Zoning Regulations

TOWN OF STONINGTON, CONNECTICUT

ZONING REGULATIONS – TWENTY FOURTH EDITION

Effective July 20, 1961

Amended through October 1, 2013

PLANNING & ZONING COMMISSION MEMBERS:

Robert Marseglia, Chairman

John Prue, Vice Chairman

Frances Hoffman, Secretary

Robert Mercer, Regular Member

Ben Tamsky, Regular Member

Eric Beverly, Alternate

Curtis Lynch, Alternate

Gardner Young, Alternate

DEPARTMENT OF PLANNING STAFF:

Keith A. Brynes, AICP
Town Planner

Candace Palmer, CZEO
Land Use Enforcement Agent /
Inland Wetlands Official

Gayle Phoenix, CZET
PZC & Zoning Permit Administrator

Kathy Tallardy, CZET
IWWC & ZBA Permit Administrator

Planning & Zoning Office
Stonington Town Hall, 152 Elm Street, Stonington, CT 06378

Phone: (860) 535-5095 **FAX: (860) 535-1023**

dop@stonington-ct.gov

ZONING REGULATIONS

TOWN OF STONINGTON, CONNECTICUT

AMENDED THROUGH
OCTOBER 1, 2013

Date of Initial Adoption: July 20, 1961

ZONING REGULATION EDITIONS:

1st	7-15-1961	13th	8-18-1991
2nd	8-1964	14th	1-07-2003
3rd	9-1968	15th	6-12-2003
4th	11-1974	16th	6-01-2004
5th	2-13-1975	17th	5-01-2005
6th	11-21-1976	18th	2-01-2006
7th	8-20-1979	19th	10-18-2006
8th	2-11-1983	20th	8-01-2007
9th	4-09-1986	21st	7-01-2009
10th	10-15-1987	22nd	7-20-2010
11th	11-30-1988	23rd	7-01-2011
12th	10-01-1989	**24th**	**10-01-2013**

Planning & Zoning Office
Stonington Town Hall, 152 Elm Street, Stonington, CT 06378
(860) 535-5095 FAX: (860) 535-1023

TABLE OF CONTENTS

ARTICLE I PREAMBLE, ENACTING CLAUSE, ZONING DISTRICTS, MAP AND DEFINITIONS

1.0 PURPOSE AND AUTHORITY I-1

1.1 ZONING DISTRICTS – ESTABLISHED I-2

1.2 DEFINITIONS I-4

ARTICLE II GENERAL REGULATIONS

2.1 APPLICABILITY II-1

2.2 LOT DIVIDED BY DISTRICT BOUNDARY II-1

2.3 PERMITTED USES II-1

2.4 REQUIRED PERMITS II-1

2.5 FORMS OF PROPERTY OWNERSHIP II-2

2.6 NON-CONFORMING USE AND BULK II-2

2.7 LOT AREA MINIMUM II-3

2.8 UNDERSIZED LOTS, ADJACENT II-3

2.9 UNDERSIZED LOTS, OTHER II-3

2.10 PRIVATE AND PAPER STREETS II-4

2.11 GASOLINE SALE PLACES II-4

2.12 PROHIBITED USES II-4

2.13. PERFORMANCE STANDARDS II-6

2.14 SMALL ACCESSORY STRUCTURES II-10

2.15 ARCHITECTURAL DESIGN REVIEW II-10

2.16 DESIGN REVIEW REQUIREMENTS II-13

ARTICLE III DISTRICT REGULATIONS – RESIDENTIAL ZONES

3.1 RESIDENTIAL GBR-130, RC-120 ZONES III-1

3.2 RESIDENTIAL RR-80, RA-40 ZONES III-4

3.3 RESIDENTIAL RM-20, RM-15, RH-10 ZONES III-8

3.4 RESIDENTIAL RA-20, RA-15 ZONES III-12

ARTICLE IV DISTRICT REGULATIONS – COMMERCIAL AND INDUSTRIAL ZONES

4.1 DEVELOPMENT AREA (DB-5) IV-1

4.2 CONVENIENCE SHOPPING (CS-5) IV-4

4.3 LOCAL SHOPPING (LS-5) IV-7

4.4 GENERAL COMMERCIAL (GC-60) IV-11

4.5 TOURIST COMMERCIAL (TC-80) IV-14

4.6 MARINE COMMERCIAL (MC-80) IV-17

4.7 MANUFACTURING (M-1) IV-19

4.8 LIGHT INDUSTRY (LI-130) IV-22

4.9 HIGHWAY INTERCHANGE ZONE (HI-60) IV-24

ARTICLE V USE AND BULK TABLES FOR ALL ZONES

5.1 Conflict V-1
TABLE 5.1.1 - RESIDENTIAL ZONE BULK REQUIREMENTS V-1
TABLE 5.1.2 - RESIDENTIAL ZONES: PERMITTED,
ACCESSORY, & SPECIAL USES V-2
TABLE 5.2.1 – COMMERCIAL / INDUSTRIAL ZONE BULK REQUIREMENTS V-5
TABLE 5.2.2 – COMMERCIAL / INDUSTRIAL ZONES: PERMITTED, ACCESSORY, & SPECIAL USES V-6

ARTICLE VI SPECIAL USE PERMITS – REQUIREMENTS

6.1 SPECIAL USE PERMITS – GENERAL VI-1

6.2 PHASING REQUIREMENTS VI-2

6.3 CONCEPTUAL REVIEW FOR PROJECTS OVER 30 UNITS VI-3

6.4 STANDARDS FOR GRANTING OF A SPECIAL USE PERMIT VI-5

6.5 COMMISSION POWERS RELATIVE TO ACTION ON A SPECIAL USE PERMIT VI-6

6.6 SPECIFIC STANDARDS AND REQUIREMENTS - SPECIAL USE PERMITS VI-6
- 6.6.1 Cluster development (*Repealed*) VI-6
- 6.6.2 Congregate living facility VI-7
- 6.6.3 Convalescent home VI-11
- 6.6.4 Conversions to three or more accessory units VI-12
- 6.6.5 Drive-in windows VI-13
- 6.6.6 Housing for the elderly VI-14
- 6.6.7 Excavation and filling VI-15
- 6.6.8 Kennels VI-18
- 6.6.9 Marinas – Yacht clubs VI-18
- 6.6.10 Motels – Hotels VI-18
- 6.6.11 Outdoor vendors VI-20
- 6.6.12 Parking facilities, 20 or more spaces VI-21
- 6.6.13 Recreational camps VI-21
- 6.6.14 Rehabilitation of existing buildings VI-22
- 6.6.15 Attached housing VI-23
- 6.6.16 Restaurants – Liquor sale places for consumption on premises VI-25
- 6.6.17 Bed and breakfast facilities VI-27
- 6.6.18 Family entertainment centers VI-28
- 6.6.19 I-95/Route 78 interchange zone (*Repealed*) VI-29
- 6.6.20 Height exceptions for roof structures and architectural features VI-29
- 6.6.21 Residential Mixed Use VI-30
- 6.6.22 Open Space Development VI-31
- 6.6.23 Traffic Impact Study VI-37
- 6.6.24 Archaeological Study VI-38

ARTICLE VII SPECIAL REGULATIONS

7.1 ACCESSORY APARTMENTS VII-1

7.2 GROUNDWATER PROTECTION OVERLAY DISTRICT VII-1

7.3 COASTAL AREA MANAGEMENT OVERLAY DISTRICT VII-12

7.4 CONSTRUCTION STANDARDS VII-16

7.5 WETLANDS PRORATION VII-18

7.6 EROSION AND SEDIMENTATION CONTROL STANDARDS VII-19

7.7 FLOOD HAZARD OVERLAY DISTRICT VII-22

7.8 RESIDENTIAL USE GROWTH MANAGEMENT VII-37

7.9 MINIMUM RESIDENTIAL STANDARDS - ALL DISTRICTS VII-39

7.10 OFF-STREET PARKING REQUIREMENTS VII-39

7.11 REAR LOTS VII-56

7.12 SIGN REGULATIONS VII-57

7.13 STORMWATER DRAINAGE DESIGN VII-69

7.14 SOLAR ACCESS REGULATIONS VII-70

7.15 SWIMMING POOLS VII-67

7.16 YARD AND STREET CLASSIFICATIONS VII-73

7.17 TELECOMMUNICATIONS ANTENNAS AND TOWERS VII-75

7.18 SEASONAL MARINA STRUCTURES VII-79

7.19 INDUSTRIAL HERITAGE RE-USE DISTRICT (IHRD) VII-80

7.20 MARITIME HERITAGE DISTRICT (MHD) VII-84

7.21 NEIGHBORHOOD DEVELOPMENT DISTRICT (NDD) VII-88

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

8.1 INTERPRETATION VIII-1

8.2 ZONING PERMITS VIII-1

8.3 SITE PLAN SUBMISSIONS – REVIEW AND APPROVAL VIII-3

8.4 SITE PLAN REQUIREMENTS VIII-6

8.5 COMMISSION ACTION VIII-12

8.6 BONDING REQUIREMENTS VIII-12

8.7 APPLICATION FEE SCHEDULE VIII-13

8.8 IMPACT STATEMENT VIII-14

8.9 PUBLIC HEARINGS VIII-17

8.10 ZONING BOARD OF APPEALS VIII-18

8.11 PENALTY AND ENFORCEMENT VIII-20

ARTICLE IX VALIDITY – SEPARABILITY – AMENDMENTS

9.1 VALIDITY AND SEPARABILITY IX-1

9.2 SAVINGS CLAUSE IX-1

9.3 OFFICIAL COPY IX-1

9.4 AMENDMENTS IX-1

APPENDICES

1. ACRONYMS
2. ZONING AMENDMENT HISTORY
3. PLANNING & ZONING FEE ORDINANCE

ARTICLE I

PREAMBLE, ENACTING CLAUSE, ZONING DISTRICTS, MAP AND DEFINITIONS

1.0 PURPOSE AND AUTHORITY

1.0.1 These zoning regulations are designed to further the purposes set forth in Chapter 124, Section 8-2 of the Connecticut General Statutes, particularly in the following ways: to regulate height, number of stories, and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of the yards, courts and other open spaces, the density of population and the location, form, proportion, and use of buildings, structures, and size, design and location of advertising signs and billboards within the limits of said town; to divide said town into districts of such number, shape, and area as may be best suited to carry out the purposes of such chapter, and to regulate the erection, construction, reconstruction, alteration, or use of buildings or structures and the use of land in accordance with a plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to insure the health and the general welfare of the people of Stonington; to provide adequate light and air, to preserve important natural inland and coastal resources, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, with full consideration for the protection of historic factors and the character of the districts, the total consequent costs to the Town, and their particular suitability for particular intensity and form of use, and the control of sedimentation, erosion caused by wind or water; and with a view to conserving the value of buildings and land and the most appropriate use of land throughout said Town.

1.0.2 All references to the Connecticut General Statutes refer to the revisions of 1958 as amended.

1.0.3 **Enacting Clause. Short Title.**
The Stonington Planning and Zoning Commission, acting under authority of Chapter 124, Section 8-3 of the Connecticut General Statutes, hereby amends and codifies the "Zoning Regulations for the Town of Stonington" which became effective July 20, 1961, as amended, so that the same shall read as set forth below. The provisions of said regulations and the amendments thereto, insofar as they are consistent with these regulations, are not repealed but are codified in these regulations. Any and all provisions of said regulations as amended which are inconsistent with these regulations are repealed, but such repeal shall not affect (a) any violation which occurred before the date when these regulations (or any amendments thereof) where adopted, or exists on such date, (b) any

penalty incurred, and any such violation may be prosecuted under said regulations as amended.

1.1 ZONING DISTRICTS – ESTABLISHED

RESIDENTIAL	SYMBOL
Greenbelt Residential	GBR-130
Residential Coastal	RC-120
Rural Residential	RR-80
Residential Low Density	RA-40
Residential Moderate Density	RM-20
Residential Moderate Density	RM-15
Residential High Density	RH-10
Residential Single Family	RA-15
Residential Single Family	RA-20

COMMERCIAL	SYMBOL
Development Area	DB-5
Convenience Shopping	CS-5
Local Shopping	LS-5
General Commercial	GC-60
Tourist Commercial	TC-80
Marine Commercial	MC-80
Highway Interchange	HI-60

INDUSTRIAL AND SPECIAL DISTRICTS	SYMBOL
Manufacturing	M-1
Light Industry	LI-130

INDUSTRIAL AND SPECIAL DISTRICTS	SYMBOL
Groundwater Protection Overlay District	GPOD
Coastal Area Management Overlay District	CAMOD
Flood Hazard Overlay District	FHOD
Industrial Heritage Re-Use District	IHRD
Maritime Heritage District	MHD
Neighborhood Development District	NDD
Downtown Pawcatuck Parking Overlay District	DPPOD

1.1.1 The Zoning Map shall be interpreted as follows:
Each district may be designated on the zoning map (Section 1.1.2) and in the District Regulation and elsewhere in the text of these regulations by its symbol only, by its title, or both.

1.1.2 **Zoning Map.** **[TEXT AMENDED OCTOBER 17, 2006]**
The areas and boundaries of such districts are hereby established (a) as shown on a map set entitled "Zoning Map Atlas - Town of Stonington" and (b) as specified in Section 1.1.3. Such map set referred to herein as the "Zoning Map," together with everything shown thereon, is hereby made part of the regulations. An original of the Zoning Map Atlas and any amendments thereof shall be maintained on public display in the office of the Town Clerk and the office of the Department of Planning.

1.1.3 **Zoning Map District Boundaries.**

1.1.3.1 Along Rights-of-Way. Where a district boundary is shown following a street, a public right-of-way or a railroad, the boundary is respectively the center line of such street, or public right-of-way, or a line located midway between the main tracks of said railroad, and such boundary shall be deemed to be changed automatically whenever the center line of such street or public right-of-way is changed, or said main railroad tracks are changed if the new center line is no further than 50 feet from the old center line at any point.

1.1.3.2 Map Dimensions. Where a dimension is indicated on the Zoning Map, such dimension shall control. However, in the absence of a

specific dimension being indicated on the Zoning Map, the dimension shall be determined by using the map scale. In the case of conflict of scale or dimension, the Commission shall determine the exact location in the field.

1.1.3.3 Physical Markers. Where a street, highway, railroad, or other physical monument or marker on the ground by which a boundary is determined varies from that as shown on the Zoning Map or dimension, the on-the-ground physical monument or marker shall control.

1.1.3.4 Scope of Controls. After the effective date of the Regulations, all new construction or development, and every change, enlargement or relocation of use, and every reconstruction or structural alteration of a building or non-building use and every change in bulk shall conform to the Use and Bulk Regulations of these Regulations. All new buildings and all newly developed land and non-building uses may be used for any purpose permitted or required by the Regulations of the appropriate district. All existing non-conforming uses and non-conforming bulk may continue subject to all applicable Regulations.

1.2 DEFINITIONS

1.2.1 General.

For the purposes of these Regulations, certain terms and words used herein shall be used, interpreted, and defined as set forth in this section.

Person includes an individual, a corporation, a partnership, and an unincorporated association.

Shall is always mandatory; may is permissive.

The *Town* is the Town of Stonington in the County of New London, State of Connecticut; the Planning and Zoning Commission or Commission, and the Zoning Board of Appeals are respectively the Planning and Zoning Commission and the Zoning Board of Appeals of the Town.

Use, *used*, or *occupied* as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied" as the primary purpose or activity of the premises.

1.2.2 **Specific.**

Abutter. [ADOPTED JUNE 1, 2004] The owner(s) of land adjacent to the subject parcel, within a radius of one hundred (100) feet of such parcel or a distance prescribed in C.G.S. Section 8-8(a)(1) "aggrieved person", whichever is greater, including land across any road, street, highway, pentway, river (excluding the Pawcatuck and Mystic Rivers), stream, cove, or brook.

Accessory. [ADOPTED JULY 20, 1961; AMENDED JULY 30, 1991] Term applied to a building or use that is clearly subordinate to the principal building or use, and located on the same lot with such principal building or use.

Accessory Apartment. [ADOPTED JULY 30, 1991] A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

Acre. [ADOPTED APRIL 15, 2003] 43,560 square feet.

Adaptive Re-use. [ADOPTED AUGUST 17, 2004] Conversion of existing buildings into modern and functional facilities while retaining historic architectural features and original structural details, to the extent feasible.

Adjoining. [ADOPTED JANUARY 3, 2006] Having a common boundary or edge; touching.

Agriculture. The primary production of products of the soil, involving the cultivation of the land and the raising and harvesting of these products, including, but not limited to, nurseries, horticulture, forestry, livestock, and poultry.

Alternative tower structure. [ADOPTED MARCH 17, 1998] Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. [ADOPTED MARCH 17, 1998] Shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Aquaculture. The production of food products of the sea (fresh or salt) in a controlled environment directly or indirectly associated with a natural body of water.

Aquifer. A geological unit capable of yielding usable amounts of water to wells.

Arcade. Any building or premise which contains 3 or more electronic and/or mechanical pinball and/or video machines.

Assembly. [ADOPTED JULY 20, 2010] A manufacturing process in which interchangeable parts are added to a product in a sequential manner to create an end product.

Attached Housing. Two (2) or more dwelling units within a single structure, except Duplex Housing.

Average Finished Grade. [ADOPTED JULY 1, 1997] A reference plane established by the average of the finished ground level adjoining the building along all the exterior walls, from the exterior wall out to a point 6 feet from the building.

Base Flood Elevation (BFE). [AMENDED MAY 17, 2011] The elevation of base flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement. [ADOPTED JULY 20, 1961; AMENDED JULY 30, 1991; AMENDED MAY 17, 2011] The portion of the building that is partly underground which has more than half of its structural headroom above the average finished grade of the ground adjoining the building. For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

Boating Facility. A facility for berthing and securing recreational craft for more than three, but less than ten, boats serving neighborhood residents exclusively.

Boat Livery. A facility where small boats can be rented by the hour and which may be connected with a store which sells fish bait and refreshments during the summer season only.

Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Brewery. [ADOPTED FEBRUARY 11, 2011] A facility, distinct from restaurant/brewpubs, used for the brewing, bottling and production of beer and beer products, which may include activities such as: (1) wholesale and retail sale of beer and related items to the extent allowable under state statute; (2) a tasting room; (3) beer sales by the bottle for consumption off premises; (4)

tastings; (5) tours; (6) beer/food events; (7) catered events, provided said activities are specifically authorized by the Planning and Zoning Commission.

Buffer. [AMENDED JANUARY 18, 1994] An area within a required yard which contains trees, shrubs, walls, fences, rocks, berms and other landscaping materials and whose primary function is to provide effective visual, noise, and odor insulation from adjacent property and roadways.

Bufferyard. [ADOPTED SEPTEMBER 7, 2004] An area within a required yard which contains trees, shrubs, walls, fences, rocks, berms and other landscaping materials and whose primary function is to provide effective visual, noise, and odor insulation from adjacent property and roadways.

Building. [ADOPTED JULY 30, 1991] A structure having a roof, which forms an enclosure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. [SEE ALSO: STRUCTURE; FLOOR AREA, GROSS; YARD, REQUIRED]

Building Footprint. [ADOPTED OCTOBER 18, 2005] The total area, measured on a horizontal plane, of the principal building.

Building, Principal. [ADOPTED JULY 11, 2011] The building or buildings on a lot that serve the principal use intended for that lot.

Bulk. [ADOPTED JULY 20, 1961] The size and shape of buildings and non-building uses; the physical relationships of their exterior walls or their relation 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.

Bulk, Non-conforming. [ADOPTED JULY 20, 1961] That part of a building or non-building use which does not conform to one or more of the applicable Bulk Regulations of these Regulations, whether on its effective date, or as a result of subsequent amendments.

Camp Trailer (camper). [ADOPTED APRIL 2, 1971] A vehicle commonly referred to as a camper, camp trailer, trailer bus, motor bus, or recreational vehicle equipped with sleeping facilities, used for vacation travel purposes only and not more than eight and one-half (8½) feet wide or 32 feet in length. A self-contained camp trailer is a camp trailer with its own water storage, flush toilet, and/or bath, and/or shower, and waste holding tank.

Cellar. [ADOPTED JULY 20, 1961; AMENDED JULY 30, 1991] The portion of the building that is partly underground which has more than half of its structural headroom below the average finished grade of the ground adjoining the building.

Certification of Zoning Compliance. [AMENDED JULY 30, 1991] A letter or document as issued by the Zoning Enforcement Officer stating that a specified use or structure is in conformance with all zoning regulations or is a valid non-conforming use.

Certification of Erosion and Sediment Control. [AMENDED JULY 30, 1991] A signed, written approval by the Planning and Zoning Commission (or its designated agent) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Coastal High Hazard Area. [AMENDED MAY 17, 2011] The area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on the Flood Insurance Rate Map as Zone VI - 30, VE or V.

Cost. [ADOPTED MAY 17, 2011] As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Class A-2 Survey. [ADOPTED JULY 20, 2010] A Horizontal Control Survey which establishes points on a horizontal coordinate system to a standard of accuracy as defined in Section 20-300b-11 of the *Regulations of Connecticut State Agencies -- Standards for Surveys and Maps.*

Class T-2 Standard. [ADOPTED JULY 20, 2010] A Topographic Survey which depicts the configuration of the earth's surface and the location of natural and artificial objects thereon to a standard of accuracy as defined in Section 20-300b-11 of the *Regulations of Connecticut State Agencies -- Standards for Surveys and Maps.*

Co-Location. [ADOPTED JULY 20, 2010] The location of wireless telecommunication facilities from more than one provider on a single structure or tower. Also refers to the provision of more than one service on a single structure or tower by one or more carriers.

Commercial. [ADOPTED JULY 20, 1961] A use facilitating the barter, sale, or exchange of things of value and including wholesaling and assembly of articles for sale, but not fabrication.

Common Interest Community. [ADOPTED AUGUST 21, 2006] A development wherein the land and common facilities are under single common ownership, as defined under Chapter 828 of Connecticut General Statutes.

Conference Center. [ADOPTED JANUARY 18, 1994] A facility used for academic, business or professional meetings, which may also offer accommodations for sleeping, dining and recreational facilities. The minimum floor area for sleeping accommodations shall be the same as listed in Section 6.6.10.2.

Congregate Living Facility. [AMENDED FEBRUARY 18, 2000; AUGUST 3, 2000] A complex of more than ten (10) private residential dwelling units restricted to not more than two (2) persons per dwelling unit, at least one of whom is a person 55 years of age or older, that provides an assisted living environment for those who are in otherwise good health, and that provides the support of services, both licensed and unlicensed, necessary to maintain the residents in a semi-independent life style. A congregate care facility may include convalescent care. For purposes of these regulations, a congregate care facility is not deemed to be “Housing for the Elderly”.

Consolidated Parcel. [ADOPTED SEPTEMBER 7, 2004] Two (2) or more parcels, which may be under separate ownership that are planned and developed as one integrated development.

Convalescent Home. [ADOPTED JANUARY 20, 1970] (a) a home for the aged; (b) a rest home with nursing supervision; (c) a chronic and convalescent home; (d) a chronic and convalescent home with authorization to care for persons suffering from harmless chronic mental disturbances; (e) a children's nursing home; or (f) a children's nursing home with authorization to care for persons suffering from harmless chronic mental unsoundness. Above terms are as defined in the "Public Health Code of the State of Connecticut, February 1987" as amended.

County Soil & Water Conservation District. The New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

Day Care Center. [ADOPTED SEPTEMBER 20, 1986] A building or structure where care, protection and supervision are provided for a fee to more than six (6) children.

Design Open Space. [ADOPTED MAY 24, 2006] The area associated with each building unit exclusive of the integral lot area, sidewalks, parking spaces and driveways, that provide areas for plantings and grass.

Development. [AMENDED MAY 17, 2011] Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Disturbed Area. [AMENDED AUGUST 21, 2006] Any land not left in its natural vegetated state.

Drive-in window. [ADOPTED JANUARY 3, 2006] A facility designed to provide access to commercial goods (including food and beverages), products and services for customers remaining in their motor vehicles.

Driveway Throat Length. [ADOPTED JUNE 1, 2004] The Driveway Throat Length is the distance from the street to the first point of conflict along the driveway.

Driveway Throat Width. [ADOPTED JUNE 1, 2004] The narrowest width of a driveway measured parallel with the edge of the traveled way exclusive of radii, ramps or tapers.

Dustless Surface – Permanent Surfaces. [ADOPTED JULY 20, 1961; AMENDED] The ground adequately covered with concrete, asphalt, or bituminous products.

Dustless Surface – Temporary Surfaces. The ground adequately treated with oil, calcium chloride, crushed stone, or similar dust-inhibiting substances, and maintained in good condition at all times.

Dwelling Unit. [ADOPTED JULY 20, 1961] A structure, or part thereof, containing complete housekeeping facilities limited to use by one (1) family only.

Easement, Scenic Recreation. Legal documentation necessary to provide the residents of the Town of Stonington with rights to pass over the subject premises

for perpetuity, limited to passive enjoyment, and not for structures or active recreation development by the town or ultimate property owners.

Efficiency Unit. [AMENDED JULY 30, 1991] A dwelling unit having one (1) room exclusive of bathrooms, kitchen, laundry, pantry, foyer, corridors, or any dining alcove of less than 70 square feet of floor space.

Entertainment, Live. [ADOPTED JANUARY 3, 2006] A musical, theatrical, dance, cabaret, or comedy act performed by one (1) or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FAA. [ADOPTED MARCH 17, 1998] The Federal Aviation Administration.

Family. [ADOPTED JULY 20, 1961] One or more persons who live together and maintain a common household, related by blood, marriage, or adoption. A group of not more than four (4) persons who need not be related who are living together in a single dwelling unit and maintaining a household shall also be considered a family. A roomer, boarder or lodger shall not be considered a member of the family, and no roomer, boarder or lodger shall be permitted where the family is defined as a group of unrelated persons.

Family Day Care Home. [ADOPTED SEPTEMBER 20, 1986] A private residence where care, protection and supervision are provided for a fee to no more than six (6) children, including preschool children of the household itself.

Family Entertainment Center. [ADOPTED OCTOBER 20, 1992] A facility for supervised, family-oriented recreational and leisure time activities permitting electronic and/or mechanical pinball and/or video machines, games, rides, shows, amusement devices, gift sales, and a restaurant.

Farm. [ADOPTED JULY 20, 1961] At least five (5) acres of land that are mainly used for agricultural or aquacultural activity, together with the structures incidental thereto.

FCC. [ADOPTED MARCH 17, 1998] The Federal Communications Commission.

Federal Emergency Management Agency (FEMA). [ADOPTED MAY 17, 2011] The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space. **[ADOPTED MAY 17, 2011]** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Floating Zone. **[ADOPTED SEPTEMBER 6, 2005]** A floating zone is a zoning district that is added to the zoning law but that "floats" until an application is made to apply the new district to an eligible parcel. Parcel eligibility is identified within the district language and is related to particular characteristics. The zoning map amendment required to designate an area includes a master plan depicting the proposed use of the subject property as part of the review process. Upon the approval of the application, the zoning map is amended to apply the floating district to the subject parcel(s) of land.

Flood or Flooding. **[ADOPTED MAY 17, 2011]** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Area, Flood Hazard Zone. **[ADOPTED JULY 20, 1961; AMENDED]** Those normally dry land areas above mean high tide that are subject to a general or temporary condition of partial or complete inundation from inland or tidal waters, or accumulation of surface waters, as determined by the Flood Insurance Administration and shown on the Flood Insurance Rate Map.

Flood Insurance Rate Map (FIRM). **[ADOPTED MAY 17, 2011]** The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS). **[ADOPTED MAY 17, 2011]** The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Way. The channel of a river or other water course and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one-quarter (¼) foot.

Floodplain Variance. **[ADOPTED MAY 17, 2011]** A grant of relief by a community from the terms of the floodplain management regulation that allows

construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Floodplain Violation. **[ADOPTED MAY 17, 2011]** A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Floor. **[AMENDED JULY 11, 2011]** The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Floor Area, Gross (GFA). **[ADOPTED JULY 20, 1961; AMENDED MARCH 7, 2006; AMENDED JULY 11, 2011]** The sum of the gross area of every floor in a Roofed Over Space on a lot in both Principal and Accessory Buildings. The area of enclosed spaces shall be measured from the exterior faces of the walls or from the center line of a party or common wall separating two buildings. For the purposes of calculating Floor Area Ratio, Roofed Over Space used for stairwells, elevators, accessory water tanks, and cooling towers shall not be counted toward Gross Floor Area. For purposes of calculating accessory off-street parking and loading berth requirements for commercial uses, cellar space that is used for commercial uses shall be included for the purpose of calculating such requirements, even if not counted as Roofed Over Space for purposes of calculating Floor Area Ratio.

Floor Area Ratio. [**ADOPTED JULY 20, 1961**] The gross floor area of all buildings on a lot in square feet, divided by the area of such lot in square feet (lot area as prorated by Section 7.5).

Form. The shape and appearance of buildings and the shape and arrangement of spaces made by the buildings and spaces.

Frontage. [**ADOPTED JULY 30, 1991**] The property line of a lot measured along the street line at the setback line from the highway right-of-way edge.

Functionally Dependent Facility. **[AMENDED MAY 17, 2011]** A facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Garage, Public. A building designed and used for the storage of motor vehicles operated as a business enterprise with a service charge or fee for the parking or storage of privately owned vehicles.

Government Authority. [ADOPTED MARCH 17, 1998] The governing authority of the Town of Stonington.

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. Water below the land surface in the saturated zone.

Groundwater Protection Overlay District. [AMENDED AUGUST 2, 2005] All areas shown on the Groundwater Protection Overlay District Map which include Primary Recharge Areas, and selected portions of the Secondary Recharge Areas that contribute directly to the Aquifer being identified. [FORMERLY AQUIFER PROTECTION ZONE (APZ)]

Habitable Floors. Any floor usable for living purposes or readily convertible for such purposes, including: working, sleeping, eating, cooking, recreation, or a combination thereof, in part or whole.

Halo Lighting. [ADOPTED JANUARY 15, 2008] A sign illuminated by a non-visible light source consisting of opaque, channel lettering and where the only visible light is reflected off the background creating a halo effect.

Hazardous Material. Any virgin or waste substance which, because of its physical, chemical, or infectious characteristics, poses an actual threat to health or drinking water quality or is a threat because it may be improperly managed. Generally the material has the following characteristics: toxic, flammable, corrosive, or reactive. (Included are substances, wastes, and chemicals listed as hazardous under the following laws or regulations: Title III of Superfund Amendments and Environmental Response Compensation and Liability Act (CERCLA); the Resource Conservation and Recovery Act (CWA) Section 311; and Connecticut General Statutes Section 22a-448.) Included are petroleum and petroleum products.

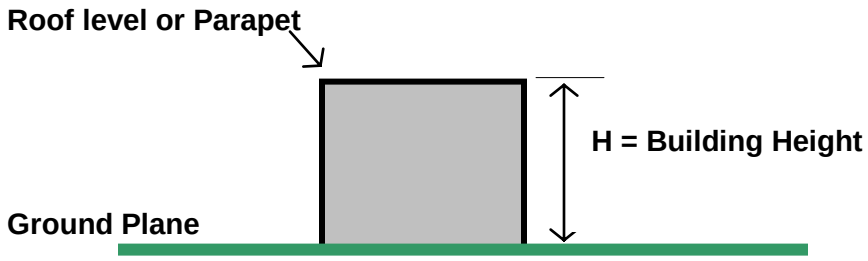
Health Club. [ADOPTED SEPTEMBER 7, 2004] An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers and lockers, also known as gymnasiums.

Headroom, Structural. [ADOPTED JULY 11, 2011] The vertical distance within a structure as measured from the floor or horizontal surface upon which a person could stand to the ceiling directly above said floor or surface or, if there is no ceiling or if a drop ceiling is installed, to the bottom of the ceiling joists, rafters, trusses, carrying beams, or framing members.

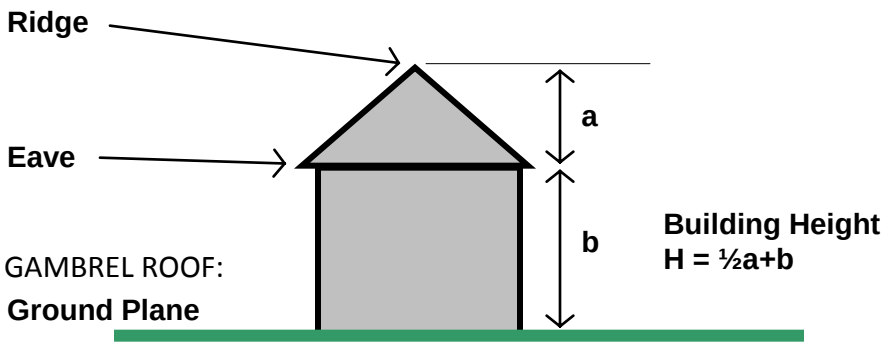
Height, Building. [ADOPTED JULY 20, 1961; AMENDED: JULY 30, 1991; JULY 1, 1997] The vertical distance from the average finished grade to the highest point of flat or mansard roofs (including the top of a parapet) or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs. In the case of multiple roofs, the roof with the greatest height shall determine building height.

Building Height. See Illustrations:

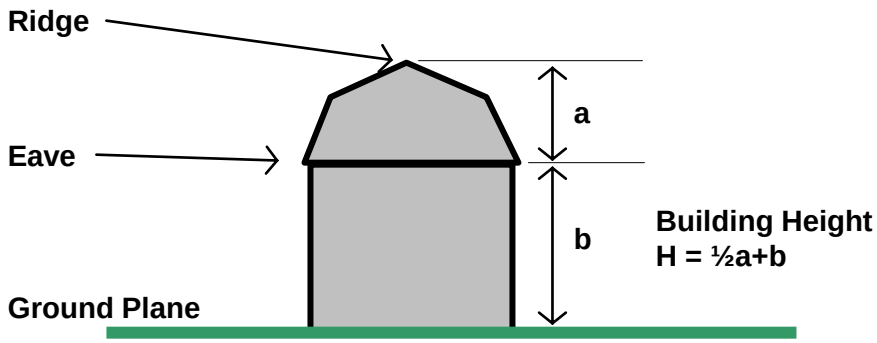
FLAT ROOF:



GABLE/A-FRAME OR HIP ROOF:



GAMBREL ROOF:



Height. [ADOPTED JULY 20, 1962; AMENDED MARCH 17, 1998] Shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Historic Structure. [ADOPTED MAY 17, 2011] Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. [ADOPTED JULY 20, 1961] An occupation, not otherwise permitted in the district, which is clearly accessory and secondary to the residential use of the dwelling and conducted by at least one member of the family residing on the premises, and which conforms to the following: (a) the occupation shall be carried on wholly within an enclosed building; (b) not more than 25 percent of the floor area of the principal building shall be employed in such home occupation; (c) all advertising displays for the premises shall not exceed one and one-half (1½) square feet of area, (d) occupations entailing substantial patronage in excess of five appointments per hour, or which create nuisances, noise, glare, or odor shall not be "Home Occupations." Home occupations may include, but need not be limited to: artistry, dressmaking, teaching, professional office, writing, lawyering, architecture, accounting, or consulting, but does not include businesses such as animal hospital, veterinarian, barber, beautician, auto repair, restaurant, tearoom, massage parlor, tavern or musician.

Hospital. [ADOPTED NOVEMBER 7, 2002] Facility or institution principally engaged in providing services to individuals, including offices of physicians, dentists, other health practitioners and medical and dental laboratories designed for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition; for medical or surgical care on an outpatient basis or for their housing during the process.

Hotel. [ADOPTED JULY 20, 1961; AMENDED: MARCH 31, 1986; JANUARY 18, 1994; JUNE 2, 1994] A building or group of buildings providing rooms without cooking facilities for transient lodging, where at least 75 percent of the rooms have primary access through a main lobby. Hotels may have the following ancillary services: restaurants, meeting rooms, retail stores and recreational facilities. Hotel use is subject to the standards and requirements of Section 6.6.10. Suite type units, containing cooking facilities and no more than two bedrooms, are included in this definition, provided that the suites are specifically intended, designed and approved for such use.

Household Use. Small quantities of Hazardous Materials of a type and volume used for normal repair, cleaning or maintenance of a residence, and associated equipment, in volumes and amounts sold for that purpose.

Housing for the Elderly. [ADOPTED JULY 30, 1991] Dwelling units with an interior design and layout of buildings and units specifically suited for the needs of elderly persons, meeting Federal and State program requirements and Commission guidelines as derived from any special consultant reports.

Impervious Coverage. [ADOPTED SEPTEMBER 7, 2004] The area of a parcel covered by buildings, pavement and other surfaces that are impervious to the infiltration of stormwater.

Impervious Coverage, Effective. [ADOPTED SEPTEMBER 7, 2004] The area of a parcel covered by buildings, pavement and other surfaces that are impervious to the infiltration of stormwater, minus the surface area of building roofs connected to roof leaders that convey stormwater to drywells capable of capturing and infiltrating stormwater from a 25-year, 24-hour duration, New London County storm into the ground.

Industrial. [ADOPTED JULY 20, 1961] See Manufacturing.

Inspection of Erosion Control. The periodic review of sediment and erosion control measures shown on the certified plan.

Integral Lot Area. The area associated with a single dwelling unit and accessible from that unit by access opening onto it at ground level and unoccupied by drives, walks, parking, accessory uses or building, to be designated for private use of that unit only.

Junkyard. [ADOPTED JULY 20, 1961] Any land or building used in whole or in part for the collection, storage, and/or sale of wastes, paper, rags, a clutter of metal, scrap metal, glass or similar accumulations of appliances, articles or material; or any place in or on which old material, glass, paper, cordage, or other waste or

discarded or second hand material which has not been a part, or is not intended to be part, of any motor vehicle, is stored or deposited. It includes also any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on public highways; or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

Landscape Wall Sign. [ADOPTED JANUARY 15, 2008] A sign affixed to a landscape or retaining wall.

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

Landfill and Filling Operations. [ADOPTED FEBRUARY 15, 1977] The deposit of any fill material that would alter existing surface drainage pattern or water course; or create a surface pitch in excess of five (5) percent; or raise an existing elevation by more than three (3) feet over an area of more than 5,000 square feet, as determined by the Zoning Enforcement Officer.
The following activities are exempt:

1. Those previously approved by a State, Federal or locally authorized agency or commission, except areas in CAM boundary.
2. Filling related to the construction of a single or two-family dwelling or previously approved subdivision lot where no more than fifty (50) percent of the applicable zoning district lot area requirement is to be filled.

Light Manufacturing. [ADOPTED JANUARY 18, 1994] Manufacturing, fabricating, processing, converting, altering, assembling and testing, engineering and marketing development of products. All activity associated with this use shall be totally contained within the structure or structures and shall conform to the performance standards for non-residential uses set forth in Section 2.13. Permitted, incidental, and accessory uses shall include offices, sales rooms, and storage for wholesale distribution items manufactured and/or assembled on the premises.

Liquor Sale Places. Building or uses where any spirituous or intoxicating liquors, and all mixed liquor, any part of which is spirituous or intoxicating, such as wine, ale, port, beer or "hard liquor" is sold for on or off premises consumption.

Livestock. Farm animals kept for use and/or profit, except those listed under Prohibited Uses.

Lot. [ADOPTED JULY 20, 1961] One or more contiguous parcels of land under single ownership or control, designated by the owner at the time of filing an application for a zoning permit as a tract to be used, developed or built upon as a unit, provided all such lots conform to applicable Zoning Regulations.

Lot, Corner. [ADOPTED JULY 20, 1961] A lot whose street lot lines have an interior angle of less than 135 degrees at the intersection of the two lot lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot, Through. A lot other than a corner lot having frontage on two or more streets that do not intersect at the lot.

Lot Area. The actual area in square feet enclosed by the lot lines including easements, but wetlands only as prorated by Section 7.5, Wetlands Proration.

Lot Line. [ADOPTED JULY 20, 1961] Any lot boundary setting a lot apart from adjoining lots or from a street, other open lands or common spaces.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

Major Commercial Establishments. [ADOPTED JUNE 21, 2005] Commercial, industrial or non-profit developments with a cumulative Gross Floor Area of 100,000 square feet or greater.

Manufacturing. [ADOPTED JULY 20, 1961] Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity.

Manufactured Home. [AMENDED MAY 17, 2011] A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision, Existing. [ADOPTED MAY 17, 2011] A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, as a minimum, the installation of utilities, the construction of streets, and either

final site grading or the pouring of concrete pads) is completed before December 28, 1961, the effective date of the floodplain management regulations adopted by the community.

Manufactured Home Park or Subdivision, Expansion. **[ADOPTED MAY 17, 2011]** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New. **[ADOPTED MAY 17, 2011]** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 28, 1961, the effective date of the floodplain management regulation adopted by the community.

Market Value. **[ADOPTED MAY 17, 2011]** As related to substantial improvement and substantial damage, the value of the structure determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Marina. A boat basin with facilities for berthing, securing, and servicing of recreational craft, the sale of marine motors, the sale and brokerage of recreational craft, as well as providing adequate supplies, provisions, storage, fueling and other facilities for the same, including parking.

Mean Sea Level. **[AMENDED MAY 17, 2011]** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical Clinic. [**ADOPTED JANUARY 18, 1994**] Facility or institution principally engaged in providing services to individuals, including offices of physicians, dentists, other health practitioners and medical and dental laboratories designed for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity, or physical condition on an out-patient basis.

Mixed-Use. [**ADOPTED AUGUST 17, 2004**] Allowance of more than one (1) type of permitted use on a single property or within a single building.

Motel. [**ADOPTED JULY 20, 1961**] A building or a group of buildings in connected units designed as individual living and sleeping quarters for hire. A motel

includes every type of similar establishment designed as auto courts or tourist cabins, but does not include cooking or housekeeping facilities.

Municipal Athletic Field Sponsorship Panels. [ADOPTED OCTOBER 4, 2011] Commercial sponsorship signage located at a municipal athletic facility meeting the requirements of Section 7.12.9.

Museum. [ADOPTED JUNE 21, 2005] A non-profit institution that collects, stores, preserves and exhibits artifacts with the primary purpose of public or private education; which may include such uses as indoor and outdoor exhibits, educational facilities, classrooms, collections storage and preservation facilities, maintenance facilities, administrative offices and supporting commercial activities providing visitor service, such as dining facilities and retail stores.

New Construction. [ADOPTED FEBRUARY 25, 1993] Structures for which the "start of construction" commenced on or after, December 28, 1961, and included any subsequent improvements of such structures.

Night Club. A commercial enterprise whose primary function is to supply music or live entertainment or both and which may provide food and/or beverages for on-premises consumption.

Non-Building Use. [ADOPTED JULY 20, 1961] A principal use of land to which the buildings on the lot, if any, are accessory, such as a trailer park, junk yard, public parking lot or an open storage yard of materials.

Non-Conforming Bulk. [ADOPTED JULY 20, 1961] See Bulk, Non-Conforming.

Non-Conforming Use. [ADOPTED JULY 20, 1961] See Use, Non-Conforming.

Non-Infringement Area. [AMENDED SEPTEMBER 7, 2004] The area designated by the Commission, or these Regulations, adjoining a stream, floodway, wetland, tidal area, that may not be disturbed, filled or improved, but may be used, with permission from the Planning and Zoning Commission for public trails, greenways, boat access, and water quality restoration activities. The dimension or width of such an area shall be set by the Commission in view of local conditions in terms of soils, slope, use, streams, flood potential, and local geography.

Open Space Development (OSD). [ADOPTED AUGUST 21, 2006] A development which conforms to Section 6.6.22 of the regulations. An Open Space Development may include a subdivision, or resubdivision of land, or may be a Common Interest Community development.

Outdoor Vendors. Individuals seeking to sell wares, produce, crafts or any merchandise from a non-permanent location on a private open lot, or other location not in a public street or on a public sidewalk.

Parking, dedicated off-site (sender). [ADOPTED JUNE 1, 2004] The parcel or property where the use requiring off-site parking is located.

Parking, dedicated off-site (receiver). [ADOPTED JUNE 1, 2004] The parcel or property where the off-site parking is being provided.

Parking, Off-Street. [ADOPTED JULY 20, 1961] Parking space as required for specific uses that is located off a public right-of-way.

Performance Standards. [ADOPTED JULY 20, 1961] Standards specified by the Commission or referred to in these Regulations and requiring continued compliance.

Personal Service. [AMENDED JULY 30, 1991] A business that provides grooming or physical fitness services to individuals or groups of individuals.

Pre-existing Tower and Antennas. [ADOPTED MARCH 17, 1998] Defined according to the meaning set forth in Section 7.17.2.3 of these Regulations.

Premises. [ADOPTED JULY 20, 1961] All land comprising a lot and all the buildings and uses located thereon.

Primary Recharge Area. [AUGUST 2, 2005] The area of stratified drift identified on the Groundwater Protection Overlay District Map as the "Primary Recharge Zone." This zone overlies the aquifer and adjacent stratified drift from which and in which ground water flows directly into the aquifer.

Public Parking Lot. [ADOPTED JULY 20, 1961] Any lot used for the storage of motor vehicles that contains space available to the general public by the hour, day, week, month or year.

Public Sewage. A sewage disposal system owned or administered by the Stonington Water Pollution Control Authority or its successors.

Public Water Supply. Water supplied by all regulated water companies.

Recreational Camp. [ADOPTED APRIL 2, 1971] Any lot or plot of ground (except a house lot on which a privately owned camp trailer is parked) upon which one or more camp trailers are parked, stored or used for sleeping or occupancy regardless whether or not a charge is made for such parking.

Recreational Facility. [ADOPTED JANUARY 18, 1994] Building and/or other facility designed and equipped for the conduct of sports and other customary leisure activities.

Recreation Vehicle. [ADOPTED FEBRUARY 25, 1993] A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Research Laboratory. [ADOPTED JANUARY 18, 1994] Research and development facility, including analytical laboratories, carrying on investigation of natural, physical or social sciences, or engineering and development with the objective of creating end products, also an analytical laboratory conducting research. Permitted, incidental and accessory uses shall include offices, sales rooms and storage for wholesale distribution items manufactured and/or assembled on the premises.

Residence. [ADOPTED JULY 20, 1961] One (1) or more dwelling units for permanent occupancy located in a permanent structure or building.

Residence, Duplex. [AMENDED JULY 30, 1991; DECEMBER 3, 1992] A structure containing two dwelling units sharing a common foundation, each of which is totally separated from the other by a common unpierced wall extending from ground to roof or a common unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Residence, Single Family. [ADOPTED JULY 20, 1961] A building on a lot occupied for residential purposes by one (1) dwelling unit only.

Residence, Triplex. [AMENDED DECEMBER 3, 1992] A structure containing three dwelling units sharing a common foundation, each of which is totally separated from the other by common unpierced walls extending from ground to roof or common unpierced ceilings and floors extending from exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units.

Restaurant. [AMENDED JANUARY 3, 2006] A commercial enterprise containing a kitchen and seats for more than eight (8) patrons whose primary function is the preparation and selling of food and/or beverages to the patron in a ready-to-consume state.

Restaurant, Drive-in Window. [ADOPTED JANUARY 3, 2006] A Restaurant or Retail Restaurant with a drive-in window.

Restaurant, Retail. [ADOPTED JANUARY 3, 2006] A business that sells both packaged and prepared foods and beverages primarily for consumption off the premises, but which may have seating for on-site consumption for up to eight (8) patrons. The definition shall also include food service providers (caterers) who prepare and deliver and/or serve food off premises, with the exception of authorized Home Occupations.

Roofed Over Space. [ADOPTED JULY 11, 2011] For a Principal Building, the area of every floor under a roof in which (a) the structural headroom is six (6) feet six (6) inches or more; and (b) more than half of its structural headroom is above the average finished grade of the ground adjoining the building. For a Principal Building in the Flood Hazard Overlay District that is elevated to have its lowest floor at least one (1) foot above the level of the Base Flood Elevation, any floor area under the elevated building in which more than half of the structural headroom is below the Base Flood Elevation is not counted as Roofed Over Space. For an Accessory Building, the area of every floor under a roof is counted as Roofed Over Space. Roofed Over Space includes enclosed, unenclosed, or partially enclosed areas, as long as the area is under a roof. Roofed Over Space includes, but is not limited to, basements (if they meet the requirements in (a) and (b) above); attics (whether or not a floor has been laid, as long as the space meets the requirements in (a) and (b) above); breezeways; attached or detached garages; attached or detached carports; detached sheds or other accessory buildings; and porches with roofs. Roofed Over Space does not include the following areas if they are not under a roof: terraces, patios, open porches, decks, areas under porches or decks, and steps.

Sand Dunes. [ADOPTED FEBRUARY 25, 1993] Naturally occurring accumulations of sand in ridges and mounds landward of the beach.

Saturated Zone. The subsurface zone occurring below the water table where the soil pores are filled with water and the moisture content equals the porosity.

Screen or Screening. [ADOPTED JULY 20, 1961; AMENDED JANUARY 18, 1994] Dense vegetation or other landscape materials, or a combination thereof, which provide effective year-round visual insulation from adjacent property for a minimum of six feet in height. See Buffer.

Seasonal Marina Structures. [ADOPTED DECEMBER 15, 1998] Temporary/portable buildings or structures to be used at marinas for protection from the elements and inclement weather and storage of boats and yachts.

Secondary Recharge Area. [AMENDED AUGUST 2, 2005] Till and bedrock areas that provide direct ground water inflow to the primary recharge area, and are mapped on the Groundwater Protection Overlay District Map.

Sediment. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Setback Line. The line established by the minimum yard dimension created in the various District Regulations, as shown on the Use and Bulk Tables.

Shopping Center. [ADOPTED JANUARY 18, 1994] A complex of three (3) or more commercial establishments, which may include restaurants, food service establishments, retail stores, and commercial offices, contained in a single building or group of associated buildings and located on one lot or on a group of contiguous lots under unified ownership or control, with common parking facilities.

Sign. [ADOPTED JULY 20, 1961; AMENDED JULY 30, 1991; SEPTEMBER 5, 2006; May 24, 2011; OCTOBER 4, 2011] Any exterior free-standing or building mounted visual display that is comprised of letters, words, numerals, figures, logos, trademarks, emblems or any combination thereof, that is intended to identify, advertise or otherwise make known to the general public the following: the property, individual businesses or tenants, products, commodities, services or entertainment. The term "sign" does not include any flag or insignia of any government, any athletic field scoreboard, or any traffic or directional control device when authorized by the Town of Stonington or State of Connecticut.

Sign, Area. [ADOPTED JULY 20, 1961; AMENDED MAY 24, 2011] The area within a rectangular line that can be drawn around the face of a sign, that is, the surface or plane containing all visual displays as defined in the term sign. It does not include any structural elements outside the limits of such sign not forming an integral part of the display. Only one (1) side of a double-faced sign shall be used in computing total sign area.

Sign, Billboard. [ADOPTED MAY 24, 2011; AMENDED OCTOBER 4, 2011] Any sign owned or operated by an entity engaged in the business of outdoor advertising, or any detached or building-mounted sign that is visible from any public street or highway advertising a business, tenant, product, commodity or service that is not sold, produced or conducted on the premises. This definition excludes Municipal Athletic Field Sponsorship Panels.

Sign, Illuminated. [ADOPTED MAY 24, 2011] A sign, or any part of a sign, which is illuminated, externally or internally, from an artificial light source.

Sign, Internal Use. [ADOPTED JUNE 21, 2005; AMENDED MAY 24, 2011] A sign situated within the interior of a property that is not intended to provide advertisement to areas external to the property, such that it is not visible from any public street, public right-of-way or any residential property. Internal use signs are intended to provide direction and orientation to vehicles and pedestrians that have entered a property, and shall not be used to advertise or otherwise make tenants of a site known to the public at large.

Significant Natural Resources. Tidal and inland rivers, streams, creeks, wetlands and marshes, wildlife habitats, beaches, ponds, aquifer recharge areas, drainage basins for public water supply and public open spaces, and such other natural resources as may be determined by the Commission.

Site Improvement. The alteration of existing features of a site pursuant to the construction, reconstruction, conversion, structural alteration, relocation, enlargement of any structure, or of any mining, and any change in the use of any building, or other structure, or land, or extension of the use of land, excepting agricultural land uses not requiring a building permit or zoning permit.

Small Wind Energy System. [ADOPTED OCTOBER 18, 2011] A wind energy conversion system, including the equipment, machinery, and structures utilized in connection with the conversion of wind energy to electricity, which meets the requirements set forth in Section 7.22.1.

Soil. Any unconsolidated mineral or organic material of any origin.

Soil Erosion & Sediment Control Plan. A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Special Flood Hazard Area. [ADOPTED FEBRUARY 25, 1993] The area within the Town subject to one percent or greater chance of flooding in any given year, as identified on the Town of Stonington Flood Insurance Maps, as amended.

Start of Construction. [AMENDED MAY 17, 2011] (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and

filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stratified Drift. Predominantly sorted sediment deposited by glacial melt water composed of gravel, sand, silt, or clay in layers of similar grain size.

Stratified Drift Wellfield. An area containing one (1) or more public water supply wells.

Street. [ADOPTED JULY 20, 1961] Any existing State or Town highway, or a street on a subdivision approved by the Planning and Zoning Commission, or on a subdivision duly filed and recorded in the Office of the Town Clerk of the Town of Stonington prior to the adoption of Subdivision Regulations by the Planning and Zoning Commission, provided such street shall have been suitably improved in compliance with pertinent road standards after December 1, 1960.

Street Center Line. [ADOPTED JULY 20, 1961] A line equidistant from each street line; or if no street line is established, the center line of the existing pavement; or if the street is unpaved, the centerline of the existing traveled way.

Street Line. A right-of-way line of a street.

Structure. [AMENDED MAY 17, 2011] Anything constructed or erected, including a building which has a permanent location on the ground or anything attached to something having a permanent location on the ground, including vending machines and portable signs but excluding fences, flagpoles, ornamental wells, tennis courts, driveways, arbors, or mailboxes. For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. [SEE ALSO: BUILDING; FLOOR AREA, GROSS; YARD, REQUIRED]

Substantial Damage. [ADOPTED FEBRUARY 25, 1993; AMENDED JUNE 4, 2013] Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of

each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. [AMENDED JUNE 4, 2013] Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure shall be (1) the appraised value of the structure prior to the "start of construction" of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes 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 any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Telecommunication Facility. [ADOPTED JULY 20, 2010] A site operated by a licensed wireless telecommunication service provider which consists of all equipment and structures, including towers, involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Tenant. [ADOPTED DECEMBER 5, 2006] The occupant, whether temporary or permanent, of premises.

Tourist Home. [ADOPTED JULY 20, 1961] A dwelling unit in which sleeping accommodations for more than two (2) but less than five (5) bedrooms are rented out for transient occupancy.

Tower. [ADOPTED MARCH 17, 1998] Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Use. [ADOPTED JULY 20, 1961] A term employed to refer to any purpose for which buildings or other structures or land may be occupied.

Use, Non-Conforming. [ADOPTED JULY 20, 1961] Use of a structure or land or both which does not conform to the applicable Use Regulations of these Regulations

either on its effective date or as a result of subsequent amendments thereof. Any use that is permitted in a District by a valid variance or Special Use Permit shall be considered a conforming use.

Viewshed. The visible watershed of waters, shore lands, and islands extending up to the distant high ridge or peak most commonly viewed as the shore horizon by coastal usage. All viewsheds are mapped and defined in the Municipal Coastal Program.

Watershed Protection Zone. [AMENDED AUGUST 2, 2005] The area that drains into the surface water reservoir used as a Public Water Supply. This area is designated on the Groundwater Protection Overlay District Map as the area of the Watershed Protection Zone.

Water Supply Well. Under the terms of the Safe Drinking Water Act (SDWA), 42 U.S.C., a water supply that services a minimum of 25 people, 60 days per year, or a well site that has the demonstrated ability to provide up to 500,000 gallons per day.

Water Surface Elevation. [ADOPTED MAY 17, 2011] The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wellfield Area of Contribution. Area of the aquifer where ground water flow is diverted to a pumping well due to a lowering of the water table.

Wellfield Recharge Area. The area from which ground water flows directly to the wellfield area of contribution.

Wellness Center. [ADOPTED NOVEMBER 7, 2002] Facility or institution principally engaged in providing services to individuals, including offices of physicians, dentists, other health practitioners and medical and dental laboratories designed for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition; for the treatment, both medical and surgical care on an outpatient basis; and equipped for the conduct of sports and other customary leisure activities for rehabilitation and wellness maintenance.

Wetlands, Coastal or Inland. An area designated as coastal wetland by the Department of Environmental Protection, State of Connecticut, or as an "Inland Wetland or Water Course" by the Inland Wetlands Agency of the Town of Stonington, as amended, or as shown on Department of Agriculture Soil Conservation Service soil maps. Tidal wetlands are designated as resource areas in the Municipal Coastal Plan

Wineries. [ADOPTED AUGUST 3, 2004] At least five acres of land that is used for growing, bottling, and the production of wine and wine products, and may include activities such as: (1) retail sale of wine and related items; (2) a tasting room; (3) wine sales by glass or bottle; (4) art gallery; (5) meetings; (6) wine tastings; (7) tours; (8) private weddings/banquets; (9) wine/food events; (10) wine festivals; and (11) catered events, provided said activities are specifically authorized by the Planning and Zoning Commission.

Yacht Club. An association of yachtsmen organized to promote, organize, and regulate a yachting facility.

Yachting Facility. [ADOPTED JULY 20, 1961] A boat basin with facilities for berthing, securing, and servicing of recreational craft but excluding the availability of commercial stores, the sale of boats, engines, and hull and engine repair.

Yard, Required. [ADOPTED JULY 20, 1961; AMENDED JULY 30, 1991; JUNE 1, 2004] Open and unobstructed ground area of the lot extending inward from a lot line for the distance specified in the Regulations for the district in which the lot is located. The following items are exempt from the yard requirements: Permitted free-standing signs; landscaping; lighting fixtures; fences; flagpoles; ornamental wells; ornamental retaining walls; tennis and basketball courts; driveways; arbors; mailboxes; gravel; stones; grave stone; and off-street parking areas. [SEE ALSO: BUILDING; FLOOR AREA, GROSS; STRUCTURE]

Yard, Required Front. [ADOPTED JULY 20, 1961] A required yard extending along the full length of the front lot line between the two side lot lines.

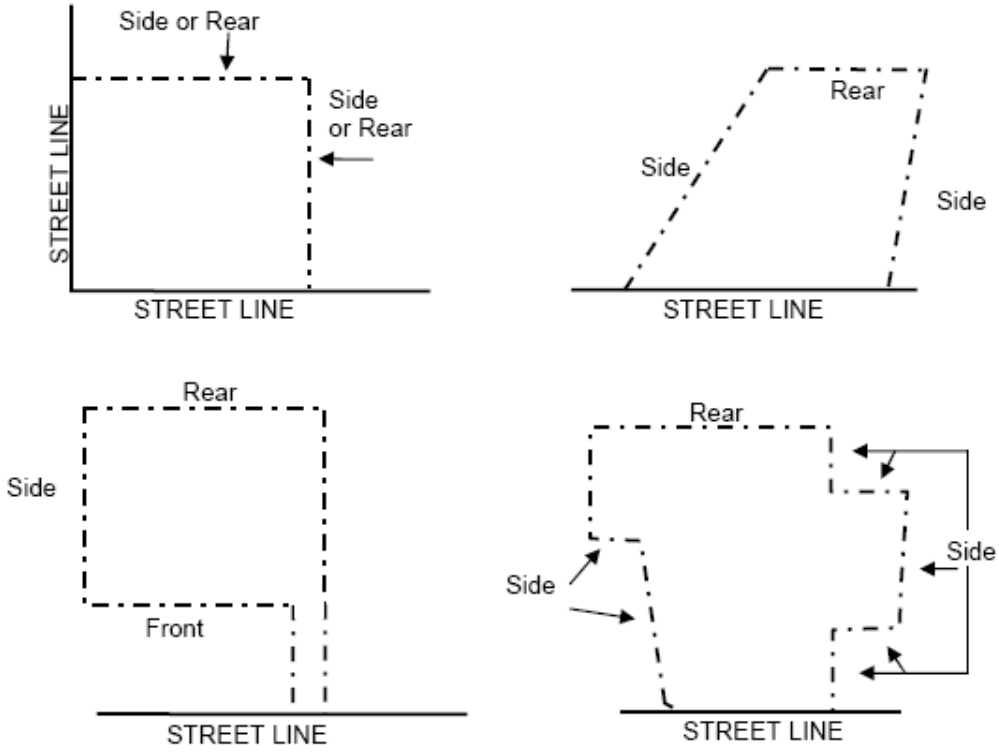
Yard, Required Rear. [ADOPTED JULY 20, 1961] A required yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required Side. [ADOPTED JULY 20, 1961] A required yard extending along a side lot line from the required front yard (or from the required front lot line if there is no required front yard) to the required rear yard (or the required rear lot line if there is no required rear yard).

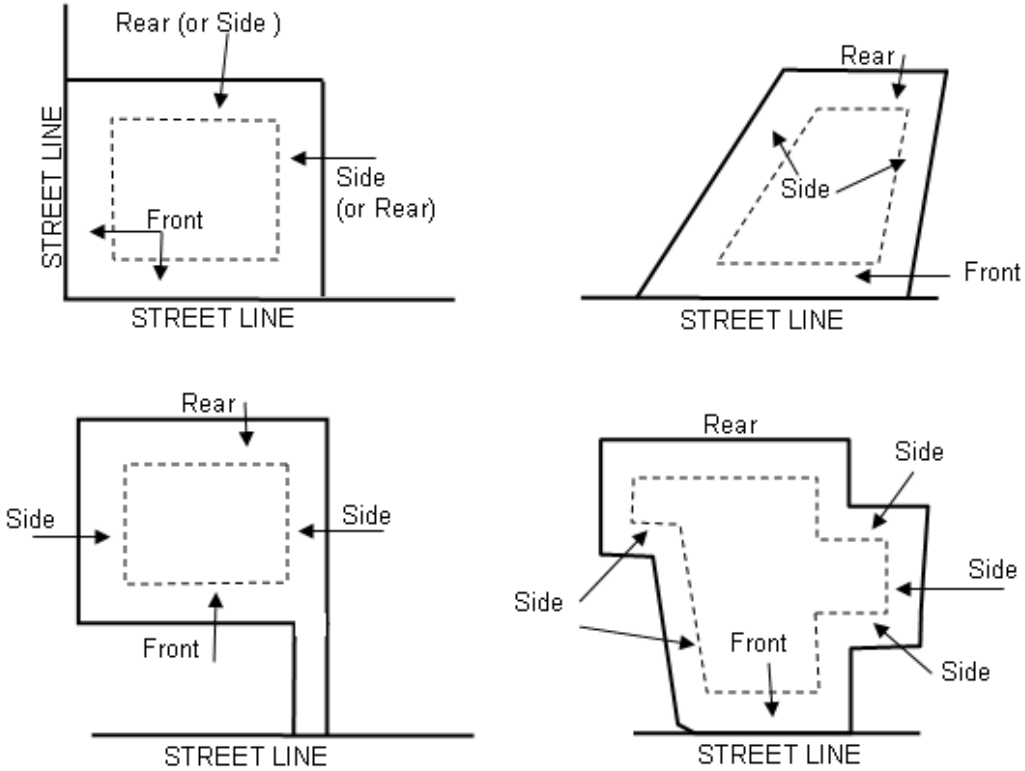
Yards, Corner Lot. Front yards are required along both streets in accordance with front yard setbacks. One (1) non-front yard shall be designated as a side yard, and the other non-front yard shall be the rear yard.

1.2.3 Illustrations.

1.2.3.1 Lot Lines.



1.2.3.2 Yards, Required.



ARTICLE II

GENERAL REGULATIONS

2.1 APPLICABILITY

2.1.1 Regulations affecting the use of structures and land, the bulk, arrangements and design of structures, land use, density, materials and equipment occupying land in connection with non-building use or in connection with development of property, and the resulting effects of such land-structure development-use are herein set forth for each District and hereby established as presented in these Regulations.

2.1.2 The Town may accept permanent easements or fee simple for significant natural resources, open space or lands for municipal use.

2.2 LOT DIVIDED BY DISTRICT BOUNDARY

Any lot divided by a district boundary shall be regulated in total by all the Bulk Regulations for the zone in which the largest portion of the lot is located. If the lot is divided equally by the district boundary, it shall be governed by the district bulk regulations with the largest lot area requirements. The buffers required for any lot divided by a district boundary shall be regulated in each part by the buffer requirements for each respective district. Only uses allowed in the respective zones shall be permitted in those respective portions of the lot.

2.3 PERMITTED USES [AMENDED NOVEMBER 22, 1988]

Uses permitted or allowed in each District listed in Article III and Article IV shall be the only uses permitted or allowed. All other uses are hereby prohibited and shall not be permitted by variance.

2.4 REQUIRED PERMITS

In each Zoning District the following types of permits are herein created and shall be directed to the appropriate agent or agency of the Town of Stonington by the Commission:

2.4.1 Permitted and Accessory Uses as of Right.

2.4.2 Special Use Permits (Section 6.1).

2.4.3 Groundwater Protection Permit (Section 7.2).

2.4.4 Coastal Area Management Site Plan Review (Section 7.3).

2.4.5 Site Plan Review (Section 8.3).

2.5 FORMS OF PROPERTY OWNERSHIP

These regulations apply to all forms of ownership.

2.6 NON-CONFORMING USE AND BULK

[**AMENDED: JANUARY 9, 1985; JULY 30, 1991; MARCH 1, 2004; NOVEMBER 16, 2004; JUNE 2, 2009; JULY 20, 2010**]

2.6.1 Lawful uses or bulk in existence and not conforming to these Regulations on the effective date of these Regulations or on the effective date of amendments to these Regulations are non-conforming and may be continued, subject to the following conditions and specifications:

2.6.1.1 Continuance. Non-conforming uses and bulk may be continued but may not be expanded in area, height, amount of use, or extent of bulk.

2.6.1.2 Maintenance. Normal maintenance, minor repair and minor interior alterations are allowed by permit to be issued by the Zoning Enforcement Officer so long as no new non-conforming bulk or use is created.

2.6.1.3 Change of Non-conforming Use. By Special Use Permit, the Commission may allow a change from an existing non-conforming use to another use of like or similar character, provided that the degree of existing non-conformity is not expanded by the new use.

.1 The Commission shall conduct a public hearing for all non-conforming use changes, in accordance with Section 8.9.

.2 The applicant shall submit an Impact Statement, in accordance with Section 8.8.1.

2.6.1.4 Ownership. Nothing in these regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession, or right of possession of property.

2.6.2 **Abandonment and Discontinuance.** Any non-conforming use which has been abandoned shall not thereafter be reestablished, and such structure or property shall not again be devoted to the original non-conforming use. The term abandonment shall mean the voluntary discontinuance of a use, including but not limited to, an intent not to reestablish such use by the owner. Any one of

the following shall constitute prima-facie evidence of permanent intent-to-abandon, which prima-facie evidence may be rebutted by the owner:

2.6.2.1 Approval of a site plan application or Special Use Permit which changes, reduces or eliminates the overall non-conformity of the use, structure or property.

2.6.2.2 Intentional discontinuance of the non-conforming use for twelve (12) consecutive months, or for a total of eighteen (18) months during any three-year period. Shorter, temporary interruptions or suspensions of a nonconforming use, with or without substitution of a conforming use, do not terminate the right to resume such non-conforming use.

2.6.3 **Reconstruction.** [AMENDED: JANUARY 9, 1985; MARCH 1, 2004; JULY 20, 2010] Structures damaged by natural and unnatural disasters, which are restored or reconstructed within one year, do not need Planning and Zoning Commission Approval if the restoration or reconstruction is identical in external appearance and location; however, the Planning and Zoning Commission may provide additional time, not to exceed two (2) additional years. Any restoration or reconstruction resulting in external changes to the structure shall be subject to Architectural Design Review as required by Section 2.15. Notice of intent to reconstruct must be submitted to the Planning and Zoning Commission office within 45 calendar days of destruction, in the form of a Zoning Permit Application.

2.7 LOT AREA MINIMUM

No lot area shall be so reduced or so created that the minimum area, width and other dimensions of the lot, or any of the yards or open spaces, shall be smaller than prescribed by these Regulations. If a new lot is created by the division of a lot already occupied by a building, no building shall be erected upon the same lot thus created unless both comply with these Regulations.

2.8 UNDERSIZED LOTS, ADJACENT [ADOPTED OCTOBER 12, 1976]

Any unimproved lot with area below the area requirements for the zoning district it is in and contiguous or adjacent to a lot owned by the same individual shall be combined with the contiguous parcel.

2.9 UNDERSIZED LOTS, OTHER [AMENDED MAY 18, 2004]

Undersized Lots are a result of property development prior to the adoption of Zoning. This section is intended to provide dimensional and bulk requirement relief from these regulations for these properties. The Undersized Lot provision does not apply to use or buffer requirements in the underlying zoning district. Lots owned separately from

adjoining tracts and existing prior to July 19, 1960, with area or frontage less than required by these Regulations may be used for a single-family residence by complying with the following:

2.9.1 For lots with less than the applicable minimum lot size zone requirement, the bulk requirements in Section 5.1.1 shall be for that zone which has a minimum lot size closest to the lot size of the subject lot. The bulk requirement reduction shall be applied in a manner that utilizes the largest available zone in comparison to the subject lot size. In no case shall the bulk requirement reduction be utilized for a zoning district where the lot size of the subject lot is larger than what is required in the zoning district.

2.9.2 For lots below 10,000 square feet, the bulk requirements in Section 5.1.1 for the RH-10 District shall apply.

2.10 PRIVATE AND PAPER STREETS

No existing lot shall be built upon unless it has a frontage meeting applicable zoning district requirements on a street or road accepted by the Town of Stonington or on a State highway or as provided in 2.10.1 or 2.10.2 below. A current list of accepted and approved roads shall be maintained by the Commission.

2.10.1 Lots on private streets shall not receive a permit for site improvements unless the private street has been approved by the Commission.

2.10.2 Undeveloped plotted lots on paper streets or rights-of-way with frontage on such paper streets or rights-of-way shall not receive a permit for site improvements unless such streets or rights-of-way are improved to Town Standards.

2.11 GASOLINE SALE PLACES

Buildings and premises proposed to be used for the sale of gasoline shall meet the following requirements:

2.11.1 No gasoline or diesel-filling appliance shall be located within 25 feet of a street line or 50 feet of a side or rear lot line.

2.11.2 No gasoline or diesel filling station, or automotive service or repair station shall be erected within a 1,500-foot radius of any part of any lot used for these purposes.

2.12 PROHIBITED USES [AMENDED SEPTEMBER 17, 1963]

The uses listed in this Section are prohibited in the Town.

2.12.1 Manufacturing uses involving primary production of the following products from raw materials:

2.12.1.1 Asphalt, cement, and fuel briquettes.

2.12.1.2 Chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials, synthetic resins, pyroxilin, rayon yarn, or hydrochloric, phosphoric, picric, nitric and sulfuric acids.

2.12.1.3 Coal, coke, and tar products, including gas, manufacturing explosives, fertilizer, gelatin, glue and size.

2.12.1.4 Linoleum and oil cloth, matches, paint, varnishes and turpentine. Rubber (natural or synthetic), soap, including fat rendering and starch.

2.12.2 Manufacturing processes as follows:

2.12.2.1 Nitrating of cotton or other materials.

2.12.2.2 Milling or processing of flour.

2.12.2.3 Reduction or refining of petroleum products such as gasoline, kerosene, naphtha, lubricating oil.

2.12.2.4 Distillation of wood or bones.

2.12.2.5 Reduction and processing of wood pulp and fiber including paper mill operations.

2.12.3 Operations involving the following:

2.12.3.1 Stock yards and slaughter houses.

2.12.3.2 Slag piles.

2.12.3.3 Keeping, breeding and raising of foxes, minks, pigs, rodents, rabbits and other fur-bearing animals.

2.12.3.4 Primates for commercial or laboratory purposes.

2.12.4 Storage of explosives or other hazardous substances except under license from the appropriate governmental agency.

2.12.5 Bulk or wholesale storage of gasoline above ground.

2.12.6 Storage, possession or use of radioactive substances not in accordance with permits under the terms of a "Type B Specific License of Broad Scope," or a "Type C Specific License of Broad Scope," as defined in Title 10 of the Code of Federal Regulations (CFR) Part 33, Section II (b), II (c), and Schedule A.

2.12.7 Junkyards and dumps, except those owned and operated by the Town. [**ADOPTED SEPTEMBER 17, 1963**]

2.12.8 Land that is certified by the Health Officer to be unfit for human habitation shall not be built upon. Repairs shall be made to existing buildings in order to meet applicable regulations.

2.13 PERFORMANCE STANDARDS [AMENDED: FEBRUARY 11, 1983; OCTOBER 4, 2001]

These Standards are considered as uses of the land; therefore, use variances shall not be permitted.

2.13.1 Performance Standards for All Non-Residential Uses.

2.13.1.1 Applicable to All Non-Residential Uses. No land or buildings shall be used or occupied for non-residential use in any manner to create any dangerous, injurious, noxious or otherwise objectionable elements: fire, explosive, radioactive or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; excessive heat, movement of air, electrical or other disturbances; excessive glare; liquid or solid refuse or wastes or condition conducive to the breeding of rodents or insects; or other substance, condition, or elements (all referred to herein as “Dangerous or Objectionable Elements”), in a manner or amount so as to affect adversely the surrounding area, provided that any non-residential use, except those expressly prohibited by these Regulations in Section 2.12, may be undertaken and maintained if it conforms to the District Regulations and the Regulations of this Section, 2.13, referred to herein as "Performance Standards"

limiting dangerous and objectionable elements at the point of determination of their existence as provided in this Section.

2.13.1.2 Continued Enforcement Provisions. Whether or not compliance with Performance Standards in obtaining a permit or certificate of occupancy is required for any particular use, initial and continued compliance with Performance Standards is required of every new non-residential use or change in such use in all districts.

2.13.2 **Performance Standards for all Uses.**

2.13.2.1 Restrictions on Creation of Dangerous and Objectionable Elements. Every use listed in these regulations shall conform to the restrictions set forth as follows:

2.13.2.2 Measurement at the Point of Emission. The existence of the following Dangerous and Objectionable Elements shall be determined at the location of the use creating same or at any point beyond, and these shall be limited as follows:

.1 Fire and Explosive Hazards. All activities and all storage of inflammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion by adequate fire fighting and fire prevention equipment and devices.

.2 Radioactivity. No activities that emit dangerous radioactivity at any point are permitted.

.3 Smoke. No emission at any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 of the Ringelman Smoke Chart as published by the U.S. Bureau of Mines is permitted.

.4 Fly Ash. Dust, Fumes. Vapors, Gases and Other Forms of Air Pollution. No emission which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point is permitted.

.5 Liquid or Solid Wastes. No discharge of materials, at any point into any private sewage disposal system or stream, or into the ground, in such a way or such a nature or temperature as can contaminate any water supply, or otherwise cause the emission of Dangerous and Objectionable Elements, except in accord with standards approved by the State Department of Health or State Department of Environmental Protection, or both. An

accumulation of solid wastes conducive to the breeding of rodents or insects or any unscreened accumulation of wood, metal, appliances, or other waste material viewed from or affecting residential areas shall not be permitted or allowed to continue.

2.13.2.3 Fences and Yards.

.1 Location and Slope. Fences, walls, hedges and trees proposed within front yards shall be located at least one-half (½) foot from the approximate or surveyed property line. Retaining walls shall have slopes of not more than 1:2 grading to and from the walls.

.2 Visibility. No hedge, fence (except a transparent fence in which the solid area is no more than five (5) percent of the total area of the fence), or wall over two feet high and no accessory off-street parking space shall be located in a required front yard of a corner lot within 50 feet of the corner. In addition, all corner lots shall be graded to provide clear and unobstructed visibility within 50 feet of the corner at a height of two (2) feet above the existing or proposed grade of the adjoining street levels.

.3 Yards. No part of a yard or other open space provided in connection with any building for the purpose of complying with these Regulations shall be included as a part of a yard or other open space required under these Regulations for another building.

2.13.2.4 Noise and Vibration. Noise levels as measured for the following uses shall not exceed the following levels when measured at the property line on the typical A-Weighted Sound Level (using ANSI S1, 4-1981 type 2).

.1 Residential District 55 dBA

.2 Business District 65 dBA

.3 Manufacturing District 75 dBA

.4 Noise levels in general shall not exceed a sustained level of 45 dBA in any District between 10:00 p.m. in the evening and 6:00 a.m. in the morning

2.13.2.5 Miscellaneous Standards. [**AMENDED OCTOBER 4, 2001; MAY 24, 2011**]

.1 Strings of festoon lights are prohibited unless used in connection with the celebration of a public holiday.

.2 Any public address system or other audio means of advertising shall not exceed the sound levels stated in these Regulations, except that this provision may be waived by the Commission in the case of an annual fund raising event of limited duration held under the auspices of a non-profit organization.

.3 Billboard Prohibition. Notwithstanding anything in these Regulations to the contrary, Billboards shall be prohibited throughout the Town of Stonington.

2.13.2.6 Measurement at the Lot Line. The existence of Dangerous and Objectionable Elements shall be determined at the lot line of the use creating the same, or at any point beyond said lot line.

2.13.2.7 Odors. The standards established as a guide by Table III (Odor Threshold) in Chapter 5, "Air Pollution Abatement Manual," Copyright 1951 by the Manufacturing Chemists Association, Inc., Washington, D.C., or any revision thereof, shall be used.

2.13.2.8 Discharge. Discharge of any hazardous substances into sanitary disposal systems shall be prevented or reduced by the installation of a treatment mechanism to remove nitrates, phosphorous, sodium, any heavy metals, or other hazardous substances.

2.13.2.9 Adverse Impacts. No permits shall be issued when the Commission or its agent determines an adverse impact on existing residences cannot be avoided due to additional traffic, noise, congestion, access by safety equipment, or inadequate public facilities.

2.13.3 **Site Design – All Districts.**
[**AMENDED FEBRUARY 11, 1983; AUGUST 21, 1984; SEPTEMBER 29, 2009**]

2.13.3.1 No project may be approved if any residential building listed on the National Register of Historic Places or on the Town of Stonington Cultural Resource Inventory is to be or has been destroyed to clear the property for development, unless the Building Official has determined the structure to be condemned and not feasible for rehabilitation. Any such structure, if razed, will not receive density considerations in Section 6.6.15 and only one (1) unit per District area requirement is permitted on the site.

2.13.3.2 In order to promote good design of projects and to provide open spaces which are required by these regulations, all buffers, integral lot areas, designated open spaces, common recreation spaces, floor area, neighborhood area, parking requirements, and non-infringement areas shall be shown in separate identifiable locations on site plans and shall not be double-counted to include any of the other types of areas or spaces listed herein.

2.13.4 **Stairs.**

No stairs above the first floor can be added outside the exterior walls, except at the rear of buildings, and no new stairs may face the street frontage.

2.13.5 **Residential Character.**

No structure or alteration shall detract from the residential characteristics or predominate style of the neighborhood in which the proposal is located.

2.13.6 **Building Spacing.** **[AMENDED JULY 20, 2010]**

A minimum of 20 feet shall be provided between primary structures located on the same property, adequately graded and landscaped to provide for through access by emergency vehicles.

2.13.7 **Refuse Disposal (Dumpsters and Compactors).** **[ADDED JULY 20, 2010]**

The use of outdoor commercial dumpsters and compactors for refuse collection may be permitted, provided that refuse disposal facilities shall not be located within any required yard setback, buffer area, or within any required Frontage Strip Landscape Area (Section 7.10.6.4). The dumpster or compactor shall be covered with a lid or roof structure, and shall be suitably screened from view on all sides during all seasons of the year with fencing or evergreen trees or shrubs at least six (6) feet high.

2.14 SMALL ACCESSORY STRUCTURES [AMENDED JUNE 15, 1999]

2.14.1 **Detached Accessory Building.**

2.14.1.1 A detached accessory building, not more than 100 square feet in area nor more than ten (10) feet in height, may be allowed provided it is located not less than six (6) feet from any side or rear property line. Such buildings shall be subject to the normal front yard setback requirement and said building shall not be used for human habitation nor for the housing of animals.

2.14.1.2 An accessory building erected subject to this provision shall be screened by a six (6) foot high stockade fence, or its equivalent, which shall be at least twice the length and twice the width of the

proposed accessory building. Said fence shall be erected on the property line. Accessory buildings erected in accordance with normal setback requirements shall not require such screening.

2.15 ARCHITECTURAL DESIGN REVIEW [ADOPTED SEPTEMBER 29, 2009]

2.15.1 Architectural Design Review of site plans and Special Use Permits provides guidance to the Planning and Zoning Commission with regard to the design of buildings, structures, landscaping and site layout, with the objective of promoting development projects that are in harmony with Stonington's architectural heritage, and which preserve and improve the appearance, beauty and character of the community. Such reviews are carried out by an independent Architectural Design Review Board (ADRB), whose members are appointed by the Board of Selectmen.

2.15.2 **Architectural Design Review Board.**
The ADRB functions in an advisory capacity to the Planning and Zoning Commission, providing comment on site plan and Special Use Permit applications with regard to the scale, massing, colors and proportions of buildings, landscaping, public spaces, lighting and signage. The ADRB does not render interpretations of the Zoning Regulations relative to use of a property, the granting of variances, or building code compliance. The ADRB's recommendations shall not be binding; rather, they are of an advisory nature and a plan's endorsement by the ADRB does not imply or guarantee subsequent approval of an application by the Planning and Zoning Commission.

2.15.3 Architectural Design Review shall be required for the following development proposals:

2.15.3.1 New commercial, institutional, industrial, multi-family or mixed-use construction.

2.15.3.2 Exterior changes to existing commercial, institutional, multi-family or mixed-use structures, defined as building additions, partial demolitions or replacement of materials comprising 25% or more of a structure's exterior façade.

2.15.3.3 Special Detached Signs (Section 7.12.7.2.4) and Multi-Tenant Signage Programs (Section 7.12.8).

2.15.4 Architectural Design Review shall not be required for uses permitted by right in residential zoning districts including single-family, duplex and triplex residential units and associated accessory uses subject to Section 8.3.2.1; applications for activities that only require a Zoning Permit issued by the Zoning Official; or Bed and Breakfast Facilities (Section 6.6.17).

2.15.5 **Steps in the Design Review Process.**

There are three basic steps to design review: 1) Planning Department staff provides general guidance to applicants prior to submission of a formal application; 2) development projects qualifying under Section 2.15.3 are referred to the ADRB, which conducts its Design Review and submits written recommendations to the Planning and Zoning Commission; and 3) the Planning and Zoning Commission conducts its own review pursuant to Sections 8.3 and 8.4, and renders a final decision with due consideration of comments from the ADRB, planning staff, the applicant and the general public. Since design review is obligatory for virtually all commercial, retail, mixed-use and multi-family development projects, prospective applicants are encouraged to meet informally with Planning Department staff and the ADRB prior to submitting an application, and before undertaking a significant investment in project development and site design.

2.15.6 **Required Submission Materials.**

2.15.6.1 Completed application form including: name and address of applicant, architect, and landscape architect; property location and acreage; sq. ft. of each proposed building; building use; and written narrative stating how the project's architectural design and site layout strengthens the visual definition and identity of Stonington's architectural heritage.

2.15.6.2 Site Plan. Scaled plan drawing depicting proposed buildings, driveways, parking areas, walkways and exterior lighting.

2.15.6.3 Architecture. Elevation drawings and dimensions of all sides of proposed buildings, prepared by a Connecticut licensed architect, expressing sufficient detail to illustrate mass, scale, character, colors and texture, with a focus on windows, doors and roofing.

2.15.6.4 Landscaping. Landscape plan, prepared by a Connecticut licensed landscape architect, showing the relationship of existing and proposed plantings to site topography, proposed and existing structures, driveways, parking areas and drainage features.

2.15.6.5 Site details (or catalog cuts) for fencing, lighting, pedestrian walkways, retaining walls, curbing, etc.

2.15.6.6 Signage. Applicants installing signage to serve new or existing buildings must submit photographic or color renderings, including

overall exterior dimensions, graphics, style, colors, and lighting. The site plan must indicate location of all proposed signs.

2.15.7 **Written Report.**

The ADRB shall submit a written report to the Planning and Zoning Commission for each proposal reviewed, preferably not less than ten (10) days prior to the scheduled meeting or public hearing at which the application will be heard. Said report shall be made available to the applicant, and shall be entered into the Planning and Zoning Commission's official records.

2.15.8 **Waivers.**

The ADRB may by majority vote, waive one or more of the submission items listed in 2.15.6, provided that such request is made in writing at the time of the Board's design review. Waiver requests must describe in sufficient detail why such information is not relevant to ADRB's review. Applicants are advised that such waivers apply <u>only</u> to information and materials sought by the ADRB. The ADRB's role is advisory, and its decision to grant a waiver does not subsequently waive required site plans, or more detailed architectural and landscape design submissions listed in 2.16 (General Site Plan and Structure Design Review Requirements). ADRB's waiver of items listed in 2.15.6 does not guarantee or ensure that any waivers of the Zoning Regulations will subsequently be granted by the Planning and Zoning Commission as part of its Special Use Permit or site plan review.

2.16 DESIGN REVIEW REQUIREMENTS [ADOPTED SEPTEMBER 29, 2009]

Since detailed architectural renderings and site plan layouts as described in this section are obligatory for all site plans and Special Use Permits meeting criteria of Section 2.15.3, prospective applicants are encouraged to meet with the Architectural Design Review Board (ADRB) prior to submission of a formal application to the Planning and Zoning Commission. Note that design details required herein for formal Special Use Permit and site plan reviews are more comprehensive than that called for by the ADRB in Section 2.15.6, which are intentionally less formal in order to encourage a free exchange of ideas early in the design development process.

2.16.1 **Required Submission Materials – Planning and Zoning Commission.**

Applicants must submit fifteen (15) complete copies each of the following items.

2.16.1.1 Written statement including: name and address of applicant, architect, and landscape architect; and written narrative describing how the project's architectural design and site layout

strengthens the visual definition and identity of Stonington's architectural heritage.

2.16.1.2 Architecture. Detailed elevation drawings and dimensions of all sides of all proposed buildings, prepared by a Connecticut licensed architect. Material list to include samples, brochures, and/or photographs of all exterior materials, finishes, colors, and fixtures, focusing on siding, windows, doors and roofing. Vegetation shown on elevation drawings must correspond to that depicted on the landscape plan.

2.16.1.3 Landscaping. Landscape plan, prepared by a Connecticut licensed landscape architect, showing the relationship of existing and proposed plantings to site topography, proposed and existing structures, driveways, parking areas and drainage features. Plans shall include a planting layout, an installation schedule and maintenance plan, common and botanical names of all plants, size at time of planting, and expected dimensions at maturity.

2.16.1.4 Site details (or catalog cuts) for fencing, lighting, pedestrian walkways, retaining walls, curbing, etc.

2.16.1.5 Signage. Applicants installing signage to serve new or existing buildings must submit photographic or color renderings, including overall exterior dimensions, dimensions of lettering and graphics, style, materials, colors, and lighting. The site plan must indicate location of all proposed signs.

2.16.2 **General Design Requirements.**

2.16.2.1 Natural and Unique Features. To the extent possible, existing trees, vegetation and unique site features such as stone walls, ledge outcroppings and glacial erratics, shall be retained and protected. Existing plant materials may be used to meet all or part of the landscape regulations. Existing trees in good condition over 12 inches in caliper in landscaped or undisturbed areas shall be preserved unless approved for removal by the Department of Planning. Existing healthy, mature trees, if properly located, shall be fully credited toward the requirements of these regulations.

2.16.2.2 Storage Areas. There shall be no outside storage of materials that are not effectively screened by wooden fencing, stone or brick walls, evergreen trees or shrubs at least six (6) feet high. Bulk

storage of materials and all loading facilities shall be located at the rear or side of proposed or existing buildings.

2.16.2.3 Refuse. Location of refuse storage areas shall be indicated on the site plan. All refuse areas shall be screened with fencing or evergreen trees or shrubs at least six (6) feet high.

2.16.2.4 Signs. Signs shall be reviewed in all commercial districts so as to be compatible with the historic character of Stonington, and shall not obscure or disrupt design elements of the proposed development.

2.16.2.5 Parking. Parking areas shall be landscaped pursuant to guidance contained in Section 7.10.6.

2.16.2.6 Lighting. Lighting shall be required at driveway entrances and exits, at pedestrian crossings, loading areas, and at points necessary to illuminate parking lot geometry, and shall be designed and installed to be fully shielded (full cutoff), emitting no light above the horizontal plane of the luminarie. In commercial developments proximal to residences, lights shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter. The maximum height of the light source shall be 20 feet measured from the surface of the ground.

2.16.3 **Landscape Maintenance Requirements.**

2.16.3.1 Completion of Landscaping in New Construction. As a condition of approval, applicants shall provide all labor, materials, equipment and warrantees required for all trees, shrubs, groundcover and perennials, as shown on approved plans. All landscaping shall be completed before Issuance of a Certificate of Occupancy, or a performance bond as described in Section 8.6.1.1 in an amount satisfactory to the Commission shall be posted by the applicant, assuring completion within a specific time (not to exceed one (1) year). Such bond shall be forfeited if the work has not been completed within such time limit.

2.16.3.2 All landscaping, screening, fences or walls approved as part of a site plan or Special Use Permit shall be maintained by the property owner in good condition for the duration of the permitted use.

2.16.3.3 Lot Maintenance. The remaining area of the lot not occupied by buildings, loading and storage areas, parking and site driveways, sidewalks, and landscape screenings shall be kept free of litter and debris.

ARTICLE III

DISTRICT REGULATIONS – RESIDENTIAL ZONES

FOR RESIDENTIAL BULK REQUIREMENTS SEE TABLE 5.1.1

3.1 RESIDENTIAL GBR-130, RC-120 ZONES [ADOPTED AUGUST 9, 1979]

Purpose:
GBR-130. This zone is located on fragile aquifer, watershed, streambelt, inland wetland and significant adjoining areas so as to preserve them for the future and present needs.

RC-120. This zone encompasses coastal areas including coves, estuaries, tidal marshes and wetlands. It is established to preserve the natural habitat and assure flood protection.

3.1.1 **Permitted Uses.**

3.1.1.1 Residence: Single Family.

3.1.1.2 Aquaculture/Agriculture (a 200-foot setback for manure storage and stables is required from all property lines and tidal wetlands). [AMENDED AUGUST 3, 2004]

3.1.1.3 Family day care homes. [ADOPTED SEPTEMBER 20, 1986]

3.1.1.4 Keeping and breeding of livestock and to include commercial stables on 240,000 square feet or more (200-foot setback for stables and manure storage).

3.1.2 **Accessory Uses.**

3.1.2.1 Agricultural or homemaking educational/training projects.

3.1.2.2 Barns, silos, greenhouses, outbuildings, and solar and energy conservation equipment.

3.1.2.3 Buildings or stands for display and sale of produce primarily grown on premises.

3.1.2.4 Accessory Apartments in accordance with Section 7.1. [ADOPTED JULY 30, 1991; AMENDED JULY 20, 2010]

3.1.2.5 Garages and tool sheds. [**ADOPTED JANUARY 9, 1985**]

3.1.2.6 Home Occupations, in accordance with Section 1.2.2.

3.1.2.7 Keeping of domestic animals.
NOTE: No commercial activity involving domestic animals is permitted and no more than two (2) adults of a species per household number may be kept and only on the following lot sizes:

.1 Dogs, cats, fowl, or others compatible with cohabitation with humans may be kept on the minimum lot areas.

.2 Grazing animals such as horses, cows, sheep, and goats with no more than two (2) animals per 130,000 square feet.

3.1.2.8 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts.

3.1.2.9 Servant or guest accommodations (providing that the lot contains a minimum of 240,000 square feet).

3.1.2.10 Parking of special vehicles.

.1 No more than one (1) commercial vehicle which shall be rated for not more than three-quarter (¾) ton.

.2 No recreational vehicle shall be used for living, sleeping or housekeeping, and shall not be parked in the side yard setbacks. [**ADOPTED JULY 30, 1991**]

3.1.2.11 Parking, off street less than 20 cars (only as an accessory use to a permitted use on the same property), in accordance with Section 7.10. [**ADOPTED JUNE 1, 2004**]

3.1.3 **Uses Allowed by Special Permit.**

3.1.3.1 Boating facility (RC-120 Zone only).

3.1.3.2 Cluster design, in accordance with provisions of Section 6.6.1. [**REPEALED AUGUST 21, 2006**]

3.1.3.3 Communication and water towers. [**ADOPTED JULY 30, 1991**]

3.1.3.4 Conversion to three (3) or more residential units in accordance with provisions of Section 6.6.4. [**ADOPTED JULY 30, 1991]**

3.1.3.5 Kennels, in accordance with Section 6.6.8.

3.1.3.6 Lumbering and lumber mills.

3.1.3.7 Municipal facilities and activities.

3.1.3.8 Non-profit associations, clubs, museums, or art institutions, minimum lot requirement – five (5) acres.

.1 Gift shops up to 1,000 square feet and snack bars up to 100 seats (available only for non-profit organizations).

3.1.3.9 Processing, bottling, conversion of agricultural products primarily grown on premises.

3.1.3.10 Public/Private Recreational Facilities.

3.1.3.11 Public utility structures and facilities.

3.1.3.12 Recreational facilities incidental to municipal, church or school facilities.

3.1.3.13 Wineries.

3.1.3.14 Yachting facilities (RC-120 Zone only).

3.1.3.15 Public or Private Elementary and Secondary Schools. [**ADOPTED JUNE 15, 1999**]

3.1.3.16 Golf or Country Club Liquor Permit as defined by C.G.S. Sec. 30-24a, as amended. [**ADOPTED JULY 16, 2002**]

3.1.3.17 Bed and Breakfast Facilities in accordance with Section 6.6.17. [**ADOPTED SEPTEMBER 3, 1992**]

3.1.3.18 Parking, off street, 20 or more cars (only as an accessory use to a permitted use on the same property), in accordance with Section 6.6.12. [**ADOPTED JUNE 1, 2004**]

3.1.3.19 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

3.1.3.20 Filling, in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

3.1.3.21 Rehabilitation of Existing Buildings, in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

3.1.3.22 Height Exceptions for Roof Structures and Architectural Features, in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

3.1.3.23 Open Space Development, in accordance with Section 6.6.22. [**ADOPTED AUGUST 21, 2006**]

3.1.4 **Buffer Requirements.**

3.1.4.1 GBR-130. Wetlands, streams, ponds and other significant natural resources shall be separated from all uses by a minimum 100-foot non-infringement area.

3.1.4.2 RC-120. Non-infringement area of 100 feet minimum from tidal marsh and significant natural resources such as, but not limited to, inland wetlands, estuary shoreline and bodies of water, excepting only boat and yacht facilities after necessary State, Federal, and local permits are acquired.

3.2 RESIDENTIAL RR-80, RA-40 ZONES [ADOPTED AUGUST 9, 1979]

Purpose:
RR-80: This zone is located in areas where the general land conditions dictate lower capability for development. This density is in keeping with the stated purpose of retaining the rural character of the town.

RA-40: This zone reflects areas having less restricted development potential and some other site advantage such as existing development and road frontage.

3.2.1 **Permitted Uses.**

3.2.1.1 Residence, Single family.

3.2.1.2 Aquaculture/agriculture. A 200' setback for manure storage and stables is required (RR-80 only).

3.2.1.3 Duplex housing. Minimum lot requirement two (2) times district lot size.

3.2.1.4 Family day care homes. [ADOPTED SEPTEMBER 20, 1986]

3.2.1.5 Keeping and breeding of livestock and to include commercial stables on 240,000 square feet or more. A 200 foot setback for stables and manure storage is required from all property lines and tidal wetlands (RR-80 only). [AMENDED AUGUST 3, 2004]

3.2.1.6 Public utility substations.

3.2.2 **Accessory Uses.**

3.2.2.1 Agricultural or homemaking educational/training projects. [ADOPTED JULY 30, 1991]

3.2.2.2 Barns, silos, greenhouses, outbuildings, and solar and energy conservation equipment.

3.2.2.3 Buildings or stands for display and sale of produce primarily grown on premises.

3.2.2.4 Accessory Apartments in accordance with Section 7.1. [ADOPTED JULY 30, 1991; AMENDED JULY 20, 2010]

3.2.2.5 Garages and tool sheds. [**ADOPTED JANUARY 9, 1985**]

3.2.2.6 Home Occupations, in accordance with Section 1.2.2.

3.2.2.7 Keeping of domestic animals.
NOTE: No commercial activity involving domestic animals is permitted and no more than two (2) adults of a species per household number may be kept and only on the following lot sizes:

.1 Dogs, cats, fowl, or others compatible with cohabitation with humans may be kept on the minimum lot area.
.2 Grazing animals such as horses, cows, sheep and goats of no more than two (2) animals on 130,000 square feet.

3.2.2.8 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts.

3.2.2.9 Servant or guest accommodations (providing that the lot contains a minimum of 240,000 square feet).

3.2.2.10 Parking of special vehicles.

.1 No more than one (1) commercial vehicle which shall be rated for not more than three-quarter (¾) ton.
.2 No recreational vehicle shall be used for living, sleeping or housekeeping, and shall not be parked in the side yard setbacks.

3.2.2.11 Parking, off street less than 20 cars (only as an accessory use to a permitted use on the same property), in accordance with Section 7.10. [**ADOPTED JUNE 1, 2004**]

3.2.3 **Uses Allowed by Special Permit.**

3.2.3.1 Boating facility.

3.2.3.2 Cemeteries, crematoriums, funeral homes.

3.2.3.3 Churches and places of worship.

3.2.3.4 Cluster design in accordance with provisions of Section 6.6.1.5. [**REPEALED AUGUST 21, 2006**]

3.2.3.5 Community Center, library.

3.2.3.6 Congregate Living Facility in accordance with provisions of Section 6.6.2.

3.2.3.7 Convalescent Home in accordance with provisions of Section 6.6.3.

3.2.3.8 Conversions to three (3) or more residential units in accordance with provisions of Section 6.6.4. [**ADOPTED JULY 30, 1991**]

3.2.3.9 Excavation operations, in accordance with Section 6.6.7.

3.2.3.10 Hospitals.

3.2.3.11 Kennels (RR-80 Zone only) in accordance with Section 6.6.8.

3.2.3.12 Lumbering and lumber mills.

3.2.3.13 Municipal facilities and activities.

3.2.3.14 Non-profit associations, clubs, museums, or art institutions, minimum lot requirement – five (5) acres.

.1 Gift shops up to 1,000 square feet and snack bars up to 100 seats (available only for non-profit organizations).

3.2.3.15 Processing, bottling, conversion of agricultural products primarily grown on premises.

3.2.3.16 Public/private recreational facilities.

3.2.3.17 Public utility structures and facilities.

3.2.3.18 Recreational facilities incidental to municipal, church or school facilities.

3.2.3.19 Public or Private Elementary and Secondary Schools. [**ADOPTED JUNE 15, 1999**]

3.2.3.20 Day care centers (on a minimum of 40,000 square feet). [**ADOPTED SEPTEMBER 20, 1986**]

3.2.3.21 Trailer parks and trailer camps.

3.2.3.22 Wineries.

3.2.3.23 Yachting facilities.

3.2.3.24 Wellness Centers. [**ADOPTED NOVEMBER 7, 2002**]

3.2.3.25 Bed and Breakfast Facilities in accordance with Section 6.6.17. [**ADOPTED SEPTEMBER 3, 1992**]

3.2.3.26 Communication and water towers. [**ADOPTED JULY 30, 1991**]

3.2.3.27 Parking, off street, 20 or more cars (only as an accessory use to a permitted use on the same property), in accordance with Section 6.6.12. [**ADOPTED JUNE 1, 2004**]

3.2.3.28 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

3.2.3.29 Golf or Country Club Liquor Permit as defined by C.G.S. Section 30-24a, as amended. [**ADOPTED AUGUST 3, 2004**]

3.2.3.30 Restaurant Liquor Permit as defined by C.G.S. Section 30-22, as amended (only as an accessory to a Golf Course). [**ADOPTED AUGUST 3, 2004**]

3.2.3.31 Filling, in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005]**

3.2.3.32 Rehabilitation of Existing Buildings, in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

3.2.3.33 Height Exceptions for Roof Structures and Architectural Features, in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

3.2.3.34 Open Space Development, in accordance with Section 6.6.22. [**ADOPTED AUGUST 21, 2006**]

3.2.4 **Buffer Requirements.**

3.2.4.1 RR-80.

.1 50 feet for duplex, trailer parks and community facilities with 30 feet of screening.

.2 100 feet for processing, excavations.

.3 25-100 feet from significant natural resources as determined by the Commission pursuant to standards in Section 6.4.

3.2.4.2 RA-40.

.1 35 feet for Duplex Housing, with 30 feet of planted screening.

.2 100 feet for processing, excavations, with 30 feet of planted screening.

.3 25-100 feet from significant natural resources as determined by the Commission pursuant to standards in Section 6.4.

.4 Special Use Permit – 35 feet with 30 feet of planted screening.

3.3 RESIDENTIAL RM-20, RM-15, RH-10 ZONES [ADOPTED AUGUST 9, 1979]

Purpose:
RM-20: This zone is for areas where better soil conditions prevail, public utilities may be available, a higher level of development is desirable and locational advantages must be evident.

RM-l5: This zone reflects areas where better soil conditions prevail, public utilities may be available and locational advantages must be evident.

RH-10: This zone reflects areas with both public water and sanitary sewers and provides locations for more intense development which will complement existing development.

3.3.1 **Permitted Uses.**

3.3.1.1 Residence, Single family.

3.3.1.2 Duplex housing. Minimum lot requirement two (2) times district lot size

3.3.1.3 Family day care homes. [ADOPTED SEPTEMBER 20, 1986]

3.3.2 **Accessory Uses.**

3.3.2.1 Agricultural or homemaking educational/training projects.

3.3.2.2 Barns, silos, greenhouses, outbuildings, and solar and energy conservation equipment.

3.3.2.3 Buildings or stands for display and sale of produce primarily grown on premises.

3.3.2.4 Accessory Apartments in accordance with Section 7.1. [ADOPTED JULY 30, 1991; AMENDED JULY 20, 2010]

3.3.2.5 Garages and tool sheds. [ADOPTED JANUARY 9, 1985]

3.3.2.6 Home Occupations, in accordance with Section 1.2.2.

3.3.2.7 Keeping of domestic animals.
NOTE: No commercial activity involving domestic animals is permitted and no more than two (2) adults of a species per household number may be kept and only on the following lot sizes:

.1 Dogs, cats, fowl or others compatible with cohabitation with humans may be kept on the minimum lot area.

.2 Grazing animals such as horses, cows, sheep and goats of no more than two (2) animals on 130,000 square feet.

3.3.2.8 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts.

3.3.2.9 Servant or guest accommodations (providing that the lot contains a minimum of 240,000 square feet).

3.3.2.10 Parking of special vehicles.

.1 No more than one (1) commercial vehicle which shall be rated for not more than three-quarter (¾) ton.

.2 No recreational vehicle shall be used for living, sleeping or housekeeping, and shall not be parked in the side yard setbacks.

3.3.2.11 Parking, off street less than 20 cars (only as an accessory use to a permitted use on the same property), in accordance with Section 7.10. [**ADOPTED JUNE 1, 2004**]

3.3.3 Uses Allowed by Special Permit.

3.3.3.1 Attached housing, in accordance with provisions of Section 6.6.15.

3.3.3.2 Boating facility.

3.3.3.3 Cemeteries, crematoriums, funeral homes.

3.3.3.4 Churches and places of worship.

3.3.3.5 Cluster design, in accordance with provisions of Section 6.6.1. [**REPEALED AUGUST 21, 2006**]

3.3.3.6 Communication and water towers. [**ADOPTED JULY 30, 1991**]

3.3.3.7 Community center, library.

3.3.3.8 Congregate Living Facility, Section 6.6.2.

3.3.3.9 Convalescent Home, in accordance with provisions of Section 6.6.3.

3.3.3.10 Conversions to three (3) or more residential units, in accordance with provisions of Section 6.6.4. [**ADOPTED JULY 30, 1991**]

3.3.3.11 Hospitals.

3.3.3.12 Housing for the Elderly, in accordance with Section 6.6.6.

3.3.3.13 Municipal facilities and activities.

3.3.3.14 Public/private recreational facilities.

3.3.3.15 Public utility structures and facilities.

3.3.3.16 Recreational facilities incidental to municipal, church or school facilities.

3.3.3.17 Public or Private Elementary and Secondary Schools. [**ADOPTED JUNE 15, 1999**]

3.3.3.18 Day care centers (on a minimum of 40,000 square feet). [**ADOPTED SEPTEMBER 20, 1986**]

3.3.3.19 Yachting facilities.

3.3.3.20 Wellness Centers. [**ADOPTED NOVEMBER 7, 2002**]

3.3.3.21 Bed and Breakfast Facilities, in accordance with Section 6.6.17. [**ADOPTED SEPTEMBER 3, 1992**]

3.3.3.22 Parking, off street, 20 or more cars (only as an accessory use to a permitted use on the same property), in accordance with Section 6.6.12. [**ADOPTED JUNE 1, 2004**]

3.3.3.23 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2009**]

3.3.3.24 Filling, in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

3.3.3.25 Rehabilitation of Existing Buildings, in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

3.3.3.26 Height Exceptions for Roof Structures and Architectural Features, in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

3.3.3.27 Open Space Development, in accordance with Section 6.6.22. [**ADOPTED AUGUST 21, 2006**]

3.3.4 **Buffer Requirements.**

3.3.4.1 RM-20.

.1 20 feet for duplex.
.2 50-100 feet from significant natural resources as determined by the Commission pursuant to standards in Section 6.4.
.3 35 feet for all Special Use Permits. Screening strip within buffer for all new construction adjoining or within visual access to single-family uses.

3.3.4.2 RM-15.

.1 20 feet for duplex.
.2 25-100 feet from significant natural resources as determined by the Commission pursuant to standards in Section 6.4.
.3 35 feet for all Special Use Permits. Screening strip within buffer for all new construction adjoining or within visual access to single-family uses.

3.3.4.3 RH-10.

.1 15 feet for duplex.
.2 25-100 feet from significant natural resources as determined by the Commission pursuant to standards in Section 6.4.
.3 25 feet for all Special Use Permits.
.4 Screening strip for all new construction adjoining single-family use or residential zone.

3.4 RESIDENTIAL RA-20, RA-15 ZONES [ADOPTED: APRIL 2, 1987]

Purpose: These zones are for areas that have been previously developed as single-family house lots and which should be maintained as such to preserve the character of the Town.

3.4.1 **Permitted Uses.**

3.4.1.1 Residence, Single family

3.4.1.2 Family day care homes.

3.4.2 **Accessory Uses.**

3.4.2.1 Barns, silos, greenhouses, outbuildings, and solar and energy conservation equipment.

3.4.2.2 Buildings or stands for display and sale of produce primarily grown on premises.

3.4.2.3 Accessory Apartments in accordance with Section 7.1. [ADOPTED JULY 30, 1991; AMENDED JULY 20, 2010]

3.4.2.4 Garages and tool sheds.

3.4.2.5 Home Occupations, in accordance with Section 1.2.2.

3.4.2.6 Keeping of domestic animals.
NOTE: No commercial activity involving domestic animals is permitted and no more than two (2) adults of a species per household number may be kept and only on the following lot sizes:

.1 Dogs, cats, fowl, or others compatible with cohabitation with humans may be kept on the minimum lot area.
.2 Grazing animals such as horses, cows, sheep and goats of no more than two (2) animals on 130,000 square feet.

3.4.2.7 Parking of special vehicles.

.1 No more than one (1) commercial vehicle which shall be rated for not more than three-quarter (¾) ton.
.2 No recreational vehicle shall be used for living, sleeping or housekeeping, and shall not be parked in the side yard setbacks.

3.4.2.8 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts.

3.4.2.9 Parking, off street less than 20 cars (only as an accessory use to a permitted use on the same property), in accordance with Section 7.10. [**ADOPTED JUNE 1, 2004**]

3.4.3 **Uses Allowed by Special Permit.**

3.4.3.1 Boating facility.

3.4.3.2 Churches and places of worship.

3.4.3.3 Communication and water towers. [**ADOPTED JULY 30, 1991**]

3.4.3.4 Conversions to three (3) or more residential units, in accordance with provisions of Section 6.6.4.

3.4.3.5 Municipal facilities and activities.

3.4.3.6 Public utility structures and facilities.

3.4.3.7 Recreational facilities incidental to municipal, church, or school facilities.

3.4.3.8 Public or Private Elementary and Secondary Schools. [**ADOPTED JUNE 15, 1999**]

3.4.3.9 Parking, off street, 20 or more cars (only as an accessory use to a permitted use on the same property), in accordance with Section 6.6.12. [**ADOPTED JUNE 1, 2004**]

3.4.3.10 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

3.4.3.11 Filling, in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

3.4.3.12 Rehabilitation of Existing Buildings, in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

3.4.3.13 Height Exceptions for Roof Structures and Architectural Features, in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

ARTICLE IV

DISTRICT REGULATIONS – COMMERCIAL / INDUSTRIAL ZONES

FOR COMMERCIAL AND INDUSTRIAL BULK REQUIREMENTS SEE TABLE 5.2.1.

4.1 DEVELOPMENT AREA (DB-5) [ADOPTED AUGUST 9, 1979]

Purpose: This zone is for built-up areas with public water and sanitary sewers in order to provide a mixture of commercial/residential urban density opportunities.

4.1.1 **Permitted Uses.**

4.1.1.1 Assembly, in buildings less than 10,000 square feet. [ADOPTED JULY 30, 1991]

4.1.1.2 Municipal facility. [ADOPTED JULY 30, 1991]

4.1.1.3 Office buildings less than 5,000 square feet.

4.1.1.4 Personal services. [ADOPTED JULY 30, 1991]

4.1.1.5 Public utilities.

4.1.1.6 Residential (Table). [ADOPTED JULY 30, 1991; AMENDED JUNE 24, 2006]

HOUSING TYPE	MAXIMUM DWELLING UNITS PER LOT	MINIMUM LOT AREA (SQUARE FEET)
Single Family Residence	1	10,000
Duplex Residence	2	20,000
Triplex Residence	3	30,000

4.1.1.7 Retail/wholesale sales buildings less than 10,000 square feet. [AMENDED JULY 30, 1991]

4.1.1.8 Special Detached Banners in accordance with Section 7.12.7.3. [ADOPTED JUNE 24, 2003]

4.1.1.9 Financial Institutions up to 5,000 square feet. [ADOPTED SEPTEMBER 7, 2004]

4.1.1.10 Restaurant, Retail. [ADOPTED JANUARY 3, 2006]

4.1.2 **Accessory Uses.**

4.1.2.1 Home Occupations, in accordance with Section 1.2.2.

4.1.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [**ADOPTED JULY 30, 1991**]

4.1.2.3 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial uses.

4.1.2.4 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses. [**ADOPTED JULY 30, 1991**]

4.1.2.5 Storage of goods or supplies incidental to permitted uses.

4.1.3 **Uses Allowed by Special Permit.**

4.1.3.1 Assembly in buildings greater than 10,000 square feet. [**ADOPTED JULY 30, 1991**]

4.1.3.2 Attached Housing in accordance with Section 6.6.15. [**REPEALED MAY 24, 2006**]

4.1.3.3 Cemeteries, crematoriums, funeral homes.

4.1.3.4 Churches and places of worship.

4.1.3.5 Community centers, library. [**ADOPTED JULY 30, 1991**]

4.1.3.6 Convalescent home in accordance with provisions in Section 6.6.3.

4.1.3.7 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5. [**AMENDED JANUARY 3, 2006**]

4.1.3.8 Hospitals.

4.1.3.9 Hotels and motels, in accordance with Section 6.6.10. [**ADOPTED JULY 30, 1991**]

4.1.3.10 Laundries and Laundromats.

4.1.3.11 Liquor sales (all types), in accordance with provisions of Section 6.6.16. [**ADOPTED FEBRUARY 21, 1984**]

4.1.3.12 Office building greater than 5,000 square feet.

4.1.3.13 Outdoor boat sales.

4.1.3.14 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.1.3.15 Processing, bottling, conversion of agricultural products.

4.1.3.16 Public/private recreational facilities.

4.1.3.17 Recreational facilities incidental to municipal, church or school facilities.

4.1.3.18 Restaurants, in accordance with Section 6.6.16. [**AMENDED MAY 7, 1992; JANUARY 3, 2006**]

4.1.3.19 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.1.3.20 Schools – public and private; day care centers.

4.1.3.21 Wineries.

4.1.3.22 Wellness Centers. [**ADOPTED NOVEMBER 7, 2002**]

4.1.3.23 Parking, dedicated off-site (sender and receiver), in accordance with Section 7.10.2.4. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.1.3.24 Parking, reductions, in accordance with Section 7.10.2.3. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.1.3.25 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.1.3.26 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.1.3.27 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.1.3.28 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.1.3.29 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.1.3.30 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005; AMENDED NOVEMBER 6, 2007**]

4.1.3.31 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.1.3.32 Residential Mixed Use in accordance with Section 6.6.21. [**ADOPTED MAY 24, 2006**]

4.1.4 **Buffer Requirements.**

Open spaces with planting: 0.2 of lot area (ground level or upper stories).

4.2 CONVENIENCE SHOPPING (CS-5) [ADOPTED AUGUST 9, 1979]

Purpose: This zone provides small lot restricted business zones in built up areas. Uses reflect only those needs that service local residences for limited retail and service activities.

4.2.1 Permitted Uses.

4.2.1.1 Boarding/tourist homes of less than five (5) bedrooms.

4.2.1.2 Municipal facilities. [ADOPTED JULY 30, 1991]

4.2.1.3 Office buildings less than 5,000 square feet.

4.2.1.4 Personal services. [ADOPTED JULY 30, 1991]

4.2.1.5 Public utilities.

4.2.1.6 Residential (Table). [ADOPTED JULY 30, 1991; AMENDED MAY 24, 2006]

HOUSING TYPE	MAXIMUM DWELLING UNITS PER LOT	MINIMUM LOT AREA (SQUARE FEET)
Single Family Residence	1	10,000
Duplex Residence	2	20,000
Triplex Residence	3	30,000

4.2.1.7 Sales: retail/wholesale buildings less than 5,000 square feet. [AMENDED JULY 30, 1991]

4.2.1.8 Financial Institutions up to 5,000 square feet. [ADOPTED SEPTEMBER 7, 2004]

4.2.2 Accessory Uses.

4.2.2.1 Home Occupations, in accordance with Section 1.2.2.

4.2.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.2.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.2.2.4 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial use. [**ADOPTED JULY 30, 1991**]

4.2.2.5 Storage of goods or supplies incidental to permitted uses.

4.2.3 **Uses Allowed by Special Permit.**

4.2.3.1 Attached housing in accordance with Section 6.6.15. [**REPEALED MAY 24, 2006**]

4.2.3.2 Community center or library. [**ADOPTED JULY 30, 1991**]

4.2.3.3 Congregate Living Facility in accordance with Section 6.6.2.

4.2.3.4 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5 [**AMENDED JANUARY 3, 2006**]

4.2.3.5 Hospitals and clinics.

4.2.3.6 Housing for the elderly in accordance with provisions of Section 6.6.6.

4.2.3.7 Laundries and Laundromats.

4.2.3.8 Liquor sale places for off-premises consumption.

4.2.3.9 Offices in buildings greater than 5,000 square feet.

4.2.3.10 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.2.3.11 Processing agricultural products. [**ADOPTED JULY 30, 1991**]

4.2.3.12 Recreational facilities, public or private.

4.2.3.13 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.2.3.14 Schools – public and private.

4.2.3.15 Special Wall Signs in accordance with Section 7.12.7.1.4. **[AMENDED MAY 24, 2011]**

4.2.3.16 Parking, reductions, in accordance with Section 7.10.2.3. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.2.3.17 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.2.3.18 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.2.3.19 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.2.3.20 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.2.3.21 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.2.3.22 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.2.3.23 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.2.4 **Buffer Requirements.**

4.2.4.1 15 feet with five (5) feet of screening for a commercial use adjoining single-family and/or attached housing use.

4.2.4.2 20 feet with five (5) feet of screening for a commercial use and attached housing adjoining residential zone.

4.2.4.3 15 feet with five (5) feet of screening for food take-out and liquor sales adjoining residential use or zone.

4.3 LOCAL SHOPPING (LS-5)

Purpose: This is a small lot business zone for built-up areas to provide a full range of services to residences in the area.

4.3.1 **Permitted Uses.**

4.3.1.1 Boarding/tourist homes of less than five (5) bedrooms.

4.3.1.2 Day care centers, Family day care homes.

4.3.1.3 Municipal facilities.

4.3.1.4 Office buildings less than 5,000 square feet.

4.3.1.5 Personal services. [ADOPTED JULY 30, 1991]

4.3.1.6 Public utilities, structures, and facilities.

4.3.1.7 Residential (Table). [ADOPTED MAY 24, 2006]

HOUSING TYPE	MAXIMUM DWELLING UNITS PER LOT	MINIMUM LOT AREA (SQ. FEET)
Single Family Residence	1	10,000
Duplex Residence	2	20,000
Triplex Residence	3	30,000

4.3.1.8 Retail/wholesale sales buildings less than 5,000 square feet. [AMENDED JULY 30, 1991]

4.3.1.9 Financial Institutions up to 5,000 square feet. [ADOPTED SEPTEMBER 7, 2004]

4.3.1.10 Restaurant, Retail. [ADOPTED JANUARY 3, 2006]

4.3.2 **Accessory Uses.**

4.3.2.1 Home Occupations, in accordance with Section 1.2.2.

4.3.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.3.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.3.2.4 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial uses. [**ADOPTED JULY 30, 1991**]

4.3.2.5 Storage of goods or supplies incidental to permitted uses.

4.3.3 **Uses Allowed by Special Permit.**

4.3.3.1 Attached housing in accordance with Section 6.6.15. [**REPEALED MAY 24, 2006**]

4.3.3.2 Community center or library. [**ADOPTED JULY 30, 1991**]

4.3.3.3 Congregate Living Facility in accordance with Section 6.6.2.

4.3.3.4 Convalescent homes in accordance with provisions of Section 6.6.3.

4.3.3.5 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5 [**AMENDED JANUARY 3, 2006**]

4.3.3.6 Funeral homes, mortuaries.

4.3.3.7 Gas/auto service stations (See Section 8.10.5 – ZBA Review).

4.3.3.8 Hospitals. [**ADOPTED JULY 30, 1991**]

4.3.3.9 Hotels and motels, in accordance with Section 6.6.10.

4.3.3.10 Housing for the elderly in accordance with Section 6.6.6.

4.3.3.11 Laundries and laundromats.

4.3.3.12 Liquor sales places for off-premises consumption.

4.3.3.13 Liquor sales places for consumption on-premises in accordance with provisions of Section 6.6.16.

4.3.3.14 Office buildings equal to or greater than 5,000 square feet.

4.3.3.15 Outdoor boat sales.

4.3.3.16 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.3.3.17 Processing of agricultural products. [**ADOPTED JULY 30, 1991**]

4.3.3.18 Recreational facilities, public or private.

4.3.3.19 Restaurants, in accordance with Section 6.6.16. [**AMENDED JANUARY 3, 2006**]

4.3.3.20 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.3.3.21 Schools – public and private.

4.3.3.22 Special Wall Signs in accordance with Section 7.12.7.1.4. [**AMENDED MAY 24, 2011**]

4.3.3.23 Theaters. (except drive-ins)

4.3.3.24 Wellness Centers. [**ADOPTED NOVEMBER 7, 2002**]

4.3.3.25 Special Detached Banners in accordance with Section 7.12.7.3. [**ADOPTED JUNE 24, 2003**]

4.3.3.26 Parking, dedicated off-site (receiver), in accordance with Section 7.10.2.4. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.3.3.27 Parking, reductions, in accordance with Section 7.10.2.3. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.3.3.28 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.3.3.29 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.3.3.30 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.3.3.31 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.3.3.32 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.3.3.33 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.3.3.34 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.3.3.35 Residential Mixed Use in accordance with Section 6.6.21. [**ADOPTED MAY 24, 2006**]

4.3.4 **Buffer Requirements.**

4.3.4.1 Ten (10) feet of screening for commercial use adjoining single-family and/or attached housing.

4.3.4.2 20 feet of screening for commercial use and attached housing adjoining residential zone or use.

4.3.4.3 15 feet of screening for food take-out and liquor sales adjoining residential zone or use (multi-family, single-family).

4.4 GENERAL COMMERCIAL (GC-60)

Purpose: This zone is intended to provide a full range of shopping opportunities for the Town.

4.4.1 **Permitted Uses.**

4.4.1.1 Assembly, in buildings less than 10,000 square feet. [**ADOPTED JULY 30, 1991**]

4.4.1.2 Boarding/tourist homes of less than five (5) bedrooms.

4.4.1.3 Day care centers, Family day care home.

4.4.1.4 Municipal facilities.

4.4.1.5 Office buildings less than 5,000 square feet.

4.4.1.6 Personal services.

4.4.1.7 Public utilities.

4.4.1.8 Residential: single-family and duplex housing. Duplex housing shall have a minimum lot requirement of 120,000 square feet.

4.4.1.9 Retail/wholesale sales buildings less than 5,000 square feet. [**AMENDED JULY 30, 1991**]

4.4.1.10 Financial Institutions up to 5,000 square feet. [**ADOPTED SEPTEMBER 7, 2004**]

4.4.1.11 Restaurant, Retail. [**ADOPTED JANUARY 3, 2006**]

4.4.2 **Accessory Uses.**

4.4.2.1 Home Occupations, in accordance with Section 1.2.2.

4.4.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [**ADOPTED JULY 30, 1991**]

4.4.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.4.2.4 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial uses. [**ADOPTED JULY 30, 1991**]

4.4.2.5 Storage of goods or supplies incidental to permitted uses.

4.4.3 **Uses Allowed by Special Permit.**

4.4.3.1 Assembly buildings greater than 10,000 square feet. [**ADOPTED JULY 30, 1991**]

4.4.3.2 Attached Housing in accordance with Section 6.6.15. [**REPEALED MAY 24, 2006**]

4.4.3.3 Auto sales.

4.4.3.4 Bowling alleys, billiard pool parlors.

4.4.3.5 Commercial recreation facilities for dance halls, nightclubs with entertainment, open to the public.

4.4.3.6 Community center or library. [**ADOPTED JULY 30, 1991**]

4.4.3.7 Congregate Living Facility in accordance with the provisions of Section 6.6.2.

4.4.3.8 Convalescent Homes in accordance with the provisions of Section 6.6.3.

4.4.3.9 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5. [**AMENDED JANUARY 3, 2006**]

4.4.3.10 Funeral homes, mortuaries.

4.4.3.11 Gas/auto service stations (See Section 8.10.5 – ZBA Review).

4.4.3.12 Hospitals. [**ADOPTED JULY 30, 1991**]

4.4.3.13 Hotels and motels, in accordance with the provisions of Section 6.6.10.

4.4.3.14 Housing for the Elderly in accordance with the provisions of Section 6.6.6.

4.4.3.15 Laundries and laundromats.

4.4.3.16 Liquor sales places for consumption on and off premises. See Section 6.6.16 for on-premises consumption.

4.4.3.17 Office buildings equal to or greater than 5,000 square feet.

4.4.3.18 Outdoor boat sales.

4.4.3.19 Outdoor vendors, flea markets, street vendors.

4.4.3.20 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.4.3.21 Processing of agricultural products. [**ADOPTED JULY 30, 1991**]

4.4.3.22 Recreational facilities, public or private.

4.4.3.23 Restaurants, in accordance with Section 6.6.16. [**AMENDED JANUARY 3, 2006**]

4.4.3.24 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.4.3.25 Schools – public and private.

4.4.3.26 Special Wall Signs accordance with Section 7.12.7.1.4 and Special Detached Signs in accordance with Section 7.12.7.2.4. [**AMENDED MAY 24, 2011**]

4.4.3.27 Theaters (except drive-ins).

4.4.3.28 Family entertainment centers. [**ADOPTED OCTOBER 20, 1992**]

4.4.3.29 Wellness centers. [**ADOPTED NOVEMBER 7, 2002**]

4.4.3.30 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.4.3.31 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.4.3.32 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.4.3.33 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.4.3.34 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.4.3.35 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.4.3.36 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.4.3.37 Open Space Development in accordance with Section 6.6.22. [**ADOPTED AUGUST 21, 2006**]

4.4.4 **Buffer Requirements.** [**ADOPTED DECEMBER 3, 1998**]

4.4.4.1 50 feet with 25 feet of screening for commercial use adjoining residential zone.

4.4.4.2 50 Feet with 25 feet of screening for commercial use adjoining attached housing.

4.4.4.3 75 feet with 50 feet of screening for restaurant or schools adjoining a residential zone.

4.4.4.4 100 feet with 50 feet of screening for shopping center over 20,000 square feet.

4.4.4.5 25 feet with 15 feet of screening for commercial use adjoining a residential use in a non-residential zone.

4.5 TOURIST COMMERCIAL (TC-80) [ADOPTED AUGUST 9, 1979]

Purpose: This zone provides service to tourist visitors to the Town with minimal impact on adjoining residential uses.

4.5.1 Permitted Uses.

4.5.1.1 Boarding/tourist homes of less than five (5) bedrooms.

4.5.1.2 Municipal facility.

4.5.1.3 Office buildings less than 5,000 square feet.

4.5.1.4 Personal services. [ADOPTED JULY 30, 1991]

4.5.1.5 Public utilities.

4.5.1.6 Retail/wholesale sales buildings less than 5,000 square feet. [AMENDED JULY 30, 1991]

4.5.1.7 Financial Institutions up to 5,000 square feet. [ADOPTED SEPTEMBER 7, 2004]

4.5.1.8 Restaurant, Retail. [ADOPTED JANUARY 3, 2006]

4.5.2 Accessory Uses.

4.5.2.1 Home Occupations, in accordance with Section 1.2.2.

4.5.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.5.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.5.2.4 Recreational facilities, such as tennis/handball courts and pools accessory to commercial uses. [ADOPTED JULY 30, 1991]

4.5.2.5 Storage of goods or supplies incidental to permitted uses.

4.5.3 Uses Allowed by Special Permits.

4.5.3.1 Attached Housing in accordance with Section 6.6.15. [REPEALED MAY 24, 2006]

4.5.3.2 Auto sales.

4.5.3.3 Bowling alleys, billiard/pool parlors.

4.5.3.4 Commercial recreation facilities for dance halls, nightclubs with entertainment, open to the public.

4.5.3.5 Community center or library.

4.5.3.6 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5. [**AMENDED JANUARY 3, 2006**]

4.5.3.7 Restaurant, Drive-in window in accordance with Sections 6.6.5 and 6.6.16. [**AMENDED JANUARY 3, 2006**]

4.5.3.8 Gas/auto service stations (See Section 8.10.5 – ZBA Review).

4.5.3.9 Hospitals. [**ADOPTED JULY 30, 1991**]

4.5.3.10 Hotels and motels, in accordance with Section 6.6.10.

4.5.3.11 Laundries and Laundromats.

4.5.3.12 Liquor sales places for off-premises and on-premises consumption. [**SEE SECTION 6.6.16 FOR ON-PREMISES CONSUMPTION**]

4.5.3.13 Office buildings equal to or greater than 5,000 square feet.

4.5.3.14 Outdoor boat sales.

4.5.3.15 Outdoor vendors, flea markets, street vendors.

4.5.3.16 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.5.3.17 Processing of agricultural products. [**ADOPTED JULY 30, 1991**]

4.5.3.18 Recreational facilities, public or private.

4.5.3.19 Residential, single-family and duplex housing. Duplex housing lot area is required to be two times the district lot area requirement.

4.5.3.20 Restaurants, in accordance with Section 6.6.16. [**AMENDED JANUARY 3, 2006**]

4.5.3.21 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.5.3.22 Schools – public and private.

4.5.3.23 Special Wall Signs accordance with Section 7.12.7.1.4 and Special Detached Signs in accordance with Section 7.12.7.2.4. [**AMENDED MAY 24, 2011**]

4.5.3.24 Theaters (except permanent drive-ins). [**AMENDED MAY 1, 2012**]

4.5.3.25 Family entertainment centers. [**ADOPTED OCTOBER 20, 1992**]

4.5.3.26 Wellness centers. [**ADOPTED NOVEMBER 7, 2002**]

4.5.3.27 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.5.3.28 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.5.3.29 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.5.3.30 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.5.3.31 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.5.3.32 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.5.3.33 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.5.3.34 Temporary Drive-in Theater Events on properties of over 15 acres and five hundred (500) parking spaces. Projected screen images shall not be visible to forward facing drivers on interstate highways or on-ramps. [**ADOPTED MAY 1, 2012**]

4.5.4 **Buffer Requirements.**

4.5.4.1 50 feet with 25 feet of screening (except in front yard).

4.5.4.2 50 feet of screening adjoining motels (except in front yard).

4.5.4.3 100 feet with 50 feet of screening adjoining existing residences and residential zone.

4.6 MARINE COMMERCIAL (MC-80) [ADOPTED AUGUST 9, 1979]

Purpose: This is a zone where commercial water-dependent uses are permitted.

4.6.1 **Permitted Uses.**

4.6.1.1 Bait and tackle sales.

4.6.1.2 Boarding/tourist homes of less than five (5) bedrooms.

4.6.1.3 Boat livery.

4.6.1.4 Boat repair facilities.

4.6.1.5 Municipal facilities.

4.6.1.6 Office buildings less than 5,000 square feet.

4.6.1.7 Public utilities, structures and facilities

4.6.1.8 Residential, single-family only.

4.6.1.9 Retail/wholesale sales buildings less than 5,000 square feet. [ADOPTED JULY 30, 1991]

4.6.2 **Accessory Uses.**

4.6.2.1 Home Occupations, in accordance with Section 1.2.2.

4.6.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.6.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.6.2.4 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial use. [ADOPTED JULY 30, 1991]

4.6.2.5 Storage of goods or supplies incidental to permitted uses.

4.6.2.6 Seasonal marina structures, subject to Section 7.18 [ADOPTED DECEMBER 15, 1998]

4.6.3 **Uses Allowed by Special Permit.**

4.6.3.1 Boat fabrication and assembly.

4.6.3.2 Liquor sales, on premises consumption only.

4.6.3.3 Marina/yacht club.

4.6.3.4 Office buildings equal to or greater than 5,000 square feet.

4.6.3.5 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.6.3.6 Restaurants, in accordance with Section 6.6.16, of no more than 100 seats which may include on-site liquor consumption.

4.6.3.7 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.6.3.8 Special Detached Banners in accordance with Section 7.12.7.3. [**ADOPTED JUNE 24, 2003**]

4.6.3.9 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.6.3.10 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.6.3.11 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.6.3.12 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.6.3.13 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.6.3.14 Open Space Development in accordance with Section 6.6.22. [**ADOPTED AUGUST 21, 2006**]

4.6.4 **Buffer Requirements.**

4.6.4.1 25 feet plus screening for commercial/marina use adjoining residential use.

4.6.4.2 50 feet plus screening for commercial/marina use adjoining residential zone.

4.7 MANUFACTURING (M-1)

Purpose: This zone provides for a range of manufacturing and commercial uses.

4.7.1 **Permitted Uses.**

4.7.1.1 Assembly, fabricating, compounding, warehousing, and packing up to 10,000 square feet.

4.7.1.2 Buildings for assembly, fabricating, compounding, warehousing, and packing up to 10,000 square feet.

4.7.1.3 Lumbering and lumber mills.

4.7.1.4 Municipal facility.

4.7.1.5 Offices and/or corporate headquarters in buildings less than 5,000 square feet.

4.7.1.6 Processing of agricultural products.

4.7.1.7 Public utilities.

4.7.1.8 Research and development.

4.7.1.9 Aquaculture/Agriculture (a 200-foot setback for manure storage and stables is required from all property lines and tidal wetlands). [**ADOPTED AUGUST 3, 2004**]

4.7.2 **Accessory Uses.**

4.7.2.1 Home Occupations, in accordance with Section 1.2.2.

4.7.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [**ADOPTED JULY 30, 1991**]

4.7.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.7.2.4 Recreation facilities, such as tennis/handball courts and pools accessory to commercial or manufacturing uses. [**ADOPTED JULY 30, 1991**]

4.7.2.5 Storage of goods or supplies incidental to permitted uses.

4.7.2.6 Retail sale of goods or supplies which are either manufactured or processed on site provided said retail sale is subordinate and incidental to the permitted use in all respects, including but not limited to the proportion of space and resources devoted to said accessory use and specifically including the following:

.1 The floor space devoted to accessory retail sales use shall be no more than ten (10) percent of the total floor space of the principal use, or 2,000 square feet, which ever is less.

.2 Parking for accessory retail sales shall be separate and apart from all other parking on premises.

4.7.3 **Uses Allowed by Special Permit.**

4.7.3.1 Assembly, fabricating, compounding, packing, and warehousing greater than 10,000 square feet.

4.7.3.2 Buildings for assembly, fabricating, compounding, packing, and warehousing greater than 10,000 square feet.

4.7.3.3 Bulk storage.

4.7.3.4 Coal yards and oil tanks.

4.7.3.5 Excavations.

4.7.3.6 Hospitals and clinics.

4.7.3.7 Offices, corporate headquarters, in buildings equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.7.3.8 Recreational camping.

4.7.3.9 Special Detached Banners in accordance with Section 7.12.7.3. [**ADOPTED JUNE 24, 2003**]

4.7.3.10 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.7.3.11 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2009**]

4.7.3.12 Parking, dedicated off-site (sender and receiver), in accordance with Section 7.10.2.4. [**ADOPTED JUNE 1, 2004**]

4.7.3.13 Wineries. [**ADOPTED AUGUST 3, 2004**]

4.7.3.14 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.7.3.15 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.7.3.16 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.7.3.17 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.7.3.18 Breweries. [**ADOPTED FEBRUARY 11, 2011]**

4.7.3.19 Special Wall Signs in accordance with Section 7.12.7.1.4. [**ADOPTED MAY 24, 2011**]

4.7.3.20 Health Clubs of up to 10,000 square feet in existing buildings. [**ADOPTED OCTOBER 22, 2012**]

4.7.3.21 Retail sales provided that said sales and any associated display is situated entirely within a building no greater than 15,000 sq. ft. in gross floor area and located no more than one (1) mile from an interstate highway interchange. [**ADOPTED AUGUST 27, 2013**]

4.7.4 **Buffer Requirements.**

4.7.4.1 50 feet with 25 feet of screening for commercial or manufacturing use adjoining existing residence.

4.7.4.2 100 feet with 50 feet of screening for commercial or manufacturing use adjoining residential zone.

4.8 LIGHT INDUSTRY (LI-130) [ADOPTED AUGUST 9, 1979]

Purpose: This zone permits research and development office parks. The zone allows a less intense use having less impact on the environment and surrounding neighborhoods.

4.8.1 **Permitted Uses.**

4.8.1.1 Assembly, packing and warehousing up to 10,000 square feet. [ADOPTED JULY 30, 1991]

4.8.1.2 Buildings for assembly, packing, and warehousing up to 10,000 square feet. [ADOPTED JULY 30, 1991]

4.8.1.3 Offices and/or corporate headquarters less than 5,000 square feet.

4.8.1.4 Research and development facilities.

4.8.2 **Accessory Uses.**

4.8.2.1 Home Occupations, in accordance with Section 1.2.2.

4.8.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.8.2.3 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses.

4.8.2.4 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial and industrial uses. [ADOPTED JULY 30, 1991]

4.8.2.5 Storage of goods and supplies incidental to permitted uses.

4.8.2.6 Retail sale of goods or supplies which are either manufactured or processed on site provided said retail sale is subordinate and incidental to the permitted use in all respects, including but not limited to the proportion of space and resources devoted to said accessory use and specifically including the following:

.1 The floor space devoted to accessory retail sales use shall be no more than ten (10) percent of the total floor space

of the principal use, or 2,000 square feet, whichever is less.

.2 Parking for accessory retail sales shall be separate and apart from all other parking on premises. [**ADOPTED JULY 30, 1991**]

4.8.3 **Uses Allowed by Special Permit.**

4.8.3.1 Assembly, packing, and warehousing, over 10,000 square feet, meeting performance and design standards. [**ADOPTED JULY 30, 1991**]

4.8.3.2 Buildings for assembly, packing, and warehousing, over 10,000 square feet, meeting performance and design standards. [**ADOPTED JULY 30, 1991**]

4.8.3.3 Bulk storage. [**ADOPTED JULY 30, 1991**]

4.8.3.4 Hospitals and clinics. [**ADOPTED JULY 30, 1991; REPEALED AUGUST 2, 2005**]

4.8.3.5 Offices and/or corporate headquarters equal to or greater than 5,000 square feet. [**ADOPTED JULY 30, 1991**]

4.8.3.6 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.8.3.7 Recreational camping.

4.8.3.8 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.8.3.9 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.8.3.10 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.8.3.11 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.8.3.12 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.8.4 **Buffer Requirements.**

4.8.4.1 50 feet with 25 feet of screening for commercial or manufacturing use adjoining existing residence.

4.8.4.2 100 feet with 50 feet of screening for commercial or manufacturing use adjoining residential zone.

4.9 HIGHWAY INTERCHANGE ZONE (HI-60) [ADOPTED JANUARY 18, 1994]

Purpose: This zone encourages the development of high quality commercial office, retail, hotel, light industrial development, and age-restricted housing surrounding the interchanges of Interstate-95 with Routes 2, 49, and 78. It promotes land use which is compatible with the environmental conditions of the area, in particular, underlying aquifers and adjacent water bodies.

When designed and constructed in general conformance with the relevant concept plan contained in the Plan of Conservation and Development, the following uses are permitted after site plan approval in accordance with the provisions of this Section.

4.9.1 **Permitted Uses.**

4.9.1.1 Commercial office.

4.9.1.2 Financial Institutions up to 5,000 square feet. [ADOPTED SEPTEMBER 7, 2004; AMENDED AUGUST 2, 2005]

4.9.1.3 Personal Services. [ADOPTED SEPTEMBER 7, 2004]

4.9.1.4 Restaurant, Retail. [ADOPTED JANUARY 3, 2006]

4.9.2 **Accessory Uses.**

4.9.2.1 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

4.9.2.2 Recreational facilities, such as tennis/handball courts and pools, accessory to commercial uses.

4.9.2.3 Storage of goods or supplies incidental to permitted uses.

4.9.3 **Uses Allowed by Special Permit.**

4.9.3.1 Conference center.

4.9.3.2 Congregate living facilities. [ADOPTED APRIL 20, 1999]

4.9.3.3 Convalescent homes. [ADOPTED APRIL 20, 1999]

4.9.3.4 Day care centers. [ADOPTED SEPTEMBER 7, 2004]

4.9.3.5 Drive-in windows, limited to financial institutions and pharmacies, in accordance with Section 6.6.5. [**ADOPTED SEPTEMBER 7, 2004**]

4.9.3.6 Hotels, in accordance with Section 6.6.10. [**AMENDED SEPTEMBER 7, 2004**]

4.9.3.7 Light manufacturing.

4.9.3.8 Research laboratory.

4.9.3.9 Restaurants, in accordance with Section 6.6.16. [**AMENDED SEPTEMBER 7, 2004; JANUARY 3, 2006**]

.1 Outdoor service and outdoor seating is permitted within 30 percent of the total customer dining area.

.2 Sale of alcoholic beverages, limited to restaurant permits as issued by the Connecticut Department of Liquor Control, in accordance with Section 6.6.16.

4.9.3.10 Retail/wholesale sales buildings equal to or greater than 5,000 square feet. [**AMENDED SEPTEMBER 7, 2004**]

4.9.3.11 Theaters. [**ADOPTED DECEMBER 5, 1996**]

4.9.3.12 Wellness center. [**ADOPTED SEPTEMBER 7, 2004**]

4.9.3.13 Health club. [**ADOPTED SEPTEMBER 7, 2004**]

4.9.3.14 Parking, off street, 20 or more cars, in accordance with Section 6.6.12.

4.9.3.15 Special Wall Signs in accordance with Section 7.12.7.1.4 and Special Detached Signs in accordance with Section 7.12.7.2.4.

4.9.3.16 Parking, shared, in accordance with Section 7.10.2.5. [**ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2008**]

4.9.3.17 Any permitted use or activity proposing a direct curb cut onto Route 2. [**ADOPTED SEPTEMBER 7, 2004**]

4.9.3.18 Liquor sales places for off-premises consumption. [**ADOPTED SEPTEMBER 7, 2004**]

4.9.3.19 Financial Institutions over 5,000 square feet. [**ADOPTED AUGUST 2, 2005**]

4.9.3.20 Medical Clinics. [**ADOPTED AUGUST 2, 2005**]

4.9.3.21 Rehabilitation of Existing Buildings in accordance with Section 6.6.14. [**ADOPTED AUGUST 2, 2005**]

4.9.3.22 Filling in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.9.3.23 Excavation in accordance with Section 6.6.7. [**ADOPTED AUGUST 2, 2005**]

4.9.3.24 Height Exceptions for Roof Structures and Architectural Features in accordance with Section 6.6.20. [**ADOPTED OCTOBER 18, 2005**]

4.9.3.25 Restaurant, Drive-in window in accordance with Sections 6.6.5 and 6.6.16. [**ADOPTED JANUARY 3, 2006**]

4.9.4 **Landscaping and Buffers.**

Landscaping shall be provided in accordance with the provisions of Section 2.15.6.4, in addition to the following provisions (See Section 8.4.2.2 for Landscape Plan content):

4.9.4.1 Parking areas shall be landscaped in accordance with the provisions of Section 7.10, except that areas used for parking shall be substantially screened from public roadways by shrubbery, berms, walls or other methods.

4.9.4.2 Side and rear yards which adjoin a residential zone shall contain a buffer yard meeting or exceeding the requirements of the landscaped buffer yard (See Section 4.9.4.11), for all uses within the HI-60 District. Where there is a conflict between buffer yard and/or side or rear yard requirements, the more stringent yard requirement shall apply.

4.9.4.3 Landscaped buffers shall be provided where required by this Section and shall conform to the standards illustrated in the buffer yard graphics.

4.9.4.4 Buffer yard within each category shall be used upon a review of the site design, topography, existing vegetation and abutting

land uses. The Commission may authorize the use of existing vegetation in lieu of part or all of the buffer yard requirements; require the substitution of plant materials shown in the buffer yard graphic; or require the use of berms or berm/walls (See Section 4.9.4.11) where necessary in any buffer yard as an additional buffering mechanism.

4.9.4.5 Buffer yard planting materials shall conform to the following standards.

.1 Canopy trees shall be deciduous shade trees, three (3) inches in caliper at planting with a mature height of at least 35 feet.

.2 Understory trees shall be deciduous shade or fruit trees, two (2) inches in caliper at planting with a mature height of at least 12 feet.

.3 Evergreens shall be coniferous species, six (6) feet in height at planting.

.4 Shrubs shall be either deciduous species two and one-half (2½) feet in height at planting with a mature height of at least six (6) feet or coniferous species two and one-half (2½) feet in spread at planting.

4.9.4.6 Reduced Landscaping - The Commission may reduce the landscape buffer yard requirements by not more than 25 percent for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of landscape materials.

4.9.4.7 Where development abuts the Pawcatuck River, a 100 foot non-infringement area shall be provided. Such non-infringement area shall remain undisturbed with the exception of any public trails, stormwater detention/retention ponds and/or wetland plantings required to renovate stormwater before entering the river.

4.9.4.8 Pedestrian pathways, streetscape features and passive recreational features are permitted within all required yard areas.

4.9.4.9 Retention and detention ponds are permitted in side and rear yards and at the Commission's discretion, may be allowed in front yards if designed to enhance the appearance of the property.

4.9.4.10 All unpaved areas not used for parking and storage shall be landscaped with ground cover and/or shrub and tree material. Undeveloped areas proposed for future expansion may be maintained in a natural vegetative state but need not be landscaped.

4.9.4.11 Bufferyard Landscaping

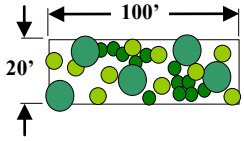
.1 Minimum Bufferyard Width: 20 feet. The Bufferyard shall include the number of trees indicated in the illustration provided under Section 4.9.4.11.3, and may include existing documented trees.

.2 Required plantings may be reduced by one (1) percent for each additional two (2) feet of bufferyard provided, not to exceed 30 percent of the required plantings.

.3 Bufferyard (Illustration).

REQUIRED PLANTS PER 100' (minimum)

5	Canopy Trees
10	Understory Trees
15	Shrub
5	Evergreens/Conifers



4.9.5 **Service Areas.**

4.9.5.1 All outdoor refuse collection, loading and storage areas, transformers, heating, air-conditioning units or similar equipment shall be visually screened from access streets, highways and adjacent properties.

4.9.5.2 Such screening may consist of fences, hedges and/or trees of sufficient height to adequately screen the area and/or equipment.

4.9.5.3 No outdoor refuse collection, loading, or storage areas are permitted within any required yard or buffer area.

4.9.5.4 All utility lines within the zone shall be placed underground.

4.9.6 **Parking.**

4.9.6.1 The off-street parking shall comply with the provisions of Section 7.10 of these regulations, except as modified below or by the Commission based on their technical review.

4.9.6.2 Parking shall not be allowed in the minimum required front yards.

4.9.6.3 Required parking spaces shall be located on-site or on a contiguous site provided that this site will be permanently and legally designated for the required parking.

4.9.6.4 Access to parking on a contiguous site shall be through the common property line and not through a public or private road or right of way.

4.9.6.5 Parking is only allowed as an accessory use to the principal use on a lot.

4.9.6.6 Stormwater management systems within the parking lots shall be designed and maintained to renovate parking lot stormwater through mechanical or natural means before discharging into storm sewers, wetlands, watercourses or infiltrating into the ground.

4.9.7 **Required Public Improvements.**

4.9.7.1 Portland-base cement concrete sidewalks, built to Town standards, shall be located along all public roads in the HI-60 District.

4.9.7.2 Shade trees shall be located 50 feet on center, along all public roads unless the trees on the adjacent private property provide adequate shade for the sidewalks.

4.9.8 **Groundwater Protection Requirements.** [AMENDED AUGUST 2, 2005] Land located within the Groundwater Protection Overlay District is subject to the requirements of Section 7.2 titled "Groundwater Protection Overlay District." (SEE ZONING MAP ATLAS)

4.9.9 **Access Management and Consolidated Parcels.**

4.9.9.1 Purpose and Applicability.

.1 This section encourages or requires the consolidated development of parcels 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 stormwater management systems among smaller parcels.

.2 Any number of contiguous parcels may be consolidated for the purpose of development, regardless of ownership, and the consolidated parcel shall be construed to be one lot for the purpose of meeting the requirements of Section 4.9.

4.9.9.2 Basic Requirements.

.1 Unless waived by the Commission due to access from a road other than a State Highway, applicants shall, be required to:

.1 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;

.2 construct all or a portion of a shared driveway or service road in order to provide for shared access, where appropriate;

.3 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

.4 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.

.2 Unless waived by the Commission due to a superior design that achieves the same principles, applicants shall be required to generally conform to the area plans depicted in the Plan of Conservation and Development, as amended.

4.9.9.3 Optional Requirements. Applicants may, at the Commission's discretion, be required to:

.1 provide a comprehensive traffic study detailing the effects of the proposed development, taking into account current or future shared access to adjacent or consolidated parcels;

.2 make improvements to roadways in order to accommodate a proposed development, including but not limited to acceleration and deceleration lanes, left turn lanes with adequate stacking distance, roadway widening, and traffic control devices;

.3 close existing curb cuts, limit proposed curb cuts, or close temporary curb cuts when alternative access points become available;

.4 limit turning movements to right turns in or out of curb cuts;

.5 align access drives or roads with opposing access drives or roads wherever practical; and

.6 limit direct access to Route 2 when a parcel has frontage on an adjacent street or highway.

4.9.9.4 Consolidated Parcels. When development occurs contiguous to a development approved under these regulations and/or two or more contiguous parcels are being developed simultaneously, the Commission may require that the parcel(s) be developed as a consolidated parcel complying with one or more of the following.

.1 The owners of each lot shall, by deed or easement filed in the office of the Town Clerk, give the Town of Stonington and/or the owners of all other lots in a consolidated parcel the right of ingress and egress, passage, parking and loading.

.2 The consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping and signage.

.3 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.

4.9.10 **Building Design.** **[AMENDED SEPTEMBER 29, 2009]**

The following building design guidelines are not intended to limit creativity but to address issues of architectural variety, compatibility of design and scale with the surrounding neighborhood, and pedestrian access. Since design review is obligatory for all site plans and Special Use Permits meeting criteria of Section 2.15.3, prospective applicants are encouraged to meet informally with the Architectural Design Review Board prior to submitting an application to the

Planning and Zoning Commission. Additional submission guidelines governing design review are contained in Section 2.16.

4.9.10.1 Articulation.

.1 Wall plane projections or recesses should be utilized to limit uniform facades to less than 100 continuous linear feet. The aggregate length of a projection or recess shall be at least 20 percent of the facade length.

.2 Architectural elements such as arcades, display windows, entry areas, awnings, or other such features should account for at least 60 percent of the horizontal length of the ground floor facade.

.3 At least three (3) of the following should be repeated along the facade at intervals of 30 feet and at least one should repeat horizontally.

.1 color change.

.2 texture change.

.3 material change.

.4 expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, projecting rib or pilaster.

4.9.10.2 Human Scale Elements. The following human scale elements should be incorporated into the design of buildings to reduce the visual impact and create a pedestrian friendly experience:

.1 Banding of exterior materials and/or architectural details should be incorporated at eye-level to break up large facades and create human scale elements.

.2 The bottom eight (8) feet of all facade walls should be of the highest quality material being used on the building. To avoid damage from shopping carts, vehicles or vandalism, the use of exterior insulation finish systems or other easily damaged building materials should not be used within this area.

.3 Arcades are strongly suggested as a means of providing human scale. If provided, arcades should conform to the following requirements:

.1 An arcade should be inviting to pedestrians, incorporating benches, wide walkways, display windows or similar features.

.2 When there are multiple tenants in a building, signs should be incorporated into the design to allow pedestrians to easily recognize establishments from beneath the arcade.

4.9.10.3 Rooflines. The following guidelines are intended to reduce the massive scale of large buildings, and complement the character of the surrounding neighborhood. Roofs should include at least two of the following elements:

.1 Parapets concealing flat roofs and rooftop equipment. The average height of such parapets should not exceed 15 percent of the height of the supporting wall and at no point should a parapet exceed 30 percent of the height of the supporting wall. Parapets should feature three dimensional cornice treatment.

.2 Overhanging eaves, extending no less than three (3) feet past the supporting walls.

.3 Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

.4 Three (3) or more roof slope planes.

4.9.10.4 Materials and colors. Exterior building materials and colors should be compatible with materials and colors used in adjoining neighborhoods. Building materials should comply with the following guidelines whenever practicable:

.1 Predominant exterior building materials should be of high quality including brick, stone or wood. Concrete block may only be used on elevations that are not visible from a public vantage point. Exterior insulation finish systems, smooth-face concrete blocks, tilt-up concrete panels and pre-fabricated steel panels shall not be used as the predominant exterior building material.

.2 Predominant exterior building materials should be non-glossy and have subtle, neutral or earth tone colors. The use of high intensity, metallic or fluorescent colors or black is discouraged;

.3 Building trim and accent areas may feature brighter colors, including primary colors, but shall not include neon-tubing features.

4.9.10.5 Entrances.

.1 To orient customers to the entrance(s), each principal building should have no less than three (3) of the following elements:

.1 canopies or porticos;
.2 overhangs;
.3 recesses/projections;
.4 arcades;
.5 raised, corniced parapets over the door;
.6 peaked roof forms;
.7 arches;
.8 outdoor patios;
.9 display windows;
.10 architectural details such as tile work and moldings integrated into the building;
.11 integrated planters or wing walls that incorporate landscaped areas and/or places for sitting.

.2 Where additional stores will be located in the principal building, each such store should have at least one exterior customer entrance, which shall conform to these requirements:

.1 Large retail buildings should incorporate multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store;

.2 At least one entrance should be located on all facades of the building that directly face an abutting public street.

4.9.10.6 Signage. [AMENDED MAY 24, 2011] A signage package based on a unified design theme for the entire parcel shall be submitted as part of the Site Plan or Special Use Permit application. All standards of Section 7.12 Sign Regulations, shall apply. Signage packages shall include:

.1 Scaled drawing of the parcel depicting location of all proposed signs.

.2 Scaled graphic renderings depicting height, all dimensions, colors, materials, illumination, structural elements and applicable landscaping for all proposed signs.

4.9.10.7 Site Visualization and Display. Projects consisting of buildings, the cumulative total of which exceeds 50,000 square feet, shall provide the following additional information:

.1 A scale model of the site, displaying all buildings, elevation changes, impervious areas and landscaping, at a scale of 1” = 100’ or larger;

.2 An interactive computer generated three dimensional (3D) visual walkthrough of the entire site, with vantage point analysis from all areas surrounding the site, and within the site.

ARTICLE V

USE AND BULK TABLES FOR ALL ZONES

5.1 CONFLICT.

In the case of conflict between the uses listed in the following tables and the uses listed in Article III and Article IV, the uses listed in Article III and Article IV shall control. Tables 5.1.2 and 5.2.2 are intended to be a summary of the permitted uses and special uses in the Town of Stonington.

5.1.1 Residential Zone Bulk Requirements. [1] [AMENDED: JUNE 15, 1999, APRIL 15, 2003]

ZONE	MINIMUM LOT AREA [2]	FRONTAGE	FRONT YARD	SIDE YARD [3; 4]	REAR YARD [3; 4]	MAXIMUM HEIGHT [5]	FLOOR AREA RATIO
GBR-130	130,000	350’	75’	75’	100’	30’	0.04 [6]
RC-120	120,000	300’	75’	75’	100’	25’	0.04 [6]
RR-80	80,000	200’	50’	25’	50’	30’	0.10
RA-40	40,000	125’	40’	15’	50’	30’	0.15
RM-20	20,000	100’	30’	10’	40’	30’	0.15
RM-15	15,000	100’	30’	10’	40’	30’	0.20
RH-10	10,000	70’	20’	5/20’ [7]	10% Depth [8]	35’	0.25
RA-20	20,000	100’	30’	10’	40’	30’	0.15
RA-15	15,000	100’	30’	10’	40’	30’	0.20

NOTES FROM ABOVE:

1. For Undersized Lots, see Section 2.9.
2. Square feet
3. See Section 2.14.1 for detached accessory buildings ≤ 100 square feet.
4. See Section 7.15 for swimming pools.
5. See Section 1.2.2 for application of the height requirement. In addition, see Section 7.3.5 for Coastal Areas.
6. GBR-130 and RC-120 Floor Area Ratio modified from 0.025 to 0.04 June 15, 1999. These two districts have a 100 foot non-infringement area (see ZR 1.2.2 and 3.1.4)
7. One Side Minimum five (5) feet – total both sides 20 feet.
8. Ten (10) percent of lot depth.

5.1.2 Residential Zones: Permitted, Accessory & Special Uses. [CREATED JULY 30, 1991]

USE	ZONE								
	GBR 130	RC 120	RR 80	RA 40	RM 20	RM 15	RH 10	RA 20	RA 15
Accessory Apartments [ZR 7.1]	A	A	A	A	A	A	A	A	A
Agriculture/ Homemaking Educational Projects	A	A	A	A	A	A	A	A	A
Attached Housing [ZR 6.6.15]	N	N	N	N	S	S	S	N	N
Aquaculture/Agriculture	P	P	P	N	N	N	N	N	N
Barns/Silos/Greenhouses/Out-Buildings/Solar and Energy Conservation Equipment	A	A	A	A	A	A	A	A	A
Bed and Breakfast Facilities [ZR 6.6.17]	S	S	S	S	S	S	S	N	N
Boating Facility	N	S	S	S	S	S	S	S	S
Building or stands for Display-Sale of Produce grown on premise	A	A	A	A	A	A	A	A	A
Conversion ≥ 3 Units [ZR 6.6.4]	S	S	S	S	S	S	S	S	S
Cemeteries/Crematoriums Funeral Homes	N	N	S	S	S	S	S	N	N
Change of Non-Conforming Use [ZR 2.6.1.3]	S	S	S	S	S	S	S	S	S
Churches/Places of Worship	N	N	S	S	S	S	S	S	S
Community Center/Library	N	N	S	S	S	S	S	N	N
Congregate Living Facility [ZR 6.6.2]	N	N	S	S	S	S	S	N	N
Convalescent Home [ZR 6.6.3]	N	N	S	S	S	S	S	N	N
Day Care Centers [ZR 1.2.2]	N	N	S	S	S	S	S	N	N
Duplex-Housing, Residential	N	N	P	P	P	P	P	N	N
Family Day Care Homes [1.2.2]	P	P	P	P	P	P	P	P	P
Excavation [ZR 6.6.7]	N	N	S	S	N	N	N	N	N
Filling [ZR 6.6.7]	S	S	S	S	S	S	S	S	S
Garages & Tool Sheds	A	A	A	A	A	A	A	A	A
Height Exceptions [ZR 6.6.20]	S	S	S	S	S	S	S	S	S
Home Occupations [ZR 1.2.2]	A	A	A	A	A	A	A	A	A

USE	ZONE								
	GBR 130	RC 120	RR 80	RA 40	RM 20	RM 15	RH 10	RA 20	RA 15
Hospitals	N	N	S	S	S	S	S	N	N
Housing for the Elderly [ZR 6.6.6]	N	N	N	N	S	S	S	N	N
Keeping Domestic Animals	A	A	A	A	A	A	A	A	A
Keeping & Breeding Livestock	P	P	P	N	N	N	N	N	N
Kennels [ZR 6.6.8]	S	S	S	N	N	N	N	N	N
Lumbering/Lumber Mills	S	S	S	S	N	N	N	N	N
Municipal Facilities or Activities	S	S	S	S	S	S	S	S	S
Non-Profit Associations/ Clubs/Museums/Art Institutions	S	S	S	S	N	N	N	N	N
Open Space Development [1] [ZR 6.6.22]	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	N
Parking, off-street < 20 cars [2]	A	A	A	A	A	A	A	A	A
Parking, off-street ≥ 20 cars [2] [ZR 6.6.12]	S	S	S	S	S	S	S	S	S
Parking, shared [ZR 7.10.2.5]	S	S	S	S	S	S	S	S	S
Parking, Special Vehicles (RV's & Commercial)	A	A	A	A	A	A	A	A	A
Processing/Bottling of Agriculture/Aquaculture Products Grown on Premise	S	S	S	S	N	N	N	N	N
Public or Private Elementary & Secondary Schools	S	S	S	S	S	S	S	S	S
Public/Private Recreational Facilities	N	N	S	S	S	S	S	N	N
Public Utility Substation	N	N	P	P	N	N	N	N	N
Public Utility Structure & Facilities	S	S	S	S	S	S	S	S	S
Rehabilitation of Existing Buildings [ZR 6.6.14]	S	S	S	S	S	S	S	S	S
Residence: Single-Family	P	P	P	P	P	P	P	P	P
Servant/Guest Accommodations	A	A	A	A	A	A	A	N	N
Recreation incidental to Municipal/Church/School	S	S	S	S	S	S	S	S	S
Recreational Uses and Structures incidental to residential Use	A	A	A	A	A	A	A	A	A

USE	ZONE								
	GBR 130	RC 120	RR 80	RA 40	RM 20	RM 15	RH 10	RA 20	RA 15
Schools – Public/Private, Day Care Centers	N	N	S	S	S	S	S	N	N
Trailer Parks / Camps	N	N	S	S	N	N	N	N	N
Wellness Center	N	N	S	S	S	S	S	N	N
Water Towers [ZR 7.17]	S	S	S	S	S	S	S	S	S
Wineries	S	N	S	S	N	N	N	N	N
Yachting/Yacht Club & Facilities [ZR 6.6.9]	N	S	S	S	S	S	S	N	N

A = Accessory Use; S = Special Use Permit; P = Permitted Use; N = Not Permitted

NOTES FROM ABOVE:

1. Open Space Developments are a permitted use, subject to subdivision review if comprised of single-family dwellings located on individual building lots. A Special Use Permit shall be required only if the land remains under single common ownership (Section 6.6.22.2.2).

2. Off-street parking only as an Accessory Use to a Permitted Use on the same property.

5.2.1 Commercial / Industrial Zone Bulk Requirements.

[AMENDED: APRIL 15, 2003; SEPTEMBER 7, 2004; NOVEMBER 1, 2005; SEPTEMBER 19, 2006]

ZONE	MINIMUM LOT AREA [1]	FRONTAGE	FRONT YARD	REAR YARD	SIDE YARD	MAXIMUM HEIGHT [2]	FLOOR AREA RATIO	MAXIMUM IMPERVIOUS COVERAGE	MAXIMUM EFFECTIVE IMPERVIOUS COVERAGE [3]
DB-5	5,000	50'	0'	0'	0'	BY REVIEW [4]	0.6	N/A	N/A
CS-5	5,000	75'	10'	25% [4]	10'	30'	0.3	N/A	N/A
LS-5	5,000	50'	10'	10% [4]	0/5' [5]	40'	0.5	N/A	N/A
GC-60	60,000	200'	40'	50'	20/50' [6]	30'	0.25 [7]	N/A	N/A
HI-60	60,000	200' [8]	25'	25'	25'	25' [9]	N/A	75%	60%
TC-80	80,000	200'	50'	50'	25'	40'	0.30	N/A	N/A
MC-80	80,000	150'	50'	50' [10]	25'	20'	0.25	N/A	N/A
M-1	80,000	200'	50'	50'	25'	50'	0.30	N/A	N/A
LI-130	130,000	200'	50'	50'	25'	30'	0.25	N/A	N/A

NOTES FROM ABOVE:

1. Square feet.
2. See Section 1.2.2 for application of the height requirement. In addition, see Section 7.3.5 for Coastal Areas.
3. Effective impervious coverage may be achieved by connecting building roof leaders to drywells capable of capturing and infiltrating clean stormwater from a 25-year storm into the ground.
4. Percent of Depth of Lot.
5. One side may be zero (0) feet with a total side yard of five (5) feet.
6. One side may be 20 feet with a total side yard of 50 feet.
7. Floor Area Ratio bonus for hotels per ZR 6.6.10.
8. Property lines abutting Interstate 95 and Route 78 shall not be considered street lines for the purpose of determining yard setbacks and frontage. No access shall be permitted from Elm Ridge Road, Soundview Drive, Croft Court, or Cavendish Lane to any parcel located within the zone.
9. Maximum height of a structure may be increased to 50 feet if: 1) the front yard setback requirement is increased one foot for every one foot of structure which exceeds 30 feet in height; and 2) the side and rear yard setback requirements are increased two feet for every one foot of structure which exceeds 40 feet in height.
10. When the Rear Yard is waterfront, a five (5) foot Minimum Rear Yard for Yacht Clubs and Marinas is allowed.

N/A Not Applicable

5.2.2 Commercial / Industrial Zones: Summary of Permitted, Accessory & Special Uses.

[CREATED JULY 30, 1991]

USE	ZONE								
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60
Assembly: Buildings < 10,000 sq ft	P	N	N	P	N	N	P	P	N
Assembly: Buildings ≥ 10,000 sq ft	S	N	N	S	N	N	S	S	N
Attached Housing [ZR 6.6.15]	N	N	N	N	N	N	N	N	N
Auto Sales/Service	N	N	N	S	S	N	N	N	N
Bait/Tackle Sales	P	P	P	P	P	P	N	N	N
Boarding/Tourist Home	N	P	P	P	P	P	N	N	N
Boat Fabrication	N	N	N	N	N	S	S	N	N
Boat Livery	N	N	N	N	N	P	N	N	N
Boat Part Sales	N	N	N	N	N	S	N	N	N
Boat Repair	N	N	N	N	N	P	N	N	N
Boat Sales	S	S	S	S	S	S	N	N	N
Bowling /Billiards	N	N	N	S	S	N	N	N	N
Brewery	N	N	N	N	N	N	S	N	N
Bulk Storage	N	N	N	N	N	N	S	S	N
Cemetery/Crematorium	S	N	N	N	N	N	N	N	N
Change of Non-Conforming Use [ZR 2.6.1.3]	S	S	S	S	S	S	S	S	S
Churches	S	N	N	N	N	N	N	N	N
Coal Yards/Oil Tanks	N	N	N	N	N	N	S	N	N
Commercial Recreation	N	N	N	S	S	N	N	N	N
Community Center/Library	S	S	S	S	S	N	N	N	N
Conference Center	N	N	N	N	N	N	N	N	S
Congregate Living Facility [ZR 6.6.2]	N	S	S	S	N	N	N	N	S
Convalescent Home [ZR 6.6.3]	S	N	S	S	N	N	N	N	S
Day Care Center [ZR 1.2.2]	N	N	P	P	N	N	N	N	A
Drive-In Window limited to financial institutions and pharmacies [ZR 6.6.5]	S	S	S	S	S	N	N	N	S
Excavation [ZR 6.6.7]	S	S	S	S	S	S	S	S	S
Fabricate/Compounding: Buildings <	N	N	N	N	N	N	S	N	N

USE	ZONE								
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60
10,000 SF									
Fabricate/Compounding: Buildings ≥ to 10,000 SF	N	N	N	N	N	N	S	N	N
Family Day Care Center [ZR 1.2.2]	N	N	P	P	N	N	N	N	N
Family Entertainment Center [ZR 6.6.18]	N	N	N	S	S	N	N	N	N
Filling [ZR 6.6.7]	S	S	S	S	S	S	S	S	S
Financial Institutions ≤ 5,000 SF	P	P	P	P	P	N	N	N	P
Financial Institutions > 5,000 SF	S	S	S	S	S	N	N	N	S
Funeral Home/Mortuary	N	N	S	S	N	N	N	N	N
Gas/Auto Service	N	N	S	S	S	N	N	N	N
Health Club	S	S	S	S	S	N	S	N	S
Height Exceptions [ZR 6.6.20]	S	S	S	S	S	S	S	S	S
Home Occupations	A	A	A	A	A	A	A	A	N
Hospital	S	N	S	S	S	N	S	N	N
Hotels [ZR 6.6.10]	S	N	S	S	S	N	N	N	S
Housing for the Elderly [ZR 6.6.6]	N	S	S	S	S	N	N	N	N
Laundries/Laundromats	S	S	S	S	S	N	N	N	N
Light Manufacturing [ZR 1.2.2]	N	N	N	N	N	N	N	N	S
Liquor Sales – Off Premise [ZR 6.6.16]	S	S	S	S	S	N	N	N	S
Liquor Sales – On Premise [ZR 6.6.16]	S	N	S	S	S	S	N	N	A
Lumbering/Lumber Mills	N	N	N	N	N	N	P	N	N
Marina/Yacht Club [ZR 6.6.9]	N	N	N	N	N	S	N	N	N
Medical Clinic	S	S	S	S	S	N	S	N	S
Motels [ZR 6.6.10]	S	N	S	S	S	N	N	N	N
Municipal Facility	P	P	P	P	P	P	P	N	N
Office Building < 5000 SF	P	P	P	P	P	P	P	P	P
Office Building ≥ to 5000 SF	S	S	S	S	S	S	S	S	P
Office – Home Occupation	P	P	P	P	P	P	N	N	N

USE	ZONE								
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60
[ZR 1.2.2]									
Open Space Development [ZR 6.6.22]	N	N	N	S	N	S	N	N	N
Outdoor Vendors [ZR 6.6.11]	N	N	N	S	S	N	N	N	N
Parking, dedicated off-site – sender [ZR 7.10.2.4]	S	N	N	N	N	N	S	N	N
Parking, dedicated off-site – receiver [ZR 7.10.2.4]	S	N	S	N	N	N	S	N	N
Parking, off street < 20 cars [ZR 7.10]	A	A	A	A	A	A	A	A	A
Parking, off street ≥ 20 cars [ZR 6.6.12; ZR 7.10]	S	S	S	S	S	S	S	S	S
Parking, reductions [ZR 7.10.2.3]	S	S	S	N	N	N	N	N	N
Parking, shared [ZR 7.10.2.5]	S	S	S	S	S	S	S	S	S
Packing	P	N	N	P	N	N	P	P	N
Personal Services	P	P	P	P	P	N	N	N	P
Processing Agricultural Products	S	S	S	S	S	N	P	N	N
Public Utilities	P	P	P	P	P	P	P	N	N
Recreational Camping [ZR 6.6.13]	N	N	N	N	N	N	S	S	N
Recreational Facilities accessory to permitted commercial/ manufacturing uses	A	A	A	A	A	A	A	A	N
Recreational Facilities: Incidental to Residence	A	A	A	A	A	A	N	N	N
Recreational Facilities: Public or Private	S	S	S	S	S	N	N	N	N
Recreational Uses Accessory to Commercial Use	A	A	A	A	A	A	A	A	A
Rehabilitation of Existing Buildings [ZR 6.6.14]	S	S	S	S	S	S	S	S	S
Research & Development	N	N	N	N	N	N	P	P	S
Restaurants [ZR 6.6.16]	S	N	S	S	S	S	N	N	S

USE	ZONE								
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60
Restaurant, Retail [ZR 1.2.2]	P	N	P	P	P	N	N	N	P
Restaurant, Drive-in window [ZR 1.2.2; 6.6.5; AND 6.6.16]	N	N	N	N	S	N	N	N	S
Residential: Single-family	P	P	P	P	S	P	N	N	N
Residential: Duplex	P	P	P	P	S	N	N	N	N
Residential Mixed Use	S	N	S	N	N	N	N	N	N
Residential: Triplex	P	P	P	N	N	N	N	N	N
Sales: retail/wholesale Building < 5,000 SF	P	P	P	P	P	P	A	A	N
Sales: retail/wholesale Building ≥ 5,000 SF	S	S	S	S	S	S	A	A	S
Schools, Public/Private	S	S	S	S	S	N	N	N	N
Seasonal Marina Structures [ZR 7.18]	N	N	N	N	N	A	N	N	N
Special Detached Banner [ZR 7.12.7.3]	P	N	S	N	N	S	S	N	N
Special Detached Sign > 18 SF [ZR 7.12.7.2.4]	N	N	N	S	S	N	N	N	S
Special Wall Sign > 18 SF [ZR 7.12.7.1.4]	N	S	S	S	S	S	S	N	S
Storage (Incidental) of goods and supplies	A	A	A	A	A	A	A	A	A
Temporary Drive-In Theater Events	N	N	N	N	S	N	N	N	N
Theaters	N	N	S	S	S	N	N	N	S
Warehousing	N	N	N	N	N	N	P	P	N
Wellness Center	S	N	S	S	S	N	N	N	S
Wineries	S	N	N	N	N	N	S	N	N

A = Accessory Use; S = Special Use Permit; P = Permitted Use; N = Not Permitted

ARTICLE VI

SPECIAL USE PERMITS – REQUIREMENTS

6.1 SPECIAL USE PERMITS – GENERAL

[AMENDED JUNE 1, 2004; JUNE 2, 2009; SEPTEMBER 29, 2009; JULY 20, 2010]

Purpose: Special Uses are a class of use requiring more intensive review in order to ensure that the purposes stated in Section 1.0.1 are met by larger proposals: generally, to preserve the significant features of the Town, to protect the health and welfare of the Town and to allow reasonable growth.

6.1.1 **Application Requirements and Procedure.**

6.1.1.1 Completed applications shall be filed with the Planning Department.

6.1.1.2 The Commission, or its appointed agent, will review the application and notify the applicant of any required reports, deficiencies or missing application documents.

6.1.1.3 The applicant shall provide written notice of a public hearing to abutters in accordance with Section 8.9.6 of these regulations. [SEE ZR 1.2.2 FOR ABUTTER DEFINITION]

6.1.2 Application Documents. A completed application for a Special Use Permit shall include:

6.1.2.1 Impact Statement in accordance with Section 8.8.1.

6.1.2.2 Type 2 Site Plan in accordance with Sections 8.3 and 8.4.

6.1.2.3 Architectural elevation drawings and landscape plan pursuant to Section 2.16, accompanied by a report from the Architectural Design Review Board, in accordance with Section 2.15.

6.1.2.4 The applicant shall submit the following reports

- .1 Water Impact Study (Quality and Quantity).
- .2 Sanitary Sewer Impact Study.
- .3 Stormwater Drainage Analysis (Section 7.13 and 8.4.2.6).
- .4 Erosion and Sedimentation Control Report (Section 7.6).
- .5 Traffic Impact Study (Section 6.6.23).
- .6 Archaeological Study (Section 6.6.24).

.7 Soils Report, Test Pit Data and Mapping.

6.1.2.5 Shadow plan in accordance with Section 7.14.2.

6.1.2.6 Other reports, as required, such as, but not limited to:

.1 Scaled three-dimensional (3D) model or computerized graphic equivalent for commercial, industrial or housing projects which fall under the criteria of Section 6.2.

.2 Flood Hazard Report for properties located in the Flood Hazard Overlay District (Section 7.7.4).

.3 School Impact Evaluation Report if there are residential components.

6.1.2.7 Application Fee per Town Ordinance payable to the Town of Stonington at the time an application is filed (Section 8.7).

6.1.2.8 Legal description of property/site.

6.1.2.9 Phasing requirements for projects over 24 dwelling units (Section 6.2).

6.1.2.10 The Commission may waive one or more of the above application documents by majority vote, provided that such request is made in writing at the time of application submission, describing in sufficient detail why such information is not relevant to the Special Use Permit application. This wavier shall not apply to application fees.

6.1.3 **Expansions.**

Any expansion of a use listed in these Regulations as a Special Use Permit shall require submission of an application for the new portion of the development project.

6.2 PHASING REQUIREMENTS

Projects over 24 units of all types of housing and commercial or industrial proposals which the Commission has determined may have a significant or adverse impact on the surrounding area shall be separated into areas identified as phases to be developed in yearly increments. Boundaries of such phase areas are to be shown on the site plan and each phase is to be identified by table on said plan and in a separate report to be submitted to the Commission stating:

6.2.1 Timing of phases.

6.2.2 Unit type and number of phases.

6.2.3 Parking and landscaping increments.

6.2.4 Other infrastructure limitations/timing. Each phase is limited to permit quota limitations and construction timing.

6.2.5 Required time period. Each phase receiving final approval shall be completed within five (5) years from the date of approval.

6.3 CONCEPTUAL REVIEW FOR PROJECTS OVER 30 UNITS

No project over 30 units shall be approved unless:

6.3.1 The applicant shall submit to the Commission sufficient information to allow the Planning Department to prepare a "Conceptual Evaluation" of the basic feasibility of the project.

6.3.2 Determination of feasibility will be based on:

6.3.2.1 Performance standards, compliance, and basic density calculations detailed in Article VII.

6.3.2.2 The project's impact on the Town's infrastructure and public facilities' capability to serve the project. These areas for evaluation are:

.1 Public water system's capacity: project measured as a percent of existing excess capacity.

.2 Public sanitary sewer system's capacity: project measured as a percent of existing excess capacity.

.3 Surface drainage impact shall include evaluation of "on-site" as well as "off-site" impacts on: adjoining properties, existing drainage structures and drainage ways (streams), and any increase in flooding potential.

.4 Fire protection capability of the respective fire company as measured by existing equipment and station location.

.5 Other public facilities such as: solid waste disposal and maintenance equipment, demand expressed as a percent of existing capacity.

.6 Impact on the capacity of the Town's school system.

.7 The ability of the network of public streets (local and State) to carry adequately the expected increase in traffic.

.8 The provisions for the preservation of significant historic, cultural or environmental features are adequate to preserve them (including, but not limited to, easements, rights-of-way, reservation and use restrictions on wetlands, bedrock outcrops, other morphologic features and any archaeological or cultural remains).

.9 Impacts on adjoining areas' historic features or neighborhoods that physically, visually or aesthetically reduce property values or the residential character of the area through physical impacts or visual obstructions.

6.3.3 The applicant may choose to submit such information as a preliminary report prior to making a final application for the Special Use Permit, or the applicant may make the Conceptual Review part of the submission for Special Use Permit. The preliminary report option is encouraged due to the extra time that should be spent on complex projects.

6.3.4 The Planning Department will, after receiving the applicant's information, prepare a report to the Commission on each area above, including recommendations on:

6.3.4.1 Project feasibility.

6.3.4.2 Project density.

6.3.4.3 Site design consideration/modifications.

6.3.4.4 Impacts on adjoining neighborhood's historic features and the Town in general, and possible mitigating measures.

6.3.4.5 Architectural treatments in terms of massiveness, building bulk, form, configuration and materials.

6.3.5 When preparing the evaluation, the Planning Department will be guided by a comprehensive methodology which will give maximum consideration to the protection of the cultural and natural environment, while balancing the development potential of a site.

6.3.6 The Commission in its action shall insure:

6.3.6.1 The proposal maintains the historic growth rate of the Town at one (1) percent per year.

6.3.6.2 The proposal offers the least possible disruptions to existing residential neighborhood areas, the environment, or historic features.

6.3.6.3 The proposal would not result in exceeding the capacity of existing Town facilities or infrastructure, or exhaust the supply or capacity of a public resource.

6.3.6.4 The Town's Capital Expenditure Plan is adequate to handle future demands from the proposal.

6.3.7 Any action by the Commission under this section prior to a Special Use permit proceeding does not bind the Commission to a particular "Conceptual Review" recommendation, particularly when more detailed information is submitted as part of the formal application.

6.4 STANDARDS FOR GRANTING OF A SPECIAL USE PERMIT

After a public hearing held according to applicable Statutes, the Commission must find that the following conditions are fulfilled by the proposal:

6.4.1 That the proposal is adequately served by a sufficient water supply, and sanitary facilities will function without pollution.

6.4.2 That the public is fully protected by fire, safety, and security equipment designed to eliminate hazards.

6.4.3 That transportation services are adequate and no undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the motoring public.

6.4.4 That it will not create, at any point of determination as set forth in Articles II and VII, any dangerous or objectionable elements to area residents.

6.4.5 That no adverse effect will result to the character of the district, property values, historic features, prosperity, nor to the public health, safety and welfare of the residents of the area or the Town.

6.4.6 That no deleterious impact to irretrievable environmental resources will result.

6.4.7 All applicable regulations (State, Federal, and local) have been complied with satisfying all design, procedural, and review requirements.

6.4.8 Consistency with Stonington Plan of Development and all amendments thereto.

6.5 COMMISSION POWERS RELATIVE TO ACTION ON A SPECIAL USE PERMIT [AMENDED SEPTEMBER 29, 2009]

The Commission shall have the power to approve, deny, or modify any proposal and set forth special stipulations of approval or modification as follows:

6.5.1 Special screening or landscaping to screen adjoining properties or mask obtrusive structural features.

6.5.2 Set extra buffer requirements ranging from 25 to 100 feet for fragile environmental features or residential property.

6.5.3 Design of buildings, structures and landscaping to ensure harmony with Stonington's architectural heritage, thus preserving and improving the appearance, beauty and character of the community, and providing a design compatible with neighborhood structures. The Commission shall consider advisory recommendations from the Architectural Design Review Board in evaluating compliance with this subsection.

6.5.4 Time of operation or intensity of use of a site.

6.5.5 Special site plan design features necessary to minimize adverse impacts on area, environment, or traffic.

6.6 SPECIFIC STANDARDS AND REQUIREMENTS – SPECIAL USE PERMITS

Special Permit Uses are as listed in Section III and IV of these Regulations for the various Zoning districts located throughout the Town. Additional requirements for specified uses follow.

6.6.1 **Cluster Development.** [ADOPTED DECEMBER 18, 1986; REPEALED AUGUST 21, 2006]

6.6.1.1 Area and Bulk Requirements for lots approved under the Cluster Development regulation. For lots approved with less than the applicable zone requirement, the bulk requirements in section 5.1.1 shall be for that zone which has a minimum lot size closest to the lot size of the subject lot. The bulk requirement reduction shall be applied in a manner that utilizes the largest available zone in comparison to the subject lot size. In no case shall the bulk requirement reduction be utilized for a zoning district where the lot size of the subject lot is 25 percent larger than what is required in the zoning district (example: 49,000 square foot lot in the RR-80 district would use the RA-40 bulk requirements. A 50,000 square foot lot would use the RR-80 requirements).

6.6.2 **Congregate Living Facility.** [AMENDED MAY 24, 1999; FEBRUARY 18, 2000; AUGUST 3, 2000]

6.6.2.1 Purpose. A Congregate Living Facility shall provide community living and licensed medical staff within the facility. In this section, standards and procedures are provided for Congregate Living Facilities. The design and development of the Congregate Living Facility shall meet the special and unique needs of the elderly and shall provide for their safety, health, and general welfare. Specifically, the Congregate Living Facility shall provide medical care and other supportive services for the elderly, the scope of which lies between independent living and the State licensed levels of care.

6.6.2.2 General Regulations. The following general regulations shall govern the design of Congregate Living Facilities:

.1 Bulk Requirements:

Minimum Lot Size:	15 acres
Frontage:	100 feet
Yards:	100 feet from all lot lines. (front, side and rear)
Maximum Height:	35 feet with a maximum of three (3) floors, except on sloped lots where one side may be 45 feet and four (4) stories where the bottom story is a “walk out” level. The minimum roof pitch of 6"/12"
Floor Area Ratio:	0.35

.2 Buffer Requirements. 50 feet wide from all lot lines, with 35 feet of screening within the buffer except where an earth berm at least four (4) feet high is constructed then the buffer may be reduced to 35 feet with 30 feet of screening. Access is allowed through the buffer. No construction, parking, and/or other uses shall be permitted within the 100 foot buffer.

.3 Performance Standards. Design review compliance with Section 2.16.

.4 Special Regulations. The developer shall set aside of 20 percent of the site for open outdoor recreational uses of a non-commercial nature for occupants/residents only. The use of wetlands for open space shall be prorated in accordance with the formula set forth in Section 7.5

6.6.2.3 Assisted Living Standards. The Congregate Living Facility shall provide:

.1 A common dining room and kitchen facilities for the preparation of meals for the exclusive use of residents and their guests.
.2 Each resident with at least one (1) nutritious meal each day.
.3 Periodic on-going health monitoring by the Congregate Living Facility's licensed medical staff.
.4 Community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents.
.5 A stated program of services with a staff provided to carry out such program.
.6 Transportation Services.

6.6.2.4 Requirements. A Special Use Permit for a Congregate Living Facility shall include the following and all information and procedures required in Section VI, Special Use Permits – Requirements, in addition to all applicable requirements of these Regulations.

.1 Restrictions Deeds and Covenants. The applicant shall provide to the Commission sample restrictions that will be included in rental or sale agreements or deeds that will be filed on the Land Records as covenants running with the land, and binding the applicant's successors and assigns in perpetuity. Such restrictions shall provide for the following:

.1 All Assisted Living Standards shall be clearly identified by the operator of the Congregate Living Facility.
.2 Each dwelling unit is occupied by at least one person 55 years of age or older.
.3 The applicant shall conduct and provide a feasibility and marketing study to see if a proposed Congregate Living Facility is viable.
.4 The applicant shall be required to provide an audited financial statement.

.2 Development Requirements. The following standards shall apply to the design and development of a Congregate Living Facility:

.1 No more than 300 independent living units, 50 assisted living units and 60 convalescent beds shall

be allowed in any single development site. Each independent living unit shall require 5,000 square feet of site area. Each assisted living unit and each convalescent bed, when combined with congregate care facilities, shall require 700 square feet of site area.

.2 The size of the independent living space shall be not less than 400 square feet. The average area for each living unit in each building shall be not less than 600 square feet. Corridors, storage, dining, and meeting spaces outside the individual dwelling units shall not be used in calculations of dwelling unit areas or average unit areas for buildings.

.3 In order to avoid building a building which will be intrusive and out of proportion with other buildings in the area, the Planning and Zoning Commission shall supplement the standards in Section 2.16 (Design Review Requirements) with the following standards:

Each exterior building wall shall contain an offset that is based on the wall length as follows:

WALL LENGTH (IN FEET)	OFFSET (IN FEET)
0-50	0
51-100	5
101-150	10
151-200	15
201-250	20
251-300+	25

The width of the offset shall be at least equal to the width of the building to which it is joined.

The Planning and Zoning Commission may waive strict compliance with the above offsets where the applicant has clearly demonstrated to the satisfaction of the Commission that other design features will make the building compatible with the surrounding area.

.4 Each building may be connected with an enclosed corridor to another separate building on one (1) above grade level only, but not necessarily the lowest level. Buildings may also be connected by structures which are more than 50 percent below grade.

.5 The Congregate Living Facility shall include community areas, which may be a separate building section suitably equipped to meet the social interaction and leisure time needs of the residents. Each building shall include at least one leisure and social interactive area accessible to all tenants. The community areas shall total not less than 50 square feet per dwelling unit for the entire facility, of which a minimum of ten (10) square feet per dwelling unit shall be in each individual building. At least one (1) individual interactive area per building is required and shall not be less than 200 square feet. The community areas shall be conducive to activities such as conversational seating, areas for reading, television viewing, table games, as well as space and equipment for the other recreational and social activities. Areas used and otherwise required for hallways, stairways, elevators, and rest rooms shall not be counted toward the community area requirement.

.3 Laundry facilities shall be provided for the use of occupants/residents only.

.4 One (1) parking space shall be required for each detached dwelling unit; one (1) for every two (2) attached units, and one (1) visitor parking space shall be required for every three (3) dwelling units. One (1) parking space shall be required for each employee employed on both of the two (2) largest shifts to provide parking for all employees who will be at the facility at any one time. All spaces shall meet the requirements of Section 7.10, "Off Street Parking, General Requirements," in the Zoning Regulations.

.5 Loading berths shall meet the requirements of Section 7.10.5 of the Zoning Regulations. For purposes of determining the required number of berths, only the area of multi-unit buildings shall be used.

.6 Public sanitary sewer and water supply shall be required.

.7 All utilities shall be underground. Use of alternate energy sources shall be encouraged.

.8 The grounds of the Congregate Living Facility shall also provide for non-commercial outdoor recreational opportunities and activities of an active and passive variety for use of the occupants/residents only. Trails, paths, benches, tables, courts, and the like shall be clearly delineated on the site plan.

.9 The Congregate Living Facility shall provide safe and adequate sidewalks and walkways for residents to walk to nearby shopping, banking, and other community services and facilities, or the applicant shall provide transportation services for the residents so that they can avail themselves of necessary community services and activities.

6.6.2.5 Associated and Accessory Uses.

.1 Garage or parking areas, open or covered.

.2 Administrative offices, maintenance, utility, laundry, equipment areas and storage associated with and secondary to the operation of the facility or the needs of the residents.

.3 Kitchen and dining facilities and snack bars for the use of residents and their guests only.

.4 Recreational activities and facilities of a non-commercial nature accessory to the Congregate Living Facility.

.5 Medical and/or nursing facilities, clinics for occupant/resident use only.

.6 Dining facilities for employees.

.7 Internal service stores for occupant/resident use only.

6.6.3 **Convalescent Home.** [ADOPTED JANUARY 20, 1970]

6.6.3.1 Minimum Site Area and Yards.

.1 There shall be the following minimum area requirements:
In Residential Districts -- 5 acres
In Commercial Districts -- 2 acres
There shall be a minimum of 1,500 square feet of site area for each patient or employee to be housed in the convalescent home.

.2 The following minimum yards shall be required:

YARD	COMMERCIAL DISTRICT	RESIDENTIAL DISTRICT
Front	30 Feet	100 Feet
Side	20 Feet	50 Feet
Rear	20 Feet	100 Feet

.3 Front Yard and Walking Areas. All front yards shall be landscaped. There shall be level-graded or paved outdoor areas suitable for walking with a minimum of 100 square feet per patient in facilities of 60 beds or less, with an additional 50 square feet for every patient over a total of 60 in facilities with more than 60 beds.

6.6.3.2 Site Plan Submission as Required in these Regulations.

6.6.3.3 Special Parking Requirements.

.1 All parking areas shall be at least 25 feet from property lines and ten (10) feet from all buildings for convalescent homes located in any Residential District.

.2 There shall be a minimum of one (1) visitor parking space for every three (3) patients and, in addition, three (3) employee parking spaces for every four (4) employees on the 7:00 a.m. to 3:00 p.m. shift.

6.6.4 **Conversions to Three or More Accessory Units.** [ADOPTED JULY 30, 1991]

6.6.4.1 A single family residential structure that is a minimum of 35 years old and has a minimum of 2,000 square feet total area, exclusive of decks and accessory buildings, may be converted to one (1) additional residential unit under Section 7.1 as a matter of right. One (1) of the units must be clearly subordinate to the other, and contain no more than 33 percent of the total floor area of the structure and shall be attached by at least one common wall. Additional conversions shall require a Special Use Permit.

6.6.4.2 Conversions shall be required to maintain the following minimum standards (Table):

BEDROOMS	GROSS FLOOR AREA
1	600 square feet
2	900 square feet
3	1200 square feet

6.6.4.3 Single family conversions shall be approved only if public water services and public sanitary sewers are available and certified by the appropriate public officials. Certification shall be provided to the Planning and Zoning Commission by the applicant.

6.6.4.4 No exterior changes to the structure shall be allowed except for ramps and doors for the handicapped and all secondary access door or stairs shall be located to the rear of the dwelling.

6.6.4.5 Off-street parking shall be provided at the rate of one parking space per newly converted unit (9 feet x 18 feet).

6.6.4.6 No conversion shall be permitted where the property does not meet the district density area requirement.

6.6.5 **Drive-In Windows.** [ADOPTED DECEMBER 18, 1986; AMENDED JANUARY 3, 2006; JULY 17, 2007] Drive-in windows may be permitted as a Special Use Permit in accordance with Section 6.4, provided the use is allowed in the zone, and the following standards are met:

6.6.5.1 Queuing lanes (stacking lanes) are separated from other circulation lanes and are so identified by pavement striping.

6.6.5.2 All queuing lanes shall minimize conflict with pedestrian traffic through the use of pavement markings and signing, and may include internal walkways and speed bumps in queuing lanes.

6.6.5.3 No exit or entrance for such lanes shall be within 100 feet of a street intersection, measured from the closest point of the street right-of-way.

6.6.5.4 Each entrance lane shall provide a minimum queuing of ten (10) 10 feet x 18 feet stations.

6.6.5.5 The distance from the pick-up window to the exit onto the street shall be a minimum of 60 feet.

6.6.5.6 Screening.

.1 Drive-in windows or lanes shall be located at least 15 feet from any residential property.

.2 Drive-in windows used for restaurant purposes shall be 40 feet from any residential property.

.3 A solid wood fence, synthetic wood-like fence, or masonry wall at least six (6) feet in height shall be installed. The fence, or wall, shall be augmented with suitable landscaping on both sides to soften the visual impact of the fence, or wall. The Commission may allow screening to be located on an adjacent property(ies), provided documentation regarding owner consent can be supplied to the commission.

6.6.5.7 Detached menu boards for drive-in windows shall be subject to the following standards:

.1 Only one (1) detached menu board shall be permitted per order window.

.2 Display surface area shall not exceed 32 square feet per detached menu board.

.3 The detached menu board shall not be visible from any public right-of-way.

6.6.6 **Housing for the Elderly.**

In zones where permitted by Special Permit Use, Housing for the Elderly may be approved in accordance with the findings of 6.4. The minimum dimensional standards of Article 7.9 and the standards which follow:

6.6.6.1 The lot area requirement shall be 5,000 square feet per dwelling unit, averaged over the total net acreage of the project site.

6.6.6.2 The lot area requirement may be reduced to 3,000 square feet per dwelling unit averaged over the entire site net area if public water and sewer connections are made.

6.6.6.3 Each unit may have up to, but no more than, two (2) bedrooms but proposal may also include efficiency units.

6.6.6.4 Accessory Uses.

.1 Garage or parking at a minimum of one (1) space per unit; visitor parking of one (1) space for every three (3) units.
.2 Utility, maintenance, and equipment area.
.3 Service store for resident-occupant use only.
.4 Recreation areas, open space, reserve areas (exterior or interior for the elderly).
.5 Dining facilities or snack bars for residents.
.6 Storage areas.
.7 Clinics or other such service areas as the Housing Authority deems necessary.

6.6.6.5 Exceptions may be approved for rehabilitation of Town of Stonington owned projects which comply with minimum State or Federal standards.

6.6.6.6 Buildings may contain up to ten (10) units per building on two floors.

6.6.7 **Excavation and Filling.**
The removal-filling of any material that would alter an existing surface drainage pattern or watercourse, or create a surface pitch in excess of five (5) percent, or raise an existing elevation by more than three (3) feet over an area of more than 5,000 square feet, as determined by the Zoning Enforcement Officer, is hereby prohibited except by a Special Use Permit of limited duration as approved by and with such conditions as might be imposed by the Planning and Zoning Commission.

6.6.7.1 Application Requirements. Type 2 Site Plans shall be submitted as required by Article VIII. Existing and proposed grades shall be shown at two (2) foot intervals.

6.6.7.2 Standards. In order to protect adjoining properties and the natural environment, the following standards shall apply to excavation and/or filling operations as permitted herein:

.1 Limitations of excavation to vertical cuts which are not to exceed ten (10) feet at any time. No excavation shall be permitted within 30 feet to any existing or approved street except to conform to the approximate street grade. No excavation shall be permitted within 30 feet of any interior property line.
.2 If the proposed method of soil erosion control is by re-vegetation, the specifications for work shall provide that any layer over the area to be excavated shall be set aside

and retained on the premises in sufficient quantity to be spread again over all surfaces which will remain exposed, except rock, to a depth of at least four (4) inches, with topsoil added if necessary to make up the deficiency. The specifications shall also provide that at the completion of spreading again, the topsoil shall be immediately harrowed or raked to establish a seed bed and shall be seeded and reseeded as necessary with grass, growing vegetation, repeated if necessary, until the area is stabilized.

.3 Finished slopes shall not exceed 1:2 (vertical to horizontal) in undisturbed earth and in earth fill; 4:1 in rock.

.4 The proposed excavation, removal, or fill shall not result in the creation of any sharp pots, depressions, soil erosion, depressed land values, drainage and sewerage problems, or other conditions which would impair the use of the property in accordance with the Zoning Regulations. Further, such excavation, removal or fill will be in harmony with the general purpose and intent of the Zoning Regulations.

.5 Fence Requirements. Where an excavation will have a depth of ten (10) feet or more, or create a slope of more than 1:2, there shall be substantial fence at least six feet in height, with suitable gates, enclosing the excavation. Such fence shall be located 50 feet or more from the edge of the excavation. All screens shall be maintained in good condition at all times and may have normal entrances and exits. All operations shall be screened if located near residential areas or highways.

6.6.7.3 Processing of Excavated Material. The sifting, washing, crushing or other forms of processing and treatment of earth products shall be permitted in a Manufacturing District only.

6.6.7.4 Hours of Operation. There shall be no operation between 7:00 p.m. and 7:00 a.m., nor on Sundays or legal holidays, except in an emergency which involves the public welfare.

6.6.7.5 Access Roads. The portion of access road(s) within areas of operation shall be provided with a dustless surface which shall be maintained in good condition at all times.

6.6.7.6 Foundations and Approved Subdivision Roads. These Regulations shall be deemed not to prohibit the removal of sod, loam, soil,

clay, sand, gravel, or stone necessary to be excavated from the foundation locations of buildings or other allowable structures for which construction is to be undertaken in compliance with the Certificate of Use and Occupancy, nor to be excavated from the locations of streets in accordance with the lines, grades and profiles on plans approved by the Commission. Nor shall these Regulations prohibit the transportation of said material to a separate site, if such transportation is completed within six (6) months from the date of the permit in question, and where the site of deposition of the excavated material is an allowed or permitted one.

6.6.7.7 Other Exempt Activities. The following activities are exempted from the Special Use Permit process and may be undertaken as of right:

.1 Those previously approved by a State, Federal, or locally authorized agency or commission, except areas in CAMOD boundary.

.2 Filling related to the construction of a single or two-family dwelling or previously approved subdivision where no more than 50 percent of the applicable Zoning District area requirement is to be filled.

6.6.7.8 Compliance of Existing Excavation with Regulations. Effective November 21, 1976, no person, firm, or corporation shall establish, maintain, conduct or operate any excavation in the Town without having first obtained a Permit. Excavation or filling operations in existence on the effective date of these Regulations shall have 90 days from the effective date of these Regulations in which to apply for and obtain a permit in compliance with the provisions of these Regulations.

6.6.7.9 Performance Bond. Before the issuance of any Special Use Permit, the owner and the operator, if any, as principals of the land on which such excavation is to be conducted, shall execute a bond in triplicate in an amount sufficient in the opinion of the Commission, and approved as to form by the Town Attorney, to secure the rehabilitation of the site in accordance with a plan specified above. The amount of such bond may be reduced when, in the opinion of the Commission and after public hearing and due notice, a lower amount will be sufficient to accomplish this purpose. In the event the owner and the operator do not fulfill the conditions of the bond, the Town shall, after notice to the

owner and the operator and their bonding company, and upon their failure to comply with the terms of the permit, proceed to rehabilitate the premises in accordance with the plan described above, either with its own forces or by contract, and shall charge the costs to the owner and the operator or the bonding company or surety company.

6.6.7.10 Filling of Land. A fill operation shall comply with all the pertinent provisions as specified for an excavation operation.

6.6.8 **Kennels.**

6.6.8.1 The minimum lot area shall be three (3) acres for private kennels and a minimum lot area of ten (10) acres for commercial kennels.

6.6.8.2 No structure used for a kennel shall be closer than 150 feet from any lot line.

6.6.8.3 Each kennel shall provide one run for every two animals.

.1 Private kennels shall have no more than four (4) runs.
.2 Commercial kennels shall have no more than 20 runs.

6.6.9 **Marinas – Yacht Clubs.** **[AMENDED JULY 20, 2010]**

6.6.9.1 In addition to the site plan requirements of Section 8.4, plans shall show the following:

.1 Dredging spoils areas and placement of soil and fill above mean high tide.
.2 Parking areas and boat storage spaces sufficient to store and provide safety access.

6.6.9.2 Fire lanes not less than 20 feet wide shall be provided and kept clear at all times.

6.6.9.3 Plans shall demonstrate provisions for adequate refuse disposal. All refuse disposal areas shall be screened with fencing or evergreen trees or shrubs at least six (6) feet high.

6.6.9.4 Water and electric service shall be screened and shielded.

6.6.10 **Motels – Hotels.** [**AMENDED SEPTEMBER 7, 2004; NOVEMBER 1, 2005**]

6.6.10.1 Unit Density. The number of units permitted on a lot is as follows:

.1 Single story: 2,000 square feet per unit per prorated lot area.

.2 Multi-story: 1,500 square feet per unit per prorated lot area.

6.6.10.2 Minimum Living Floor Area. 275 square feet per unit, or a mix of 50 percent of units at 225 square feet each and 50 percent of units at 325 square feet each.

6.6.10.3 Each motel-hotel may contain living space for a resident manager.

6.6.10.4 Rear yard and side yard requirements shall be increased ten (10) feet for every floor over (2) two. The maximum height shall be based on the Zoning District requirement.

6.6.10.5 Fire lanes no less than 20 feet wide shall be provided into the property and to each side of the structure and shall be kept clear at all times.

6.6.10.6 Accessory Uses. [**ADOPTED SEPTEMBER 7, 2004**]

.1 Conference facilities.

.2 Laundry facilities for the laundering of linens and the convenience of guests, excluding dry-cleaning facilities, provided that the premises are connected to public sewers.

.3 Restaurant and banquet facilities, including the sale of alcoholic beverages in accordance with a Hotel Permit issued by the Connecticut Department of Liquor Control.

.4 Recreational facilities: limited to tennis courts, racquet courts, health spas, gymnasiums and swimming pools, and similar recreational facilities normally accessory to a motel-hotel.

6.6.10.7 Floor Area Ratio Bonus. [**ADOPTED NOVEMBER 1, 2005**] The Commission may, by Special Use Permit, allow on a lot in the GC-60 district on which a hotel is a use, a Floor Area Ratio of up to 0.35 if the principal motel-hotel building is two stories or up to 0.45 if the principal motel-hotel building is three stories, provided the following criteria are met:

.1 No building on the lot which is within 150 feet of the street line shall have an average building height of greater than 20 feet; and

.2 The motel-hotel does not have more than 100 guest rooms.

.3 The motel-hotel shall occupy a minimum of 85 percent of the gross floor area.

6.6.11 **Outdoor Vendors.**

The regulation of outdoor vendors is to be governed by the Special Use Permit process in order to insure pedestrian and vehicular safety and adequate sanitary facilities.

6.6.11.1 Permits may be issued to a single vendor if he can demonstrate sole authorized use of a lot through ownership, lease, or other rental agreement with the land owner of record of a lot or area not less than 2,000 square feet in a Commercial Zoning District.

.1 The vendor's cart, table, or display shall be approved by the Commission and shall not force any individual to step into a street or impede pedestrian travel in any way.

.2 Operating hours shall be restricted to dawn to dusk.

.3 The vendor shall submit with his application a design of his display or cart, the written permission of the owner of the lot where it will be located and the period of such permission.

6.6.11.2 Where a site or parcel will be utilized by more than one Vendor or display, or individual with a separate accumulation of items for sale, the property owner or lease holder shall meet the following requirements:

.1 The safe flow of pedestrian and vehicular traffic shall be insured and access for emergency vehicles shall be maintained.

.2 Where, in the determination of the Commission, there exists a potential for substantial traffic movement caused by or in the vicinity of the site or sites, the owners of the property or properties shall provide at least one uniformed police officer.

.3 Certification of the Town Health Officer shall be obtained in regard to the number and type of sanitary facilities to be available at the site.

.4 Each vendor shall have a minimum of, and more if found necessary by the Commission, 1,000 square feet of area in which to locate his display and to provide for pedestrian travel.

6.6.12 **Parking Facilities, 20 or More Spaces.**
All parking facilities providing parking space for 20 or more vehicles, or additions to parking facilities which would total 30 or more vehicles, shall submit an application for a Special Use Permit with a Type 2 Site Plan.

6.6.13 **Recreational Camps.** [ADOPTED APRIL 2, 1977]
Recreational Camps may be established and operated only by compliance with these Regulations and only after a permit has been issued by the Commission. Permits shall be for a duration of one (1) year and may be renewed annually upon a finding by the Commission that the camp will comply with these Regulations.

6.6.13.1 No Recreational Campground shall be located on a site less than 25 acres in size, and there shall be no more than eight (8) camp trailer sites provided per acre – exclusive of the recreation area and access drives. Access to the campground shall not be provided from streets in a Residential Zoning District not satisfactory to handle the traffic in the opinion of the Commission.

6.6.13.2 No Recreational Campsite, trailer site, sanitary facility, recreational facility, or building other than a dwelling occupied by the owner or caretaker may be located within 100 feet of the front property line.

6.6.13.3 All parking shall be off-street and at least two (2) spaces shall be provided for each camp trailer site to serve the maximum number of vehicles at that site. All areas to be used for the parking of a camp trailer and off-street parking spaces shall be numbered, clearly indicated on the plan, and be improved with a dustless surface.

6.6.13.4 Sanitary facilities shall be provided in accordance with the requirements of the Public Health Code. Washhouses and/or comfort stations shall be provided, centrally located to serve the camping sites, and shall be well-lighted at night. All washhouses and/or toilet buildings shall utilize a flush system with underground subsurface disposal of all wastes. At least one (1) toilet facility for each sex shall be provided for each ten (10) camping sites. Each individual camping site shall contain not less than 4,500 square feet. The minimum width of each individual camping or trailer site shall be 50 feet, and no camping site shall be less than 50 feet from any building or structure.

6.6.13.5 No two trailers shall be located closer than 15 feet. Each camping site shall be defined with a permanent marker designating its lot number. Individual campsites shall not be located closer than 100 feet from any property line. Trees, shrubs, and/or fences may be required by the Commission to protect the view of nearby and adjacent properties.

6.6.13.6 Recreational camping grounds may be used only during the months of March to December in an area within the Recreational Camp which has been approved by the Commission for the accommodation of travel, vacation, and recreational camping equipment and vehicles currently registered. No recreational campground may accommodate or rent space to anyone for more than 105 days in any calendar year.

6.6.13.7 All roads shall have a dustless surface. Storm drainage facilities shall comply with the standards as provided for the Trailer and Trailer Park Regulations for the Town of Stonington, as amended. The minimum width of roads shall be 12 feet for one (1) way and 22 feet for two (2) way travel.

6.6.13.8 Each Recreational Camp shall provide a centrally located recreation area equal to not less than 20 percent of the site area of the campground. Each recreation area shall contain open space and shall provide woods and/or playground and recreational facilities, such as swings, seesaws, baseball field, horseshoe areas, etc.

6.6.13.9 Records of occupancy must be maintained by the operator of the recreational camp for inspection by the Commission, its agent or other officials of the Town.

6.6.14 **Rehabilitation of Existing Buildings.** [**ADOPTED APRIL 5, 1978; AMENDED NOVEMBER 6, 2007**]

By Special Use Permit, the Commission may modify such bulk, density and buffer requirements as may apply to a proposal to rehabilitate, refurbish, or restore buildings that existed prior to the adoption of Zoning Regulations by the Town of Stonington (1961). The proposal shall meet the following requirements as determined in findings by the Planning and Zoning Commission:

6.6.14.1 This section of the Zoning Regulations shall not apply to a building less than 5,000 square feet in gross floor area. No building shall be allowed more than one (1) dwelling unit for every 900 square feet of gross floor area or have less than one parking space per

unit. No building shall have more than one (1) retail activity per every 1,000 square feet of interior floor space per retail activity.

6.6.14.2 The capacity of public utilities and facilities including, but not limited to, water, fire protection, sewerage, parking, and site drainage provisions must be adequate.

6.6.14.3 The capacity of connecting transportation systems must be sufficient to meet the extra demands resulting from the proposal.

6.6.14.4 The building proposed for rehabilitation is a part of the historic or architectural character of the community or is of significance because of its location or because of the construction methods used.

6.6.14.5 The Commission may authorize additional Floor Area Ratio (FAR) for building additions or new construction in the DB-5 Zone or on properties where restrictions are imposed by the Flood Hazard Overlay District designations and limitations in Section 7.7. Total FAR may not exceed 1.2. Use of the ground floor is limited to non-residential usage, with the exception of parking and mechanical equipment for residences.

Commission Interpretation August 4, 2005: *Building additions are not eligible for the modification of bulk requirements listed in Section 6.6.14.*

6.6.15 **Attached Housing.** [AMENDED MAY 24, 2006]

In those districts where attached housing is permitted, the Commission may grant a Special Use Permit for such uses only after determining that the required findings in Section 6.3 have been met and plans comply with the following:

6.6.15.1 Lot area, density, design, and open space requirements shall conform to the standards listed in Table 6.6.15.2 as applicable.

6.6.15.2 Attached Housing, Bulk Requirements in Residential Zones (Table).

	ZONE		
	RM 20	**RM 15**	**RH 10**
Minimum lot area	10 acres	10 acres	10 acres
Units per acre	2.17	2.90	4.35
Integral lot area per unit	3000 SF	2000 SF	2000 SF

Maximum number of stories	2	2	2
Minimum units per building	3	3	3
Maximum units per building	4	4	4
Minimum buffer (feet)	35	35	25
Design open space	100 SF per unit		
Neighborhood area	1,500 SF per unit		
Common recreation space	400 SF per unit		
Special design requirements	See Note 1		

NOTE 1: Special Building Design Requirements are as follows:

- Structure must have at least one (1) common party wall of not less than 12 feet in length.
- No unit may be above or below any other unit or have a central (common) staircase or hallway.
- Party walls may be between living areas, garages, or any fully enclosed weatherproofed areas. This does not include open decks or porches.
- See Section 2.13.6 for additional distance requirements.

6.6.15.3 Site improvements, to include driveways, sanitary and storm sewers, special structures, and other physical improvements shall be designed and constructed in accordance with generally accepted engineering standards. The Subdivision Regulations of the Town of Stonington shall be used as a guide in determining acceptable standards.

6.6.15.4 Accessory Uses.

.1 Garages and parking.
.2 Maintenance, equipment, and utility areas.
.3 Water and sewage facilities for the development.
.4 Occupant storage and service facilities.
.5 Recreation, open space, and reserve areas of a non-commercial nature primarily for use by resident occupants.

6.6.15.5 The Commission shall insure project design compatibility with historic features and the existing character of the neighborhood or district in the following areas:

.1 Building siding material must be clapboard, natural wood, shingles, brick, or textured siding with the appearance of the former.

.2 Building size may generally be no larger than others in the area.

.3 Building location may not unavoidably obstruct solar access or vistas of existing dwellings or visual access to significant resources.

6.6.15.6 Site plans shall include spaces that provide open areas for each project as follows:

.1 Integral lot area for each unit as required in Table 6.6.15.2.

.2 Design open spaces for each structure or group of structures.

.3 Common recreation spaces for community activities and recreation.

.4 Neighborhood area.

.5 Thematic element – play equipment or street furniture.

6.6.15.7 Required areas. In order to promote good design of projects and to provide open spaces consistent with the regulation requirements, any requirements for buffers, integral lot areas, design open spaces, common recreation spaces, floor area, neighborhood area, parking requirements, and non-infringement areas are to be shown in separate identifiable locations on site plans and the areas required are not to be counted or treated for any of the other areas specified in this section.

The Planning and Zoning Commission may increase required areas with findings of fact regarding site conditions or Zoning District circumstances. [SEE ALSO ZR 2.13.3.2]

6.6.16 **Restaurants and/or Liquor Sale Places for Consumption on Premises.** [AMENDED JANUARY 3, 2006]

6.6.16.1 Amplified Live Entertainment. The following conditions shall be imposed on any use offering live entertainment, more than two (2) days per calendar year:

.1 Exits from the building which are not limited to emergency use only, shall not be opposite a residential district adjoining the site.

.2 The site shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for removal of

trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the Town of Stonington.

.3 A noise and vibration analysis by a qualified professional sound engineer specifying areas affected and sound proofing or other mitigation that will be employed to eliminate excessive noise exposure on adjacent property shall be submitted to the Planning and Zoning Commission with a Special Use Permit application.

.4 The Special Use Permit may be reopened for additional review if the Planning and Zoning Commission determines that the live entertainment is creating a disturbance or interfering with peaceful enjoyment based on a documented pattern of disturbance as evidenced by citizen complaints, inappropriate noise levels, Police reports, Fire Department reports, Code enforcement reports and violations of the Town Ordinances or other State Statutes.

.5 The applicant will be required to implement any security measures identified by the Town's Police Department.

.6 The maximum building occupancy shall be provided to the Commission and shall be specified in the Special Use Permit Certificate.

.7 A dance floor area for patrons may not exceed five (5) percent of the gross floor area of the structure.

6.6.16.2 A new Special Use Permit shall be required if a change in ownership or business name will reasonably result in an expansion of use. Expansion of use may include, but not be limited to, any increase in number of seats, any increase in the area devoted to food processing, any expansion of kitchen facilities or equipment, or any increase in square footage of the establishment.

6.6.16.3 Fire lanes shall be provided into the property and kept clear at all times.

6.6.16.4 In the DB-5 and HI-60 Districts, the Commission may exempt outdoor seating from the Off-Street Parking Requirements, for up to 24 patron seats.

6.6.17 **Bed and Breakfast Facilities.** [ADOPTED SEPTEMBER 3, 1992]

The purpose of this provision is to allow for a subordinate use of existing residential building to have guest rooms, without their own separate kitchen facilities, for overnight use of transients.

The Planning and Zoning Commission may allow by Special Use Permit a bed and breakfast facility in any residence located in any residential zone except RA-20 and RA-15 provided the following conditions are met:

6.6.17.1 The applicant must submit an application for a Special Use Permit, together with a site plan. The Commission may, in its discretion, waive the requirement that the site plan bear the seal of an engineer and/or land surveyor.

6.6.17.2 The applicant shall establish that it will meet all requirements of the Public Health Code of the State of Connecticut as the same apply to bed and breakfasts.

6.6.17.3 The applicant shall be required to obtain written certification from the Town Sanitarian that the plans for water supply and sewage disposal systems are adequate to support the intended use.

6.6.17.4 The applicant shall be required to obtain written certification from the Fire Marshal and Building Inspector regarding compliance with the state building code and applicable fire code regulations.

6.6.17.5 Parking for Bed and Breakfast facilities must be designated on the site plan which is submitted. There shall be at least two off-street parking spaces designated on the site plan for the owner of the premises and one additional off-street parking space for each guest room. The site plan shall provide for the shielding of the parking areas from neighboring properties and the street through the use of trees, shrubbery, fencing or such other means as may be required by the Commission.

6.6.17.6 The Bed and Breakfast facilities shall be limited to no more than five (5) guest rooms or 50 percent of the buildings square footage area, whichever is less.

6.6.17.7 Rooms available for guests shall be limited to the main residential building and no accessory or other buildings shall be used for the renting of rooms of furnishing or meals.

6.6.17.8 Guest rooms shall contain a minimum of 120 square feet. This requirement shall not include private bath areas.

6.6.17.9 Bed and Breakfast facilities shall be permitted no more than one suitable free-standing sign to identify the property, provided said sign is no more than six (6) square feet in size and is lit only by indirect lighting.

6.6.17.10 Bed and Breakfast facilities shall be the principal residence of the owner of the facility.

6.6.17.11 All proposed bed and breakfast facilities shall have been built prior to 1940.

6.6.17.12 The permit is subject to renewal by the Planning and Zoning Commission every three (3) years. The Commission shall have the authority to revoke the permit at any time the owner is found to be in non-compliance with original permit.

6.6.17.13 There shall be no efficiency apartment configuration and breakfast shall be the only meal provided. Breakfast is served only to overnight lodgers.

6.6.17.14 The maximum term of any room rental shall be two (2) consecutive weeks to the same guests.

6.6.17.15 The Commission, in the exercise of its discretion, must be satisfied that the Bed and Breakfast facility, including the parking area and the lot configuration and building locations shall be such as to preserve the residential appearance of the lot in question.

6.6.18 **Family Entertainment Centers.** [ADOPTED OCTOBER 20, 1992]
Family Entertainment Centers, as defined in Section 1.2.2, may be permitted by Special Use Permit in accordance with Section 6.4, provided the following standards are met:

6.6.18.1 The facility and its ancillary equipment shall be located within an enclosed building or structure. The Family Entertainment Center shall have a minimum floor area of 10,000 sq. ft.

6.6.18.2 Family Entertainment Centers shall not be located within 1,000 feet of a lot on which there is a public playground, school, church or public library.

6.6.18.3 No consumption of alcoholic beverages shall be permitted within the facility and/or on the premises.

6.6.18.4 The interior layout of the Family Entertainment Center shall be designed and arranged so that management attendants can, at all times, see and supervise the facility.

6.6.18.5 Adequate space shall be provided for each machine and piece of equipment to allow its use without overcrowding. There shall be a minimum of 25 square feet of floor area per amusement device. The area dedicated to amusement devices shall not exceed 20 percent of the total floor area and at no time shall there be more than 45 electronic and/or mechanical pinball and/or video machines.

6.6.18.6 The restaurant area shall not exceed 20 percent of the total floor area.

6.6.18.7 Amusement devices shall be defined as any machine which upon insertion of a coin, slug, token, plate, or disk, or activated by any other means, may be operated by the public generally for use as a game, contest, entertainment, or amusement, whether or not registering a score. This term shall not include a pool or billiard table.

6.6.18.8 Shows shall be defined as any live or recorded entertainment suitable for children or young adults such as movies, videos, animated features, plays, skits, musicals, magic or puppet entertainment.

6.6.19 **I-95 / Route 78 Highway Interchange Zone.** [**ADOPTED JANUARY 18, 1994; REPEALED SEPTEMBER 7, 2004**]

6.6.20 **Height Exceptions for Roof Structures and Architectural Features.** [**ADOPTED OCTOBER 18, 2005**]

The Commission may, by Special Use Permit, authorize certain roof structures, architectural features and other devices not designed or used for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height above the height limits established in Sections 5.1.1 and 5.2.1 of these regulations. The square footage of a height exception shall not exceed five (5) percent of the building footprint on which the feature is located, or 200 square feet, whichever is less.

6.6.20.1 Some roof structures, architectural features, and other devices may be erected no more than ten (10) feet above the midpoint point of the highest roof, measured from average finished grade. Structures, features and other devices that are eligible include: Architectural features, including fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, cupolas, steeples and similar structures.

6.6.20.2 Roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building may be erected no more than ten (10) feet above the highest point of the tallest roof on the property.

6.6.21 **Residential Mixed Use** (**RMU**).
The Commission may, by Special Use Permit, authorize a commercial property to incorporate residential dwelling units in accordance with the following requirements:

6.6.21.1 A minimum lot area of 5,000 square feet is required.

6.6.21.2 Residential Density shall be allowed at the following rate: One (1) dwelling unit per 5,000 square feet of lot area. A maximum of ten (10) dwelling units is allowed on any one (1) parcel, or in any one (1) building. Dwelling units can be located above the commercial use, or in separate buildings.

6.6.21.3 The residential component of the project shall not exceed 66 percent of the Gross Floor Area. A minimum of 33 percent of the Gross Floor Area shall be dedicated to commercial uses authorized in the underlying zoning district.

6.6.21.4 Parking. The minimum parking requirements under Section 7.10 shall be satisfied. Dwelling units must have parking spaces dedicated for residential use, exclusive of the commercial parking spaces required for the site. The Commission may require guest parking where necessary.

6.6.21.5 In addition to the Standards for Granting of a Special Use Permit listed under Section 6.4, the Commission shall make the following determinations before approving a Special Use Permit for a Residential Mixed Use Application:

.1 That the residential and commercial uses proposed are compatible and that the development is designed to

minimize conflict between residential and commercial uses. No Residential Mixed Use application shall be approved where specific commercial uses create an unsafe environment for residents of the site.

.2 That the building and site design of any new construction conforms to the urban design features of the surrounding area.

.3 That the design of any building renovations conforms to the urban design features of the surrounding area and maintains the historic integrity of the existing structure.

6.6.22 **Open Space Development** (**OSD**). [**ADOPTED AUGUST 21, 2006; AMENDED JUNE 16, 2009**]

6.6.22.1 Purpose. An Open Space Development (OSD) provides flexible location of single family residential units on portions of a property best suited for development while preserving the remaining land as open space. The creation of open space is accomplished by permitting a reduction of normally required lot size and setbacks. Open Space Development furthers goals of Stonington's Plan of Conservation and Development by (1) protecting natural streams, water supplies and watershed areas; (2) conserving wildlife, scenic views, prime agricultural soils, wetlands and other significant natural features; (3) enhancing the value of unfragmented forest habitat, wildlife preserves or adjoining open space; (4) enhancing public and private recreation opportunities; (5) preserving historic and archaeological sites; and (6) providing greater design flexibility and efficiency in the siting of infrastructure, including reduced length of streets and utilities, thus limiting the amount of impervious surfaces and stormwater runoff. The Planning and Zoning Commission may permit an OSD in all residential zoning districts where single family residences are a permitted use.

6.6.22.2 Alternative Open Space Development Concepts.

.1 Subdivision of Land. The Commission may permit an Open Space Development comprised of housing units located on individual subdivided building lots. A minimum required yard (side, front and rear) of 15 feet shall be provided. There is no minimum lot size or frontage associated with an OSD subdivision.

.2 Common Interest Community. The Commission may permit an Open Space Development wherein the land and

common facilities shall be under single common ownership, in which case individual lots and yards shall not be required; however, no dwelling shall be within 30 feet of another dwelling. A Common Interest Community shall not constitute a subdivision under provisions of the General Statutes, if no new lots are created.

6.6.22.3 Dwelling Unit Calculation.

.1 For comparative purposes, applicants must submit a conceptual Conventional Yield Plan that depicts the maximum number of building lots or dwelling units that could reasonably be developed on a parcel of land under standard bulk requirements for the zoning district in which the development is located (Section 5.1.1). A conventional plan using fee-in-lieu of open space shall not be substituted for this requirement. This conceptual plan shall have exterior property boundaries prepared to Class A-2 survey standards and interior lot lines prepared to Class D standards. The plan shall account for the presence of street rights-of-way, areas set aside for stormwater management, a minimum of 15 percent of the entire parcel set aside as open space as required by the Subdivision Regulations, the upland review area as measured 100 feet horizontally from any regulated wetland or watercourse, and wetlands proration per Section 7.5 of the Zoning Regulations. Detailed roadway construction designs and detailed utility layouts are not required for a conceptual Conventional Yield Plan.

.2 The maximum number of dwelling units allowed on a property proposed for an OSD shall be the maximum number of single family building lots or dwelling units that can be developed under a Conventional Yield Plan. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of this design.

6.6.22.4 Open Space Development – Design Standards.

.1 Floor Area Ratios and Height. Each dwelling unit in an OSD, combined with any of its accessory structures, shall have a maximum gross floor area equal to the zoning district's minimum lot size multiplied by the floor area ratio for that district. Maximum height of dwelling units shall be the maximum allowed for the zoning district in

which the OSD is located. Refer to Residential Bulk Requirements Table (Section 5.1.1).

.2 The landscape shall be preserved in its natural state by minimizing tree and soil removal. Topography and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as elements that can be modified. Plans shall identify trees over twenty-four (24) inches in diameter, and efforts shall be made to preserve these trees as part of site design.

.3 Buffer Areas shall be provided as follows:

.1 Perimeter of the property, forty (40) feet in width.

.2 The buffer area may be used to satisfy a portion of the open space set-aside provided it complies with ownership requirements of Section 6.6.22.6.

.3 No vegetation within the buffer area may be disturbed, destroyed or removed, except for driveways, walkways, and bicycle paths or for normal maintenance as described in the adopted management plan.

.4 Drainage. Use of "soft" (non-structural) stormwater management techniques that reduce impervious surface and enable infiltration is encouraged, to reflect Best Management Practices (BMPs) contained in the 2004 Connecticut Stormwater Quality Manual. Stormwater detention ponds, although allowed within designated open space, shall not qualify towards the 50% minimum required open space. All stormwater detention structures shall be landscaped.

.5 Common/Shared Driveways. Private common and shared drives may be utilized in lieu of public Town roads, provided they comply with the following standards.

.1 Driveways may cross buffer areas described above. However, they shall be designed and located in such a manner as to maintain and preserve natural topography, significant trees, and minimize cuts and fills.

.2 Ownership and Maintenance. The deed for any lot which utilizes a shared driveway shall include appropriate easements to pass and repass, to install and maintain utilities, and contain the provision that such driveway shall not be used for access to any other property except those depicted on the development plan. The deed shall specify

that the Town of Stonington shall not ever be required to plow, maintain or assume ownership of such driveway. Prior to sale of any housing units using a shared driveway, the applicant shall prepare an agreement for maintenance of the driveway by the owners of property served by said driveway. This agreement shall become part of the conditions of sale and shall be binding on all future owners.

.6 On-site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall link residences, recreation facilities and adjacent land uses where appropriate.

.7 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Garage spaces and parking spaces in front of garages may count in this computation.

.8 The removal of existing historic structures or alteration of historic architectural elements shall be minimized insofar as practicable.

.9 Sidewalks and Streetlights. Portland-based concrete sidewalks and streetlights are not required unless the Commission finds that density and safety considerations warrant their installation.

6.6.22.5 Required Open Space. A minimum of fifty (50) percent of the total parcel subject to an OSD application shall be designated as open space, set aside for one or more goals contained in Section 6.6.22.1. The open space shall:

.1 Contain a percentage of wetlands no greater than the percentage of wetlands found on the entire site under existing conditions.

.2 Be contiguous. Contiguous shall be defined as being connected with a minimum width at any point of forty (40) feet. The Planning and Zoning Commission, upon recommendation of the Conservation Commission, may waive this requirement where it is determined that allowing non-contiguous open space will promote the goals of this regulation and/or protect identified primary and secondary conservation areas. Open Space will still be considered contiguous if it is separated by a roadway or driveway; in such instances a waiver is not necessary.

.3 Wherever possible, consist of unfragmented tracts that abut areas of existing or planned protected open space on adjacent parcels, thus comprising part of a larger contiguous and integrated greenway system.

.4 Not be used for any structures, including, but not limited to, active recreation facilities such as swimming pools, tennis courts or outfitted playgrounds.

6.6.22.6 Ownership of Open Space.

.1 Open space to be conveyed to an entity other than the applicant or current property owner shall be conveyed in fee simple title to one of the entities listed below. Open space parcels shall be subject to a recorded enforceable restriction that states such land shall be perpetually kept in an open state, that it be preserved exclusively for the purposes set forth herein, and that it be maintained in a manner which will ensure its suitability for its intended purposes. The applicant shall present to the Commission a proposed quit claim deed for the transfer of open space, which must be executed and filed in the municipal land records before any zoning permits are issued.

.1 A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above.

.2 A corporation or trust comprised of owners of lots within a subdivision or owners of shares within a Common Interest Community. When a corporation or trust is used, ownership shall pass with conveyances of the lots or units. Maintenance of open space shall be permanently guaranteed through mandatory assessments. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to preserve, maintain and manage the open space.

.2 In cases where the applicant or property owner retains title to open space, this area shall be preserved via a conservation restriction in the form of a permanent easement and management plan recorded in the municipal land records, executed by or on behalf of the owner of the land. The purpose of this easement shall be to retain a property or portions thereof in its natural, scenic or open condition or in agricultural, farming, forest or open space use. Conservation restrictions are enforceable interests in land and must be granted to a nonprofit organization whose principal purpose is farmland preservation or conservation of open space.

6.6.22.7 Review Process.

.1 Pre-application review with Department of Planning staff. Pre-application meetings allow the applicant to seek advice as to required steps in the approval process and to discuss pertinent regulations, rules and procedures which may bear upon the proposed subdivision. The objective is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal fees associated with preparing of a detailed application. Pre-application meetings are intended for the guidance of the applicant and shall not be considered approval of a project or any of its elements.

.2 Pre-application review with Conservation Commission. Both a preliminary Conventional Yield Plan and preliminary OSD plan shall be presented in order to discuss alternative development options. After formal submission of a subdivision application, the Conservation Commission shall provide written recommendations to the Planning and Zoning Commission regarding disposition of proposed open space. If such comments are not submitted prior to close of a public hearing, it is presumed that the Conservation Commission has waived any input on the proposed OSD.

.3 Subdivision Application if the proposal is for the division of a tract or parcel of land into three or more parts or lots for the purpose, whether immediate or future, for sale or building development. The application shall contain both an OSD layout and conceptual Conventional Yield Plan, the latter to determine the maximum number of building lots that could be developed on a parcel under standard zoning district bulk requirements and conventional open space set asides.

.4 Site Plan and Special Use Permit application if the proposal is for a Common Interest Community, as defined in Section 6.6.22.2.2. The application shall include a conceptual Conventional Yield Plan and an OSD layout, the latter providing all information contained in a Type 2 site plan as defined in Section 8.4.2.

6.6.22.8 Findings. The Planning and Zoning Commission shall, in its approval of an OSD, make the following findings:

.1 That the OSD promotes a less sprawling and more efficient form of development, consuming less open land and

conforming to existing topography and natural features better than a conventional subdivision.

.2 That the internal arrangement of streets, driveways and access to public roads will not adversely affect traffic patterns of the area or emergency vehicle access.

.3 That the site design, including the number, type and density of dwelling units, conforms to the Land Use Regulations of the Town of Stonington.

.4 That ownership provisions for proposed open space will not result in an undue maintenance burden on the Town.

.5 That site layout promotes permanent preservation of open space, prime agricultural land, forestry land, other natural resources and/or historical and archeological resources.

.6 That proposed water and sewer provisions have received written approvals from appropriate local and/or state agencies.

.7 That the OSD conforms to Stonington's Plan of Conservation and Development.

6.6.23 **Traffic Impact Study.** **[ADOPTED JUNE 2, 2009]**

Traffic Impact Study, whose conclusions and recommendations shall strive to prevent any reduction in Level of Service (LOS) from existing conditions, with LOS being a qualitative measure of traffic flow efficiency based on anticipated vehicle delays. The Commission at its discretion may require information to be provided reflecting summer weekend peak periods when tourist generated traffic volumes are known to be their greatest. The Traffic Impact Study shall be prepared by a professional traffic engineer, and contain the following information.

6.6.23.1 Scenarios describing both present day and future No-Build background traffic growth conditions on the surrounding roadway system, including a determination of weekday and weekend peak hour AM and PM traffic volumes, intersection turning movement counts and intersection capacity analysis, and LOS.

6.6.23.2 A scenario detailing impacts of the proposed development based on the Institute of Traffic Engineers' published trip generation rates for the contemplated land use (7th Edition or later). This analysis shall include a forecast of weekday and weekend peak hour AM and PM traffic volumes on new streets, site driveways and the surrounding roadway system, intersection turning movement counts and intersection capacity analysis, and LOS.

6.6.23.3 Intersection stopping sight distance analysis based on American Association of State Highway Transportation Officials (AASHTO) recommended minimum stopping sight distance for a driver's 85th percentile perception-reaction time.

6.6.23.4 Motor vehicle accident analysis based on available local and state police reports, including a discussion of these data as it relates to the proposed development.

6.6.24 **Archaeological Study.** [ADOPTED JUNE 2, 2009]

Developments shall be laid out to preserve cemeteries and human burials, significant cultural resources and unique man-made features of historic importance utilizing the following guidelines.

6.6.24.1 Archaeological Assessment. An on-site archaeological assessment shall be required if there is a likelihood that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. This assessment shall be conducted in accordance with standards contained in the *Environmental Review Primer for Connecticut's Archaeological Resources*. Reference copies are on file at the Connecticut State Historic Preservation Office and the Stonington Department of Planning.

6.6.24.2 Determination of Need. The determination of need for an archaeological assessment shall be based on:

.1 Proximity to identified cemeteries, human burials, archaeological sites, historic sites.

.2 Natural terrain features such as proximity to wetlands or watercourses, soils, slope, aspect or rock shelters, where these factors reflect scientifically documented settlement patterns preferred by Native Americans or European Colonists.

.3 In making this determination, the Planning Department or Commission may seek advice and comment from the Office of Connecticut State Archaeology and/or the State Historic Preservation Office.

6.6.24.3 Management Plans. Cultural resource management

plans submitted to the Commission by the applicant shall consist of:

.1 A written investigative report prepared by a professional archaeologist, containing appropriate historic documentation, a description of research design methods and techniques, and a description of sites, features and artifacts discovered as a result of the archaeological investigation. A list of accredited professional archaeologists is maintained by the Connecticut State Historic Preservation Office.

.2 An evaluation of impact of the proposed development on identified cemeteries, human burials, archaeological sites and historic sites.

.3 A description of measures to be undertaken by the applicant to mitigate adverse impacts of construction activities on identified cultural resources. This may include an estimate of mitigation costs and time required for more extensive investigations. Measures may include open space dedication; conservation easements; redesign or relocation of roads, drainage features or buildings so as to minimize adverse impacts; or excavation and removal of cultural remains supervised by a professional archaeologist.

.4 Copies of all investigative reports and management plans shall be submitted to the Office of Connecticut State Archaeology and State Historic Preservation Office for review and comment prior to close of any public hearing. Comments received from state officials shall be incorporated into the public hearing record.

ARTICLE VII

SPECIAL REGULATIONS

7.1 ACCESSORY APARTMENTS [ADOPTED JULY 30, 1991]

7.1.1 A single-family residential structure that is a minimum of 35 years old at the time of the adoption of this regulation and has a minimum of 2,000 square feet total area exclusive of decks and accessory buildings, may be converted to include one accessory residential unit under this Regulation as a matter of right. Such conversions shall meet the applicable requirements of Section 6.6.4.

7.2 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

[ADOPTED JUNE 19, 1984; AMENDED: DECEMBER 11, 1990; AUGUST 2, 2005]

7.2.1 **Purpose and Statement of Intent.**

The purpose of this regulation is to protect and preserve groundwater quality within stratified drift aquifers which are existing or potential public drinking water supplies, to protect the public health, safety and welfare through the preservation of the Town's major groundwater resources to insure a future supply of safe and healthy drinking water for the Town of Stonington and its residents. These groundwater resources have been shown to be easily contaminated by many land uses and activities, and it is necessary that specific controls over land use be exercised within these areas to protect groundwater quality.

7.2.2 **Authority.**

These regulations are adopted pursuant to Connecticut General Statutes Section 8-2 and 8-3 and Public Act 85-279, which amended both statutes to <u>require</u> municipal planning and zoning commissions to consider protection of existing potential public water supplies in their plans and regulations.

7.2.3 **Applicability.**

These regulations shall apply to all parcels of land wholly or partly within the area designated as the Groundwater Protection Overlay District, or the Watershed Protection Zone as depicted on the Groundwater Protection Overlay District map. In the case of conflict, the most restrictive regulation shall apply.

7.2.4 **Designation of the Zone.**

The Groundwater Protection Overlay District consists of the stratified drift aquifer and its primary and secondary recharge areas, and the Watershed Protection Zone as identified on the Groundwater Protection Overlay District Map, herein incorporated as a part of the Zoning Regulations and Map.

Amendments may only be adopted upon application for an amendment following the process for a Zoning Regulation or Zoning Map change.

7.2.5 **Use Regulations.**

7.2.5.1 Prohibited Uses. Those uses that present a high risk of contamination of ground water because of the use or storage of Hazardous Materials and are therefore prohibited in the Groundwater Protection Overlay District.

.1 Manufacture, use, transport, storage, or disposal of hazardous materials as a principal activity.
.2 Solid waste disposal, septic lagoons, bulky waste.
.3 Printing, engraving, and photographic processing.
.4 Painting, furniture refinishing, and metal working, using hazardous materials in quantities greater than associated with normal household use.
.5 Automobile washing or cleaning establishments.
.6 Research laboratories in which hazardous materials are in use in quantities greater than associated with normal household use.
.7 Storage or disposal of any hazardous material in quantities greater than associated with normal household use, except: (1) as used in normal agricultural practices and stored in conformance with provisions of Section 7.2.7.5; (2) for treatment of public wastewater or drinking water supplies; or (3) swimming pool chemicals to be used on premises.
.8 Manufacturing, processing, or assembling of goods in which hazardous materials are used in quantities greater than associated with normal household use.
.9 Warehousing or distribution of chemicals, including agricultural chemicals and lawn care products.
.10 Contractor's warehousing and storage yards.
.11 Freight and materials trucking.
.12 Gasoline stations.
.13 Motor vehicle or boat repairs.
.14 Dealerships, sale or storage of liquid fuel.
.15 Pipelines for the transmission of oil, gasoline or other hazardous substances.
.16 Storage of road salt or other ice control chemicals.
.17 Underground storage of chemicals or fuels.
.18 Motor vehicle service yards.
.19 Dry cleaning.

.20 Junkyards, salvage yards, truck terminals.

7.2.5.2 Conditional Uses. These activities present a risk of contamination of groundwater because of the use or storage of materials and may only be permitted if the premises in which the activity is conducted is connected to public sewers and if the use is demonstrated to comply with the performance standards in these regulations.

.1 Convalescent and rest homes.
.2 Medical and dental offices, clinics and labs.
.3 Mortuaries or funeral homes.
.4 Hotels and motels.
.5 Veterinary clinics or kennels.
.6 Multifamily residences with densities of more than one (1) unit/acre.
.7 Trailer parks or campgrounds with facilities for motor vehicle camping.
.8 Beauty shops.
.9 Laundry and cleaning, including self-service facilities.
.10 Hospitals.
.11 Chemical or biological laboratories associated with schools or other public or private institutions.
.12 Woodworking.
.13 Research laboratories in which hazardous materials are in use in quantities less than associated with household use.
.14 Storage or disposal of any hazardous material in quantities less than associated with normal household use, except: (1) as used in normal agricultural practices and stored in conformance with provisions of Section 7.2.7.5; (2) for treatment of public waste water or drinking water supplies; or (3) swimming pool chemicals to be used on premises.
.15 Manufacturing, processing, or assembling of goods in which hazardous materials are used in quantities less than associated with normal household use.

7.2.6 **Groundwater Protection Permit.**

A Groundwater Protection Permit shall be obtained from the Commission before any permit is issued for development that lies either entirely or partially within the Groundwater Protection Overlay District, including the subdivision of land. A Groundwater Protection Permit shall also be obtained from the Commission for any property lying partially or completely within the Groundwater Protection Overlay District whenever occupancy changes so that the new occupancy results

in a change of use or new intensity of use. Single family and duplex residences and their customary accessory buildings and uses are exempt from these requirements except as required in 7.2.7.10 & 7.2.7.11.

7.2.6.1 Application. An application for a Groundwater Protection Permit shall include the following information:

.1 A site plan in compliance with applicable requirements for the proposed activity.

.2 Description of the intended use.

.3 Distance to the nearest public drinking water supply.

.4 Provisions for stormwater runoff controls, including a detailed drainage plan with design and location of parking lots, loading areas and access roads; locations of storm drains and points of discharge; building roof drains and points of discharge; location and design details for detention basins; stormwater control systems and provisions for their long-term maintenance, which must meet applicable performance and design standards.

.5 Expected types and amounts of discharge to sewers, to the ground and to surface water and locations, and design of floor drains, septic systems and/or sewage lift pump stations and force mains, showing that they meet applicable performance and design standards.

.6 Proposed heating source for any building, including fuel type, storage facility, feed line type and location.

.7 Location and description of all indoor and outdoor storage areas, including underground storage tanks and above ground storage tanks, and types of materials to be stored, showing that storage facilities meet applicable performance and design standards.

.8 Inventory and Material Safety Data Sheets for all hazardous and toxic materials stored pursuant to Section 7.2.5.2.14.

.9 Description of any use of fertilizers, pesticides, or herbicides in any commercial greenhouse or nursery or on crops or landscaped areas larger than two (2) acres, showing that the proposed use meets applicable performance and design standards.

.10 Additional information required by the reviewing agencies, which may include, but is not limited to, water quality impact assessment, hydrogeologic studies and monitoring provisions.

7.2.6.2 Permitting Agency. The Planning and Zoning Commission shall be the granting agency for all Groundwater Protection Permits except for applications for a change of use, which may be granted administratively by the Zoning Enforcement Officer after review and comment by the Town Planner. Any change of use application may be referred to the Commission at the discretion of the Town Planner or the Zoning Enforcement Officer. A public hearing is not required for issuance of a Groundwater Protection Permit, but may be scheduled at the discretion of the Commission, in compliance with the notice and timing requirements of 8-7d of the Connecticut General Statutes.

7.2.6.3 Review Procedure. The Commission shall refer all applications for Groundwater Protection Permits to designated reviewing agencies. Reviewing agencies shall include the appropriate water utility, the Stonington Health Director or Agent, and any Town agency or commission charged with the responsibility of protecting groundwater and other government agencies at the discretion of the Commission. Reviewing agencies shall have 30 days to submit written comments to the Commission. Failure to submit comments within 30 days shall be considered to indicate that the reviewing agency has no objections to issuance of a Groundwater Protection Permit. The Commission shall render its decision in compliance with section 8-7d of the Connecticut General Statutes.

If the Commission determines that the proposed use is likely to impact adversely public water supplies, the Commission shall deny the permit.

7.2.6.4 Decision Criteria. No Groundwater Protection Permit shall be issued by the Commission for any proposed use likely to adversely affect the quality of the public water supply, or is not consistent with the standards and/or requirements in these regulations. In its decision, the Commission shall explain any departures from recommendations of the reviewing agencies.

7.2.6.5 Conditional Permits. The Commission may include as conditions of a Groundwater Protection Permit any measure deemed necessary by the Commission or reviewing agencies to ensure adequate long-term protection of water supplies. Conditions of approval may include groundwater monitoring, water quality impact assessment or hydrogeologic study, fertilizer and pesticide management plan, maintenance of storm water controls and septic systems, or other protective measures, relative to specific

design requirements or stipulations of operation of the facility or use. Lack of compliance with such conditional requirements or stipulations will result in the revocation of the groundwater protection permit and such permitted use will be discontinued upon service of a NOTICE TO CEASE AND DESIST, to be reviewed by the Commission and issued by the Zoning Enforcement Officer.

7.2.7 **Performance and Design Standards.**

7.2.7.1 General. All uses shall conform to these standards. The objective of these standards is to prevent potential contamination of ground water supplies by prohibiting or controlling high risk activities, preventing direct and accidental releases of hazardous materials, and providing for inspection and emergency response. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent or better protection than that listed.

7.2.7.2 Stormwater Disposal and Management Facilities

.1 The use of drywells or leaching structures for disposal of stormwater runoff from developed areas is prohibited, except from roofs. All parking, driveway and loading areas shall be paved.

.2 A maintenance plan shall be provided for treatment structures, such as oil separators or detention basins.

7.2.7.3 Building Floor Drains. No floor drains shall be connected to drywells, subsurface leaching structures, or surface waters. Floor drains may only be connected to public sanitary sewers. Connection shall be subject to Stonington WPCA and Connecticut DEP or its authorized agent for approval and treatment where necessary.

7.2.7.4 Non-Sewage Wastewater Discharges. Non-domestic wastewater discharge shall not be connected to any drains connected to an on-site sewage disposal system (individual or community), dry well, or released into surface water.

7.2.7.5 Storage, Use and Handling of Hazardous Materials. All areas and facilities where hazardous materials are stored, used, or handled shall be designed and constructed to prevent ground water contamination, including provisions for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

.1 Manufacturing, processing, or other activities using hazardous materials shall only be conducted on flooring impervious to the material being used and within a building or structure. If floor drains are present they shall conform to the standards of Section 7.2.7.3.

.2 Underground storage tanks and distribution lines for hazardous materials shall be prohibited.

.3 Above ground storage areas. Outdoor unprotected storage of containers, tanks, drums, or materials or parts containing hazardous material is prohibited.

.4 Storage areas shall be within a building or structure meeting the following requirements:

.1 Have an impervious floor and containment area or dike of adequate size to contain 30 percent of the total stored volume or 110 percent of the largest container (whichever is larger).

.2 Area shall be protected by a roof and adequate sides to prevent accumulation of precipitation.

.3 Tank overfill protection devices shall be designed to prevent release of overfill outside the storage area or container.

.4 Storage areas shall be located outside flood zones or flood prone areas or be flood proofed.

7.2.7.6 Venting. Venting systems for evaporation or distillation of hazardous materials shall be designated with a recovery system to prevent the discharge of contaminated condensate or drippage.

7.2.7.7 Loading Areas. Loading or transfer activities shall be conducted on impervious surfaces, roofed, and designated with a watertight sump or catch basin equal to 110 percent of the largest container handled to capture and control any spills or leaks.

7.2.7.8 Bulk Material and Solid Waste Storage.

.1 Bulk storage facilities of non-hazardous materials, which may leach into the ground, such as road salt, manure or silage, shall have an impervious floor and roof and be raised or designed to prevent surface water run-off from entering.

.2 Solid Waste dumpsters shall be on a concrete pad, covered and be plugged so as to be watertight.

7.2.7.9 Security and Emergency Spill Contingency Plan for Hazardous Materials. A plan and procedure shall be submitted that identifies the following:

.1 Security and inspection measures to control vandalism or accident.
.2 Procedures to contain and clean up spills or leaks of hazardous material.
.3 Procedures for notification of local and state officials.
.4 Schedule of update when any changes in materials or procedure occur.
.5 Procedure to control hazardous materials release in case of total structure loss because of fire.

7.2.7.10 Pesticide and Fertilizer Use. Any applications of chemical pesticides or fertilizers shall be accompanied by a management plan. The management plan shall indicate types of material, application schedule, and conformance with applicable best management practices. The Commission may require that the application of the material be accomplished under the direction of a licensed applicator.

7.2.7.11 Monitoring. If the Commission determines that additional safety measures and monitoring are needed because of hydrogeological conditions or potential contamination, then a monitoring program may be required which may consist of:

.1 Installation of monitoring wells.
.2 Periodic sampling.
.3 Reporting of analysis.

7.2.7.12 Sanitation.

.1 On-site Septic Systems

.1 For those uses identified in 7.2.5.2 as requiring connection to a public sewer, no sewage shall be discharged to an individual or community septic system.
.2 For any on-site septic system in the Groundwater Protection Overlay District, the applicant shall show evidence of system approval by the Stonington Health Director or his Agent.
.3 Subsurface Disposal of Domestic Sewerage. Sanitary wastewater discharge to an on-site septic system shall not average more than 200 gallons per

acre per day in the Groundwater Protection Overlay District.

.2 Public Sewerage Systems.

.1 Sewer system pipes and accessory structures shall be required to be designed for low exfiltrati on. Sewage pumping equipment is required to have emergency power and shall be required to have emergency storage.

.2 Sewage Lift Stations, Force Mains. Sewage Lift Stations shall be equipped with a backup pump and emergency generator with automatic startup, and with a holding tank adequate to contain the anticipated volume of sewage generated in a 24-hour period. Sewage pumping equipment shall be connected to a continuously monitored remote alarm that will be activated in the event of equipment or power failure.

7.2.7.13 Manure Storage Application and Other Agricultural Activities in the Groundwater Protection Overlay District.

Contamination may result from distribution, storage, accidental spillage or application of fertilizers, pesticides or herbicides. Best Management Practices for these activities are available through the U.S.D.A. Soil Conservation Service and Agricultural Stabilization and Conservation Service. These Best Management Practices should be implemented in all recharge areas of designated aquifers, and it is recommended that new and enlarged manure storage sites in the primary recharge area must:

.1 Have a roof that would prevent precipitation from coming into contact with the manure;

.2 Have a liquid-tight floor; and

.3 Be located such that surface water runoff drains away from the storage area.

7.2.7.14 Gravel Excavation and Filling.

.1 The creation of gravel excavations or filling operations by Special Use Permit may be only approved in the Groundwater Protection Overlay District if the applicant for that activity provides reports from a qualified hydrogeologist regarding the lack of an adverse impact on the groundwater quality as measured by the content of the water in its present condition as compared to

expected increases in hazardous materials. This report and application will be reviewed by the appropriate authorities with jurisdiction over public water supplies who must approve the water source as suitable as a public water supply in its developed condition.

.2 The Commission must find as a portion of the approval that:

.1 Water quality will not be degraded.

.2 Flooding will not be increased as a result of the site modifications.

.3 All measures possible have or will be instituted to protect the groundwater.

7.2.7.15 Golf Courses. Where feasible, irrigation wells for Golf Courses shall be located to intercept and recycle groundwater that may potentially be contaminated by fertilizer and pesticide applications.

.1 Impact Assessment and Monitoring Requirements. Any application for a Groundwater Protection Permit for a Golf Course located entirely or partially within the GPOD shall include a groundwater impact assessment based on a hydro-geologic analysis and a detailed monitoring program.

.2 Monitoring Programs. Monitoring Programs shall meet the following specifications or provide for equivalent protection as determined by reviewing agencies:

.1 There shall be a minimum of one (1) up-gradient and two (2) down-gradient monitoring wells required, with placement and design to be determined based on findings of the hydrogeologic study and approved by the reviewing agencies.

.2 A system to monitor water below the root zone shall be installed under one green to measure the potential for leaching of pesticides and fertilizers to groundwater.

.3 The applicant shall be responsible for collection of samples and for having them analyzed for nitrate nitrogen, total nitrogen, and for all pesticides applied. Analysis shall be performed by a laboratory certified by the Connecticut Department of Health Services, Laboratory Standards Division, and results shall be promptly transmitted to the designated reviewing agency.

.4 Monitoring shall be done on a quarterly basis, except that if no concentrations exceeding the re-sampling levels specified within in 7.2.7.15.2.5 below are detected for a period of two years, and the types of chemicals applied have not changed, monitoring frequency may be reduced to once a year with approval of the Commission.

.5 If detectable concentrations of pesticides or nitrate nitrogen levels in excess of five (5) ppm are detected in any sample, all applications of the substance shall cease until subsequent sampling shows concentrations below.

.6 If nitrate nitrogen levels exceed the drinking water maximum of ten (10) mg/l, or if the level of a pesticide exceeds any applicable maximum contaminant level (MCL) developed by the U.S. EPA (or, in the absence of such MCL, a concentration of 100 ug/l for all pesticides combined), and if re-sampling confirms these concentrations, the applicant shall take remedial action to reduce concentrations in groundwater to acceptable levels.

7.2.8 **Inspection and Enforcement.**

7.2.8.1 Right of Entry. The Commission and its authorized agents, including representatives of the appropriate water utility and the Stonington Health Director, shall have the right to enter upon privately owned property for purposes of inspection for compliance with this regulation.

7.2.8.2 Enforcement. No permanent certificate of occupancy shall be issued until the Town Zoning Enforcement Officer and a representative of the appropriate water company and/or the Stonington Health Director have inspected the premises and certified compliance with all requirements of the Groundwater Protection Permit.

7.2.8.3 Performance Bonds. The Commission may require, as a condition of any Groundwater Protection Permit, that the applicant file with the Commission a bond in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such letter of credit appearing in the names of both the applicant and the Town of Stonington, in such

amount as the Commission deems sufficient to insure the performance and completion of any work required for protection of the public water supply, including long-term maintenance. In determining requirements for a performance bond, the Commission shall consider the recommendations of reviewing agencies. Such bond or other surety shall be released only when the work has been completed to the satisfaction of the Commission.

7.2.9 **Non-conforming Uses.**

Structures and uses existing at the effective date of this regulation which do not comply with the provisions of Sections entitled, "Prohibited Uses," and "Performance and Design Standards," shall be considered non-conforming and may be continued, maintained, repaired, and replaced. In addition to the provisions of that section, the following limitations shall apply to non-conforming uses within the Groundwater Protection Overlay District:

7.2.9.1 Enlargement or expansion of a non-conforming use shall be considered a Use Variance and is not permitted under the law.

7.2.9.2 All non-conforming uses shall be terminated whenever and wherever the Town of Stonington and its Agents may legally exercise its police powers to protect the ground waters of the Town of Stonington.

7.2.9.3 No non-conforming use shall be changed to another use without a Groundwater Protection Permit, and no non-conforming use shall be changed to a use prohibited under Section 7.2.5.1.

7.2.10 **Variances.**

The prohibition against granting of Use Variances by the Zoning Board of Appeals shall be applicable to Groundwater Protection Overlay District.

7.3 COASTAL AREA MANAGEMENT OVERLAY DISTRICT (CAMOD)

7.3.1 **CAM Application.**

A CAM Site Plan Review will be implemented by the Planning and Zoning Commission or the Zoning Board of Appeals as a part of the existing process of evaluating the following activities when they occur within the coastal boundary or on properties partly within the coastal boundary.

7.3.1.1 Structures, uses, and activities subject to regulation by the Town's Zoning Regulations.

7.3.1.2 Subdivision or re-subdivision of land.

7.3.1.3 Special Use Permit applications.

7.3.1.4 Applications for Variance.

7.3.1.5 Municipal Improvement Projects.

7.3.1.6 A CAM application shall be required for any of the activities listed in Section 7.3.1.1 through 7.3.1.5 which are proposed for any area or parcel, wholly or partly within the CAM boundary.

7.3.2 The CAM boundary is defined as:

7.3.2.1 That portion of the area covered by the Federal Flood Insurance program in the Town that results from coastal (saltwater) flooding.

7.3.2.2 All areas within 1,000 feet of the mean high water mark of coastal waters.

7.3.2.3 All areas within 1,000 feet of the State-designated tidal wetlands.

7.3.3 In accordance with Connecticut General Statutes 22A-92, the following land and water resources must be evaluated and any adverse impacts identified and mitigating measures proposed in the CAM application:

7.3.3.1 General resources.

7.3.3.2 Bluffs and escarpments.

7.3.3.3 Rocky shore fronts.

7.3.3.4 Beaches and dunes.

7.3.3.5 Inter-tidal flats.

7.3.3.6 Tidal wetlands (designated resource areas on the Plan of Development Map).

7.3.3.7 Freshwater wetlands and watercourses.

7.3.3.8 Coastal hazard area.

7.3.3.9 Developed shoreline.

7.3.3.10 Islands.

7.3.3.11 Shore lands.

7.3.3.12 Shellfish concentration areas.

7.3.3.13 Coastal waters and estuarine embayments.

7.3.3.14 Air resources and air quality.

7.3.4 **Project Analysis.**
When it has been determined by the CAM agent that the proposed project is located within the CAM boundary and an application has been filed, the Commission or Board will evaluate the application in accordance with the Coastal Area Management Program Planning Report No. 30 and Connecticut General Statutes 22a-92 and determine the extent and acceptability of any adverse impact.

7.3.5 **Design Height Limitation in Coastal Areas.** [ADOPTED MARCH 31, 1986; AMENDED JUNE 21, 2005; SEPTEMBER 6, 2005; OCTOBER 18, 2005; APRIL 19, 2011]
No structure within 150 feet of Mean High Tide (USGS Datum) may have its maximum height to ridge line greater than 24 feet above the 100 year Flood Hazard Level or Average Finished Grade, whichever is higher. Notwithstanding anything contained herein to the contrary, the Commission may modify the requirements of this section for specific structures in the MHD, NDD and IHRD zone if specifically approved in the Master Plan.

7.3.6 The foregoing shall apply to the following site plans, plans, and applications.

7.3.6.1 Site plans submitted to the Planning and Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes.

7.3.6.2 Applications for a Special Use Permit submitted to the Planning and Zoning Commission in accordance with Section 6.1 of the Zoning Regulations.

7.3.6.3 Applications for a variance submitted to the Zoning Board of Appeals in accordance with the subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 8.10.4 of the Zoning Regulations.

7.3.6.4 A referral of a proposed municipal project to the Planning and Zoning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

7.3.7 **Commission Action.**

The Commission may approve, deny, modify, or modify with conditions any project within the CAM boundary. In addition the Commission may require additional erosion and sediment control measures, measures to mitigate any adverse impacts, pedestrian access easements, visual access easements, and conservation easements, and may require a design review in accordance with Section 2.15 of these Regulations if the project is proposed for an area which has been designated as a view-shed or resource area in the Plan of Conservation and Development.

7.3.8 **Exempted Activities.**

The following activities are excluded from review under these regulations.

7.3.8.1 Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds.

7.3.8.2 Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including, but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings.

7.3.8.3 Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach.

7.3.8.4 Construction of an individual conforming single-family residential structure except in or within 100 of the following coastal areas: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes.

7.3.8.5 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources.

7.3.8.6 Interior modifications to buildings.

7.3.8.7 Minor changes in the use of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters.

7.3.8.8 Gardening, grazing, and the harvesting of crops shall be exempt from the requirements of these regulations.

7.4 CONSTRUCTION STANDARDS [ADOPTED OCTOBER 1, 1987]

In order to ensure the proper construction of an approved project, the following procedures and specifications are hereby adopted to protect the public from undue hazard during construction and to provide for reasonable standards for materials for the installation of required improvements.

7.4.1 Maintenance and Protection of Traffic.

Traffic shall be maintained in the project area to the satisfaction of local regulatory agencies. The applicant or his agent or contractor, hereinafter called the "Contractor," must maintain pedestrian and vehicular traffic and permit access to businesses, factories, residences, and intersecting streets.

7.4.1.1 It is the responsibility of the Contractor to provide, erect, and maintain suitably lighted barricades, signs, warning lights, etc., as needed, or as directed by the Town Highway Superintendent to keep people, animals, and vehicles from excavations, obstacles, etc. The Contractor may also be required to employ traffic persons and take other such reasonable means or precautions as needed to prevent damage or injury to persons, vehicles, or other property, and to minimize the inconvenience and danger to the public by construction operations. He shall arrange his operation to provide access to properties along the street including temporary ridges to driveways, and provide access to fire hydrants, manholes, gate boxes, or other utilities. Whenever any trench obstructs traffic in or to any public street, private driveway or property entrances, the Contractor shall take such steps as required to maintain necessary traffic. The Contractor shall confine his occupancy of public or traveled ways to the smallest space compatible with the efficient and safe performance of the work contemplated by the contract.

7.4.1.2 It is the responsibility of the Contractor to contact the Superintendent of Highways, or other public utility or agency, when any work is contemplated in the public street or highway to coordinate such work.

7.4.2 **Standards of Construction.**

All of the work shall meet with the requirements as specified by the Planning and Zoning Commission on approved plans and details or of local regulatory agencies. Should the Contractor or his employees neglect to set out and maintain barricades, signs and lights as required, the Town Highway Department immediately, and without notice, may furnish, install, and maintain barricades, signs, and lights. The cost thereof shall be borne by the Contractor and may be deducted from his performance bond.

7.4.3 Pavement Standards shall be as follows:

7.4.3.1 Materials: All materials for this work shall conform to the requirements of Sub Articles M 05.01-1, M 05.01-2, and M 05.01-3 of the State Department of Transportation Road Standards.

7.4.3.2 Construction methods: Coarse aggregate shall be either gravel or broken stone at the option of the Contractor. However, only one type of coarse aggregate shall be used on a project unless otherwise permitted by the Planner.

The fine aggregate shall be natural sand, stone sand, or screenings of any combination thereof. The fine aggregate shall be limited to material 95 percent of which passes a No. 4 sieve having square openings and not more than eight (8) percent of which passes a No. 200 sieve. The material shall be free from clay, loam, and deleterious materials.

7.4.3.3 Bituminous materials shall be applied in two courses:

.1 Base course of two (2) inches of Coarse Aggregate mix.

.2 Wearing course of one (1) inch Fine Aggregate mix.

7.4.3.4 Sub-base shall be constructed with four (4) inches of processed gravel – rolled with a ten (10) ton roller.

7.4.4 **Dust Control.**

The Contractor is responsible for performing the necessary work to keep the job site and roads dust free to minimize any possible safety hazards and inconvenience to the public. The failure to do so will result in the Town Highway Department performing the necessary work and the cost thereof shall be borne by the Contractor and may be deducted from his performance bond.

The work under this item shall consist of furnishing a pickup sweeper, accessory equipment, and calcium chloride for the removal of dust-producing materials and allaying dust conditions. Dust Control methods shall be as follows:

7.4.4.1 Sweeping. The Contractor shall have operable equipment capable of efficiently sweeping up dust-producing materials from paved surfaces. This equipment shall include suitable provisions for the application of water ahead of the sweeping brooms to prevent dusting for the pickup and removal of sweepings.

7.4.4.2 Calcium Chloride. This shall be applied only at the locations, at such times and in the amount as directed by the Town Highway Superintendent. It shall be spread in such a manner that a uniform distribution is attained over the entire area.

7.5 WETLANDS PRORATION [AMENDED JANUARY 15, 2013]

Regulated Wetlands and low lying areas shall be utilized to meet the requirements of the Zoning Regulations only in accordance with the following:

7.5.1 Any regulated inland wetlands on the site-parcel shall be prorated for density purposes (residential or commercial) using the following formula table:

PERCENT OF REGULATED INLAND WETLAND ON SITE	PERCENT OF REGULATED INLAND WETLAND AREA COUNTABLE FOR DENSITY CALCULATION
Less than or equal to 10	90
11 - 24	75
25 - 40	60
41 - 60	40
61 - 75	30
76 -100	25

7.5.2 Land below the State of Connecticut's Coastal Jurisdiction Line of elevation 2' (NAVD 1988) shall not be counted for any density, area, setback or buffer requirement. (Also see Section 7.7.3 for Flood Hazard areas.)

7.5.3 All regulated inland wetland areas shall be mapped on the site plan.

7.6 EROSION AND SEDIMENTATION CONTROL STANDARDS

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (½) acre.

7.6.1 **Plan and Site Design Requirements – General.**
A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology.

7.6.1.1 Acceptable Guidelines. Such principles, methods, and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods, and practices may be used with prior approval of the Commission.

7.6.1.2 Site Design Requirements. To ensure reasonable means of erosion/sedimentation control the requirements shall be as follows:

.1 All development proposals shall strive for maximum retention of the natural morphological features of the site. Any outstanding physical features such as, but not limited to, the highest crest of hill, significant bedrock outcrops and significant glacial deposits shall be preserved.

.2 The development shall be oriented to the site so that grading and other site preparation is kept to an absolute minimum. Roads shall follow natural topography wherever feasible to minimize cutting, filling, and grading.

.3 Large tracts (ten (10) acres or more) shall be developed in workable units on which all grading and stabilization can be completed within one construction season so that large areas are not left exposed during heavy runoff periods.

.4 In those cases where the topography of the site is judged by the Commission to be extreme, the Commission may require the applicant to submit information on the average slope of the parcel or the average slope of certain sections of the parcel.

7.6.2 **Plan and Site Design Requirements – Specific.**

A site plan and a narrative description of the development shall be submitted. Included in such submission shall be the following:

7.6.2.1 The schedule for grading and construction activities shall include:

.1 Start and completion dates.
.2 Sequence of grading and construction activities.
.3 Sequence for installation and/or application of soil erosion and sediment control measures.
.4 Sequence for final stabilization of the project site construction

7.6.2.2 The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

7.6.2.3 The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

7.6.2.4 The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

7.6.2.5 The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

7.6.2.6 A site plan meeting the standards of Section 8.4 shall be submitted. Such plan shall also contain the following:

.1 The sequence of grading and construction activities.
.2 The sequence for installation and/or application of soil erosion and sediment control measures.
.3 The sequence for final stabilization of the development site.
.4 Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

7.6.3 **Minimum Acceptable Standards.**

7.6.3.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and

sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

7.6.3.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

7.6.3.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

7.6.4 **Issuance or Denial of Certification.**

7.6.4.1 The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

7.6.4.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the Connecticut General Statutes.

7.6.4.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

7.6.5 **Conditions Relating to Soil Erosion and Sediment Control.**

7.6.5.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 8.6 of these regulations.

7.6.5.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

7.6.5.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

7.6.5.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

7.6.5.5 Additional measures may be required by the Commission or its designated agent if proposed measures fail to control erosion and sedimentation.

7.6.6 **Inspection.**

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

7.6.7 **Exemptions.**

A single family dwelling that is not a part of the subdivision of land shall be exempt from those soil erosion and sediment control regulations.

7.7 FLOOD HAZARD OVERLAY DISTRICT (FHOD)

[**AMENDED: FEBRUARY 15, 1977; OCTOBER 1, 1987; JANUARY 19, 1993; FEBRUARY 25, 1993; AUGUST 2, 2005; JUNE 2, 2009; MAY 17, 2011; JANUARY 15, 2013; JUNE 4, 2013**]

The purpose of this Section is to apply special regulations to the use of the land in the flood plains of all rivers, streams, and bodies of water in the Town which have or tend to have flooded or overflowed their banks. These special regulations are designed to: (a) prevent or minimize loss of life, injury, property damage, and other losses both private and public; (b) to protect the health, public safety, and general welfare of the people; and (c) to help control and minimize the extent of floods and reduce the depth and violence of flooding. The provisions of this section shall apply in any zoning district which is located within a Flood Hazard Overlay District, floodway or coastal high hazard zone, and as indicated on the Flood Insurance Rate Map, Federal Emergency Management Agency (FEMA), which is to be on file in the office of the Zoning Official. Base flood elevation data shall be provided for all development which is five acres (total

parcel size) or fifty lots, whichever occurs first, and is located in Flood Zone A, AE and VE.

7.7.1 **Determination of Flood Levels.**

The base flood elevation and Special Flood Hazard Area shall be identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0389J, 09011C0414J, 09011C0526J, 09011C0527J, 09011C0528J, 09011C0529J, 09011C0531J, 09011C0532J, 09011C0533J, 09011C0534J, 09011C0536J, 09011C0551J, 09011C0552J, 09011C0553J, 09011C0554J) and July 18, 2011 (Panels 09011C0387G, 09011C0391G, 09011C0392G, 09011C0393G, 09011C0394G, 09011C0411G, 09011C0412G, 09011C0413G), and other supporting data applicable to the Town of Stonington, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on the FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

7.7.2 Identification of Areas shall be in accordance with the following:

7.7.2.1 Flood Hazard Areas shall be those identified on the Flood Insurance Rate Maps for New London County, Connecticut, Federal Emergency Management Agency, dated August 5, 2013 (Panels 09011C0389J, 09011C0414J, 09011C0526J, 09011C0527J, 09011C0528J, 09011C0529J, 09011C0531J, 09011C0532J, 09011C0533J, 09011C0534J, 09011C0536J, 09011C0551J, 09011C0552J, 09011C0553J, 09011C0554J) and July 18, 2011 (Panels 09011C0387G, 09011C0391G, 09011C0392G, 09011C0393G, 09011C0394G, 09011C0411G, 09011C0412G, 09011C0413G), and any revision thereto.

7.7.2.2 The Floodway and Floodway Fringe shall be those areas identified on the Flood Insurance Rate Maps (FIRM), New London County, Connecticut, Federal Emergency Management Agency, dated August 5, 2013 (Panels 09011C0389J, 09011C0414J, 09011C0526J,

09011C0527J, 09011C0528J, 09011C0529J, 09011C0531J, 09011C0532J, 09011C0533J, 09011C0534J, 09011C0536J, 09011C0551J, 09011C0552J, 09011C0553J, 09011C0554J) and July 18, 2011 (Panels 09011C0387G, 09011C0391G, 09011C0392G, 09011C0393G, 09011C0394G, 09011C0411G, 09011C0412G, 09011C0413G), and any revision thereto.

7.7.2.3 Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Town Planner shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

7.7.2.4 The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Stonington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Stonington, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Stonington.

7.7.2.5 This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, if this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7.7.3 **Minimum Lot Area Requirement in Flood Hazard Zones.**
All portions of a lot located in a Flood Hazard Zone at elevations above the State of Connecticut's Coastal Jurisdiction Line of elevation 2' (NAVD 1988) may be counted towards lot area and other bulk requirements. In no event shall land below the Coastal Jurisdiction Line of elevation 2' (NAVD 1988) be counted for any density, area, setback or buffer requirement. (Also see Section 7.5.2)

7.7.4 **Permit Procedures.**

Application for all permits shall be made to the Planning and Zoning Commission or designated agent on forms furnished by the Commission prior to any development activities, and may include, but not be limited to, the following plans, in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

7.7.4.1 Elevation in relation to mean sea level of the proposed lowest floor (including basement) of each structure. (Section 7.7.8.2)

7.7.4.2 Elevation in relation to mean sea level to which any non-residential structure will be flood proofed. (Section 7.7.8.2)

7.7.4.3 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

7.7.4.4 A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition section.

7.7.4.5 A statement as to whether there will be dry access to the structure during the 100-year storm event.

7.7.4.6 Where building is proposed in flood plain areas, the following certification by a registered engineer or architect is required, and must be provided to the Commission: "The design and methods of construction are certified to be in accordance with accepted standards of practice to minimize flooding and flood damage."

7.7.5 **Floodways.**

Development within floodways may cause no increase in flood levels during the base flood discharge. Any development in a floodway must meet the provisions of Section 7.7.8.2.4.

7.7.6 **Required Certifications/Verifications.**

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Commission of the following as is applicable:

7.7.6.1 Lowest Floor Elevation. The elevation to be verified for a structure.

.1 In a numbered A Flood Zone, the top of the lowest floor (including basement) (Section 7.7.8.2).

.2 In the V Flood Zone, the lowest point of the lowest structural member (excluding pilings or columns) (Section 7.7.8.2).

.3 Which has been flood proofed is the elevation to which the flood proofing is effective (Section 7.7.8.2).

7.7.6.2 In Coastal High Hazard Areas (Zone VE), certification shall be obtained from a registered professional structural engineer that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash, in accordance with Section 7.7.8.3.

7.7.6.3 Deficiencies detected by the review of the above listed professional shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a Stop-Work Order for the project

7.7.7 **Duties and Responsibilities of the Planning and Zoning Commission.**
Duties of the Commission or its designated agent shall include, but not be limited to:

7.7.7.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

7.7.7.2 Obtain and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantial improvements. Obtain and maintain the elevation (in relation to mean sea level) to which all new construction and substantial improvements have been flood-proofed. In coastal high hazard areas (VE zones), obtain and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction, substantial improvement or repair to a structure that has sustained substantial damage. Obtain and maintain as-built elevations.

7.7.7.3 Notify adjacent communities and the Department of Environmental Protection's Inland Water Resources Division prior to any alteration of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

7.7.7.4 Maintain the carrying capacity of altered or relocated watercourses.

7.7.7.5 Advise permittee of other possible State and Federal permits and require copies of them as proof they have been obtained.

7.7.7.6 Obtain, review, and reasonably utilize any base flood elevation or floodway data available from any federal or state source when not provided in order to administer these provisions.

7.7.7.7 Where base flood data is not otherwise available, select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

7.7.7.8 Notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

7.7.7.9 The Department of Planning shall maintain all records pertaining to the provisions of these regulations.

7.7.8 **Provisions for Flood Hazard Reduction.**

7.7.8.1 General Standards. In all areas of special flood hazard, the following provisions are required:

.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

.2 New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

.3 New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

.4 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

.5 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

.8 All manufactured homes (including recreational vehicles placed on a site for 180 consecutive days or longer) to be placed, or substantially improved, shall be elevated so that the lowest floor is at least one foot above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

.

They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

They shall be installed using methods and tactics that minimize flood damage to include, but not be limited to, the following:

.1 Adequate access and drainage shall be provided.

.2 Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement for piers more than six feet above ground level.

.9 A structure already in compliance with the provisions of this ordinance shall not be made non-compliant by any alterations, repair, reconstruction, or improvement to the structure.

.10 Recreational vehicles placed on sites within Zones A, AE and/or VE shall either:

.1 Be on the site for fewer than 180 consecutive days;
.2 Be fully licensed and ready for highway use; or
.3 Meet all of the general standards of Section 7.7.8 including the elevation and anchoring requirements of Section 7.7.8.1.8. Additionally, recreational vehicles placed on sites within Zone VE must meet the requirements for construction in coastal high hazard areas given in Section 7.7.8.3, as specified in Section 7.7.8.3.10.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

.11 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

.12 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each

elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

.13 Aboveground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

.14 Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

.15 Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

.16 No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

7.7.8.2 Specific Standards. In all areas of Special Flood Hazard Zone A and AE, where base flood elevation data has been provided, as set forth in 7.7.1 and 7.7.2, the following provisions are required:

.1 Residential Construction. New construction or substantial improvement of any residential structure located in Zone A or AE shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation.

.2 Non-Residential Construction.

.1 New construction, or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A or AE shall have the lowest floor, including basement, elevated at least one (1) foot above the level of the base flood elevation.

.2 Non-residential structures located in Zone A or AE may be floodproofed to at least one (1) foot above the level of the base flood elevation in lieu of being elevated, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional structural engineer shall develop structural design, specifications, and plans for construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided as set forth in 7.7.4.

.3 Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to equalize automatically hydrostatic flood forces on exterior walls.

.1 Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:

.1 Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

.2 The bottom of all openings shall be no higher than one (1) foot above grade.

.3 Openings may be equipped with screens, louvers, valves, and other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer or approved by the Planning and Zoning Commission.

.2 Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

.3 Access to the enclosed area shall be the minimum necessary to allow parking of vehicles (garage door), or limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator) which shall be the sole uses of the fully enclosed area.

.4 Floodways. Located within areas of special flood hazard established in Section 7.7.2 are areas designated as floodways on the community's Flood Insurance Rate Map. Since the floodway is an extremely hazardous area due to the velocity of projectiles and has erosion potential, the following provisions shall apply: prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification (with supporting technical data) by a Connecticut registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.

.1 A permit may be given which allows encroachments resulting in increases in base flood elevations provided the Town first obtains a conditional floodway revision by meeting the

requirements of CFR 44, Chapter 1, Subsection 65.12, as amended.

.2 When BFEs have been determined within Zones A and AE on the community's FIRM but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

7.7.8.3 Coastal High Hazard Areas (VE Zones).

Special Flood Hazard Areas include areas designated as Coastal High Hazard Areas (Zone VE). These areas have special flood hazards associated with wave wash. Therefore, the following provisions shall apply:

.1 All new construction or substantial improvement shall be located 100 feet landward of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

.2 All new construction or substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water.

.3 All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one (1) percent annual chance floods and winds).

.4 A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction, and shall certify that the design, specifications and plans for construction are in accordance

with acceptable standards and are in compliance with the provisions contained in this regulation.

.5 There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction), prior to generating excessive loading forces, ramping effects, or wave deflection. The Town Planner shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer or architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

.1 Particle composition of fill material does not have a tendency for excessive natural compaction.

.2 Volume and distribution of fill will not cause wave deflection to adjacent properties.

.3 Slope of fill will not cause wave run up or ramping.

.6 Non-supporting breakaway wall, lattice work, or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used, and provided the following design specifications are met:

.1 Design safe loading resistance of each wall shall not be less than ten (10) nor more than 20 pounds per square foot; or

.2 If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one (1) percent chance of being

equaled or exceeded in any given year (100-year mean recurrence interval).

.7 If breakaway walls, lattice work, or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

.8 Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, lattice work, or screening as provided for in Section 7.7.8.3.6.

.9 There shall be no alteration of sand dunes which would increase potential flood damage.

.10 The requirements of this section shall also apply to the placement of Manufactured Homes and Recreation Vehicles when they are located within the Coastal High Hazard Area. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles shall also meet the requirements provided in Section 7.7.8.1.10.

7.7.9 **Flood Hazard Variance Procedures.**

The Zoning Board of Appeals shall review and decide all requests for variances from the requirements in these Flood Hazard Overlay District regulations.

7.7.9.1 Specific Situation Variances may be considered as follows:

.1 Buildings on an Historic Register. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Sections 7.7.9.3.1 through 7.7.9.3.4 and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.

.2 Preexisting, Small Lot Location. Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Sections 7.7.9.2, 7.7.9.3, 7.7.9.4, 7.7.9.5, 7.7.9.6, and 8.10, Zoning Board of Appeals.

.3 Functionally Dependent Uses. Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety, and meet the requirements of Section 7.7.9.3.1 and 7.7.9.3.2.

7.7.9.2 Floodway Prohibition. Variances shall not be issued by the Zoning Board of Appeals within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.7.9.3 Considerations for Granting of Variances. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations, a showing of good and sufficient cause, a determination that failure to grant a variance would result in exceptional hardship, and the following:

.1 The danger that materials may be swept onto other lands to the injury of others.

.2 The danger to life and property due to flooding or erosion damage.

.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

.4 The importance of the services provided by the proposed facility to the community.

.5 The necessity of the facility to waterfront location, in the case of a functionally dependent facility.

.6 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

.7 The compatibility of the proposed use with existing and anticipated development.

.8 The relationship of the proposed use to the Plan of Conservation and Development and floodplain management program for that area.

.9 The safety of access to the property in times of flood for ordinary and emergency vehicles.

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site.

.11 The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

7.7.9.4 Conditions. Upon consideration of the factors listed above, and the purposes of this ordinance, the Zoning Board of Appeals may attach such conditions to the granting of variances it deems necessary to further the purpose of this ordinance.

7.7.9.5 Minimal Extent of Variances. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and in the instance of an historical building, a determination that the waiver is the minimum necessary not to destroy the historic character and design of the building.

7.7.9.6 Written Notice. Any applicant to whom a variance is granted for new construction or substantial improvement shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as $25.00 per $100.00 of insurance coverage.

7.7.9.7 Record and Report. The Zoning Board of Appeals shall maintain the records of all appeal actions, including justification for their issuance, and report any variances to the Federal Emergency Management Agency and in the biennial report.

7.8 RESIDENTIAL USE GROWTH MANAGEMENT

Proposals for more than five (5) residential units of attached housing or single-family subdivision lots must, in addition to meeting all other zoning and subdivision requirements, qualify under this section prior to the issuance of any building or zoning permits.

7.8.1 **Department of Planning Report.**
By March 1st of each year, the Department of Planning shall prepare a report to the Commission which provides the total number of dwelling units (TNU) in existence as of December 31st of the prior year.

7.8.2 **Determination of Permit Quota.**
One and one-half (1½) percent of the TNU for the year preceding the year of the report shall be the permit quota (PQ) for the year of the report.

7.8.3 **Permit Process.**
A Building or Zoning Permit shall be issued for any Special Use Permit or Subdivision Application for more than five (5) residential units only if the total number of permits issued that year up to that date does not exceed the PQ for that year.

7.8.4 **Exemptions.**
Units exempted from the PQ are: subdivisions or proposals approved prior to these Regulations, proposals of less than five (5) units, bonus units for design, housing for the elderly, and designated low-moderate income units.

7.8.5 **Award of (Units) Permits.**
In the case of two or more applications competing for a limited amount of units remaining before the PQ pool is exhausted, the first application received will be awarded the units remaining. The approved applications following the exhaustion of the PQ pool must wait until the next year's PQ becomes available (after March 1) before permits are issued.

7.8.6 **Priority Selection.**
In the case of applications filed on the same day and subsequently approved, then the proposal which shall receive the units remaining in the PQ pool shall be voted on by the Planning and Zoning Commission using as a basis for selection the following point system after a report is prepared by the Planner placing each proposal on a priority list based on the highest score, using the following criteria:

ALL CRITERIA SHALL BE RATED ON A SCALE OF 0-5:		
0 - unacceptable	2 - fair	4 - very good
1 - poor	3 - good	5 - excellent

7.8.6.1 Water system capacity.

7.8.6.2 Sewer system capacity.

7.8.6.3 Surface drainage capacity.

7.8.6.4 Distance to nearest fire station.

7.8.6.5 Distance to nearest school.

7.8.6.6 Capacity of nearest school.

7.8.6.7 Capacity of street system.

7.8.6.8 Building design compatibility with guidelines.

7.8.6.9 Site design features.

7.8.6.10 Provisions for open space, public right-of-way.

7.8.6.11 Project compatibility with neighboring development.

7.9 MINIMUM RESIDENTIAL STANDARDS – ALL DISTRICTS

The following gross floor area requirements shall be utilized in calculating allowed density in connection with any applications wherein a Floor Area Ratio (FAR) is controlling:

7.9.1 **Required Gross Floor Area.** (Table)

NUMBER OF BEDROOMS	REQUIRED GROSS FLOOR AREA
Efficiencies 0	400 square feet
1	600 square feet
2	900 square feet
3	1200 square feet

NUMBER OF BEDROOMS	REQUIRED GROSS FLOOR AREA
Each additional	250 square feet each

7.10 OFF-STREET PARKING REQUIREMENTS [AMENDED: NOVEMBER 18, 1986; JUNE 1, 2004; SEPTEMBER 19, 2006; DECEMBER 22, 2008; JULY 20, 2010]

Parking shall be a required accessory use for each use proposed and shall be shown on all site plans and evaluated in terms of need and sufficiency of design. Parking lots shall be designed to minimize impacts from stormwater, which are related to impervious surfaces.

7.10.1 **General Requirements.**

Layout of on-site and off-site parking lots shall comply with the following:

7.10.1.1 Required Parking shall be provided at that rate required in Table 7.10.4.4, unless modified by the Planning and Zoning Commission in accordance with Section 7.10.2. Properties located within the Downtown Pawcatuck Parking Overlay District may use the parking standards in Section 7.10.8.

7.10.1.2 Parking areas shall be designed to preserve as much native vegetation as possible.

7.10.1.3 Parking areas shall include clear and visible travel ways with adequate means for turning around. Such travel ways shall be designed in accordance with Table 7.10.4.5.

7.10.1.4 Parking areas and required parking spaces shall be on the lot proposed for development and shall be under single ownership and control, except where off-site parking has been arranged in accordance with Section 7.10.2.

7.10.1.5 Parking space dimensions shall be provided in accordance with Table 7.10.4.5, except for required parking for the handicapped individuals in compliance with 7.10.3.

.1 Paved parking areas shall be marked using white traffic pavement marking paint to indicate individual spaces.

.2 Travel direction and entrance and exit ways shall be marked using white traffic pavement marking paint.

7.10.1.6 Parking spaces shall be separate from access drives. Site access drives shall be provided in accordance with 7.10.1.7.

7.10.1.7 Driveway Throat.

.1 Width.

.1 Residential, less than eight (8) parking spaces – 15 feet

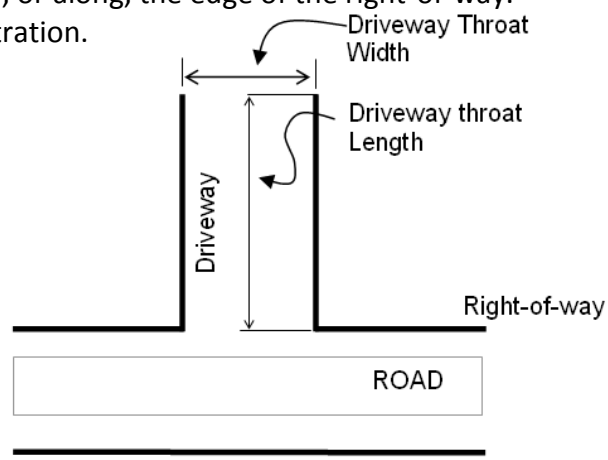
.2 One (1) way travel, non-residential and residential, greater than or equal to eight (8) parking spaces – 15 feet minimum.

.3 Two (2) way travel, non-residential and residential, greater than or equal to eight (8) parking spaces – 24 feet minimum.

.2 Length. Shall be provided in accordance with Table 7.10.1.8.

.1 Measurement. Driveway throat length is measured along the centerline of the driveway from the back edge of the driveway apron and the nearest vehicle aisle or circulation road. Dimensions in Table 7.10.1.8 refer to the distances from, or along, the edge of the right-of-way.

.2 Illustration.



7.10.1.8 Site Access Drive Requirements. (Table)

DEVELOPMENT TYPE	MINIMUM DRIVEWAY THROAT LENGTH
Commercial/Industrial with greater than 200,000 gross leasable square feet	200 feet
Commercial/Industrial with signalized access driveways	50 feet

Commercial/Industrial with unsignalized driveways, and Attached Housing	20 feet

.1 The Planning and Zoning Commission may reduce the requirements in Table 7.10.1.8 in the DB-5, LS-5 and CS-5 to a minimum of ten (10) feet.

7.10.1.9 The Planning and Zoning Commission may require deceleration lanes for traffic entering the site, if deemed necessary for the safety of the public.

7.10.2 **Modifications to Parking Regulations.**
To improve site design and enable flexibility, the Planning and Zoning Commission may modify the parking regulations by Special Use Permit in accordance with the following requirements, provided the activity is permitted in the underlying zoning district:

7.10.2.1 Insufficient Parking. Where the minimum or maximum number of spaces required by these regulations is insufficient, the Planning and Zoning Commission may increase required parking.

.1 The Planning and Zoning Commission may require an increase in parking spaces up to 25 percent of the required minimum.

.2 The Planning and Zoning Commission shall be guided by the nature, intensity and mix of the proposed use and accessory uses, including projected attendance, the number of employees, visitors or customers, the experience of similar facilities elsewhere, and the location of overflow parking available to the proposed use.

7.10.2.2 Excessive Parking/Phased Parking. Where the minimum number of spaces required by these regulations is excessive, as determined by the Planning and Zoning Commission based on use and characteristics of the site, the Planning and Zoning Commission may approve a site plan with a reduction in required parking spaces up to 25 percent of the minimum, provided:

.1 An area equivalent to the size of the reduction is set aside for possible future parking, and is designated as such on the site plan. The set-aside area shall comply with all size and location requirements of a parking lot, except that it shall be landscaped instead of paved.

.2 If at any time, the Planning and Zoning Commission determines that all or a portion of such "future parking" space is needed, the Planning and Zoning Commission shall notify the owner in writing and shall provide the owner a reasonable time period in which to construct a parking lot in accordance with these regulations.

.3 The Planning and Zoning Commission may require bonding in accordance with Section 8.6 of these regulations to assure that the additional parking spaces could be constructed if it were determined to be necessary.

7.10.2.3 Parking Reductions. The Planning and Zoning Commission may reduce the on-site parking requirement through Special Use Permit for properties in the CS-5, DB-5 and LS-5 districts, provided:

.1 The reduction of parking shall not exceed 40 percent of the required parking under Table 7.10.4.4.

.2 Reductions in parking may be granted for operations with a high turnover of parking use.

.3 Reduction in parking may be applied only to customer parking. Parking for employees must be provided as required by the use, and may not be reduced in favor of available on-street parking.

.4 Reduction of parking shall not apply to residential uses.

.5 Sufficient off-street and/or on-street parking is available within 500 feet. Sufficiency shall be determined based on a parking study in accordance with Section 7.10.2.7.

7.10.2.4 Dedicated Off-Site Parking. Required parking for nonresidential uses in the DB-5 and LS-5 districts may under certain circumstances be located off-site. Use of this provision is solely within the discretion of the Commission and subject to the following requirements, to include issuance of a Special Use Permit:

.1 A signed agreement between the applicant and owner of the off-site parcel shall run for the duration of the Special Use Permit. Termination of this agreement by one or both of the parties or a violation of its terms shall be considered a basis for revocation of the Special Use Permit. Any change in use of the properties which substantially alters the conditions of the Special Use Permit for off-site parking shall require a modified agreement, to be approved by the Commission. The shared parking agreement shall acknowledge that

continued validity of the Special Use Permit depends on the applicant's ability to continuously provide the requisite number of parking spaces for the duration of said Permit.

.2 When evaluating a Special Use Permit application for off-site parking, the Commission shall consider proximity of the off-site facility to the buildings it serves, and the type of use intended to be served. Off-site parking may not be appropriate for uses with a high turnover or short duration parking.

.3 All off-site parking spaces shall be located within a radius of 500 feet of the use served.

.4 The Commission may require that a pedestrian walkway built in accordance with Section 7.10.6.2.5 be provided between the parcel on which the use is located, and the parcel on which the off-site parking is located.

7.10.2.5 Shared On-Site Parking. In calculating required parking, the Commission may allow shared on-site parking in cases where it is demonstrated that individual uses occupying the same property will have peak parking demands at different hours of the day or are expected to share many of the same customers. A Special Use Permit application must be submitted, and shall contain the following information:

.1 A description of proposed uses that are subject to the shared parking proposal, the square footage of each such use, and number of dwelling units if residential use is proposed.

.2 A description of the hours of operation and estimated number of employees by shift.

.3 A proposed layout of parking including the number and location of all spaces, vehicular access and internal drives. The layout shall be provided at a scale of 1 inch equals 40 feet.

.4 Any change in use of the property which substantially alters the conditions of the Special Use Permit shall require modification of such permit, to be approved by the Commission. Continued validity of the Special Use Permit depends on the applicant's ability to continuously provide the requisite number of parking spaces for the duration of said Permit.

7.10.2.6 Residential Parking Agreements. When dedicated off-site parking or shared parking is proposed for residential uses, to include residential units within a mixed-use development, there

shall be a legally binding agreement between each of the parties, which must be executed and filed in the Stonington Land Records before any zoning permits are issued. The applicant shall present a draft agreement to the Commission for review and approval, containing the following:

.1 Stipulated responsibilities and costs for maintaining the shared on-site parking area and/or dedicated off-site parking area in compliance with standards set forth in these regulations.

.2 A covenant assuring in perpetuity the availability of the shared on-site parking area and/or dedicated off-site parking area for each of the residential units they are intended to serve, binding on all property owners and their successors. When a corporation or trust is used, ownership shall pass with conveyances of the residential units.

7.10.2.7 Parking Assessment. The Planning and Zoning Commission may require a parking inventory and needs assessment prepared by a Professional Engineer, registered in the State of Connecticut, with expertise in traffic engineering, as part of the application for the modification of parking regulations. The Parking Assessment shall evaluate the parking availability and usage on the premises and adjacent properties, and shall address, at a minimum, the following issues:

.1 Physical layout of the development.

.2 Number of spaces for each of the individual land uses.

.3 Types of parking users (e.g., employees, residents, or hotel guests who park all day or customers and visitors who park for short periods of time).

.4 Hourly accumulation of parking for each land use.

7.10.3 **Handicapped Accessible Parking Facilities.**

Off-street parking requirements for the handicapped shall be provided in conformance with Section 14-253a of the Connecticut General Statutes, and the Connecticut Building Code (Sec. 29-252, as amended), with regard to location, size, marking, signage, and required number of handicapped accessible spaces based on use and size of parking lot. Parking spaces for the handicapped shall be as close as possible to a building entrance or walkway leading directly to a building entrance and shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person. For all uses in commercial and industrial zones, and parking lots in excess of eight (8) parking

spaces in residential zones, the minimum number of parking spaces for the handicapped shall be provided in accordance with the Building Code.

7.10.3.1 Van Parking. Where handicapped accessibility is required, a minimum of one (1) van parking space shall be provided, and additional van spaces shall be provided at a rate of one (1) van space for every eight (8) handicapped accessible parking spaces required. The van parking space shall be of such size as to accommodate a van designed for wheelchair elevation and transport.

7.10.3.2 Signage. Handicapped accessible spaces shall be designated by above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking Permit Required" and "Violators will be fined". Such sign shall also bear the international symbol of access.

7.10.4 **Parking Space Requirements.**

Parking spaces shall be provided in sufficient number to accommodate the motor vehicles of all occupants, employees, customers, and any others normally visiting the premises at any one time as may be required by the Planning and Zoning Commission. Spaces shall be provided in not less than the number indicated in Table 7.10.4.4 unless modified by the Planning and Zoning Commission as provided in Section 7.10.2. Properties located within the Downtown Pawcatuck Parking Overlay District may use the parking standards in Section 7.10.8.

7.10.4.1 The Planning and Zoning Commission shall determine the required parking for all uses not included in Table 7.10.4.4. The Institute of Traffic Engineers' Parking Generation, 3rd Edition shall be used as a guide in determining such required parking. The calculated number of spaces shall be rounded up to the next whole number.

7.10.4.2 Parking Surface. The parking surface shall be treated with bituminous paving products. The Planning and Zoning Commission may allow an alternate surface if the use is a low traffic generator and the Planning and Zoning Commission is satisfied with maintenance provisions. Alternate surface means crushed stone, gravel, or pavement blocks, grass, or other materials deemed appropriate to the use.

.1 Proposals for alternate parking surfaces shall be delineated on the site plan, and shall be discussed in the impact statement associated with the application.

.2 Any unpaved portions of a parking area shall be graded and infilled, and maintained to avoid dust, erosion, excessive water flow across public ways or other adjacent property.

.3 Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater recharge and to reduce problems related to stormwater runoff.

7.10.4.3 Buildings or projects providing multiple uses or accessory uses on a site or parcel shall provide spaces as required above for all proposed uses, except when modified by the Planning and Zoning Commission as provided under Sections 7.10.2.3, 7.10.2.4, and 7.10.2.5.

7.10.4.4 Minimum Off Street Parking Requirements. (Table)
See Section 7.10.8 for properties in the Downtown Pawcatuck Parking Overlay District.

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
Auto Service / Fire Stations	1 per bay + 1 per 200 SF of other gross building area	No maximum
Churches	1 per each 4 seats	No maximum
Congregate Living Facilities	0.8 per unit + 1 per 10 units +1 per employee	No maximum
Convalescent Homes	1 per 3 beds + 1 per employee	No maximum
Day Care Center (all types)	1 for each 5 attendees	No maximum
Home Occupations	1 per 200 SF in use	No maximum
Hotels – Motels	1 per room + 1 per employee	No maximum
Housing for the Elderly	1 per dwelling unit + 1 per 3 units	No maximum
Marinas/ Yacht Clubs (Exclusive of	1 per 2 berths or slips	1 per berth or slip

USE/ACTIVITY SERVED	PARKING SPACES REQUIRED	
	MINIMUM	MAXIMUM
parking for on-site uses)		
Manufacturing: Assembly/Fabrication/Packing	1 per 1000 SF or 1 per employee (whichever is greater) +1 per 5000 SF	No maximum
Medical Clinics	1 per 200 SF floor area	1 per 350 SF floor area
Offices: General - Professional	1 per 250 SF floor area	1 per 225 SF floor area
Outdoor Vendors	4 per vendor or display + 1 per each vendor vehicle	No maximum
Residential: Single/Duplex/Triplex	2 per dwelling unit	No maximum
Residential: Attached	2 per dwelling unit + visitor parking at 1 per 4 units	No maximum
Residential: DB-5 Zone All Types	1 per dwelling unit	No maximum
Restaurants: DB-5/LS-5 Zones and any Non-Conforming Restaurant Use	1 per four seats plus 1 per employee	No maximum
Restaurants: GC-60/TC-80/MC-80	1 per 3 seats +1 per employee	No maximum
Sales: Retail/Wholesale ≤ 10,000 Square Feet of Floor Area	1 per 200 SF floor area	1 per 175 SF floor area
Sales: Retail/Wholesale > 10,000 Square Feet of Floor Area	1 per 250 SF floor area	1 per 225 SF floor area
Schools	1 per 15 students	No maximum
Theaters	1 per 3.5 seats	No maximum
Undertakers	1 per 5 seats	No maximum
Warehousing – Storage	1 per 2000 SF or 1 per employee (whichever is greater)	No maximum

7.10.4.5 Parking Lot Size Requirements. (Table)

PARKING ANGLE	MINIMUM SPACE LENGTH	MINIMUM SPACE WIDTH	MINIMUM AISLE WIDTH WITH ROW OF SPACES	
			ON ONE SIDE	ON BOTH SIDES
0 (zero degrees) vehicle parallel to curb, one-way aisle	23 feet	9 feet	Aisle 12 feet	Aisle 12 feet
			Bay 22 feet	Bay 32 feet
0 (zero degrees) vehicle parallel to curb, two way aisle	23 feet	9 feet	Aisle 24 feet	Aisle 24 feet
			Bay 34 feet	Bay 44 feet
45 (forty-five degrees) One-way aisle	20 feet	9 feet	Aisle 17 feet	Aisle 17 feet
			Bay 38 feet	Bay 59 feet
60 (sixty degrees) one-way aisle	20 feet	9 feet	Aisle 20 feet	Aisle 20 feet
			Bay 42 feet	Bay 64 feet
90 (ninety degrees) perpendicular to curb one- or two-way aisle	18 feet	9 feet	Aisle 24 feet	Aisle 24 feet
			Bay 42 feet	Bay 60 feet

7.10.4.6 Bicycle parking facilities shall be provided as part of new multi-family developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots.

.1 Bicycle parking requirements shall apply to all new construction, changes of use, or substantial improvement

.2 Bicycle parking spaces shall:

.1 Provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided.

.2 Be capable of locking the bicycle and supporting the bicycle in an upright position.

.3 Be securely anchored to a supporting surface.

.3 Bicycle parking shall not interfere with pedestrian circulation, and shall be separated from automobile parking

.4 For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.

.5 Bicycle racks shall be located at each main building entrance, and placed in an area that is highly visible.

7.10.5 **Off-Street Loading Berths.**

Residential uses with a gross floor area of 10,000 square feet or more and any commercial and industrial uses, which require deliveries or shipments must provide off-street loading facilities in accordance with the requirements specified in Table 7.10.5.3. Loading berths shall be provided as follows:

7.10.5.1 The following standards shall be utilized in designing and locating loading berths:

.1 Each berth shall have unobstructed access lanes of 12 feet in width.

.2 Each berth shall be 15 feet wide, 50 feet long, and provide 15 feet of vertical clearance.

.3 Each berth shall not include any other parking spaces.

.4 Each berth shall not be located in any required buffer or front, side, or rear yards.

.5 Each berth shall be screened from adjoining residential properties by a stockade fence and a ten (10) foot wide planting strip.

.6 Off-street loading berths shall be located and designed so that the vehicles are completely contained within site boundaries while loading and unloading.

.7 Vehicle maneuvering necessary to utilize the off-street loading space shall take place within site boundaries and may not require stopping, or backing to, from, or on any public thoroughfare, whenever possible.

.8 Loading Spaces are required to be paved with Bituminous Concrete. The Planning and Zoning Commission may allow an alternative surface, provided that the use is of a nature that the alternative surface is capable of supporting the intensity of loading operations.

7.10.5.2 The Commission may waive off-street loading berth requirements for commercial uses in structures under 5,000 sq. ft. Gross Floor Area when it has been demonstrated by the applicant that the delivery needs of the establishment can otherwise be adequately met with no negative impact to or loss of required parking spaces.

7.10.5.3 Minimum Loading Spaces. (Table)

BUILDING AREA	MINIMUM NUMBER OF BERTHS
0 SF - 15,000 SF	1
15,001 SF 25,000 SF	2
25,001 SF or greater	3

7.10.6 **Off-street Parking Lot Design Requirements.** [AMENDED SEPTEMBER 29, 2009]
Each parking area must be appropriately designed, suitably landscaped and presented for evaluation to the Planning and Zoning Commission as a portion of a site plan submission in conformance with the following minimum standards (See Sections 2.15.6.4 and 8.4.2.2 for Type 2 Site Plan landscape plan requirements). Since design review is obligatory for all developments meeting criteria of Section 2.15.3, prospective applicants are encouraged to meet informally with the Architectural Design Review Board prior to submission of an application to the Planning and Zoning Commission:

7.10.6.1 Site design shall make every effort to preserve as much of the native vegetation as possible. All proposed landscaping shall be clarified on the plan as to location, botanical name, and size at time of planting, and expected dimensions at maturity.

7.10.6.2 All Off-Street Parking Areas, with the exception of single-family, duplexes and triplexes, shall:

.1 Provide a minimum of 20 square feet of interior landscaping for each parking space.

.2 Landscaped Islands design requirements:

.1 Islands shall be required to indicate and assure safety and efficient channelization of both pedestrian and vehicular traffic and to separate the major access routes through the parking area from parking aisles.

.2 Each separate landscaped area shall contain a minimum of 300 square feet, and shall have a minimum width of nine (9) feet, shall be planted with grass or small shrubs, and shall include at least one deciduous tree of not less than two (2) inch caliper, at least ten (10) feet in overall height immediately after planting.

.3 When possible, stormwater runoff shall be directed to sunken vegetated islands that are designed to

filter and infiltrate stormwater. The use of rain gardens in this manner shall be incorporated into the stormwater management system. However, when curbing is used, it shall be granite.

.4 The use of deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots. The use of tall shrubs and low-branching trees that restrict visibility shall be discouraged.

.5 Planting islands which are parallel to parking spaces should be designed to provide for vehicular door opening.

.6 Planting islands which are perpendicular to parking spaces shall allow for overhanging of parked vehicles.

.7 Island and parking areas shall be arranged in the interest of efficient snow removal to assure maximum safety for both pedestrian and vehicular traffic.

.3 Trees used in parking lots shall be of fast growing, hardy variety, or existing trees where appropriately located. Their species, varieties, and sizes shall be indicated on the plan by location and schedule.

.4 All trees shall be placed or protected so as to avoid damage by vehicles.

.5 Pedestrian walkways shall be provided to enable safe movement within the parking lot, and shall connect the parking lot to all buildings on the property, and to public sidewalks, where available or planned.

.1 Walkways shall be a minimum of four (4) feet wide, and there shall be a minimum of 30 inches of landscaped overhang for adjacent parking spaces, on each side of the walkway.

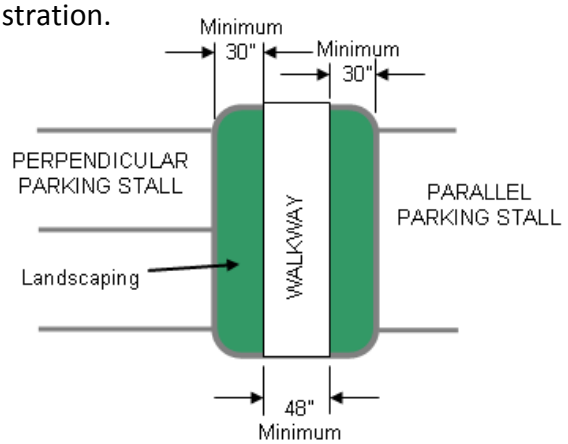
.2 Walkways shall be handicapped accessible.

.3 All walkways should be raised to a standard sidewalk height and shall be constructed of a different pavement material than the parking lot.

.4 The use of Bituminous Concrete for pedestrian walkways may be allowed in conjunction with a multi-purpose trail connection, and shall be prohibited for any other pedestrian walkway.

The multi-purpose trail connection shall be a minimum of ten (10) feet wide and built in accordance with Town Standards.

.5 Illustration.



7.10.6.3 All parking lots of 20 car spaces or more shall, in addition to the requirement of 7.10.6.2, provide the following:

.1 One (1) tree for every ten parking spaces or fraction thereof located on landscaped islands interior to the parking area.

.2 Perimeter shade trees shall be planted at the following rate:

.1 One (1) shade tree shall be planted for every 40 feet of parking lot perimeter. The shade trees do not have to be planted on center.

.2 One (1) shade tree shall be planted for every 40 feet of parking aisle. The shade trees do not have to be planted on center.

.3 Additional shade trees may be necessary to effectively shade/screen the parking lot.

7.10.6.4 Frontage Strip Landscaping. All parking areas shall provide a frontage strip satisfying the following requirements:

.1 Any parking located in a required side, or rear yard shall be separated from the property line by a landscaped buffer strip in accordance with Table 7.10.6.7.

.1 No parking space or access drive shall be located closer than permitted in Table 7.10.6.7.

.2 The location of parking along the side, or in the rear of the building is encouraged.

.2 When a parking lot abuts a street, a landscape strip shall be provided in accordance with Table 7.10.6.7. The landscape strip is required along the entire frontage of a parking lot, measured from the inside edge of the public sidewalk. If no sidewalk exists, the strip is measured from the road right-of-way. The landscape strip may contain sidewalks and be crossed by access drives. When the area inside the walk is less than six (6) feet in width, a hedge, wall, berm, or raised planter of at least 30 inches in height must be provided. Frontage strip landscaping is not required for single-family, duplex or triplex residences.

7.10.6.5 Minimum Frontage Landscape Width. (Table)

TOTAL NUMBER OF PARKING SPACES	MINIMUM LANDSCAPE STRIP WIDTH
0-49	10 feet
50-100	15 feet
101-250	20 feet
251 +	25 feet

7.10.6.6 Parking Lot Buffer Requirements. All parking lots shall provide a buffer for adjacent residential land uses.

.1 Required buffers may be entirely landscaped, a combination of stone or wood fencing with landscaped elements, or may combine a berm with landscaped elements depending upon the uniqueness of the property and the characteristics of the adjacent property.

.2 An evergreen buffer with a minimum four (4) foot overall height at the time of construction, shall be designed with sufficient density, height and depth to effectively screen automobile headlights.

.3 Minimum berm or planted screen shall be a minimum of ten (10) feet wide. The Planning and Zoning Commission may deem additional area as required.

.4 Buffers shall be provided in accordance with Table 7.10.6.7, and may be waived by the Commission when adjacent topography, or other factors including road right-of-way width provide sufficient protection.

7.10.6.7 Minimum Parking Lot Buffer Requirements. (Table)

ADJACENT ZONE	ADJACENT LAND USE	MINIMUM BUFFER WIDTH*
RH-10	All uses	10 feet
RM-15, RM-20, RA-15, and RA-20	All uses	15 feet
RA-40, RR-80, RC-120 and GBR-130	All uses	20 feet
GC-60, MC-80, M-1, TC-80, LI-130, HI-60	Residential uses	25 feet
DB-5, LS-5, CS-5	Residential uses	20 feet, May be reduced to 0 feet by the Commission
DB-5, CS-5, LS-5, GC-60, MC-80, M-1, TC-80, LI-130, HI-60	Commercial and Industrial Uses	0 feet

* The Property Use is also required to comply with the underlying Zoning District Buffer Requirements. The more restrictive buffer shall apply.

7.10.7 **Stormwater Drainage.**

Drainage shall be designed by a Professional Engineer licensed in the State of Connecticut and shall meet the following standards:

7.10.7.1 Adequate data shall be submitted, basing calculations and capacity on a 25-year storm.

7.10.7.2 Run-off shall not cross sidewalks or direct lines of pedestrians.

7.10.7.3 Use of drywells in adequate soil types is encouraged.

7.10.7.4 Surface pitch shall be shown.

7.10.7.5 All areas shall have curbs at least six (6) inches high.

7.10.8 **Downtown Pawcatuck Parking Overlay District.**

7.10.8.1 The DB-5 and LS-5 zoning districts located in Downtown Pawcatuck are characterized by a historic mixed-use pattern of development with high floor area ratios relative to lot size, resulting in unique parking demands. Unlike similar zoning districts in Mystic, parking studies conducted for downtown Pawcatuck indicate low peak hour usage relative to overall parking capacity, attributable to significant amounts of vacant

retail space. Hence the Planning and Zoning Commission finds that minimum on-site parking standards developed for other areas of Stonington are overly-burdensome in Downtown Pawcatuck. The intent of this overlay district is to foster occupancy and redevelopment of businesses in the Downtown Pawcatuck area.

7.10.8.2 There is hereby established a Downtown Pawcatuck Parking Overlay District (DPPOD) confined to a specific area within the DB-5 and LS-5 zoning districts, as shown on a map entitled *Pawcatuck Parking Overlay District Boundary* dated June 2008. Minimum parking and loading requirements in Section 7.10.4.4 do not apply for existing commercial buildings in the overlay district. The Commission may require on-site parking or loading where it deems that the uses proposed will have a negative impact on parking, traffic and/or public safety in the area.

7.10.8.3 Minimum on-site parking requirements of 7.10.4.4 must be met for the following uses in the DPPOD:

.1 New commercial, institutional and/or mixed use construction or additions to existing buildings which equal an increase of ten (10) percent over existing gross floor area. For additions over ten (10) percent minimum parking requirements of 7.10.4.4 must be met for the new portion.

.2 All residential uses in the Pawcatuck Parking Overlay District, whether in existing buildings or new construction, must provide on-site parking in compliance with Section 7.10.4.4.

7.10.8.4 Where on-site parking is provided in the Pawcatuck Parking Overlay District, shared parking and loading are encouraged.

7.11 REAR LOTS [ADOPTED MAY 1964; AMENDED MAY 2, 2002]

The Commission may authorize the creation of rear lots for residential purposes in the GBR-130, RC-120, RR-80, RA-40, RA-20 and RM-20 zones.

7.11.1 **Site Plan Application.**
A site plan shall be submitted for Commission review and approval. The plan shall comply with Type 2 standards (see Section 8.4.2) and demonstrate that the proposed lot meets the following standards:

7.11.1.1 Lot area of not less than 60,000 square feet or not less than two times the District requirement for lot area, whichever is greater.

7.11.1.2 Individual driveway strip not less than 20 feet wide, deeded as part of the parcel for an access to a single dwelling unit, with adequate provisions for drainage and maintenance.

7.11.1.3 Assurance by notation on the survey map and in the deed recorded in the Office of the Town Clerk that: "Each rear lot will be limited to a single-family residence only. No further subdivision of this approved rear lot may be undertaken at a future date for the erection of another residential unit, except in compliance with these Regulations and all others that apply."

7.11.1.4 A sight line of at least 150 feet is available at the intersection of the driveway and the street line assuring adequate vision upon entering traffic.

7.11.1.5 Any driveway strip or access used by mutual agreement by more than two lots will be paved to a minimum 15 feet width with a tow and one-half (2½) inch bituminous concrete layer over eight (8) inches of processed gravel, and slopes shall not be over a 12 percent grade at any point. Construction plans and profiles prepared by a licensed civil engineer are to be provided by the applicant.

7.11.1.6 No more than three (3) driveway strips serving no more than three rear lots may be located adjacent to one another.

7.11.1.7 Proposals for more than two rear lot driveway strips shall include profiles and construction details of proposed driveways prepared by a licensed professional civil engineer.

7.11.2 **Conditions.**

The Commission may impose other such conditions it finds necessary to protect the public health, safety and welfare, including but not limited to drainage, yard requirements, lot size, driveway position, and lot arrangements.

7.12 SIGN REGULATIONS

[AMENDED SEPTEMBER 6, 2001; OCTOBER 19, 2004; JUNE 21, 2005; SEPTEMBER 6, 2005; OCTOBER 4, 2005; JANUARY 3, 2006; MAY 24, 2011]

7.12.1 **Purpose.**

The purpose of these Regulations is to maintain and enhance the aesthetic character of the Town, while permitting adequate commercial promotion that is necessary for an attractive business climate. This policy statement recognizes the Town's need to retain the present tax base and attract future growth, while ensuring the public health, safety, property values and historic beauty of the Town of Stonington.

7.12.2 **General.**

These Sign Regulations apply to all signs which may be erected, placed, displayed, established, created, used, altered, replaced, or maintained in the Town of Stonington.

7.12.2.1 Sign Prohibition. Signs which are not expressly permitted by these Regulations are prohibited.

.1 Prohibited signs include, but are not limited to billboards, signs attached to utility poles, signs directly painted on a wall, animated variable message boards or displays, posters, roof mounted signs, inflatable displays or objects, strings of suspended lights, flashing lights, search lights, and temporary portable signs with the exception of those allowed per Section 7.12.5.10 and 7.12.7.3.

.2 Prohibited Vehicle Signs. No person shall park any unregistered vehicle, trailer or portable message sign on public or private property advertising the services or products at that or any other location or directing traffic to any establishment. All registered motor vehicles must be parked in areas designated for parking on an approved site plan.

.3 The Commission or Zoning Enforcement Officer shall require the removal of unapproved signs or signs that do not conform to these regulations. Legally non-conforming pre-existing signage shall be allowed to remain, provided it is not expanded, enlarged or moved elsewhere on the premises, unless such relocation reduces the degree of non-conformity.

7.12.2.2 Sign Permits. A sign shall receive a Zoning Permit from the Zoning Enforcement Officer before it is constructed, enlarged, moved or

structurally altered. Notwithstanding any provision herein, as-of-right signs listed in Section 7.12.9 shall not require a Zoning Permit.

7.12.2.3 Sign Type, Definition and Area. Sign type, sign definition and sign area shall be interpreted as provided herein or in Section 1.2 of these Regulations.

7.12.2.4 Sign Location. Signs shall only be located on the property they are intended to identify and shall not project over any property line, except as permitted in Section 7.12.7.1.

7.12.2.5 Sign Construction. Every sign shall be constructed in a permanent manner pursuant to appropriate building code, shall consist of long-lasting materials, and shall be assembled and permanently affixed in such a fashion that it shall not be ordinarily affected by weather. Signs shall not be painted directly on any building, or attached to any fence, utility pole, rock, tree or other similar object.

7.12.3 **Illumination and Motion.**

7.12.3.1 Internal Illumination. Internally lighted signs with non-illuminated opaque background fields may be permitted by the Commission in all commercial and industrial zoning districts. Visible interior illumination shall be confined solely to letters, words, numerals, figures, logos, trademarks, emblems or any combination thereof, provided such interior illumination is limited to 15 percent of the total sign area. Full internal illumination of the sign area is prohibited. Peripheral halo lighting of the opaque background field may be allowed provided that the light source for such effect is not visible.

7.12.3.2 External Illumination. Externally illuminated signs may be permitted only if illumination is down-lighted and confined to the surface of the sign, such that it does not glare off-premises onto the public right of way or any adjoining property.

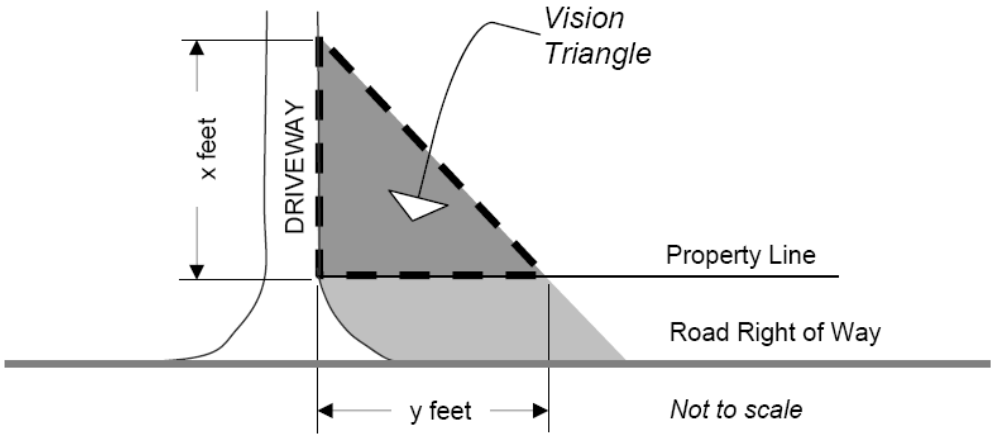
7.12.3.3 Light Variations. No flashing, intermittent, or intensity variation of illumination shall be allowed, except for time and temperature signs which may be expressly permitted by the Commission as a public service provided that the total area of such display does not exceed four (4) square feet.

7.12.3.4 Sign Motion. No outdoor sign, or any portion thereof, shall be animated or use a technology capable of displaying digital, variable or alternating messages and copy generated by any electronic, mechanical or illuminated means.

7.12.4 **Vision Triangle.**

No sign shall be located such that it impedes motor vehicle or pedestrian sight line vision. The Zoning Enforcement Officer or Commission may require submission of a graphic sight-line demonstration showing that the proposed sign will not impair motorist visibility. A vision triangle is established by undertaking an intersection stopping sight distance analysis based on American Association of State Highway Transportation Officials (AASHTO) recommended minimum stopping sight distance for a driver's 85th percentile perception-reaction time.

Graphic Sight Line Demonstration (Sample)



7.12.5 **Signs Allowed in All Districts.**

The following signs shall be permitted in all districts, as of right without need for issuance of a Zoning Permit.

7.12.5.1 Real Estate Sign. One (1) temporary real estate sign per road frontage, not to exceed six (6) square feet in residential zones or twelve (12) square feet in commercial and industrial zones, limited to advertising the sale or lease of the premises on which the sign is displayed. All such signs shall be removed within 14 days of the closing.

7.12.5.2 Contractor Sign. One (1) temporary contractor or renovation sign, not to exceed six (6) square feet in residential zones or exceed 18 square feet in commercial or industrial zones, to be removed once the work is completed.

7.12.5.3 Temporary Residential Development Sign. One (1) temporary residential development identification sign, not to exceed 18 square feet, to identify an approved development provided that such sign shall be removed after one (1) year if an extension has not been granted by the Commission.

7.12.5.4 Public Purpose Sign. Governmental signs, legal notices, and other public information signs, including interpretive and wayfinding signage built to meet National Park Service standards.

7.12.5.5 Directional Sign. A sign that is not greater than four (4) square feet in area, providing directions to specific residences, businesses or tenants located upon the same parcel. Directional signs shall not contain logos, emblems or advertisements.

7.12.5.6 Historical Plaque. One historical plaque not exceeding two (2) square feet in area.

7.12.5.7 Identification Sign. A sign identifying only the occupant's name and street address, not to exceed one and one-half (1½) square feet in area.

7.12.5.8 Incidental Sign. Includes signs listing hours of operation, restaurant menus or other small signs typically posted at the entrance of a business. Incidental signs shall not exceed a total of three (3) square feet per business. This section does not apply to Home Occupation Signs governed by Section 7.12.6.3.

7.12.5.9 Political Campaign Sign. Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days after the election or referendum.

7.12.5.10 Community Event Sign. Freestanding temporary portable signs (i.e., A-frame or sandwich board) may be used only by religious institutions, libraries, schools and non-profit organizations for promotion of special limited duration events. Such signs are not intended to be permanent; rather, they shall be limited to ten (10) days prior to the special event, to be removed immediately thereafter, and shall not obstruct sight-line vision of motor vehicles or constitute a hazard to pedestrians.

7.12.6 **Signs Allowed in Residential Districts.**

The following signs are allowed in all residential districts subject to the issuance of a Zoning Permit where required. No detached sign listed herein shall exceed six (6) feet in height.

7.12.6.1 Farm Sign. A sign identifying the name of a farm or agricultural activity, not to exceed six (6) square feet in area.

7.12.6.2 Special Use Permit Signs. Signs identifying the use of the premises for an approved Special Permit Use, not to exceed eight (8) square feet in area.

7.12.6.3 Home Occupation Sign. Signs identifying a permitted home occupation not to exceed one and one-half (1½) square feet.

7.12.6.4 Institutional Sign. Signs on premises of churches, public facilities, and non-profit institutions not to exceed eighteen (18) square feet in area.

7.12.7 **Signs Allowed in Commercial and Industrial Districts.**

The following signs are allowed in commercial and industrial districts subject to the issuance of a Zoning Permit or a Special Use Permit where required. Zones where Special Wall Signs and Special Detached Signs that exceed 18 square feet in area are allowed are listed in Table 5.2.2.

7.12.7.1 Building Mounted Signs.

.1 Placement. No part of a sign attached to a building shall project above the eave of a pitched roof or above a flat roof. Wall signs shall be affixed parallel to the wall to which they are attached and shall not project outward more than 12 inches.

.2 Wall Sign Calculation. The total amount of a building's wall sign area shall be limited to one-half (½) square foot of area per lineal foot of facade of the building, defined as that portion of a structure fronting on a public roadway (excluding Interstate 95). Buildings on corner lots, which are clearly visible from multiple streets, may utilize the façade length along each street in calculating a building's total wall sign area.

.3 Wall Sign Area. No individual wall sign may exceed eighteen (18) square feet in area. Larger Special Wall Signs are governed by Section 7.12.7.1.4.

.4 Special Wall Sign. The Commission by Special Use Permit may allow wall signs that exceed eighteen (18) square feet in area provided that the following conditions are met.

.1 In no case shall total Special Wall Sign area exceed the maximum area allowed in Section 7.12.7.1.2.

.2 Internal and external illumination and motion shall be governed by Section 7.12.3.

.3 In considering applications for Special Wall Signs, the Commission shall have discretion to consider traffic and public safety concerns and minimization of negative impacts including, but not limited to, aesthetics and excessive lighting. The Commission has discretion to modify applications to address these issues.

.5 Awning Sign. Signs on awnings shall be considered wall signs, with maximum area calculation as defined in Section 7.12.7.1.2. Area does not include the entire awning or its structural elements not forming a part of the signage rectangle.

.6 Projecting Sign. **[ADOPTED SEPTEMBER 6, 2001; AMENDED OCTOBER 19, 2004; JUNE 21, 2005; SEPTEMBER 6, 2005]**
Projecting signs may be hung perpendicular to the façade of a building in lieu of parallel-mounted wall signs.

.1 Signs shall not extend more than four (4) feet outward from a building's façade, and shall not be internally illuminated.

.2 No individual projecting sign shall exceed one-half (½) square foot of area per lineal foot of façade of the building, nor exceed a maximum of ten (10) square feet in area.

.3 Projecting signs shall maintain a minimum clearance of eight (8) feet above the ground.

.4 The CT Department of Transportation may require an Encroachment Permit for signs that project into the State right-of-way.

.7 Window Sign. Window signs shall not be considered "wall signs" for purposes of calculating maximum wall sign area.

.1 Permanent signs that are painted, stenciled or etched to a glass window are allowed as of right, provided they do not exceed twenty (20) percent of the window area.

.2 Temporary signs displayed on the inside of a window are allowed as of right provided they do not exceed twenty (20) percent of the window area and are removed upon completion of the advertised event.

.3 Exposed neon tube signs or their equivalent may be displayed in windows provided the neon tube shall not exceed one-half (½) inch in diameter. Illumination shall be non-flashing, and conform to requirements of Section 7.12.3.

.8 Open Flag. Pole-mounted flags indicating only that a commercial establishment is open for business are allowed as-of-right, provided the flag complies with the following guidelines:

.1 Maximum flag area shall be fifteen (15) square feet.

.2 No more than one flag per business shall be displayed and the flag shall be displayed only when the business is open.

.3 The flag shall not be illuminated.

.4 The flag shall not obstruct sight-line vision of motor vehicles or constitute a hazard or impediment to pedestrians or encroach on a public right-of-way.

7.12.7.2 Detached Signs.

.1 One detached sign shall be permitted per lot provided that such sign shall not exceed eighteen (18) square feet in area. Should two or more businesses occupy the same parcel, maximum size of this detached sign may be increased to twenty-four (24) square feet in area as long as each tenant is identified on the sign and no individual tenant utilizes more than eighteen (18) square feet.

.2 Height. No detached sign shall exceed twelve (12) feet in height. Maximum height is determined by placement of total face of the rectangle containing letters, words, numerals, figures, logos, trademarks, emblems or any combination thereof. Height calculation shall not include

structural elements of the sign not forming an integral part of the signage face.

.3 Screening. The footing and related supporting structure of a detached sign including bolts, flanges, brackets, etc., shall be concealed by either the sign exterior, masonry, earth and permanent groundcover, or evergreen shrubs.

.4 Special Detached Sign. For major commercial, industrial or non-profit establishments with a cumulative gross floor area of 100,000 square feet or greater, the Commission may authorize additional signage through Special Use Permit for the following circumstances:

.1 Special Detached Signs may be permitted in the TC-80, GC-60, HI-60, and MHD districts. Special Detached Signs may also be permitted in NDD districts only when original underlying zoning is either M-1 or HI-60. Nothing herein shall apply to NDD districts for which underlying zoning is either DB-5 or MC-80. Rather, when underlying NDD zoning is DB-5 or MC-80, area and height of detached signs shall be governed by Sections 7.12.7.2.1 and 7.12.7.2.2.

.2 In lieu of the detached sign permitted in Section 7.12.7.2.1, a parcel may be allowed one (1) detached sign, not to exceed fifteen (15) feet in height in accordance with the following Table.

SITE CONDITIONS	MINIMUM PARCEL FRONTAGE	MAXIMUM NUMBER OF SPECIAL DETACHED SIGNS	MAXIMUM SIZE PER SIGN
Single Site Access Driveway; single tenant	N/A	1	100 SF
Single Site Access Driveway; multiple tenants	N/A	1	150 SF
Multiple Site Access Driveways; single tenant	1,000 Feet	2	100 SF
Multiple Site Access Driveways; multiple tenants	1,000 Feet	2	150 SF

.3 Properties in the HI-60 Zone utilizing the Consolidated Parcels regulation in Section 4.9.9.4 will be considered one parcel under Section 7.12.

.4 The Commission shall have the discretion to allow the following additional Special Detached Signs for properties in the HI-60 or NDD Districts, when original underlying zoning for the latter is either M-1 or HI-60. Nothing herein shall apply to NDD districts for which underlying zoning is either DB-5 or MC-80. The Commission may consider whether such signs are warranted due to traffic and public safety concerns, and minimization of negative impacts including but not limited to aesthetics and excessive lighting.

.1 An entrance sign, designating only the name of the development, the sign not exceeding fifty (50) square feet in area and twelve (12) feet in height. Sign areas shall be calculated per Section 1.2.2. The sign may be illuminated with white halo lighting or external full cut-off lighting.

.2 A maximum of two landscape walls with signs designating the names of tenants. The cumulative area of the individual tenant signs per wall shall not exceed one hundred-fifty (150) square feet. Individual tenant signs shall not exceed eighteen (18) square feet. Letter height shall not exceed eighteen (18) inches, and wall height shall not exceed six (6) feet. When a sign consists of individual letters, symbols, or characters, its area shall be computed as the area of the smallest rectangle enclosing all of the letters, symbols or characters. The Commission shall have discretion relative to approval of colors and fonts, samples of which shall be provided to the Commission for approval. The letters of tenant signs may be illuminated with white halo lighting or external full cut-off lighting.

.5 Per Section 2.15.3.3, Architectural Design Review is required for all Special Detached Signs prior to Commission approval.

7.12.7.3 Special Detached Banners. [**ADOPTED APRIL 4, 2002; AMENDED JUNE 24, 2003; JULY 19, 2011**] The use of banners suspended from the decorative street light poles in the DB-5 and MHD zones to promote events held in those respective zones shall be permitted as follows:

.1 Banners shall be made of a durable material such as canvas, twill, or other acceptable fabric.

.2 Banners shall be used only and expressly for the purpose of promoting public events conducted by a non-profit organization, held in and for the support of the downtown district. Banners for events held outside of the downtown DB-5 and MHD zoned areas in which they will be located, shall require approval from the Commission. A sponsorship panel, may be included, not to exceed 25 percent of the banner size.

.3 Banners promoting a specific public event shall be allowed for a maximum of 45 days. There is no restriction the number of days a Welcome Banner, Patriotic Banner or Seasonal Banner can be displayed.

.4 One banner per light pole may be permitted, and must be hung so as to not interfere with pedestrian movements.

.5 All banners shall be uniform, with the exception of the sponsorship panel, unless authorized by the Planning and Zoning Commission. Banners shall be maintained in good condition for the duration of time that they are in place.

.6 A certificate of insurance shall be provided as part of the permit application, naming the Town of Stonington as an additional insured party for the time period that the banners are on display.

.7 The banner program manager shall present the annual schedule of banners to the Planning and Zoning Commission, on or before March 31 of each calendar year.

.8 An encroachment permit may be required by the Connecticut Department of Transportation for any banners that are suspended in the State Right-of-way. It will be the responsibility of the banner program manager to present this permit with the banner schedule for each calendar year.

.9 The Commission may allow banners to be hung in commercial zoning districts outside of DB-5 and MHD Districts through a Special Use Permit, provided the majority of the banner program is located in the DB-5 or MHD zones.

.10 Special Detached Banners attached to light poles or decorative poles may also be permitted on the property of organizations that are not-for-profit or non-profit with an IRS designation of Section 501 (c)(3) and meet the following additional requirements:

.1 Property contains a minimum of 500 parking spaces and is located in the MHD or TC-80 zones.

.2 Density of banners shall not exceed one banner per fifteen parking spaces.

.3 Banners shall maintain a minimum clearance of 8 feet from ground to bottom banner rod.

.4 Banner height shall not exceed 28% of the height of the attaching pole (e.g. a 20' pole can accommodate up to a 5'-8" tall banner), up to a maximum banner size of 6' tall and 2' wide.

.5 Up to two banners per pole shall be permitted within off-street parking areas, and public entrance display areas. Each of the two banners will count toward the total allowed banner density.

.6 A certificate of insurance naming the Town of Stonington as an additional insured party shall not be required for banners installed on private property.

7.12.7.4 Internal Use Signs. [ADOPTED JUNE 21, 2005] Internal use signs as defined in Section 1.2 may be permitted provided they meet the following criteria:

.1 Sign(s) shall not be visible from a public highway, public right-of-way or any residential property.

.2 Sign(s) shall not be internally illuminated.

.3 Under no circumstances shall an internal use sign exceed ten (10) square feet in total area.

.4 The applicant shall provide documentation in the form of location and dimensions of all signs to ensure compliance, taking into consideration both the height of proposed landscaping immediately following completion of the phase of the site plan in question, and seasonality with respect to deciduous vegetation.

7.12.8 **Multi-Tenant Signage Program.**

Multiple tenant commercial and industrial buildings shall submit a signage program to the Planning and Zoning Commission for site plan approval before permits for new signs are issued.

7.12.8.1 Multi-tenant applications shall provide scaled graphic renderings depicting height, all dimensions, colors, materials, illumination, structural elements, applicable landscaping, and location of all proposed signs on the property. Per Section 2.15.3.3, Architectural Design Review is required for new Multi-Tenant Signage prior to Commission approval.

7.12.8.2 Approved Program. Such approved signage program shall guide the owner, tenants, Commission, and Zoning Enforcement Officer in the application for and issuance of any permits required by these Regulations. All Multi-Tenant Signage Programs shall demonstrate compliance with all regulations contained in this chapter governing size, height, lighting and other applicable requirements, taking into consideration any legal non-conformities.

7.12.8.3 Existing Buildings. Multi-Tenant Signage Programs are not required for replacement of existing signs to accommodate new tenants when the gross floor area of an existing building is not being expanded. The Zoning Enforcement Officer may require any information necessary to determine compliance with these regulations, and may require submission of a Signage Program to the Commission in cases where compliance with the regulations is unclear.

7.12.9 **Municipal Athletic Field Sponsorship Panels**. [AMENDED MAY 24, 2011]

The Commission may permit Municipal Athletic Field Sponsorship Panels at municipal athletic facilities in any zoning district through the Site Plan Approval process. Such panels must meet the following criteria:

7.12.9.1 Sponsorship Panels shall be attached to a scoreboard, press box or fence. Any Sponsorship Panels on fences shall not face a public street.

7.12.9.2 Sponsorship Panels shall not be located within 100 feet of any public street or visible from any residential structure.

.1 If any Sponsorship Panels at an individual athletic field are less than 300 feet from a public street, total square footage of panels at that field shall not exceed 100 square feet, not counting the scoreboard itself. Individual panels shall not exceed 50 square feet.

.2 If all Sponsorship Panels at an individual athletic field are greater than or equal to 300 feet from a public street, total square footage of panels at that field shall not exceed 400 square feet, not counting the scoreboard itself. Individual panels shall not exceed 150 square feet.

7.12.9.3 Sponsorship Panels shall not be internally illuminated.

7.12.9.4 The Commission's Site Plan review process shall determine the location, size and materials of Sponsorship Panels. Individual panels may be replaced with other text without subsequent Commission approval so long as the parameters of the Commission's Site Plan Approval does not change.

7.12.10 **Sign Permit Requirements.** (Table) [AMENDED OCTOBER 19, 2004; JUNE 1, 2005; JUNE 3, 2006; MAY 24, 2011]

There shall be an application fee pursuant to the schedule referenced in Section 8.7, unless the proposed sign is allowed as of right, or is an integral element of an application for a Site Plan or Special Use Permit. Sign applications submitted independently from such Site Plan or Special Use Permit shall require payment of the full application fee.

TYPE OF SIGN	PERMIT REQUIRED	ISSUING AGENCY
Contractor (Temporary)	As of Right	N/A
Directional Sign	As of Right	N/A
Farm	As of Right	N/A
Historical Plaque	As of Right	N/A
Identification	As of Right	N/A
Open Flag	As of Right	N/A
Political Campaign	As of Right	N/A

TYPE OF SIGN	PERMIT REQUIRED	ISSUING AGENCY
Public Purpose	As of Right	N/A
Real Estate (Temporary)	As of Right	N/A
Residential Development (Temporary)	As of Right	N/A
Community Event Sign	As of Right	N/A
Window Sign (Permanent & Temporary)	As of Right	N/A
Awning Sign	Zoning Permit	ZEO
Bed & Breakfast Sign	Zoning Permit [6.6.17.9]	ZEO
Detached Sign < 18 Sq. Ft.	Zoning Permit	ZEO
Home Occupation	Zoning Permit	ZEO
Institutional	Zoning Permit	ZEO
Internal Use Sign	Zoning Permit	ZEO
Projecting Building Mounted Sign	Zoning Permit	ZEO
Special Use Permit Sign in Residential Zone	Zoning Permit	ZEO
Wall Sign < 18 Sq. Ft.	Zoning Permit	ZEO
Multi-Tenant Signage Program	Site Plan Review & Architectural Design Review	PZC
Municipal Athletic Field Sponsorship Panels	Site Plan Review	PZC
Detached Menu Board	Special Use Permit [6.6.5.7]	PZC
Special Detached Banner	Site Plan Review or Special Use Permit	PZC
Special Detached Sign > 18 Sq. Ft.	Special Use Permit & Architectural Design Review	PZC
Special Wall Sign > 18 Sq. Ft.	Special Use Permit	PZC

7.13 STORMWATER DRAINAGE DESIGN [AMENDED: AUGUST 7, 1986; SEPTEMBER 7, 2004; SEPTEMBER 29, 2009]

Where a Type 2 Site Plan is required, the following stormwater drainage design criteria shall apply (See 8.4.2.6 for additional drainage plan requirements).

7.13.1 Drainage calculations will be based on a 25-year storm except in those instances where a flood hazard area is located on the property; a 100-year storm will be used.

7.13.2 Drainage calculations will be based on the following:

7.13.2.1 For watersheds less than 200 acres, the rational method shall be used.

7.13.2.2 For watersheds greater than 2,000 acres, the SCS method as defined in the SCS National Engineering Handbook shall be used.

7.13.2.3 For all other watersheds, the SCS Technical Release No. 55 shall be used.

7.13.3 Unit hydrographs showing peak discharge from site both before and after development (ten (10)-year and 100-year storm frequency) shall be provided for drainage design of roof areas, parking lots, and driveways.

7.14 SOLAR ACCESS REGULATIONS [ADOPTED SEPTEMBER 4, 1986]

7.14.1 **General Solar Access Statement.**

Solar Access. The development shall be designed so that the maximum number of buildings shall receive sunlight sufficient for the operation of solar energy systems for space, water, or industrial process heating or cooling. The development is to include passive solar techniques into the Site Design to maximize solar heat gain, minimize heat loss, and provide for thermal storage within a building during the heating season, and provide minimal heat gain and provide for natural ventilation during the cooling season. Buildings and new vegetation shall be sited with respect to each other and to the topography of the site so that unobstructed sunlight reaches the south wall/lot/rooftop for at least 90 percent of the buildings between the hours of 8:00 a.m. and 3:00 p.m.

7.14.2 **Plans.**

A "Shadow Plan" shall be submitted with each application for a Special Use Permit involving the construction of a building over 2,000 square feet or within 50 feet of the property line. A Shadow Plan shall consist of a plan indicating building location and the patterns of shadow cast by them given the proposed building height in the zone (see illustration 7.14.7).

7.14.3 **Locational Requirements – General.**

No accessory building or structure shall be built on any lot on which there is not a principal building. Accessory buildings in all residential districts shall be subject to the following conditions:

7.14.3.1 No accessory building or structure shall be permitted in any required front yard or any required side yard, with the exception of ground-mounted solar collectors.

7.14.3.2 Solar accessory buildings or uses in any rear yard shall not be closer than four feet from any side or rear property line.

7.14.3.3 Solar collectors in front or side yards shall not be closer than four feet from any side property line.

7.14.3.4 The total of all accessory solar buildings or structures shall not occupy more than 40 percent of the required rear yard wherein they are located.

7.14.3.5 No free-standing accessory solar building or structure shall exceed 15 feet in height, unless otherwise permitted.

7.14.3.6 All accessory solar buildings or structures shall be located at least six feet from any principal building situated on the same lot.

7.14.3.7 Passive Solar Techniques will generally utilize the south wall of the dwelling and will be aesthetically compatible with the dwelling.

7.14.4 **Solar Equipment.**

Solar access equipment shall be allowed as follows for each zoning district:

7.14.4.1 Residential. (Table)

DISTRICT	SOLAR ACCESS*
GBR-130	South Lot
RC-120	South Lot
RR-80	South Lot
RA-40	South Lot
RM-20	South Wall

RM-15	Roof
RH-10	Roof

7.14.4.2 Commercial. (Table)

DISTRICT	SOLAR ACCESS
All Districts	Roof

7.14.4.3 Industrial. (Table)

DISTRICT	SOLAR ACCESS
All Districts	Roof

7.14.5 **Terms.**

Locational terms used in 7.14.4 above are interpreted as follows:

7.14.5.1 Rooftop Solar Access: Solar access for a collector mounted above the eave of a building provided the eave is more than 20 feet above ground level.

7.14.5.2 South Wall Solar Access: Solar access for a collector mounted on the south wall of a building at ground level.

7.14.5.3 South Lot Solar Access: Solar access for a collector mounted on the ground at a distance of 20 feet from the south wall of a building.

7.14.5.4 Remote Solar Access: Solar access for a collector mounted on the ground at a distance of at least 50 feet from the building.

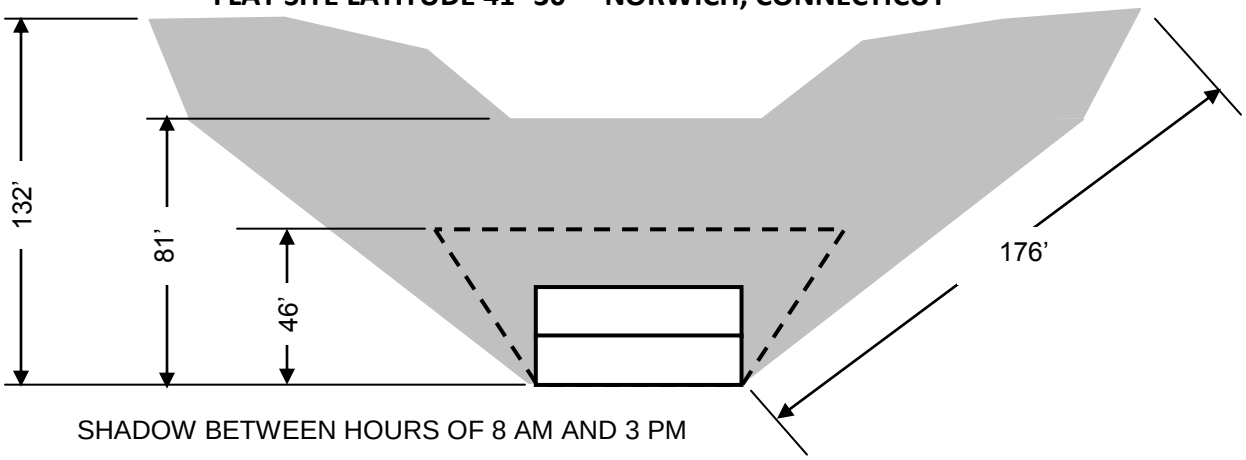
7.14.6 **Yards.**

Yard requirement shall be modified in order to promote the retention of access to solar energy in all residential zones, pursuant to findings resulting from the review of the shadow plan. Any modification of yard requirements shall be limited as follows:

Front Yard	A range of 75 feet to 40 feet
Side Yard	A range of 40 feet to 10 feet
Rear Yard	A range of 40 feet to 10 feet

7.14.7 Solar Shadow Illustration

30’ x 40' x 22' HIGH TO EAVES
30' HIGH TO RIDGE
FLAT SITE LATITUDE 41° 30' – NORWICH, CONNECTICUT



7.15 SWIMMING POOLS

Structural swimming pools for the personal use of family resident on the premises are permitted as an accessory use to a residence provided.

7.15.1 That the pool shall be safeguarded by a fence with a gate with a child-proof latch.

7.15.2 That the pool is not closer than six (6) feet to any side or rear lot line and not closer than the District requirement to any front lot line.

7.15.3 That a zoning permit is applied for and issued.

7.16 YARD AND STREET CLASSIFICATIONS [AMENDED SEPTEMBER 7, 2004]

So as to provide for the future improvement to streets within the Town, this section sets additional front yard requirements based upon a systematic classification of streets within the Town.

7.16.1 **Street Classification.**
For the purpose of providing for the development of a system of major streets and highways in the Town and for the future improvement, reconstruction, and necessary widening of streets and highways, each road in the Town is hereby designated by the following street classifications:

7.16.1.1	Arterials	A.	U.S. Routes 1 and 1A; Conn. Routes 2, 27, 49, 184 and 201; and Pequot Trail.
7.16.1.2	Major Connectors	B.	North Main Street, Flanders Road, Greenhaven Road, Mechanic Street, Mistuxet Avenue, and Pellegrino Road.
7.16.1.3	Major Feeder Roads	C.	Boulder Avenue, Elm Ridge Road, Hewitt Road, Old North Road, South Anguilla Road, Wheeler Road, Al Harvey Road, and Taugwonk Road.
7.16.1.4	Minor Feeder Roads	D.	All other roads in the Town except those designated as E (residential access) by the Commission.
7.16.1.5	Residential Access	E.	Residential access streets which serve no more than 15 dwelling units and do not have a through traffic potential or designation.

7.16.2 **Required Front Yard.** [REPEALED SEPTEMBER 7, 2004]

7.16.3 **Minimum Street Standards.**
The minimum street standards for Residential and Commercial Establishments shall be as follows:

7.16.3.1 Residential Developments. (Table)

NUMBER OF HOUSING UNITS SERVED	PAVEMENT WIDTH
Less than 15	20 feet
15 to 75	24 feet
Greater than 75 and all main through access roads	30 feet

7.16.3.2 Commercial Developments. (Table)

COMMERCIAL ESTABLISHMENTS	PAVEMENT WIDTH
5 or less	24 feet

COMMERCIAL ESTABLISHMENTS	PAVEMENT WIDTH
6 or more	30 feet
Main access roads and loop roads	40 feet

7.17 TELECOMMUNICATIONS ANTENNAS AND TOWERS

[ADOPTED MARCH 17, 1998; AMENDED JULY 20, 2010]

7.17.1 **Purpose and Goals.**

This regulation provides guidelines for the siting and location of telecommunication facilities, including antennas and towers. Pursuant to the Federal Telecommunications Act of 1996, this regulation is intended to accommodate the needs of residents, businesses and the general public, promote the public safety and general welfare of the Town, and minimize any adverse visual or operational effects of wireless communication facilities through careful analysis, design, siting and screening. Goals of the Town of Stonington relative to the siting and location of telecommunication facilities are to:

7.17.1.1 Encourage the location of telecommunication facilities and towers in non-residential areas and minimize the total number of towers throughout the Town.

7.17.1.2 Encourage the joint use of existing telecommunication and tower sites (co-location) whenever possible.

7.17.1.3 Encourage placement of towers and antennas, to the extent possible, in areas where adverse impact on the community is minimized.

7.17.1.4 Encourage telecommunication facilities to be configured in a way that reduces adverse visual impact of towers and antennas.

7.17.1.5 Avoid injury and potential damage to adjacent properties from tower failure through high structural standards of engineering and careful siting of tower structures and setback requirements.

7.17.1.6 Enhance the ability of telecommunications providers to make available such services effectively and efficiently.

7.17.2 **Applicability.**

7.17.2.1 New Towers and Facilities. Requirements set forth in this section shall govern the location of all new telecommunications facilities

including towers and antennas. Height limitations applicable to buildings and structures (Tables 5.1.1 & 5.2.1) shall not apply to facilities that are regulated under this section.

7.17.2.2 Amateur Radio or Receive-Only Antennas. This regulation shall not govern any tower, or the installation of any antenna, that is federally licensed to an amateur radio station operator or is used exclusively for receive-only antennas.

7.17.2.3 Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this regulation shall not be required to meet provisions of this section, other than the requirements of 7.17.7 and 7.17.8.

7.17.3 **Town's Role in Connecticut Siting Council Deliberations.**

7.17.3.1 Pursuant to CGS Section 16-50L(e), applicants seeking a Certificate of Environmental Compatibility and Public Need with the Connecticut Siting Council shall at least sixty (60) days prior to the filing of such application, consult with the municipality and provide a full copy of materials to be submitted to the Siting Council concerning proposed and alternative sites of the facility. Municipal consultation shall include, but not be limited to good faith efforts to meet with the chief elected official and the Town's planning, zoning and inland wetlands officials. At the time of consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, site selection process and environmental effects of the proposed facility.

7.17.3.2 Pursuant to CGS Section 16-50x, it is recognized that the Connecticut Siting Council has exclusive jurisdiction over the location, type and modification of telecommunications facilities and towers, provided that in ruling on applications for certificates or petitions for a declaratory ruling for facilities and on requests for shared use of facilities, the Siting Council shall give such consideration to other state laws and municipal regulations as it deems appropriate. Accordingly, the Town may conduct public hearings and meetings as it deems necessary to advise the applicant of its recommendations concerning the proposed telecommunications facility.

7.17.3.3 Within sixty (60) days of the initial consultation, the Town shall issue its recommendations to the applicant. No later than fifteen

(15) days after submitting the application to the Siting Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.

7.17.4 **Public Notice Requirements.**

Pursuant to CGS Section 16-50L(b), the applicant shall publish a notice at least twice prior to its filing of said application in newspapers having general circulation in the Town of Stonington. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice should include a statement that the applicant will fly a balloon representative of the proposed height of each proposed tower on the day of the public hearing in the host community, including the expected hours of said flight.

7.17.5 **Information to be Submitted to Chief Elected Official.**

Information and material to be submitted to the Chief Elected Official shall include all items required for an application to the CT Siting Council for a Certificate of Environmental Compatibility and Public Need (CGS 16-50L and Regs. Conn. State Agencies 16-50j-74).

7.17.6 **Aesthetics / Landscaping / Security.**

7.17.6.1 Subject to any applicable FAA standards, towers shall be painted a neutral color so as to reduce visual obtrusiveness.

7.17.6.2 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting and built environment.

7.17.6.3 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

7.17.6.4 Towers shall not be artificially lighted unless required by the FAA. If lighting is required, the Planning and Zoning Commission shall review available lighting alternatives and approve the design that would cause the least disturbance to surrounding views.

7.17.6.5 Landscaping.

.1 Telecommunication facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a densely landscaped strip at least five (5) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower will be minimal, the landscaping requirement may be reduced or waived.

.2 Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

7.17.6.6 Security.

.1 Telecommunications facilities and towers shall be enclosed by security fencing with a lockable gate, not less than six (6) feet in height.

.2 Towers shall be equipped with an appropriate anti-climbing device.

7.17.7 **Building Codes and Safety Standards.**

To ensure the structural integrity of a telecommunications facility or tower, owners shall ensure continued maintenance in compliance with standards contained in applicable state building codes and applicable standards published by the Electronic Industries Association, as amended. If, upon inspection, the Town of Stonington concludes that such facility or tower fails to comply with applicable codes and standards and thus constitutes a danger to persons or property, written notice shall be provided to the owner of the facility, who shall then have 30 days to bring such facility into full compliance. If the owner fails to bring the facility into compliance within a 30 day timeframe, the Town may remove such facility or tower at the owner's expense.

7.17.8 **Removal of Abandoned Antennas and Towers.**

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Zoning Enforcement Officer notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Town of Stonington may remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not become effective until all parties cease using the tower.

7.18 SEASONAL MARINA STRUCTURES [ADOPTED NOVEMBER 15, 1998]

In the Marine Commercial (MC-80) Zone, seasonal marina structures not intended to be of permanent duration shall be permitted as of right under the following conditions:

7.18.1 Seasonal marina structures shall be used for protection from the elements and inclement weather and storage of boats and yachts; and

7.18.2 Said seasonal marina structures shall only be used during the period October 1st through May 30th of each year and shall be dismantled and stored under cover during the remainder of each year

7.18.3 Seasonal marina structures shall be exempt from the normal front yard, rear yard, side yard, and floor area ratio requirements of the Bulk Requirements of Table 5.2.1 provided however, seasonal marina structures shall have a front yard setback of 20 feet and a side and rear yard setback equal to the height of the structure and shall not cause the floor area ratio of the lot to exceed 0.50. The height of the structure shall not exceed 20 feet. The Planning and Zoning Commission may reduce the above setback distances if it determines that there will be no adverse effects on adjacent properties.

7.18.4 Seasonal marina structures shall require Site Plan Review by the Commission in the first year of application and shall be subject to annual zoning permit issued by the Zoning Enforcement Officer. In addition to the information normally required under site plan review, the applicant shall supply the Commission with detailed description of appearance of the structure proposed to be utilized as a seasonal marina structure including dimensions, materials, color, etc. The Commission shall approve a project under this section if they find the appearance of such seasonal marina structures will not detract from the quality of the surrounding neighborhood.

7.18.5 Seasonal marina structures shall not generally be subject to the Flood Hazard Regulations of Section 7.7, provided however, they meet the intent of Section 7.7.8.1 and the following:

7.18.5.1 Seasonal marina structures shall be suitably anchored to the ground to prevent them from becoming hazards during times of high wind and water subject to review and approval by the Building Official.

7.18.5.2 Seasonal marina structures shall be provided with break-away wall sections to allow the passage of flood waters to equalize, automatically, hydrostatic flood forces on exterior walls in compliance with section 7.7.3.2.3.1.

7.18.5.3 All utilities serving seasonal marina structures shall be elevated above the Base Flood Elevation.

7.18.6 The location and spacing of seasonal marina structures shall be subject to the review and approval of the Fire Marshall.

7.19 INDUSTRIAL HERITAGE RE-USE DISTRICT [ADOPTED AUGUST 17, 2004]

7.19.1 **General.**

7.19.1.1 The Planning and Zoning Commission may establish site specific Industrial Heritage Re-Use Districts ("IHRD") for those properties containing historic mills aged fifty (50) years or greater from the effective date of this regulation, by approving a Redevelopment Master Plan in conformance with Section 7.19.4. Zoning Regulations applicable to such property as established by the underlying district shall continue in full force and effect unless superseded by the IHRD regulations.

7.19.1.2 In that the approval of an IHRD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a IHRD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

7.19.2 **Statement of Purpose.**
Industrial Heritage Re-Use Districts are intended to encourage renovation and/or adaptive re-use of Stonington's historic mills, promote diversified housing opportunities in combination with commercial, retail or office use where such mixed-use is appropriate, and retaining historic architectural design elements while adapting obsolete or underutilized structures and appurtenances to 21st Century needs. Factors to be considered by the Commission in approving an IHRD include:

7.19.2.1 The location of the proposed uses of the IHRD is in conformance with the adopted POCD.

7.19.2.2 Preservation, to the maximum feasible extent, of buildings and building elements possessing historic or architectural significance. New buildings and building additions shall be architecturally compatible with existing historic structures, and the

neighborhood (when feasible) and respect exterior attributes of such structures and neighborhood.

7.19.2.3 Adaptive re-use that addresses Stonington's housing needs, and in the appropriate setting provides space for business or retail establishments. Since each historic mill is unique in terms of its location and design challenges, there shall be no mandatory area ratio of residential use versus commercial use; rather, the type and placement of each proposed use shall be indicated in the Redevelopment Master Plan.

7.19.2.4 Harmony between mixed-uses that are proposed for the property, compatibility with neighboring land uses, enhancement of the built, natural and human environment, promotion of pedestrian safety, provision for adequate parking, and minimized impact of motor vehicles.

7.19.2.5 Furtherance of goals and objectives contained in Stonington's Plan of Conservation and Development.

7.19.2.6 Furthers the policies of the Coastal Management Act.

7.19.3 **Establishment of District.**

The Commission shall establish an IHRD by approving a Redevelopment Master Plan, which while not intended to be a substitute for detailed documentation associated with a site plan, does provide sufficient information to determine if the proposal is in conformance with Section 7.19.2 and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with Section 9.4 of these Regulations.

7.19.3.1 Numbering of Industrial Heritage Re-Use Districts. Each IHRD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as IHRD-1, IHRD-2 and so forth.

7.19.3.2 District Size and Control. While no minimum parcel size is required for a rezoning, the land area proposed for an IHRD shall encompass the entire tract on which the industrial building(s) are located. Lots adjoining the original mill site may be combined for purposes of a rezoning application, provided that all owners of record shall indicate in writing that they are aware of the application and that the applicant is authorized to act on their behalf under these Regulations.

7.19.3.3 District Expiration. Approval of the zone change shall become null and void unless a site plan for the IHRD is approved within 24 months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed 24 additional months.

7.19.4 **Master Plan.** [AMENDED SEPTEMBER 5, 2006]
The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 7.19.2 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the IHRD and its uses. All graphic elements of the Master Plan shall be professionally prepared in accordance with Section 8.4.3 of these regulations.

7.19.5 **Site Plan.**
After Redevelopment Master Plan approval and establishment of an Industrial Heritage Re-Use Districts by the Commission, an application for a site plan must be submitted for approval, following provisions contained in Article VIII of these Regulations. The Commission shall schedule a public hearing for the site plan application.

7.19.6 **Specific Design Standards.**
The following design standards shall apply to all IHRD Districts:

7.19.6.1 Area and Bulk Requirements. Adaptive re-use requires flexibility, and existing historic structures located within the IHRD District are deemed to be conforming in terms of any encroachments on front, side and rear yard setbacks, maximum height and floor area ratio. Existing buildings may be enlarged–provided that such expansion is consistent with the structure's exterior historic architecture.

7.19.6.2 Replacement Structures. Where existing buildings are deemed inappropriate for re-use, they may be replaced by new structures provided that such structures shall be architecturally compatible with remaining historic structures located on the property, and the surrounding neighborhood, when and where feasible.

7.19.6.3 New Construction (In addition to existing and/or replaced structures). [AMENDED FEBRUARY 6, 2007]

.1 New structures to be built within the IHRD District, when such construction is not replacing an existing structure,

shall conform to all area, bulk and setback requirements established for the underlying zoning district as contained in Article V of these Regulations, except authorized encroachments in Section 7.19.6.1.

.2 Residential units shall be limited to either: (i) one (1) unit of housing for every 1,000 square feet of existing structure, up to 50,000 square feet of existing structure; or (ii) ten (10) units of housing per acre. The Commission shall only allow adjacent lots to be used for density considerations where the applicant can prove a clear, historical link between the adjacent lot and the main industrial property during the period the properties were utilized as industrial sites.

7.19.6.4 Parking. Residential off-street parking shall be provided at a ratio of no less than one (1) space per dwelling unit. The Commission shall determine the total residential parking requirement, taking into account opportunities for shared parking and available public parking areas adjacent to the site. Parking required for all non-residential uses shall be governed by Table 7.10.4.4 of these Regulations. Parking lot design and landscaping shall conform with Section 7.10.

7.19.6.5 Prohibited Uses. Uses prohibited in the IHRD District shall include: Gasoline filling stations, Motor vehicle and trailer coach sales, leasing and renting, Tire sales establishments, Auto repair shops and paint shops, Car washes, and Drive-thru windows – except financial institutions and pharmacies. Any other use listed in Article V shall be permitted in the IHRD District subject to approval of a Redevelopment Master Plan.

7.19.6.6 Buffers.

.1 Non-infringement area of 50 feet minimum from tidal marsh and significant natural resources such as, but not limited to, inland wetlands, estuary shoreline and bodies of water, excepting only boat and yacht facilities after necessary State, Federal, and local permits are acquired, may be reduced to zero (0) feet by a majority vote.

.2 The Commission may require additional buffers of such size, type and material as necessary to protect adjacent properties or important natural resources.

7.20 MARITIME HERITAGE DISTRICT (MHD) [ADOPTED JUNE 21, 2005]

7.20.1 General.

7.20.1.1 The Planning and Zoning Commission recognizes that the Mystic Seaport Museum is a unique institution, the pre-eminent museum of maritime history in the country. As a living museum, it embodies the essence of early Stonington and is a major economic engine for the Town. The Commission also recognizes that for the Mystic Seaport Museum to thrive, it needs flexibility to change exhibits, educational facilities and accommodations to meet changing demands. At the same time, the Commission appreciates that the Mystic Seaport Museum exists in the middle of a largely residential neighborhood and that the cars, buses and pedestrians it attracts can disrupt normal residential life for Stonington residents. To allow the Mystic Seaport Museum to thrive as an important institution in the Town and also to assure residents that its existence and future plans will enhance and not disrupt the surrounding residential neighborhood, the Planning and Zoning Commission creates a special Maritime Heritage District (MHD).

7.20.1.2 The MHD is a floating zone governed by a Master Plan to be submitted by the Mystic Seaport Museum. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and the terms and conditions of these regulations. The Master Plan will change over time, but any change will be subject to the same review and public hearing procedure as the original zone change. Once enacted, the MHD will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new zone, except as required under Section 7.20.6.1.8.

7.20.2 Statement of Purpose.

The MHD is intended to permit museum, tourism, historical, cultural and educational uses that preserve and enhance the Town's historic character, while providing opportunities for exploring the maritime heritage of the nation. This zone is intended to allow for the establishment, continuation and expansion of such uses and activities in ways that will maintain and enhance compatibility with surrounding neighborhoods. Factors to be considered by the Commission in approving the MHD include:

7.20.2.1 The proposed uses and layout are in conformity with the goals of the Plan of Conservation and Development.

7.20.2.2 Tourist-related activities and facilities, including cafeterias and sale kiosks, as well as all boat building and marine services, shall primarily be located on the west side of Greenmanville Avenue, allowing Greenmanville Avenue to serve as a separating corridor between the more intensive museum activities and the residential neighborhoods to the east.

7.20.2.3 Less intense museum activities, such as administrative offices, maintenance buildings and facilities, barns, greenhouses, parking, storage, student housing, research facilities, and educational classrooms may be located on the east side of Greenmanville Avenue, but only if appropriately located and buffered from surrounding residential uses and zones.

7.20.2.4 Rossie Mill constitutes an historic mill site in the Town of Stonington and is appropriate for adaptive re-use. Such uses may include a conference center (no overnight accommodations), and special exhibition space, in addition to other uses allowed on the east side of Greenmanville Avenue. The Rossie Mill site shall be defined as the Museum-owned property north of Rossie Pentway and south of Velvet Lane.

7.20.2.5 Building and building elements, possessing historic significance, shall be preserved, to the extent feasible. Modifications shall not compromise the historic aspect of the building. The proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, to the terrain, and to the use, scale and architecture of existing buildings in the vicinity. All spaces and structures visible to the public and public roadways shall be designed to add to the visual amenities of the area, consistent with the existing appearance of the neighborhood.

7.20.2.6 All activities within the MHD shall be designed such that harmony and compatibility with surrounding residential neighborhoods and land uses, including adequate buffers, protection of pedestrian safety, provision for adequate parking, minimized impact of motor vehicles, and prevention of glare to adjacent properties from lighting on-site is provided. Commercial and tourist traffic shall be directed to major arterials and away from residential streets.

7.20.2.7 Furtherance of the policies of the Coastal Area Management Act.

7.20.3 **Establishment of District.**

The Commission shall establish the MHD by approving a Master Plan, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in conformance with Section 7.20.2 and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with Section 9.4 of these Regulations. While no minimum parcel size is required for a re-zoning, the land proposed for the MHD shall encompass the entire land of the Mystic Seaport Museum along Greenmanville Avenue and the streets directly connected thereto. The limits of the MHD zone shall be established by the road right-of-way bordering the property of the Mystic Seaport Museum. Any land acquired by the Mystic Seaport Museum subsequent to the enactment of the zone shall not be a part of the zone unless and until it is included in a new Master Plan. Any addition to the Master Plan must comply with the criteria of Section 7.20.2, and any such change shall be made in such a way as to not disrupt the surrounding residential neighborhood.

7.20.4 **Master Plan.** [AMENDED SEPTEMBER 5, 2006]

The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 7.20.2 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the MHD and its uses. All graphic elements of the Master Plan shall be professionally prepared in accordance with Section 8.4.3 of these regulations. In addition:

7.20.4.1 The Master Plan shall include provisions for a traffic pattern that directs commercial and tourist traffic to the major arterials and away from residential streets.

7.20.5 **Site Plan.**

After Master Plan approval and establishment of the zone by the Commission, an application for a site plan must be submitted for approval, following the provisions contained in Article VIII of these Regulations.

7.20.5.1 The Commission shall schedule a public hearing for the site plan application.

7.20.5.2 The Site Plan shall include information required in Sections 2.16, 8.4.1 and 8.4.2 of these regulations. The Commission may provide waivers of the required information.

7.20.6 **Specific Design Standards.**

The following design standards shall apply to the MHD:

7.20.6.1 Area and Bulk Requirements. Existing structures located within the MHD are deemed to be conforming in terms of any encroachments on front, side and rear yard setbacks, maximum height and floor area ratio. Existing buildings may be enlarged, provided such expansion is consistent with the structure's exterior historic architecture and approved as part of the MHD. Otherwise, bulk and dimensional standards will be as follows:

.1 Minimum front yard: Greenmanville Avenue: zero (0) feet

.2 Minimum front yard: other streets: 20 feet.

.3 Minimum side yard: 20 feet, except that the side yard depth may be reduced to five (5) feet in areas if specifically approved on the Master Plan, provided the reduction is in compliance with Section 7.20.6.2.2.

.4 Minimum rear yard: ten (10) feet, except that the rear yard depth may be reduced to zero (0) feet along the waterfront if specifically approved on the Master Plan, provided the reduction is in compliance with Section 7.20.6.2.2.

.5 Maximum building height: 35 feet, except building height may be increased to 45 feet if specifically approved on the Master Plan. The Commission may modify Section 7.3.5 for a specific building if specifically approved on the Master Plan.

.6 Maximum floor area ratio: 0.45.

.7 The Commission shall not reduce the yard requirements unless such reduction is compatible with the objectives of Section 7.20.2 and does not disrupt surrounding residential properties. Where reductions in yard requirements are allowed, the Commission may require, where appropriate, performance buffers.

.8 For the purposes of subdivision, the minimum lot size, and frontage bulk requirements of the pre-existing zoning districts shall remain in effect.

7.20.6.2 Buffers.

.1 Performance Buffers. The Commission will carefully analyze any buffers between the MHD and surrounding residential neighborhoods with particular regard to the objectives and requirements of Section 7.20.2.6. The Commission may tailor buffers to include greater setbacks,

landscaping, fences, walls, and berms, considering the relative heights of the uses on each side of the buffer. The Commission may allow for buffering to be located on adjacent property with consent of the affected property owner (landscaping, fence, or wall, etc.)

.2 Standard Buffers. Unless otherwise approved in the Master Plan, buffers for non-residential uses within the MHD shall be established and maintained as 25 feet with five (5) feet of screening from adjoining residential zone and/or any additional buffer requirements as determined by the Commission pursuant to standards in Section 6.4.

.3 Buffers may only be reduced from those established under Section 7.20.6.2.2 in the event such reduction is compatible with the objectives of Section 7.20.2 and does not disrupt surrounding properties. When reduction of buffers is allowed, the Commission shall require, where appropriate, performance buffers.

7.21 NEIGHBORHOOD DEVELOPMENT DISTRICT (NDD)

[ADOPTED NOVEMBER 16, 2005]

7.21.1 General.

7.21.1.1 The Planning and Zoning Commission recognized that there exists commercial properties located in close proximity to the village cores which create a unique opportunity for neighborhood development as acknowledged in and described as essential for, implementation in the Plan of Conservation and Development (POCD). The development of these sites are a sensitive matter to the Town and the neighborhoods being impacted, as such any decisions and determinations made with respect to these properties would require assurances for the Town and its residents that its existence and future plans will enhance, and not disrupt, the surrounding residential neighborhood. Accordingly the Planning and Zoning Commission does hereby create a special Neighborhood Development District (NDD).

7.21.1.2 The NDD will be a floating zone governed by a Master Plan, in accordance with these regulations. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and the terms and conditions of these regulations. The Master Plan requires certain fluidity, and as such, may change over time; but any substantial and material change would be subject to the same review and public

hearing procedures as the original zone change. Once enacted, the NDD will supersede all pre-existing zoning, and any development on the zoned property will be subject to the new zone.

7.21.1.3 In that the approval of a NDD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a NDD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

7.21.2 **Statement of Purpose.**

The NDD is intended to: encourage the reclamation of underutilized commercial parcels and permit new construction, renovation and/or adaptive re-use at these sites; promote diversified housing opportunities, including, but not limited to, mixed-use development uses; and preserve and enhance the Town's historic character, sensitive environmental resources and these neighborhoods in the village cores. This zone is intended to allow for the establishment, continuation and expansion of such uses and activities in ways that will maintain and enhance compatibility with surrounding neighborhoods. Factors to be considered by the Commission in approving the NDD include:

7.21.2.1 The proposed uses and layout are in conformity with and in furtherance of the goals and objective contained in the POCD.

7.21.2.2 Harmony and compatibility with surrounding residential neighborhoods, land uses and the village cores, including adequate buffers that are consistent with the existing condition on the site, neighborhood and/or village core, promotion of pedestrian safety, provision for adequate parking, minimized impact of motor vehicles, and prevention of glare to adjacent properties from lighting on-site. To the extent practical, commercial traffic shall be directed to major thoroughfares and away from residential streets.

7.21.2.3 Furtherance of the goals, standards and policies of the Connecticut Coastal Area Management Act.

7.21.3 **Establishment of District.**

7.21.3.1 The Commission shall establish the NDD by approving a Master Plan, which while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient

information to determine whether the proposal is in conformance with Section 7.21.2 and the POCD. Such adoption shall constitute a zoning map amendment in accordance with Section 9.4 of these Regulations.

7.21.3.2 Additions and Alterations. Any addition to the Master Plan must comply with the criteria of Section 7.21.2, and any such change shall be made in such a way as to not disrupt the surrounding residential neighborhood.

7.21.3.3 District Eligibility. The following characteristics are required for a site to be eligible for the NDD designation:

.1 Located in one of the following zoning districts: DB-5, MC-80, M-1 or HI-60, or specifically identified in the Plan of Conservation and Development as a NDD eligible site;

.2 On a parcel of land of 150,000 square feet or more; and

.3 Ability to connect to a public water supply and municipal sanitary sewer.

7.21.3.4 District Expiration.

.1 Approval of the zone change shall become null and void unless a site plan for the NDD is approved within twelve (12) months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed twelve (12) additional months.

.2 Final Plans. Final plans, endorsed by the Commission, shall be filed in the Town Clerk's Office within ninety (90) days of the expiration of the appeal period. In the case of an appeal, the final plans must be recorded within 90 days of the completion of the appeal. The Commission may grant an extension of time, not to exceed an additional ninety (90) days.

7.21.3.5 Numbering of Neighborhood Development Districts. Each NDD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as NDD-1, NDD-2 and so forth.

7.21.3.6 Regulation Expiration. The Commission may only allow a maximum of five (5) Neighborhood Development Districts.

7.21.4 **Master Plan.** [AMENDED SEPTEMBER 5, 2006]

The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 7.21.2 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the NDD and its uses. All graphic elements of the Master Plan shall be professionally prepared in accordance with Section 8.4.3 of these regulations.

7.21.5 **Site Plan.**

As part of, or after Master Plan approval and establishment of the zone by the Commission, an application for a site plan must be submitted for approval, following the provisions contained in Article VIII of these Regulations. In addition:

7.21.5.1 The Commission shall schedule a public hearing for the site plan application.

7.21.5.2 The Site Plan shall include information required in Sections 2.16, 8.4.1 and 8.4.2 of these regulations. The Commission may provide waivers of the required information.

7.21.6 **Specific Design Standards.**

The following design standards shall apply to the NDD:

7.21.6.1 Area and Bulk Requirements. Existing structures located within the NDD are deemed to be conforming in terms of any encroachments on maximum height, maximum lot coverage and floor area ratio.

.1 Minimum district size: 150,000 square feet
.2 Minimum front yard: 0
.3 Minimum side yard: 0
.4 Minimum rear yard: 0
.5 Maximum building height: specifically approved on the Master Plan. The Commission may modify Section 7.3.5 for a specific building if specifically approved on the Master Plan.
.6 Maximum floor area ratio: N/A, established by the Master Plan.
.7 Maximum lot coverage: N/A, established by the Master Plan.
.8 Signage. A signage package based on a unified design theme for the entire parcel shall either be submitted as

part of a Master Plan, or a site plan application after adoption of a Master Plan. Except as noted herein, all standards of Section 7.12 shall apply. Signage packages shall include:

.1 Scaled drawing of the parcel depicting the location of all proposed signs.

.2 Scaled graphic renderings depicting height, all dimensions, colors, materials, illumination, structural elements and applicable landscaping for all proposed signs. No detached sign within the NDD shall exceed twelve (12) feet in height.

7.21.6.2 Residential Density. (Table)

	SINGLE USE	MIXED USE - TIER 1	MIXED USE - TIER 2
Maximum units per acre	8	10	12
Minimum units per building	2 units	3 units	3 units
Required commercial gross floor area[1]	0%	20%	40%
Required residential above first floor[2]	0%	50%	100%

1. Percent of Gross Floor Area, which is required to be dedicated to commercial use(s).
2. Percent of residential units required to be above the first floor of a commercial use(s).

7.21.6.3 Buffers.

.1 Performance Buffers. The Commission will carefully analyze any buffers between the NDD and surrounding residential neighborhoods and may tailor buffers to include greater setbacks, landscaping, fences, walls, and berms, considering the relative heights of the uses on each side of the buffer. The Commission may allow for buffering on adjacent property with consent of the affected property owner (landscaping, fence, or wall, etc.).

.2 Standard Buffers. Unless otherwise approved in the Master Plan, buffers for non-residential uses shall be established and maintained as 25 feet with ten (10) feet of screening from adjoining residential zone and/or any additional buffer requirements as determined by the Commission pursuant to standards in Section 6.4.

.3 Non-Infringement Areas. Non-infringement area of 50 feet minimum from tidal marsh and significant natural resources such as, but not limited to, inland wetlands, estuary shoreline and bodies of water, excepting only boat and yacht facilities after necessary State, Federal, and local permits are acquired, may be reduced to zero (0) feet by a majority vote.

.4 Buffers may only be reduced from those established under Section 7.21.6.2.2 in the event such reduction is compatible with the objectives of Section 7.21.2 and does not disrupt surrounding residential properties. When reduction of buffers is allowed, the Commission shall require, where appropriate, performance buffers.

.5 The Commission may require additional buffers of such size, type and material as it deems reasonably necessary to protect adjacent properties or important natural resources.

7.21.6.4 Prohibited Uses. Uses prohibited in the NDD shall include:

.1 Gasoline filling stations.
.2 Motor vehicle and trailer coach sales, leasing and renting.
.3 Tire sales establishments.
.4 Auto repair shops and paint shops.
.5 Car washes.
.6 Single Family detached residences.

7.21.6.5 Permitted Uses. Uses permitted in the NDD shall include:

.1 Assembly: Buildings.
.2 Boat Livery.
.3 Boat Part Sales.
.4 Boat Repair.
.5 Boat Sales.
.6 Bowling /Billiards.
.7 Churches.
.8 Commercial Recreation.
.9 Community Center/Library.
.10 Conference Center.
.11 Congregate Living Facility.
.12 Convalescent Home.
.13 Day Care Center.
.14 Excavation.
.15 Fabricate/Compounding.
.16 Family Day Care Center.

.17 Filling.
.18 Financial Institutions.
.19 Funeral Home/Mortuary.
.20 Health Club.
.21 Home Occupations.
.22 Hospital.
.23 Hotels.
.24 Housing for the Elderly.
.25 Laundries/Laundromats.
.26 Light Manufacturing.
.27 Liquor Sales.
.28 Marina/Yacht Club.
.29 Medical Clinic.
.30 Motels.
.31 Municipal Facility.
.32 Office Building.
.33 Parking, dedicated off-site – sender in accordance with Section 7.10.2.4.
.34 Parking, dedicated off-site – receiver in accordance with Section 7.10.2.4.
.35 Parking, off street.
.36 Parking, reductions in accordance with Section 7.10.2.3
.37 Parking, shared in accordance with Section 7.10.2.5
.38 Personal Services.
.39 Public Utilities.
.40 Recreational Facilities accessory to permitted commercial/ manufacturing uses.
.41 Recreational Facilities: Incidental to Residence.
.42 Recreational Facilities: Public or Private.
.43 Recreational Uses Accessory to Commercial Use.
.44 Research & Development.
.45 Restaurants/Not Drive-In.
.46 Residential in accordance with the density requirements in Section 7.21.6.2.
.47 Sales: retail/wholesale.
.48 Schools, Public/Private.
.49 Seasonal Marina Structures.
.50 Special Wall Signs larger than 18 sq. ft. in accordance with Section 7.12.7.1.4.
.51 Storage (Incidental) of goods and supplies.
.52 Theaters.
.53 Wellness Center.
.54 Wineries.

7.22 RENEWABLE ENERGY SYSTEMS

[ADOPTED OCTOBER 18, 2011]

7.22.1 Small Wind Energy Systems.

7.22.1.1 Purpose. The purpose of these regulations is to provide for Small Wind Energy Systems and set forth standards for the placement, design, construction, monitoring, modification, and removal of Small Wind Energy Systems that also address public safety, minimize the impact on scenic, natural, and historic resources of the town and include adequate financial assurance for decommissioning.

7.22.1.2 Definitions.

Fall Zone: The area defined as the furthest distance from the tower base (including the rotor blades), in which a guyed tower or system will collapse in the event of structure failure.

Wind Turbine: A device that converts wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle, and a rotor with two or more blades.

Shadow Flicker: The alternating light intensity produced by a wind turbine as a rotating blade casts shadows on the ground or stationary objects, such as the window of a residence.

7.22.1.3 Permits, Approvals, and Reports.

.1 Site Plan Approval by the Planning and Zoning Commission is required for all Small Wind Energy Systems.

.2 The applicant shall provide a written report to the Commission describing the Small Wind Energy System that contains technical supporting documentation establishing its structural integrity and need for accessory structures. Such information shall include the manufacturer, model, rotor diameter (or helical blade diameter) and tower type, and description of interconnection to the regional power grid, if applicable. The report shall include documentation that the tower and turbine are engineered to withstand appropriate wind loads in conformance with applicable Building Codes. This report shall also address impacts of the proposed system including noise and vibration levels, wildlife impacts and Shadow Flicker.

.3 Site Plans for a Small Wind Energy System shall include those items required under Section 8.4.1 of the Zoning Regulations and shall clearly show locations of Fall Zones for all proposed systems.

7.22.1.4 Location and Design Criteria for Small Wind Energy Systems. Small Wind Energy Systems shall be permitted on parcels of a minimum of 40,000 square feet in the following zones: RA-40, RR-80, RC-120, GBR-130, M-1, GC-60, TC-80, MC-80, LI-130, and HI-60 provided that the requirements of this and other applicable sections of the Zoning Regulations are met.

.1 Setbacks: A Small Wind Energy System, whether free standing or building mounted, shall provide a Fall Zone a minimum of 1.1 times the overall height of the tower, including all equipment, from:

.1 Property lines.

.2 Overhead utility lines, unless written permission is granted by the affected utility.

.3 Guy wires used to support the tower are exempt from the setback requirements but must be a minimum of ten (10) feet from the property lines.

.4 Sidewalks intended for public use.

.2 Small Wind Energy Systems shall not be permitted in required non- infringement or buffer areas, inland wetland and watercourses, tidal wetlands or coastal resources as defined in Section 22a of the Connecticut General Statues.

.3 Small Wind Energy Systems shall be permitted only on the same parcel of land as the building(s) intended to be served by the system. The maximum number of Small Wind Energy Systems shall be limited to one per lot in applicable residential zones and two per lot in applicable commercial zones, provided all other requirements are met.

.4 Tower Height: The maximum stationary tower height shall be restricted to 40 feet as measured from the lower of (1) the average finished grade or (2) 10 feet above predevelopment grade as measured by the Town's GIS data system or a more accurate topography survey, to the tip of the rotor blade at its highest point, or, in the case of a helical system, to the highest point of a helical system. The maximum building – mounted

tower height shall not exceed 10 feet as measured from the building's highest roof peak to the tip of the rotor blade at its highest point or, in the case of a helical system, the highest point of a helical system. Small Wind Energy Systems are not required to conform to building height requirements of 5.1.1 and 5.2.1.

.5 Noise: The sound pressure level generated by a Small Wind Energy System shall not exceed 20 dB(A) measured at the property lines.

.6 Shadow Flicker: Small Wind Energy Systems shall be sited in a manner that minimizes shadowing or flicker impact. The applicant shall demonstrate that Shadow Flicker does not have a significant adverse impact on neighboring or adjacent uses.

.7 Vibration: Small Wind Energy Systems shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.

.8 Aesthetics: Natural colors and non-reflective finishes and materials shall be used and maintained for the exterior of the tower and necessary structures to blend the system into the natural setting and built environment. Screening and landscaping shall be provided at the base of stationary towers and any equipment to soften the visual impact of such structures.

.9 Advertising signage, communication devices, cellular dishes or similar shall not be attached to a tower. Warning signs shall not exceed three (3) square feet in size.

.10 Small Wind Energy Systems shall be designed to prevent unauthorized access. The tower shall be installed so as to not provide step bolts or other climbing means readily accessible for a minimum height of twelve (12) feet above the ground. Electrical wiring shall be installed underground and must be in compliance with the applicable building code. Electrical equipment shall be locked or secured within a fenced area.

.11 Clearing of natural vegetation should be limited to that which is necessary for the construction, operation and maintenance of the Small Wind Energy System and as otherwise prescribed by applicable laws, regulations and ordinances.

7.22.1.5 Utility Notification: No Small Wind Energy System shall be granted a Building Permit until written evidence has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid, non-connected systems shall be exempt from this requirement.

7.22.1.6 Abandonment: The owner of the property where a Small Wind Energy System is located shall be required to obtain a demolition permit to remove and properly dispose of the system within one hundred and twenty (120) days of its abandonment, which shall be defined as the ceasing of production of electricity for longer than ninety (90) days. If such system is not removed within the specified timeframe, the Town of Stonington may remove the system at the owner's expense.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

8.1 INTERPRETATION

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, provision of law, easement, or covenant.

8.1.1 **Conflict.**
When these Regulations or any section of these Regulations impose restrictions on use or bulk different from those imposed by any other section of these Regulations, statute, public law, other regulations, ordinance or private agreement or legal relationship, whichever provisions are more restrictive or impose higher standards shall control.

8.2 ZONING PERMITS

These Regulations shall be administered by the Planning and Zoning Commission or its appointed agent as provided for in these Regulations.

8.2.1 A permit will be issued when all the applicable findings are made for compliance. In determining compliance, the Planning and Zoning Commission, or its appointed agent, shall have the following powers:

8.2.1.1 Inspect any building, place, premises, or use as to its compliance with these Regulations during the hours such building, place, premises, or use is being conducted or occurring.

8.2.1.2 Conduct on-site inspections pursuant to applications for permits or complaints concerning only those structures, uses, or activities that fall within the purview of these Regulations.

8.2.1.3 To seek or require such information as may be needed to properly determine the facts of any issue under these Regulations.

8.2.2 **Obtaining Permits.** [AMENDED JANUARY 20, 1970; JANUARY 30, 1975]
Before undertaking any site improvement work changing the use or adding to the exterior of any structure, including buildings, accessory buildings, and/or signs, or changing the use of any premises, application shall be made to the appointed agent for the Commission for a Zoning permit. Applications shall include the following items.

8.2.2.1 Application form as provided by the Commission.

8.2.2.2 Site plan showing the proposal in sufficient detail to allow appropriate findings of compliance with these Regulations, including signs, lot dimensions and angles, size and location of buildings, and location of sanitary water supplies at least two copies of floor and construction plans of buildings, and other such information and requirements detailed under site plan specifications for the various types.

8.2.2.3 Other such documentation or information necessary, including special reports, building renderings, property owner's certification for agent, legal descriptions, and letters of clearance from reporting agencies, and an Impact Statement if required.

8.2.2.4 Copies of other State, local, or Federal applications required for the proposed facility, use, or building.

8.2.2.5 An Impact Statement meeting the standards of Section 8.8 when applying for Special Use Permit approval.

8.2.2.6 Data and information as required by Section 2.16, Architectural Design Review Requirements.

8.2.3 **Certificate of Zoning Compliance.**

It shall be unlawful to use any building, structure, premises or part thereof, hereafter created or erected, or change the use of a structure until a Certificate of Zoning Compliance shall have been issued showing that such building, structure or premises, or part thereof, and the proposed use thereof, are in conformity with the provisions of these Regulations. Prior to the actual issuance of such certificate, the owner shall furnish the Enforcement Officer with two copies of the Site Plan drawn to the applicable requirements set forth herein and other such information or documents as the Commission or these Regulations do require.

8.2.4 **Validity.**

A zoning permit and other approvals rendered by the Planning and Zoning Commission shall be valid for one (1) year. The one (1) year begins on the date of the Commission approval or the date of resolution of litigation pursuant to Planning and Zoning Commission action and the application.

8.2.4.1 Such permit may be renewed for one year upon filing a written request to do so and the applicable application fee.

8.2.4.2 All work in connection with a Site Plan shall be completed within five (5) years after the approval of the plan.

8.2.5 **Permit for Uses Subject to Performance Standard Procedure.**
An application for a Zoning Permit and a Certificate of Zoning Compliance for a use subject to Performance Standards shall be referred to the Planning and Zoning Commission in duplicate form prescribed by the Commission. The applicant shall also submit in duplicate a plan of the proposed construction, and an affidavit acknowledging his understanding of the applicable Performance Standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes and any information submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it.

8.3 SITE PLAN SUBMISSIONS – REVIEW AND APPROVAL

[AMENDED JUNE 2, 2009; SEPTEMBER 29, 2009; JULY 20, 2010; JUNE 4, 2013]

8.3.1 **Pre-Application Review.**
A pre-application review with the Department of Planning, while not mandatory, allows an applicant to discuss pertinent regulations and procedures. The objective is to ensure that basic requirements can be met prior to incurring application, surveying, engineering and legal costs associated with preparing a detailed application, and to reduce time spent on formal plan reviews and public hearings. Pre-application meetings are intended to guide the applicant, and staff comments shall not be considered approval or denial of a project or any of its elements.

8.3.2 **Site Plan Content, Review and Approval.**
Site Plan approval shall be granted by the Commission or the Zoning Enforcement Offer as is applicable, upon a finding of compliance with these Regulations, including submission of a Type 1 or a Type 2 Site Plan as required herein, and submission of architectural renderings as described in Section 2.16.1 for all site plans and Special Use Permits meeting criteria of Section 2.15.3. The number of copies to be submitted with an application shall be determined by the Department of Planning.

8.3.2.1 The Zoning Enforcement Officer shall review uses permitted by right (including accessory uses) in residential zoning districts. The Zoning Enforcement Officer shall also review single family dwellings and their accessory uses located in commercial and industrial zoning districts. A Site Plan shall be submitted, containing those elements that the Zoning Enforcement Officer determines are necessary to demonstrate compliance with these Regulations.

8.3.2.2 With the exception of single family dwellings and associated accessory uses administered under Section 8.3.2.1, the Planning and Zoning Commission shall review all other uses permitted by right (including related accessory uses) in commercial and industrial zoning districts. Activities requiring a Type 1 site plan are listed in 8.3.4, while those requiring a Type 2 site plan are listed in 8.3.5. The Commission may by majority vote require a public hearing for permitted uses when it determines to do so will be in the interest of the public.

8.3.2.3 The Planning and Zoning Commission shall review all activities requiring a Special Use Permit. A Type 2 Site Plan shall be submitted containing all elements listed in 8.4.2. In addition, applications for Special Use Permits shall address in writing all items listed in 6.1.2 (Application Documents).

8.3.2.4 When reviewing Type 1 or Type 2 Site Plan applications, the Commission by majority vote may waive one or more of the listed plan elements when an application involves either minimal site alterations, or when there are sufficient plans on file with the Commission demonstrating site conditions. Waiver requests shall be made in writing by the applicant at the time of application submission, specifically describing the relief being sought.

8.3.3 **Complete Application.**

8.3.3.1 Type 1 or Type 2 Site Plan submissions shall be deemed complete when the Department of Planning has certified it contains all items as specified herein, including submission of architectural renderings as described in Section 2.16.1 for all site plans and Special Use Permits meeting criteria of Section 2.15.3. If an application lacks information required by these Regulations, including waivers that have not been requested and justified, such deficiencies shall be noted in the staff report to the Commission, a copy of which shall be provided to the applicant. Incomplete applications risk denial.

8.3.3.2 Notwithstanding the above requirements, the Commission may subsequently require the correction of any information found to be in error, or submission of additional information specified in these regulations but not required by the Department of Planning, as it deems necessary to make an informed decision.

8.3.4 **Type 1 Site Plans are required for the following:**

8.3.4.1 Uses permitted by right in Residential, Commercial or Industrial Zones, to include all commercial/office buildings and use proposals up to 1,000 gross square feet.

8.3.4.2 Parking areas for nine (9) cars or less.

8.3.4.3 Duplex and triplex housing units.

8.3.4.4 Home occupations, crafts, artisans.

8.3.4.5 Accessory uses and permitted uses (except as under 8.3.5).

8.3.4.6 Sale of agricultural produce grown on premises.

8.3.5 **Type 2 Site Plans are required for the following:**

8.3.5.1 Parking areas for ten (10) or more cars.

8.3.5.2 All commercial/office buildings over 1,000 gross square feet.

8.3.5.3 Attached housing (Section 6.6.15).

8.3.5.4 Other uses as required by majority vote of the Planning and Zoning Commission.

8.3.5.5 Special Use Permits and Site Plans in conjunction with same.

8.3.5.6 Certified Improvement Location Survey (as-built site plan).

8.3.6 **Changes and Modifications to an Approved Plan.**

8.3.6.1 The Commission may approve the following types of minor modifications or changes to a previously approved Site Plan, Special Use Permit, or Master Plan [AMENDED APRIL 19, 2011].

1. Minor site plan modifications and/or minor building renovations that will not significantly impact natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life.
2. Change from one conforming use to another conforming use that will not significantly impact natural resources, drainage,

traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life.

8.3.6.2 When requesting a minor modification, the applicant shall provide a written description of all proposed changes. A revised Site Plan drawing depicting all modifications shall be provided, unless it is determined that there are sufficient plans on file with the Commission demonstrating that no major site alterations are proposed.

8.3.6.3 Modifications to a previously approved Site Plan, Special Use Permit, or Master Plan shall not be granted for proposals that in the opinion of the Commission will result in significant impacts to natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life. If determined by majority vote of the Commission, revisions of this magnitude will require submission of a new application to the Commission. Per Section 6.1.3 any expansion of a use listed in these Regulations as a Special Use shall require a new Special Use Permit application for the new portion of the development project.

8.4 SITE PLAN REQUIREMENTS

[ADOPTED JANUARY 30, 1975; AMENDED SEPTEMBER 5, 2006; JUNE 2, 2009]

A sufficient number of appropriately sized sheets shall be provided to clearly show all of the information required, numbered sequentially (e.g., Sheet 1 of 3, 2 of 3, etc.). Plans shall be at an appropriate scale, with the same scale maintained throughout the plan set. Specific requirements for Type 1 Site Plans, Type 2 Site Plans, and Master Plans are noted below.

8.4.1 **Type 1 Site Plans.**

Unless a Class A-2 level of survey accuracy is required by the Planning Department or Zoning Enforcement Officer, Type 1 site plans may be prepared to Class D survey standards based on existing plans, surveys, tax maps, and maps. Type 1 plans shall contain the following:

8.4.1.1 Name of proposed development.

8.4.1.2 Name and address of property owner and surveyor / engineer.

8.4.1.3 Graphic scale, true north arrow, date of plan preparation, with revision date(s).

8.4.1.4 Zoning district(s). If more than one district, zoning boundary lines must be shown.

8.4.1.5 Assessor's Map / Lot / Block number of tracts being developed.

8.4.1.6 Names of abutting property owners and property owners across adjacent streets, including Assessor's Map / Lot / Block numbers.

8.4.1.7 Perimeter boundary lines and dimensions of the development parcel drawn so as to be distinguishable from other boundaries, and all other existing property lines within or adjacent to the parcel, including existing and proposed easements and rights-of-way.

8.4.1.8 Table stating minimum lot area and building setback dimensions required for the zoning district (Section 5.1.1 or 5.2.1).

8.4.1.9 Building envelopes for all lots, with setback lines running parallel to lot lines.

8.4.1.10 Existing and proposed buildings(s) with exterior dimensions, area in square feet, and number of stories.

8.4.1.11 Distance on all sides between buildings and property lines as measured on the site.

8.4.1.12 FEMA Flood Insurance Rate Map reference, flood elevation boundary and base flood elevation data.

8.4.1.13 Location of inland wetlands, watercourses and/or designated coastal features.

8.4.1.14 Location, width and names of existing streets immediately adjacent to the development parcel, including placement of curblines and sidewalks.

8.4.1.15 Existing and proposed driveway curb cuts, to include stop signs at entrances to town roads and state highways.

8.4.1.16 Off-street parking requirements, in compliance with Section 7.10.

8.4.1.17 Stormwater drainage and site grading plan at minimum contour intervals of 2 feet, showing all proposed contours, drainage facilities, and grading if part of proposed development improvements.

8.4.1.18 Proposed retaining walls, to include height, construction material and color.

8.4.1.19 Existing and proposed utilities, including sewer, water, gas, electric, phone, cable TV, fire hydrants and fire alarm boxes.

8.4.1.20 Outside screened storage and refuse disposal areas.

8.4.1.21 Erosion and Sediment Control Plan, as required per Section 7.6.

8.4.2 **Type 2 Site Plans.**

Type 2 site plans shall be prepared to Class A-2 accuracy, signed and sealed by a Connecticut licensed land surveyor, to contain the following:

8.4.2.1 All items listed in 8.4.1.

8.4.2.2 Landscape Plan, following guidance contained in Sections 2.16.2 and 2.16.3, prepared by a Connecticut registered landscape architect, to include the following items:

.1 Location of all existing and proposed plant materials, lawn, sod and mulch areas.

.2 Proposed landscaping specific to location, including common and botanical names, and size at planting and maturity.

.3 Tree protection measures, planting, staking and guying details.

.4 Areas where existing vegetation will be removed.

.5 Location of proposed irrigation systems (if provided).

.6 Specific landscape treatments within required buffer areas, to reflect and encourage Best Management Practices (BMPs) contained in the 2004 Connecticut Stormwater Quality Manual.

.7 Details of refuse areas, screening and fencing including materials, colors and height.

.8 Written installation schedule and maintenance plan, describing warrantees for all trees, shrubs, groundcovers and perennials.

8.4.2.3 Internal Traffic Circulation Plan and Off-Street Parking in conformance with Section 7.10, to include the following items:

.1 Width of all travel lanes.

.2 Appropriate traffic warning and directional signage, painted stop bars and directional arrows, and parking stall wheel stops.

.3 All points of ingress and egress, associated queuing areas and driveway throat design (7.10.1.7).

.4 Location and dimensions of parking spaces with total number of spaces shown (7.10.3 and 7.10.4).

.5 Location of off-street loading berths (7.10.5).

.6 Parking Lot Design Requirements (7.10.6).

8.4.2.4 Signage Plan in conformance with Section 7.12, to include the following items:

.1 Scaled drawing of the parcel depicting location of all proposed signs.

.2 Scaled graphic renderings depicting height, all dimensions, colors, materials, illumination, structural elements and applicable landscaping for all proposed signs.

.3 Vision triangle details, as applicable per Section 7.12.4.

.4 Multiple-Tenant Signage Program, as applicable per Section 7.12.8.

8.4.2.5 Lighting Plan to include the following items, in conformance with Section 2.16.2.6:

.1 Location of all exterior fixtures, including free-standing and building mounted lights.

.2 Chart indicating the light source type, mounting height and wattage/lumens.

.3 Point by point scaled photometric plan, including cumulative light level for all fixtures.

8.4.2.6 Stormwater Drainage analysis and design prepared by a Connecticut licensed professional engineer for all roof areas, parking lots, driveways, and other areas where construction and grading will alter site drainage, to reflect and encourage Best Management Practices (BMPs) contained in the 2004 Connecticut Stormwater Quality Manual. Drainage designs shall provide locations and invert details for all existing and proposed catch basins, dry wells, leak offs, culverts, swales, stormwater infiltration devices, and detention or retention basins.

8.4.3 **Master Plans.** [ADOPTED SEPTEMBER 5, 2006]
All graphic elements of the Master Plan shall be prepared by a licensed engineer, architect or landscape architect.

8.4.3.1 Plan showing existing site conditions and structures, including tidal and inland wetlands and watercourses, which, along with other surveys and plans listed below, shall be at a scale of one (1) inch equals 40 feet or larger.

8.4.3.2 Boundary survey of the properties involved in the project prepared to Class A-2 accuracy by a Connecticut licensed land surveyor.

8.4.3.3 Plan indicating structures to be retained, substantially rehabilitated, or demolished; new structures to be built on the property; parking areas; vehicular and pedestrian circulation; and the areas to be landscaped or dedicated to public use. This plan shall provide sufficient information to determine proposed uses and size of buildings including heights, floor area ratios, and lot coverage and the amount of off-street parking to be provided, if any. For purposes of this provision, the commission shall take into account commercial properties located within a 1,000-foot radius of the proposed site in determining whether the height, floor area ratio and lot coverage are consistent with those neighboring properties.

8.4.3.4 A description of the existing uses of the property and their present location, and a description of any proposed new uses or change in uses and their proposed location on the site.

8.4.3.5 Narrative report describing the proposed new uses and changes in uses and the proposed structures to house said uses, including style and method of building construction and the cumulative amount of square feet intended for each type of proposed new use. A change of use shall require an amendment to the Master Plan.

8.4.3.6 Preliminary traffic impact report prepared by a professional engineer for any proposed new use.

8.4.3.7 Information on the location, availability, and capacity of public utilities capable of serving the development for any proposed new use.

8.4.3.8 An impact statement in accordance with Section 8.8.2 regarding the effect, if any, of the proposed new uses or change in uses on surrounding residential properties and a description of what, if any, changes are proposed in flow of traffic or pedestrians, as well as buffering to minimize the impact. The applicant shall pay a fee to the town in an amount that is sufficient to cover the costs associated with the town's hiring of a consultant to conduct an analysis of fiscal impacts of the development.

8.4.3.9 A sign plan, indicating the general position, content, and appearance of signs visible from the public right-of-way.

8.4.3.10 Preliminary building elevations, including renderings of architectural style, materials, and sample floor plans. Final plans shall not deviate substantially from the preliminary concepts.

8.4.3.11 Narrative report describing the history and architectural significance of all structures on the site, including period, style and method of building construction; the cumulative amount of square feet intended for each type of proposed use; the number of proposed units including their approximate size and character; the specific type of proposed residential use (i.e. Market-rate, affordable, or age-restricted housing); and intended ownership of residential units and commercial space.

8.4.3.12 Narrative report describing the types of hazardous materials that may be encountered during renovations, and the steps that will be taken to isolate and abate such materials.

8.4.3.13 Information on the location, availability and capacity of public utilities capable of serving the development.

8.4.3.14 A three dimensional (3D) scale model of the proposal or computerized graphic equivalent.

8.4.3.15 For waterfront properties the applicant shall submit a suitability analysis of the site for various water-dependant uses to the Commission.

8.5 COMMISSION ACTION

Action by the Commission on a Site Plan or a Special Use Permit consists of approval, denial, or modification. The Planning and Zoning Commission may issue Permits and Special Use Permits for limited duration, subject to adequate safeguards.

8.6 BONDING REQUIREMENTS [AMENDED JUNE 2, 2009]

8.6.1 **Performance Bond.**

The Commission may require the posting of a bond in an amount and of duration necessary to assure and guarantee completion of site improvements such as, but not limited to, site grading, stormwater drainage, lighting, screening, landscaping, and other improvements indicated on the final site plan. The total estimated Performance Bond shall also include a 15% addition to cover contingencies and engineering costs to be incurred by the Town.

8.6.1.1 Performance Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing in the names of both the applicant and the Town of Stonington. These types of bond enable the Town to gain timely access to secured funds, for cause. In no case will an insurance company surety bond or a pass book be accepted as performance security. In the event the applicant fails to install all required site improvements within the timeframe specified by the Commission, the Town is empowered to withdraw such funds as determined necessary to complete site improvements. The term of the deposit account or letter of credit shall be determined by the Commission, and may be extended upon approval of a written request from the applicant.

8.6.1.2 The applicant may periodically apply to the Commission for a partial reduction in the amount of posted performance bond, reflecting the percentage and cost of completed improvements. A bond release will only be considered when a formal request has been submitted in writing. In determining the percentage of work completed, the Commission shall review cost estimates obtained from Town officials and/or consultants who are responsible for the inspection of said improvements. In no case shall portions of the bond to be retained be less than that determined necessary to complete remaining improvements.

8.6.2 **Maintenance Bond.**

Upon completion of all required site improvements to satisfaction of the Director of Public Works, the applicant shall post a Maintenance Bond equal to ten (10) percent of the initial Performance Bond. Such bond shall be retained for a period of one (1) year following the date of Performance Bond release, to guarantee workmanship and materials. Maintenance Bonds shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing

in the names of both the applicant and the Town of Stonington. Maintenance Bond release will only be considered when a formal request has been submitted in writing and approved by the Director of Public Works.

8.6.3 **Erosion and Sediment Control Bond.**
As a condition of final site plan approval, the applicant shall post a bond in an amount equal to costs deemed necessary by the Director of Public Works for installing and maintaining appropriate sediment and erosion control measures. If construction work ceases, this bond may be used to cover costs to the Town to restore the site as close as possible to pre-development conditions. The Erosion and Sediment Control Bond must be posted before any earth excavation or clearing work begins. This bond shall be in the form of a certified check to be deposited in an account fully insured by FDIC, or an irrevocable bank letter of credit, with such account or letter of credit appearing in the names of both the applicant and the Town of Stonington. A bond release will only be considered when a formal request has been submitted in writing and approved by the Director of Public Works. The posting of an Erosion and Sediment Control Bond does not relieve the applicant from requirements governing installation and maintenance of these items.

8.7 APPLICATION AND INSPECTION FEE SCHEDULE

[**AMENDED: FEBRUARY 4, 2003; NOVEMBER 16, 2004; MARCH 20, 2007**]

Pursuant to Section 8-1c of the Connecticut General Statutes, the Town of Stonington has by ordinance established a fee schedule, to be used for processing submitted applications. These fees are payable to the Town of Stonington at the time an application is filed, and are exclusive of the fee for municipal planning, zoning, wetlands and coastal management applications required by Section 22a-27j of the Connecticut General Statutes.

SEE APPENDIX 3 FOR FEE SCHEDULE

8.8 IMPACT STATEMENT

8.8.1 **Special Use Permits.** **[AMENDED JULY 20, 2010]**

In addition to requirements of Section 6.1, each application for a Special Use Permit shall include a written Impact Statement that contains the following information. Descriptions of proposed activities and anticipated impacts must be robust and clearly worded. Mitigation measures should not be worded with implied meaning; rather, such measures shall be explicitly specified in the report.

8.8.1.1 General description of existing conditions including, but not limited to, environmental features, traffic, zoning, character of the area and public utilities.

8.8.1.2 Description of the proposed activity and its expected impact in reference to the natural environment, stormwater drainage, roadways and traffic, zoning and character of the surrounding area.

8.8.1.3 Proposed mitigation measures, defined as strategies intended to minimize both on-site and off-site impacts caused by the proposed development. The timing for implementation of mitigation measures should be clearly specified, along with the name and contact information for the party responsible for such measures.

8.8.1.4 Anticipated demand on utilities and public facilities including sewers or sanitary disposal, existing drainage systems, water supply and fire protection. The Commission may require such information incorporated into the findings of fact or placed on the Site Plan.

8.8.1.5 Existing and proposed hours of operation for each use on the site.

8.8.2 **Zoning Map Amendments.** [ADOPTED AUGUST 2, 2005]

Each map amendment shall include a written statement that compares the proposed project developed to the maximum extent permitted by the proposed amendment, to the maximum development of the same land as permitted by the existing zoning regulations and other land capacity limitations, such as sanitary sewerage, wetlands, steep slopes, etc. (See Section 9.4 for additional guidance).

8.8.2.1 Municipal Fiscal Impact. A professional real estate economic analyst with experience in fiscal analyses, will prepare and submit a statement covering the following factors:

.1 The property and other municipal tax and fee revenue that may be generated.

.2 The municipal expenses and burdens that may be generated.

.3 If there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools.

.4 The impact of ancillary services to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.

8.8.2.2 Public Safety and Traffic. A licensed professional engineer specializing in traffic and highway topics will prepare and submit a statement covering the following factors:

.1 The feasibility and safety considerations for the automobile and pedestrian traffic to be generated and the capacity of intersections and proposed parking.
.2 Access to highways and public streets to carry the traffic without undue congestion.

8.8.2.3 Public Works. A licensed professional engineer specializing in site engineering, drainage, and the design of municipal roads, highways, infrastructure and improvements will prepare and submit a statement covering the following factors:

.1 The design and impact of the storm and other drainage systems at the project.
.2 The design and shading of proposed lighting.
.3 The design and layout of parking and its feasibility and safety for use by the public.
.4 The capacity of the wastewater, water and other utility systems proposed to be built and used by the project.

8.8.2.4 Cultural, Aesthetic or Heritage. A licensed architect, landscape architect or archeologist as is appropriate, experienced in the renovation or restoration of historic structures shall prepare and submit a statement covering the following factors, for structures listed on or eligible for inclusion in the National Register of Historic Places:

.1 The design and placement of buildings and landscaping;
.2 The maintenance of public amenities and the impact on heritage and character of the Town of Stonington.
.3 The compatibility with public views and character of the surrounding neighborhood.
.4 The reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development.
.5 Protection of and compatibility with locally significant or historic sites, vistas or features.

.6 Archeologically-significant resources.

8.8.2.5 Natural Resources. A licensed or certified professional specializing in environmental topics will prepare and submit a statement covering the following factors:

.1 Views and view sheds.
.2 Wetlands, aquifers, and watercourses critical to natural resources.
.3 Trees, endangered or critical plant species or forms and woodland habitats.
.4 Endangered or critical animals and natural habitats.
.5 Land forms, slopes and soils.
.6 Current agricultural production capability.
.7 Air quality.

8.8.3 **Zoning Text Amendments.** **[ADOPTED JUNE 2, 2009; AMENDED JULY 20, 2010]**
Each zoning text amendment application shall include the following items (See Section 9.4 for additional guidance):

8.8.3.1 Written statement regarding consistency of the proposal with the Plan of Conservation and Development, including the goals and policy statements and the implementation program contained in said Plan.

8.8.3.2 Written statement regarding consistency of the proposal with the Comprehensive Plan, defined as the existing zoning map and zoning text, in combination with the actual pattern of built development that has taken place on the ground.

8.8.3.3 Written statement regarding conformance of the amendment to the general zoning purposes set forth in Section 1.0.1.

8.8.4 **Waivers.** **[ADOPTED JUNE 2, 2009]**
The Commission may waive one or more of the impact statement requirements by majority vote, provided that such request is made in writing at the time of application submission, describing in sufficient detail why such information is not relevant to the Special Use Permit or Zoning Amendment.

8.9 PUBLIC HEARINGS

8.9.1 Public Hearings shall be held by the Planning and Zoning Commission on the following types of applications.

8.9.1.1 Special Use Permits. Applications shall be considered incomplete unless all items listed in Section 6.1.2 (Application Documents), 8.3.5 (Type 2 Site Plan), and 8.8.1 (Impact Statement) have been submitted a minimum of 15 calendar days prior to the initial public hearing date.

8.9.1.2 Petition for an amendment to the Zoning Map or Zoning Regulations. Applications shall be considered incomplete unless all documents listed in Sections 8.8.2 or 8.8.3 have been submitted a minimum of 15 calendar days prior to the initial public hearing date.

8.9.1.3 Change of a non-conforming use (Section 2.6.1.3).

8.9.2 The Planning and Zoning Commission and Zoning Board of Appeals shall publish notice of the hearing at least twice in papers having substantial circulation in the Town, the first no more than 15 nor less than ten (10) days and the last not less than two (2) days prior to such hearing.

8.9.3 Hearings shall be scheduled no more than 65 days after the Official Date of Submission of an application (which is the regular monthly meeting, or 35 days from the date of the application) and shall be acted on within 65 days from the date of the close of the public hearing.

8.9.4 The Planning and Zoning Commission may schedule hearings on Site Plans, so long as action on the Site Plan occurs within 65 days from the Official Date of Submission.

8.9.5 Documents, plans and exhibits submitted to the Commission intended to constitute any portion of, or all of, the requirements of a complete application shall not be revised or substituted less than fifteen (15) calendar days in advance of the initial public hearing date. Any revised documents, plans or exhibits submitted by the applicant at the public hearing shall cause the public hearing to be continued to a future date in order to permit adequate review by the Commission, staff and members of the public. Additional materials provided by the applicant in advance of a continued public hearing in response to Commission or staff requests for such information shall be submitted not less than five (5) calendar days prior to the continued hearing date. [**ADOPTED JUNE 19, 1984; AMENDED JUNE 1, 2004; JULY 20, 2010**]

8.9.6 **Notice to Abutting Property Owners.**
Unless otherwise provided in these regulations, the following notification procedures shall be followed:

8.9.6.1 The applicant shall send written notices of the time, date and location of such public hearing to abutting property owners via Certified Mail, return receipt requested, not less than 15 calendar days prior to said hearing. Where said property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail, or equivalent.

8.9.6.2 Five (5) calendar days prior to the date of the Commission's initial public hearing regarding the application, the applicant shall submit:

.1 Evidence of abutter notification (See Section 1.2.2 for Abutter definition). Such documentation shall be in the form of a notarized statement or in the form of receipts from the Post Office.
.2 A list of abutters to whom the notices were sent.
.3 A copy of the letter and any enclosures sent the abutters.

8.10 ZONING BOARD OF APPEALS

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the Connecticut General Statutes, Sections 8-5 to 8-7.

8.10.1 **Powers and Duties.**
The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to appropriate conditions and safeguards in harmony with the purpose and intent of these regulations, the Plan of Conservation and Development, and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Stonington.

8.10.2 **Public hearings.**
Public Hearings shall be held by the Zoning Board of Appeals on the following types of applications. Notice of such hearings shall be published at least twice in newspapers having substantial circulation in the Town of Stonington, the first no more than 15 nor less than ten (10) days and the last not less than two (2) days prior to such hearing.

8.10.2.1 Variances.

8.10.2.2 Review of Administrative Orders.

8.10.2.3 Motor Vehicle Dealers and Repair Stations.

8.10.3 **Review of Administrative Orders.**

Any person claiming to be aggrieved by any order, requirement, or decision made by the Zoning Enforcement Officer may appeal to the Zoning Board of Appeals. Such appeal shall be filed within 15 days from the receipt of notice of the order, decision, or requirement of the Zoning Enforcement Officer. The Board may modify such order, decision or requirement appealed from and it shall have the powers of the authority from whose decision such appeal shall have been taken, but only insofar as to enforce these Regulations when an error has occurred.

8.10.4 **Hardship.**

Where there is difficulty or unreasonable hardship, but not economic hardship, in the way of carrying out the strict letter of the Zoning Regulations, the Zoning Board of Appeals shall have power in a specific case to vary the application of any bulk provision of the ordinance, if such variance will be in harmony with the general purpose and intent of the ordinance, the Town Plan of Development, and if the public health, safety and welfare will be served and substantial justice done. The Zoning Board of Appeals shall have no authority to permit by variance <u>any</u> use in any district in which such use is not otherwise allowed. The Zoning Board of Appeals shall provide findings, sustained by two thirds of its membership, that the configuration of the property upon which the action is based is such that its use, under strict interpretation of the regulations for the zone in which the property is located, is unreasonably limited for any and all permitted uses.

8.10.5 **Motor Vehicle Dealers and Repair Stations.** **[AMENDED JUNE 2, 2009; JULY 20, 2010]**

The Zoning Board of Appeals may approve certificates for the location of motor vehicle dealerships or the repairing of motor vehicle as specified in CGS Section 14-54(b) in zoning districts as allowed by these Regulations. Locations approved by the Zoning Board of Appeals shall be subject to Special Use Permit requirements contained in Section 6.1. In addition, such dealership or repairing certificate must also be approved by the chief of police.

8.10.6 **Notice to Property Owners.** [**ADOPTED MARCH 31, 1986**]

In addition to the legal notices otherwise required, the applicant shall cause written notices of the time, date and location of such hearing to be sent Certified Mail (return receipt requested), not less than 15 calendar days prior to said hearing to each owner of property within 200 feet of the boundaries of the subject property. A list of the owners of property within 200 feet of the subject property and return receipts shall be filed with the Board at least five (5) days prior to the night of the public hearing.

8.10.7 **Application to Board of Appeals.**

All appeals and applications to the Board of Appeals shall be in writing on forms prescribed by the board. Each appeal or application shall fully set forth the circumstances of the case and, where applicable, shall reasonably illustrate with map(s) and other drawing(s) the location and nature of the appeal or request. Every appeal or application shall refer to the specific provision of the Regulation involved and shall exactly set forth, as the case may be, the interpretation that is applied for, and the grounds on which it is claimed that same should be granted.

8.10.8 **Votes.**

The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, or decision of the Zoning Enforcement Officer, to decide in favor of the applicant any matter upon which it is required to pass under any provision of these Regulations, or to vary the application of these Regulations.

8.11 PENALTY AND ENFORCEMENT

These Regulations shall be enforced by the Planning and Zoning Commission or the Officer appointed by the Commission who shall be authorized to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations made under authority of the provisions of the State Statutes.

ARTICLE IX

VALIDITY – SEPARABILITY – AMENDMENTS

9.1 VALIDITY AND 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.

9.2 SAVINGS CLAUSE

The enactment of these Regulations repealing the prior Regulations shall not operate as an abatement of any action or proceeding then pending under or by virtue of said prior Regulations.

9.3 OFFICIAL COPY

An Official Copy of these Zoning Regulations, including the Official Zoning Map of the Town of Stonington showing zones herein described, are now on file at the Office of the Town Clerk, Town Hall, Stonington, Connecticut, and in the offices of the Planning and Zoning Commission, Town Hall, Stonington, Connecticut.

9.4 AMENDMENTS [AMENDED AUGUST 2, 2005]

9.4.1 **Initiation.**

On its own initiative or on receipt of a written application to amend any portion of these Regulations, the Planning and Zoning Commission may amend the Regulations or change the boundaries of the zones herein established after public hearing in accordance with Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut.

9.4.2 **Notice.**

Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than 15 days or not less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed Regulation or Boundary shall be filed in the Office of the Town Clerk for public inspection at least ten days before such hearing.

9.4.3 **Protest.**

If a protest, signed by owners of 20 percent or more of the area of lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, is filed against such change at such hearing with the Planning and Zoning Commission, such change shall not be

adopted except by a vote of two-thirds (⅔) of the members of the Planning and Zoning Commission.

9.4.4 **Application.** [AMENDED AUGUST 2, 2005]
Any person or persons who are property owners or residents in the Town may make written application for an amendment to these Regulations. The following information shall be submitted at the time of application:

9.4.4.1 Zoning Text Amendments. 15 copies of the proposed text [See ZR 8.8.3 for additional guidance].

9.4.4.2 Zoning Map Amendments.

.1 Fifteen copies of a Class A-2 Survey giving boundaries for applications involving a change in zoning boundaries. The Commission is exempt from providing an A-2 Survey.
.2 A legal description of the property.
.3 A list of abutting owners and their addresses, as they will be informed in writing of the proposed change [See also Notification Requirements ZR 8.9.6].
.4 Fifteen copies of an Impact Statement, in accordance with Section 8.8.2. The Commission is exempt from providing an Impact Statement.

9.4.5 **Reapplication.** [AMENDED JULY 20, 2010]
The Planning and Zoning Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.

APPENDIX 1

ACRONYMS

ANSI	American National Standards Institute
BR	Bond Release
CAM	Coastal Area Management
CAMOD	Coastal Area Management Overlay District
CFR	Code of Federal Regulations
CGS	Connecticut General Statutes
CS-5	Convenience Shopping
DB-5	Development Area
dBA	Decibels with the A scale sound filter
DPPOD	Downtown Pawcatuck Parking Overlay District
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FCC	Federal Communications Commission
FHOD	Flood Hazard Overlay District
FIRM	Flood Insurance Rate Map
GBR-130	Greenbelt Residential
GC-60	General Commercial
GFA	Gross Floor Area
GPOD	Groundwater Protection Overlay District
HI-60	Highway Interchange
IHRD	Industrial Heritage Re-Use District

LI-130	Light Industry
LS-5	Local Shopping
M-1	Manufacturing
MC-80	Marine Commercial
mcl	maximum contaminant level
MHD	Maritime Heritage District
MTSP	Multi-Tenant Signage Program
N/A	Not Applicable
NDD	Neighborhood Development District
NIA	Non-Infringement Area
OSD	Open Space Development
POCD	Plan of Conservation and Development
ppm	parts per million
PQ	Permit Quota
PZC	Planning and Zoning Commission
RA	Zoning Regulation Amendment
RA-15	Residential Single Family
RA-20	Residential Single Family
RA-40	Residential Low Density
RC-120	Residential Coastal
RH-10	Residential High Density
RM-15	Residential Moderate Density
RM-20	Residential Moderate Density

RR-80	Rural Residential
SD	Subdivision Application
SDWA	Safe Drinking Water Act
SPA	Site Plan Application
SPM	Site Plan Modification
SR	Stonington Subdivision Regulation Section
SUP	Special Use Permit
TC-80	Tourist Commercial
TNU	Total Number of Units
U.S.C	United States Code
USGS	United States Geological Survey
ZC	Zoning Map Amendment (Zone Change)
ZEO	Zoning Enforcement Officer
ZR	Stonington Zoning Regulation Section

APPENDIX 2

ZONING AMENDMENT HISTORY

LEGEND

Does not include all amendments that occurred during this timeframe.

AMENDMENT DATE	REFERENCE
2/12/1960	Trailer and Trailer Park Regulations adopted.
7/7/1961	Zoning Adoption date
	First Edition of the Stonington Zoning Regulations
	First Edition of the Stonington Zoning Map
7/20/1961	Zoning Effective date
1/1963	Updated Stonington Zoning Map
9/17/1963	Addition to Section 3.11 Column 2 RA-1 Zone. Revision to Section 4.4.6
8/1964	Second Edition of the Stonington Zoning Regulations
6/23/1965	Independent zoning adopted in Mystic Village
11/1966	Updated Stonington Zoning Map
9/1968	Third Edition of the Stonington Zoning Regulations
1/20/1970	Convalescent home use added. ZR 4.32(B)
7/1970	Addition of RA-6 and Local Retail zones. Revisions to LS District. Footnotes 6, 7, and 8 to Section 3.12. Revision to Section 5.11. New Section 5.212 – "Yards." Zoning District clarification fro Pawcatuck. Revision to Section 1.1 of the Trailer and Trailer Park Regulations.
10/7/1970	Independent zoning adopted in Pawcatuck Village
4/2/1971	Definitions: Recreational camp; Camp trailer; and Camper added. Addition to Section 3.11, M district, Column 3. New Section 4.32© Recreational Camps. Revision to Section 2.4, 6.1 and 20.1 of the Trailer and Trailer Park Regulations
3/20/1973	Regulation amendment to ZR 3.12 RA-6 district to change Required Rear yard Depth from 50' to 25% of the depth.
3/30/1973	Revision to Section 3.12, Column 10, RA-6 zone

AMENDMENT DATE	REFERENCE
11/1974	Fourth Edition of the Stonington Zoning Regulations
1/30/1975	Addition of specific site plan requirements, impact statement requirement and bonding.
2/3/1975	Fifth Edition of the Stonington Zoning Regulations
2/13/1975	Revision to Section 3.11: Column 6 LS Zone, Column 3 C Zone, Column 2 and 3 M Zone. Revision to Section 3.12: Columns 1-11 C Zone, Columns 1-11 M Zone. Amend Section 5.311. Revision to Section 8.22. New Section 5.5 Plan Submission Requirements.
10/12/1976	Regulation Amendment – Undersized Lot Provision ZR 5.213
11/21/1976	Sixth Edition of the Stonington Zoning Regulations
2/15/1977	Regulation amendment to ZR 5.23 regarding Flood Insurance Administration (FIA) requirements. Landfill and Filling operation definition added to ZR 1.2.2.
4/5/1978	Regulation amendment to ZR 3.13 Rehabilitation of Existing Buildings.
8/91979	Creation of GBR-130, RC-120, RR-80, RA-40, RM-20, RM-15 and RH-10 zones.
8/20/1979	Seventh Edition of the Stonington Zoning Regulations
	Updated Stonington Zoning Map
2/11/1983	Eighth Edition of the Stonington Zoning Regulations
2/21/1984	Liquor sales (all types) added to DB-5
6/18/1984	Aquifer Protection Regulations added (ZR 7.19) [GPOD]
	Application submission limitations and various other regulation amendments.
1/9/1985	Garages and tool sheds added as accessory uses in residential zones.
	Amendment to reconstruction language.
3/31/1986	Hotel definition amended
	Height limitation of 24’ within 150’ of mean high tide
	Delete artisan and antique stores from residential zones
4/9/1986	Ninth Edition of the Stonington Zoning Regulations
6/30/1986	Updated Stonington Zoning Map
8/5/1986	Design review amendment.

AMENDMENT DATE	REFERENCE
9/4/1986	Solar Access regulations
9/20/1986	Day Care Centers and Family Day Care Homes
11/18/1986	Drive in windows (ZR 5.4-14); vehicle space (ZR 1.2.2)
	Minimum parking space size (9'x18') established
4/2/1987	RA-20 and RA-15 Zones added
10/1/1987	Residential Conversions (delete Mother in-law accommodations)
	Amendment to Flood Hazard Regulations
	Construction Standards added
10/15/1987	Tenth Edition of Stonington Zoning Regulations
11/30/1988	Eleventh Edition of Stonington Zoning Regulations
11/22/1988	PZ8875RA – ZR 8.11(e) – Deleted Use Variance process.
11/22/1988	PZ8876RA – ZR 2.03 Created provision to prohibit use variances.
11/22/1988	PZ8877RA – ZR 8.11(c) – Established 15 day time limit for filing an appeal of an administrative decision.
11/22/1988	PZ8878RA – ZR 8.8 – Fee Schedule Amendment. SEE PZ0302RA
6/15/1988	PZ8833ZC – Map Amendment from RA-20 and RM-20 to RR-80. Property located at Map 148, Block 3, lots 1, 1a, 2, 3, 7, and 9; Map 149, Block 1, Lot 1; Map 165, Block 5, Lots 1, 2, 7, 9, 14 and 14A.
7/6/1989	PZ8890ZC – Map Amendment from RR-80 to GBR-130. Property located at Map 68 Block 1 Lots, 1, 1A, 1C, 1D, IE, IF, and 1G; Map 69, Block 2, Lots 1, 1A, 1B; Map 83 Block 1 Lot 1; Map 85, Block 1, Lots 1, 2, 2A, 3, 4, 5; Map 85, Block 3, Lots 4A, 5, 5A; Map 86, Block 1, Lots 1, 2, 2A, 3, 4, 4A, 5B, 5C, 5D, 6, 7, and 7Z; Map 87, Block 2, Lots 1, and 1A; Map 88, Block 1, Lots 1, 2, 2A, 3, 4, 5, 6, 7, 8, and 8A; Map 94, Block 2, Lot 1; Map 95, Block 2, Lots 1, 1A, 2, 3, 4, 4A, 5, and 6; Map 96, Block 1, Lot 1; Map 96 Block 2 Lots 1, 2, 3, 3A, 4, 5, 6, 7, 8, and 9; Map 96, Block 3, Lots 1, 2, 3, 3A, 4, 5, 6, 7, 8, and 9; Map 96, Block 3, Lots 1, 2, 3, 4, and 4A; Map 97, Block 1, Lots 1, 1A, 1B, 2, 4, 4A, and 5; Map 98, Block 1, Lots 1, 2, 3, 5, and 6; Map 107, Block 1, Lots 1, 1A, 2, 2A, 2B, 2C, and 8A; Map 108, Block 2, Lots 1 and 2.
7/25/1989	PZ8928RA – ZR 4.73f – Retail sales in the M-1 zone
10/1/1989	Twelfth Edition of Stonington Zoning Regulations
2/1/1990	PZ8960RA – Add Daycare use to the GC-60 Zone

AMENDMENT DATE	REFERENCE
7/9/1990	PZ9014ZC –Map Amendment from RC-120 to MC-80 for property located at 830 Stonington Road. Map 57, Block 2, Lot 11.
12/11/1990	PZ9050RA – Section 7.1-9 Aquifer Protection Overlay Zone amended, including both map and regulations.
	PZ9051ZC –Map Amendment from M-1 to M-2 and GBR-130 for Various Parcels at Routes 2 and 49. REPLACED BY PZ9332ZC
12/18/1990	PZ9035RA – Congregate Living Facility added to regulations.
7/30/1991	PZ9122RA – Revised Regulations approved.
8/18/1991	PZ9122RA – Thirteenth Edition of the Stonington Zoning Regulations
2/18/1992	PZ9169RA – ZR 8.7 – Fee Schedule Amendment. SEE PZ0302RA.
5/7/1992	PZ9206RA – Restaurant in DB-5. Amendment to 4.1.3.18
9/3/1992	PZ9220RA – Bed and Breakfast Facilities. Created 6.6.17
10/20/1992	PZ9232RA – Family Entertainment Centers. Amendments to 1.2.2, ZR 4.4 and ZR 4.5. Created ZR 6.6.18
11/5/1992	PZ9238ZC – Zoning Map Amendment from GBR-130 to GC-60 on property located at 72 Jerry Browne Road. Map 164, Block 2, Lot 3.
12/3/1992	PZ9245RA – Duplex and Triplex Definitions. Amendments to ZR 1.2.2.
1/19/1993	PZ9249RA – Flood Hazard Zones. Amendments to ZR 1.2.2 and ZR 7.7
2/25/1993	PZ9302RA – Flood Hazard Zones. Amendments to ZR 1.2.2 and ZR 7.7
3/4/1993	PZ92060ZC – Zoning Map Amendment to remove properties from Aquifer Protection Zone. Map 36, Block 4, Lots 2, 2B, 2D, 2E, 2F, 2G, and 2I.
5/18/1993	PZ9306ZC – Zoning Map Amendment to remove properties from the Aquifer Protection Zone. Map 36, Block 4, Lots 3 and 4
1/18/1994	PZ9332ZC – Zoning Map Amendment from RM-20, GBR-130, M-1, LI-130 (M-2) and CS-5 to I-95/Route 78 Highway Interchange Zone (HI) for properties located at Map 17, Block 2, Lots 1, 2, 3, 5, 8B, and 8C; Block 3, Lots 1, 2, 3, 4, 4A, and 5; Map 18, Block 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 32A, 32B, 32C, 33, 33A, 34, 35, 5C, 5D, 5E, 5F, and 5G; Block 2, Lots 1, 2, 3, 4, 4A, 4B, 5, 5A, 5B, 6, 6A, 7, 8, 8A, and 8D; Map 20, Block 2, Lots 1, 2, 3, and 4; Block 3, Lots 1, 2, 3, 4, 4A, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, and 13; Map 21, Block 1, Lots 1, 2, and 39. HI zone established. Amendment to ZR 1.2.2. Created ZR 4.9 and ZR 6.6.19.

AMENDMENT DATE	REFERENCE
6/2/1994	Suite type units added to Hotel definition in ZR 1.2.2
	PZ9336ZC – Zoning Map Amendment from RR-80 to RA-20 for various properties. Amendment as part of Affordable Housing Appeal, and has expired.
	PZ9401ZC – Zoning Map Amendment from GC-60 and GBR-130 to TC-80 for property at Map 164, Block 2, Lot 2.
9/20/1994	PZ9418ZC – Zoning Map Amendment from GBR-130 to TC-80 for property classified as state right-of-way at the intersection of interstate 95 and Route 27.
3/2/1995	PZ9434ZC – Zoning Map Amendment from RM-20 to CS-5 for properties at Map 18, Block 3, Lots 1-5, Block 4, Lots 5-13 and Block 5, Lots 5-10
7/16/1996	PZ9615ZC – Zoning Map Amendment from GBR-130 to GC-60 for property located west of Jerry Browne Road and north of Interstate 95. Map 149, Block 2, Lot 1.
8/1/1996	PZ9622ZC – Zoning Map Amendment from RC-120 to MC-80 for property located on Stonington Road. Map 57, Block 2, Lot 10A.
11/7/1996	PZ9639ZC – Zoning Map Amendment from GC-60 to TC-80 for property at Map 164, Block 2, Lot 2.
12/11/1996	PZ9647RA – Theater use in HI. Amendment to 4.9.1
3/18/1997	PZ9662RA – Liquor sales. Amendment to 2.11.1
5/20/1997	PZ9702RA – Height and Finished Grade. Amendments to 1.2.2.
3/17/1998	PZ9736RA – Telecommunication Towers. Amendments to 1.2.2. Created 7.17
12/3/1998	PZ9840RA – GC-60 Buffers. Created 4.4.4
12/15/1998	PZ9837RA – Seasonal Marina Structures. Amendments to 1.2.2, 4.6.2, and 5.2.2. Created 7.18
	PZ9847ZC – Map Amendment from M-1 to MC-80 for property at Map 5, Block 5, Lots 1, 2 and 3.
	PZ9849ZC – Map Amendment from GBR-130 to TC-80 and GC-60 for property at Map 164, Block 1, Lot 1, 2, 6 and 7.
4/26/1999	PZ9907RA – Congregate Living Facility and Convalescent Home uses (HI). Amendment to 4.9.1
5/18/1999	PZ9901RA – Congregate Living Facility. Amendments to 6.6.2
5/24/1999	PZ9901RA – Congregate Living Facilities. Amendments to 6.6.2
6/15/1999	PZ9916RA – Public or Private Elementary and Secondary Schools. Amendments to

AMENDMENT DATE	REFERENCE
	3.1.3, 3.2.3, 3.3.3, 3.4.3 and 5.1.2
	PZ9917RA – Floor Area Ratio in GBR-130 and RC-120. Amendment to 5.1.1
	PZ9918RA – Detached Accessory Building. Created 2.14
7/20/1999	PZ9923ZC – Map Amendment from RC-120 to GC-60 on Stonington Road. Assessor's Map 75, Block 2, Lots 5 and 5A
2/15/2000	PZ9973RA – Congregate Living Facilities. Amendments to ZR 6.6.2
8/3/2000	PZ0039RA – Congregate Living Facilities. Various Amendments to ZR 6.6.2
8/2/2001	PZ0142ZC – Zoning Map Amendment from RC-120 to RR-80 on Stonington Road. Assessor's Map 80, Block 2, Lot 1; and Map 99, Block 5, Lot 5
9/6/2001	PZ0135RA – Sign Regulations. Amendments to 7.12
10/4/2001	PZ0166RA – General Regulations. Miscellaneous performance standards, Billboards prohibited. Billboard definition added.
1/15/2002	PZ0174ZC – Map Amendment from RC-120 to RR-80 on Palmer Neck Road. Assessor's Map 51 Block 2 Lot 1. SEE PZ0309ZC
2/7/2002	PZ0169ZC – Map Amendment from RR-80 to GC-60 for property at 769 Stonington Road. Assessor's Map 75, Block 1, Lot 6
4/4/2002	PZ0212RA – Rear Lots. Amendment to 7.11
7/16/2002	PZ0229RA – Liquor Sales. Amendment to 3.1.3
11/7/2002	PZ0250RA – Zoning Regulation Amendment to add Wellness Centers. Amendments to 1.2.2, 3.2.3, 3.3.3, 4.1.3, 4.3.3, 4.4.3, 4.5.3, 5.1.2 and 5.2.2
1/7/2003	Fourteenth Edition of Stonington Zoning Regulations. Regulations digitally enhanced. Amendments incorporated and codified.
2/4/2003	PZ0302RA – Fee schedule. Amendment to 8.7
4/15/2003	PZ0306RA – Regulation Amendment to Section 4.9 Highway Interchange (HI-200). Minimum lot size reduced from 5 acres to 200,000 square feet. HI-200 Uses added to Table 5.2.2. Maximum height footnote in Table 5.1.1 and 5.1.2 modified. Acre defined.
	PZ0309ZC – Map Amendment from RR-80 to RC-120 on Palmer Neck Road. Assessor's Map 51 Block 2 Lot 1.
6/12/2003	Fifteenth Edition of Stonington Zoning Regulations.

AMENDMENT DATE	REFERENCE
6/24/2003	PZ0325RA – Regulation Amendment to Section 7.12 Signs. Modified Banner Regulations to allow banners.
11/3/2003	PZ0346ZC – Map Amendment from RH-10 to LS 5. Property located at Liberty Street, Pawcatuck, CT. Assessor's Map 16 Block 4 Lot 14
3/1/2004	PZ0370RA – Regulation Amendment to Section 2.6.3 Reconstruction. Additional time and permit requirements added.
5/18/2004	PZ0408RA – Regulation Amendment to Section 2.9 Undersized Lots. Undersized lot provision changed to use lot size versus lot frontage. GFA Penalty for Cluster lots was reduced.
6/1/2004	PZ0361RA – Regulation Amendment to Section 7.10 Parking Regulations. Rewrite of the Parking Regulations.
	PZ0407RA – Regulation Amendment to Section 8.9 Public Hearing Requirements. Elimination of the 14-business day rule. Definition of complete SUP application. Definition of abutter. Assignment of abutter notification to applicants for both subdivision and zoning applications.
	Sixteenth Edition of Stonington Zoning Regulations.
8/3/2004	PZ0431RA – Regulation Amendment to Section 3.2 RR-80 and RA-40. Addition of special use - liquor sales at golf courses in the RR-80 and RA-40 zones.
	PZ0440RA – Regulation Amendment to Section 4.7 M-1. Addition of permitted use – aquaculture/agriculture. Addition of special use - winery. Definition of winery. Modification of buffer for manure and stables in Residential zones.
8/17/2004	PZ0446RA – Regulation Amendment to create the Industrial Heritage Reuse District (IHRD), 7.19
9/7/2004	PZ0436RA – Regulation Amendment to Section 4.9 Highway Interchange (HI-60); 7.16.2 Repealed; 6.6.19 repealed; Modifications to 1.2.2 Definitions, 7.13 Performance Standards, 5.2.1 Commercial Bulk Table, 5.2.2 Commercial Use Table.
9/21/2004	PZ0447RA – Regulation Amendment to Section 8.2.2 Zoning Permits. Requirement of an approved Zoning Permit prior to site construction.
10/19/2004	PZ0454RA – Regulation Amendment to Section 7.12.4.4. To allow projecting wall signs in CS-5 and LS-5 zones.
11/4/2004	PZ0460ZC – Map Amendment from M-1 to Industrial Heritage Reuse District (IHRD-1). Assessor's Map 5, Block 5, Lot 3.
11/16/2004	PZ0452RA – Regulation Amendment to modify Section 2.6.1.3 nonconforming uses. Require change of nonconforming use to be submitted to Planning and Zoning

AMENDMENT DATE	REFERENCE
	Commission versus Zoning Official
11/16/2004	PZ0463ZC – Map Amendment from M-1 to Industrial Heritage Reuse District (IHRD-2). Property at 2 Harry Austin Drive. Assessor's Map 160, Block 4, Lot 8.
5/1/2005	Seventeenth Edition of Stonington Zoning Regulations.
6/21/2005	PZ0521RA – Regulation Amendment to Section 7.20 Maritime Heritage District (MHD); provide exemption from MHD in 7.3.5; add internal signage provisions; define major commercial establishment; allow projecting wall signs in MHD.
8/2/2005	PZ0535RA – Regulation Amendment to modify Impact Statement requirements; add "financial institutions" to zones where "banks" have been permitted; add "medical clinics" to zones where "medical offices" have been permitted; add "Rehabilitation of Existing Buildings" (6.6.14) as a Special Use to all zones; add "filling" (6.6.7) as a Special Use to all zones; and add "Overlay District" to "Groundwater Protection, Coastal Area Management, and Flood Hazard".
8/22/2005	PZ0550ZC – Map Amendment from GBR-130, RH-10 and M-1 to Maritime Heritage District (MHD). Properties located at Greenmanville Ave.
9/6/2005	PZ0539RA – Regulation Amendment to Section 7.21 Neighborhood Development District (NDD); define floating zone; provide exemption from MHD in 7.3.5; allow projecting wall signs in NDD. Repealed 11/16/2005 and replaced.
10/4/2005	PZ0548ZC – Map Amendment from RR-80 to RA-20. Property located at 323 River Rd., Pawcatuck. Assessor's Map 8 Block 3 Lot 1.
	PZ0553RA – Regulation Amendment to Section 7.12 Sign Regulations; modify 7.12.4.3 relative to eliminating the ground-to-bottom clearance of 7'6" for detached signs. Add sections to clarify the location of signs relative to sight lines, and to define a Vision Triangle.
10/18/2005	PZ0560RA – Regulation Amendment to Section 6.6.20 Maximum Height Exceptions for architectural and structural features.
10/19/2005	PZ0561ZC – Map Amendment from RH-10 to LS-5. Property located at 48 Washington St. & 3 Roosevelt Ave., Mystic. Assessor's Map 174 Block 16 Lots 1 & 2.
11/1/2005	PZ0557ZC – Map Amendment from RH-10 to Industrial Heritage Reuse District (IHRD-3). Property located at 75 Stillman Avenue, Pawcatuck. Assessor's Map 1 Block 1 Lot 1.
	PZ0566RA – Regulation Amendment to Section 6.6.10 Hotels-Motels; modify 6.6.10 Motels-Hotels with the provision to allow additional Floor Area Ratio in the GC-60 district.
11/16/2005	PZ0572RA – Regulation Amendment to 7.21 Neighborhood Development District

AMENDMENT DATE	REFERENCE
	(NDD); Repealed NDD text adopted on 9/6/2005.
1/3/2006	PZ0543RA – Regulation Amendment to modify "Restaurant" and "Fast Food Restaurant" definitions (1.2.2); modify the Special Use Permit criteria for restaurants and places for on-premises liquor consumption (6.6.16); modify the Special Use Permit criteria drive-in windows (6.6.5); add "Detached Menu Board" standards to the Sign Regulations; modify liquor sale place restrictions in the HI-60 (2.11.2); add "Live Entertainment" "Restaurant, Retail" and Adjoining" to the definitions (1.2.2) This amendment includes modifications to other sections of the regulations to reflect these changes.
2/1/2006	Eighteenth Edition of Stonington Zoning Regulations.
3/7/2006	PZ0601RA – Regulation Amendment to 1.2.2 Definitions: Floor Area Gross, to adjust the structural headroom height from 7'6" to 6'6", and exclude certain basements based on height.
4/12/2006	PZ0612ZC – Map Amendment from Commercial M-1 to Neighborhood Development District (NDD-1) – *Prospect Place*. Properties located on Mechanic, Mitchell, & Prospect Streets, Pawcatuck, CT. Assessor's Map 4, Block 18, Lots 1, 2 & 3; & Map 4, Block 16, Lot 7.
5/24/2006	PZ0613RA – Regulation Amendment to 4.1.1, 4.1.2, 4.1.3 Permitted Uses in DB-5, CS-5 and LS-5 Zones, to modify the residential housing provisions; to ZR 4.1.3, 4.2.3, 4.3.3, 4.4.3. & 4.5.3 Special Uses in the DB-5, CS-5, LS-5, GC-60 and TC-80 Zones to modify attached housing provisions; to 6.6.15 to modify attached housing special use permit criteria. This amendment includes modifications to other sections of the regulations to reflect these changes.
8/21/2006	PZ0626RA – Amendment to Article VI to add Open Space Design Regulations, to delete 6.6.1 Cluster Development and modification to 1.2.2 Definitions to incorporate these changes.
9/5/2006	PZ0640RA – Regulation Amendment to 8.4 Plan Requirements. This proposal consolidates the Industrial Heritage Reuse District (IHRD), Maritime Heritage District (MHD) and Neighborhood Development District (NDD) master plan submission requirements into one section of the regulations. Modifications to 7.19 IHRD, 7.20 MHD and 7.21 NDD are also included.
	PZ0650RA – Regulation Amendment to 1.2.2 Definitions, Sign. This proposed amendment adds the term *pennant flag* to the list of items that are considered signs.
9/19/2006	PZ0630RA – Regulation Amendment to Article II to remove Liquor Sale Place Regulations, to delete 2.11.1 and 2.11.2 concerning the separation distance for liquor sales establishments.
	PZ0652RA – Regulation Amendment to 5.2.1 Bulk Requirements and 7.10.4.4

AMENDMENT DATE	REFERENCE
	Minimum Parking Standards for Marinas and Yacht Clubs.
10/17/2006	PZ0655RA – Zoning Map Atlas added to ZR 1.1.2
	PZ0655ZC – Acceptance of updated and reformatted Zoning Map. The new zoning map will be a map atlas. No substantive changes are proposed.
10/18/2006	Nineteenth Edition of Stonington Zoning Regulations.
11/21/2006	PZ0663RA – Regulation Amendment to create a temporary moratorium on commercial and residential projects on properties zoned CS-5, LS-5, GC-60 and MC-80 along the U.S. Route 1 corridor.
12/5/2006	PZ0633RA – Regulation Amendment to Article VII, 7.12.7.4 Special Detached Signs, to add the HI-60 and NDD to the list of eligible districts; includes modifications necessary to accommodate this change.
12/19/2006	PZ0627ZC – Map Amendment to Residential RA-20 for properties located at the northeast intersection of Greenhaven and Mary Hall Roads, from the intersection extending northwest along Greenhaven Road for 3,700'± to a point; then heading in a northerly direction 1,300'± to a point; then heading in an easterly direction 3,400'± to a point; then heading in a southeasterly direction 470'± to a point; then in a southerly direction for 500'± to a point; then heading in an easterly direction 700'± to a point; then heading in a southerly direction 600'± to a point; then heading in an easterly direction 320'± to a point; then heading in a southerly direction 1,100'± to a point; then heading westerly along Mary Hall Road for 1,300'± to the point of beginning. Said area being approximately 150 acres and the subject of this application. Involving Map 11, Block 2, Lots 1-12, 12A, 13-15; Map 12, Block 11, Lot 1; Block 12, Lots 10, 12-16; Block 13, Lots 1, 4-8; Block 14, Lots 17, 44, 45, 46R-46Z, 47, 47A-47Z; Block 14, Lots 48, 48A-48D; Block 16, Lots 2-5, 46, 46A-46Q; Map 26, Block 1, Lots 30-37; Map 27, Block 1, Lots 1A, 1-29, 38-57 and Map 35, Block 2, Lots 6 and 9N.
2/6/2007	PZ0669RA – Regulation Amendment to Article VII Section 7.19.6.3.2 New Construction Design Standards in the IHRD, to allow for ten (10) units of housing per acre.
3/20/2007	PZ0661RA – Regulation Amendment to Article VII Section 8.7 Fee Schedule to provide a re-application fee process for applications that have been withdrawn prior to Commission review and for Zoning Permit resubmissions within one year of Zoning Official decision.
6/20/2007	PZ0707ZC – Map Amendment from Residential RR-80 to Residential RA-20 for properties located on the eastern side of Greenhaven Rd., approximately 242 feet south of Renie Drive, then heading southeast 1137'± to a point; then heading in a northeasterly direction 381'± to a point; then heading in a north direction 478'± to a point; then heading in a northwesterly direction 782'± to a point; then heading in a

AMENDMENT DATE	REFERENCE
	northerly direction 333'± to a point; then heading in a westerly direction 374'± to a point; then heading in a southerly direction 512'± to the point of beginning. Said area being approximately 15.65 acres and the subject of this application. Involving Map 11, Block 2, Lots 1-4; Map 12, Block 16, Lots 2-5.
7/17/2007	PZ0706RA – Regulation Amendment to Section 6.6.5 Drive-in Windows to remove the maximum distance a window can be from a street.
8/1/2007	Twentieth Edition of Stonington Zoning Regulations.
10/2/2007	PZ0733RA – Regulation Amendment to remove supermajority thresholds.
10/16/2007	PZ0738RA -- Regulation Amendment to Section 6.6.14.5 permitting additional FAR for building additions and new construction in DB-5 zone.
1/15/2008	PZ0741RA – Regulation Amendment to Section 7.12.7.4 governing Special Detached Signs.
12/22/2008	PZ0826RA&ZC – Regulation Amendments: 7.10.1 General Requirements; 7.10.2.3 Parking Reductions; 7.10.2.4 Dedicated Off-Site Parking; 7.10.2.5 Shared On-Site Parking; 7.10.2.6 Residential parking Agreements; 7.10.4 Parking Space Requirements; 7.10.8 Downtown Pawcatuck Parking Overlay District.
6/2/2009	PZ0911RA – Regulation Amendments: 2.6 Non-Conforming Use & Bulk; 4.9.9.4 Access Management; 5.1.2 & 5.2.2 Use Tables; 6.1 Special Use Permits; 6.6.23 Traffic Impact Study; 6.6.24 Archaeology Study; 7.7.3 Minimum Lot Area Requirement in Flood Hazard Zones; 8.3 Site Plan Submissions; 8.4 Plan Requirements; 8.6 Bonding Requirements; 8.7 Fee Schedule; 8.8 Impact Statement; 8.9 Public Hearings; 8.10 Zoning Board of Appeals.
6/16/2009	PZ0912RA – Regulation Amendment: 6.6.22 Open Space Development.
7/01/2009	Twenty First Edition of Stonington Zoning Regulations.
9/29/2009	PZ0927RA – Regulation Amendments to implement Architectural Design Review: 2.6.3 Reconstruction; 2.13 Performance Standards; 2.15 Architectural Design Review; 2.16 Design Review Requirements; 4.9 Highway Interchange Zone; 6.1 Special Use Permits; 6.5 Commission Powers Relative to Action on a Special Permit Use; 6.6.2 Congregate Living Facility; 7.3.7 Coastal Area Management; 7.10 Off-Street Parking Requirements; 7.13 Site Plan & Structure Design Review Requirements; 7.20.5 Maritime Heritage District Site Plan; 7.21.5 Neighborhood Development District Site Plan; 8.3 Site Plan Submissions Review & Approval.
7/20/2010	PZ1003RA – Regulation Amendments: 1.2 Definitions; 2.4 Required Permits; 2.6 Non-Conforming Use & Bulk; 2.11 Gasoline Sale Places; 2.13 Performance Standards; 3.1.2.4, 3.2.2.4, 3.3.2.4 & 3.4.2.3 Accessory Apartments; 3.2.4 & 3.3.4 Buffer Requirements; 3.1.3.3, 3.2.3.26, 3.3.3.6 & 3.4.3.3 Communications Towers; 5.1.1, 5.1.2 & 5.2.1 Bulk & Use Tables; 6.1 Special Use Permits; 6.6.9 Marinas – Yacht Clubs; 7.10.5.2 Off-Street Loading Berths; 7.10.6 Off-street Parking Lot Design

AMENDMENT DATE	REFERENCE
	Requirements; 7.17 Telecommunications Antennas & Towers; 8.2.2.6 Zoning Permits; 8.3 Site Plan Submissions – Review and Approval; 8.4.2 Type 2 Site Plans; 8.4.3 Master Plans; 8.8.1 Impact Statement; 8.8.3 Zoning Text Amendments; 8.9 Public Hearings; 8.10 Zoning Board of Appeals; 9.4.5 Reapplication; 10.1 US Route 1 Temporary Moratorium (deleted).
7/20/2010	Twenty Second Edition of Stonington Zoning Regulations.
1/18/2011	PZ1025RA – Regulation Amendment: 3.4.3.14 Allowance of Open Space Developments in RA-20 Zone.
2/11/2011	PZ1030RA – Regulation Amendment: 4.7.3.18 Allowance of Breweries in M-1 Zone.
4/19/2011	PZ1105RA – Regulation Amendment: 7.3.5 Height limitation in Coastal Areas (IHRD); 8.3.6.1 & 8.3.6.3 Modification to approved Master Plans.
5/05/2011	PZ1106RA – FEMA-mandated Regulation Amendment governing development in designated floodplains that meet or exceed minimum standards of 44 CFR 60.3 and new state requirements. 1.2 Definitions; 7.7 Flood Hazard Overlay District.
5/24/2011	PZ1019RA – Regulation Amendment (Signage): 1.2 Definitions; 2.13 Performance Standards; 2.15 Architectural Design Review; 3.3 Residential RM-20, RM-15, RH-10 Zones; 4.1 Development Area (DB-5); 4.2 Convenience Shopping (CS-5); 4.3 Local Shopping (LS-5); 4.4 General Commercial (GC-60); 4.5 Tourist Commercial (TC-80); 4.6 Marine Commercial (MC-80); 4.7 Manufacturing (M-1); 4.9 Highway Interchange (HI-60); 5.2.2 Bulk & Use Table; 6.6.5 Special Use Permit – Drive-in Window; 7.12 Sign Regulations: 7.21 Neighborhood Development District (NDD); 8.4 Site Plan.
6/21/2011	PZ1111RA -- Regulation Amendment: 1.2. Definitions, additions and/or changes include: Building, Principal; Floor; Floor Area Gross (GFA); Headroom, Structural; and Roofed Over Space.
7/01/2011	Twenty Third Edition of Stonington Zoning Regulations.
7/19/2011	PZ1114RA – Regulation Amendment: 7.12.7.7 Special Detached Banners.
10/4/2011	PZ1126RA – Regulation Amendment: Municipal Athletic Field Sponsorship Panels
10/18/2011	PZ1121RA – Regulation Amendment: 7.22 Renewable Energy Systems.
5/1/2012	PZ1209RA – Regulation Amendment: Temporary Drive-In Events.
10/2/2012	PZ1221RA – Regulation Amendment: Health Clubs in M-1 Zone.
1/15/2013	PZ1228RA – Regulation Amendment: Coastal Jurisdiction Line.
6/4/2013	PZ1302RA – Regulation Amendment: Flood Hazard Regulation updates.
6/4/2013	PZ1305RA – Regulation Amendment: Eliminating Type 2 Site Plan requirement for Variance applications.
10/1/2013	Twenty Fourth Edition of Stonington Zoning Regulations

APPENDIX 3

TOWN OF STONINGTON
PLANNING AND ZONING FEE ORDINANCE

WHEREAS**,** the Town of Stonington receives many land use applications which require review and inspections and such review and inspections are necessary for the protection of the public health, safety, and welfare; and

WHEREAS**,** said applications require the review by Town Officials, Town Attorneys, and experts retained by the Town; and

WHEREAS**,** General Statute Section 8-1c allows a municipality to establish a schedule of reasonable fees for the processing of applications by land use agencies.

NOW THEREFORE BE IT ORDAINED, that in accordance with Connecticut General Statute Section 8-1c fees for municipal land use applications for the Town of Stonington are set forth as follows:

SECTION 1: Purpose.
This ordinance is adopted pursuant to the authorization of Section 8-1c of the General Statutes of the State of Connecticut which authorizes any municipality, by ordinance, to establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals. It is the stated policy of this ordinance to effect the following:

1.1 To establish a schedule of fees whereby the approximate administrative costs for reviewing, evaluating, and processing such applications are covered by such fees;

1.2 To ensure that the system of fees does not include municipal expenses incurred in negotiating with applicants for agreements, conveyances, conditions, modifications or any other concessions desired by the municipality during the application process;

1.3 To encourage applicants to become familiar with municipal zoning and development regulations, to submit applications which comply with applicable regulations, and to submit plans, applications and proposals with fewer errors and omissions, thereby reducing municipal processing costs.

SECTION 2: Definitions.

2.1 **Subdivision Application.** Any subdivision application to the Planning and Zoning Commission including, but not limited to, an application for any of the following: subdivision or resubdivision, or application for amendment or revision to same.

2.2 **Review, Evaluation and Processing.** Review, evaluation and processing is to include all functions performed in connection with, or associated with, an application, by the Planning and Zoning Commission, the Zoning Board of Appeals, and any other Department of the Town of Stonington or any consultant hired by the Town to review, evaluate or process applications, including but not limited to:

2.2.1 Legal advertisements regarding public hearings;

2.2.2 Recording and transcribing public hearings and minutes of the Planning and Zoning Commission and the Zoning Board of Appeals meetings relative to the application;

2.2.3 Staff salaries and overhead expenses for the Town Planner, Town Sanitarian, and other Town Officials, and consultant expenses in direct connection with the technical and regulatory review;

2.2.4 The Town Attorney fees in direct connection with legal advice and review of documents directly related to the subdivision;

2.2.5 Decisions of the Planning and Zoning Commission and the Zoning Board of Appeals and other matters requiring publication in a newspaper.

2.3 **Applicant.** Any person, corporation, partnership or other entity who submits a subdivision application, or an application for any other permit or approval, authorized by the Stonington Subdivision Regulations or Zoning Regulations, or a successor in interest.

SECTION 3: Fees Charged for Applications.

3.1 Use Permits by Right / Additions

3.1.1	Additions up to and including 1,000 Square Feet (SF)	$50.00	plus $10.00 per 100 SF of gross floor area
3.1.2	Additions of 1,001 SF and greater	$200.00	plus $10.00 per 100 SF of gross floor area
3.1.3	Application renewal	$25.00	
3.1.4	Detached garage	$100.00	
3.1.5	Home occupation	$50.00	
3.1.6	Other new construction/reconstruction	$50.00	

3.1.7	Pools	$25.00	
3.1.8	Renovations	$50.00	
3.1.9	Sheds up to and including 200 SF	$25.00	
3.1.10	Sheds greater than 200 SF	$100.00	
3.1.11	Signs up to and including 18 SF	$25.00	
3.1.12	Signs greater than 18 SF	$100.00	
3.1.13	New multi-tenant signage program	$250.00	
3.1.14	Modification to a multi-tenant signage program	$110.00	
3.1.15	Single-family residence: new construction / reconstruction	$250.00	plus $25.00 per 100 SF of gross floor area

3.2 Site Plan Review and Modifications

3.2.1	Single-family residential dwelling unit in commercial zone	$200.00	
3.2.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF	$200.00	plus $50.00 per 1,000 SF of gross floor area
3.2.3	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF	$500.00	plus $50.00 per 1,000 SF of gross floor area
3.2.4	Commercial/industrial and institutional 25,001 SF and greater	$2,000.00	plus $10.00 per 1,000 SF of gross floor area

3.3 Special Use Permits

3.3.1	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF in gross floor area	$500.00	plus $100.00 per 1,000 SF of gross floor area
3.3.2	Commercial/industrial and institutional from 5,001 SF up to and including 25,000 SF in gross floor area	$1,000.00	plus $50.00 per 1,000 SF of gross floor area

3.3.3	Commercial/industrial and institutional greater than 25,000 SF in gross floor area	$2,000.00	plus $25.00 per 1,000 SF of gross floor area

3.4 Nonconforming Uses

3.4.1	Change of nonconforming use	$300.00	

3.5 Amendments

3.5.1	Zoning Regulation amendment	$500.00	
3.5.2	Zone change (zoning map amendment)	$250.00	plus $100.00 per lot

3.6 Coastal Area Management

3.6.1	Single-family residential dwelling unit	$150.00	
3.6.2	Attached housing of any size, commercial/ industrial and institutional up to and including 5,000 SF of gross floor area	$500.00	
3.6.3	Subdivisions	$200.00	plus $100.00 per lot
3.6.4	Commercial/industrial and institutional 5,001 SF up to and including 25,000 SF of gross floor area	$1,000.00	
3.6.5	Commercial/industrial and institutional 25,001 SF of gross floor area and greater	$2,000.00	
3.6.6	Variance	$100.00	

3.7 Subdivisions

3.7.1	Preliminary subdivision	$200.00	
3.7.2	Subdivision and resubdivision		
.1	Base fee	$500.00	plus:
.2	2-20 lots, plus base fee	$225.00	per lot
.3	21-50 lots, plus base fee	$200.00	per lot

.4	51 plus lots, plus base fee	$175.00	per lot
.5	Inspection fee	$50.00	per lot
.6	Engineering review for storm drainage, utilities and new road (payable at the time a subdivision application is filed)	$500.00	plus $1.00 per linear foot of road
.7	Inspection and supervision of infrastructure construction (payable at the time a zoning permit application is filed)	5%	of estimated cost

3.8 Variances

3.8.1	Base fee	$200.00	
3.8.2	Per bulk item to be varied	$100.00	

3.9 Other Fees

3.9.1	Bond reduction	$100.00	
3.9.2	Groundwater protection	$250.00	

3.9.3 Additional costs. In addition to the fixed fees set forth under this section, the Town of Stonington will collect payment for direct costs of materials and services performed by professionals, other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with an application, or require an applicant to provide certifications, inspections, and/or professional consultant reports at the applicant's expense. The payment of additional costs shall not prohibit the Town of Stonington from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

3.9.4 Reapplication fee. A reapplication fee shall be paid in lieu of the fees provided for herein when an applicant previously paid the fees as required in this ordinance within the last five months but said application was withdrawn.

The reapplication fee applies only to applications for the new construction of, reconstruction of, renovation of, or additions to a single-family residence and uses accessory to that single-family residence; it does not apply to applications for variances from the Zoning Board of Appeals.

The reapplication fee is fifty dollars ($50.00) for applications for the new construction of, reconstruction of, or an addition to, a single-family residence and fifty percent (50%) of the original applications for renovations to, and uses accessory to, a single family residence.

3.9.5 The fees listed in this ordinance are exclusive of the Application Fee for municipal planning, zoning, wetlands and coastal management applications required by the Connecticut General Statutes Section 22a-27j.

3.9.6 Disposition of fees and costs. The Town fees and costs established by this Ordinance shall be payable to the Town of Stonington for its General Fund.

SECTION 4: Severance Clause.
This ordinance and the various parts hereof are declared to be severable; and if any part, sentence, section or clause is adjudged to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected hereby and shall remain in full force and effect.

SECTION 5: Repeal.
All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby replaced to the extent of such inconsistency.

SECTION 6: Effective Date.
This ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted: November 20, 2007

Effective Date: December 11, 2007