington is divided into the following Zoning Districts and Overlay Areas.

(R40)	High Density Residential District
(R60)	Medium Density Residential District
(R80)	Rural Residential Preservation District
(CD)	Commercial District
(HC)	Highway Commercial District
(EDD)	Economic Development District
(I)	Industrial District
(VP)	Village Preservation Overlay Area
(WSPOA)	Water Supply Protection Overlay Area

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(SUOA) **Seasonal Use Overlay Area**
(AH) **Affordable Housing Overlay Area: Meadow Court**

105 **ZONING MAP**

The boundaries of the various Zoning Districts are as shown on the "North Stonington, Connecticut, Zoning Map" which accompanies, and which, with all explanatory matters thereon, is a part of these Regulations. A copy of the Zoning Map, indicating the latest amendments, shall be kept up-to-date in the Land Use Office and the Office of the Town Clerk for the use and benefit of the public.

106 **DISTRICT BOUNDARIES**

In determining the boundaries of Zoning Districts shown on the Zoning Map, the following rules shall apply.

106.1 Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way or such lines extended, such center lines shall be construed to be the boundaries.

106.2 Where district boundaries are not indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way or such lines extended, the boundaries shall be determined in accordance with the following rules:

- A.** where district boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries;
- B.** in all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line; and
- C.** in all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.
- D.** When a district boundary cannot be determined using the methods described above, the Commission may use any reasonably available information to establish the location of the boundary.

106.3 **Lot Divided by District Boundary.** The use of any lot divided by a district boundary shall be governed by the regulations of the zone in which the use would actually be located. Only uses allowed in the respective zones shall be permitted in those respective portions of the lot. Any lot having a size or shape that makes it impractical for any permitted use to comply with this §106.3 shall be deemed to be improperly zoned, and the landowner is encouraged to file an application for a Zone Change to correct the condition.

107 **PERMITS AND APPLICABILITY**

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No building and/or portion of a building shall be erected, moved or structurally altered; nor shall any use be established or changed; nor shall any excavation be made for a proposed building or structure, until a Zoning Permit has been issued by the Zoning Enforcement Officer or the Commission indicating conformance:

- with these Regulations; or
- to a Site Plan or Special Permit approval granted by the Planning and Zoning Commission; or
- to a variance granted by the Zoning Board of Appeals.

108 CONSISTENCY WITH STATE AND FEDERAL LAW

These Regulations are intended to comply with all applicable provisions of state and federal law. In particular, many of the procedural requirements set forth in these Regulations are based solely on state requirements that were in effect at the time of adoption. In the event that state or federal law is later modified or is determined by a court to be inconsistent with any provisions of these Regulations, it is the intention of the Commission that the relevant provisions shall be deemed superseded by the applicable requirements of state or federal law and that those requirements shall be applied as though they were expressly incorporated herein.

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200 GENERAL PROVISIONS REGARDING THE APPLICATION OF THESE REGULATIONS

200.1 Prohibited if not permitted

Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular zoning district, or allowable as an accessory use to such a principal use, is prohibited in that district.

200.2 Application of Other Laws

Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals. By way of example only, the Commission might issue a permit for a use that is, nonetheless, not allowable due to private land restrictions or because state or federal law may restrict such use. The Commission has no legal authority to determine whether legal restrictions other than those established by these Regulations, or by the North Stonington Subdivision regulations, apply to any particular parcel of land. Likewise, the Commission has no responsibility to alert an applicant or landowner regarding the possible application of any other laws, regulations, or similar restrictions that may affect any parcel of land.

200.3 Conflicting Standards

When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.

201 SPECIFICALLY PROHIBITED USES

Without limiting the generality of the foregoing provisions, the following uses are expressly prohibited in the Town of North Stonington:

- A.** landfills, resource recovery facilities, and non-municipal transfer stations, recycling facilities, junk yards, private dumps, and the dumping or incineration of toxic substances, effluent, and garbage or rubbish;
- B.** uses that involve any activity, or the use of any material, defined as “obscene” or “obscene as to minors” pursuant to §53a-193 of the Connecticut General Statutes, as amended;
- C.** the mining of trap-rock and/or other quarry-type stone;
- D.** circuses and amusement parks (except that a recreational use associated with a principal hospitality use may be permitted);
- E.** the distillation of bones, and tanneries;

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- F. coal or petroleum distillation or derivation of byproducts; blast furnaces or smelting of ores or metal, manufacture of explosives; manufacture of cement, asphalt, bituminous, lime, gypsum, or plaster of paris, or chlorine, or carbolic, hydrochloric, nitric, picric or sulphuric acid; fat rendering in the manufacture of tallow, grease or oil; refining and recovery of products from fish or animal refuse; composting in excess of one hundred cubic yards per year (unless associated with a permitted waste to energy facility or other approved biotech facility); fuel manufacture and storage by other than a public utility company except for on-site use;
- G. the use, for permanent storage outside of a building, of trailers and all other cargo containers customarily used for road or sea transportation. (See § 306 for regulations governing temporary Storage Containers).

202 **ENFORCEMENT**

202.1 **Authority**

- A. These Regulations may be enforced by the Planning & Zoning Commission or by any person authorized by vote of the Commission to act as a zoning enforcement officer (ZEO).
- B. Except as these Regulations may otherwise provide, a ZEO shall have all of the enforcement powers set forth in CGS §8-12, including the authority to inspect and examine any building, structure, place, or premises and to order the remedying of any condition found to exist there in violation of any provision of these Regulations.

202.2 **Violations**

If a ZEO shall find that any provision of these Regulations is being violated, he or she shall promptly notify the Commission of such violations(s). The Commission reserves the right to specify the manner in which it wishes the ZEO to enforce these Regulations and may adopt specific policies for enforcement. However, the ZEO shall have the discretion to initiate an enforcement response without awaiting instruction or comment from the Commission. Such responses may include, without limitation:

- A. .An order to discontinue any illegal use of land, buildings, structures, additions, alterations, or structural changes thereto;
- B. An order to discontinue any illegal work being done; and
- C. An order to take specific actions to remedy any violations.

202.3 **Penalties and Other Remedies**

The Commission or a ZEO may seek any penalties or other remedies allowable under state or federal law for violations of these Regulations.

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203 INTERPRETATION OF TERMS

203.1 Interpretation of Specific Terms

For the purpose of these Regulations, certain words and terms shall be interpreted as follows:

- A. When not inconsistent with the context:
 - 1. words in the present tense include the future and vice versa;
 - 2. words in the singular include the plural and vice versa; and
 - 3. words used in the masculine include the feminine and neuter and vice versa.
- B. The word "**shall**" is mandatory and not discretionary.
- C. The word "**may**" is permissive.
- D. The words "**zone**", "**zoning district**", and "**district**" have the same meaning.
- E. The phrase "**used for**" shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".
- F. The word "**person**" also includes a partnership, association, trust, corporation or other legal entity.
- G. The phrase "**these Regulations**" shall refer to the entire Zoning Regulations.
- H. The words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof."

203.2 Words and Terms Defined

Words defined in Chapter 16 of these Regulations shall be interpreted as set forth in that section.

203.3 Words and Terms Not Defined

Words and terms not defined in Chapter 16 of these Regulations shall be interpreted in accordance with the following hierarchy:

- A. If the word or phrase is defined or used in the North Stonington Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.
- B. If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.
- C. A comprehensive general dictionary; e.g., Webster's Dictionary.

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301 APPLICABILITY

This section shall apply to all properties in all zones. Unless another provision of these Regulations expressly provides otherwise, no building or structure shall be erected, reconstructed, structurally altered, or enlarged without a Zoning Permit, nor shall any building, structure or land be used or be designed for any use other than is permitted in the zone in which such building, structure or land is located. Applications for a Zoning Permit shall be accompanied by a plot plan or site plan containing adequate information to allow the ZEO to determine compliance with all relevant provisions of these Regulations. The ZEO may require that such plans be certified or otherwise verified by a licensed surveyor, engineer, or other qualified professional when necessary to determine such compliance.

302 AIRCRAFT LANDING AREAS

Aircraft landing areas are not authorized as a principal use of property under these Regulations. However, a Special Permit may be issued for an aircraft landing area as an accessory use in an R80 district or any Commercial or Industrial district provided that all the applicable provisions of Chapter 13 are satisfied, and in addition:

- A. Such facilities must be located on lots containing at least 10 acres of land and shall be for the use of only the owner or lessee of the property or the guests or invitees of such owner, provided no compensation is required for the use of the landing area.
- B. Tie-down and maintenance accommodations shall not be made available for more than five aircraft at one time.
- C. No landing area or aircraft parking shall be closer than 100 feet from a property line.
- D. Such landing fields shall not be used for:
 1. the carrying of products or passengers for hire;
 2. student instruction;
 3. rental of aircraft or storage space; and
 4. air meets or exhibitions.

303 ALCOHOLIC BEVERAGES (SALE OF)

Alcoholic beverages of all types may be sold in packaged form at licensed package stores and retail establishments. Beer and wine may be sold in grocery stores. Except as permitted elsewhere in these Regulations, alcoholic beverages of all types may be sold only in restaurants and other hospitality uses for consumption on the premises, and only if the restaurant or other hospitality use is the primary use and the sale or consumption of alcohol an accessory use.

304 CEMETERY PRESERVATION

If, during its review of any Site Plan or Special Permit application, the Commission finds that the lot or parcel that is the subject of the application contains a burial ground, graveyard, or cemetery, the Commission may condition any approval of the application on modifying or limiting the proposed activities in a manner that will prevent disturbance of, limit inappropriate access to, or hinder maintenance of the burial ground, graveyard or cemetery.

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305 NON-CONFORMING USES, STRUCTURES, AND LOTS

305.1 Non-conforming Uses

- A. A non-conforming use shall not be enlarged or expanded except as may be expressly allowed elsewhere in these Regulations. No non-conforming use of an existing building shall be extended to occupy land outside such building or space in another building.
- B. A non-conforming use of land shall not be moved to another part of a lot or to an adjoining lot. No non-conforming use of a building shall be moved to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. A building containing a non-conforming use shall not be moved unless the use is changed to a conforming use and all zoning requirements are met.
- C. Except as may be expressly allowed elsewhere in these Regulations, a non-conforming use of land or of a building shall not be changed to any other non-conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.
- D. Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use or the building that houses the non-conforming use.
- E. See Section 305.3.D of these Regulations regarding the division of lots that have more than one residence, which is a nonconforming use of a single lot under these Regulations.

305.2 Non-Conforming Buildings and Structures

- A. Any nonconforming structure lawfully existing at the time of adoption of these regulations, or any amendments hereto, may be continued as a nonconforming structure.
- B. Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content provided such work:
 - 1. does not increase the non-conforming aspect of the structure; or
 - 2. complies with other applicable parts of these Regulations for the specific use and zone; and
 - 3. any such reconstruction or rebuilding process shall commence within one year of the date of damage.
- C. A structure that is non-conforming because it does not comply with current yard or setback requirements may not be expanded in such a way as to increase the total volume of the building that does not comply with such requirements; e.g., the structure may not be expanded vertically or horizontally within a required yard or setback area.

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- D. Normal maintenance and repair to a non-conforming building or structure is permitted provided such work does not further violate the requirements of these Regulations.

305.3 Non-Conforming Lots

- A. Nothing in these Regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district, on a lawfully existing parcel that does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, provided that: (1) as of the date of initial adoption of these Regulations, and continuously thereafter, the parcel was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the Land Records; and (2) a previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement.
- B. Where two or more nonconforming lots are contiguous, and in one ownership, and where at least one of the parcels is undeveloped, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible.
- C. A non-conforming lot shall not be altered in such a way as to increase the degree of non-conformity.

Any lot that contained more than one residence building at the time of adoption of these Regulations may be divided and sold as separate lots, provided that (1) each such lot or lots conforms to the bulk and area requirements of the district in which it or they are situated, and (2) each resulting lot contains at least one of the previously existing residence buildings.

305.4 Exceptions

- A. Additions may be made to single-family detached or duplex residential dwellings that have become non-conforming solely as a result of a zone or text amendment change that eliminated residential uses in the zone in which the relevant lot is now located. However, all such additions (1) shall be solely for the use of the house as a residence or for a lawfully permitted Home Occupation (see § 504.2), and (2) must comply with current yard, setback, height and other geometrical requirements of the relevant zone. For purposes of this §305.4, single-story, accessory attached and/or detached garages shall be considered residential additions.
- B. Where two houses exist on one residential lot, each unit will be considered non-conforming and each may be expanded in conformance with 305.4.A above.

305.5 Abandonment of Non-Conforming Uses and Characteristics

- A. When a non-conforming use of property, or of a building or other structure, has been abandoned, that use may not subsequently be reestablished except as may be expressly authorized by these Regulations. The abandonment of a use may be inferred from the circumstances of its discontinuance or from

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later circumstances, such as, but not limited to, the removal of characteristic equipment and/or furnishings involved in the use, without its replacement by similar equipment or furnishings for an extended period of time. of one year or more, or the replacement of a non conforming use or structure by a conforming use or structure.

- B. When a non-conforming characteristic of a building or other structure has been abandoned, all subsequent uses of the structure or property shall be required to conform to these Regulations A previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement.
- C. When a non-conforming use has ceased for a continuous period of one year, the use shall be deemed to be abandoned unless, before the end of the one-year period, the person or persons who were making or carrying out such use record a written notice in the land records of the Town of North Stonington stating their intention to maintain and preserve that use and describing, with specificity, the nature of the non-conforming use they intend to preserve. If the use is not recommenced for a continuous period of one year after any such notice is recorded, the use shall be deemed to be abandoned unless, before the end of such one-year period, a new notice is recorded on the land records. The failure to file any such notice as required herein shall be deemed to be incontrovertible proof of an intention to abandon a non-conforming use.

306 PORTABLE STORAGE CONTAINERS/PODS UNITS

306.1 Definitions. Portable storage container is any box-like container transported by truck or trailer to a desired location. A commonly accepted name for these storage containers is PODS, an acronym for portable on-demand storage. Units are designed for the outdoor storage of personal property of household goods **for temporary use only.**

For the purposes of this §306, dumpsters, roll-off containers, the trailer portion of a tractor-trailer, or prefabricated sheds, are not included in the definition of Portable Storage Container or PODS Unit.

306.2 No more than one large portable storage container or PODS unit (8' x 8' x 20'), or multiple small portable storage containers or PODS units, shall be allowed on any lot provided they do not exceed 20 feet in actual or combined length. The applicant must obtain preapproval of the location by the Zoning Enforcement Officer. Screening may be required.



306.3 Portable storage containers that are not fully enclosed in a building shall be allowed on a lot for no longer than three months, except as provided in Subsections A, B and C below. Portable storage containers may remain on any site permanently if fully enclosed in an approved accessory building.

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- A. Portable storage containers may be used on **residential lots** during the construction and/or repair of a dwelling, for which all necessary permits have been secured, for a period not to exceed 12 months. Portable Storage Containers used during construction, site modification, and/or property renovation in all **non-residential districts** may be used only after any required Site Plan or Special Permit, as well as all other permits and approvals necessary for the proposed use to be lawfully commenced on the property, have been issued. Storage containers placed on non-residential lots shall not be vertically stacked, and shall not be placed in front of the principal structure so as to minimize any visual impact from abutting streets.
- B. **Extension of time.** The Commission may approve the placement of a Portable Storage Container in any district for more than three months, provided the property owner has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but are not limited to, natural disasters, fire or acts of God.
- C. Portable storage units may be used outside of a building, with no limitation on time or duration, for the storage of materials used or generated by an agricultural operation.

306.4 Any portable storage container that is not fully enclosed within a building shall maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

306.5 No portable storage container shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, or commercial or other goods for property other than the property at which the portable storage container is located. A portable storage container may not be used for business inventory or for retail sales. No portable storage container shall be used to store illegal or hazardous substance. Upon reasonable notice to the Applicant, the Zoning Enforcement Officer may inspect the contents of any portable storage container at any reasonable time to ensure that it is not being used to store materials in violation of these Regulations.

306.6 Required Permit

- A. Prior to the initial delivery of any portable storage container, the applicant or the supplier shall file an application with the Land Use Office.
- B. The application shall contain the name of the applicant to whom the portable storage container is supplied; an indication whether the person owns, rents, occupies or controls the property; the address at which the portable storage container will be placed; the delivery date and anticipated removal date; the active building permit number, if applicable; and a sketch depicting the location and the placement of the portable storage container.
- C. **Validity.** Permits under this section shall be valid for the period specified on the permit from the date of issuance to the approved location only.

307 SPECIAL FLOOD HAZARD AREA REQUIREMENTS

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All applications for new or additional development on an area or areas of land totaling more than five acres shall include within such applications base flood (100-year flood) elevation data for that portion of the development located within A and/or AE Zones on the current Flood Boundary and Floodway Map or Flood Insurance Rate Map produced by the Federal Emergency Management Agency.

307.1 On the basis of any available base flood (100-year flood) elevation data, the Commission shall require that within A or AE Zones on the Flood Hazard Boundary Map or Flood Insurance Rate Map:

- A. all new construction and substantial improvements of residential structures have the lowest floor (including the basement) elevated to or above the base flood level, and
- B. all new construction and substantial improvements of non-residential structures have the lowest floor (including the basement) elevated or flood-proofed to or above the base flood level.

307.2 Before issuing a Zoning Permit for new development within A or AE Zones on the Flood Hazard Boundary Map or Flood Insurance Rate Map, the Zoning Enforcement Officer and/or Commission shall review the plans for such development to determine that they will be consistent with the need to minimize flood damage within the flood-prone area, and that:

- A. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- B. adequate drainage is provided to reduce exposure to flood hazards;
- C. new or replacement water supply systems and/or sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into flood waters; and
- D. on-site water disposal systems are located to avoid impairment to them, or contamination from them, during flooding.

307.3 Applications for development within A or AE Zones on the Flood Hazard Boundary Map or Flood Insurance Rate Map shall include assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.

307.4 The Commission shall notify adjacent municipalities, as well as the Connecticut Department of Energy and Environmental Protection, before approving any alteration or relocation of a watercourse flowing into such other municipalities, and shall submit copies of such notices to the Federal Insurance Administration.

307.5 No permanent structure shall be built in a floodway, as defined on the U.S. Flood Boundary and Floodway Map.

308 **TEMPORARY METEOROLOGICAL TOWER**

308.1 Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a Zoning Permit by the Zoning Enforcement

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Officer and a Building Permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space, parking, and building coverage requirements.

308.2 The Zoning Enforcement Officer shall consider the siting of the Temporary Meteorological Tower as it relates to the permanent tower structure standards.

309 TRAILER (CONSTRUCTION OFFICE/ CONSTRUCTION TRAILER)

One or more mobile office/storage trailer may be parked on a construction site temporarily (as set forth below) provided the location of the trailer is shown on a Site Plan or Plot Plan approved by the Commission, and the trailer is used exclusively for temporary office or storage space related directly to construction activities on the same site. Under no condition shall the temporary construction trailer be used as a residence, or remain on-site as a permanent structure for storage or office use. The temporary construction trailer must be:

- A. maintained in good, safe and secure condition;
- B. removed from the site within 90 days if construction work on the site has not begun;
- C. removed from the site within 30 days after construction work at the site is discontinued; or
- D. removed from the site within 30 days after completion of all work on the site.
- E. The Commission may grant a 60 day extension for extenuating circumstances, for any deadline specified above.

310 UNREGISTERED MOTOR VEHICLE STORAGE AND OUTDOOR STORAGE OF JUNK AND DEBRIS

310.1 Temporary storage of unregistered motor vehicles shall be allowed as follows:

- A. on all properties used for single-family or two-family residential purposes, one or two unregistered or inoperable motor vehicles may be stored outside a building provided:
 1. storage of the unregistered vehicles must be in the side or rear yard and must not be visible from the street;
 2. the vehicles are capable of being restored to running condition (i.e., a condition suitable for use on public highways) within six months of the date on which they were placed outside of a building on the lot; and
 3. such storage shall be for a period of no longer than six months.
- B. in all non-residential zones, storage of unregistered vehicles shall be allowed as an accessory use only to businesses having the appropriate Department of Motor Vehicles license.

310.3 Junk and Debris. Except as provided above, no waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar unsightly material (see definition for junk in Chapter 6) shall be stored or allowed to accumulate in any open space or in

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anything other than a completely enclosed building on any lot in any district other than as may be permitted in an industrial district. This provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises.

311 **YARD SALES**

Yard Sales, garage sales, tag sales, and the like are permitted in any district provided there are no more than three on the same lot in any calendar year and provided each such sale lasts no longer than three consecutive days.

312 **SIGNS**

312.1 **Purposes.** These Sign Regulations are intended to:

- A. Preserve the public health and public safety by controlling the size, location and height of signs so they will not confuse, distract, mislead or obstruct the vision necessary for traffic safety; and
- B. Preserve the general welfare by controlling the physical condition of signs in order to protect the character of each zone; mitigate any negative impacts on adjoining properties; assist in achieving a more desirable environment in order to maintain property values; encourage economic growth; and avoid negatively altering the essential characteristics of the area.

312.2 **Sign Area Measurement.** The sign area shall be the smallest area that encompasses all letters, designs, symbols, and logos, including the advertising surface. The sign area shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or building material.

- A. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a color different from the natural color or finish material of the building.
- B. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape that encompasses all the letters and symbols.
- C. The area of any supporting framework (for example, brackets, posts, etc.) shall not be included in the area provided such framework is incidental to the display and contains no advertising material or informational material other than a street name and number.
- D. When a sign has two or more faces, the cumulative area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In that case, the sign area shall be taken as the area of the larger of the two faces, or of one face if the two faces are equal in area.

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- E. The height of a sign shall be measured from the ground surface directly below the sign up to the highest point of the display area of the sign or the supporting structure of the sign. If the top of the sign and the top of the supporting structure are of unequal height, the higher measurement shall determine the height.

312.3 Sign Illumination. Signs may be illuminated either externally or internally provided they comply with the outdoor illumination standards in Chapter 8 and the limitations set forth below.

- A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights. Internally lit LED and/or digital change copy signs are permitted only in commercial and industrial zones, or for non-residential uses legally existing in a residential zone.
- B. No illuminated sign shall have exposed electrical wires.
- C. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time. This prohibition does not apply if the illumination occurs as a consequence of lighting provided for public safety purposes.

312.4 Sign Motion. No sign or any part thereof shall be moving whether by mechanical or other means.

312.5 Sign Location. The following general conditions apply to sign location:

- A. No sign shall extend into a vehicular public way (unless associated with a drive-through) or be lower than eight feet above a pedestrian way.
- B. No sign shall obstruct free entrance or exit from a required door, window, or fire escape; or be located or constructed in such a manner that interferes with access by fire or emergency personnel.
- C. No sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building.
- D. No sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

312.6 Signs Allowed Without A Permit. The following signs are authorized without a zoning permit, provided there is no illumination and that all such signs are set back at least ten feet from any property line.

- A. Signs lawfully installed on public property.
- B. Signs designating land having restricted or prohibited access (e.g., “No Trespassing” signs). Such signs shall be no more than two square feet in area and shall be spaced a minimum of 50 feet apart.

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- C.** One sign in the nature of a bulletin board on any lot containing a use allowing public assembly (e.g., church, museum, library, school). Such signs shall not exceed 20 square feet in area.
- D.** Temporary signs not exceeding a total of 32 square feet in Residential districts and 65 square feet in other districts. A temporary sign may not be displayed on any lot for a period of more than 90 days in any calendar year. The height of such sign shall not exceed six feet in Residential Districts and ten feet in other districts.
- E.** Signs used to guide traffic to or from a use or destination. No such sign shall be greater than two square feet in area. No more than two such signs are allowed on any one lot, and no more than four such signs are allowed with regard to any particular use or destination.
- F.** Temporary signs located on property on which building construction is occurring. The total area of such signs shall not be more than six square feet in Residential districts and 32 square feet in other districts. The height of a construction sign shall not exceed four feet in Residential Districts and eight feet in other districts, except that, in residential subdivisions under construction, the height of the construction sign for the subdivision as a whole may be up to eight feet in height. Such signs must be removed within 30 days after the completion of the construction.
- G.** One or two temporary signs located on property for sale or lease. This provision shall not apply to premises upon which the principal use is the sale, rent, or lease of units or space within the structure(s) located upon the premises (e.g., hotels, motels, condominiums, boarding houses, etc). The total area of such signs on any one lot shall not be more than six square feet in Residential districts and 32 square feet in other districts. The height of such signs shall not exceed four feet in Residential Districts and ten feet in other districts. In residential subdivisions in which building lots are for sale, in addition to individual lot signs, one sign not exceeding an area of 32 square feet and a height of six feet shall be permitted for the subdivision as a whole. Such signs must be removed within 30 days after the sale or lease.
- H.** One flag sign, not exceeding 15 square feet in area.
- I.** One or more additional freestanding or wall signs not exceeding a total of three square feet in area. If freestanding, the top of such signs may not exceed ten feet above the ground immediately below such signs.
- J.** Flags, bunting, streamers, and ribbons that contain no advertising are permitted during the period of seven days before to seven days after the following holidays: Independence Day, Memorial Day, Veteran’s Day, Flag Day, and President’s Day.
- K.** Temporary banners used in connection with charitable or civic events may be installed up to 30 days before the beginning of the event and must be removed within seven days following the termination of the event.

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312.7 Signs Requiring A Zoning Permit. In addition to the signs allowed under §312.6, the following signs are authorized upon the issuance of a zoning permit.

- A. One wall sign, not to exceed three square feet.
- B. Signs designating land having restricted or prohibited access (e.g., “No Trespassing” signs). Such signs shall be no more than two square feet in area and shall be spaced a minimum of 50 feet apart.
- C. Signs temporarily attached or temporarily painted on a door, or to the inside of a window, provided they do not exceed ten percent of the area of the door or window. Such signs may be permitted for a period of not more than 30 days.
- D. Up to two freestanding or banner signs may be installed on property on which a temporary event (an event lasting no more than 30 days), such as a business “grand opening,” will be held. Such signs shall not be erected earlier than 15 days before the event, shall be removed within seven days following the event. The total area of all such signs shall not exceed 24 square feet in Residential districts and 48 square feet in other districts. The height of such signs shall not exceed six feet in Residential Districts and ten feet in other districts. Such signs shall not be illuminated.
- E. Flags of nations, states, or local governments, mounted on a flag pole, may be located in all zoning districts. Flag poles shall be located at least 15 feet from the front property line or within the side or rear setback. No more than three flag poles are permitted per premises. The maximum height for a flag pole is 30 feet, and the maximum size of the flag shall be 24 square feet.
- F. One freestanding sign may be installed on nature preserves. No illumination of such signs is allowed. All such signs must be located at least ten feet from any road
- G. Freestanding signs in accordance with the following table. All such signs must be located at least ten feet from any road.

ZONING DISTRICT	MAXIMUM NUMBER ^{1,2}	AREA (SQ.FT.) ^{2,3}	HEIGHT (FT.)	INTERNAL ILLUMINATION
R40, R60, R80	1	3	10	N
C	1	45	10	Y
HC	1	60	15	Y
EDD	1	48	10	Y
I	1	60	10	Y

¹For buildings on lots fronting two roads, an additional freestanding sign is permitted provided the total area for both signs does not exceed 1.5x the maximum sign area.

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²For developments with more than one principal businesses, one freestanding sign and one additional sign may be permitted in place of a single freestanding sign as part of an overall sign package approved during Site Plan, Special Permit or Master Plan approval. The total area of the signs, including supporting structures, shall not exceed an area of 200 square feet and a height of ten feet (15’ in HC Zone). The total “sign area,” shall not exceed 120 square feet. Internal location signs may not exceed 36 square feet or eight feet in height.

³For legally existing non-residential uses within the residential zones (e.g. B&Bs, Country Inns, Churches, Day Care, Farm Winery, Kennel etc.), the maximum area may be increased to nine square feet and may be illuminated with gallery lighting. Such sign, where installed in all districts, shall replace an Address Sign and not be used in addition to it.

H. Additional signs in accordance with the following table:

ZONING DISTRICT	TOTAL AREA OF ALL ADDITIONAL SIGNS (SQ.FT.)	CLEARANCE OVER PEDESTRIAN WALKWAY (FT)	CLEARANCE OVER ROADWAY/ALLEY (FT)
R40, R60, R80	N/A	N/A	N/A
C	45	8	13
HC	60	8	20
EDD	48	8	13
I	60	8	20

A. Wall Signs

B. Awning Sign

- such sign shall be painted on or attached flat against the surface of the awning, and shall not extend beyond the valence or be attached to the underside;

C. Canopy Signs

- the canopy cannot be attached to primary structure;

D. Suspended Sign and/or Projecting Sign

- that overhangs a public way (including sidewalks) shall be covered by a public liability insurance policy (type and amount of coverage shall be determined at the sole discretion of the Commission) that names the Town as the insured party

E. Window Sign.

- shall not, in combined total area, exceed 10% of the area of any window in which they are located;

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- shall not, in total area for all window signs located in all windows of any principal use and all accessory uses associated with such principal use, exceed 20 square feet in area; and
- shall not be included in the measurement of the total sign area permitted on a premise.

313 **DRIVEWAYS**

313.1 Residential Driveways. The following residential driveway design standards shall apply to all driveways used for access to single-family and two-family homes. Driveways to residential buildings containing three or more dwelling units must comply with the Town’s standards for road construction.

A. Spacing of Driveways. Driveway openings shall be separated by at least 30 feet, as measured from curve return to curve return.

B. Shared Driveways.

1. No more than two parcels shall share a residential driveway. A driveway serving more than two single-family, duplex, or multi-family residences (or any combination thereof) must comply with the Town’s standards for road construction .
2. The boundaries of the shared driveway must be defined by, and the rights and duties of the respective users must be set forth in, a proper document or documents (for example, an easement) capable of being filed in the Town Land Records. Such document(s) must provide, at a minimum, a clear allocation of responsibility for maintenance and repair of the driveway between or among the respective users.
3. Driveways may be shared only for the first 100 feet from the road right-of-way unless the Commission determines that additional length is required to protect wetlands or other significant natural resources.
4. The shared portion of any driveway must be an undivided part of the one of the lots it services.

C. Driveway Width. The dimensions of driveway widths, openings, and centerline curve radii shall be:

Driveway Widths				
Type of Residential Use	Minimum Driveway Width	Opening Width (including flares)		Minimum Centerline Radius of Curvature
		Minimum	Maximum	
Serving Residential, Single-family				
< 200' in length	12 feet	18 feet	24 feet	N/A
> 200' in length	14 feet	18 feet	24 feet	40 feet
Serving more than one Residential Unit				
< 200' in length	14 feet	20 feet	24 feet	N/A

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> 200' in length	15 feet	20 feet	24 feet	40 feet
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- D. Turnarounds and Turnouts.** All driveways shall be designed with a vehicle turnaround to avoid vehicles having to back onto the roadway when exiting the relevant parcels. Turnouts shall also be provided as follows:

Turnout Spacing	
Length	Turnouts
< 400 feet	None
400-800	One turnout within 150ft of the dwelling unit.
>800 feet	Every 400 feet

- E. Driveway Grades:** Driveways shall have a maximum grade of 12 percent for single-family and duplex residences. When any portion of a driveway has a grade exceeding 8 percent, all abutting portions of the driveway having a grade greater than 6 percent shall be paved. Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line.
- F. Surface:** Driveways serving single-family residences shall have an all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500 kgs) per axle.
- G. Drainage:** Driveway design shall make adequate provision for drainage and prevention of erosion. Drainage from driveways shall be diverted to roadside swales or other appropriate drainage ways. Drainage from driveways shall not flow onto roads. When necessary to handle roadside drainage, driveways shall use culverts, drainage swales or other devices suitable for the conveyance of roadside drainage. The design, composition, and installation of any proposed culverts must be approved by the Town Engineer.
- H. Sightline Distance:** Driveways shall be designed and located to provide a minimum sight distance clear of all obstructions, natural or man-made, for at least 250 feet in either direction **in local access roads, 325 feet on collector roads, and 375 feet on arterial roads.** It is responsibility of the property owner to maintain this sight line triangle. **[NOTE:THESE NEED TO BE DEFINED]**
- I. Snowstack Space:** Snow storage for driveways shall be provided on the lot(s) on which the driveway is located.
- J. Connection to Roads:** The portion of driveway through the road right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require the approval of the Town Engineer.

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313.2 Driveways for Non-Residential Uses

Driveways for non-residential uses shall comply with the provisions of Section 805 of these Regulations (Access Management).

Chapter 4 – Dimensional Requirements

401 **MINIMUM LOT AREA**

	DISTRICT	MINIMUM LOT AREA (sq.ft.)
R40	High Density Residential District	40,000
R60	Medium Density Residential District	60,000
R80	Rural Residential Preservation District	80,000
C	Commercial District	40,000
HC	Highway Commercial District	60,000
EDD	Economic Development District	200,000
I	Industrial District	80,000
SUOA	Seasonal Use Overlay Area	20,000

Any portion of a lot for which an access easement is provided to another lot shall not apply towards the minimum lot area requirement.

402 **MINIMUM BUILDABLE AREA (MBA)**

402.1 **Definition:** The term “minimum buildable area” shall mean a contiguous area that, at the time of application for a proposed use, excludes the following categories of land:

- A. inland wetlands or watercourses as defined by the Inland Wetlands and Watercourses Regulations of the Town of North Stonington;
- B. areas within the “A” or “AE” flood zone as depicted on the current Flood Hazard Boundary Map or Flood Insurance Rate Map;
- C. areas subject to easements or permanent restrictions that prohibit building or other development;

402.2 **Minimum Buildable Area Requirements**

The intent of the minimum buildable area requirement is to assure that a suitable area of buildable land exists to accommodate all proposed or required structures, utilities, open spaces, wells, septic systems, driveways, yards and other improvements; to ensure the ability of on-site septic systems to function indefinitely; and to facilitate appropriate development.

	DISTRICT	MINIMUM BUILDABLE AREA (sq.ft.)
R40	High Density Residential District	25,600
R60	Medium Density Residential District	32,400
R80	Rural Residential Preservation District	40,000
C	Commercial District	N/A
HC	Highway Commercial District	N/A
EDD	Economic Development District	N/A
I	Industrial District	N/A
SUOA	Seasonal Use Overlay Area	N/A

Chapter 4 – Dimensional Requirements

Except as may be provided elsewhere in these Regulations, the minimum buildable area requirements above shall apply to lots on which an on-site sewage disposal system (i.e., septic system) will be needed to accommodate the proposed use(s). The requirements are to be applied per each dwelling unit requiring the use of a septic system, but excluding Accessory Apartments.

402.3 **Shape and Location**

Lots requiring a minimum buildable area must accommodate the following dimensions within the designated buildable area:

DISTRICT	MINIMUM BUILDABLE AREA (MBA) (Sq.ft. per Lot)	MINIMUM DIMENSION OF SIDE OF MBA IF SQUARE (feet)	MINIMUM DIMENSION OF SIDE OF MBA IF RECTANGLE (feet)
R40	25,600	160	120
R60	32,400	180	140
R80	40,000	200	160

403 **MINIMUM STREET FRONTAGE**

The following minimum dimensions are required on an accepted Town or State road:

DISTRICT	MINIMUM DIMENSION (feet)*
R40 High Density Residential District	150
R60 Medium Density Residential District	200
R80 Rural Residential Preservation District	250
C Commercial District	150
HC Highway Commercial District	200
EDD Economic Development District	200
I Industrial District	250
SUOA Seasonal Use Overlay Area	100
* Applicable for newly created lots.	

403.1 Except as expressly provided for certain non-conforming lots under these Regulations, no lot shall be built upon unless it has continuous frontage meeting applicable zoning district requirements on a public road.

403.2 When only one side of a corner lot meets the minimum frontage requirement, that side shall be considered the lot front. Compliance with the lot width and front yard setback requirements shall be determined as along that side of the lot.

403.3 The minimum lot frontage requirement shall be reduced to 50 feet for any lot fronting on the circular turn-around at the end of a cul-de-sac street, provided that the required lot width must be achieved at the building line.

403.4 Minimum lot frontage requirements may be reduced for interior building lots, as provided in §505 of these Regulations.

Chapter 4 – Dimensional Requirements

403.5 The proposed frontage must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting these Regulations’ minimum driveway standards. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee by the same person or persons who owns the remainder of the lot) unless the Commission expressly allows a shared driveway per §503.3

404 YARD (SETBACK) REQUIREMENTS

No building, structure, or use shall be located within the following required yard areas, except as expressly provided elsewhere in these Regulations:

404.1 Setback Dimensions

	DISTRICT	MINIMUM DIMENSION (FEET)		
		FRONT YARD	SIDE YARD	REAR YARD
R40	High Density Residential District	30	15	15
R60	Medium Density Residential District	40	20	20
R80	Rural Residential Preservation District	50	25	25
C	Commercial District	35	20	20
HC	Highway Commercial District	35	20	20
EDD	Economic Development District	35	20	20
I	Industrial District	50	25	35
SUOA	Seasonal Use Overlay Area	20	10	15

- A.** Notwithstanding the provisions of this section, if a lot is abutted on both sides by lots containing a principal structure that is 200 feet or less from the center lot, and closer to the front boundary than the front setback allows, the minimum front yard setback for the center lot may be reduced to the average of the actual front yard setbacks of the existing, adjacent, non-conforming principal structures.
- B.** Except as provided hereafter, parking areas, parking spaces, and internal access drives may not be located within the required front, side, and rear yard setbacks.
- C.** Driveways shall not be located within ten feet of a side or rear property line abutting a lot that is in a Residential Zone or that is used for single-family or two-family residential purposes.
- D.** In commercial and industrial districts, parking areas, parking spaces, and internal access drives may be located within half of the required front yard setback area, when screened from the street and abutting property by landscape materials, including trees, shrubs and/or earthen berms.

404.2 No principal structure shall be within 50 feet of any watercourse or within ten feet of any flood hazard area. If the watercourse flows into a reservoir used for a

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public water supply, no building shall be within one hundred feet of the watercourse.

404.3 If a non-conforming residential lot contains less than 40,000 square feet of land, additions and accessory structures (e.g., deck or shed) may be located no less than ten feet from the side and rear lot lines.

404.4 **Projection into required yards:**

No projections from structures shall be permitted in any required setback except as follows:

- A. Minor projections of structures, such as pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves, chimneys, bay windows, and similar architectural features may project not more than three feet into any required yard.
- B. Open steps/stoops less than four feet in height and open fire escapes may project not more than five feet into any required yard.
- C. Ramps for handicapped access may be constructed within required yard areas, provided the SPZEO determines that (i) the ramp may not reasonably be located in any area that is not within the required yard; and (ii) the proposed intrusion into the required yard is the minimum reasonably necessary to accomplish the desired access objectives.

404.5 **Fences and Walls:** The required setback distances shall not apply to fences or walls (including retaining walls) six feet or less in height or to wire livestock fences through which there is at least eighty (80) percent visibility. No such fence or wall shall be located within the right-of-way of any street.

404.6 **Terrace or Patio**

A paved terrace or patio shall not be counted as part of impervious surface coverage, provided that such terrace or patio is unroofed and without walls, parapets, or other forms of enclosure greater than four feet in height. Such terrace or patio shall not be located within, or extend into a required rear or side yard setback.

405 **MAXIMUM IMPERVIOUS SURFACE COVERAGE**

405.1 **Impervious Surface Coverage**

The following is the maximum portion of the lot that may be covered by impervious surfaces, including buildings:

	DISTRICT	MAXIMUM %
R40	High Density Residential District	20
R60	Medium Density Residential District	20
R80	Rural Residential Preservation District	15
C	Commercial District	60
HC	Highway Commercial District	60
EDD	Economic Development District	70
I	Industrial District	70
SUOA	Seasonal Use Overlay Area	15

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405.2 Greenhouse Exemption. The impervious surface coverage restrictions shall not apply to Commercial Greenhouses located on a commercial farm or in the Industrial Zone, provided all other site plan and site development standards are met (in particular, stormwater management regulations).

406 MAXIMUM BUILDING HEIGHT

No building shall exceed the height specified for its zoning district, as follows:

406.1 Principal (and Accessory) Building/Structure

	DISTRICT	MAXIMUM (feet)	MAXIMUM (Stories)
R40	High Density Residential District	40	2.5
R60	Medium Density Residential District	40	3.0
R80	Rural Residential Preservation District	40	3.0
C	Commercial District	35	3.0
HC	Highway Commercial District	35	3.0
EDD	Economic Development District	50	3.0
I	Industrial District	50	3.0
SUOA	Seasonal Use Overlay Area	30	2.0

- A. Building Height shall be measured from the average level of the highest and lowest point of that portion of a lot covered by the building to the topmost point of the roof. Chimneys, vents, or utility service structures shall not be included in the measurement of vertical dimensions.
- B. In the EDD, HC, and I Zones , a maximum of three floors is permitted except on sloped lots where one side may be four stories and a maximum of 65 feet in height where the bottom story is at “walk-out” level.
- C. Building height standards shall not apply to the following appurtenant structures, provided that the Commission may limit the height of any such structures if it finds such restriction necessary to satisfy Site Plan review or Special Permit criteria: farm accessory buildings such as silos, church spires, smokestacks, monuments, flag poles, home radio, television and other wireless or telecommunications antennas, solar collectors, temporary test equipment for wind facilities, wind turbines, chimneys or parapet walls, and fire towers, provided the height of the structure is approved by the Commission.

Chapter 5 – Residential Districts

500 **RESIDENTIAL ZONING DISTRICTS**

500.1 **Purpose**

These residential zoning districts are established to provide for residential neighborhoods that are in harmony with the natural features of the land and the needs of North Stonington residents, both present and future.

500.2 **Limitation of Principal Uses**

- A. Only one principal use shall be permitted on a residential lot, except that Agricultural uses may be permitted, subject to the requirements of Chapter 7, in addition to a principal residential use or other Agricultural uses on the same lot.
- B. See Section 305.3.D of these Regulations regarding the possibility of dividing lots that are currently nonconforming solely because they have more than one residential building.

500.3 **Designation of Districts**

[R-40] This zoning district focuses on the village area and contains most of the town's higher residential densities as well as most of the municipal facilities and services. It is intended that residential growth be encouraged to locate in the southern part of the town, and particularly in this district, rather than in the northern area that is remote from facilities and services.

[R-60] This area of the town, together with the High-Density Residential District, should attract the major part of the town's expected growth. It too is confined to the southern part of town and has excellent road access.

[R-80] This zoning district extends throughout the northern three quarters of the town, and it includes most of the town's reserved open space, agriculture, and numerous scenic and rugged topographic features worthy of preservation in their natural state. The majority of this area is particularly remote from municipal facilities and services and is very lightly developed at present. The major objectives of these Regulations are to maintain the low density of development in this area, encourage a continuation of agricultural activities, and preserve the remote feel and rural character.

[SUOA] The Seasonal Use Overlay Area (SUOA) is designed to provide flexibility to seasonal residential uses on small lots that were created before May 21, 1964. The relaxed dimensional requirements set forth below are applicable only to such seasonal uses. Year-round uses must comply with the requirements of the underlying zone. See Section 1104 of these Regulations for additional information.

Chapter 5 – Residential Districts

501 DIMENSIONAL REQUIREMENTS (See Chapter 4 for full Detail)

The following dimensional requirements shall apply to lots within the specified zoning districts, except as may be otherwise expressly provided in these Regulations. The lot frontage requirements specified below shall be applicable to all lots created after the specified frontage requirement was enacted. However, no reduction may be made in the road frontage of any lot having less than the frontage specified below.

Zoning District	Minimum						Maximum	
	Lot Area (sf)	Road Frontage (ft)	Buildable Area (sf)	Front Yard Setback (ft)	Side Yard Setback (ft)	Rear Yard Setback (ft)	Impervious Coverage (%)	Building Height (ft)
R-40	40,000	150	25,600	30	15	15	20	35
R-60	60,000	200	32,400	40	20	20	20	40
R-80	80,000	250	40,000	50	25	25	15	40
SUOA	20,000	100	N/A	20	10	15	15	30

502 PERMITTED AND SPECIAL PERMIT USES

The following are permitted uses in the **Residential Districts**:

Residential Principal Uses	R-40	R-60	R-80
Single Family Residence: (Only one single-family dwelling is permitted per lot, except in the case of permitted accessory apartments. Quonset huts, Nissen huts, tents, camper trailers, and other shelters that are, or are not affixed to a permanent (e.g., non-movable) foundation shall not be considered single-family dwellings for these purposes.)	ZP	ZP	ZP
Duplex Residence (only one duplex permitted per lot)	ZP	ZP	ZP
Temporary Trailer (Residential) (§504.5)	ZP	ZP	ZP
Mobile Home *(§714)	ZP	ZP	ZP
Senior Housing Community*(§717)	SPL	SPL	--
Residential Accessory Uses	R-40	R-60	R-80
Accessory Apartment, Residential*(Accessory to SFR) (§702.1)	ZP	ZP	ZP
Home Occupation* (Accessory to SFR/DPLX) (§702.2)	ZP	ZP	ZP
Hobby Kennel* (§702.3)	-	SPP	SPP
Other Accessory Structures	ZP	ZP	ZP
Misc. Non-residential Uses	R-40	R-60	R-80
Camp	SPL	SPL	SPL
Cemetery*(§304)	SPL	SPL	SPL
Church	SPP	SPP	SPP

Chapter 5 – Residential Districts

Membership Club (firearms) * (§712)	SPP	SPP	SPP
Membership Club (no firearms) * (§713)	SPL	SPL	SPL
Post Office	SPL	SPL	SPL
Municipal Building/Facilities	SPL	SPL	SPL
Public Utility Distribution/Substation* (§715)	SPL	SPL	SPL
Recreation (Passive)	SPL	SPL	SPL
Transfer Stations	-	-	SPP
Agricultural Uses	R-40	R-60	R-80
Agricultural* (§701)	ZP/SPL	ZP/SPL	ZP/SPL
Farm Winery* (§707)	SPL	SPL	SPL
Farm Winery Restaurant* (§708)	SPP	SPP	SPP
Specialized Agricultural Building* (§701.6)	SPP	SPP	SPP
Commercial Uses	R-40	R-60	R-80
Bed and Breakfast* (§802)	SPL	SPL	SPL
Country Inn* (§704)	SPP	SPP	SPL
Day Care/Nursery School* (§705)	SPL	SPL	SPL
Golf Course Development* (§709)	-	SPL	SPL
Wireless Communication Facility* (§1004)	SPP	SPP	SPP
Veterinary Hospital* (§718)	SPL	SPL	SPL
Industrial Uses	R40	R60	R80
Excavation and Fill* (§706)	EXP	EXP	EXP
Solar Energy System* (§1001)	SPP	SPP	SPP
Wind Energy System, Large-scale* (§1002)	-	-	SPP
Wind Energy System, Small-scale* (§1003)	SPL	ZP	ZP

ZP = Zoning Permit SPL = Site Plan SPP = Special Permit EXP = Excavation Permit

* = See Supplemental Regulations for additional criteria/requirements

503 RESIDENTIAL ACCESSORY USES AND STRUCTURES

- A. The residential accessory uses listed in Section 502 shall require the permits specified in that Section. A Zoning Permit shall not be needed for all other accessory uses that do not require an additional structure or a modification to an existing structure. All accessory structures or modifications to existing structures require a Zoning Permit.
- B. The parking or storage of large machinery not associated with a home occupation shall be considered an accessory use, but may be located only in the side or rear yard. This restriction shall not apply to farm equipment associated with a legally permitted agricultural use.

504 INTERIOR BUILDING LOT

Establishment of a building lot lacking the amount of frontage specified in § 501 is permitted in all residential districts, provided the following conditions are met.

- A. The proposed interior building lot must lie wholly within a residential district, and the principal use of the lot is limited to one single-family dwelling or one duplex dwelling.
- B. Only one interior building lot may be established through a division from the original tract. Such original tract must be one that was separately described on the Town's

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land records as of May 21, 1964. Following any such division, the remainder of the tract must be in conformance with the dimensional requirements of the relevant zoning district.

- C. **Dimensions.** Interior building lots shall have an area at least twice as large as that prescribed in Chapter 4 for the zoning district. Setback dimensions shall be twice those prescribed for the district, except for the front building line, which shall be at least fifty feet from the corridor entry to the lot. The area contained in the frontage corridor shall not be considered in the minimum area requirement.
- D. **Frontage Corridor.** An interior building lot shall have access to a public road via a land corridor having a minimum width of 30 feet along its entire length. The frontage corridor shall be an indivisible part of the interior lot.
- E. **Application.** A Site Plan Application in conformance with all requirements set forth in Chapter 13 shall be required for the creation of any proposed Interior Building Lot. In addition to any other requirements in that chapter, the applicant must submit one or more plans, maps, or other information sufficient to demonstrate compliance with all provisions of this Section 504.

505 Cluster Development for Open Space Preservation

505.1 The Commission may, by Special Permit, approve the subdivision of a parcel of land under a cluster development plan, within the meaning of Conn. Gen. Stat. §§ 8-2 and 8-18, when at least one-third of the parcel would be permanently preserved as open space. The application for a Special Permit for cluster development must include a proposed subdivision plan demonstrating that cluster development of the parcel would meet all applicable criteria for such Special Permit.

505.2 In addition to the criteria set forth in Chapter 13 for the issuance of a Special Permit, the approval of Special Permit for a cluster development shall require the Commission to find

- a. that there will be a significant community benefit resulting from the additional open space that is being preserved in perpetuity, such as protection of important natural resources, protection of scenic resources, preservation of a sizable area of open space, preservation of areas along Town or State roads that will protect rural appearance or character, establishment of an open space corridor or greenway or interconnection of existing open spaces, and/or provision for public access, and
- b. that there will be an appropriate visual buffer or separation to adjacent existing residential development, and
- c. that the open space will not result in small or fragmented open space parcels that do not provide community benefits.

505.3 When a Special Permit is approved for a cluster development, the dimensional requirements of Section 501 shall be reduced as follows:

- a. The minimum lot size requirement shall be decreased by the open space surplus percentage, as defined in Chapter 16.
- b. The minimum lot width and frontage shall be decreased by the open space surplus percentage, provided that, in no event, shall a frontage lot in a residential subdivision have less than 100 feet of frontage except as may be permissible under Section 504.

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- c. The maximum permissible lot coverage shall be increased by the open space surplus percentage, provided that, in no event, shall the maximum land coverage for lots in a cluster development exceed 20 percent.
 - d. The minimum setback and yard dimensions may be reduced by the open space surplus percentage, provided that, in no event, shall minimum setback and yard dimensions be reduced by more than 30 percent.
 - e. The minimum buildable area requirement shall be decreased by the open space surplus percentage, provided such minimum shall not be reduced below 25,600 square feet.
- 505.4 Lots created by cluster development may be used solely for one single-family residence or for one duplex residence.

Chapter 6 - Commercial and Industrial Districts

600 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

600.1 PURPOSE

- C Commercial District** – The intent of Commercial District is to encourage and provide community scale commercial uses to serve the daily needs of Town residents for goods and services convenient to the motoring public, while encouraging high quality site design that enhances the Route 2 corridor through North Stonington.
- HC Highway Commercial District** – The intent of the Highway Commercial district is to encourage and provide more intensive commercial uses, facilities, and services catering to the needs of the traveling public and residents of North Stonington.
- EDD Economic Development District** - The intent of the Economic Development District is to encourage commercial and mixed use development that respects the New England character of North Stonington. The Economic Development District is designed to provide flexibility in uses and site design, maximizing development potential while ensuring aesthetically pleasing commercial and mixed use development. This district focuses on Route 2, between I-95 and just north of the rotary and Route 184 between Route 49 and the rotary.
- I Industrial District** – The intent of the Industrial District is to encourage and provide for industrial development, including research and design.

601 DIMENSIONAL REQUIREMENTS (See Section 400 for full Detail)

601.1. General Application.

The dimensional requirements for lots in the commercial and industrial districts are summarized in the table below. Further explanations of these requirements are set forth in Section 400 of these Regulations.

Zoning District	Minimum						Maximum	
	Lot Area (sf)	Road Frontage (ft)	Buildable Area (sf)	Front Yard Setback (ft)	Side Yard Setback (ft)	Rear Yard Setback (ft)	Impervious coverage (%)	Building Height (ft)
C	40,000	150	N/A	35	20	20	60	35
HC	60,000	200	N/A	35	20	20	60	35
EDD	200,000	250	N/A	35	20	20	70	50
I	80,000	250	N/A	50	25	35	70	50

* These requirements apply only to a parcel being proposed for inclusion in a new EDD zone. See Section 601.2, below.

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601.2 Special Rules for EDD Zones.

- A.** In order for a parcel or group of parcels of land to be rezoned to EDD, the parcel or parcels must form a contiguous area of no less than 200,000 square feet, all of which would be zoned EDD if the rezoning is approved. The minimum area requirement is intended to promote access management and integrated planning over a large area through the creation of a Master Site Plan. Once the Master Site Plan is adopted by the Commission, smaller lots can be subdivided within the EDD zone, as provided in these regulations. (Note: This is only one suggested way to develop a site. Design Developments and standard single or mixed use projects on a single 5 acre parcel (or greater) may be considered as well.)
- B.** A tract of land rezoned to EDD District may be subdivided into two or more lots provided the following conditions are met:
- 1.** A Master Plan for the overall area zoned EDD must be approved by the Commission.
 - 2.** No subdivided parcel may be less than 60,000 square feet in size.
 - 3.** All lots to be created must have sufficient recorded cross easements and covenants to insure complete continual compliance with Master Site Plan approval and any conditions of said Master Site Plan approval.
 - 4.** The setback, lot coverage, frontage, landscaping, parking and signage regulations shall not apply to individual subdivided lots so long as the lot area, road frontage, and setback requirements are met where the boundaries of the overall EDD district abut a road or properties in other zoning districts.
 - 5.** No lot subdivided pursuant to this Section 401.1, shall be further subdivided without the submission and approval of an amended Master Plan.
 - 6.** It is the intent of the Commission, in permitting the subdivision of the parcel, to afford prospective owners of the subdivided lots the ownership of said lots provided that the zoning integrity of the entire EDD zone, as approved under the Master Plan, is maintained. Upon submitting a subdivision application for property within an EDD district, the applicant shall submit restrictive covenant and easement documents proving compliance with these requirements.

Chapter 6 - Commercial and Industrial Districts

602 PERMITTED AND SPECIAL PERMITTED USES

The following are permitted and specially permitted uses by zoning district.

Residential	C	HC	EDD	I
Accessory Apartment, Commercial Caretaker* (§603.1)	ZP	ZP	ZP	-
Accessory uses/structures	ZP	ZP	ZP	-
Home Occupation* (Accessory to existing SFR) (§504.2)	ZP	ZP	ZP	-
Senior Housing Community (SHC)* (§717)	SPL	SPL	SPL	-
Misc. Facilities				
Emergency Services	-	SPL	-	SPL
Membership Club (firearms) * (§712)	-	-	-	SPP
Membership Club (No Firearms)* (§713)	SPL	SPL	SPL	SPL
Post Office	SPL	SPL	SPL	SPL
Municipal Building/Facilities	SPL	SPL	SPL	SPL
Public Utility Distribution/Substation* (§715)	-	SPL	SPL	SPL
Agricultural				
Agricultural* (§701)	-	-	-	ZP/SPL
Farm Winery* (§707)	-	-	-	SPL
Farm Winery Restaurant* (§708)	-	-	-	SPL
Kennel* (§504.3)	-	-	-	SPP
Specialized Agricultural Building* (§701.6)	-	-	-	SPP
Veterinary Hospital* (§718)	-	-	-	SPP

Commercial	C	HC	EDD	I
Commercial Services * (§703)	SPL	SPL	SPL	SPL
Wireless Communications Tower* (§1004)	-	-	-	SPP
Community/Culture (bike path, park, botanical garden, gallery)	SPL	SPL	SPL	SPL
Country Inn	SPL	SPL	SPL	
Design Development* (§604)	MP	MP	MP	-
Day Care/Nursery School* (§705)	SPL	SPL	SPL	-
Drive-thru Window* (Accessory to Commercial Use) (§603.2)	SPL	SPL	SPL	SPL
Financial Institution	SPL	SPL	SPL	SPL
Funeral Home	SPL	SPL	-	SPL
General Commercial and Retail	SPL	SPL	SPL	-
Heliport (as accessory)* (§603.3)	-	-	SPL	SPL
Hospitality (Restaurants, Hotel, Spa, etc.)	SPL	SPL	SPL	-
Institutional	-	-	SPL	-
Medical Facilities	SPL	SPL	SPL	SPL
Mixed Use (Residential & Commercial)*	SPL	SPL	SPL	-
Mixed Use (Commercial and Industrial)*	-	-	SPL	SPL
Motor Vehicle Dealership	-	SPL	-	SPL
Office Facility, General	SPL	SPL	SPL	SPL
Personal Services	SPL	SPL	SPL	-
Planned Business Development	SPL	SPL	SPL	SPL
Professional Services	SPL	SPL	SPL	SPL

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Recreational Campground*(§716)	-	-	-	SPL
Recreation (Theater, Indoor, Sports)	-	SPL	SPL	SPL
Repair Shop (Vehicle/Non-Vehicular)	SPL	SPL	SPL	SPL
Self-Storage	-	SPL	-	SPL
Transportation Services (Rest stop, gas station, truck terminal)	-	SPP	SPP	SPP
Industrial	C	HC	EDD	I
Excavation and Fill* (§706)	-	-	-	EXP
Film & Television Studios for Production	-	SPP	SPP	SPL
Warehousing/Distribution	-	SPL	SPL	SPL
Light Manufacturing and R & D	SPL	SPL	SPL	SPL
Heavy Manufacturing	-	-	SPP	SPP
Solar Energy System (Utility)*(§1001)	-	-	-	SPL
Special Agriculture (Greenhouses)		SPL	SPL	SPL
Wireless Communications Tower* (§1004)	-	-	-	SPP
Wind Energy System, Small-scale* (§1003)	SPL	SPL	SPL	SPL

ZP = Zoning Permit **SPL** = Site Plan **SPP** = Special Permit **MP** = Master Plan

EXP = Excavation Permit

* = *Specific use regulations exist in sections indicated.*

603 **COMMERCIAL ACCESSORY USES/STRUCTURES/ACTIVITIES**

603.1 **ACCESSORY APARTMENT, COMMERCIAL CARETAKER.** In EDD, C, and HC, Districts, one dwelling unit may be permitted, as an accessory use, either attached to or detached from the permitted, non-residential principal use, provided the occupant is an employee of the permitted, non-residential use.

- A. General provisions:** In addition to the Design, Access and Parking provisions outlined in §504.1A, the following additional criteria apply to the Commercial Caretaker Accessory Apartment.
1. Only one accessory Commercial Caretaker apartment shall be allowed on property.
 2. The Accessory Apartment may be attached or detached.
 3. The occupant must be employed as an overseer or caretaker (i.e. manager, groundskeeper, or security guard) by the permitted non-residential principal use.
 4. Accessory structures (i.e. sheds, carports, etc.) to the commercial caretaker accessory apartment are prohibited.
- B. Design of Commercial Caretaker Accessory Apartment**
1. The minimum principal dwelling section floor area of the commercial caretaker accessory apartment shall be no less than 400 square feet and shall not exceed 900 square feet, in the opinion of staff, a greater amount of floor area is warranted by the specific layout or circumstances of the particular building or if accessory to a commercial farm.
 2. The external architecture of the accessory apartment shall be the same as that of the permitted non-residential principal use to which it is associated.

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3. For a Commercial Caretaker Accessory Apartment, two additional spaces than what is required for the principal non-residential use, are required for the accessory apartment.
- C. Exterior evidence of residential occupancy shall be buffered or screened.

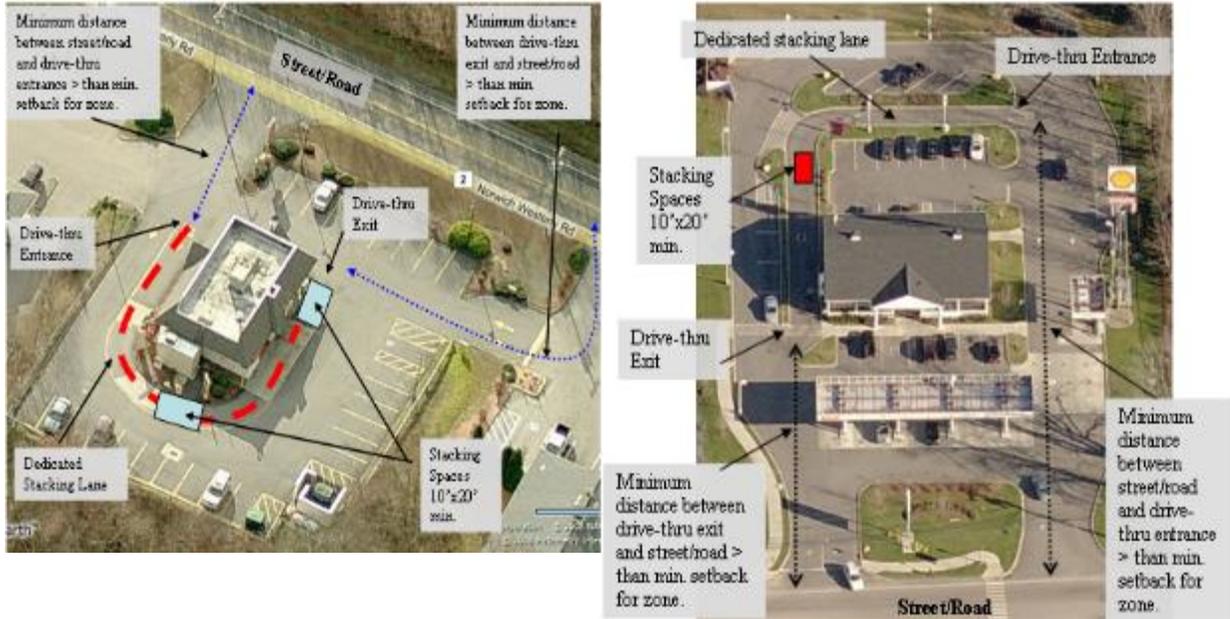
603.2 DRIVE-THRU WINDOW

The purpose of these regulations is to promote good access management and to protect the rural character of the town by regulating the location and design of drive-thru windows. The requirements for drive-thru windows are as follows:

- A. Off-street stacking for waiting automobiles between the drive-thru entrance and drive-thru windows (“dedicated stacking lane”) shall be provided based on the following ratios:
 1. Fast food/Drive-thru Restaurant w/Drive-thru Service Window: ten stacking spaces
 2. Drive-thru Financial Institutions/Drive-thru ATM: eight Stacking spaces; four stacking spaces per service window if more than one service window provided.
 3. Pharmacies: four stacking spaces.
 4. All other drive-thru service windows shall have ten stacking spaces.
- B. Stacking provision shall also be made for a least one exiting automobile between the service window (P/U Window) and the drive-thru exit. Such stacking space shall be 20 feet in length, ten feet wide (12 feet wide if adjacent to building), and shall be designed to not interrupt the smooth flow of traffic within the subject site.

Dedicated stacking lanes shall be provided separate from any other drive aisle.
- C. All stacking lanes shall minimize conflict with pedestrian traffic through the use of pavement markings and signage, and may include internal walkways and speed bumps in stacking lanes.
- D. The minimum distance between the street and the drive-thru entrance, and the distance between the drive-thru exit and the street line, shall be greater than the minimum setback required for the zone.
- E. No exit or entrance for such facilities shall be within 100 feet of an intersection.

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603.3 HELIPORT

- A. Any heliport will be a private heliport for non-scheduled periodic landing and takeoff of rotor-craft, will be accessory and incidental to another permitted use on the lot and will conform to these Regulations of State and Federal agencies having jurisdiction over aircraft landing and takeoff facilities and use of airspace.
- B. The number of inbound and outbound flights shall be limited to five each per day.

604 DESIGN DEVELOPMENT (MASTER PLANNED DEVELOPMENT)

604.1 Intent: to encourage commercial and mixed use development that reflects the vision of the town with respect to attracting quality development and that respects the New England character of North Stonington, while allowing for creative design that maximizes the economic viability and flexibility for future reuse. Design Developments are permitted in the C, EDD and HC Zoning Districts. Any current, legally existing lot divided by a district boundary, but where any portion of the lot is located within in the EDD, the DD may incorporate the entire lot.

604.2 The Design Development is intended to:

- A. provide flexibility in uses and site design, maximizing development potential while ensuring aesthetically pleasing commercial and mixed use development;
- B. extend greater opportunities for traditional community living, working, housing, and recreation to all residents of the Town;
- C. encourage a more efficient use of land and public services by promoting compact development in appropriate locations; and
- D. provide a mix of uses, including residential, commercial, civic and open space uses.

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604.3 The goal with this regulation is to provide a process by which developers and Commission members can collaborate on the design of a site and arrive at a final project that is both successful for the developer and sustainable for the town. The permitting process will consist of three steps.

- A. Informal workshop to discuss initial concepts and ideas. Some basic concept plans should be provided to aid the discussion.
- B. Master Plan Approval.
- C. Site Plan/Special Permit Approval (depending on the proposed uses).

604.4 Relationship to Zoning Regulations

- A. Unless provided otherwise in this Section, uses within the **Design Development (Master Planned Development)** shall be subject to all provisions and definitions of these Regulations. However, because the intent of the DD is to provide flexibility in design standards in order to achieve important design objectives as described herein, in cases of conflict with other provisions of these Regulations including the zoning definitions, the provisions of this section shall prevail.
- B. Unless expressly prescribed by this Section, all uses, dimensional, architectural, bulk, location, landscaping, parking, and lighting requirements for a DD shall be established by the Commission in its sole legislative discretion as part of an approved Master Plan for that parcel or development area, and the Commission may apply as written to meet the purposes of the DD all particular requirements of these Regulations pertaining thereto. The Commission shall have the final authority to evaluate and make a determination on all such matters.
- C. For the purposes of this regulation, the term “Master Plan” shall include all elements of the “Application Requirements” contained herein: i.e. the “Master Plan”, “Comprehensive Traffic Study”, “Comprehensive Stormwater Management Study”, Documentation of the Availability of Potable Water and Sanitary Sewer Service”, and the “Design Guidelines” including the “Pattern Book”.
- D. The foregoing notwithstanding, nothing in this Section shall be construed to prevent review under the requirements and criteria of §1303 of these Regulations (and, by incorporation, §1302) for any Special Permit application pursuant to §604 which addresses a level of detail for that Special Permit application which was not addressed in the approval of the Master Plan and its accompanying studies. Similarly, nothing in this Section shall be construed to prevent such review for any elements of the Special Permit that differ from the approved Master Plan. The intent of this Section is that any compliance issues which can be addressed at the level of detail afforded by the Master Plan shall not be revisited in the individual Special Permit applications filed in compliance with such Master Plan, while not precluding the Commission from examining the more detailed plans of the Special Permit application in conformance with the criteria of these Regulations that are appropriate to such detailed level of review. The Commission shall have the final authority to evaluate and make a determination on all such matters.

604.5 Permitted Uses (SPL)

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Office, retail, general commercial, hospitality, personal and professional services, manufacturing, civic, open space, and residential uses are all permitted if part of a well-designed, mixed-use development that provides a reasonable mix and balance of such uses.

604.6 Conditional Uses (SPP)

The following uses require a special permit:

- single-family detached housing units;
- any commercial office or research and development uses that utilizes, processes, or manufactures chemicals or any hazardous materials;
- drive-thru windows;
- commercial greenhouses and similar agriculturally related commercial businesses; and
- any use that the zoning district that requires a special permit.

604.7 Design

The following regulations apply to all Design Developments:

- A. DD *shall* employ Sustainable Development practices in accordance with §802 of the Zoning Regulations, including but not limited to low impact development techniques.
- B. Site design *shall* aim to maintain as much of the natural topography and vegetation and wherever possible, developments shall be internalized with no front-yard parking.
- C. All utilities *shall* be located underground.
- D. Shared and on-street parking is *encouraged* for residential units.
- E. Total size of such a development shall be regulated by the ability to provide adequate water and wastewater disposal in accordance with the public health code.
- F. The maximum building height in any DD *shall* be 50 feet/ three stories. The height may be increased as determined by the Commission when such increase adds to the overall architectural character, detail and vernacular style of the structure (referral to and review by the Town's Fire Chief required) so long as the increase in height does not allow additional habitable space.
- G. A Connecticut Licensed Landscape Architect is required to design, certify, and sign the site development plans in association with the other necessary design professionals. The burden of proof is on the applicant to demonstrate to the Commission that the site design requirements have been met or exceeded. Failure to satisfy these or other requirements or to satisfy the Commission that intent of these provisions are met, are reasonable ground for rejecting the application.
- H. Any form of ownership, rental, and management of the site is permissible provided such ownership and management instruments comply with Connecticut State law.

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604.8 Application Elements:

- A. **Master Plan** for the area to be developed, including the elements included on the “Master Plan Check Sheet” found in Appendix ____.
- B. **Comprehensive Parking Study** (“Master Parking Study”) for the area to be developed. The following information should be included in the Master Parking Study:
 1. overall analysis of parking demand for the area to be developed, including shared use analysis if applicable;
 2. types, approximate locations and number of parking spaces to be provided; and,
 3. comparison of parking demand and parking to be provided.
- C. **Comprehensive Traffic Study** (“Master Traffic Study”) for the area to be developed. The following information should be included:
 1. existing and projected background traffic counts on major streets located in and adjacent to the area to be developed;
 2. analysis of anticipated traffic to be generated by the land uses proposed for the area to be developed, including projected levels of service and queuing at key intersections;
 3. description of traffic improvements, including pedestrian; public transit improvements, to mitigate traffic impacts;
 4. anticipated phasing of traffic improvements within project area, and
 5. the Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.
- D. **Comprehensive Stormwater Drainage Study** (“Master Stormwater Drainage Study”). The following information should be included:
 1. analysis of existing and proposed peak rates of storm water discharge from the property for 2, 10, 25, 50 and 100 year storm events;
 2. description of stormwater drainage improvements to be constructed, including phasing based on a 50 and 100-year storm event;
 3. preliminary description of stormwater quality measures to be incorporated into the area to be developed, and
 4. the Study shall be prepared by a licensed, State of Connecticut Professional Engineer. Said document shall be signed and sealed by the licensed preparer.
- E. **Documentation of the Availability of Potable Water and Sanitary Sewer service.** The documentation shall be prepared by a licensed, State of Connecticut Professional Engineer. Said documentation shall be signed and sealed by the licensed preparer.
 1. This documentation shall include but not be limited to engineering feasibility studies of the proposed water supply (such as well data from existing wells on or near the site) and sewage disposal facilities,

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including test pit data and suitability for on-site disposal; or, for public sewers, the capacity of the treatment plant, the general route of sewer trunk lines, and other preliminary feasibility information. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required at the Master Plan approval stage, but shall be required prior to the issuance of any Site Plan and/or Special Permit.

2. Documentation submitted shall establish the feasibility of providing potable water of adequate quantity and quality, and of providing effluent disposal either on-site or via public sanitary sewers; and shall indicate that requisite State and local approvals are reasonably probable under existing laws and regulations. The Commission may accept in satisfaction of this section an engineering feasibility study showing that adequate capacity exists in a sewerage treatment plant which has a pipe connection within three miles of the DD, in combination with the applicant's commitment to make connection to such pipe at no expense to Town taxpayers. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required Master Plan approval stage, but shall be required prior to the issuance of any Site Plan and/or Special Permit.

F. **Design Guidelines** ("Design Guidelines") for the district, including information on the following:

1. **Design intent and project vision.**
2. **A "Pattern Book"** that shall establish the building design standards, including, but not limited to, dimensional requirements; setbacks; architecture, including the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; signs, street furniture, and such other design and architectural details as will allow the Commission to ensure that the individual components of the Master Plan will be clear and enforceable after approval of the DD. All new buildings and all subsequent alterations to those buildings shall meet the following minimum architectural design standards:
 - a. **Architectural Variety.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
 - b. **Scale.** The scale of new construction, including the arrangement of windows, doors and other openings within the façade, shall be compatible with the rural/historic character of the town.
 - c. **Accessory Structures.** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.
3. **Site Circulation** to include:
 - a. pedestrian, including materials to be used for walkways and the location thereof;
 - b. bicycle trails, and the location and construction method thereof;

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- c. public transit access, including the design of bus shelters and the location thereof; and
 - d. motor vehicles, including the hierarchy of road widths and specifications and the width of each type of roadway; the location of parking areas and the methods of screening or buffering them from public areas, and the methods of illuminating them so to avoid glare on adjoining parcels.
4. **Streetscape and landscaping standards**, including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.
 5. **Lighting and signage standards**, including an overall sign plan, with size, location, and method of illumination specified; and overall lighting standards indicating the methods of lighting various types of areas, such as driveways, parking lots, walkways, and building entrances
 6. **Waste disposal facilities** such as dumpster areas and the screening or enclosure thereof.
 7. **Treatment of service areas**, loading and delivery areas and above-ground utilities such as transformer boxes.

604.9 Approval Considerations

As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application for a DD. The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development. The Commission may also require that each phase contain a minimum number or type of uses to assure that the initial phases, standing alone, will further the purposes of the DD as set forth in §604; and may require that certain buildings or certain uses within a phase receive building permits and be under construction before future phases may commence construction. In considering any application for a DD, the Commission shall make a finding, that the Master Plan, including Master Stormwater Drainage Study, Master Parking Study, Phasing Plan, Master Traffic Study and Design Guidelines are consistent with the standards and purposes of a DD set forth in this section; and, in addition, with those criteria set forth in §802 (Sustainable Development) and 1303 (Special Permit) of these Regulations that are applicable to the Master Plan level of detail per §604.4D This reference to Section 1303 shall not be construed to require plans or other materials at that level of detail required for a Special Permit application at the Master Plan approval stage.

604.10 Filing of Approved Master Plan and Zoning Map Amendment

Following approval of a DD, the Master Plan, together with the approved Master Parking Study, Master Traffic Study, Phasing Plan, Master Stormwater Drainage Study, and Design Guidelines, shall be filed in the office of the clerk of the Town of North Stonington.

604.11 Modification of Approved Master Plan

Approved DD Master Plans may be modified by the Commission following the same procedure as when approved. The Commission may modify any of the

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application requirements contained in this section in the event of minor modifications for which such requirements are not necessary in the opinion of the Planning and Zoning Commission to adequately review and decide the application for modification.

604.12 Expiration of DD District

Special Permit approval for a phase of an approved DD must be obtained no later than five years following the approval of the DD Master Plan or, in the event of an appeal of such approval, within five years following the final adjudication of the appeal that the DD is valid (“final approval”). All components of the DD shall be completed no later than ten years after final approval of the DD, provided that the Commission may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of these regulations or the Inland Wetlands and Watercourses Regulations with respect to the DD. Any failure to meet these deadlines shall result in the expiration of the Master Plan which shall become null and void. If the Plan becomes null and void, the Planning and Zoning Commission may place notice of such, on the land records of the Town.

604.13 Special Permit Review

Following approval of a DD Master Plan, all applications for Site Plan and/or Special Permit approval for the structures and other improvements within such Plan shall be filed with the Commission pursuant to the following process:

- A. **Informal Review.** All applicants are encouraged to review all Site Plan and/or Special Permit applications with the Senior Planner on an informal basis prior to the filing of any application.
- B. **Application Process**
 1. Applications for Special Permit approval in a DD must be filed with the Commission and conform to §1303 of these Regulations, except as provided otherwise in this §604. Each proposed use, Site Plan, building or structure, and other component of the application shall include all structures and other improvements within the entire Master Plan or within a project phase as approved by the Commission as part of its approval of the Master Plan, and shall substantially conform to such Master Plan.
 2. The Commission shall conduct a public hearing on any application for Special Permit approval in accordance with the provisions of §1303 and 1306.
 3. If any of the activities proposed in the Site Plan or Special Permit application are regulated by the North Stonington Inland Wetlands and Watercourses Agency (IWA) by authority granted by the Connecticut General Statutes, the Commission shall not render a decision on the application until the IWA has rendered a decision on the application to conduct such regulated activities.
- C. **Application Requirements.** All applicants for Special Permit approval shall provide the application materials required by §1303. The following additional information shall also be submitted.

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1. **Statement of Consistency with Plans, Studies and Guidelines.** A statement shall be provided demonstrating reasonable consistency with the following documents that were approved as part of the DD application, and identifying any deviations from the Master Plan and the reasons for such deviations:
 - a. Master Plan
 - b. Master Parking Study
 - c. Master Traffic Study
 - d. Master Stormwater Draining Study
 - e. Design Guidelines

If, in its judgment, the Commission determines that changes have been made to the Master Plan, including without limitation the size, density, mix of uses, site layout, appearance, and/or design of the development that effect the application's fulfillment of the objectives of the DD, the application may be found not reasonably consistent with the Master Plan, which shall require the filing of an amendment to the Master Plan; and that all other applicable provisions of the North Stonington Zoning Regulations have been satisfied, except as otherwise provided.

2. The applicant shall submit a **Permanent Maintenance Plan** that establishes a yearly maintenance plan which establishes a schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all maintenance activities with respect to private storm drainage systems, utilities and other infrastructure including, but not limited to, landscaping and screening, roads, parking areas, sidewalks, trails and berms, lighting, signage, storage, refuse and litter control, snow removal and other site amenities proposed in the plans. If the development is intended to be a common interest ownership community pursuant to the Common Interest Ownership Act (the "Act"), the applicant shall submit proposed language to be included in the Declaration of the community under the Act binding each unit owner and the unit owner's association to the requirements of the approved maintenance plan. If the development is intended to be something other than a common ownership community, the applicant shall submit a restrictive covenant and easement document which details maintenance responsibilities or another sufficient legal document which stipulates maintenance, covenants and easement arrangements to the satisfaction of the Commission.
3. **Surety.** The Commission may require the posting of bonds pursuant to the provisions of these Regulations including §1306(L), and/or other forms of security deemed appropriate to a particular project at the discretion of the Commission.

605 MIXED USE (RESIDENTIAL & COMMERCIAL)

605.1 Definition: A single building containing more than one type of land use, or a single development of more than one mixed-use structure, where the different types of land uses are in close proximity, planned as a unified complementary

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whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

605.2 The mixture of use shall be residential and any non-residential use currently allowed in the zone.

605.3 No building with a mixed residential and commercial use shall have residential uses allowed on or beneath the first floor, except that residential storage shall be permitted in a basement

605.4 Each residential dwelling unit shall contain its own designated kitchen and bath facilities.

605.5 The square footage in residential use shall not exceed the square footage in commercial use. The square footage of any basement, cellar, attic, accessory use or accessory building shall not be included in the computation.

605.6 There is no minimum number of dwelling units.

606 MIXED USE (COMMERCIAL AND INDUSTRIAL)

606.1 **Definition:** A single building containing more than one type of commercial or industrial land use, or a single development of more than one mixed-use structure, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

606.2 The mixture of use shall be any commercial and industrial use currently permitted in the zone. **There shall be no residential use allowed.**

607 **PLANNED BUSINESS DEVELOPMENT**

A site that is commonly owned or leased or that has been consolidated according to §813 and consists of at least five contiguous acres may be developed for more than one use in a project consisting of one or more buildings. The intent is to group compatible activities in a development that is conceived of as a single project for purposes of architectural design, parking, and site access, loading, landscaping, and buffers. Planned Business Developments are allowed by Site Plan or Special Permit (depending on individual uses) in all non-residential zoning districts.

607.1 Use

- A. The Site Plan for a Planned Business Development shall show the use of the site and building or buildings. Any change in use must be approved by the Commission.
- B. Allowable uses in a Planned Business Development shall include only those uses allowed in the underlying zone.

607.2 Design

- A. The site must consist of at least five contiguous acres.
- B. The front setback for a Planned Business Development shall be that of the underlying Zone.
- C. Signage for the Planned Business Developments shall comply with §900, as applicable.

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607.3 Timing and Phasing Projects

- A.** Because of the size and complexity of projects developed under this section, additional time may be needed to complete construction. The applicant shall submit a development schedule indicating:
 - 1.** approximate date that site preparation will begin;
 - 2.** approximate date that construction of the first building will begin; and
 - 3.** approximate date that site work and building construction will be completed.
- B.** If the project is to be constructed in phases, the first phase shall be at least 50 percent of the maximum square footage of the buildings allowable in the total project. A definitive description of the extent of each phase and expected dates of completion shall accompany an application for phased construction.
- C.** Initial construction shall begin within one year of approval. The Commission may extend this period if requested by the applicant.

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700 **SUPPLEMENTAL REGULATIONS**

The following regulations are supplemental to the uses (identified with an *) listed in Sections 500 and 600.

701 **AGRICULTURE**

Preserving the Town’s existing farms and encouraging new farming activities are strong goals of the town. North Stonington’s farms are central to the community’s rural image and overall value by providing many obvious benefits such as providing tax revenue with little demand on town services; providing wildlife habitats and tracts of open space, essential to maintaining the high quality of life enjoyed by town residents; and by providing local produce, meat and dairy products year round. The purpose of these regulations is to clearly define agriculture and to **promote the economic and operational viability of existing agricultural operations while facilitating and promoting new operations.**

Agriculture is permitted in the R40, R60, R80 and I Zones as a principal use or in addition to any existing permitted principal use.

701.1 **Definitions**

See Section 1600 under “Agriculture” for various definitions relating to agriculture and farming. All such terms are considered agricultural uses and may require permits.

701.2 **Application Requirements**

- A. The following activities/uses require a Zoning Permit and/or Commission review:
1. the establishment of a new agricultural use as defined in §701.1 (A-H);
 2. the expansion or modification of an existing farm/agricultural operation;
 3. Special Agricultural Buildings (See §701.6);
 4. The excavation of farm ponds (see § 706);
 5. the construction of any new structures on a property;
 6. accessory uses and activities specifically identified in Section §701.3; and
 7. any other use/activity specifically identified as requiring a permit.
- B. .

701.3 **Accessory uses (Ag-tivities, tourism, retail)**

The following activities are considered to be accessory to an established agriculture operation. For accessory uses and activities that may currently or in the future involve outdoor events, retail sales, and/ or potential traffic generating activities, a Zoning Permit and/or Commission review is required.

- A. **Agricultural Tourism:** The opening of a working farm or any agricultural, horticultural or agribusiness operation to the public for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. A site plan review (SPL) shall be required when agricultural tourism is to be conducted on any parcel six or more times in any calendar year, or when any agricultural tourism event may reasonably be expected to require parking on any single day for ten or more motor vehicles used by agricultural tourists. Otherwise, agricultural tourism requires only a zoning

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permit (ZP). **B. Ag-tivities:** Events of limited duration on a farm that are incidental to agricultural uses, including (but not limited to) hayrides, corn-mazes, festivals and other similar activities; on-farm sales such as farm stands and pick-your-own operations, retailing farm and farm-related products (farm store); recreational and/or competitive equine enterprises, and on-farm processing operations provided they comply with all applicable state and municipal health codes. A site plan review (SPL) shall be required when Ag-tivities are to be conducted on any parcel six or more times in any calendar year, or when any Ag-tivities may reasonably be expected to require parking on any single day for ten or more motor vehicles used by visitors to the farm. Otherwise, Ag-tivities require only a zoning permit (ZP). Note: A temporary event permit may also be required from the Board of Selectmen.

- C. Non-agriculturally Related Uses:** Activities that are part of an agricultural operation’s overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, fee-based outdoor recreation such as bird watching, snow-shoeing, and other passive recreational activities. A site plan review (SPL) shall be required when such uses may reasonably be expected to require parking for ten or more motor vehicles used by visitors to the farm. Otherwise, such uses require only a zoning permit (ZP).

Small event barns for (but not limited to) retreats, weddings, workshops, classes (i.e. yoga, canning, wool dying etc.) are permitted by SPL, but no outdoor events or amplified music are permitted and adequate parking must be available on site to accommodate all expected motor vehicles.

Event Barns to be used for large-scale events, or any events in which the use of amplified music is planned or anticipated, a **Special Permit** is required. In order to satisfy the conditions of a Special Permit with respect to noise, the Commission may limit the number of events per year and/or prohibit the use of amplified music outdoors.

D. Farm-Brewery (SPL)

A Farm Brewery shall be considered to be accessory to an established agricultural operation where the farmer makes and sells beer from ingredients primarily grown on the farm. (Hard Cider included). A Farm Brewery is permitted wherever agriculture is permitted [Note: A “Brew Pub” would fall under Hospitality Uses, permitted in non-residential Zones per §602]. In addition to the requirements of Site Plan, the following additional regulations shall apply:

1. The brewery shall be considered a “Pilot” or “Nano” brewery if it has production capabilities of no more than 15,000 barrels a year. However, in the I Zones, the manufacturing of greater quantities of beer and full-scale distribution operations may also be permitted as part of Site Plan approval.
2. The brewery shall be clearly subordinate to a primary residence that is owner-occupied.
3. Accessory uses to the Farm Brewery may include a test kitchen, tasting room, retail farm store selling local produce, value-added products, and sealed bottles or other sealed containers of beer produced on site for

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consumption off the premises. Accessory structures such as sheds and barns incidental to the brewery are also permitted.

4. Hours of operation for the tasting room and retail store shall be 12:00pm to 8:00pm (year-round, 7 days a week).

E. Seasonal Roadside Stand and Farm Stores (ZP)

- 1.** Roadside stands are permitted in all Zones and require a Zoning Permit if greater than 50 square feet.

- 2.** Farm Stores of any size require Site Plan approval.

F. General Requirements

- 1. Parking.** Parking for all permitted agricultural accessory uses shall, to the maximum extent possible, be located in areas on the site where they will be the least visible from access roads and adjoining properties but must allow for adequate sightlines for drivers traveling on the adjacent road and entering and exiting such spaces for such road. Setback requirements apply to all parking areas. Due consideration shall be given to the posted speed limit and other pertinent factors. The ZEO and/or Commission may require additional buffering to meet the intent of the parking and landscaping regulations.
- 2. Location and Noise.** The location of outdoor events and activities associated with Agri-tourism and/or Ag-tivities on the farm shall take into consideration the current use of surrounding properties. The Commission and/or ZEO may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties.

If the proposed activity or agricultural use regularly employs the use of an amplified sound system, there shall be a sound-absorption plan in place that confirms compliance with the State of Connecticut DEEP noise standards (§22a-69-1 through §22a 69-7-4) as amended.

701.4 Animals and Fowl

This section is intended to promote, protect, and encourage keeping livestock in an appropriate and responsible manner within the town. The keeping of animals, subject to the following limitations, is permitted in all residential and industrial zones regardless of farm status.

- A.** The keeping of any one animal (other than domestic cats or dogs) whose mature weight is normally 30 pounds or more (“large animals”), including but not limited to a horse, pony, donkey, cow, bison, sheep, llama, alpaca, goat, or pig; **or** the keeping of a flock of more than ten in the aggregate of any fowl, **or** ten in the aggregate of any animal (other than domestic cats or dogs) whose mature weight is less than 30 pounds (“small animals”), shall require a parcel of land containing no less than 40,000 square feet of contiguous area. Except as provided in subsection c, for each additional large animal or for each additional flock of fowl or group of ten small animals, the parcel must contain an additional 20,000 square feet of contiguous area. Limits do not apply to un-weaned animals less than six months in age.

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- B. A flock of six or fewer fowl **or** a group of any six or fewer small animals, as defined in subsection a, may be kept on lots having less than 40,000 square feet of contiguous area.
- C. There is no limit on the number of animals that may be kept on farms having ten acres or more, provided all other applicable provisions of these regulations are met. For properties containing less than ten acres, animal densities beyond those set forth in subsection a may be permitted if the additional animals will be housed solely indoors.
- D. **Animal Waste- Storage and Disposal Best Management Practices**
1. The keeping of animals and fowl and all plans for the storage and disposal of their associated wastes, shall conform to all applicable local, state and federal health, air and water pollution regulations (Note: these may be available through the U.S. Department of Agriculture, Natural Resource Conservation Service, or the UCONN Cooperative Extension Service).
 2. The living quarters of livestock, poultry, and similar animals, and the handling and disposal of solid and liquid wastes must not create a public health hazard or nuisance, or have an adverse effect on the environmental quality of the surrounding area and the community in general, as determined by local and state health officials **and** the Commission and/or Zoning Enforcement Officer.
 3. All animals shall be suitably and adequately confined or controlled at all times.
 4. Animal-keeping areas shall not be permitted directly over land containing an on-site sewage disposal system.
 5. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not be allowed to pollute surface or subsurface water supplies.
 6. **Enforcement.** §701.4(D) applies to the keeping of all animals permitted in §701.4. The ZEO shall have the power to determine Best Management Practices after consulting with appropriate State and/or Local Agencies.

701.5 Signage

In addition to the signs allowed pursuant to Section 312 of these Regulations, a farm may have:

- A. **Agricultural Sign:** One permanent free-standing or attached sign with an area no larger than 16 square feet per side, limited to two sides (no size limit applies to “signs” painted on a barn).

Agricultural signs must comply with all other applicable standards specified in Section 312.

- B. **Seasonal Agricultural Sign:** One temporary free-standing or attached sign associated with a farm stand, seasonal farm stand, or agriculturally related use. Such signs shall not have an area larger than 16 square feet per side, with a maximum of two sides.

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One seasonal agricultural sign per farm stand, seasonal farm stand, and/or agriculturally related use is allowed. One additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm parcel is also allowed. At no time, however, shall any farm have more than six seasonal agricultural signs. Seasonal agricultural signs shall meet all other applicable standards specified in Section 312.

701.6 Specialized Agricultural Building

- A.** In deciding on any application for a special permit for a specialized agricultural building, the Commission shall seek to minimize the impact of any such use on nearby established residential, commercial, and institutional uses by requiring appropriate separation distances, buffers, and access route locations.
- B.** No such building or any associated waste storage or treatment area shall be located closer than 225 feet from a street centerline or closer than 300 feet from any other property line or from a watercourse, except that the distance may be reduced to 100 feet when the adjoining property is permanently preserved open space.

702 SPECIAL PROVISIONS FOR CERTAIN RESIDENTIAL ACCESSORY USES

702.1 ACCESSORY APARTMENTS

The construction and use of one accessory apartment associated with a single-family dwelling is permitted as follows:

A. General Provisions

- 1. Only one accessory apartment shall be allowed on property.
- 2. No accessory apartment shall be approved as accessory to a duplex residential or multi-family residential use.
- 3. The property shall be and shall remain owner occupied.
- 4. The floor area of the (residential) accessory apartment shall not exceed 35% of the total building footprint of the primary dwelling unit (not including decks or detached accessory structures) with an overall maximum of 1,200 square feet.
- 5. The accessory apartment may be either attached or detached; however, the following additional criteria shall apply to attached accessory apartments:
 - a.** The space devoted to the accessory apartment within the principal residence, or non-residential building in the case of a commercial caretaker apartment, must contain a separate, above-grade, exterior entrance which shall not be located on any wall facing any street.
 - b.** The space devoted to the accessory apartment within a single-family dwelling or non-residential building, must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the apartment from an interior doorway serving the remainder of the house (business), and vice versa.
 - c.** At least one side of the accessory apartment shall be at or above grade, with any additional egress being at, or above grade.

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- d. The accessory apartment shall have its own independent bathroom and kitchen facilities.
- e. The minimum lot size shall be that of the underlying zone in which the property is located; i.e., even if the parcel is located within an overlay zone that allows smaller lot sizes, a lot with an accessory apartment must meet the larger lot-size requirements of the underlying zone.
- f. The building, upon establishment of the accessory apartment, shall have any secondary entrance incorporated into the principal residence (or principal non-residential unit) to reflect the architectural style of a single-family unit (or existing non-residential unit for a commercial caretaker apartment).

B. Access and Parking

1. No additional curb cuts shall be created to serve the accessory apartment. Access from the public right-of-way shall serve both the principal dwelling unit and accessory apartment.
2. A total of at least four off-street parking spaces (which may include garage and driveway spaces) shall be provided on the lot. Such parking shall not be located in the required front, side, or rear yard setback.

702.2 HOME OCCUPATION

A. Definition: Home occupations are defined as the use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when *clearly incidental and secondary to the residential use* of the dwelling. Uses such as hospitality, funeral homes, dancing schools, kennels, and animal hospitals are not considered incidental and accessory to a residential use and shall not be deemed a home-occupation.

B. General Provisions

1. Activity associated with the Home Occupation shall not result in conditions or impacts inconsistent with, or detrimental to the residential character of the premises and the neighborhood. There shall be no Heavy Manufacturing permitted.
2. The proposed use shall not create any objectional noise, odor, vibration, or unsightly condition noticeable from any property line.
3. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use.
4. No more than one non-resident is engaged in the activity (or parked) at the site.
5. No more than 20% of the floor area of the principal dwelling or garage shall be used for a home occupation, except that vehicles and equipment associated with the permitted Home Occupation may be parked or stored within the garage or completely enclosed permanent accessory structure.
6. There shall be no outdoor storage of small equipment, parts or any other material related to the Home Occupation.
7. Large commercial vehicles, or excavation type equipment shall not be visible from any property line and must be registered and operational.
8. Vehicle parking shall comply with the residential parking requirements.

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- C. **Commercial Service (off site)** (i.e. Landscaping and Contractors).
1. There shall be no more than one non-resident vehicle parked on site.
 2. No more than four trips shall be generated per day from the site.
 3. There shall be no more three vehicles in excess of 26,000 pounds of gross vehicle weight.
 4. All vehicles and equipment, regardless of gross vehicle weight shall be registered and operational and be stored out of site from all property lines.
 5. Commercial Service Home occupations shall not be permitted on a parcel with a shared driveway.

702.3 KENNEL

A. **Hobby Kennels**

No permit is required for a Hobby Kennel, but the best management practices described in Subsection C below shall apply.

B. **Commercial Kennels**

1. A commercial kennel must have all licenses and permits required by state law, as, for example, by CGS §22-344, and must meet the following additional conditions:
 - a. The primary use of the property must be residential or agricultural. If the property contains a residence, the external architecture of the kennel shall be consistent with that of the residence.
 - b. The minimum lot area shall be ten acres for a commercial kennel.
 - c. Open exercise areas and buildings containing animals shall be a minimum of one hundred feet from any property line.
 - d. The applicant must demonstrate how any adjacent or nearby properties that are zoned or used for residential purposes will be protected from the noise generated by the kennel.

- C. **Best Management Practices.** The user must install and maintain a system that will collect, store, and properly dispose of or treat all waste products generated by the kennel. Applicants for commercial kennels must submit plans for such facilities that conform to all applicable local, state and federal health, air and water pollution regulations.

702.4 RECREATIONAL VEHICLES

A Recreational Vehicle may be parked or stored on a residential lot provided it is not used for living, sleeping, or housekeeping purposes; and, if it is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.

702.5 TEMPORARY MOBILE HOME/TRAILER (RESIDENTIAL USE)

Temporary Mobile Home/Trailer, or other temporary residential unit may be used on a lot by the lot owner only during construction or repair of a dwelling (building permit must be issued for construction of dwelling), for a period not to exceed twelve months. A new application may be submitted for an extension not to exceed one additional year. Such temporary units must be removed from the

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lot prior to issuance of a Certificate of Occupancy (CO) for the permanent dwelling. The maximum permit approval is limited to a two year period and cannot be extended beyond two years.

702.6 BED AND BREAKFAST ESTABLISHMENTS

- A. Minimum lot size shall be two times that of the underlying zone.
- B. The owner of the business must reside on the subject property.
- C. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.
- D. Signs are permitted in accordance with §900 of these Regulations.
- E. No more than eight bedrooms shall be used for overnight guests.
- F. Occupancy by any one guest shall not exceed 14 consecutive nights.
- G. Special events, in excess of 15 guests and not to exceed 50 guests, shall require an additional zoning permit. Any Zoning Permit issued for such events shall specify, and may limit and restrict, the date(s) and time(s) during which the event shall be permitted, as well as the specific locations and areas of the property to be used for such events.
- H. If ownership of the property changes, the original applicant and/or new owner shall notify the Zoning Enforcement Officer within 30 days of transfer of title to the property.

703 COMMERCIAL SERVICES *(Effective 04/11/11)*

Services provided to customers where customers are located and services are generally provided off the premises. Such services include, but are not limited to landscaping, construction, excavation, custom building, painting, plumbing, and/or other such services that primarily render services rather than goods. On-site Commercial services are also permitted and could include copy shops, self-service laundry, photo processing, appliance repair, pet grooming/training, and package and postal services.

- A. Subject to restrictions and prohibitions of WSPOA Regulations.
- B. Equipment and vehicles shall be stored in accordance with §807 and other applicable Regulations.
- C. Additional screening may be required if property abuts a residential property.
- D. **All** Commercial vehicles associated with the Commercial Service and/or stored on the property, must be registered and operational.

704 COUNTRY INN

704.1 Intent. To provide for the short term rental of not more than 20 guest rooms, with the serving of meals. It is the intent of this section to allow for these rentals while still keeping the rural character of the Town intact. The adaptive re-use of buildings with unique structural or historical characteristics, and/or site characteristics that lend themselves to a Country Inn setting, are encouraged.

In a R80 Zone, access to a Country Inn shall only be from a primary arterial, secondary arterial, or primary road).

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704.2 General Provisions

- A. Country Inns shall be occupied by the owner or manager.
- B. A Country Inn shall consist of no more than 30 guest rooms.
- C. There shall be a maximum of four guests per room.
- D. Maximum length of stay shall be 30 days.
 - 1. The owner/manager of the country inn shall maintain a guest book (electronic or otherwise) and make the “book” available to the Town, at the request of the Zoning Enforcement Officer within ten days of written receipt of request. The guest book shall record the names of the individuals staying at the Country Inn and the length of stay.
- E. For *new* construction, complete bathrooms shall be provided at a rate of one per guest room.
- F. Access to each guest room shall be via a main entrance or foyer within the residence. Except as provided in this subsection or as may be required by fire or building code, no guest room(s) shall have a separate exterior access. The Commission may allow other access points if it finds that such accesses will not detract from the overall character of the structure as a country inn and that the size and appearance of the facility will not impair the character of the neighborhood or the use of nearby properties.
- G. Minimum lot size shall be three times that of the underlying zone.
- H. Adequate on-site parking shall be provided.
- I. No facilities shall be allowed for cooking in rooms, but meals may be served by the owner to guests.
- J. Food service can be offered to the general public as an accessory use.
- K. Review shall include but not be limited to appropriateness to the neighborhood, architectural character, and historic preservation. The proposed Site Plan shall, to the extent practicable, incorporate any structural, historical, or natural features that will enhance the unique characteristics of the site.
- L. Special events, in excess of 20 guests and not to exceed 100 guests, shall require an additional zoning permit. Any Zoning Permit issued for such events shall specify, and may limit and restrict, the date(s) and time(s) during which the event shall be permitted, as well as the specific locations and areas of the property to be used for such events.

705 DAY CARE/NURSERY SCHOOL

- A. Minimum lot size shall be three acres.
- B. A single-family residence may coexist on the same lot or in the same building as the Day Care/Nursery School.
- C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting.

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- D. A minimum 25 foot buffer area must be established around the perimeter of the lot. No building, parking lot, driveway (except for the entrance of the driveway onto the street), play area, or any other use is permitted in this buffer area.

706 EXCAVATION (Removal and Filling of Earth Materials)

706.1 Purpose. The purpose of this section is to manage excavation or other removal or filling of earth materials (including, but not limited to, sand, gravel, clay, loam, peat, stone, including stone walls, etc.) so as to minimize environmental damage, disruption of traffic flow, potential disruption of drainage patterns, and disturbance of the surrounding neighborhood, and to ensure adequate restoration of the site for future use when the activity is completed. For the purposes of this section, the mining of trap-rock and/or quarry type stone as a principal use shall be prohibited.

706.2 Applicability:

- A. No contours of any land in the Town of North Stonington shall be altered by the excavation, removal or relocation of earth, loam, topsoil, sand, gravel, clay, stone or minerals or by the depositing of any material, natural or otherwise, except as provided in this Section.
- B. Any person or persons carrying on excavating, filling or earth removal operations in conformance with a valid permit may continue such operations until the termination date of said permit.
- C. Any person or persons carrying on excavating, filling or earth removal operations which, except for their status as a valid nonconforming use, would be invalid under this regulation shall be required to obtain a permit to carry on said operations in accordance with the provisions of this regulation. Said nonconforming users shall also be required to obtain renewals.
- D. **Exemptions.** The following activities are exempt from the Excavation Permit (EXP) requirement of these Regulations, but shall be allowed only after the approval and granting of a Land Disturbance Permit by the Zoning Enforcement Officer. Such permit is required regardless of intended use, except where the activity is for building construction and a Zoning Permit has been issued in conjunction with a Building Permit. In approving the Land Disturbance Permit, the Zoning Enforcement Officer shall be assured that the activity will have no detrimental effect on surrounding activities or land uses; will not result in harmful environmental effects, such as soil erosion, watercourse sedimentation, or dust contamination; and that the applicant will return the site to a stable, natural condition when the activity is complete. To obtain this assurance, the Zoning Enforcement Officer may require the applicant to submit a Site Plan in accordance with any or all of the requirements of §1302 as determined by the Zoning Enforcement Officer.
1. Excavation operations or filling within the legal highway rights-of-way conducted by either the State of Connecticut or the Town.
 2. Operations approved by the Planning and Zoning Commission as a part of an approved subdivision, Site Plan, Design Development (Master Plan), or municipal improvement project.

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3. Excavations or filling as a result of bona-fide landscaping, agricultural or construction operations, provided that no such activity results in the removal of more than 500 cubic yards of earth products or filling more than 500 cubic yards of earth products for each parcel per calendar year. This shall apply to all Land Disturbance Activity in any Zone.

E. Exemptions. The following activities do not require any permit (neither Special Permit nor Zoning Permit)

1. Filling, stockpiling, or storage of earthen materials on a property in any amount less than 100 cubic yards shall be permitted as of right
2. Excavations of farm ponds, approved by the Inland Wetlands Commission are exempt from compliance with these Regulations provided they do not exceed 120,000 square feet in surface area, and spoils are not removed from the premises.

706.3 Excavation Application. Excavation is permitted in the R40, R60, R80, and I Districts with an Excavation Permit or EXP (except that site preparation, or land disturbance that would be exempted above may occur in any zone after obtaining a Land Disturbance Permit from the ZEO). Applications shall include information as required in §1302(Site Plan) of these regulations as well as the information included below, however, the intent is to provide only the information relevant to the proposed Excavation Use and that is deemed necessary to determine compliance with these regulations, and not to require duplicate information. Therefore, any information typically provided for Site Plan approval that is clearly not applicable to the Excavation Use shall not be required. Regulations provided for in Subsection B below shall supersede any similar requirements for a standard Site Plan.

A. Location Map. Minimum scale 1"= 200', certified by a Connecticut licensed surveyor, showing the following:

1. topography of all land within 500 feet of the proposed excavation; two foot contours shall be shown within 100 feet of the activity and at ten foot contours between 100 feet and 500 feet of such area;
2. existing land and water uses on the premises and within 500 feet of the premises, including sewage disposal features and water supplies to the extent these can be determined;
3. watercourses, wetlands, soil types and flood boundaries on and within 200 feet of the premises to the extent that these can be determined;
4. public and private roads providing access to the property;
5. all utilities and easements on the premises; and
6. boundaries and acreage of the premises.

B. Detailed Site Map. Minimum scale 1"= 100', certified by a Connecticut licensed surveyor, showing:

1. topography: existing, any interim, and final grades at two foot contour intervals;
2. location of all proposed roads, utilities, structures, fixed equipment, processing areas;

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3. wetlands and watercourses (flagged by Soil Scientist);
4. delineation of areas of disturbance and of active operations and their acreage; show phasing as planned;
5. typical cross sections of the area to be excavated, showing both existing and proposed grades and bank faces;
6. locations of stockpiles, including stripped topsoil, overburden, and reserve stock materials;
7. a sediment and erosion control plan for use throughout the duration of the operation; and
8. other information as requested by the Commission to determine compliance (i.e. how and where the trucks will be stored, parked and serviced, a review of the U.S. Soil Conservation Service, etc.).

C. Other Information, provided in narrative form:

1. total amount of earth materials to be removed or placed, measured in cubic yards; and where phasing is proposed, amounts should be given per phase;
2. plans for debris disposal;
3. estimate of the number and type of trucks and equipment to be kept and used on the site;
4. estimate of the number of loads per day and week leaving site;
5. proposed future use of the property following completion of operations;
6. boring data, prepared by appropriate professional, taken to four feet beyond the depth of the proposed excavation, indicating the depths, compositions and type of earth materials, and depth to water table; and
7. other information as requested by the Commission to determine compliance.

D. Restoration Plan. Such plan to include:

1. final grades at two foot contour intervals;
2. final drainage patterns and plans;
3. source and type of cover material to be used, to six inch depth;
4. detailed specifications for plantings, including species, sowing rates/planting distances, and the timing of such re-vegetation; and
5. a schedule for such restoration through monitoring of re-vegetation over the first two years following final re-vegetation.

E. Surety Requirement

1. Before an EXP authorizing the activity provided for under this section is signed and delivered to the applicant, the applicant shall deliver to the Commission, or its delegated representative, a surety in an amount satisfactory to the Commission, and in form satisfactory to Town counsel, assuring the completion of all improvements shown on said plan

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and provided for in said EXP. The surety shall include but not be limited to:

- a. the improvements shown on said plan and provided for in said EXP shall include erosion and sedimentation control, restoration of the site according to the approved plan, including and not limited to grading, filling, re-vegetation, and as built certificate after completion of restoration; and
- b. the estimate of the costs of the improvements as defined in subparagraph (a) above, where the estimate shall contain a separate inflation factor for estimated improvement period; and the Commission may refer such estimate to its own engineer for the estimate of costs, and the amount of the final cost estimate as determined solely by the Commission shall be amount of the surety.

706.7 General Considerations. Applications for all excavation permits shall be evaluated according to the following criteria, in addition to the criteria set forth in §1302 (as applicable) of these Regulations.

- A. **Appropriateness of Location.** The compatibility of the proposed activity with the Town's Plan of Conservation and Development; the compatibility of the proposed activity with current and potential uses of surrounding land; the impact of the activity on the use and quality of adjacent watercourses; the creation of potential nuisances such as noise, traffic, odors, dust, visual blight, degradation of natural resources, erosion and sedimentation, and flooding on current and potential uses of surrounding lands.
- B. **Conformance.** Conformance of the proposed activity with Building and Health Codes, Wetlands Regulations, and any applicable Town Ordinances and Regulations in addition to these Zoning Regulations.
- C. **Public Health and Safety.** Accessibility by emergency vehicles, impact on Town roads and infrastructure, potential for groundwater contamination, increased fire hazards, and creation of hazardous grades.
- D. **Protection of Resources.** Potential for detriment to historic, cultural, scenic or natural resources in the surrounding neighborhood and the Town as a whole.

706.8 Permit Standards. The following are minimum standards to be applied to permits for excavation and filling of earth materials.

- A. **Site Size.** No excavation operation shall encompass more than five acres of active operations at any one time. Operations of more than five acres must be phased, with a comprehensive plan for phasing and restoration submitted and approved as part of the application.
- B. **Buffer.** No feature of the operation shall take place within 20 feet of the property boundary, watercourse, or public road, except that excavation may occur to the property line when the finish grade will be the same as the grade of the adjoining property along the property line. Native vegetation shall be maintained on this buffer. If such vegetation is inadequate for screening, the Commission may impose additional screening requirements. Clearly visible boundary markers shall be maintained throughout the operation. The

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boundaries of excavation of any farm pond shall be wholly within the building setback line of the relevant lot.

- C. **Access Road.** A non-erodible, dustless access road shall be provided for a distance of 100 feet from any public road. Such road shall have a functioning anti-tracking surface for a distance of 50 feet from the road.
- D. **Traffic Issues:**
1. Truck access shall be so arranged to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
 2. Truck loads shall be covered with an approved device and shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisances to surrounding properties.
 3. At the point of truck access on a Town road, there shall be an adequate sight line clearance in all directions.
 4. The applicants shall be responsible for cleaning and repairing any state, city, Town or private roads which have been damaged or upon which earth materials have been deposited because of the activities of the applicant or his agent.
 5. The applicant shall provide, at its expense, all necessary special police or traffic control measures deemed necessary by the Commission or its agent.
- E. **Building, Structures, Machinery and Equipment.** No structures or fixed machinery or equipment shall be stored within 100 feet of any residential property line. No processing equipment, such as a screener and/or grader, shall be located within 1,000 feet of any residential structure. Stone-crushing equipment shall not be located within 1,000 feet of an existing residence on a neighboring property in any district, or within 1,000 feet of a residential district boundary.
- F. **Material Processing:** On-site screening, sifting, washing, crushing or other processing of earth materials may be permitted by the Commission, by Special Permit, provided:
1. the lot is 5 acres or larger in size.
 2. the applicant has demonstrated that on-site processing of earth materials will result in a reduction of site-generated truck traffic.
 3. any such processing activity is located per §706.8E above.
 4. Such activity is limited to on-site earth materials only and there shall be no importation or exportation of materials from the site except as specifically approved by the Commission.
 5. All processing equipment shall use noise reduction or mitigating materials or procedures and engine muffler systems.
- G. **Blasting:** Blasting shall be performed in conformance with all applicable State and Federal Laws. There shall be no blasting permitted within 150 feet

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of any occupied dwelling, unless the Commission is provided with a report from a licensed professional engineer indicating that such blasting can be conducted without damage to such dwelling.

- H. **Phased Operations.** Work on a subsequent phase shall not commence prior to reclamation of the previous phase according to the approved plan and approval of such reclamation by the Commission or its Agent. Prior to commencement of activity on any subsequent phase, surety shall be adjusted to ensure performance on that phase. The surety shall not be fully released for any phase until it has been completed.
- I. **Operating hours.** Earth-moving activities, including the loading and movement of trucks on Town roads or State highways, shall be conducted only between 7:00 a.m. to 7 p.m. in the I District and between 8:00 a.m. to 5:00 p.m. in all other districts, and shall not be permitted on legal holidays and Sundays. Operating hours for processing shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. No activities generating noise that is perceptible outside of the premises shall be allowed during any other hours. Municipal operations shall be exempt from these hours.
- J. **Erosion and Sedimentation.** Erosion by wind and water shall be controlled at all stages of operation throughout the disturbed area. Provision for proper drainage shall be planned for the duration of the operation to prevent erosion of slopes, stream scour, and sedimentation, both on and off site, at all times.
- K. **Separating Distance from Water Table.** Unless otherwise provided within these regulations, no excavation shall remove earth materials closer than 4 feet to the spring high water table. This distance shall be maintained throughout the excavation.
- L. **Impact on Wetlands, Watercourses, and Drainage.** No excavation or filling shall be allowed which will cause standing water to accumulate except as required for approved retention and detention basins.
- J. **Topsoil and Overburden Stockpiling.** All topsoil, defined herein as A and B horizons, shall be stripped from the operation area and stockpiled for use in restoration of the site. No topsoil shall be removed from the site. Topsoil and overburden stockpiles shall be maintained separately and such locations shall be shown on the site map.
- K. Measures shall be taken **to minimize dust** blowing onto neighboring properties from any part of the excavation or filling operation.
- L. **Safety.** A permanent gate must be maintained at all access ways to the site. Fencing of hazardous areas may be required for protection of pedestrian or vehicular traffic.
- M. During the period of activity, barricades, **fencing, and gates** shall be erected as deemed necessary by the Commission and/or ZEO to ensure public safety.

706.9 Restoration Standards

- A. **Final Grades.** Within 30 days of the depletion of an area of one acre or more, final grading shall occur, with such grades no steeper than three feet horizontal to one foot vertical rise.

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- B. **Final Surface Treatment.** All stockpiled topsoil (A and B horizons) shall be spread evenly over the surface of the disturbed area. Minimum depth of topsoil shall be six inches.
- C. **Re-vegetation.** A re-vegetation plan shall be provided that will produce permanent, maintenance free vegetation cover. Species selected shall be those most appropriate to site conditions. The submitted plan shall include a chronology of re-vegetation that includes proper documentation to the Town regarding seeding/planting sources and quantities, chronology of installation, and inspection and maintenance until permanent stabilization is achieved. Any area inactive for more than 12 months shall be graded and re-vegetated.
- D. **Debris Disposal.** Debris such as boulders and stumps shall be disposed of without causing environmental degradation or visual blight. Plans for disposal shall be a part of the application.

706.10 Completion of Operations. If no renewal request has been received, the request has been denied, the operation has been abandoned for more than 12 months, or the permit has been revoked, the Commission shall, following a hearing, act to declare the operation complete. Upon such action, site restoration shall commence. Final grading and re-vegetation shall be completed within 180 days. An As-built Plan, showing final grading and depth to groundwater, as prepared and certified by a professional engineer, shall be submitted.

706.11 Permit Duration. An Excavation permit shall be valid for no more than three years from approval.

706.12 Permit Renewal. An application for renewal of the excavation/fill permit must be received at least 60 days prior to expiration of the permit. The renewal application shall contain information as required in these regulations and shall show the nature and extent of excavation/filling and restoration work which has been completed. No permit shall be renewed if it is determined that there are substantial, outstanding violations of any condition of the permit for which the renewal is sought. Renewals may not be granted in more than three year increments. The Commission may require that a professionally prepared certification of compliance of the operation with the approved plan be submitted as a part of the renewal application. Surety amount may be adjusted by the Commission, based on an itemized cost estimate of permit compliance and site restoration submitted by the applicant and reviewed by Town Staff, as a condition of approval of a permit renewal.

706.13 Conformance, Inspection, and Revocation:

A. Conformance with Permit: Premises to be excavated, filled or graded shall be excavated, filled, or graded only in conformity with the permit as approved by the Commission and any deviation from the plan shall be cause for the Commission to revoke the permit.

B. Right of Inspection: As necessary for inspection purposes, any member of the Commission, or its authorized representatives, shall have the right of access to all operations for which excavation or fill permits have been issued or applied for.

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C. Compliance Hearing: If there is a question as to whether or not any of the conditions of this Section have been or are being violated, the Commission may at any time:

1. halt the excavation or filling operation until it receives an updated site plan map, including contours and cross sections, completed by and certified by an engineer or land surveyor licensed to practice in the State of Connecticut; and
2. call a hearing upon five days' notice to the holder of an excavation or fill permit.

D. Findings and Revocation: If the Commission finds, based on a site inspection, an updated site plan, or a hearing, that there is or has been a violation of the permit, the Commission may immediately revoke such excavation or fill permit and order operations suspended.

E. Penalties - For each and every violation of the terms of the permit or of the prescribed conditions under which an excavation or fill permit is issued, as set forth in this Section, the holder of such permit shall be subject to a fine of not in excess of \$150 a day for each day for which each violation continues.

707 FARM WINERY

A Farm Winery is permitted in the R40, R60, R80 and I Zones and access to a Farm Winery shall only be from a primary arterial, secondary arterial or primary road.

707.1 General Requirements: A farm winery shall be permitted only on a farm consisting of at least ten acres, with at least five acres dedicated to vineyards, or to the growing of other fruits used on site for creating wine, and only if it meets all state permit requirements for such facilities (including, but not limited to, § 30-16(5) of the Connecticut General Statutes, as it may be amended).

707.2 A farm winery permit issued pursuant hereto shall authorize the permittee:

- A. to sell wine in bulk from the premises where the wine is manufactured pursuant to such permit;
- B. to sell wine manufactured on the farm winery premises to a retailer in original sealed containers of not more than 18 gallons per container;
- C. to offer free samples of such wine to visitors and prospective retail customers for tasting and consumption on the premises;
- D. to sell at retail from the premises sealed bottles or other sealed containers of such wine for consumption off the premises; and
- E. to sell at retail from the premises wine by the glass and bottle to visitors for consumption on the premises. No farm winery permitted hereunder may sell any such wine not manufactured in such winery.

707.3 Appropriately scaled special events may be considered as an accessory use to a farm winery.

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707.4 The farm winery permittee shall produce within the state an average crop of fruit equal to not less than 25% of the fruit used in the manufacture of the farm winery permittee's wine.

708 FARM WINERY RESTAURANT

A Farm Winery Restaurant (that is incidental and secondary to a Farm Winery) is permitted in the R40, R60, R80 and I Zones. (Do we need to clarify that there can be a farm winery, winery restaurant, residential, and basic agricultural use (growing grapes) on one property??)

708.1 **Intent.** To allow the sale and service of food prepared and consumed at a farm winery, as well as the accommodation of special group events such as weddings to be held at a farm winery. Such activities are to be incidental to a farm winery use.

708.2 **Definition.** A Farm Winery Restaurant shall be a use incidental, complementary, and secondary to a Farm Winery permitted by, or legally existing prior to, the adoption of §707 of these Regulations. A Farm Winery Restaurant shall be conducted in a permanent building in which hot and cold food can be prepared and served to members of the public seated indoors and/or on a patio area adjoining the building. A Farm Winery Restaurant shall accommodate a maximum of one-hundred persons seated or standing indoors and one-hundred persons seated or standing outdoors on a patio area at any one time (for a total of two-hundred persons seated or standing).

A Farm Winery Restaurant may also conduct special events, such as dinners, luncheons, weddings, corporate parties and/or teas, provided that the service of food and/or wine at such special events shall occur solely on the indoor and/or outdoor seating area described herein. The restaurant (both the indoors and the patio portion) shall be closed to the general public while any such special event is going on.

708.3 General Provisions

- A. The Farm Winery Restaurant must be located on a single parcel of land on which the Farm Winery is also located, and the parcel must be a minimum of 25 acres.
- B. The maximum hours of operation of a Farm Winery Restaurant shall be 10:00 a.m. to 10:30 p.m.
- C. No more than three special events per week.
- D. The structure in which food shall be prepared and served indoors shall not exceed 2,500 square feet, including space for entrances, egress, storage, and cooking facilities. The associated outdoor patio space shall not exceed an additional 1,200 square feet. Any such patio shall be designed as an integral part of the indoor restaurant space and it shall be consistent in appearance with the indoor structures and facilities. Such a patio may have an overhead covering such as an awning provided the covering is shown as part of the permit application approved by the Commission.
- E. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.
- F. There shall be one parking space per two restaurant seats.

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- G. In addition to the sign permitted for a Farm Winery, one additional sign may be permitted to identify the Farm Winery Restaurant.
- H. Sound systems to be used at special outdoor or indoor events shall comply with the State of Connecticut DEP noise standards with regard to maximum decibel output (55db daytime/45db night time).
- I. Outdoor events and activities shall take place at a minimum of two hundred feet from any property line. There shall be an appropriate buffer strip that screens any such activity from the adjacent properties.

709 GOLF COURSE DEVELOPMENT

709.1 The purpose of this regulation is to provide for the development of well-planned and environmentally sensitive, public and private golf courses and related accessory uses that:

- A. are designed, constructed and operated to be in harmony with North Stonington's rural character and residential neighborhoods;
- B. preserve and protect North Stonington's historic resources such as historic sites, stonewalls and abandoned roadways;
- C. protect natural resources such as prominent geological features, scenic views, wetlands, watercourses, the aquifer, and important habitat including wildlife species of critical federal, state and/or regional concern;
- D. provide local recreational opportunities; and
- E. contribute to the economic development of the Town.

709.2 **Customary Accessory Uses** may be constructed as part of the Golf Course Development property provided they are designed, maintained, and operated in accordance with these regulations; and provided the Golf Course Development property also contains at least one fully constructed and fully operational 18-hole golf course that is a minimum of 6,800 yards and par 70 as measured by the Professional Golf Association (PGA). The following accessory uses are permitted:

- A. A clubhouse that may include:
 - 1. A restaurant and/or snack bar with sale of alcoholic beverages.
 - 2. A proshop with retail sales of items associated with the recreational activities of the Golf Course Development.
 - 3. A health facility, other than massage establishment, for use by golf course patrons, that may include health therapy programs, cardiovascular and strength training equipment, and sport conditioning facilities.
- B. **Driving Range**
- C. Golf villas for guests are permitted, provided that they are used only to accommodate members and their guests to the Golf Course Development property.
 - 1. Guest villas shall be located and constructed so as to be buffered from adjacent lots containing single family residential homes.

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709.3 Land Requirements. The Golf Course Development property shall comply with the following requirements:

A. Property Size. The minimum contiguous acreage of a Golf Course Development property shall be 200 acres for each 18-hole golf course. The acreage shall be considered to be contiguous even if separated by a public road. Public roads may pass through a Golf Course Development property.

B. Clearing. Clearing for golf course greens, fairways, roughs, vista pruning over wetland resource areas and tees shall not exceed sixty-five percent of the Golf Course Development property.

Total clearing on the property shall not exceed 75% of the parcel.

C. Impervious Surface. Total impervious surfaces shall not exceed 10% percent of the land area of the Golf Course Development property.

709.4 Environmental Management Report An Environmental Management Report (EMR) prepared, signed and sealed by a Connecticut Licensed Landscape Architect and Connecticut Licensed Civil Engineer, shall be submitted as part of the application for a Golf Course Development. This report shall address the Golf Course Development property and the surrounding land characteristics that influence and are influenced by the site on which the development would be built. The EMR shall describe the planning and design process, construction methods, and management of the entire Golf Course Development property. The EMR shall define specific planned actions to be taken by the applicant to achieve the purpose of these regulations as well as conditions imposed by the Commission.

The EMR shall be published in three separate volumes. They are *Site Assessment*, *Site Development*, and *Site Management*.

A. Site Assessment. The applicant shall employ appropriate professionals to prepare a detailed Site Assessment of the Golf Course Development property and regional systems that impact the property. The following studies, at a minimum, shall be conducted and reported as *Volume 1* of the Environmental Management Report.

1. **Slope Analysis ; Soils Analysis; Vegetation Inventory; Wildlife and Habitat Inventory** with specific reference to endangered and threatened species and species of special concern; **Wetlands and Watercourses Resources** for use by the Inland Wetlands and Watercourses Commission;

2. **Public and Private Utilities Inventory; Cultural and Historic Resources Inventory; Delineation of Special Site Features** such as prominent ledge outcroppings, stone walls and stands of or individual specimen trees; **View sheds** to and from the Golf Course Development property.

3. **Traffic Analysis** that includes existing and future traffic volumes, area traffic accident history, existing geometric conditions at the facility entrance, and improvements necessary to provide for safe access onto and off of any public road. Such analysis shall reference the Highway Access Management Plan if one exists.

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B. Site Development. The applicant shall employ appropriate professionals to prepare plans and performance standards for the Golf Course Development that are in sufficient detail for the Commission to determine that the development will comply with these Regulations. In addition to the requirements of Site Plan and Special Permit, the following documents, at a minimum, shall be submitted as *Volume 2* of the Environmental Management Report:

1. **Unbuilt Environment Plan** that includes a map or aerial photograph of the Golf Course Development property showing its pre-development condition without leaves, at sufficient resolution or graphically enhanced to reveal significant features such as existing structures, foundations, stone walls, prominent trees, ledge outcroppings, watercourses, roads and trails. Pre-development groundwater and surface water monitoring shall include analysis for the same elements that will be monitored post-development.

Both existing and proposed property boundary lines and Infrastructure shall be shown on this plan.

2. **Overall Development Master Plan** at a scale of one inch equals one hundred feet that defines all phases and future intentions proposed for the Golf Course Development property. This plan shall show the proposed golf course routing, specifically delineating where and how any prominent features shown on the Unbuilt Environment Plan will be removed, altered or mitigated.

3. **Phasing Plan** that describes the various phases of the project and their schedule.

4. **Construction Sequencing Plan** that includes a timeline showing the entire construction schedules.

5. **Integrated Turf Management Plan** for all golf course and grounds maintenance including specific lists of chemical usage and organically derived products, and the protocol for regular review of their use to minimize adverse environmental impacts.

6. **Water Budget/Management Plan** for all groundwater withdrawal needs on the Golf Course Development property. This shall include the submission of all information provided to the Connecticut Department of Environmental Protection for the application of the site Water Diversion Permit.

a. Identification of the quantities of potable water to be used for clubhouse facilities, maintenance facilities and any other outbuildings using water; and identification of the source of such potable water.

b. Description of irrigation water requirements under normal precipitation conditions and under drought conditions, and identification of the sources of the irrigation water supply.

c. Identification of proposed locations of water wells and ponds, lakes or watercourses to be modified or developed for use as the potable water and/or irrigation supplies.

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- d. A comprehensive water budget analysis to demonstrate the quantitative impact on off-site aquifers, wells and surface water streams or other surface water bodies.
 - e. Plan for addressing potential adverse effects of drawdown on neighboring wells.
 - f. The relationship of the irrigation plan to the Stormwater Management Plan where on-site ponds or lakes are to be used or created as part of the irrigation water supply.
- C. **Site Management.** The following documents, at a minimum, shall be submitted as *Volume 3* of the Environmental Management Report:
1. **Groundwater Quality Monitoring Plan** shall propose locations of monitoring wells and other testing stations, the testing frequency and the protocol for testing, including tests for specific chemicals that are used on the Golf Course Development property.

Action plans for meeting the planning goal for nitrogen/nitrate loading of five ppm for the entire Golf Course Development and actions to be taken by the applicant if water quality goals are not met.

Surface Water Quality Monitoring Plan shall propose the location and protocol of instrument testing of water levels and water quality on all wetlands located down gradient of the Golf Course Development and grounds maintenance activities described in the Integrated Turf Management Plan.

2. **Habitat/Vegetation Enhancement Monitoring Plan** shall propose the specific task commitments, frequency of site visits and action activities, such as biodiversity monitoring, to meet permitted goals and/or conditions.

710 **HOSPITAL**

Hospitals are subject to the following additional conditions:

- A. all ingress and egress from such site shall have direct access to a state or federal highway, or town-owned road;
- B. where any off-street parking, ambulance, or delivery areas abut any residential district, screening shall be provided as per Sections 803 and 804; and
- C. hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

711 **HOTEL**

These Regulations are intended to establish large, high-quality, temporary accommodations for the traveling public that are compatible with the natural appearance and rural character of North Stonington, and that are located and operated to minimize their impact on local traffic, the environment, and community services and utilities; and to ensure that surrounding property values are maintained. The nature of activities associated with hotels such as the accommodation of large numbers of guests for sleeping, eating, and entertainment; and their frequent late arrival and early departure dictates that requirements be imposed to ensure that guests' needs, safety, and welfare are met and that the impact of the activities on surrounding properties is minimized.

711.1 **General Requirements** Hotel use shall be subject to the following standards:

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- A. the minimum size of the use shall be 80 units;
- B. no structures or parking shall be located within the required side or required rear setback areas; and required side and rear setback areas shall contain only landscaping, required buffers, permitted signs, driveways, and sidewalks.

When a site is a portion of property located in two towns, the setback requirements may be waived or reduced to permit orderly coordinated development of the site and location of the structure entirely within the Town of North Stonington. The Commission may require as a condition of approval that development be coordinated between the towns through the dedication of perpetual easements of access to the public road, lot coverage, open space between buildings, etc., and that the owner has obtained prior approval for sewer and water use.

711.2 Unit Allocation Units shall be allocated as follows:

- 1. minimum unit floor area shall be 325 square feet per unit, or a mix of 50% of units at 275 square feet each and 50% of units at 375 square feet.

711.3 Occupancy for any guest in a hotel shall be limited to not more than 30 consecutive days. In no case shall a hotel unit be used as a permanent residence.

711.4 Accessory Uses If a site is used for a hotel, the site and all structures on the site shall be limited to accessory uses incidental to the operation of the hotel. All accessory uses on the site shall be of the same general appearance and character, shall be planned as an integral part of, and shall be located on the same site with the hotel. Such accessory uses shall be limited to the following:

- A. one apartment with kitchen facilities for accommodation by the hotel manager or caretaker;
- B. restaurants and other hospitality uses for serving hotel guests and the general public;
- C. theaters, auditoriums, convention centers, ballrooms, exhibition halls, conference suites, or other similar facilities serving hotel guests and the general public;
- D. recreation and health facilities for use by hotel guests and limited public use;
- E. retail shops and service establishments that are supportive, but supplemental to the principal hotel use;
- F. an outdoor patio, terrace, verandah, gallery, portico, or similar structure for leisure use by patrons for the consumption of food or drink;
- G. a lobby or lobbies, registration desk, manager's office, and public or patron accommodation facilities; and
- H. off-street parking lot or parking garage for the use of hotel guests, patrons, and employees.

711.5. Accessory Use Access All normal access to hotel accessory uses, except recreation and banquet facilities, shall be from within the hotel through a lobby or foyer.

712 MEMBERSHIP CLUB (FIREARMS)

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Typical membership clubs include Sportsman Clubs.

712.1 General Provisions

- A. The membership club must be a registered/incorporated non-profit establishment (under Connecticut General Statute 501(c) (7)).
- B. The minimum acreage required for a Membership Club (firearms) shall be 100 acres.
- C. The use of the membership club facilities and grounds shall be restricted to members of the club only. Any and all non-members shall be accompanied by a regular member at all times.
- D. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of, the membership club; except that overnight camping may be permitted for members.
- E. Food service associated with any membership club (firearms or no firearms) may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises in an area with patron seating or served via a service bar without patron seating but carried to patrons by serving staff, is strictly prohibited in association with any membership club (firearms).
- F. Accessory structures are permitted in accordance with these regulations.

712.2 Accessory Uses

- A. Accessory uses to a **Membership Club (firearms)** (i.e a Sportsman Club) include, but are not limited to, the following.
 - Hunting.
 - Fishing.
 - Overnight Camping (i.e tent camping).
 - Hiking and nature walks.
 - Keeping of Game Birds
 - Organized shooting and archery competitions.
 - Membership meetings/ Special meetings.
 - Safety courses and training events.
 - Special events such as Club dinners, holiday parties, fundraisers, and field day events that may include basic food service.
 - Gun Ranges (also open to law enforcement departments for training on a limited basis).

713 MEMBERSHIP CLUB (NO-FIREARMS)

Typical such membership clubs include such fraternal organizations as Elks Clubs, and VFWs.

713.1 General Provisions

- A. The membership club must be a registered/incorporated non-profit establishment (under Connecticut General Statute 501(c)(7)).
- B. The minimum acreage required for a Membership Club (no-firearms) shall be that of the underlying zone.
- C. The use of the membership club facilities and grounds shall be restricted to members of the club only. Any and all non-members shall be accompanied by a regular member at all times.

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- D. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of the membership club (no-firearms).
- E. Food service associated with any membership club (no-firearms) may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises is permitted in conjunction with normal food service operations only.
- F. Accessory structures are permitted in accordance with these regulations.

713.2 **Accessory Uses**

- A. Accessory uses to a **Membership Club (no-firearms)** (i.e. Elks Club, VFW) include, but are not limited to the following.
 - 1. Special events such as club dinners, banquets, fundraisers, community events and picnics.
 - 2. Membership meetings.

714 **MOBILE HOMES**

714.1 **Mobile Home Locations** No mobile home shall be moved, whether on the same lot or elsewhere in the Town of North Stonington except to achieve greater conformity with these Regulations. Except as provided in §714.3, mobile homes brought into the Town of North Stonington shall be parked or stored, only in an approved mobile home park. **Note:** Construction Trailers/Offices as part of an approved Site Plan (non-residential use) and Temporary Mobile Homes/Trailers/Units to be used during the construction of a residence are not considered Mobile Homes for the purposes of this Regulation.

714.2 **Mobile Home Attachments.** No permanent additions of any kind shall be built onto (permanently attached) or become part of a mobile home, such as to attach the mobile home permanently to the ground or construct a permanent addition as integral to the mobile home (decks and porches are not included here).

- A. The wheels of a mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement of the springs while the mobile home is parked and occupied.

714.3 **Mobile Home Occupancy during Construction of Dwelling.** A permit to occupy a mobile home may be approved by the Zoning Enforcement Officer for one year under the following conditions:

- A. such permit shall be issued to the owner of a parcel on which his or her private dwelling is to be constructed, altered, or reconstructed;
- B. the mobile home shall not be moved onto the property until a building permit has been issued for such building construction and proof of contractual commitment has been established with the Zoning Enforcement Officer; except that when the mobile home is to be used as a temporary residence in place of a dwelling that was destroyed or declared uninhabitable, such building permit and proof of contractual commitment shall not be required and the Zoning Enforcement Officer

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may approve immediate installation and occupancy of the mobile home. In either case, all other parts of Section §714.3 shall apply;

- C. before occupancy, the mobile home shall be connected to the permanent water supply and sewage disposal system that will serve the completed dwelling;
- D. such permit may be issued for not more than one year, and may be renewed only provided the foundation, first floor, and first floor walls and ceilings shall have been constructed before the renewal is granted, the renewal of such permit shall be for a period not to exceed one year;
- E. the Plot Plan filed with the application for the dwelling Building Permit shall show, in addition to information required for building construction, the proposed location of the mobile home, water supply, and sewage disposal system, and such Plot Plan shall become a part of the application for a permit;
- F. the mobile home shall not be occupied after the dwelling is occupied, and the failure to remove the mobile home from the premises within 60 days after occupancy of the dwelling shall be considered a violation of these Regulations; and
- G. the Zoning Enforcement Officer (as authorized by the Commission) shall require surety in an amount or value of \$1,000 to assure conformance with these Regulations.

714.4 Mobile Home Replacement The owner of a permitted mobile home shall be entitled to replace the same with a new or used mobile home, provided such replacement mobile home is equal to or greater in size than the existing mobile home and that the location meets the bulk requirements of the Zoning district. The size of an existing mobile home and the size of a replacement mobile home shall be the product of the length of said mobile home multiplied by its width. The applicant must apply for a Zoning Compliance Permit and prove that:

- A. the existing mobile home sought to be replaced was upon the lot and occupied as a dwelling on May 21, 1964;
- B. said replacement shall not create or maintain a health hazard; and
- C. said replacement shall not create or maintain a fire hazard.

Any permit for mobile home replacement granted under the provisions of this section shall expire and terminate 90 days following its issuance if the replacement is not installed.

An existing mobile home must be removed from the lot on which it was placed within seven days of the placement of the replacement mobile home.

The applicant must obtain from the Town Health Officer, or his deputy, a permit attesting that the on-site sewage disposal system has been inspected and final hook-up of the mobile home to said septic is authorized. In addition, said applicant shall obtain a Certificate of Compliance as prescribed in §1202.

715 PUBLIC UTILITY SUBSTATION

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A public utility substation or telephone equipment building located in any Residential District will conform to the following special standards.

- A. Any building in connection with the use will have a design that is in harmony with residential architecture in the neighborhood.
- B. Any equipment or utility facilities not located in a building will be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.
- C. There shall not be any rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or offices.

716 **RECREATIONAL CAMPGROUND**

Recreational campgrounds shall conform to the following criteria:

716.1 The design of any recreational campground shall conform to the following standards:

- A. The campground shall be located on a well-drained site that is properly graded to ensure drainage and freedom from stagnant pools of water.
- B. Each recreational vehicle space shall be at least 1,000 square feet and the total number of spaces shall not exceed 15 per acre of campground. No campground shall be permitted on a site of less than 25 acres.
- C. All recreational vehicle spaces shall abut upon a driveway not less than 12 feet wide for one-way traffic or less than 25 feet wide for two-way traffic. No space shall be closer than 30 feet to any property or street line bounding the campground, or less than 100 feet from any existing residence. Spaces and driveways shall be identified by a letter, number, or combination thereof.
- D. Under no conditions will anyone be permitted to park in a roadway or driveway. These must be kept open for emergency use by the fire department or ambulance.
- E. There shall be a minimum 25 foot buffer strip between the recreational campground and property boundary. The strip shall contain a screen of shrubbery or trees not less than four feet above the ground level at the time of occupancy and shall thereafter be suitably and neatly maintained. The screen shall consist of at least 50% of evergreens to maintain a dense screen at all seasons of the year. There shall be a fence on the property line between the campground and any highway, street, or abutting property.

716.2 Recreational facilities shall be provided in recreational campgrounds in accordance with the following standards:

- A. A minimum of 500 square feet per recreational vehicle space shall be developed for recreational or playground uses. Mechanical outdoor amusement rides are expressly prohibited.
- B. Playgrounds shall be protected from main highways and parking areas.
- C. Recreational facilities shall be designed and maintained to promote maximum safety for the users, adjacent property owners, and the general public.

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- C. A responsible attendant or caretaker shall be in charge at all times to keep the recreational campground, including facilities and equipment in a clean, orderly, and sanitary condition.
- D. Recreational campgrounds shall provide the following supporting facilities:
1. Sanitary facilities, consisting of flush toilets, lavatories, and showers with hot and cold running water shall be provided at all recreational campgrounds in numbers specified by the State Public Health Code.
 2. Each recreational campground shall have a lobby or office with a registration clerk.
 3. A recreational campground may maintain a store and coin-operated laundry for the convenience of its campers. Free access shall be provided for delivery trucks.
 4. Ice, soft drink, candy, may be provided subject to the State Public Health Code.
 5. Off-street parking space shall be provided for visitors and employees. Minimum parking spaces shall be six for any campground, plus one additional parking space for every 25 recreational vehicle spaces or fraction thereof.
 6. Campgrounds accommodating recreational vehicles with holding tanks shall provide facilities for the dumping and disposal of wastes from such holding tanks in accordance with the State Public Health Code.

716.3 A recreational campground may accommodate travel, vacation, and recreational camping equipment and vehicles currently registered from May 15th to October 15th. Occupancy at the campground shall not be construed as qualification for residency in the town of North Stonington and no recreational campground may accommodate or rent space to anyone for more than 180 days in any calendar year.

From October 15th to May 15th, recreational campgrounds may accommodate travel, vacation, and recreational camping equipment and vehicles currently registered for a period of no more than 30 days, in a select portion of the recreational campground that will remain accessible by emergency vehicles during the winter months. Recreational camping vehicles and equipment may be stored, unoccupied, at an approved recreational campground for the off season.

717 **SENIOR HOUSING COMMUNITY (SHC)**

717.1 Purpose: The purpose of the Senior Housing Community (SHC) regulations are to provide residential dwellings, with access to medical or healthcare facilities and services, exclusively for persons ages 55 years and older, that are sited on land at a greater density than otherwise permitted for residential use.

In Senior Housing Community, the applicant shall present sufficient information to the Commission to demonstrate that adequate restrictions have been placed on the property to limit occupancy to elderly and handicapped persons.

717.2 Application Requirements: Applications for a SHC shall be submitted in accordance with the Site Plan application requirements of §1302 and the Design Development requirements (§604) and Site Design Standards (§800).

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717.3 Bulk and Area Requirements: It is the purpose of this section to permit variations in height, bulk, density, and residential use types which would not otherwise be possible in order to meet the special needs of the elderly and handicapped; and permit flexible site design so that development may be constructed in harmony with and preserve natural site features.

- A. Minimum Parcel Size: 5 acres.
- B. Maximum Building Height: 40 feet or three stories.

717.4 Maintenance: The applicant shall present sufficient information to the Commission to demonstrate that adequate provisions have been made for the sustained maintenance of the development in general and also for the sustained maintenance of the roads and open space.

717.5 Fire Protection: An applicant shall be required to provide an automatic fire suppression system in all projects where more than one dwelling unit is contained within the same building.

717.6 Age Restrictions: Where a proposed project has a density of no more than four dwelling units per acre and meets the provisions of the U. S. Fair Housing Act as amended as it pertains to "Housing for Older Persons," the Commission may waive the requirements related to unit size and number of allowable bedrooms and increase maximum lot coverage where a proposal meets the following additional criteria:

- A. Each dwelling unit shall be occupied by:
 - 1. Persons who are 55 years of age or older.
 - 2. A spouse may be younger than 55 years of age.
 - 3. Occupant who survives his or her spouse.
 - 4. Occupant whose spouse has entered into a long-term continuing care facility.
 - 5. Children 21 years of age or older may reside with their parent(s).
 - 6. Paid caregiver.
- B. In no event may a dwelling unit be occupied by more than four residents.
- C. The proposed development shall be a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes.

718 VETERINARY OR ANIMAL HOSPITAL

Veterinary or animal hospitals are subject to the following standards:

- A. The minimum lot area shall be as required by the underlying district or 60,000 square feet, whichever is greater.
- B. All activities shall be conducted either within an enclosed building that shall be sufficiently soundproof, or in such a manner so as not to create a nuisance to adjoining property owners or the general public. Any open areas for animals shall be a minimum of 100 feet from any property line.
- C. There shall be no boarding except as required for medical treatment. Said boarding shall be accessory to the principal veterinary outpatient use.

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- D. Applicant shall provide plans describing the design, installation, and maintenance of a system that will collect, store, and subsequently dispose of or treat all Waste Products other than domestic sewage. All plans for the storage and disposal of wastes shall conform to all applicable local, state and federal health, air and water pollution regulations so as to not create a public health hazard or nuisance, or have an adverse effect on the environmental quality of the surrounding area and the community in general, as determined by local and state health officials, the Commission or Zoning Enforcement Officer.

718 WIND AND SOLAR ENERGY FACILITIES

718.1 Solar Energy Facility Standards

A. Lighting and Signage

1. **Lighting.** Lighting of the solar energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be designed to minimize glare on abutting properties and shall be directed downward with full cut-off fixtures to reduce light pollution.
2. **Advertising** Solar energy facilities shall not be used for displaying any advertising.

B. Utility Connections. Utility connections from the solar energy facility shall be located underground when feasible. Applicants who wish to use above-ground interconnections must demonstrate why underground utilities are infeasible (e.g., due to soil conditions, shape, or topography of the site or to specific requirements of the utility provider).

C. Safety. The applicant shall provide a copy of a project narrative/summary and Site Plan to the local emergency services entity, as designated by the Commission. The applicant shall cooperate with any request of such local emergency service entity(ies) to develop an emergency response plan.

D. Clearing of Vegetation. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar energy facility and is otherwise prescribed by applicable laws, regulations and ordinances.

E. Unauthorized Access. Solar energy panels or other structures part of a solar energy facility shall be designed to prevent unauthorized access. The Commission may require fencing to ensure public safety.

F. Monitoring and Maintenance. The solar energy facility shall be maintained in a neat, clean, operating condition. All maintenance shall be performed in a timely manner. Maintenance shall include, but not be limited to, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services.

718.2 Small Wind Energy Facility Standards

These regulations shall apply to wind energy conversion systems that (1) consist of a horizontal access or vertical access wind turbine, a stationary tower, control or conversion electronics, and associated accessory structures; (2) are intended primarily to reduce on-site consumption of utility power; and (3) have a rated

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capacity of not more than 60kW. Such systems are not to be utility scale, where the primary use is electrical generation to be sold on the wholesale electricity market.

- A. **Special Application Requirements.** Special Permit applications for small wind energy systems shall include a Plot Plan (in place of required Site Plan of the subject property), drawn to a scale of not less than one inch equals 40 feet horizontal on sheets 24” x 36” in size. The Plot Plan shall be drawn upon a drawing base that uses the existing Town GIS data for the information required in the application check sheet in appendix. The application shall include Profile Drawings showing the tower and all appurtenances, minimum and maximum height above the ground of turbine blade tips, footings, and guy wires or other structural supports. The Applicant shall provide a report containing a description of the tower with technical supporting documentation establishing its structural integrity and need for accessory structures.
- B. **Limitation of Structures.** In all zones, a maximum of one turbine and one tower is permitted per three acres of land.
- C. **Tower Height.** Tower height (the height above natural grade of the wind turbine hub plus the distance to the tip of blade) shall not exceed 100 feet. A fall zone with a radius equal to 1.1 times the tower height shall be provided within the parcel upon which the tower is located. The height of the blade shall not be less than 15 feet from the ground.
- D. **Appearance.** The tower and accessory structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and built environment.
- E. **Setbacks.** Guy wire anchors and accessory facilities may extend no closer to property lines than the minimum zoning district setback requirements for accessory structures.
- F. **Wetlands and watercourses.** Small wind energy systems shall not be located within any inland wetlands and watercourses, tidal wetlands, or coastal resources as defined in Title 22a of the Connecticut General Statutes.
- G. **Noise.** Small wind energy systems shall not exceed noise and vibration standards as set forth in the State of Connecticut DEP Noise Standards 22a-69-1 through 22a 69-7-4. The applicant shall submit any available information regarding the noise generated by the proposed facility.
- H. **Signs.** Advertising signage, communication devices, cellular dishes or the like shall not be attached to a tower.
- I. **FAA Requirements and Lighting.** Wind energy systems shall comply with applicable FAA regulations as specified in 14 CFR Part 77, entitled “Objects Affecting Navigable Airspace.” Towers shall not be artificially lighted unless required by FAA. If lighting is required, the Commission shall review available lighting alternatives and approve a design that will cause the least disturbance to surrounding views.
- J. **Fencing.** The Commission may require fencing to ensure public safety.

718.3 Large Wind Energy Facility Standards

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These regulations shall apply to all wind energy systems that do not meet the criteria set forth in Section 718.2 for small wind energy facilities.

- A. Height** (as measured from ground to height of tower plus distance to tip of blade). Wind facilities shall be no higher than 400 feet unless the applicant demonstrates that such height reflects current industry standards for a similarly sited wind facility.
- B. Setbacks**. Wind turbines shall be set back from any abutting property line a distance no less than a distance equal to the height of the tower plus the distance to the tip of the blade. The distance may be increased by the Commission if it finds that special local conditions require an additional setback for public safety, protection of neighborhood character or aesthetics, or other reasons.
- C. Color and Finish**. The turbine and tower colors must be reasonably designed to blend with the surrounding environment.
- D. Lighting and Signage**
 - 1. Lighting** Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
 - 2. Advertising** Wind turbines shall not be used for displaying any advertising.
- E. Utility Connections**. Utility connections from the wind energy facility shall be located underground when feasible. Applicants who wish to use above-ground interconnections must demonstrate why underground utilities are infeasible (e.g., due to soil conditions, shape, or topography of the site or to specific requirements of the utility provider).
- F. Support Towers**. Monopole towers are the preferred type of support for the Wind Facilities.
- G. Emergency Services**. The applicant shall provide a copy of the project summary and Site Plan to the local emergency services entity, as designated by the Commission. The applicant shall cooperate with any request of such local emergency service entity(ies) to develop an emergency response plan.
- H. Shadow/Flicker**. Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant shall provide a shadow flicker and blade glint model for any proposed wind energy facility..
- I. Noise** Audible sound from a wind energy facility shall not exceed 50 dBA as measured at the property line of any abutter. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989 titled *Procedures for the Measurement and reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
 - 1.** The applicant shall provide a noise study that includes baseline and pre-construction ambient noise levels, as well as the potential noise of the

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facility including low frequency, audible and inaudible, infrasound, and any other noise.

2. The applicant shall have the burden to prove that the noise generated by the facility will not have adverse impacts on persons or property reasonably likely to be affected by the property.

J. Land Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

K. Unauthorized Access Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access. The Commission may require fencing to ensure public safety.

L. Ice Throw Calculations The applicant shall submit a report from a professional engineer that calculates the maximum distance that the ice from the turbine blades could be thrown. The basis for the calculation and all assumptions must be disclosed.

M. Avian and Wildlife Impact. The applicant shall conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

N. Electromagnetic Interference

1. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation
2. No individual tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

O. Monitoring and Maintenance. The applicant shall maintain the wind facility in good condition. All maintenance shall be performed in a timely manner. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

P. Additional Site Plan Information. In addition to any information needed to satisfy the requirements for Site Plan or Special Permit approval, an application for approval of a wind energy facility must include the following information:

1. **Location Map.** Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

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2. **Area Plan.** A one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than ten feet, showing the following:
 - a. property lines for the site parcel and adjacent parcels within 300 feet;
 - b. outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 2,000 feet; include distances from the wind facility to each building shown;
 - c. location of all roads, public and private on the site parcel and adjacent parcels within 500 feet, and proposed roads or driveways, either temporary or permanent;
 - d. existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 500 feet;
 - e. proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc;
 - f. location of viewpoints referenced below in § 718.3(P)(3);
 - g. location of wildlife protection areas within 2,500 feet of proposed wind facility; and
 - h. the area that could be potentially impacted by ice or blade throw.
3. **Visualizations** The Commission shall select a minimum of four sight lines, including from the nearest building with a view of the wind facility, for pre and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two mile radius of the wind facility. View representations shall have the following characteristics:
 - a. all shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views);
 - b. all shall include existing, or proposed, buildings or tree coverage; and
 - c. all shall include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

719 WIRELESS COMMUNICATIONS TOWERS, ANTENNAS AND FACILITIES

719.1 Intent. These regulations are specifically intended to:

- A. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of towers needed to serve the community;
- B. Encourage providers to co-locate their facilities on a single tower;
- C. Site facilities below visually prominent ridge lines;

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- D. Minimize the location of facilities in visually sensitive areas;
- E. Encourage creative design measures to camouflage facilities;
- F. Protect historic and residential areas from potential adverse impacts of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

719.2. Siting Preferences. The locations for siting the equipment involved in or associated with wireless telecommunication services are listed below in order of preference.

- A. On existing structures such as buildings, water towers and utility poles.
- B. On existing or approved towers.
- C. On new towers less than 60 feet in height located in commercial or industrial zones.
- D. On new towers less than 60 feet in height located in residential zones.
- E. On new towers 60 feet or greater in height located in commercial and industrial zones.
- F. On new towers 60 feet or greater in height located in residential zones.

719.3. Area and Height Requirements

- A. **Lot Size:** Wireless telecommunication sites containing a freestanding tower shall require a minimum of 20,000 square feet in area. Minimum lot size shall still comply with the underlying zone.
- B. **Height:** No tower, including the antenna and all other appurtenances, shall exceed 200 feet in height above ground level. The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.
- C. **Setbacks:** All freestanding monopole towers shall be setback 1 foot from any property line for every 1-foot of vertical height.

719.4. General Requirements

- A. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.
- B. No lights shall be mounted on proposed towers unless otherwise required by the FAA.
- C. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or grey.
- D. Towers may not be used to exhibit any signage or other advertising.
- E. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future

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rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

- F.** Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- G.** No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
- H.** The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
- I.** All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- J.** All generators installed in conjunction with any wireless telecommunication site shall comply with State and local noise regulations.

Chapter 8 – Site Design Requirements

801 **SITE DESIGN STANDARDS AND REQUIREMENTS**

801.1 **Application:** All of the Site Design Requirements in Chapter 8 of the Regulations shall be applicable to any use that requires a Site Plan, Special Permit or Master Plan. The parking requirements in Section 804 and the outdoor lighting requirements in Section 810 shall be applicable to all uses, regardless of whether a Site Plan application must be filed.

801.2 **Intent:** The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and consistent with the general character of the community, neighborhood, and surrounding properties; to ensure aesthetically pleasing development and site design; and to enhance and maintain the rural New England character of North Stonington.

802 **SUSTAINABLE DEVELOPMENT**

802.1 **Energy Efficient Design:** The Commission encourages all applicants to provide energy-efficient site designs and patterns of development, including but not limited to:

1. passive solar energy techniques that maximize solar heat gain and minimize heat loss during the various seasons;
2. renewable energy sources for heating, cooling, and electricity; and
3. appropriate building orientation, street and lot layout, vegetation, natural and man-made topographical features, and solar access.

802.2 **Low Impact Development (and Design):** In order to minimize the negative impacts of development on the environment, all proposed developments, including municipal developments, should, where feasible, implement Low Impact Development (LID) practices and techniques, as defined in Section. The Commission may deny a site plan if the Commission determines that it does not incorporate reasonably available LID techniques.

802.3 **Performance Standards:** Uses that are subject to Chapter 8 of these Regulations shall be designed to minimize any injury or nuisance to nearby premises by reason of noise, vibration, radiation, fire and explosive hazard, electromagnetic interference, humidity, heat, glare, and other physical impacts that may be caused by the use. The Commission may require the modification of proposed site plans if it finds such modifications appropriate or necessary to minimize or reduce any such impacts.

802.4 **Infrastructure and Utilities:** Internal roads and travelways must be designed to accommodate all projected traffic flows. All utilities shall be located underground.

802.5 **Environmental Protection.** In accordance with CGS §22a-19, uses that are subject to Chapter 8 of these Regulations shall be designed in such a manner as

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to avoid any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state.

803 **LANDSCAPE DESIGN STANDARDS AND REQUIREMENTS**

803.1 **Purposes:** In addition to the purposes set forth in § 801.2 of these Regulations, these landscaping design standards are intended to provide privacy from visual intrusion, light, dirt, and noise; prevent the erosion of soil; provide water recharge areas; and preserve or improve the quality of the environment and attractiveness of the Town of North Stonington.

803.2 **General Requirements:** All landscape designs shall be sensitive to the character of the surrounding properties and area and shall use native species. Invasive species shall be prohibited as part of any landscape plan.

803.3 **Perimeter Landscape Area Requirements:** Any use subject to site plan review shall provide an ornamental landscaped area along the perimeter of the property, excluding areas specifically reserved for vehicular or pedestrian access or for other accessory uses designated on the proposed site plan. The landscaped areas shall be a minimum of ten (10) feet in width and shall be designed with a combination of grass, shrubs, flower, shade trees and other vegetative materials skillfully designed to provide a visual landscaped buffer between adjacent properties and to enhance the aesthetic appearance of the district.

803.4 **Landscape Buffer Requirements:** When a Site Plan or Special Permit application is submitted for the establishment of a new use, and the parcel is abutted either (1) by any Residential Zone or (2) by any existing use that would be allowable as of right or with Site Plan review in a Residential Zone, a landscaped buffer no less than 25 feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and dissimilar aesthetics. Due consideration should be given to the character of existing districts and uses in determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening. The Commission may require a wider buffer if it finds that adequate screening cannot be provided by a 25-foot-wide buffer.

803.5 **Completion of landscaping.** All landscaping shown on the approved Site Plan shall be completed before issuance of a Certificate of Occupancy unless the landowner provides surety, in a form and amount satisfactory to the Commission, assuring completion within a specific time, not to exceed one year. Such surety shall be forfeited if the work shall not have been completed within such time limit.

804 **PARKING REQUIREMENTS AND DESIGN STANDARDS**

804.1 **Application and Scope:** For any use hereafter established, off-street parking and loading shall be provided in accordance with this §804.

804.2 **Maintenance Required:** All spaces required to be provided per §804 shall be permanently maintained and made available for occupancy in connection with,

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and for the full duration of, the use of land or structure(s) for which such spaces are required.

804.3 Change of use: Any change of use or the addition of one or more uses to an existing use shall require that the aggregate off-street parking specified in this §804 be provided. If such changes are proposed in connection with an existing use that is already non-conforming with respect to parking requirements, such existing use(s) shall also be brought into compliance at such time.

804.4 Number and Size of Parking and Loading Spaces and Berths: Plans for all existing and proposed uses shall provide sufficient on-site parking to accommodate the motor vehicles of all occupants and visitors that may reasonably be expected at any one time, and sufficient loading berths to accommodate the anticipated needs of all planned uses. The standards set forth in §804.5, §804.7, §804.8, and §804.9 shall be deemed to specify the necessary and appropriate number and size of parking and loading spaces, berths and areas in the absence of any contrary evidence. However, as part of a proposed site plan, an applicant may submit evidence that the same or similar uses can be reasonably accommodated with fewer or smaller spaces or berths, or that more or larger spaces or berths will be needed. The Commission shall weigh the credibility of any such evidence in deciding whether the proposed parking and loading plans are adequate.

804.5 Parking Ratios: The following off-street parking ratios shall apply to all uses and/or combination of uses in the absence of any contrary evidence provided in accordance with §804.4. If the proposed number of parking spaces is greater than ten percent (10%) above the minimum number of spaces required by this §804.5, and any such spaces are located outside of a parking garage, the applicant must demonstrate, in accordance with §804.4, why so many spaces would be necessary or desirable. For purposes of the following ratios, the term “maximum shift” means the time or times during which the greatest number of workers (including management, staff, and all other persons employed by the relevant business) are located at the site on a regular (but not necessarily daily) basis. When the calculation results in a fraction, the number shall be rounded to the next highest whole number. The abbreviation “GFA” means gross floor area.

- A. Motor Vehicle Sales/Service:** One space per employee on the maximum shift, plus one space per 500 square feet of internal display area, plus one space per 2,000 square feet of outdoor display area, plus two spaces per service bay.
- B. Financial Institution:** One space per employee on the maximum shift, plus one space per 200 square feet of floor area accessible to the general public.
- C. Bed and Breakfast:** Two spaces, plus one space per guest bedroom, plus one space per employee at maximum shift, in addition to resident parking.
- D. Drive-thru Restaurant (Fast Food):** One space per two permanent seats, plus one space per employee on the maximum shift, plus one space per 50 square feet of floor area devoted to customer service.

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- E. **School**: Two spaces per classroom, plus one space per four seats in any auditorium or gymnasium.
- F. **Funeral Home**: One space per 50 square feet of public area.
- G. **Home occupation**: One space per 250 square feet of area devoted to the home occupation, plus either (a) two spaces if there is only one employee, or (b) one space per employee if there are two or more employees.
- H. **Hospital**: One space per five beds, plus one per full-time employee.
- I. **Hotel**: One and one quarter (1.25) per guest room, plus additional spaces as required by the Commission, plus one space per major shift employee.
- J. **Library**: One space per 500 square feet.
- K. **Lumber Yard/Building Material Sales/Construction Supply Sales/Service**: One space per employee on the maximum shift, plus one space per 250 square feet of floor area accessible to the general public.
- L. **Heavy Manufacturing Facility**: One space per 500 square feet of GFA.
- M. **Light Manufacturing/ Warehousing/Distribution Facility**: One space per employee on the maximum shift, plus one space per fleet vehicle.
- N. **Medical Office/Clinic/Outpatient Care**: One space per employee (including doctors) on the maximum shift, plus three and one-half spaces per treatment room.
- O. **Mixed - use Commercial or Commercial/Industrial Development**: Four spaces per use, plus one space per 250 square feet of GFA of commercial uses, plus one space per 500 square feet of GFA for industrial uses, plus one space per 250 square feet of GFA of commercial uses.
- P. **Multiple-use Commercial Developments with Gas Station**: Ten spaces for gas station, plus four spaces per use, plus one space per 250 square feet of GFA of commercial uses.
- Q. **Day Care/Nursery School**: One and one-half spaces per employee on the maximum shift, plus four spaces, plus adequate drop-off and pick-up areas for children attending the day-care facility or nursery school.
- R. **Office or Professional building**: One space per 300 square feet of GFA.
- S. **Residential Dwellings**: Two spaces per dwelling unit.
- T. **Restaurant**: One space per employee on the maximum shift, plus one space per three seats.
- U. **Retail Stores**: One space per 250 square feet of GFA, but no fewer than four spaces.
- V. **Places of Public Assembly (including places of worship)**: One space per three single-person, fixed seats or, where capacity is not determined by the number of single-person, fixed seats, one space per 60 square feet of floor area available to patrons.

804.6 Uses Not Listed

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The minimum number of parking spaces required for other uses not listed above shall be determined by the Commission based on evidence available in the record. An applicant for such use must submit sufficient information to the Commission to allow it to estimate the number of motor vehicles of all occupants and visitors that may reasonably be expected at any one time. Such information may include, without limitation, evidence regarding the nature, intensity, and mix of the proposed use; projected attendance figures; the number of anticipated employees, visitors or customers; and the experience of similar facilities elsewhere. The Commission may deny an application that fails to provide sufficient, credible information to enable the Commission reasonably to determine the number of parking spaces likely to be required. The Commission may, alternatively, require the applicant to designate an overflow-parking area in the event the parking plan results in insufficient spaces.

804.7 Off-Street Loading Requirements

- A. Size.** Except as provided in §804.4, each required loading berth shall be at least 12 feet wide, 50 feet long and 15 feet high. Such berths shall be in addition to an access driveway and required parking spaces.
- B. Location.** All permitted or required berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within 50 feet of any street intersection. Such loading berths may be enclosed or outside, but in no case shall they be located in a front yard.
- C. Access.** Unobstructed access, at least 12 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.
- D. Number.** For every structure used for commercial or industrial purposes, or for public institutions and facilities, loading berth requirements shall be as follows, except as provided in §804.4:

Floor area	# of Berths
10,000 - 25,000 sq. ft	1 Berth
25,000 - 40,000 sq. ft	2 Berths
40,000 -150,000 sq. ft	3 Berths
Each additional 50,000 sq. ft	1 Additional Berth

804.8 Size of Parking Facilities

Except as provided in §804.4, the standards for parking facilities shall be as follows:

- A.** The dimensions for parking spaces and drive aisles shall conform to the following table:

		90°	60°	45°
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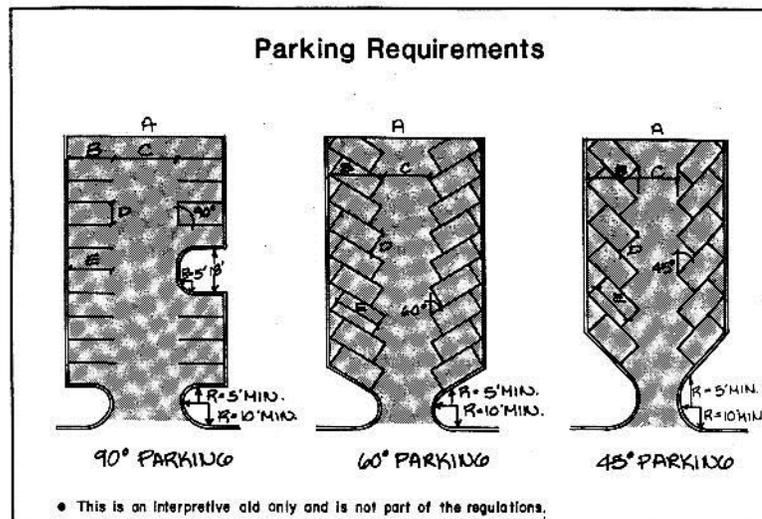
A)	Double parking bay	60 ft.	58 ft.	53 ft.
B)	Depth of bay	18 ft.	20 ft.	19 ft.
C)	Aisle width	24 ft.*	18 ft.	15 ft.
D)	Width of space	9 ft.	9 ft.	9 ft.
E)	Depth of space	18 ft.	18 ft.	18 ft.

*Aisles for single-loaded parking bays may be 22 ft. wide.

B. The dimensions for parking spaces and drive aisles shall conform to the following table: Aisles for 90-degree parking are for two-way circulation, and aisles for 60-degree and 45-degree parking are for one-way circulation.

C. Other Standards:

1. The outside radius of parking lot end islands shall be ten feet minimum.
 2. All other radii shall be five feet minimum.
 3. All interior landscaped islands shall be a minimum width of 18 feet.
- D.** Where parking spaces overhang a concrete or bituminous walk (minimum six feet in width), the depth of the parking space may be reduced by two feet.



E. Reduction in parking facilities.

1. **Permanent shared use reduction.** The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the uses occur at different hours of the day.
2. **Permanent compact space reduction.** In parking lots in excess of 50 spaces, the Commission may allow the installation of compact spaces, not to exceed 25% of the total number of spaces installed, at 8 feet x 16 feet. These spaces shall be clearly designated as compact-car parking.

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F. Parking Lot and Driveway Design.

1. In order to protect the public safety where traffic volumes, patterns, or street geometry warrants, the Commission may require that only one driveway serve any lot, regardless of the length of street frontage, and may designate the location of any driveway. In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot. In the case of a corner lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as is practical. Driveways entering streets at a curve or near the crest of a hill shall be located to provide the maximum sight distances possible.
2. Driveways shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the driveway centerline be less than 60 degrees.
3. Parking lots designed for 90-degree parking are encouraged and may be required by the Commission. However, where a one-way circulation pattern is desired due to traffic safety considerations, the Commission may require angle parking.
4. Parking lot aisles longer than 45 feet may not be dead-ended and must provide continuous circulation unless the Commission finds that sufficient turnaround areas and adequate overall site circulation has been provided.
5. For any use requiring Site Plan approval, the applicant must consider the use of pervious material for surfacing all external parking areas. The Commission may require the use of pervious materials if it determines that such materials would be desirable for groundwater recharge or stormwater management.
6. No parking area or driveways shall be closer than ten feet from any portion of a building other than its garage entrance or loading area apron. This ten-foot area may be used for walkways and/or landscaping.
7. See §805 for additional requirements for non-residential uses.

804.9 Parking for Buses and other Large Vehicles

- A. In addition to the required automobile parking, a minimum of one bus parking space shall be provided for every 40 units in a hotel and for every 80 seats in a restaurant, unless the restaurant is an accessory use to the hotel.
- B. Minimum bus parking space dimensions shall be 10 feet wide x 40 feet long.
- C. The Commission may require additional parking spaces that can accommodate larger vehicles that include, but are not limited to, shuttle vans or limousines that may be typically associated with the proposed use, or expected to be parked on site.

804.10 Parking Lot Landscaping Requirements: Any lot that contains parking facilities for more than ten cars shall also provide landscaped end islands and landscaped center islands within the parking area. Such islands shall be designed and located to maximize the attractiveness of parking lots by providing ornamental landscapes areas and

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shade. The design of such islands must assure adequate circulation, aesthetic appeal, shade, and capacity for snow storage as a result of plowing.

805 ACCESS MANAGEMENT

805.1 Purpose: This section is intended to control the number, size, and location of driveways and access points for business uses in order to promote overall traffic control and promote public safety and welfare.

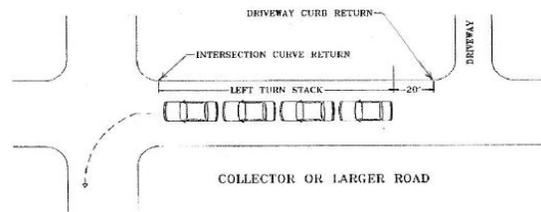
805.2 Commercial Access.

- A. Commercial access is defined as an access way providing a vehicular connection from a public or private roadway to a parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.
- B. Commercial access shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the access-way centerline be less than 60 degrees.
- C. No commercial access shall be located within 100 feet of the rotary (curve radius) of Route 184 and Route 2.
- D. **Sightline Distance:** Access shall be designed and located to provide a minimum sight distance, clear of all obstructions, natural or man-made, of 250 feet in either direction on local access roads, 325 feet on collector roads, and 375 feet on arterial roads.
- E. **Connection to Roads:** The portion of driveway through the right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require a Zoning Permit (unless the access is part of a road approved as part of a subdivision) and the approval of the Town Engineer.
- F. Commercial access shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed:
 - 1. Local access or low volume road: a minimum distance of 50 feet shall be maintained from the driveway curve return to the edge of the right-of-way at the intersection.
 - 2. Collector or larger road: a minimum distance consisting of the left turn stacking distance (described below) plus 20 feet, as measured from the intersection curve return to the driveway curve return, shall be maintained.
 - 3. The left turn stacking distance shall be calculated using the following formula (or based on a traffic study, if available or required):
 - a. **Peak Hour Traffic = ADT/10**
 - b. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections
 - c. Peak hour left turns = 1/4 of peak hour traffic for T-intersections

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- d. $[1.5 \times \text{peak hour left turns} \times 20'] + 20' = \text{driveway to intersection spacing}$
spacing 30

4. Intersection Spacing:



805.3 Frontage Requirements. The project's frontage may be traversed by not more than one driveway, unless the Commission finds that more than one driveway is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.

805.4 Traffic and Access. Access to the lot and internal circulation shall be designed so as to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The Site Plan shall be evaluated on the following basis:

- A. the effect of the development on traffic on adjacent streets;
- B. circulation pattern of vehicular and pedestrian traffic on the site;
- C. provision for parking and loading;
- D. adequacy of sight line;
- E. relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with special attention to promoting pedestrian traffic among adjacent parcels; and
- F. emergency vehicle access.

805.4 Access Driveway Design.

- A. **Driveway Widths.** Unobstructed access to and from a street shall be provided. One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall be a minimum width of 12 feet. Two-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall be a minimum width of 24 feet. An access way may be configured as a boulevard so long as each entrance and exit lane is a minimum width of 15 feet, and the median design is appropriately landscaped.
- B. **Curbing.** The front or primary driveway, entrance, and exit shall be lined, for its entire length on both sides, with curbing if granite or Portland cement concrete unless the Stormwater Management Plan demonstrates that stormwater will be properly controlled without such curbing.

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- C. **Surface treatment.** All parking spaces, loading facilities, and access roadways shall have at least six inches of process stone and 2½ inches of bituminous concrete as surface treatment unless the applicant can demonstrate an adequate all-weather surface consistent with LID techniques and approved by the Commission.
- D. **Grade.** Driveways serving commercial or industrial uses shall have a maximum grade of six percent (6%). Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line. The driveway shall maintain a grade equal to or less than the crown slope of the road from the point where the driveway meets the road to where the driveway crosses the gutter line. This transition is needed to eliminate plows catching their blades on driveways with abrupt grade changes in the vicinity.

Access Driveway Widths				
Type of Use	Minimum Access Driveway Width	Opening Width (including flares)		Minimum Centerline Radius of Curvature
		Minimum	Maximum	
Non-Residential	12 feet	24 feet	TBD at SPL Review	65 feet
Length of Access Driveway		Turnouts		
< 400 feet		None		
400-800		One turnout at midway point of access driveway		
>800 feet		Every 400 feet		

- E. **Handicapped Access.** Parking spaces and general access designed and designated for handicapped persons shall be provided in all parking lots in accordance with the State Building Code and the Connecticut General Statutes, as amended.
- F. **Modification of Site Plans.** The Commission may require the modification of any Site Plan if it finds such modifications necessary to satisfy the requirements of these Regulations. Such modifications may include, but are not limited to, the following:
- A. Closing existing curb cuts, limiting proposed curb cuts, or closing temporary curb cuts when alternative access points become available;
 - B. Limiting turning movements to right turns in or out of curb cuts;
 - C. Aligning access drives or roads with opposing access drives or roads wherever practical;
 - D. Limiting direct access to Route 2 when a parcel has frontage on an adjacent street or highway.

806 REFUSE STORAGE

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806.1 Purpose: This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.

806.2 Requirements.

- A. Refuse storage facilities shall be located in such a manner as be inconspicuous to the general public and neighboring properties.
- B. Refuse storage areas shall be designed on an eight-inch thick concrete pad and shall be enclosed and screened from view with fencing, wall, hedge/shrubs, or other suitable means demonstrated by the applicant.
- C. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or circulation on and of the site.
- D. No refuse storage area shall be located in the required front yard or within ten feet of any property line.

807 OUTDOOR STORAGE

All uses requiring Site Plan approval may store materials and equipment outside of a building only under the following conditions:

807.1 Materials.

- A. All outdoor bulk storage items, including recyclable materials, shall be fully enclosed within approved storage containers.
- B. No outside-storage materials shall be permitted that will attract animals or insects.
- C. No perishable merchandise shall be stored outdoors.

807.2 Location:

- A. The location of all structures to be utilized for outdoor storage must be designated on an approved Site Plan as outdoor storage.
- B. No outdoor storage shall be allowed in the required front, side, or rear yard setbacks, or required buffer areas, and shall be screened so as not to be visible from any street.
- C. No outdoor storage shall be allowed in areas required for parking on the site.
- D. Maximum height of stored material and storage structures shall be six feet.

807.3 Industrial Zones.

- A. All areas for outdoor storage of equipment (including vehicles) or materials shall be located to the rear of the principal building and shall be screened so as not to be visible from any street. Box trailers are permitted.

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- B. Vehicles (or box trailers) shall not be stacked and storage of materials shall not exceed a maximum height of 25 feet.

808 **OUTDOOR MERCHANDISE DISPLAY**

All uses requiring Site Plan approval may display merchandise for sale outside of a building only under the following conditions:

808.1 **Merchandise.**

- A. No perishable items shall be displayed outside, except as permitted for farm stands.
- B. No merchandise shall be displayed outdoors that will attract animals or insects.
- C. No **leaching?** or goods with broken packaging shall be displayed.

808.2 **Location.**

- A. The location of any area to be used for outdoor merchandise display must be designated on an approved Site Plan.
- B. No merchandise display shall be allowed in areas required for parking on the site.
- C. Displayed merchandise shall not be stacked higher than six feet from the ground. Individual display items that are not stacked may exceed six feet (for example, a kayak leaned against the building of an outdoor recreation store).
- D. Outdoor merchandise display shall be screened from adjacent residential properties, as required in Section 803.
- E. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:
 - 1. as part of a permitted Roadside Stand or Farm Store; or
 - 2. if the display is located within 10 feet of the principal structure and does not block any sidewalks, parking spaces, or entrances. The total area of any such display may not exceed 200 square feet.

809 **ARCHITECTURAL CHARACTER, AND HISTORIC AND LANDSCAPE PRESERVATION**

809.1 **General Provisions.** The overall character of the proposed site layout and the architectural character of proposed structures shall be designed, to the extent feasible, to protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and preserve public access to scenic views and vistas and to water courses.

809.2 **Architectural Characteristics**

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In the interest of general welfare and to stabilize and protect property values, applicants are encouraged to respect the New England character of North Stonington.

New England Architecture Styles.

- Early colonial
- Georgian
- Federal
- Jeffersonian (commercial or public building only)
- Greek Revival
- Gothic Revival
- Italianate
- Stick Style
- Shingle Style
- Bungalows
- Period houses
- International Style

809.3 Encouraged Materials and Practices.

- A. Materials, texture, and color used on the exterior walls and roof should emphasize the use of natural materials or should be those associated with traditional New England architecture. Preferred façade materials are brick, stone, and wood, including narrow-width siding, clapboards, wood shingles, or a reasonable equivalent. Metal, unfinished concrete, or concrete block, and asphalt siding is discouraged. Roofing materials, where visible, should be cedar shake, slate, copper, or a reasonable equivalent. Tarpaper, sheet metal, plastic, or fiberglass surfaces are strongly discouraged.
- B. Architectural details characteristic of the particular style and period proposed should be incorporated into the design for new construction and should relate harmoniously to adjacent buildings. Architectural details of a period need not be duplicated precisely, but they should suggest the extent, nature, and scale of the period.
- C. Large structures should have well-articulated façades to reduce the appearance of significant bulk. Provision shall be made to coordinate site architecture with the character of the district. Rooflines should be varied to provide architectural interest.

810 OUTDOOR ILLUMINATION

810.1 Purpose: The purpose of this regulation is to encourage lighting practices and systems that minimize the degradation of the night-time visual environment, thereby

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maintaining night-time safety and security while preventing glare, light trespass and light pollution.

810.2 Exempt Light: The term “outdoor lighting” includes all exterior lighting systems except those associated with the following:

- A. Airports.
- B. Emergency lighting provided such lighting is temporary and is disconnected immediately upon termination of the emergency condition.
- C. Fossil fuel lamps.
- D. Temporary residential holiday lighting, provided it is illuminated for fewer than ninety days per year.

810.3 Lighting Design Requirements.

- A. All exterior lighting systems shall be designed, installed and maintained in such a manner as to minimize or substantially reduce disability glare at any location on or off the property; and to minimize or substantially reduce light trespass beyond the property lot line, minimize sky illumination, and present an overall appearance that is compatible with North Stonington's rural character. All searchlights are prohibited except as may be expressly allowed elsewhere in these regulations.
- B. Poles and standards used for outdoor lighting shall not exceed 20 feet in height (the Commission encourages 12 to 15 foot light poles). Photometric plans shall be required for all lots providing more than 20 parking spaces.
- C. Lighting fixtures shall be full cut-off with low glare and directed lighting.
- D. All non-essential lighting for security purposes shall be turned off after hours.
- E. Area illuminators for parking lots, driveways, pedestrian walkways, and yards shall be pole-mounted or building-mounted. Flood lighting shall be avoided except for loading areas. Building-mounted floodlights may be installed where full cut-off Luminaires are impractical, provided top and side shields are attached and maintained to prevent light emission above a vertical cut-off angle of forty-five degrees.
- F. Fixtures shall be designed and mounted such that neither the light source nor the lens are visible from above a height of five feet at the property lot line. Luminaires with sag lens or drop lens shall be shielded.
- G. Recessed low intensity up-lights, well lights, louvered lights, and cone lights may be used for landscaping purposes only.
- H. The Commission may approve a height greater than 20 feet for sports area luminaires provided the luminaires are designed, located and directed to prevent glare and light trespass.

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- I. Temporary events shall be exempt from the luminaire height and cut-off requirements of these regulations provided a Zoning Permit has been granted for the event and the illumination system will be used only during the temporary event.
- J. The ZEO may approve temporary floodlights higher than 20 feet at a construction site for which a Zoning Permit has been issued, provided the luminaires are designed, located and directed to prevent glare and light trespass.

811 SOIL EROSION AND SEDIMENT CONTROL REQUIREMENTS

- A. A soil erosion and sediment control plan (SE&SC) that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction, shall be submitted pursuant to Section 1205 of these Regulations with any application for development, or before the commencement or continuance of any activity, in which the disturbed area of such development or activity is or would be cumulatively more than one-half acre (21,780 sq. ft.).
- B. For purposes of this section, the term “disturbed area” shall mean an area on which the ground cover is removed or destroyed, leaving the land subject to accelerated erosion. The SE&SC Plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Energy and Environmental Protection.
 - 1. The SE&SC Plan shall include the following information:
 - a. A description of the project and a schedule of the major activities to be constructed on the land.
 - b. Location of wetlands and watercourses.
 - c. Locations of areas to be stripped of vegetation.
 - d. Locations of areas to be regraded and contour data indicating existing and proposed grades.
 - e. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features, and the like.
 - f. Seeding, sodding, or re-vegetation plans and specifications for all unprotected or unvegetated areas.
 - g. Location, design, and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like; and the narrative shall indicate design criteria used in the design of control measures.
 - h. A description of procedures to be followed to maintain sediment control measures.
 - i. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the North Stonington Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.
 - 2. After review of the SE&SC Plan by the Commission, or its designee, the Commission shall certify that the plan is in compliance with these Regulations.

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3. The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which SE&SC Plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.
4. The surety required for improvements in connection with the proposed subdivision shall be required to be sufficient to cover the costs of accomplishing the SE&SC measures.

812 **STORMWATER MANAGEMENT** *(Revised 10/16/09)*

812.1 Purpose and Authority. Increased development without proper consideration of stormwater impacts is a significant source of pollution to surface and ground water. These water resources are valuable natural, economic, recreational, cultural, and aesthetic resources, and their protection and preservation is in the public interest and essential to the health, welfare, and safety of the citizens of the Town. Stormwater management systems shall be designed to manage site runoff to minimize or eliminate surface and groundwater pollution, prevent flooding, control peak discharges and provide pollutant renovation. Design of a stormwater management system shall be in accordance with the Connecticut Department of Environmental Protection “Connecticut Stormwater Quality Manual” (CSQM) as amended and the Connecticut Department of Transportation Drainage Manual. The provisions of these Regulations are pursuant to Connecticut State Statutes and shall apply to all development occurring within the Town. The provisions of this section of these Regulations shall be the minimum requirements for stormwater management plans in the Town of North Stonington, and the enactment of this Regulation shall not preclude the application of applicable town, state and/or federal regulations to the facilities regulated thereby. It is recommended that all applicants meet with the Town Engineer prior to submitting the formal application if possible.

812.2 Applicability. A Stormwater Management Plan is required for any development requiring a Site Plan or for a Subdivision/Re-subdivision that involves the disruption, clearing or removal of ground cover or soil material, or the creation of impervious surfaces in an area greater than one acre, or one half acre if located in the Seasonal Use or Watershed Protection Overlay Area. The stormwater management plan is to be designed to be consistent with the CSQM as amended. The Commission shall use the standards and criteria for decision outlined in the CSQM as amended when reviewing the Stormwater Management Plan.

812.3 Design Criteria.

- A. **Sedimentation.** The system shall remove 80% of the annual solid pollutant loading. CSQM guidelines shall be used in such calculations unless other methodologies have prior approval of the Town Engineer.
- B. **Stormwater Flow.** Provide individual watershed stormwater flows across the site boundary (property line) equal to or less than the pre-existing

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condition. In other words, flows may not be increased within any watershed after development, unless, based on recommendations of the Town Engineer, it can be demonstrated to the satisfaction of the Commission that there would be no resulting onsite or downstream negative effects. This shall be provided for the 2, 10, 25 and 100-year 24 hour rainfall events. The plan must include pre-development and post-development flow calculations for each sub-catchment drainage area.

- C. **Stormwater Volume.** For each of the design rainfall events (above), the volume of stormwater leaving the site shall be equal to the volume of stormwater leaving the site in its pre-existing condition to the maximum extent practical unless, based on recommendations of the Town Engineer, it can be demonstrated to the satisfaction of the Commission that there would be no resulting onsite or downstream negative effects.
- D. **Groundwater Recharge Volume (GRV)** The GRV shall be calculated and managed in accordance with the procedures and recommendations of the CSQM and the Town Engineer.
- E. **Water Quality Volume (WQV)** The WQV shall be calculated and managed in accordance with the procedures and recommendations of the CSQM and the Town Engineer.

In granting the plan approval, the Commission may consider the recommendations of the Town Engineer to make modifications or impose such conditions that may be deemed necessary to ensure compliance with the CSQM, as amended.

812.4 Review Fee. A non-refundable review fee shall be collected per the Town Ordinance Concerning Fees for Review and Evaluation of Land Use Applications and Inspection of Land Use Permit Compliance; at the time the Stormwater Management Plan is submitted.

812.5 Permitting. A Zoning Permit shall not be issued for any development requiring a Site Plan or a Subdivision/Re-subdivision that involves the disruption, clearing or removal of ground cover or soil material, or the creation of impervious surfaces in an area greater than one acre, or one half acre if located in the Seasonal Use or Watershed Protection Overlay Area, unless the Commission has approved a Stormwater Management Plan. Where appropriate, a Zoning Permit shall not be issued without the following, as appropriate:

- A. recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. a recorded stormwater management maintenance agreement;
- C. surety; and
- D. easements from adjacent property owners as necessary.

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812.6 Suspension and Revocation. Any Zoning Permit may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. any violation(s) of the conditions of the Stormwater Management Plan approval;
- B. changes in site runoff characteristics upon which an approval was granted;
- C. construction is not in accordance with the approved plan;
- D. noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility; and
- E. an immediate danger exists in a downstream area in the opinion of the Zoning Enforcement Officer.

812.7 Surety. A surety shall be required prior to the issuance of any zoning and/or grading permit for the construction of a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The surety required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved Stormwater Management Plan, and other applicable laws and regulations, and any time limitations established in the Stormwater Management Plan. The surety shall not be fully released without a final inspection of the completed work by a licensed Engineer and the Zoning Enforcement Officer, submission of “as-built” plans, and certification of completion by a licensed Engineer and the Zoning Enforcement Officer that the stormwater management facilities comply with the approved plan and the provisions of these Regulations.

812.8 Inspection.

- A. The Commission shall designate a professional engineer licensed in the State to conduct inspections at the developer’s expense per the Town Ordinance Concerning Fees for Review and Evaluation of Land Use Applications and Inspection of Land Use Permit Compliance. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plan.
- B. The developer shall notify the engineer responsible for inspections at least forty eight (48) hours before commencing any work in conjunction with the Stormwater Management Plan, and upon completion of the project to set up a final inspection.
- C. Written inspection reports shall be provided to the developer and the Commission and shall include:
 - 1. the date and location of the inspection;
 - 2. whether construction was in compliance with the approved Stormwater management plan;
 - 3. any variations from the approved construction specifications; and
 - 4. any violations that exist.

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- D. The owner-and or developer and, as necessary, the on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. The inspector shall provide the owner and/or developer and the Commission with the inspection reports as soon as possible after completion of each required inspection. Upon issuance of a Notice of Violation, or an unsatisfactory inspection report, all work shall cease until corrective measures are taken and approved by a licensed Engineer and the Zoning Enforcement Officer.

812.9 Maintenance and Inspection.

A. Procedures.

1. The applicant shall execute an inspection and maintenance Agreement binding the property owner and all subsequent owners. Such Agreement shall provide for access at reasonable times for regular inspections by the Commission, or its authorized representative, to ensure that the stormwater facilities are maintained in proper working condition to meet design standards.
2. The applicant and/or owner shall record the Agreement in the Land Records of the Town.
3. The Agreement shall provide that, if after notice by the Commission to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days; the Commission shall have the right, but not the obligation to perform all necessary work to place the facility in proper work condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. Charges shall become a special assessment against the property (i.e. lien). Nothing herein shall make or be construed to make the Commission, the Town, and/or Town officials, employees, representatives, or agents, legally liable or in any way responsible for the cost, inspection, maintenance, and/or operation of approved stormwater management facilities.

B. Responsibility.

1. The owner of the property, and any other person or agent in control of such property, shall maintain in good condition, and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs, or restoration and maintenance shall be in accordance with the approved Stormwater Management Plan.
2. **A maintenance and reporting schedule** shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance and reporting schedule shall be developed as part of the approved Stormwater Management Plan.

- C. **Terms and Conditions.** The agreement shall also provide that the applicant/developer and/or owner and each of their respective representatives, heirs, successors and assigns, shall hold the Town of North

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Stonington and its officials, employees, representatives, agents, boards, agencies and commissions and each of their respective representatives, heirs, successors and assigns, harmless and indemnify them from and against any claims, damages, losses, costs and expenses (including attorney's fees) from any personal injury (including death) and property damage resulting from any act or omission of said applicant/developer and/or owner in the design, construction, inspection, maintenance and operation of stormwater management facilities approved pursuant to this section of these Regulations, and from any acts or omissions, including without limitation, negligent acts or omissions of said Town, and/or its officials, employees, representatives, agents, boards, agencies and commissions and each of their respective representatives, heirs, successors and assigns in the approval and inspection of said facilities or the performance of any activities pursuant to Section 812.9(A)(3) of this Regulation.

- D. Any agreement pursuant thereto shall apply to the owners and/or lessees of the property in question and shall run with the land.

813 **CONSOLIDATED PARCELS**

813.1 **Purpose and Applicability**

- A. This section encourages the consolidated development of parcels located in the Non- residential Zoning Districts to: preserve the capacity and safety of existing arterial roadways; to provide flexibility in meeting bulk requirements; to facilitate integrated development of large areas of land; to reduce parking requirements through shared parking; and, to facilitate consolidation of storm water management systems among smaller parcels.
- B. Any number of contiguous parcels may be consolidated for the purpose of development regardless of ownership, and the consolidated parcel shall be considered to be one lot for the purpose of meeting the requirements of the Zoning Regulations of the Town of North Stonington in the C, HC, EDD, and I Zoning Districts only.

813.2 **Basic Requirements.** applicants shall be required to:

- A. provide for shared access through common driveways, parking lots, service roads and/or cross-easements (whether existing or future) to abutting properties in a location acceptable to the Commission;
- B. construct all or a portion of a shared driveway or service road in order to provide for shared access, where appropriate;
- C. file easements on the land records, acceptable to the Commission and Town Attorney, in favor of the abutting properties and/or the Town to allow for their future interconnection; and

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- D. post adequate surety to provide for closing of a temporary driveway within one year of access being made available through another property in a location preferable to the Commission.

813.3 Additional Requirements. When development occurs adjacent to a development approved under these Regulations and/or two or more contiguous parcels are being developed simultaneously, the Commission may request that the parcel(s) be developed as a consolidated parcel complying with one or more of the following:

- A. the owners of each lot shall, by deed or easement filed in the Office of the Town Clerk, give the Town of North Stonington and/or the owners of all other lots in a consolidated parcel the right of ingress and egress, passage, parking and loading;
- B. the consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping, and signage;
- C. unless the Commission determines that buffers are needed between incompatible uses within a consolidated parcel, yard, buffer, parking, and building setback requirements for individual lots within a consolidated parcel shall not apply but shall instead apply to the consolidated parcel as a whole; and
- D. the Commission may limit direct highway access to individual parcels within a consolidated parcel in accordance with the access management requirements of Section 805.1.

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1100 **PURPOSE**

Overlay areas are especially defined areas of the Town in which there are specific restrictions or qualifications as to permitted use. The areas so defined may encompass more than one zoning district, and are delineated by an overlay to the Zoning Map.

1101 **LIST OF OVERLAY AREAS**

The Town of North Stonington contains the following overlay areas. The Overlay Areas herein described have been established as overlay areas as depicted on the Town's Zoning Map.

- A. Village Preservation Overlay Area**
- B. Water Supply Protection Overlay Area**
- C. Seasonal Use Overlay Area**
- D. Affordable Housing Overlay Zone: Meadow Court**

1102 **VILLAGE PRESERVATION OVERLAY AREA (VP)**

This overlay area focuses on the grouping of historically and architecturally significant buildings in the Village of North Stonington. It overlays the residential district and is intended to protect and preserve the appearance and character of the Village and its individual buildings, regardless of the type of land uses involved. The purpose of this overlay area is to recognize and preserve the unique historical character of the village area.

1102.1 No building, structure, or use shall be permitted that would be inconsistent or harmful to the historic charm and character of the Village because of size, location, design, or use. Specifically, permitted uses are limited solely to those listed under the R40 District residential uses listed in §600 except that existing nonresidential uses may be changed to uses that are considered by the Commission as being compatible with the historical neighborhood.

1102.2 No principal building or use shall be established or changed to another use without a Special Permit.

1102.3 Existing building line setbacks shall be maintained for principal and accessory buildings.

1102.4 The preservation and restoration of derelict structures and reconstruction on documented sites shall be permitted when it can be demonstrated to the Commission that the structure is significant under the criteria of the National Register District.

1102.5 Re-constructing or re-building after a fire or other casualty to buildings or features on documented historic sites within the Village Preservation Overlay Area shall be permitted if it can be demonstrated that the building or feature is significant under the criteria of the National Register District.

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1103 **WATER SUPPLY PROTECTION OVERLAY AREA**

1103.1 Purpose. It is the purpose and intent of the Water Supply Protection Overlay Area (WSPOA) to:

- A. to protect existing and potential public surface water supply watershed areas from sources of contamination,
- B. to protect areas of high groundwater availability from sources of contamination,
- C. to promote public health and the general welfare of the community, and
- D. to promote environmental protection.

1103.2 Use Regulations. In addition to other provisions of these Regulations, the following regulations shall apply for all lots or portions of lots located within the designated water supply watershed protection areas.

1103.3 Conditional Uses:

A. Agricultural Operations, provided they:

- 1. adhere to manufacturer's recommendations and Best Management Practices (BMP's) for the storage or application of fertilizers, pesticides, herbicides, fungicides, or other chemicals associated with agricultural operations; and
- 2. adhere to BMP's for the storage or application of manure. These BMP's are available from the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS). In addition, new or expanded manure storage areas shall conform to NRCS design requirements.

B. Maintenance, washing, servicing, or repair of site-owned commercial, industrial, or fleet motor vehicles or equipment, providing this maintenance, servicing, or repair is performed on an impervious surface designed to collect, contain, and properly dispose of fuels, lubricants, fluids and other potential groundwater contaminants.

1103.3 Prohibited Uses:

- A. Manufacture, use, storage, or disposal of hazardous materials in any watershed area without a spill prevention, control, and countermeasure (SPCC) plan approved by the Planning and Zoning Commission and the Inland Wetlands Commission acting in a water resource protection capacity.
- B. Sanitary landfill, septage lagoon, or wastewater treatment facility for municipal or industrial wastes.
- C. Junkyard, salvage yard.
- D. Truck terminal or bus parking facility with ten or more parking spaces.
- E. Gasoline station, auto repair, auto body shop without a spill prevention, control, and countermeasure (SPCC) plan approved by the Planning and Zoning Commission and the Inland Wetlands Commission acting in a water resource protection capacity.
- F. Bulk storage of road salt for commercial or municipal purposes.
- G. Any use which is not allowed in the respective zoning district.

1103.4 Any parking area within the WSPOA containing ten or more parking spaces shall, when constructed or reconstructed, have a treatment system:

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- A. approved by the Inland Wetlands Commission acting in a water resource protection capacity, and
 - B. be designed, installed, and maintained to retain spills and renovate stormwater.
- 1103.5** Any development within the WSPOA shall provide an acceptable means of pretreatment of runoff as approved by the Planning and Zoning Commission and the Inland Wetlands Commission acting in a water resource protection capacity.
- 1103.6** For the purposes of this subsection, acceptable pretreatment measures will be evaluated in terms of their compliance with current best management practices as published by Federal and/or State agencies.
- 1103.7** This requirement shall not apply to:
- A. single family dwellings on individual lots,
 - B. accessways or driveways serving less than three dwellings, or
 - C. home landscaping or maintenance activities.
- 1103.8** Any stormwater management system, utilities installation, environmental enhancements, or other structures shall be designed, installed and maintained so as to minimize any detrimental effect on ground water and/or surface water quality as determined by the Inland Wetlands Commission acting in a water resource protection capacity.
- 1103.9** Maintenance agreements, including but not limited to agreements with respect to the maintenance and upkeep of soil and vegetative covers for the land and/or covenants acceptable to the Town of North Stonington, shall be given by the owner of the land to the Town of North Stonington to assure compliance with these requirements.
- 1103.10** Earth changes shall be prohibited on slopes greater than 25%, unless the Commission receives a report from the Inland Wetlands Commission acting in a water resource protection capacity which documents that erosion control measures provided with the plan are adequate to meet the purpose and intent of these regulations and to protect public health, safety and welfare.
- 1103.13 Environmental Analysis.**
- A. An Environmental Analysis shall be submitted with any application for a Special Permit, subdivision, site plan, or excavation permit involving lots or portions of lots located within a water supply protection overlay zone.
 - B. The Environmental Analysis shall be prepared and certified by a qualified soils scientist or licensed engineer and shall contain at least the following information:
 1. Impact of the project upon ground and surface water quality and ground water recharge based on applicable water quality standards and including the estimated phosphate and nitrate loading on ground water and surface water from new streets, driveways, septic tanks, lawn fertilizer, and other activities within the development.
 2. Capability of soils, vegetative cover, and proposed erosion control measures to support the proposed development and to prevent erosion, silting or other instability.
 3. Certification that the development shall not cause a diversion of existing drainage water from a reservoir where such diversion would result in a net decrease of volume over what now enters such reservoir.

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1103.14 Plan Notation. All site plans submitted for permitted uses, Special Permit and Site Plan uses; excavation permits; Master Plans; and all plot plans submitted for the issuance of a Zoning Permit, shall note that the proposed development is subject to all the applicable requirements of the Zoning Regulations pertaining to the Water Supply Protection Overlay Zone.

1104 SEASONAL USE OVERLAY AREA

Seasonal residential use of otherwise non-conforming properties within this overlay area is permitted provided that the lots existed before May 21, 1964, ~~and the lot and principal structure meet the requirements indicated in §400.~~ Permitted use is seasonal; that is, occupancy is limited to a maximum of six months in any one year. The minimum residential floor area of a seasonal residence in the Seasonal Use Overlay Area shall be 500 square feet, ~~and the lot frontage must be on a State Highway or Town-accepted road~~ (for any lot created after 5/21/1964).

1105 AFFORDABLE HOUSING DEVELOPMENT OVERLAY ZONE- MEADOWCOURT

1105.1 Intent: The intent is to provide a mix of affordable and market rate housing units on the four lots known as assessor's parcels 3214, 4126, 6957, and 5046, totaling 7.24 acres on the Southerly side of Norwich Westerly Road. The mix of permitted uses may exist within one or more buildings. An Initial Conceptual Site Plan and Affordability Plan consistent with CGS §8-30g and approved by the Commission shall contain provisions that shall supersede the development standards of the underlying zone and other sections of these Regulations as indicated in the approved Conceptual and Affordability plans.

1105.2 Affordable Housing Development ("AHD")- Definition: A proposed housing development in which, for at least 40 years after the initial occupancy of units within the proposed development, (1) not less than 15% of all the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in CGS §8-30g, for persons or families whose income is less than or equal to eighty percent of the AMI or the statewide median income, whichever is less; **and** (2) not less than fifteen percent of all the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent of the AMI or the statewide median income, whichever is less.

1105.3 Permitted Uses

- A. Single Family Residence
- B. Duplex Residence
- C. Multi-family dwellings not to exceed eight units per building
- D. Class I Home Occupations (by Special Permit Only)
- E. Facilities for active and passive recreation
- F. Public utility and infrastructure uses

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All uses and activities (proposed and/or future) shall adhere to the Water Supply Protection Overlay Regulations as set forth in §1103, including without limitation, requirements for a Special Use permit.

1105.4 Bulk and Density

Minimum Lot Size	5 acres
Maximum Density	12 units per acre
Maximum Building Coverage	15%
Maximum Impervious Surface Coverage	35%
Minimum Residential Floor Area per Unit	Studio – 350sf 1 Bedroom – 500sf 2 Bedroom – 700sf
Maximum Building Height	35 ft (max 2 stories)
Minimum Lot Frontage	600 ft.
Minimum Building Separation	10 ft.
Minimum Setbacks	Front - 50ft. Rear - 50ft. Side* - 80ft.

** Side yard Setback may be reduced to 15ft if abutting a commercial use*

Minimum Buffers	To Residential – 50ft. To Commercial – 10ft.
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- A.** Building height shall be measured from the average finished ground level at the building wall to the highest point on the roof. Building height may be increased as determined by the Commission when such increase adds to the overall architectural character, detail and vernacular style of the structure (referral to and review by the Town’s Fire Chief required) so long as the increase in height does not allow additional habitable space.

1105.5 Parking

Parking for residential units shall be calculated as follows:

Studio Unit– 1 space/unit

1 Bedroom Unit – 1.5 spaces/unit

2 Bedroom Unit – 2.0 spaces/unit

Handicap spaces shall be provided in accordance with ADA requirements.

1105.6 Signage

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One sign per driveway entrance shall be permitted for a maximum total square footage of 32 square feet.

1105.7 Landscaping

Landscaping of the site, including all buffer areas, shall be designed so as to protect and enhance the rural character of the Town of North Stonington and shall include a mix of evergreen trees, shrubs, deciduous trees, and ground cover.

1105.8 Sidewalks

Sidewalks shall be provided in suitable locations to provide for safe pedestrian travel; however, sidewalks shall not be required on both sides of the street.

1105.9 Utilities

All utilities including without limitation, electric, telephone, and cable lines, shall be located underground.

1105.10 Water and Sewer

Locations and descriptions of proposed water supply source/distribution system and sewage disposal facilities, together with initial percolation and test pit data shall be provided.

1105.11 Initial Conceptual Site Plan Requirements

- A. Key Map at 1" = 1000' scale.
- B. Approval blocks
- C. Title block, north point, scale, location map, legend, and names of the engineer, architect, landscape architect, or surveyor preparing the plan. Live signature and seals shall be placed on all plans submitted to the Planning and Zoning Commission for all professionals who assisted in the preparation of the plans.
- D. The following site information shall be provided at scale no greater than 1" = 40":
 1. Property Survey and Existing Conditions (Conforming to A2 standards)
 2. General Site Layout
 3. Grading, Drainage, Erosion and Sediment Control Measures
 4. Utility Plan
 5. Landscaping Plan
 6. Lighting Plan
 7. Conceptual Water Supply and Sewage Disposal Plan
 8. Wetlands and floodplains shall be delineated.
 9. Existing and proposed roads, driveways, and parking areas and spaces.
 10. Sightline information at proposed driveway cuts

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11. Location of all existing and proposed buildings and structures. Building setback lines shall be shown.
- E. Floor Plans and Elevations (Scale 1/8"=1')

1105.12 Additional Requirements for an Affordable Housing Development

- A. Accessory structures such as carports or storage sheds shall not be permitted.
- B. Burial of underground petroleum liquid, diesel fuel, and gasoline storage tanks shall be prohibited. Any fuel tanks located above ground shall comply with the Water Supply Protection Regulations (§1103) and shall be appropriately screened.
- C. Affordable Housing Units shall be of a construction quality that is comparable to market-rate units within the development. The conceptual site plan shall identify the locations within the Affordable Housing Development of affordable Units.
- D. If the development is to be built in phases, the Affordable Units shall be built on a pro rata basis as construction proceeds.
- E. Housing Opportunity Units* shall be occupied only as a tenant's or purchaser's principal residence except as provided herein. Subletting of Housing Opportunity Units shall be prohibited unless the tenant is eligible under §8-30g to rent and sublet an affordable unit.

*"Housing Opportunity Unit" means a dwelling unit within an Affordable Housing Development that is subject to long-term price restrictions that comply with §8-30g of the General Statutes as amended.

- F. Preliminary **Traffic Study**. Applicant must submit a Conceptual traffic impact analysis prepared by a licensed engineer. This preliminary traffic study shall include the following data (without limitation): estimations of traffic generated by proposed development; Route 2 traffic conditions and site access; site driveway intersection and site distance; and on-site circulation and parking. The proposed development will require review by the Connecticut Department of Transportation/State Traffic Commission as outlined in Section 1106.13 below.
- G. Preliminary **Stormwater Management Plan**. Applicant must submit a preliminary Stormwater management plan prepared by a Connecticut licensed engineer, and reviewed by the Town Engineer. The Final Site Plan must show conformance with CT Stormwater Quality Manual guidelines and the Town of North Stonington Zoning Regulations regarding Stormwater Management as outlined in §1105.13 below.
- H. **Affordability Plan**. In conjunction with an application for approval of the initial Conceptual Site Plan for a AHD, the applicant shall submit an "Affordability Plan," in accordance with CGS §8-30g, which shall describe how the regulations regarding affordability will be administered. The Affordability Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable units, identification of those units which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy

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income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.

1105.13 Application Procedure

In taking action on the proposed Affordable Housing Development Overlay Zone-Meadowcourt application, the Commission shall act upon each of the following parts of the application:

- A.** Application for Zone Change to create the Affordable Housing Development Overlay Zone- Meadowcourt.
- B.** Application for Text Amendment that includes Conceptual Site Plan and Affordability Plan in accordance with CGS §8-30g which shall substantially determine/fix the basic parameters of the Affordable Housing Development (including general site layout, site characteristics, and general architectural scheme).
- C.** The substantive and procedural requirements of Site Plan submitted in conformance with §1300 of the Regulations except those regulations expressly altered/superseded by the text of the Affordable Housing Development Overlay Zone- Meadowcourt. No building permits shall be issued until a Site Plan has been submitted and subsequently approved by the Commission. It is recognized that the final design configuration within these basic parameters may change to some extent between the time when the preliminary approvals are granted and all building permits are issued (due in part to Coordinating Agency review and approvals). The procedure for Site Plan modification is detailed in §1105.14 below.

Evidence of conformance with the following requirements is to be either included with the Site Plan to be submitted and approved by the Commission or may be a condition of approval of a Site Plan application.

- 1.** Conformance with CT Stormwater Quality Manual guidelines and §812 of these Zoning Regulations regarding Stormwater Management.
- 2.** Conformance with CT Public Health Code Section 19-13-B104 (for design flows greater than 5000 GPD) (Sewage disposal);
- 3.** Conformance with standards and requirements of Southeastern CT Water Authority; CT Department of Public Health and CT Department of Public Utility Control (Water supply);
- 4.** Conformance with CT General Statutes §14-311 (Major Traffic Generator Certificate) and CT Department of Transportation Encroachment Permit procedures; and
- 5.** Conformance with recommendations from the North Stonington Fire Chief, including compliance with NFPA guidelines.

All necessary legal agreements and/or permit approvals required for final Site Plan Approval (to include without limitation: permits and approvals associated with site access, fire suppression, the construction, installation, operation, maintenance, and/or repair of any on-site sewage

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disposal system(s); and/or the extension and provision of a public water supply to the site) must be approved beyond any available legal appeal before any building permits may be issued.

- D. Once a Site Plan has been approved, no Certificate of Occupancy shall be issued until all work has been completed in strict accordance with such plan except as provided in §1105.14 below.

1105.14 Revisions, extensions, and Modifications

It is recognized that because of the complexity of Affordable Housing Development projects, certain changes might occur in the development plan between that time when Conceptual Site Plans are submitted and that time when all permits for construction are granted. Therefore, the following provisions shall govern how revisions, extensions, and modifications of approved plans shall be treated.

- A. After approval is granted to those elements of the Affordable Housing Development Overlay Zone approval described in §§1106.13A & B herein, any revision, extension, enlargement, movement or other change in the development of the site which results in (1) increasing or decreasing land area; (2) increasing the number of units or bedrooms; (3) increasing the non-residential building area; (4) decreasing buffer areas by more than 10%; (5) and/or decreasing the percentage of Affordable Units (unless applicant can demonstrate that the reduction was warranted due to unexpected site conditions or other circumstances beyond their control), shall require the submission of a new Affordable Housing Development Overlay Zone Application.
- B. The Site Plan as described in §1105.13C herein shall clearly indicate all changes proposed subsequent to the approval of the Conceptual Site Plan. Commission approval of a Site Plan shall act to establish those conditions shown thereon as the required conditions, which must be met prior to the issuance of any Building Permits.

However, in no case shall the extent of the development exceed the limitations established within §§1105.3 through 1105.10 herein, except in those cases where modifications of these requirements are permitted as part of the Affordable Housing Development Overlay Zone approval under the provisions of §§1105.13C and 1105.14 herein.

- C. Once a Site Plan has been approved, any revision, extension, enlargement, movement or other change in the development of the site which is proposed hereafter, and which does not exceed the limitations established within §§1105.3 through 1105.10 herein, shall require the submission of a revised Site Plan which shall be acted upon in accordance with the provisions of §1300 of these regulations. Such proposed modifications may be permitted only if approved by the Commission. Any *revised* Site Plan shall clearly indicate all changes proposed subsequent to the approval of the existing Site Plan and approval by the Commission of a revised Site Plan shall act to establish the conditions shown thereon as the required conditions, which must be met prior to the issuance of the Certificate of Occupancy.

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1105.15 Enforcement. A violation of the Regulations contained in this §1105 shall not result in a forfeiture or reversion of title, but the Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under §8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

1106 INCENTIVE HOUSING ZONE

1106.1 Purpose & Authority: The purpose of the Incentive Housing Zone (IHZ) is to permit and encourage the creation of affordable housing in accordance with the principles and requirements of the HOME Connecticut Act (Connecticut General Statutes §8 - 13m et seq.), in the form of an overlay zone at specific eligible locations that have been determined to have on-site septic capacity to support higher density residential development than is allowed in the underlying district.

1106.2 Location Criteria: The IHZ is an overlay zone established and approved under this Section, which is an additional class of zones in addition to and overlapping a portion or portions of one or more of the underlying districts. Except as modified in this Section, the provisions of the underlying district will govern.

The total area of any IHZ will not exceed ten percent (10%) of the total land area of the town; the aggregate of all IHZs will not exceed twenty-five percent (25%) of the total land area of the town. No land shall be zoned for IHZ unless it meets the following location criteria:

1. The land zoned for IHZ must be consistent with the State Plan of Conservation and Development, as may be amended from time to time; generally not within a "conservation" or "preservation" area as designated in such Plan.
2. An area of existing or planned public water supply or sanitary sewers, or both, or in an area demonstrated to be capable of safe water supply and sewage disposal within planned IHZ densities.

1106.3 Permitted Uses:

The following uses are permitted as-of-right with site plan approval:

1. Incentive Housing Development (IHD) - A residential development that is proposed or located within an approved incentive housing zone and within which not less than twenty percent (20%) of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the local area median income adjusted for household size as periodically determined by the U.S. Department of Housing and Urban Development. In determining compliance with this paragraph, the Commission will utilize

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regulations or guidelines published by the Office of Policy & Management, or any other successor agency designated in accordance with Connecticut General Statutes §8-13m et seq. An IHD may consist of the following types of residential uses:

- a. Single-family detached residential uses
 - b. Duplex or townhouse attached residential uses, provided no more than eight dwelling units per building are attached.
2. Open spaces, parks and greenways.
 3. Cultural and recreational facilities associated with an IHD
 4. Related accessory buildings and structures such as sheds and garages are permitted with a Zoning Permit

1106.4 Prohibited Uses:

All uses not expressly allowed are prohibited.

1106.5 Density Requirements

1. Notwithstanding anything to the contrary in this Zoning Regulations, the density and dimensional requirements applicable in the IHZ are as follows:
 - a. Any land owned by the Town or a non-profit housing development corporation at the time of application shall have no minimum density requirement as long as one-hundred percent (100%) of the dwelling units are subject to an incentive housing restriction. The maximum number of units on any such land shall be six (6) dwelling units per developable acre for single family detached dwellings, and ten (10) dwelling units per developable acre for duplex or attached townhouse dwelling units.
 - b. Any land in private ownership shall meet a standard of six (6) dwelling units per developable acre for single family detached dwellings, and ten (10) dwelling units per developable acre for duplex or attached townhouse dwelling units.
2. For the purposes of this regulation, developable acre means the area within the boundaries of a proposed or located incentive housing zone that feasibly can be developed into an IHD consistent with the provisions of Connecticut General Statutes §8-13n to §8-13x, inclusive. "Developable Land" shall not include:
 - a. Land already committed to a public use or purpose, whether publicly or privately owned;
 - b. existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement;

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- c. land otherwise subject to an enforceable restriction on or prohibition of development;
- d. wetlands or watercourses as defined in chapter 440 of the Connecticut General Statutes;
- e. areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as slopes over 15%; (6) 100-year and 500-year flood zones; and
- f. existing or proposed roadways, drainage easements, common driveways, or other common areas.

1106.6 Site Development Requirements

1. The following requirements shall apply to all IHDs.

Minimum Building Setbacks	Front Yard; 30 feet. Side and Rear Yards: 15 feet each
Minimum Space Between Buildings	12 feet
Maximum Building Coverage (percent of lot(s))	20%
Maximum Impervious Coverage (percent of lot(s))	30%
Maximum Building Height	3.0 stories (40 feet)
Minimum Parking Spaces/ Dwelling Unit	2

2. Open Space - Land for parks, playgrounds, recreation areas or open spaces will be provided and reserved in each incentive housing development as deemed necessary and in locations deemed proper by the Planning & Zoning Commission. The land reserved will be of such size, location, shape, topography and general character as to satisfy the needs determined by the Commission. The needs may include, but are not limited to the following;

- a. Preservation of natural resources such as, but not limited to, unusual topography, wetlands, aquifers, agricultural land, wildlife habitat, visual corridors or vistas;
- b. Provision for passive or active recreation;
- c. Retention of natural drainage ways; and,
- d. Establishment of coherent urban form to break up undifferentiated sprawl patterns, provide edges, focal points or centers to enable people to relate to their surroundings or to integrate or separate various types of uses or activities;

In determining the need for reservation of open space, the Commission will be guided, but not limited to, a standard of ten percent (10%) of the land area of the

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IHD lot. The Commission may determine that a lesser area is sufficient to satisfy the need for such open space within the IHD or that such reservation is not feasible because:

- a. Adequate existing parks, playgrounds, recreation areas or open space are available in the neighborhood; or
- b. There is no land in the IHD lot suitable for such reservation.

Open spaces will be easily accessible and will be permanently reserved for the designed use by means acceptable to and approved by the Commission. Land reserved for open space will not be used for the storage of equipment or the deposit of debris. Any physical improvements to open space areas approved as part of the incentive housing development shall be completed prior to issuance of a certificate of zoning compliance unless secured through submission of a performance bond in the amount of the estimated cost of the improvement(s).

Open space shall be reserved in a manner acceptable to the Commission, including any of the following methods;

- a. Deeded to the Town
- b. Deeded to a non-profit organization, or
- c. Held in corporate ownership by owners of lots within the development
- d. Perpetual easement
- e. Any combination of the above or any suitable alternative approved by the Commission

1107.7 Application Requirements

The applicant for an IHD shall submit a site plan application in compliance with Section 1700 of these Zoning Regulations. In addition to the submission requirements outlined in Section 1700, any applicant proposing an IHD shall provide the following as part of the Site Plan Application:

1. A summary of the Incentive Housing Restriction: the number and description of the ownership and/or rental units by address and number of bedrooms to be restricted through deed or covenant to below-market rate sales prices or rents for no less than thirty (30) years.
2. An Affordability Plan that details the administration, monitoring and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Connecticut General Statutes §8-13m et seq.

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3. Designation of an Administrator that will administer the sale or rental of the below-market rate dwelling units. The Site Plan Application shall include the name, address and other contact information for the agency that will serve as the Affordability Plan Administrator. The availability of the Administrator shall be confirmed with the Zoning Official prior to issuance of a Certificate of Zoning Compliance and kept current for the duration of the restrictions and covenants. The Administrator shall submit a report on an annual basis to the Zoning Official demonstrating compliance with die Affordability Plan and these regulations.

1107.8 Enforcement

Upon notification or discovery of a reasonable belief of non-compliance with the Affordability, either the Administrator or the Zoning Official, shall have the power, at any reasonable time, to inspect the property and to review the records of the Administrator in order to determine compliance of the IHD units with the Affordability Plan. Should the Administrator or the Zoning Official determine that the sale, rental, or occupancy of any unit does not comply with the Plan, it shall have all powers granted to it by the Connecticut General Statutes, including §8-12, to assure compliance.

Chapter 12 – Zoning Permits by Staff

1200 Permits by Staff

The following requirements/procedures pertain to all uses and activities that do not require a Site Plan or Special Permit, and therefore may be approved by staff.

1201 Zoning Permit

A. Applicability. No building and/or portion of a building shall be constructed, reconstructed, altered, excavated for, moved or structurally altered in whole or in part for any purpose; nor shall any use be established or changed in the Town of North Stonington without a zoning permit from the Zoning Enforcement Officer or the Commission, issued in conformance with:

1. the provisions Regulations; or
2. to an approval granted by the Planning and Zoning Commission; or
3. to a variance granted by the Zoning Board of Appeals.

B. A permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.

C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.

D. Contents of Application. All applications shall set forth such information as may be required in order to allow the Zoning Enforcement Officer or the Commission to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The Zoning Enforcement Officer may require submission of additional information (e.g. Site Plan, soils data, topography, drainage computations etc.), and documents including a plot plan prepared, signed, and sealed by a licensed land surveyor to insure compliance with these Regulations. The Zoning Enforcement Officer or the Commission may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.

For new dwellings, commercial/business and industrial construction, the Zoning Enforcement Officer may require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that these plans be prepared by a Connecticut licensed engineer and/or land surveyor.

E. Application Procedures

1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
2. If all requirements of these regulations are met, the Zoning Permit shall generally be issued within 30 days; otherwise, the permit shall be denied for stated reasons.
3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such Zoning Permit shall be null and void.

F. Expiration of Zoning Permits

1. Zoning permits issued by the Zoning Enforcement Officer for construction, erection or alteration of a building or structure are valid until a Certificate of Zoning Compliance is issued, or until applicable time limits described herein

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expire. A Zoning Permit issued by the Zoning Enforcement Officer, that is not associated with any other Commission approved Site Work (i.e. Site Plan, Special Permit), shall expire after one year if no work has commenced or if the site work has ceased for a period of one year. The ZEO may grant one extension of one additional year to allow the applicant to commence or continue approved work.

1202 Certificate of Zoning Compliance

- A. Applicability:** It shall be unlawful for any newly erected building or any structural addition and/or use for which a zoning permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a Certificate of Compliance has been issued by the Zoning Enforcement Officer (See also Section 1203 Change of Use). The Zoning Enforcement Officer may require an as-built Site Plan to facilitate this review. In the absence of the Zoning Enforcement Officer, the Chairman or other designated agent of the Commission may issue a Certificate of Compliance. A Certificate of Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certificate of Compliance shall be issued within ten business days after a written request is made to the Zoning Enforcement Officer, provided that:
1. any building, structure or alteration and/or use of property for which the Certificate is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any zoning permit or approval for such building, structure or use have been fulfilled;
 2. that the Health Officer or Sanitarian (Deputy Health Officer) or responsible regulatory agency (regional/state/federal) has inspected the premises and has given written approval of the installation of the particular sewage disposal facility and water supply system; and
 3. no building permit shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the Zoning Enforcement Officer that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.
- B. Application Procedures**
1. An application for a Certificate of Zoning Compliance shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
 2. Within 15 days of such application, the Zoning Enforcement Officer or his designee shall inspect the premises.
 3. If all requirements of these regulations are met, including requirements of approved site and plot plans, the certificate shall be issued within 15 days; otherwise, the certificate shall be denied for stated reasons.
 4. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, such permit or certificate shall be null and void.

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5. A certificate of zoning compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. Notice Provisions

1. In accordance with CGS §8-3(f), the recipient of a Zoning Permit or Certificate of Zoning Compliance may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS §8-7.
2. Any such notice to be published by the recipient shall contain:
 - a. a description of the building, use or structure and its location,
 - b. the identity of the applicant, and
 - c. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS §8-7.

1203 Change of Business/Commercial or Industrial Use of Buildings and Properties

- A. Any proposed change of ownership of an existing business where the type of use will remain the same shall require the completion of a Change of User form to update the Land Use File for the property.
- B. Any proposed change of use of a business, commercial or industrial use, that **does not** involve any enlargement or modification to, or reconfiguration of existing building/structure footprint, parking (lot size or number of spaces), access drives, or overall site lay-out, and is a use permitted in the zone, shall require completion of a Change of Use Application and subsequent approval by the ZEO.
- C. Any proposed change in use of a business, commercial or industrial use, that involves any enlargement or modification to, or reconfiguration of existing buildings/structures, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and review by the Commission. If the Commission finds that the proposed change of use and any related modification to existing buildings/structures and/or site lay-out would not be considered significant it may, at its discretion, direct the Zoning Enforcement Officer to issue a Zoning Permit.
- D. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per these Regulations (See Chapter 13).

1204 Property Line Adjustment/ Lot Division (“Free Split”)

Any and all property line adjustment or lot division (splits) within the Town of North Stonington shall require the approval of the Zoning Enforcement Officer to determine compliance with the Zoning Regulations.

- A. Property Line Adjustment is any change in the location of an existing property line provided it does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with the dimensional requirements of the Zoning Regulations. Such Property Line Adjustment is also not considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map, and it does not affect any area reserved for public use or established as open space under §6.6 of the Subdivision Regulations.

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- B. A “Free Split” is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.
- C. The Zoning Enforcement Officer may require one or more of the following if he/she deems it necessary to determine whether a proposed Property Line Adjustment or Lot Division is consistent with these Regulations:
 - 1. a warranty deed;
 - 2. a certified title search;
 - 3. a property history map; and/or
 - 4. a survey with Class A-2 level of accuracy.

1205 Soil Erosion and Sediment Control Plan (SE&SC)

A soil erosion and sediment control plan shall be submitted pursuant to §811 of these Regulations with any application for development, or before the commencement or continuance of any activity, in which the disturbed area of such development or activity is or would be cumulatively more than one-half acre (21,780 sq. ft.) For purposes of this section, the term “disturbed area” shall mean an area on which the ground cover is removed or destroyed, leaving the land subject to accelerated erosion. A soil erosion and sediment control plan may be required for the construction or alteration of a single-family dwelling that is not part of a subdivision of land as determined by the Zoning Enforcement Officer. The Zoning Enforcement Officer may issue an order to correct or remediate any conditions that are found to be causing, or likely to cause, unreasonable erosion or sedimentation.

1206 Land Disturbance Permit

A Land disturbance permit is required prior to any disturbance of land not related to an active Zoning Permit or Building Permit as part of in order to determine the location and size of the area to be disturbed, the nature of the activity, and the need for additional (such as an Excavation permit, or SE&SC Plan). There is no fee for this permit.

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1300 PERMITS REQUIRING COMMISSION REVIEW

The following requirements/procedures pertain to all uses and activities that require a Site Plan or Special Permit, and therefore review and approval by the Commission. All applications for Site Plan approval must show conformance with §800 (Site Development Standards).

1301 PRELIMINARY CONCEPT PLAN

A. Applicability. If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission.

B. Concept Plan Review.

1. A Concept Plan shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.
3. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.
4. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

1302 SITE PLAN APPLICATION

1302.1 Applicability

- A.** A Site Plan application shall be submitted:
1. for any proposed new use designated in the Regulations as requiring Site Plan or Special Permit approval. In the event that a proposed Site Plan is being submitted in connection with a Special Permit application, the Commission's review of the Site Plan application shall be deemed to be an integral component of the Special Permit review.
 2. in a Residential zone, for any construction, development, expansion, or major alteration of any non-residential use.
 3. for any expansion or other alteration of any existing use designated in the Regulations as requiring Site Plan or Special Permit approval if such change would affect the layout of any structure, facility, parking or loading area, or other physical feature shown on a previously approved Site Plan or, if no previous Site Plan was approved for such use, if such physical feature(s) would have been required to be shown on a Site Plan for a new use under Section 800 of these Regulations. As used in this §1302, the term "expansion" includes, but is not limited to, any change that does or is likely to increase the number of parking spaces required

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by §804 of these Regulations.

- B. A new or revised Site Plan shall not be required for:
 - 1. interior remodeling work;
 - 2. changes in exterior mechanical equipment, dumpsters or storage structures which occupy less than 200 square feet of floor area; or
 - 3. changes in the location of existing fences or new fence locations.

1302.2 Submission Requirements

- A. A Site Plan application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
- B. A Site Plan application shall be accompanied by detailed plans, signed and sealed by an appropriate professional. Generally, in order to determine the compliance of a Site Plan with the applicable provisions of these Regulations, the Commission will require the applicant to provide all information specified in the “Site Plan Check Sheet” in the Appendix of these Regulations. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will be in compliance with the substantive provisions of these Regulations.
- C. A Soil Erosion and Sediment Control Plan in accordance with the requirements of §1205 shall be submitted when the disturbed area of any development is more than 1/2 acre.
- D. A Stormwater Management Plan in accordance with the requirements of §812 shall be submitted when the disturbed area of any development is more than one acre or more than 1/2 acre if the parcel falls within the WSPOA.
- E. A Utilities Plan shall be submitted to demonstrate the adequacy of on-site water supply and sewage disposal facilities to serve the needs of all proposed uses. The Utilities Plan should also include comment on the availability of water for any fire-fighting needs that may arise in connection with the proposed uses. The applicant must submit a copy of the Utilities Plan to the Town’s Director of Health and Fire Marshal no later than the date the application is filed with the Commission.
- F. A Landscape Plan shall be submitted with any applications for new construction, or alterations to the size of existing buildings, parking, loading, and driveway areas, or a change in use that will expand the size of the building or parking, loading, and driveway areas. Landscape plans and designs shall include a planting list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing plantings shall be identified on the plan. All landscape designs shall be sensitive to the character of the surrounding properties and area and shall use native species. Invasive species shall be prohibited as part of any landscape

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plan.

- G. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

1302.4 Proceedings

- A. An incomplete Site Plan application may be denied in accordance with Subsection 1306.C.
- B. If a Site Plan application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
- C. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
 - 1. may hold a public hearing on the application, and
 - 2. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 1306.G of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 1306.H.
- E. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application), the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application.
- F. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed an additional 65 days.
- G. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.
- H. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
- I. The applicant may, at any time prior to action by the Commission, withdraw such application.

1302.5 Considerations

- A. On a Site Plan application involving an activity regulated pursuant to CGS

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§22a-36 to §22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
 2. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- B.** On a Site Plan application involving notice to adjoining municipalities, the Commission shall give due consideration to any report or testimony received.
- C.** No Site Plan application shall be approved unless it is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 8.
- D.** The Commission may modify and approve any proposed Site Plan if it determines such modifications are needed to satisfy the applicable requirements of these Regulations.
- E.** The Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.
- F.** The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless the implementation of such Site Plan would remedy such violation.

1302.6 Action Documentation

- A.** Whenever it modifies or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
- B.** The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
- C.** The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
- D.** In any case in which such notice is not published within the 15 day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten days thereafter.
- E.** On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within 15 days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

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1302.7 Following Approval

- A. Following approval of a Site Plan application, one fixed-line mylar copy and three paper copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
 - 1. bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s),
 - 2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
 - 3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- B. Following signature by the Chairman, such plans shall be filed in the Planning and Zoning Office before any Zoning Permits are issued for the activities shown on the approved plan.

1302.8 Expiration and Completion

- A. Any Site Plan application under which the construction of any proposed building has not been commenced within 12 months from the date of approval, shall expire unless the Commission, upon a showing of good cause for the delay, allows a longer time period, not to exceed 24 months from the date of approval. For the purposes of this section, the construction of a building will be deemed to have commenced when foundation or exterior walls have been emplaced or built.
- B. Except as may be provided by state law, all work in connection with a site plan shall be completed within five years after the date of approval of the plan. Failure to complete all work within such five-year or other required period shall result in automatic expiration of the approval of such site plan unless the Commission, upon a showing of good cause for the delay, grants an extension of the time to complete work in connection with such site plan.
- C. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date of approval of such site plan, unless otherwise provided by state law.
- D. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

1303 SPECIAL PERMIT APPLICATION

1303.1 Applicability

- A. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
- B. Notwithstanding the above, a Special Permit application shall not be required for any modifications to a previously approved Special Permit use if such

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modifications would not change the essential character of the use and would not require the submission of a new or modified Site Plan pursuant to §1302.1 of these Regulations.

1303.2 Submission Requirements

- A. A Special Permit application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
- B. Each application for a Special Permit shall be accompanied by a Site Plan application. If the applicant believes that the proposed use will not require any changes in a previously approved Site Plan, he or she may submit a copy of the previously approved Site Plan and need not submit any of the additional information or materials noted in the “Site Plan Check Sheet” found in the Appendix of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria. However, the Commission may require the submission of additional materials or information from the “Site Plan Check Sheet” if it finds that the application materials are inadequate to evaluate the application or if the proposed Special Permit uses may require modifications to the previously approved Site Plan.
- C. The Commission may require the submission of any additional information it may deem necessary to determine compliance with any applicable provisions of these Regulations.

1303.3 Proceedings

- A. An incomplete Special Permit application may be denied in accordance with Subsection 1306.C.
- B. If a Special Permit application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
- C. The Commission shall hold a public hearing on the Special Permit application and:
 - 1. publish a legal notice in accordance with the requirements of Subsection 1306.F of these Regulations, and
 - 2. require that the applicant give notice to property owners in accordance with the requirements of Subsection 1306.G of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with Subsection 1306.H.
- E. The Commission shall process the Special Permit application and any accompanying Site Plan application within the period of time within the period of time specified in §1306.D.
- F. Notwithstanding the provisions of this Section, if an application involves an

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activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to 35 days after the decision of such agency.

- G. The applicant may, at any time prior to action by the Commission, withdraw such application.

1303.4 Special Permit Criteria

In considering an application for a Special Permit, the Commission shall evaluate the merit of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:

- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 8, and that the standards for approval of any accompanying Site Plan application have been met;
- B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
- C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons.
- D. that no adverse effect would result to the character of the district, property values, or historic features of the immediate neighborhood;
- E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use and architectural design;
- F. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and
- G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the North Stonington Plan of Conservation and Development

1303.5 Decision Considerations

- A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:
 - 1. the Special Permit criteria in §1303.4A of these Regulations, and
 - 2. all other applicable provisions of these Regulations.
- B. On a Special Permit application involving an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the Commission shall:

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1. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
 2. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- C. On a Special Permit application involving notice to adjoining municipalities under Subsection 1306.H, the Commission shall give due consideration to any report or testimony received.
- D. The Commission may approve an application for a Special Permit, deny the application, or approve the application subject to such conditions as it may deem necessary to protect the public health, safety, welfare, property values, and natural resources of the state. The Commission may also require that some or all conditions of approval be met prior to the issuance of the Zoning Permit by the Zoning Enforcement Officer. The approval of any Special Permit for any property on which there exists a zoning violation shall be deemed conditioned, whether expressly specified in the decision or not, upon the remediation of such violation, and no Zoning Permit or certificate of zoning compliance may be issued for such Special Permit uses until any such violation has been remediated.

1303.6 Action Documentation

- A. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
- B. The decision to grant a Special Permit shall:
1. state the name of the owner of record,
 2. contain a description of the premises to which it relates,
 3. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied, and
 4. specify the nature of the Special Permit.
- C. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within 15 days after such decision is rendered.
- D. The Commission shall cause notice of the approval, approval with conditions, or denial of the Special Permit application to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
- E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1303.7 Following Approval

- A. A Special Permit granted by the Commission shall only become effective

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upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS §8-3d.

- B. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
- C. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the original permit, provided, however, that no such revocation shall be ordered unless the Commission or its agent provides written notice of the violations to the current landowner and the Commission provides the landowner with an opportunity for a hearing on the violations.
- D. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature, result in no significant change in the use or its intensity, or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

1304 TEXT AMENDMENT APPLICATION

- A. **Applicability.** A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any provisions of these Regulations.
- B. **Submission Requirements**
 - 1. A Text Amendment application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
 - 2. A Text Amendment application shall be accompanied by ten copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment.
 - 3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
 - 4. The Commission may, but shall not be required to, hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of 12 months.
- C. **Proceedings**
 - 1. The date of receipt for the Text Amendment application shall be determined in accordance with Subsection 1306.B.
 - 2. An incomplete Text Amendment application may be denied in accordance with Subsection 1306.C.
 - 3. The Commission shall hold a public hearing on the Text Amendment application and shall cause a legal notice to be published in accordance with the requirements of Subsection 1306.F of these Regulations.

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4. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SECCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SECCOG on its Internet web site for receipt of such notice, not later than thirty days before the public hearing to be held on the Text Amendment application. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SECCOG confirming receipt of such notice, then not later than twenty-five days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SECCOG. SECCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SECCOG does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with Subsection 1306.H.
6. Notification to water companies may be required in accordance with Subsection 1306.I.
7. A copy of the proposed Text Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten days before the public hearing.
8. The Commission shall process the Text Amendment application within the period of time specified in §1306.D.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission may approve, modify and approve, or deny the changes requested in such Text Amendment application.
2. Zoning regulations shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20% or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property affected by the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission
3. On a Text Amendment application involving notice to adjoining municipalities, water companies, or a regional planning agency:
 - a. any report received from those agencies shall be made a part of the record of such hearing.
 - b. the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall:

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- a. consider whether the Text Amendment would be in accordance with a comprehensive plan, and
 - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.
5. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

E. Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. The Commission shall establish an effective date for any Text Amendment. A notice of the decision of the Commission must be published in a newspaper having a substantial circulation in North Stonington before such effective date. A copy of the Text Amendment, as approved, must also be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Text Amendment in the Town Clerk's office, whichever is later.
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within 15 days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1305 ZONE CHANGE APPLICATION

- A. **Applicability.** A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Zone Change application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Zone Change application shall be accompanied by ten copies of a map showing the location and boundaries of all lots, or portions of lots, proposed to be rezoned. If, and to the extent that, the zone change does not follow established lot lines, the proposed new zone boundaries must be shown on a map signed and

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sealed by a land surveyor licensed in the State of Connecticut.

3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Zone Change application may be submitted only by:
 - a. the owner of the real property proposed for the zone change, or
 - b. persons who submit evidence of a substantial legal interest in the property proposed for the zone change.

The Commission also may propose and consider a Zone Change on its own initiative.

5. The Commission may, but shall not be required to, hear a Zone Change application that has been rejected for a period of one year after the date of rejection.

C. Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with Subsection 1306.B.
2. An incomplete Zone Change application may be denied in accordance with Subsection 1306.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:
 - a. publish a legal notice in accordance with the requirements of Subsection 1306.F of these Regulations, and
 - b. require that the applicant give notice to property owners in accordance with the requirements of Subsection 1306.G of these Regulations.
4. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SECCOG) when any portion of the land affected by a proposed Zone Change is located within 500 feet of the boundary of another municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SECCOG on its Internet web site for receipt of such notice, not later than thirty days before the public hearing to be held on the Text Amendment application. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SECCOG confirming receipt of such notice, then not later than twenty-five days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SECCOG. SECCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SECCOG does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with Subsection 1306.H.
6. Notification to water companies may be required in accordance with Subsection 1306.I.
7. The Commission may refer any Zone Change application to any Town department or other agency the Commission deems appropriate and may request

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any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

8. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten days before the public hearing.
9. The Commission shall conduct the public hearing within the period of time specified in §1306.D.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission may approve, modify and approve, or deny the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities, water companies, or a regional planning agency:
 - a. any report received from those agencies shall be made a part of the record of such hearing.
 - b. the Commission shall give due consideration to any report or testimony received.
3. Changes in zone district boundaries should be:
 - a. in harmony with the Plan of Conservation and Development for the Town of North Stonington, as amended.
 - b. consistent with a comprehensive plan.
 - c. where possible, constitute logical extensions of like or compatible districts.
 - d. where appropriate, along property lines or easily distinguishable geophysical features.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.
5. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed Zone Change with the Plan of Conservation and Development.
6. Zone boundaries shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20% or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

E. Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
 - a. the reasons for its decision.
 - b. its findings on consistency of the proposed zone change with the Plan of

Chapter 13 – Permits by Commission

Conservation and Development, as amended.

2. The Commission shall establish an effective date for any Zone Change. A notice of the decision of the Commission must be published in a newspaper having a substantial circulation in North Stonington before such effective date, and a copy of the Zone Change must be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Zone Change in the Town Clerk's office, whichever is later.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within 15 days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1306 PROCEDURAL REQUIREMENTS

A. Application Submittal Requirements

1. Applications to the Commission shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

B. Date of Receipt. For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:

1. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning and Zoning Office, or
2. 35 days after submission, whichever is sooner.

C. Incomplete Applications

1. The Planning and Zoning Office shall review each application and shall advise the Commission whether such Office believes the application is substantially

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complete and, if not, what information or materials it believes are missing. The Commission shall have the final discretion to determine whether an application is substantially complete.

2. It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application. The Commission may deny an incomplete application or an application submitted without the requisite fee.

D. Hearings. Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate. Whenever a public hearing is required on an application described in this Section 1300, the Commission shall process the application within the period of time permitted under CGS §8-7d, as follows:

- a. the public hearing shall commence within 65 days after the official date of receipt of the application.
- b. the public hearing shall be completed within 35 days after such hearing commences.
- c. all decisions shall be rendered within 65 days after completion of such hearing.
- d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days.
- e. the provisions of subsections a through d shall not apply to any action initiated by the Commission.

E. Consultations

1. On any application, the Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission may retain an engineer, architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in North Stonington.
2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than 15 days, nor less than ten days, and the last not less than two days before the date of the hearing.

G. Notification to Property Owners

1. When required by these Regulations, the applicant (other than the Commission) shall notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside North Stonington, of a pending application by mailing a notice at least 15 days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:

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- a. a description of the proposed activity,
 - b. notification of the date, time, and place of the first scheduled hearing, and
 - c. a copy of the application form submitted to the Commission or the Board.
3. The applicant shall prove such mailing by submitting, at or prior to the first scheduled hearing regarding the application:
 - a. a copy of the complete package of information sent to abutters,
 - b. a list of the abutters to whom the notices were sent, and
 - c. certificates of mailing from the U.S Postal Service, provided that the Commission may accept other proof of mailing or delivery that it deems equivalent to such certificates.
4. The most recent Assessor's records on file in the North Stonington Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

H. Notification to Abutting Municipalities

1. As required by CGS §8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality,
 - b. a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site,
 - c. a significant portion of the sewer or water drainage from the project would flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - d. water runoff from the improved site would impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

I. Notification to Water Companies

1. As required by CGS §8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission concerning any project on any site that is within:
 - a. an aquifer protection area, provided such area has been delineated in accordance with CGS §22a-354c, or
 - b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the North Stonington land records showing boundaries of the watershed.

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2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
 - a. a copy of the complete package of information, and
 - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Notification of DEEP

1. If any portion of the property which is the subject of the application is located within an area designated as “State and Federal Listed Species & Significant Natural Communities” on the most current Natural Diversity Data Base Areas map for North Stonington prepared by the Connecticut Department of Energy and Environmental Protection (DEEP), the applicant must notify DEEP of the application.
2. A report from DEEP shall be a required for any application for a site plan or a Zoning Permit for any such property and any such application submitted without a DEEP report shall be considered incomplete (see Subsection 1306.C).

K. Beneficiaries of a Trust. Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with the application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

L. Bonds

1. Where a bond or surety is required by any Commission decision, it shall be in one of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any bond:
 - a. Cash deposited with the Town.
 - b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
 - c. Bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
 - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut, so long as:
 - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance

Chapter 13 – Permits by Commission

- Commissioners (or any successor office or organization, “NAIC”) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
- the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
- ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
 - iii. if and when such letter of credit shall, through the passage of time, have less than 30 days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
- e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. Any required bond shall not be released by the Commission until:
 - a. the release has been requested, in writing, by the applicant,
 - b. the Town Engineer has submitted a letter stating that all pertinent conditions and requirements of the Commission's approval have been satisfied, and
 - c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work pertinent to the bond are in accordance with submitted site plans.
 3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 1306.L.2.

Chapter 14 – Zoning Board of Appeals

1400 ZONING BOARD OF APPEALS

1400.1 Powers and Duties. The Zoning Board of Appeals shall have such powers and duties as may be provided in the Connecticut General Statutes, including, but not limited to, CGS Section 8-6.

1400.2 Procedures. Procedures for submission of applications to the Zoning Board of Appeals shall be as provided in the Connecticut General Statutes, including, but not limited to, CGS Section 8-7, or as may be established by rule or regulation of the Zoning Board of Appeals.

1400.3 Limitations on Use Variances . As authorized by CGS Section 8-6, the Commission establishes the following limitations on use variances:

- A. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
- B. No use variance for a business use or an industrial use shall be granted in a Residential Zone.
- C. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

1400.4 Following Approval

- A. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
- B. A variance shall only authorize the particular activity specified in the Board's approval.

Chapter 15 – Separability and Effective Date

1501 SEPARABILITY

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1502 EFFECTIVE DATE

The Zoning Regulations of the Town of North Stonington were originally adopted on May 21, 1964. These amended Regulations are effective.....

Chapter 16 – Definitions

1600 DEFINITIONS

Abandonment

The intentional discontinuance of a use of a structure and/or land. An intention to discontinue a use may be inferred from the circumstances surrounding the discontinuance.

Accessory Apartment, Commercial Caretaker

A residence used by an employee who serves as a caretaker of a principal commercial use located on the same lot. The residence may be attached to and detached from the principal commercial use.

Accessory Apartment, Residential

A residence located on the same lot as a principal single-family home. The accessory residence may be attached or detached from the principal structure and may be inhabited by either the owner of the principal dwelling or a tenant of that owner.

Accessory Structure (see Structure, Accessory)

Accessory Use (see Use, Accessory)

Agriculture

Agriculture: Except as otherwise specifically limited in these Regulations, the words "**agriculture**" and "**farming**" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. For the purposes of these regulations the term "agricultural" also includes the use of horses for riding, pulling, training, lessons, showing, and other similar uses, but only when such uses are incidental to the raising and/or boarding of horses on the same lot.

The term "**farm**" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

The term "**aquaculture**" means the farming of any waters and/or wetlands and the production of plant or protein food, including fish, oysters, clams, mussels and other molluscan shellfish. "Aquaculture" includes,

Chapter 16 – Definitions

without limitation, outdoor and/or indoor hatcheries, aquaponics, and hydroponics.

Agricultural Buildings and Structures: Buildings or other structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

Agricultural Building, Specialized: The use of a building for intensive farming and farming-related activities that involve (a) processing or packaging of farm products or by-products produced on the premises; (b) shelter for more than one hundred (100) cattle or pigs, 50 horses, or 20,000 fowl; or (c) workplaces for more than five (5) non-family employees.

Agricultural commodity: Same meaning as “Farm products.”

Commercial Farm: A farm producing farm products for sale by wholesale, or for sale at locations (not including farmers’ markets) other than the farm property on which they were produced.

Farm: A tract of land used principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist shall be deemed to be permitted, joint principal uses.

Farm pond: Ponds used as an accessory to an agricultural use.

Farm products: Any products of agriculture, including fruits; vegetables; mushrooms; nuts; shell eggs; honey or other bee products; maple syrup or maple sugar; flowers; nursery stock; Christmas trees; other horticultural commodities; livestock food products, including meat, milk, cheese and other dairy products; food products of “aquaculture,” as defined above, including, but not limited to, all plant food, fish, oysters, clams, mussels and other molluscan shellfish; products from any tree, vine or plant and their flowers; or any such products that have been processed by a farmer, including, but not limited to, baked goods made with farm products.

Farmers' market: A for-profit or nonprofit cooperative, enterprise, or association that regularly occupies a given site, and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers.

Farm Store: Retail sales of farm products, the majority of which are produced in North Stonington.

Seasonal Roadside Stand: A building or other structure, not to exceed a gross floor area of 200 square feet, from which agricultural products, primarily produced in North Stonington, are sold.

Advertising

Any sign wording, logo, or other representation that, directly or indirectly, names, identifies, announces, or calls attention to a business, product, service, or other commercial activity.

Aircraft Landing Field

A lot, or portion thereof, used for the purpose of landing, parking, storing, or launching aircraft.

Chapter 16 – Definitions

Alteration

Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories, size, use, or location of a building or other structure, as well as any excavation, grading, or filling of land.

Antenna

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited, to whip antennas, panel antennas and parabolic dish antennas.

Arterial Roadway

Arterial roadways provide rapid connection between regional freeways and the community collector streets. Connecticut Routes 2, 49, 184, 617 and 201 are classified as arterial roadways.

At Least

The term "at least" is used in these Regulations to mean "equal to or more than."

Beacon

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same premises as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast

A private house in which a portion of the building is maintained and held out to the public as transient overnight accommodations, and which provides breakfast only for overnight guests.

Board

The Zoning Board of Appeals of the Town of North Stonington, Connecticut.

Buffer Area

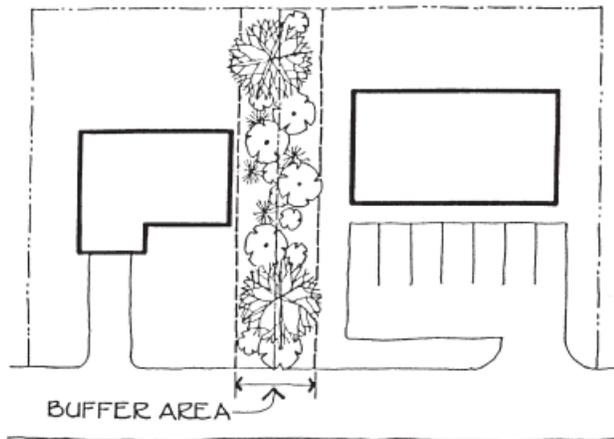
An area within a required yard that may be designed or required to contain trees, shrubs, walls, rocks, berms, and other landscaping materials whose primary function is to provide visual, noise, and odor insulation from adjacent property and roadways.

Buildable Area

A minimum amount of contiguous area required on each lot to be capable of locating the principal building, accessory uses and on-site water and sewer facilities without major physical alterations of the land. See Section 401 of these Regulations for further description of the term.

Building

An enclosed, roofed structure designed or intended to provide shelter for persons, animals, or property. For the purposes of this definition, the term "roof" shall include a



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covering of any material, including but not limited to wood, stone, metal, and fabric, whether or not permanent in nature.

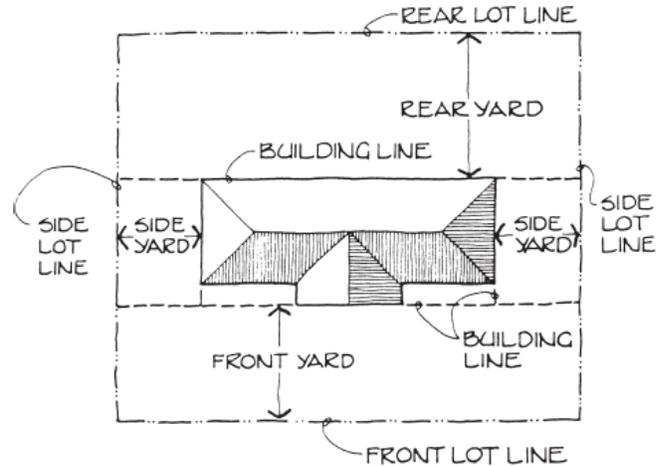
Building Lot (see Lot, Building)

Building Line

The line or lines created by the required front, rear, and side yard dimensions for unoccupied space of a lot, to establish an area within which structures allowed by these Regulations may be located.

Bulk

The size and shape of buildings and non-building uses and the physical relationships of their exterior walls or their location to lot lines and other buildings or other walls of the same building, and all open spaces required in connection with a building. Bulk regulations include regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, and length of buildings in a row.



Business Office (see Office, Business)

Camp

A lot, consisting of five (5) or more acres, on which is allowed the temporary occupancy of seasonal shelters by non-profit organizations for provision of indoor or outdoor activities for children or adult participants, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

Cemetery

Land used for the burial of human remains, and dedicated for cemetery purposes, excluding crematories and mortuaries.

CGS

The Connecticut General Statutes

Church

A building, facility, or main activity area used primarily as a place for regular religious assembly and worship. Includes synagogue, temple, mosque, or other such place for worship.

Cluster Development

A building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes.

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Collector Streets

Any public roadway other than an arterial roadway or a dead-end road.

Commission

The Planning and Zoning Commission of the Town of North Stonington, Connecticut.

Commercial Use or Facility

A use or facility intended as a profit-making enterprise.

Common Driveway (See Driveway, Shared)

Communications Tower

A structure erected for the principal purpose of receiving, transmitting or re-transmitting radio frequency signals, such as wireless communications. Examples of communications towers include guy-wire supported, and self-supporting lattice and monopole towers.

Antenna

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and parabolic dish antennas.

Bracketed Tower – A tower partially or totally supported by a primary or accessory building with a rigid metal assembly made for the purpose.

Co-location

The installation of antennas owned by more than one provider on a single tower. Also, the installation of towers, antennas and facilities owned by more than one provider on a single site.

Fall Circle – The area created by a circle formed with the tower at the center and a radius equal to the tower height.

FCC – The Federal Communications Commission.

Lattice Tower – A tower typically with a triangular cross-section constructed with continuous cross bracing. It may be self-supporting, guyed or bracketed.

Monopole

An unguyed tower of tapered pole construction, usually of steel, but may be of other materials such as concrete.

Search Area Ring

The delineation on a map showing the area in which a wireless communications tower, antennas and facilities must be located in order to be part of a specifically defined seamless web of communications.

Tower Height

Distance from the ground elevation at the base of the tower to the topmost point of the tower including any antenna or other appurtenances.

Chapter 16 – Definitions

Wireless Communications

Commercial wireless communications and telecommunications systems that include but are not limited to cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and related systems.

Wireless Communications Facilities

All ground and roof-mounted equipment, ancillary buildings and other structures, except towers, associated with the transmission and reception of wireless communications.

Community Facility

Facilities intended for social, recreational, or other non-commercial uses by Town residents generally or members of established residential subdivisions or similar communities.

Comprehensive Plan

The Commission's general plan to control and direct the use and development of property in North Stonington as found in the overall scheme of the zoning map and regulations.

Consolidated Parcel

Two or more adjoining parcels that are planned and developed as one integrated development. The parcels do not need to have the same owners.

Construction Office/Construction Trailer

A temporary structure, which may be mobile, established for the specific purpose of providing contractor office space at a site during the construction phase of a building.

Convalescent Home

A facility established to care for patients while recuperating health and strength following physical illness or injury, or one dedicated to the care of the elderly.

Corner Lot (see Lot, Corner)

Country Inn

Any owner-occupied dwelling or group of related dwellings having twenty (20) or fewer guest rooms (not including the owners' or staff quarters) without their own separate kitchen facilities, in which overnight accommodations and meals are provided to guests, and in which no guest may arrange to stay for a single period of more than thirty (30) consecutive days.

Day Care/Nursery School

A service that provides supplementary care to seven (7) or more children outside their primary residence(s) on a regular basis during a portion of the day, and for one or more days in any week.

Dead-End Road

A public road, or segment of a public road, that has only one point of ingress and egress and that terminates at a point beyond which further travel by motor vehicles is prohibited or effectively impractical.

Detention Basin (see also Retention Basin)

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A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events. For the purposes of these regulations, a drainage system that incorporates infiltration components shall also be considered a detention basin.

Discontinuance

Cessation. For example, the phrase “discontinuance of a use” means the cessation, or termination, of that use, regardless of the reasons for the cessation or the intention of the persons who were making or carrying out such use.

Driveway

A paved or unpaved access strip of land providing a vehicular connector between the public right-of-way of a street and the interior of a lot or other tract of land.

Driveway, Common (See Driveway, Shared)

Driveway, Shared

A driveway that provides access to more than one (1) lot or separate tract of land.

Duplex Residence (see Residence, Duplex)

Dwelling

A single building designed and used exclusively as living quarters. The term "dwelling" shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide. In the case of buildings having two (2) or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate principal dwelling unit.

Dwelling, Multi-Family (See Residence, Multi-Family)

Dwelling, Single-Family (See Residence, Single-Family)

Dwelling Unit

One (1) or more rooms in a residential building that are collectively arranged, designed, or intended for use by one (1) family, and that include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. The term "dwelling unit" shall not be deemed to include hotel, motel, inn, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home, or tent, except as these Regulations may otherwise specifically provide.

Emergency Services

Private or public services, such as fire protection, ambulance, and rescue, provided in times of emergency for the general health and welfare of Town residents.

Excavation (Excavation of Earth Materials)

The removal of earth, sand, gravel, clay, rock or other natural earth products.

Chapter 16 – Definitions

Façade

The exterior surface of a building.

Family

(1) All persons related by blood, marriage, or legal adoption; or (2) five (5) or fewer persons who are not related by blood, marriage, or legal adoption, including domestic employees, but who occupy a single dwelling unit and live as a single, permanent, housekeeping unit. Lodgers are not part of the family.

Farm Winery

Any place or premises in which wine is manufactured, stored and sold, and which is located on a farm consisting of at least twenty-five (25) acres with at least five (5) acres dedicated to vineyards or to the growing of other fruits used on site for creating wine.

Farm Winery Restaurant

A use that is incidental, complementary and secondary to a Farm Winery permitted by, or legally existing prior to, the adoption of Sections 707 and 708 of these Regulations. A Farm Winery Restaurant shall be conducted in a permanent building in which hot and cold food can be prepared and served to members of the public seated indoors and/or on a patio area adjoining the building.

Filling (Filling of Earth Materials)

The addition to existing land of earth, sand, gravel, clay, rock or other natural earth products.

Financial Institution

A facility such as commercial bank, savings bank, mutual savings bank, savings and loan, or credit union that is chartered and regulated by a State or Federal agency.

Flood

The temporary inundation of normally dry land areas.

Base Flood (See Flood, 100-Year)

Base Flood Elevation

The level, referenced to mean sea level, to which the flood waters of the base flood rise at any particular location, as established or determined as of the date of the current Flood Insurance Rate Map. .

Flood Hazard Area

The maximum area of the flood plain which is likely to be flooded by a 100-year flood, or any area for which mudslides can reasonably be anticipated.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones.

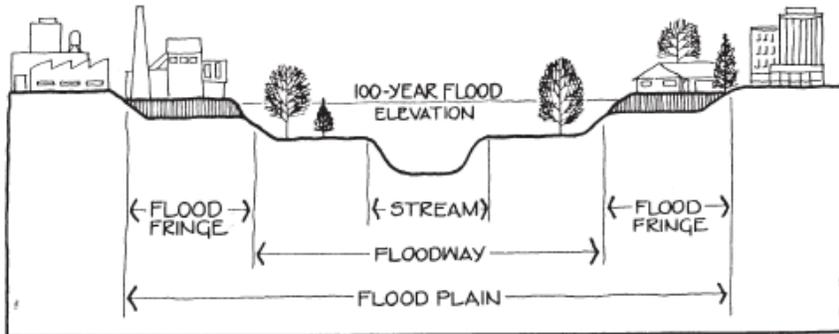
Flood, 100-Year

That level of flooding having a one percent probability of occurrence in any year.

Chapter 16 – Definitions

Flood Plain Area

The relatively flat area or low lands that adjoin the channel of a river, stream, watercourse, canal, or any body of standing or tidal water, and that has been or may be covered periodically by flood water.



Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

Floodway

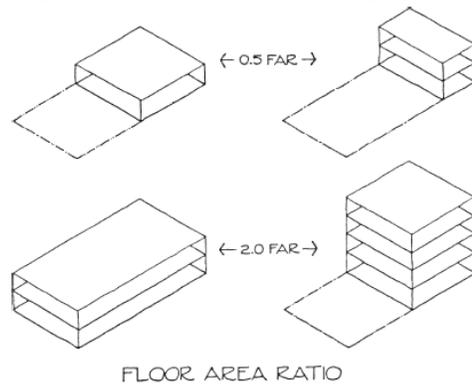
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one foot above the base flood elevation.

Floor Area

The sum of the areas of the floors intended for human occupancy of a building as measured by the external wall dimensions. The following surfaces shall not be considered in calculating floor area: porches, decks, and other surfaces not fully enclosed by walls; floor space that is above the first floor and that does not have access by an inside permanent stairway; floor space that does not have a ceiling height of at least seven (7) feet; garages; and detached accessory buildings.

Floor Area Ratio

The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.



Footprint

When used in connection with a building or other structure, “footprint” means the area of the minimum horizontal plane which, if its perimeter were extended vertically upward, would enclose all portions of the structure. If a structure is partly cantilevered, or includes a deck or similar feature extending above, but not touching, the ground, the area directly below the cantilevered portion, deck or other similar feature is included in the footprint.

Frontage

The linear measurement of the distance between the intersection of each side lot line with the front lot line.

Funeral Home

An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services or ceremonies.

Chapter 16 – Definitions

Gasoline (Gas) Station

An establishment whose primary business is to provide petroleum products for motor vehicles.

Golf Course Development

A playing course of at least eighteen (18) golf holes, which may also include as accessory uses a clubhouse, restaurant, pro-shop, health facility, maintenance facility, golf practice facility, golf villas, gatehouse, and additional recreational facilities, as may be specified in these Regulations.

Grading

Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Groundwater

All water beneath the surface of the ground. Unless otherwise indicated, the term “depth to groundwater” shall mean the vertical distance from the ground surface to the level to which the water table generally rises for the duration of one (1) month or longer during the wettest season of the year.

Hazardous Substance

Any substance defined by the U.S. Environmental Protection Agency in Table 116.4A, List of Hazardous Substances, Part 116, Section 116.4, Designation of Hazardous Substances, and as described in Part 261, Identification and Listing of Hazardous Waste; in Code of Federal Regulations Number 40 (CFR 40), as amended. "Hazardous Substance" as used herein, shall also include oil and oil-based derivatives as listed in Table 116.4A with the exception of heating oil, motor fuel, and gasoline. CFR 40 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Table 116.4A of CFR 40 is on file in the Land Use Office.

Health Club

A gymnasium or other establishment that provides facilities and equipment for exercise, and that may include game courts, swimming facilities, saunas, showers and lockers.

Height

When used in relation to a building or other structure, “height” means the mean vertical distance from the finished grade level to the highest point of the structure, calculated from measurements taken at all sides.

Home Occupation

The use of a portion of a dwelling or residential accessory building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling.

Hospital

An institution that is licensed by the State of Connecticut to provide in-patient and out-patient medical care and/or major surgical services for persons that are sick and injured, and that may include such related facilities as laboratories, medical testing services, central service facilities, hospice care, and staff offices. The term “hospital” does not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

Chapter 16 – Definitions

Hotel

One or more buildings containing living units intended to be occupied by guests on a temporary basis, in rooms without cooking facilities except for a manager's apartment.

Impervious Coverage

The area of a building site or lot that is covered by materials that prevent the infiltration of surface water into the ground beneath. Such materials may include, but are not limited to, roofs, paved driveways, concrete slabs, sealed-joint paving blocks or stones, and pools.

Interior Lot, (see Lot, Interior)

Junk Yard

A lot, land, or structure, or part thereof, used primarily for the collecting, storage, of waste paper, rags, scrap metal, or discarded materials, and/or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or discarded solid materials including garbage, scrap metal, junk, and refuse materials including inert matter and landscape refuse.

Junk

Any worn out, cast off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Kennel, Commercial

The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that either (1) are not owned by the owner or occupant of the premises, or (2) that are intended for sale. When pets are available for sale from the premises on a frequently recurring basis, the premises shall be deemed to be a commercial kennel.

Kennel, Hobby

The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that are owned by the owner or occupant of the premises and are not regularly intended for sale.

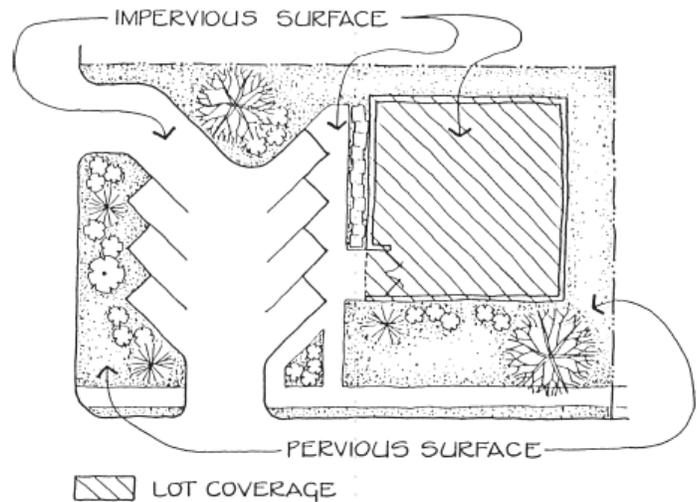
Land Trust

A private, not-for-profit conservation organization formed to protect natural resources.

Lighting, Outdoor (see Outdoor Lighting)

Loading Berth or Space

An off-street area available for the standing, loading, and unloading of one tractor-trailer truck, excluding additional maneuvering area.



Chapter 16 – Definitions

Lodger

An individual who is furnished living accommodations within a dwelling unit but who is not a part of the family that resides within the dwelling unit.

Lot

An area or parcel of land, in the same ownership, designated and recorded in the land records of the Town by its owner as a separate tract of land. For the purposes of meeting minimum lot area requirements, the land beneath the waters of Billings Lake, Blue Lake, Wyassup Lake, and/or Long Pond shall not be included.

Lot, Building

A lot that is in conformance with all applicable provisions of these Regulations for building purposes.

Lot, Corner

A lot that has two (2) adjacent lot lines abutting the rights of way of two (2) intersecting public roads having an interior angle of one hundred and thirty five (135) degrees or less.

Lot Depth

The mean horizontal distance between the front lot line and rear lot line.

Lot Line

Any property line bounding a lot.

Lot Line, Front

The line dividing a lot from the right of way of a public road.

Lot Line, Rear

Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, the line along which lot frontage is measured shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

Lot Line, Side

Any lot line that is not a front lot line or rear lot line.

Lot, Interior

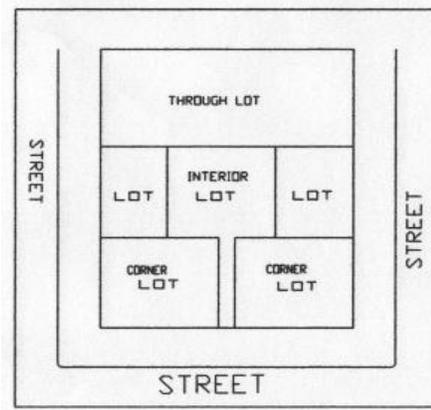
A parcel of land having access to but less than the required frontage on, a public road and having, typically, a major portion of its area located to the rear of the abutting lots fronting on the public road.

Lot, Non-conforming

A lot, existing on the effective date of these Regulations or any subsequent amendment thereto, that is not in conformity with all provisions of these Regulations for building purposes.

Lot, Through

A lot that has two non-adjacent lot lines that each abut the right of way of a public road.



Chapter 16 – Definitions

Lot Width

The linear distance between the side lot lines as measured at the required setback.

Low Impact Development (LID)

An ecologically friendly approach to site development and stormwater management that integrates site design and planning techniques to mitigate development impacts to land, water, and air. Such practices include conservation measures, reduced impervious coverage, and the use of landscape design and features to reduce and cleanse runoff.

Manufacturing, Heavy

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, and the creation of products. Also, the manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes but is not limited to: (a) processing and packaging of alcoholic beverages; (b) chemical manufacturing; (c) stonework or concrete product manufacturing; (d) fabrication of metal products; and, (e) motor vehicle manufacturing.

Manufacturing, Light

The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and the incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Marquee

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Medical Clinic

An office operated by five (5) or more physicians, dentists or similar professionals or which is staffed on a rotational basis with personnel from an area hospital, where persons are examined or treated on an outpatient basis only. Medical laboratory work is permitted as a principal use within a medical clinic and may be performed for persons not examined or treated at the site. A pharmacy may be permitted as an accessory use; however, only prescription and nonprescription drugs and similar health-related items may be sold from the premises.

Medical Office (see Office, Medical)

Membership Club

An establishment operated solely for recreational, social, fraternal, religious, political, or athletic purposes, and in which activities are confined to the members and guests of an organization whose primary purpose is not financial gain.

Chapter 16 – Definitions

Mixed-Use Development

A single building, or a group of buildings on one lot, in which multiple principal uses may occur. The different uses must be in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mixed Use Structure

A single building containing more than one land use permitted in the zone.

Mobile Home

A trailer used as a temporary or permanent residence.

Mobile Home Park

Two or more mobile homes located on the same lot.

Motor Vehicle Dealership

An establishment whose primary business is to provide new, factory direct, motor vehicles for sale with supplemental related services.

Motor Home (see Recreational Vehicle)

Multi-family Residence (see Residence, Multi-family)

Multiple Use Commercial Building

A single building having more than one principal commercial use.

Multiple Structures/Single Use Commercial Development

Developments having only one principal commercial use but more than one principal building.

Non-conforming

A use, building or other structure, or lot that fails to conform to one or more of the current requirements of these Regulations will be deemed lawfully “non-conforming” if it (1) was lawfully established or created prior to the date these Regulations, or any applicable amendment thereto, became effective; and (2) the non-conforming use or structural element has never been abandoned. If the use, building or other structure fails to comply with these Regulations as currently amended but does not meet the criteria above, it shall be deemed to be an unlawful non-conforming use. Unless the context otherwise requires, the term “non-conforming,” as used in these Regulations, shall be deemed to mean lawfully non-conforming.

Office, Business

Building space used as an office or offices for persons or other entities whose products or services are customarily provided at a different location. Business offices include offices for real estate, insurance, and travel agents and for contractors. The following are examples of offices that are not business offices: retail sales, professional offices (e.g., lawyers, doctors, accountants), medical testing laboratories and personal service establishments.

Office Facility

A building or group of buildings with offices or office suites that may be owner-occupied or offered as a unit for rent or lease.

Chapter 16 – Definitions

Office, Medical

The private office or offices of physicians, dentists, or similar professionals, where persons are examined or treated on an outpatient basis only. Minor laboratory tests shall be permitted as an accessory use only, and may be performed only for patients receiving medical attention within the office.

Office, Professional

The office or offices of a member of a recognized profession including doctors or physicians, dentists, optometrists, ministers, architects, engineers, lawyers, and other recognized professional occupations.

Open Space

Land areas designated for protection from commercial or residential development, including but not limited to lands reserved for protection of public health and safety, outdoor recreation, natural resource protection, farmlands and forests, preservation of community character, and historic and archaeological sites.

Open Space Surplus Percentage

The difference between the percentage of open space that would be permanently preserved by a cluster development subdivision plan and 15 percent. For example, if 50 percent of the parcel would be preserved as open space, the open space surplus percentage would be 35 percent.

Outdoor Lighting

Any device used outdoors for artificial illumination.

Disability Glare

Outdoor lighting that can cause momentary blindness or reduced vision.

Down-light

Any light source that distributes illumination only below a vertical cut-off angle of ninety (90) degrees.

Foot-candle

A unit of measure for illuminance. The ratio of quantity of light in lumens divided by the surface area in square feet on which the lumens are falling.

Glare

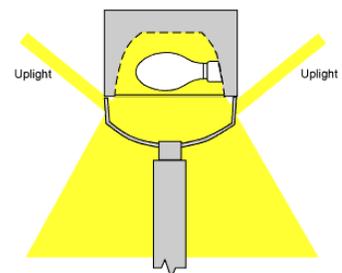
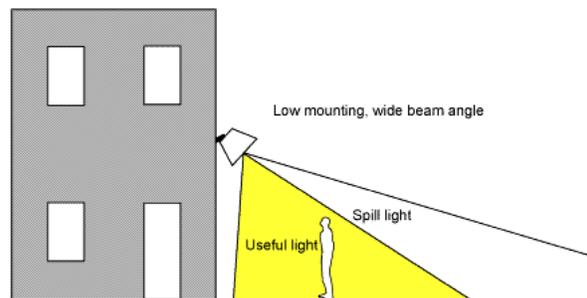
The sensation produced by lighting that is bright enough to cause discomfort or reduced vision.

Light Trespass

Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Luminaire, Full Cut-Off

A light fixture that, by design of its housing and when installed in a horizontal position, does not allow any light dispersion or direct glare to shine above a vertical cut-off angle of ninety (90) degrees.



Chapter 16 – Definitions

Up-light

Any light source that distributes illumination above a ninety (90) degree horizontal plane.

Overlay Area

A designated area or district, delineated by an overlay on the Zoning Map, that may incorporate portions of one or more underlying zoning districts.

Owner

When these Regulations require action or a signature by an “owner,” the term shall be deemed to include the duly authorized agent or attorney of such owner, or any other person having lawful authority to act in lieu of the owner with regard to the legal rights in land that are relevant to the pertinent Regulations.

Park

An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an “amusement park” or any type of park with mechanical rides, games, arcades, or similar amusements.

Parking Garage

An off-street structure used exclusively for the parking of four (4) or more motor vehicles.

Parking Island

A landscaped area located within the interior of a parking lot and surrounded on all sides by parking spaces and/or aisles.

Parking Lot

An off-street, ground-level area used exclusively for parking motor vehicles.

Parking Space

An off-street space intended, designed, and reserved exclusively for the parking of one motor vehicle.

Passive Solar

A system specifically designed to use natural and architectural components to collect and store solar energy without using any external mechanical power.

Personal Services

Grooming or physical fitness services provided to individuals or groups of individuals. Massage parlors are excluded from this definition, except for state licensed therapeutic massage facilities.

Planned Business Development (see Section 607 of these Regulations).

Portable Storage Container (PODS) (see Section 306 of these Regulations)

Post Office

Chapter 16 – Definitions

A building, or portion thereof, that is leased, owned, or operated by the U.S. Postal Service for receiving and distributing mail.

Print Shop

An establishment whose primary purpose is to reproduce printed or graphic material by electronic or mechanical means.

Principal Structure (See Structure, Principal)

Principal Use (see Use, Principal)

Private Roadway

A private right-of-way providing vehicular access to one (1) or more tracts of land.

Professional Office (see Office, Professional)

Public Road

A road accepted and maintained by the Town or by the State of Connecticut for public travel by motor vehicles.

Public Utility

A building or structure, including office space, used or intended to be used by any public utility company for activities primarily related to the generation, transmission, treatment, storage, or delivery of utilities, as defined in these Regulations.

Public Utility Distribution

Transportation facilities for the conveyance of gas, water or commodities other than petroleum. Also includes pipeline surface and terminal facilities, including pump stations, surge and storage tanks. Utility lines include facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Does not include offices or service centers, or distribution centers.

Public Utility Substation

An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk (or another public utility commodity, such as gas, and other than petroleum) is amassed for the receiving plants and major subdivisions or delivery points, having a voltage rating and/or compression purposes of switching or modifying its characteristics to meet the needs of the general public.

Recreation, Active

Recreational activities and uses that require either: (a) the use of a playing field or playground; (b) the installation of buildings or other structures; or (c) the substantial modification or grading of a tract of land.

Recreation, Passive

Recreational activities and uses that are not included in the definition of “active recreation.” The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as “active” if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

Chapter 16 – Definitions

Recreational Campground

A commercial lot containing camping sites for two (2) or more recreational vehicles or for two (2) or more tents.

Recreational Facility

A building and/or other facility devoted exclusively to recreational activities and recreational equipment and facilities, such as play equipment, picnic tables, skating rink, bowling alley, and game courts. Mechanical outdoor amusement rides are expressly excluded.

Recreational Facility, Indoor

An indoor facility with or without seating for spectators, and providing accommodations for a variety of non-professional, individual or organized athletic activities including but not limited to: tennis, handball, racquetball, volleyball, squash, soccer, ice hockey, basketball, running track, swimming, aerobic dancing, weight lifting and use of Nautilus-type equipment. Such a facility may also provide a snack bar, retail sales of related sports, health or fitness items, and other support facilities.

Recreational Vehicle

A self-propelled, towed, or mounted unit currently registered and licensed for highway use and providing temporary living quarters for travel, camping, recreation, or vacation purposes.

Rehabilitation Facility

A place in which persons are given medical care and services during rehabilitation for conditions including, but not limited to, stroke, spinal cord injury, congenital deformity, muscular injury, amputation, major multiple trauma, bone fracture, brain injury, neurological disorders (e.g., multiple Sclerosis, Parkinson's), burns, and arthritis. Facilities for alcohol and/or drug treatment are excluded from this definition.

Repair Shop, (Non-vehicular)

A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of appliances, shoes, or other consumer products deemed repairable. but not including motor vehicles.

Research Facility

A building, or portion thereof, or a group of buildings, within which the primary function is research and development as opposed to sales, manufacturing, repair, or similar end products.

Residence, Duplex

A building containing two (2) principal dwelling units connected by at least one (1) common wall and /or ceiling (i.e. units may be built one on top of the other, or one beside the other). The dwelling units may, but need not, have separate driveways, yards, and ownership.

Residence, Multi-family

A building containing more than two (2) principal dwelling units, with each such unit being connected to at least one other unit by a common wall.

Residence, Single-Family

A building containing no more than one principal dwelling unit. Such building may also contain one accessory apartment.

Chapter 16 – Definitions

Residential District

One of the following zoning districts: R-40, R-60, or R-80.

Restaurant

An establishment primarily devoted to the serving of prepared foods and drinks, which, when properly licensed under State law, may include the serving of alcoholic beverages to seated customers from a service bar.

Retail Store

A building, or portion thereof, whose primary business is to sell products directly to consumers. A component of the retail business may include the on-site production of certain handcrafted goods including, but not limited to, candles, small-scale wood furniture, cabinets, toys, woven textiles, and other such craft items, where such items are then sold on site.

Retention Basin

A stormwater facility that is designed to accept runoff from a developed site and discharge it at a limited rate. Flows exceeding the limited rate are stored until they can be released at the limited rate (when the runoff rate into the system drops below the limited rate). A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

Roadside Stand

A building or structure, not to exceed a gross floor area of two hundred (200) square feet, from which agricultural products produced on the premises are sold.

Setback Line

The line created by the minimum yard dimensions set forth in these Regulations.

Shared Driveway (See Driveway, Shared)

Sidewalk

An improved pedestrian walkway or access way.

Sign

Any natural or artificial structure, object, device, light or display which is used to advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to letter, number, banner, flag, insignia, device, designs, symbols, fixtures, colors, illumination or logo, and which is situated so that it can be seen from a street.

Address Sign

A sign displaying the street number or name of the occupant or both.

Animated Sign

A sign that uses movement or change of lighting to depict action or create a special effect or scene.

Awning Sign

A sign painted on or attached to the cover of a moveable frame of the hinged, roll, or folding type of awning.

Banner Sign

Chapter 16 – Definitions

A sign of lightweight fabric or similar material that is mounted to a structure by means of attachments to one or more of its edges. National, state, or other political subdivision banners shall not be considered banner signs under these regulations.

Billboard

A free-standing sign larger in area than permitted in Section 312 of these Regulations, or a wall sign covering more than ten (10) percent of the area to which it is affixed.

Bunting Sign

A sign made of coarse, open fabric or worsted; or of lightweight fabric, or paper, usually mounted in the form of draperies or wide streamers. Bunting used as a symbol of a nation, state, or other political subdivision shall not be considered bunting signs under these regulations.

Changeable Copy Sign

A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per twenty-four (24) hour period shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of date, time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign.

Clustered or Compositional Unit Sign

Multiple signs clustered together in a single structure or unit, to advertise one or more occupants of the same building or building complex.

Construction Sign

An on-premises sign identifying the contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information.

Date/Time/Temperature Sign

A sign that, through electronic or mechanical means, imparts the current date, time, and or temperature.

Directory Sign

A sign or group of signs clustered together in a single structure or compositional unit used to advertise individual occupants of the same building or complex of buildings located with a Planned Business Development, a Multiple Use Commercial Development, and/or a Multiple Building / Single Use Commercial Development.

Flag Sign

A sign of lightweight fabric, varying in design, usually attached at one edge to a staff or cord, with distinctive colors, patterns, or symbols. Flags used, as a symbol of a nation, state, or other political subdivision shall not be considered flag signs under these regulations.

Flashing Sign

A sign whose illumination is not kept constant in intensity at all times when in use, and that exhibits changes in light, color, direction, or animation. Illuminated signs that indicate only the date, time, and temperature shall not be considered flashing signs.

Chapter 16 – Definitions

For Sale/Rent/Lease Sign

An on-premises sign advertising the property being sold or rented.

Freestanding Sign

A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This definition does not include portable or trailer-type signs.

Future Opening Sign

A sign that advertises the forthcoming availability of a business, product, service, or other Commercial activity.

Grand Opening Sign or Temporary Event Sign

A sign that advertises an event, which event will begin and end within a single thirty (30) day period.

Illuminated Sign

Any sign lit by electrical bulbs, fluorescent lights, neon tubes, or other light emitting source (e.g. LED) Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

Interior Location Sign

A sign within a Planned Business Development, a Multiple Use Commercial Development, and/or a Multiple Building / Single Use Commercial Development for the purpose of providing convenient directions to the various uses located within the Development.

Landmark Sign

An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the Town as identified by the local Historical Commission, or the Board of Selectmen in their absence.

Mailbox Sign

A sign that resembles in design or structure the rural free delivery mailbox, but to which no mail deliveries are made by the U.S. Postal Service.

Marquee Sign

A sign attached to, in any manner, or painted on or incorporated into, or made a part of a Marquee.

Non-conforming Sign

A sign that does not conform to the provisions of Section 2000.

Off-premises Sign

A sign that is not on the premises of the use or service that it denotes, including a billboard.

On-premises Sign

A sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is located, or the business transacted thereon, or advertises the property itself as for sale or rent.



Chapter 16 – Definitions

"Open" Flag Sign

A flag sign that contains only the logo of a business and the word "OPEN" that is displayed during business hours to announce that the establishment is open for business.

Painted Wall Sign

A permanent message or mural painted directly onto a building surface.

Pennant Sign

Any sign made of lightweight plastic, fabric, or other material suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Pennants used as a symbol of a nation; state or other political subdivision shall not be considered pennant signs under these regulations.

Political Sign

A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office in a national, state, or local election.

Portable Sign

A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to; signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.

Projecting Sign

A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface to which it is affixed.

Public Service Sign

A sign located for the purpose of providing directions toward or indication of a use not readily visible from the street (e.g., restrooms, telephone, travel information, etc.).

Ribbon Sign

A sign made of a long, narrow flexible woven strip of fine material, usually wound around a pole or similar structure, suspended from a structure, or suspended between two (2) or more points within or between structures. Ribbon used as a symbol of a nation, state or other political subdivision shall not be considered a ribbon sign under these regulations.

Roof Sign

A sign that is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or that is painted on or fastened to a roof or constructed through the arrangement of the structured materials constituting the roof.

Sign Area

The surface area of any sign is the entire area within a single continuous perimeter, enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Only one (1) side of a double-faced sign shall be used in computing the total area of said double-faced sign,

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providing that the two (2) surfaces are joined at an angle of no greater than sixty (60) degrees. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group of said characters or words.

Sign Setback

The distance from the Lot Front, Rear, or Side Line to the nearest part of the sign, measured perpendicularly to the applicable Lot Line.

Spinner Sign

A sign made of any material that is designed or constructed to rotate, spin, or move either through the force of wind or by electrical or mechanical means. Spinners used as symbols of nations, states, or other political subdivisions shall not be considered spinner signs under these regulations.

Streamer Sign

A long, narrow banner sign, flag sign or pennant sign. Streamers used, as a symbol of a nation, state, or other political subdivision shall not be considered streamer signs under these regulations.

Suspended Sign

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Event Sign or Grand Opening Sign

A sign that advertises an event, which event will begin and end within a single thirty (30) day period.

Wall Sign

A sign that is painted on, incorporated into, or affixed parallel to the wall of a building such that its leading edge extends no more than six (6) inches from the surface to which it is attached, and that displays only one sign surface.

Window Sign

A sign, picture, symbol, or combination thereof, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window and is designed to communicate information about an activity, business, commodity, event, sale, or service.

Site Plan

A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated. A "zoning permit plan" and a "Special Permit plan" are two different types of Site Plans.

Single-Family Residence (see Residence, Single-Family)

Specially Permitted Use (see Use, Specially Permitted)

Stacking Lane

The space specifically designated as a waiting area for vehicles whose occupants will be using a drive-thru window at a business location. Such space encompasses the area directly alongside the drive-thru window and the lanes leading up to and away from it.

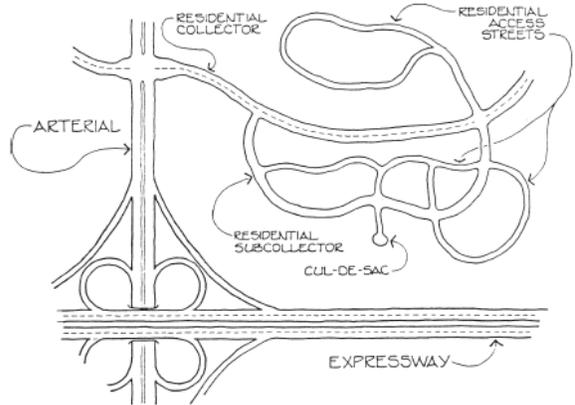
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Storage Trailer

A vehicle used or designed primarily for hauling or storing materials or goods, and capable of being readily moved by a tractor or other motor vehicle, including shipping containers such as those transported by trucks or rail.

Street

Includes (1) any public road; (2) any way designated for vehicular travel on a recorded subdivision map duly approved by the Commission; and (3) any way designated for vehicular travel on a map duly recorded in the Town land records and constructed in accordance with all then-existing Town ordinances and regulations. "Street" shall be deemed to include the entire width of the right-of-way.

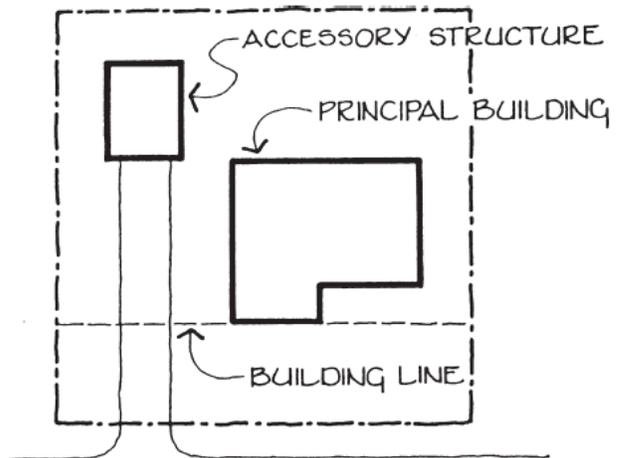


Street Line

A boundary of a street right-of-way..

Structure

Includes (1) an object that is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including a vehicle; (2) an edifice or building of any kind; (3) any production or piece or work, artificially built up or composed of parts and joined together in some definite manner, and requiring an attachment to the ground, including but not limited to wharves, docks, satellite dishes, above-ground tanks, solar panels, tennis and other game courts, and fences and walls. A "structure" is also a "use" of land, as defined under these Regulations.



Structure, Accessory

Any permitted structure other than a principal structure.

Structure, Principal

A structure in which the most significant or substantial aspects of the primary use of the property regularly occur, or are intended to occur. In some instances, a single principal use may be carried on in multiple principal structures on the same lot.

Studio for Production, Television and Film

A structure or structures housing film and television production facilities, and associated outdoor facilities such as temporary outdoor sets, that are used for the creation of film, television, music video, multi-media, and associated production activities. Such a facility shall not be open to the general public.

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Substantial Improvement

Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a one (1) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The “market value of the structure” is defined as the appraised value of the structure using the cost approach to value method, either (a) prior to the start of the initial repair or improvements, or (b) in the case of damage, prior to the occurrence of the damage. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or, (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Outdoor Set

A temporary structure or group of structures that is accessory to a production studio for film and television, that is used for a specific production and is then removed at the end of production.

Terrace or Patio

An improved or graded area located on the ground with no structural supports other than the subsurface base material and retaining walls.

Theater

A building or structure dedicated to public entertainment in the form of movies or live performances.

Through Lot (see Lot, Through)

Trailer

Any vehicle that is or can be used for sleeping, living or working quarters, or storage, and that is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. The term "trailer" includes, but is not limited to, park trailers, travel trailers, camper-trailers, and mobile homes, but excludes manufactured homes having as their narrowest dimension twenty-two (22) feet or more and built in accordance with federal manufactured home construction and safety standards.

Truck Terminal

A building, or portion thereof, or a group of buildings whose primary use is for the loading, unloading, and parking of trucks.

Use

The purpose for which a structure or land is actually used, occupied or maintained. If no use has yet been established, the term “use” shall mean the purpose for which the structure or land is arranged, designed, or intended to be used, occupied, or maintained. Every structure, in itself, shall also be considered a “use” under these Regulations.

Use, Accessory

A use of land, buildings or structures that is incidental and subordinate to, customarily used in connection with, and located on the same lot as the principal building, structure or use.

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Use, Permitted

A use of property that is expressly permitted in the Zoning Regulations but requires a Zoning Permit.

Use, Permitted by Right

A use of property that is expressly permitted in the Zoning Regulations but does not require a Zoning Permit. (Note: while the use itself may not require a Site Plan approval or a Zoning Permit [e.g., Agriculture], individual structures that are integral or accessory to the use may require Permits [e.g., building a new barn or expanding a farm house]).

Use, Principal

The main or primary purpose for which a structure or lot is used.

Use, Specially Permitted

A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a Special Permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole.

Used Car Dealer

A person, firm or corporation engaged in the business of merchandising used motor vehicles, and who may, incidental to such business, offer as a service the repair of motor vehicles.

Utilities

Utilities shall include water, sewer, natural gas, electricity, and telephone and television lines and cables.

Variance

A relaxation or modification of the terms of these Regulations by the North Stonington Zoning Board of Appeals pursuant to Connecticut General Statutes Sections 8-6 and 8-7.

Vehicle

A man-made object or device, whether motorized or unmotorized, that is designed or used primarily to move persons, materials or goods from one tract of land to another.

Veterinary Hospital

A building or group of buildings dedicated to health care services for domestic animals and/or household pets.

View Shed Analysis

An analytical technique for determining and delineating geographic areas from which a proposed structure or use will be visible.

View Shed Map

A map resulting from a view shed analysis and delineating the geographic areas from which a proposed structure or use will be visible. Coding is used to illustrate areas from which the structure will be visible.

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Villa

A detached structure located within a Golf Course Development and providing accommodations for guests of the golf course.

Warehousing/Distribution

A use engaged in storage, wholesale, and distribution to remote off-site locations, of manufactured products, supplies, and equipment, excluding bulk storage of hazardous materials, manure or other waste products, or other substances or materials that are toxic or highly flammable.

Waste Product

Any defective, superfluous, or otherwise unusable material destined for disposal or reclamation that is generated from animal or human activity or process, or is the byproduct of an operation or service. Earthen materials are excluded from this definition providing they are clean, inert, and uncontaminated (e.g., rock or soil that is natural, crushed, or ground and is free of hazardous wastes, scrap metal, wood, trash, and garbage).

Watercourse

Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to Section 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

Water Table

The level in the ground below which all voids and pore spaces are filled with water.

Wetland

Land, including submerged land, that is not regulated pursuant to Section 22a-28 through 22a-35 inclusive of the Connecticut General Statutes, as amended, and that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded or excavated sites, which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

Wind Facility

All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and wind turbines.

Wind Facility, Utility-Scale

A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Facility, On-Site

A wind project located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than fifty (50) percent of the electricity generated by the project on-site.

Wind Monitoring or Meteorological Tower

A temporary tower equipped with devices to measure wind speeds and direction, and used to determine how

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much wind power a site can be expected to generate.

Wind Turbine

A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Wine

Includes any alcoholic beverage, other than beer and hard cider, obtained by the process of fermentation.

Yard

An ungraded open space between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Required or Minimum

The minimum distance that a yard is required to be maintained from property lines.

Yard, Front

A yard extending between the line of the nearest building wall and all points along the front lot line(s).

Yard, Rear

A yard extending between the line of the nearest building wall and all points along the rear lot line(s).

Yard, Side

A yard extending between the line of the nearest building wall and all points along the side lot line(s).

Yard Sale

The non-regular sale of miscellaneous items commonly associated with residential use. Yard sales shall not be for the sale of products grown, made or produced on the property. The term “yard sale” includes “sidewalk sale,” “garage sale,” “basement sale,” “estate sale,” and similar appellations.

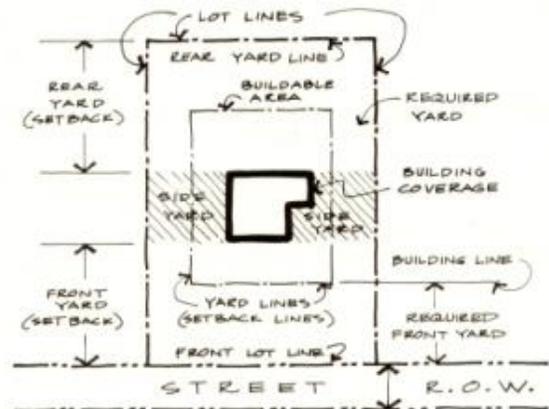
Zoning Enforcement Officer (ZEO)

A person officially designated by vote of the Commission to enforce the provisions of these Regulations.

Zoning Compliance Certificate

A written notice issued by the Commission or its designated agent upon application, certifying that a land use or any extension or alteration thereof, as built or established, conforms with all applicable requirements of the Zoning Regulations and of any Zoning Permit or Special Permit issued to allow such use, extension, or alteration. A zoning compliance certificate is required prior to the issuance of a certificate of occupancy.

Zoning Permit



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The type of permit required for a generally permitted use. As used in these Regulations, a "Special Permit" is not a "Zoning Permit."