

## Chapter 7 – Overlay Zoning Districts

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### **701**     **OVERLAY ZONING DISTRICTS**

- A. **Nature of Overlay Zoning Districts.** An overlay zoning district, or overlay district, comprises an area, delineated by an overlay or other special marking on the Zoning Map, that may incorporate portions of one or more underlying zoning districts, and that generally includes special regulations that differ from those in the underlying district(s). Except as may otherwise be expressly provided in the regulations applicable to an overlay district, the regulations pertaining to the underlying district(s) shall apply within the overlay district.
- B. **List of Existing Overlay Districts.** The Town of North Stonington contains the following existing overlay areas. The Overlay Districts herein described have been established as overlay areas as depicted on the Town's Zoning Map.
1.     **Village Preservation Overlay District**
  2.     **Water Supply Protection Overlay District**
  3.     **Seasonal Use Overlay District**
  4.     **Affordable Housing Overlay Zone: Meadow Court**

### **702**     **VILLAGE PRESERVATION OVERLAY DISTRICT (VPO)**

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.

- 702.1**     Permitted uses in the Village Preservation Overlay district are limited solely to those listed under the R40 district residential uses listed in § 502. The intent is to preclude any building, structure, or use that would be inconsistent or harmful to the historic charm and character of the Village because of size, location, design, or use.
- 702.2**     No principal building or use shall be established or changed to another use without a Special Permit.
- 702.3**     Existing building line setbacks shall be maintained for principal and accessory buildings.
- 702.4**     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 of Historic Places.
- 702.5**     Reconstructing or rebuilding after a fire or other casualty to buildings or features on documented historic sites within the Village Preservation Overlay district shall be permitted if it can be demonstrated that the building or feature is significant under the criteria of the National Register of Historic Places.

### **703**     **WATER SUPPLY PROTECTION OVERLAY DISTRICT**

- 703.1**     **Purpose.** It is the purpose and intent of the Water Supply Protection Overlay district (WSPO) to:
- A.     protect existing and potential public surface water supply watershed areas from sources of contamination;

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- B. protect areas of high groundwater availability from sources of contamination;
- C. promote public health and the general welfare of the community; and
- D. promote environmental protection.

**703.2** **Use Regulations.** In addition to other provisions of these Regulations, the provisions of this § 703 shall apply for all lots or portions of lots located within the designated Water Supply Protection Overlay district.

**703.3** **Conditional Uses**

The following uses are allowed only if permitted in the underlying zoning district and only if they meet the following additional criteria:

- A. Agricultural uses, provided they:
  - 1. adhere to manufacturer's recommendations and Best Management Practices (BMP's) for the storage or application of chemical 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 Resources Conservation Service (NRCS). In addition, new or expanded manure storage areas shall conform to NRCS design requirements.
- B. Accessory maintenance, washing, servicing, or repair of site-owned commercial, industrial, or fleet motor vehicles or equipment, providing such activities are performed on an impervious surface designed to collect, contain, and properly dispose of fuels, lubricants, fluids and other potential groundwater contaminants.
- C. Manufacture, use, storage, or disposal of hazardous materials, provided that a spill prevention, control, and countermeasure (SPCC) plan has been approved by the Commission and any other agency having jurisdiction.
- D. Gasoline station, auto repair, and auto body shop, provided that a spill prevention, control, and countermeasure (SPCC) plan has been approved by the Commission and any other agency having jurisdiction.

**703.4** **Prohibited Uses**

- A. Sanitary landfill, septage lagoon, or wastewater treatment facility for municipal or industrial wastes.
- B. Junkyard, salvage yard.
- C. Truck terminal or bus parking facility with ten or more parking spaces.
- D. Bulk storage of road salt for commercial or municipal purposes.

**703.5** Any parking area within the WSPO containing ten or more parking spaces shall, when constructed or reconstructed, have a treatment system designed, installed, and maintained to retain spills and renovate stormwater.

**703.6** Any development within the WSPO shall provide an acceptable means of pretreatment of runoff.

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**703.7** For the purposes of this subsection, acceptable pretreatment measures will be evaluated in terms of their compliance with current best management practices as may have been established by Federal and/or State agencies.

**703.8** The provisions of § 703 shall not apply to:

- A. single family dwellings on individual lots;
- B. accessways or driveways serving fewer than three dwellings; or
- C. home landscaping or maintenance activities.

**703.9** 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.

**703.10** Excavation, filling and grading are prohibited on slopes greater than 25%, unless the Commission finds 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.

**703.11 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 district.
- 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.

**703.12 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 district.

**704 SEASONAL USE OVERLAY DISTRICT**

Notwithstanding the provisions of § 305.3, the use of non-conforming lots in the Seasonal Use Overlay district shall be limited as provided in this § 704. Seasonal residential use is permitted for non-conforming lots that were created on or before May 21, 1964, as evidenced by deeds filed in

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the land records of the Town of North Stonington, provided such lots meet the dimensional requirements set forth in § 501 and the floor area of the seasonal residence is no less than 500 square feet. For purposes of this § 704, “seasonal residential use” means a residential occupancy that is limited to a maximum of six months in any one year. The use of other lots within the Seasonal Use Overlay district must comply with all requirements for the underlying zoning district.

### **705**     **AFFORDABLE HOUSING DEVELOPMENT OVERLAY ZONE- MEADOWCOURT**

**705.1**     **Intent.** The intent is to provide a mix of affordable and market rate housing units on the designated area. 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.

**705.2**     **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 fifteen percent (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 area median income or the statewide median income, whichever is less; **and** (2) not less than fifteen percent (15%) 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 (60%) of the area median income or the statewide median income, whichever is less.

#### **705.3**     **Permitted Uses**

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

All uses and activities (proposed and/or future) shall adhere to the Water Supply Protection Overlay Regulations as set forth in § 703, including without limitation, requirements for a Special Permit.

#### **705.4**     **Bulk and Density**

<b>Minimum Lot Size</b>	5 acres
<b>Maximum Density</b>	12 units per acre
<b>Maximum Building Coverage</b>	15%

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<b>Maximum Impervious Surface Coverage</b>	35%
<b>Minimum Residential Floor Area per Unit</b>	Studio – 350sf
	1 Bedroom – 500sf
	2 Bedroom = 700sf
<b>Maximum Building Height</b>	35 ft (max 2 stories)
<b>Minimum Lot Frontage</b>	600 ft.
<b>Minimum Building Separation</b>	10 ft.
<b>Minimum Setbacks</b>	Front & Rear - 50ft.
	Side – 80ft.*
<b>Minimum Buffers to Residential</b>	50ft.
<b>Minimum Buffers to Commercial</b>	10ft.

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

- 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.

### **705.5** **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 the Americans with Disabilities Act (ADA) requirements.

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

**705.7** **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.

**705.8** **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.

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

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**705.10 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.

**705.11 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
  - 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')

**705.12 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 Overlay district regulations (§ 703) 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

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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 § 705.13 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 § 705.13 below.
- H. **Affordability Plan**. In conjunction with an application for approval of the initial Conceptual Site Plan for an 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 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.

### **705.13 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 Site Plan submitted in conformance with Chapter 13 of these Regulations, except those regulations expressly altered or 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

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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 § 705.14 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 § 1112 of these Zoning Regulations regarding Stormwater Management.
2. Conformance with CT Public Health Code § 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 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 § 705.14 below.

### **705.14 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 §§ 705.13A & 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.



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- B. The Site Plan as described in § 705.13C 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 §§ 705.3 through 705.10 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 §§ 705.13C and 705.14 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 §§ 705.3 through 705.10 herein, shall require the submission of a revised Site Plan which shall be acted upon in accordance with the provisions of Chapter 13 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.

**705.15 Enforcement.** A violation of the Regulations contained in this § 705 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.

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