

TOWN OF WATERFORD

CONNECTICUT

ZONING REGULATIONS

Revised Through Effective Date: December 22, 2011

Last comprehensive review of the Zoning Regulations:

Originally Adopted: December 18, 1978

Originally Effective: January 13, 1979

First Zoning Regulations Effective: June 1954

First Subdivision Regulations Effective: May 4, 1948

The Town of Waterford Zoning Commission was created on June 3, 1939 and the Planning & Zoning Commission was created on November 15, 1951

The Planning and Zoning Commission

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Mike Glidden	Zoning Official
Dawn Choisy	Recording Secretary

EFFECTIVE DATE	REGULATION SECTION	APPLICATION NUMBER	DESCRIPTION OF AMENDMENT
11/28/95	11.2.3 & 13.1	95-402	Add Prof. Offices, medical clinics & labs
11/28/95	13.2.17	95-402	Delete
01/28/97	13.2.17	95-403	Add "Home for the aged, nursing home, assisted living
10/08/97	4.2.5	97-502	Add "and/or places for assisted living"
04/15/98	10.2.4 & 10.2.4.1	98-501	Add "storage warehouses and assembly of products"
4/15/98	Section 1	98-501	Include a definition for "Assembly
10/01/00	3.17	00-502	Repeal "Affordable Elderly Development"
10/1/00	3.17	00-502	Add "Age Restricted Housing"
10/01/00	6.1.5	00-502	Repeal
10/01/00	6.2.10	00-502	Add
01/21/01	8a	00-503	Create "Special Development District"
01/21/01	3.6	00-503	Add "Special Development District"
01/21/01	19.1.10f	00-503	Add Section
01/21/01	19.1.10g	00-503	Add Section
11/01/01	8.2.17	01-501	Add "Car Washes"
11/15/01	20.3u	01-501	Amend to read "...a self-service car wash shall have at least 4 waiting positions for each bay between the street line..."
08/01/02	6A.2.4	02-501	Amend to read "Architectural and site design which promote aesthetic qualities while sustaining and enhancing the unique qualities of the Village are required and shall be incorporated in all applications for permits. The Zoning Official may refer an application, which in his/her opinion is inconsistent with these regulations to the Planning and Zoning Commission for action as a site plan.
08/01/02	6A.6	02-501	Increase side yard setbacks to 15 feet and decrease maximum height to 20 feet.
12/1/02	24.4	02-502	Revisions to expansion of non-conforming structures
05/15/03	3.23.7	PZ2003-006	Revisions to distance requirements between liquor outlets
6/15/03	4.5 & 5.5	PZ2003-016	Revisions to maximum building coverage for nursing homes
7/15/03	17a	PZ2002-002/003	Creation of Seaside Preservation District
7/15/03	1	PZ2002-002/003	Add Definition "Assisted Living"
7/15/03	3.8	PZ2002-002/003	Revise to add Section 17a to wording
7/15/03	3.34.2	PZ2002-002/003	Revise to add Seaside Preservation District
06/07/04	20.3(w)	PZ2004-010	Modify parking requirements for medical & dental offices
10/22/04	1	PZ2004-044	Add Definition "Family Entertainment Center
10/22/04	11.2.23	PZ2004-044	Add Family Entertainment Center to Zone

REVISION TABLE (CONT)			
12/1/05	10.1.10	PZ2005-047	Add Personal Service Establishment to Civic Triangle District
10/03/2006	3.23.8	PZ2006-027	Modify Liquor Outlet Locations
4/18/2007	3.10	PZ2006-042	Size and location of accessory buildings in residential and multifamily districts.
8/19/2008	1.17, 1.97, 4.2.5, 4.2.6, 5.2.5, 5.2.9, 6.2.10, 8.1.11, 8a.2.2, 11.2.10, 13.1.2, 18.7.4.3, and 20.3.1	#PZ2008-024	New Definitions for Convalescent Nursing Homes and Places for Assisted Living. Application of same to various Zoning Districts along with Hospitals and other related medical uses.
10/01/2008	8.1.15	PZ2008-027	Remove requirement that wholesaling of merchandise be secondary to retail sales within the General Commercial District
09/01/2009	12.2.12	PZ2009-012	Allow sales, storage, repair or rental of automobiles, trucks, trailers, boats, motorcycles, construction equipment and agricultural equipment
02/02/2010	13.11 a.	PZ2009-024	Remove requirement for worker parking to be located in rear or side yard only.
06/01/2010	1.59, 13a, 19.1 and 19.1.10d	PZ2010-007	Add definition for Medical Campus Overlay District; add New Medical Campus Overlay District section; amend Planned Group Development section.
08/19/2010	3.36.2.5	PZ2010-011	Increase maximum floor area for accessory apartments from 600 square feet to 850 square feet.
06/14/2011	5.2.11	PZ2011-007	Allow Supportive Housing for the Elderly.
7/5/2011	25.3,1.20, 1.62, 1.63, 3.20(sub- sections included), 3.21(sub- sections included)	PZ2011-010	Update Flood Hazard Regulations as required by FEMA; Amend definition of "Development", revise term "Mobile Home" to "Manufactured Home".
8/26/11	17a-Seaside Preservation District	PZ2011-009	Modifications to regulation
11/15/11	11.1.16	PZ2011-017	Add Financial Institutions to the General Industrial District
12/22/11	11.2.11, 22.4.3b1, 25.1, 25.1.a, 25.1.b, 25.1.2o, 25.1.4, 25.1.4a, 25.1.5c, 25.1.5f	PL-11-3	Amend regulations relative to the wholesale storage and distribution of fuels and the processing of earth materials.

REVISION TABLE (CONT)			
12/22/11	5.2.8, 6.2.9, 11.2.9	PL-11-3	Delete sections relative to septic tank and/or solid waste disposal areas.

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For the purpose of these regulations, certain terms or words shall be defined as below. Words in the present tense include the future, the singular number includes the plural, and vice versa. The word "person" includes a partner-ship, corporation, or other entity. The word "lot" includes the word "plot". The word "building" includes the word "structure".

1.1 ACCESSORY BUILDING

A detached subordinate building, the use of which is incidental to and customary in connection with the main building or use, and which is located on the same lot with such main building or use. An accessory building shall be one, which is not attached to the main building by any covered porch, breezeway, or other roofed structure.

1.2 ACCESSORY USE

A subordinate use which is clearly incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use.

1.3 ACRE

For the purposes of these regulations, an acre shall be forty thousand (40,000) square feet of area.

1.4 ASSEMBLY

The combining of component parts having form and substance by physically mating or joining the component parts.

1.98 ASSISTED LIVING

A full care and/or special care building for person(s) where at least one resident is over the age of 55 who need assistance with one or more functions of daily living. Private residential areas for up to two persons, containing a bath, sleeping accommodations, and a limited food preparation area, are combined with common dining and activity spaces to create a communal setting for the occupants. Access is provided within the building to social, recreational, personal and essential care services for the occupants to continue a level of independent living. An assisted living residence shall only be occupied by an individual and their spouse and/or a person providing care to such individual. (Amended 8/19/08)

1.5 BILLBOARD

A panel or structure designed or used for outdoor advertising of products and services unconnected with the premises on which it is located and mounted on a building or on a separate frame located near a highway, railroad, or waterway.

1.6 BUFFER STRIP

A parcel of land unoccupied by buildings, structures, or pavements and maintained as a grass area and/or planted with trees or shrubs.

1.7 BUILDING

Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or materials. Any other structure more than 6 feet high shall be considered as a building, including a solid fence or wall, but excluding an electric transmission line or an electric light, telephone or telegraph pole, radio or TV antenna, highway or railroad bridge, or flagpole.

1.8 BUILDING, MAIN

A building in which the principal use of the lot on which it is located is conducted, or is intended to be conducted.

1.9 BUILDING AREA

The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

1.10 BUILDING COVERAGE

The percentage, which the aggregate area of all buildings on the lot bears to the area of the lot.

1.11 BUILDING HEIGHT

The vertical distance from the average finished grade within 10 feet of the walls of the building 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.

1.12 BUILDING LINE

A line parallel to the abutting street at a distance equal to or greater than the minimum front yard setback at a point where the required minimum lot width is achieved.

1.13 BUSINESS OFFICE

Office of person or persons principally used as an office of a business or company which supplies a service or product to be delivered to or used for a site other than the business office. Types of uses include real estate, insurance, travel agents, and contractors offices. The following are not business offices: retail sales, professional offices, medical testing laboratories, and personal service establishments.

1.14 CERTIFICATION

A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

1.15 CLUB

An association of persons, which is the owner or occupant of an establishment, operated solely for a recreational, social, fraternal, religious, or political purpose and not operated for profit or gain.

1.16 COMMISSION

The Waterford Planning and Zoning Commission.

1.17 CONVALESCENT NURSING HOME

An institution which provides skilled nursing care under medical supervision and direction to carry out non-surgical procedures for chronic diseases, convalescent stages, acute diseases or injuries and continuing care. (effective 8/19/08)

1.18 COUNTY SOIL AND WATER CONSERVATION DISTRICT

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

1.19 COURT

An open space, other than a yard, on the same lot with a building which space is bounded on three sides or more by the walls of such building.

1.20 DEVELOPMENT

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. (revised 7/5/11)

1.21 DISTRICT

A district established by the provisions of Section 2 of these regulations.

1.22 DISTURBED AREA

An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

1.23 DWELLING

A building or part of a building which contains living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families.

1.24 DWELLING, ONE FAMILY

A detached building designated for or occupied solely as a dwelling by one family.

1.25 DWELLING, TWO FAMILY

A detached building designated for or occupied solely as a dwelling by two families living independently of each other.

1.26 DWELLING, MULTIPLE

A dwelling or group of dwellings on one lot containing separate dwelling units for three or more families, having separate entrances or joint corridors.

1.27 EFFICIENCY UNIT

A small dwelling unit of not more than one room in addition to a kitchen and bath, which is designed and intended for occupancy by not more than two people.

1.28 EROSION

Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

1.29 FAMILY

A single person keeping house separately or any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit. A group of not more than five persons keeping house together, but not necessarily related by blood or marriage, shall also be considered a family for the purpose of these regulations, if the residence, which they occupy, contains not less than 1,500 square feet of living area.

1.99 FAMILY ENTERTAINMENT CENTER

Commercial indoor/outdoor facility consisting of multiple recreational activities such as miniature golf, batting cages, rock climbing wall, bank shot basketball, bumper boats, go-karts, paintball, and like uses, with accessory uses thereto such as buildings for restrooms, snack bar, gathering rooms, maintenance and storage.

1.30 FARM

A tract of 120,000 square feet or more used for agricultural, dairy, or horticultural purposes and including truck gardens, nurseries, or pasture.

1.31 FARMING

The act of cultivating land, the raising of crops, or the tending of domestic animals or poultry for commercial purposes.

1.32 FILLING STATION

A place where gasoline, oil, and automobile accessories may be retailed.

1.33 FIRE LANE

An access around and immediately adjacent to a building(s) or a sidewalk of 12 feet in width for the use of emergency equipment, which shall remain clear of obstruction of any kind at all times.

1.34 FRONTAGE

The boundary of a lot abutting a public street and having a permitted vehicular access to a public street.

1.35 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.

1.36 GRAVEL PIT

An area of land used for the excavation and removal of sand, gravel, peat, or fill.

1.37 HOME OCCUPATION, CUSTOMARY

The following uses shall be considered as customary home occupations when approved by the Commission or its agent as an accessory use to a one family dwelling, in accordance with the standards and requirements of Section 3.11 of these Regulations:

- a. home handicrafts
- b. dress making and tailoring services
- c. artist
- d. realtor
- e. insurance agent
- f. woodcraft
- g. marketing services
- h. photographer
- i. professional consultant
- j. architect, engineer, surveyor, accountant, attorney, or appraiser.

1.38 HOSPITAL

An institution where the sick and injured may receive medical or surgical treatment.

1.38.1 Animal Hospital - A structure used for the care and treatment of dogs, cats, etc.

1.38.2 Veterinary Hospital - For the purpose of these regulations, a veterinary hospital shall have the same definition as animal hospital.

1.39 HOTEL

A building providing lodging for persons with or without meals, and intended for public accommodation and so designed that normal access and egress are controlled from a central point.

1.40 HOUSEBOAT

A watercraft used or designed to be used as a permanent residence or permanent address for a business enterprise or office. All watercraft not primarily used for recreational purpose or commercial fishing use and on which people reside for more than weekend periods or more than 30 days in any calendar year, shall be defined as a houseboat.

1.41 INSPECTION

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

1.42 INTERSECTION

The point of intersection of the centerlines of two intersecting streets.

1.43 JUNK

Discarded materials, equipment, machinery, vehicles, waste, rubble, or refuse which may or may not be used or useful in some form.

1.44 JUNK MOTOR VEHICLE

A motor vehicle not displaying proper registration plates and/or a motor vehicle that is worn out, discarded, inoperative, or which is ready for dismantling or destruction.

1.45 JUNK YARD

For the purposes of these regulations, the term junkyard shall be defined to include Junk Yard as defined by Section 21-9 of the Connecticut State Statutes; or a Motor Vehicle Junk Business or Motor Vehicle Junk Yard as defined in Section 21-15 of the Connecticut State Statutes.

1.46 KENNEL

A structure used to house dogs or other animals for compensation.

1.47 LANDSCAPING, LANDSCAPED

The term landscaped or landscaping shall mean that an area be at least covered with grass, and/or ground cover and evergreen plantings. Any additional planting is either specifically required by the regulations or left to the discretion of the property owner.

1.47.1 Partial Visual Screening: A type of screening through which the screened object is partially visible. Screening may be accomplished through the use of plant materials or architectural materials or combination of both

1.47.2 Complete Visual Screening: A type of screening which affords a year-round effect and through which the screened object is totally obscured. Complete visual screening should consist of ornamental fences, walls, screen planting or combinations, such as:

- a. Compact

evergreen planting designed to provide 80 percent or more continuous opacity beginning at least 12 months after installation, where viewed horizontally from between two and ten feet above average ground level. Such plants should be maintained at maturity heights.

1.48 LOT

A plot or parcel of land, which is owned, separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the Land Records of the Town of Waterford; or a building lot delineated on a subdivision plan approved by the Waterford Planning and Zoning Commission and recorded in the Land Records of the Town of Waterford which conforms in all respects to the requirements of these regulations and any amendment thereto.

Except as provided in Section 3.17, 18 and Section 19 of these regulations, only one principal building and the accessory buildings or uses customarily incident to it shall be located on any single lot.

1.49 LOT, CORNER

A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees or where the intersection is rounded by a curve having a radius of less than 100 feet.

1.50 LOT, FLAG

A parcel of land created pursuant to Section 3.38, "Flag Lot Development", that does not have the required frontage for the district, but has at least 25' of frontage, and otherwise complies with the requirements of Section 3.38, 3.34, and the bulk and area requirements of the zoning district in which it is located.

1.51 LOT, NORMAL

A lot other than a corner lot, through lot, or rear lot.

1.52 LOT, REAR

A lot without frontage on a public street.

1.53 LOT, THROUGH

A lot other than a corner lot which abuts two or more streets which do not intersect at the lot.

1.54 LOT LINE

The established division line between lots or between a lot and a street.

1.55 LOT LINE, FRONT

All dividing lines between a street and the lot shall be considered front lines.

1.56 LOT LINE, REAR

The line bounding a lot at the rear and approximately parallel to and at a maximum distance from the front lot line (See Figure A).

1.57 LOT LINE, SIDE

The line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots or through lots, all lines extending from streets shall be considered side lot lines.

1.58 LOT, MINIMUM WIDTH OF

The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines (see Figure B).

1.59 MEDICAL CAMPUS

A group of establishments, in one or more buildings, on one lot or on a group of contiguous lots designed as a coherent group, and developed for the primary purpose of supplying medical services in accordance with the standards and requirements of Section 13a of these Zoning Regulations. A Medical Campus may include other uses allowed in the underlying zoning district and, as approved by the Commission in accordance with the standards and requirements of Section 13a of these Zoning Regulations, may include uses that are not otherwise allowed in the underlying zoning district.

1.60 MEDICAL CLINIC

An establishment where patients are received for examination by one or more physicians, dentists, surgeons, and other health practitioners, psychologists, or social workers where patients are not lodged overnight. Medical clinics may include as an accessory use (per paragraph 1.2: Accessory Use) facilities for dispensing prescriptions, orthopedic equipment, and general medical supplies. Medical clinics do not include animal and veterinary clinics.

1.61 MEDICAL SERVICE LABORATORIES

An establishment primarily engaged in conducting necessary testing for diagnostic care to include but not limited to x-ray services, biological fluids testing, blood banks, and miscellaneous types of medical supplies and services. Medical service laboratories do not include veterinary service laboratories.

1.62 MANUFACTURED HOME

A structure which is used as living quarters and contains sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; and which is designed for transportation after fabrication on streets or highways, on its own wheels or on flatbed or other trailers jacks, or other temporary or permanent foundations, connections to utilities, and the like. Mobile and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on homes shall not include recreational camping vehicles as defined within Section 1.73 herein. (Revised 7/5/11)

1.63 MANUFACTURED HOME PARK

A plot of ground upon which two or more manufactured homes, occupied for residential purposes, are located. (Revised 7/5/11)

1.64 MOTEL

A building or group of buildings providing lodging for persons, with or without meals and/or kitchen facilities, intended primarily for the accommodation of transients, having a private outside entrance for each room or suite of rooms, and for each of which rooms or suites of rooms, automobile parking space is provided on the premises. This definition does not include apartments.

1.65 NIGHT CLUB

A business operated to supply music or entertainment or both and which provides food and/or beverages for on premises consumption.

1.66 OPEN SPACE

A space not occupied by a building or other roofed structure.

1.67 PARKING ISLAND

A landscaped divider in a parking area. Each island shall have a six inch high curb around it.

1.68 PERSONAL SERVICE ESTABLISHMENT

An establishment primarily engaged in providing services involving the care of a person or his or her apparel.

1.69 PREMISES

A lot, as defined in this section, with any buildings located thereon.

1.70 PRIVATE GARAGE

An accessory building or part thereof or a portion of a principal building used for the parking or storage of motor vehicles belonging to the occupant of the premises, and used in connection with a use permitted on the premises.

1.71 PROFESSIONAL OFFICE

Office for person or persons whose vocation or occupation requires advanced training in a liberal art or science, a State license or certification, and whose work usually involves non-manual work and services are rendered rather than goods offered for sale on the premises including doctors, dentists, other medical

professionals, lawyers, engineers, and architects. The following similar uses are not professional offices: contractor, beauty parlor, insurance agent, medical testing laboratory, pest control, pharmacy, real estate agent, and financial institutions.

1.72 PUBLIC GARAGE

A building used for the storage, servicing, or repair of motor vehicles for compensation.

1.73 RECREATIONAL-CAMPING-VEHICLE

A mobile, vehicular structure mounted on wheels and designed as a temporary dwelling for travel, recreation, or vacation, including but not limited to self-propelled motor homes, travel trailers not exceeding 32 feet in length, collapsible tent trailers, and truck-mounted units.

1.74 RESTAURANT

A commercial enterprise whose primary function is the sale of food and/or beverages for on-premises consumption, excluding night clubs.

1.75 RETAIL SALES/SERVICE ESTABLISHMENT

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales and services shall not include uses which may involve the retail sale of merchandise but are specifically allowed only in certain zoning districts.

1.76 RIGHT-OF-WAY

A right of passage over another person's land.

1.77 SEDIMENT

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

1.78 SERVICE STATION

Shall be synonymous with the definition of filling station.

1.79 SETBACK

The distance between the building line and the highway line.

1.80 SHOPPING CENTER

A group of five or more commercial establishments under one roof or interconnected by walls, roofs, enclosed malls, parking lots, or walkways located on one lot, or on a group of contiguous lots under unified ownership or control, having an area of not less than four acres, providing adjoining off-street parking facilities for at least 100 cars, and designed and developed as a coherent group.

1.80.1 Neighborhood Shopping Center - Shopping center located on a lot or a group of contiguous lots having an area of less than 10 acres is a neighborhood shopping center.

1.80.2 Community Shopping Center - A shopping center located on a lot or group of contiguous lots having an area greater than 10 acres but less than 40 acres is a community shopping center.

1.80.3 Regional Shopping Center - A shopping center located on a lot or a group of contiguous lots having an area of more than 40 acres is a regional shopping center.

1.81 SIGN

Any letters, figures, design, symbol, trademark, or illuminating device and related background area designed as an integral part of such material which is intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever out of doors for recognized advertising purposes. Interior signs, if located on a window or within a distance equal to the greatest dimension of the

window and if obviously intended for viewing from the exterior, shall be considered an exterior sign for purposes of these regulations.

- 1.81.1 Sign, Freestanding - Any sign supported by uprights, braces or poles, and not attached to any part of any building.
- 1.81.2 Sign, Projecting - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 1.81.3 Sign, Rooftop - A sign located on or above the roof of any building.
- 1.81.4 Sign, Wall or Building Mounted - A sign affixed directly to an exterior wall and confined within the limits thereof of any building and which does not project from that surface more than 3 feet and does not overhang any public right-of-way.

1.82 SOIL

Unconsolidated mineral or organic material of any origin.

1.83 SOIL EROSION AND 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.

1.84 STORAGE SPACE

Rooms or space used exclusively for storage of goods, or merchandise, but not including space used for display of merchandise.

1.85 STREET

An improved right-of-way suitable for vehicular travel accepted for public use by the Town of Waterford's Representative Town Meeting; a State or Federal highway; or any proposed street shown on a subdivision plan approved by the Town of Waterford Planning and Zoning Commission and recorded in the Land Records of the Town of Waterford. As defined herein, "street" shall include the entire width of the right-of-way.

1.86 STREET, UNACCEPTED

Any private right-of-way providing access to one or more lots or dwelling units, or any private or public roadway which has not been accepted by the Town of Waterford's Representative Town Meeting. However, those streets shown on a subdivision plan which has been approved by the Commission and for which the Town is holding a performance bond or maintenance bond in accordance with the provisions of Section 3.6 or 6.13 respectively of the Town's Subdivision Regulations, shall not be considered unaccepted streets for the purpose of the provisions of Section 3.15 of these regulations.

1.87 STREET LINE

The line dividing the street and the abutting property.

1.88 TRAILER

Any vehicle or object designed to be moved on wheels whether resting on wheels, jacks, or other foundation and whether or not having any motive power of its own, but which is drawn by, or used in connection with, a motor vehicle, and which is so designed and constructed and/or added to by means of such accessories, as to permit use and occupancy thereof for human habitation. This shall include the type of vehicle known as a manufactured home. (Revised 7/5/11)

1.89 TRAILER CAMP

Any premises used or permitted to be used for the parking of more than one occupied trailer coach. This shall be synonymous with what is commonly called Manufactured Home Park or Trailer Park.

1.90 WATERCOURSE

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural, or artificial, public or private, vernal, intermittent or perennial, which are contained within, flow through or border upon the Town of Waterford or any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive of the General Statutes, as amended.

1.91 WETLANDS

Land, including submerged land, not regulated pursuant to Section 22a-28 to 22a-35 inclusive of the General Statutes as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or flood plain by the National Cooperative Soil Survey, as may be amended from time to time, by the Soil Conservation Service of the U.S. Department of Agriculture, and are generally shown for information purposes only, on a map entitled "Designated Inland Wetland and Water-courses, Town of Waterford" on file in the Office of the Town Clerk. In each instance, however, the actual character of the soil shall determine whether the land in question is subject to Regulation.

1.92 YARD, FRONT

An open space between the building and the front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets. (See Figure C)

1.93 YARD, REAR

An open space between the building and the rear lot line, extending the full width of the lot. (See Figure C)

1.94 YARD, REQUIRED REAR

The open space between the rear lot line and a line parallel to it at a distance equal to the minimum rear yard as set forth in the table applicable to the district in which the lot is situated. (See Figure C)

1.95 YARD, SIDE

An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard shall be deemed a side yard. (See Figure C)

1.96 YARD, REQUIRED SIDE

The open space between the side lot line and a line parallel to it at a distance equal to that required by the provisions of these regulations applicable to the district in which the lot is situated. (See Figure C)

1.97 YARDS, DEPTH OR WIDTH OF

The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

SECTION 2 - ZONING DISTRICTS

2.1 DISTRICT CLASSIFICATION

For the purpose of these regulations, the Town of Waterford is hereby divided into the following Zoning Districts:

		Minimum Lot Size (Sq. Ft.)
VR-7.5	Village Residential District	7,500
VR-10	Village Residential District	10,000
VR-15	Village Residential District	15,000
R-20	Medium Density Residential District	20,000
R-40	Low Density Residential District	40,000
RU-120	Rural Residential District	120,000
R-MF	Residential Multi-Family District	60,000
C-MF	Commercial Multi-Family District	60,000
I-MF	Industrial Multi-Family District	60,000
CT-MF	Civic Triangle Multi-Family District	60,000
NBPO	Neighborhood Business Professional Office	20,000
NB	Neighborhood Business District	20,000
C-G	General Commercial District	30,000
C-R	Regional Commercial District	40,000
CT	Civic Triangle District	20,000
I-G	General Industrial District	40,000
I-C	Industrial Commercial District	40,000
IP-1	General Industrial Park District	80,000
WD	Waterfront Development District	20,000
IP-3	Special Aquifer Industrial Park District	120,000
OS	Open Space District	200,000
SDD	Special Development District	200,000
SPD	Seaside Preservation District	

2.2 ZONING MAP

The boundaries of said districts shall be as shown on the map entitled "Zoning Map, Town of Waterford" adopted December 18, 1978, which is on file in the Office of the Town Clerk of Waterford. Such map and any adopted revisions thereto, with the explanatory matter thereof, are hereby declared to be a part of these regulations as if fully set forth herein.

2.3 DISTRICT BOUNDARIES

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such alleys, streets, or railroad right-of-way. Where the center line of a street, alley or railroad right-of-way serves as a district boundary, unless otherwise specifically designated, such street, alley or railroad right-of-way shall be deemed to be the same as that of the abutting property up to such center line. Where district boundaries are not more than 50 feet from a lot line, such lot line shall be construed to be such a boundary. Where a boundary between two residential districts divides a lot, the regulations for the less restricted portion of such a lot may be applied to the more restricted portion provided the lot has frontage on a street in the less restricted district. Amended 5/21/76: "In the case of a lot lying in more than one zoning district as established by these regulations, the provisions of the less restrictive, as determined by use, district shall apply for a distance not exceeding 20 feet into the more restrictive district, except as stated above where a boundary between two residential districts divides a lot."

2.4 PERMITTED USES

No buildings or land in any district shall be used for any purpose other than that which is specifically listed as a permitted use or is specifically listed as a use permitted subject to the approval of a special permit within the district in which the building or land is located. Any use not specifically listed as provided herein shall be prohibited.

2.5 LAND UNDER WATER

Each district shall include any land under any lake, pond, stream, river, or Long Island Sound, or other body of water located within such district to the extent that such land is within the Town of Waterford.

SECTION 3 - GENERAL PROVISIONS

3.1 COMPLIANCE WITH REGULATIONS

No land, building, or premises or part thereon shall hereafter be used, and no building or part thereof of other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with these regulations. Every lot shall have an area, width, and front, side, and rear yards at least as large as set forth in the applicable paragraphs of these regulations. No building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height than as set forth in the applicable paragraphs of these regulations.

3.2 REDUCTION OF LOT AREA OR DIMENSIONS

No lot shall be diminished in size nor shall any yard, court, or other open space be reduced in size except in conformity with these regulations.

3.3 OPEN SPACES REQUIRED FOR EACH BUILDING

Except as specifically provided within these regulations, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

3.4 PROJECTIONS INTO REQUIRED YARD AREAS

In determining compliance with the minimum setback requirements established within these regulations, the controlling distance on each lot shall be measured between the applicable lot line and the closest point thereto on any building or structure erected on said lot, and no portion of any roof overhang, chimney, cornice, or other similar architectural feature shall project into any required Front, Side, or Rear Yard.

3.5 REQUIRED FLOOR AREA

No one-family dwelling shall hereafter be constructed, moved, or altered unless such dwelling unit contains at least 850 square feet of floor area. However, in the case of existing one-family dwellings containing less than 850 square feet of floor area, Section 24.3 of these Regulations shall govern. Porches, floor space above the first floor which does not have access by an inside permanent stairway, floor space which does not have ceiling height of at least 7 feet, garages, and any detached accessory buildings, shall not be considered in meeting this minimum floor area required.

3.6 MODIFICATION OF MAXIMUM BUILDING HEIGHT REQUIREMENTS (Amended 1/21/01)

Spires, steeples, accessways, cupolas, chimneys, flagpoles, ventilators, tanks, and similar features occupying in the aggregate not more than 10 percent of the total roof area, and not used for human occupancy, may be erected to a reasonable and necessary height, not to exceed an additional 12 feet above the maximum building height established herein.

Private antennae serving an individual dwelling may be erected in accordance with the provisions of Section 3.9.10 of these regulations, and other private antennae may be erected on the roof of a structure to a height of 12 feet above the maximum height allowed within the district in which such structure is located. Any other antenna structures, including those which may exceed 40 feet in height, may be erected in any district only with the approval of a special permit under the provisions of Section 23 of these regulations. However, in no case shall any antenna structure be erected within the Town of Waterford unless such construction complies with the provisions of Section 428.0 of the State Building Code (see appendix to these regulations).

In addition, buildings in excess of the maximum permitted building heights may be erected within any General Commercial, Regional Commercial, General Industrial, Industrial-Commercial, IP-1, or IP-3 District, or Special Development District (SDD) with the approval of a Special Permit in accordance with the provisions established within Section 23 of these regulations.

3.7 MODIFICATION OF ZONING REQUIREMENTS ADJACENT TO RAILROADS AND NAVIGABLE WATERS

Where a boundary of a lot is contiguous to a railroad right-of-way or navigable body of water, the rear and/or side yard requirements, buffer requirements, and road frontage requirements established within these regulations for that boundary abutting said right-of-way or body of water may be waived wholly or partially by the Commission upon finding that such waiver will not adversely affect adjacent property values and will not adversely affect the ability of fire and other emergency and public safety equipment to service and provide protection to the subject property.

3.8 MORE THAN ONE BUILDING ON A LOT (Revised 7/15/03)

Except as provided in Sections 3.17, 17a, 18, and Section 19 of these Regulations, only one principal building and the accessory buildings or uses customarily incident thereto shall be located on any single lot.

3.9 ACCESSORY USES IN RESIDENTIAL ZONING DISTRICTS

An accessory building and an accessory use are defined in Sections 1.1 and 1.2 of these regulations and such shall not be permitted to be established on any lot unless a main use or building is located on the same lot. In a residential district, the following are deemed to be accessory uses:

- 3.9.1 Fully enclosed accommodations for passenger vehicles.
- 3.9.2 Garage or carport for one commercial vehicle, truck, tractor, piece of earth-moving equipment or commercial tools for personal or business use, provided that no such equipment or tools shall contain an engine of over 10 horsepower.
- 3.9.3 Open parking places for passenger vehicles belonging to the occupants of the dwelling units.
- 3.9.4 Trailers, manufactured homes, and recreational camping vehicles as permitted in Sections 3.20 and 3.22 herein.
- 3.9.5 Open or enclosed accommodations in the side or rear yard and 20 feet from a property line for one boat not more than 26 feet in length, one boat trailer, and one dinghy, used for pleasure purposes and belonging to the occupants of the dwelling unit. All boats over 26 feet in length shall be stored within an enclosure which shields the view of such boat from all adjacent property lines.
- 3.9.6 On lots of not less than 120,000 square feet which contain a single-family residence which is occupied by one family, a separate barn or structure to house a horse or other animal. Such barn or structure shall not be located closer than 150 feet from any lot line.
- 3.9.7 Private swimming pools.
- 3.9.8 Tool sheds, greenhouses, arbors, garden houses.
- 3.9.9 Boathouses, tennis courts.
- 3.9.10 Private antennae serving an individual dwelling provided the top of any such antennae shall not be more than 40 feet in height above the ground or more than 20 feet in height above the highest point on the dwelling's roof on which it is attached.
- 3.9.11 Accessory apartments in accordance with Section 3,36 of these Regulations.

3.10 SIZE AND LOCATION OF ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS (Amended 4/18/07)

- a.) In all residential and multi-family districts, accessory buildings shall be located only in rear yards, or in side yards. When located in a side yard, an accessory building shall be situated no closer to a side line than the minimum width required for the side yard of a principal building. When located on a

corner lot, an accessory building shall be no closer to a street lot line than the least depth of any front yard requirement along such street. When a lot fronts on two parallel streets, any accessory structure shall be located on that one-third of the lot furthest from both streets.

- b.) In residential districts, a garage or carport used primarily for the storage of passenger motor vehicles may be located in a front yard, provided that such structure is located no closer to the street than the required front yard setback.
- c.) An Accessory Building shall not exceed a height of 15 feet.
- d.) An Accessory Building located in a required rear yard shall not exceed 250 square feet of building area; it shall be a minimum of 10 feet from the lot line.
- e.) The maximum cumulative building area for all accessory buildings on a lot shall not exceed a total of 50% of the building area of the main building. No portion of an accessory building shall be closer than 10 feet to any portion of the main building.
- f.) A covered porch, breezeway or roofed structure that connects two portions of the main building shall not be more than 12 feet in length.

These regulations do not apply to non-residential permitted or specially permitted uses allowed in residential districts including but not limited to farming, riding stables, nurseries, commercial greenhouses and parks.

3.11 CUSTOMARY HOME OCCUPATIONS

The following uses shall be specifically exempt from Home Occupation Permit requirements, only if limited to no more than two members of the immediate household operating within the confines of the single family residence, and without any exterior or measurable changes in the use of the property beyond that normally characteristic of a single family home, based upon traffic generation, parking, hours of operation, noise, and similar characteristics, as determined by the Commission or its agent.

- a. business offices as defined in Section 1.13.
- b. occupations operated through telecommunications.
- c. phone answering service, excluding dispatch.

The Commission reserves the right to review and act upon any use referred to the Commission by the ZEO for a determination of compliance with the above definitions and exemptions.

Customary home occupations, as defined in section 1.37 of these regulations may be legally carried on for compensation as an accessory use to a one-family dwelling upon approval of a Zoning Compliance Permit by the Zoning Enforcement Officer and subject to compliance with the standards required herein. Application shall be made to the ZEO and shall include the following:

A plot plan drawn to scale indicating parcel boundaries, parking, access, and existing/proposed structures,

Completed Zoning Compliance Permit application form.

Application fee.

Scale floor plans of all areas of the home, including garages and basements, indicating the use of these areas, area to be used for the home occupation, and a calculation indicating the total area of a living spaces in the home, area to be used for the home occupation, and percentage of the living area to be used for the home occupation.

A written narrative that specifically describes the use and its compliance with the following standards of section 3.11.

- 3.11.1 The occupation is operated entirely within the confines of the dwelling by the occupant of such dwelling and does not require storage of any materials or products on the premises outside of the dwelling unit.

- 3.11.2 The occupation is clearly secondary to the use of the dwelling for residential purposes.
- 3.11.3 Such occupation shall not change the residential character of the dwelling in any visible manner.
- 3.11.4 Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, vibration, or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property values in the neighborhood.
- 3.11.5 Such occupation shall not create interference with radio or television reception in the vicinity.
- 3.11.6 Such occupation shall not create a health or safety hazard.
- 3.11.7 Such occupation shall be carried on only by the inhabitants of the residence except that one person in addition to a normal resident may also be employed part-time.
- 3.11.8 Such occupation shall occupy an area not to exceed 20% of the gross floor area of such dwelling.
- 3.11.9 Such occupation shall not have any exterior display or advertisement regarding any commodity or service available on the premises. However, a single sign meeting the requirements of Section 21.2 of these regulations may be erected indicating the type of home occupation being operated on the premises. Any such sign shall also comply to all other applicable requirements of Section 21 of these regulations.
- 3.11.10 Such occupation shall not increase the traffic or vehicular congestion in a neighborhood in excess of the typical operation of the household without the occupation.
- 3.11.11 Off-street parking in accordance with the requirements of Sections 20.2, 20.3, 20.4, and 20.5 of these regulations must be provided and its location and design must not change the characteristics of the neighborhood.
- 3.11.12 No commercial vehicle may be used to support the home occupation.

3.12 CELLARS

No foundation or cellar of any building on which construction has not been completed in accordance with all applicable provisions of these regulations and the State Building Code, shall be used either temporarily or permanently for residential uses, and no certificate of occupancy shall be issued for such use.

3.13 CLEAR LINE OF SIGHT AT PUBLIC INTERSECTIONS

No structure, fence, wall, shrubbery, tree, retaining wall, or other visual obstruction which exceeds 2 1/2 feet in height above the road level shall be placed or maintained within the triangle formed by a line connecting any two intersecting streets at a point 30 feet from their intersection.

3.14 LAND DEVELOPMENT ON REAR LOTS

In order to permit a reasonable degree of development on parcels of land which have access to a public street, but do not have frontage on such public street, and wherein the sole discretion of the Commission, it is neither probable nor desirable that such land be subdivided as permitted by the Town's Subdivision Regulations, this Section 3.14, Land Development on Rear Lots, may apply. However, only those lots which were in existence on October 28, 1970, and continuously thereafter, and which conform to all provisions of this section, shall be granted approval to be developed under the provisions of this section. Under no circumstances shall any land be so divided as to create any new rear lot.

A zoning permit may be issued for a building to be located on a rear lot only if such rear lot conforms to all of the following provisions of this section and the erection of such building has been approved by the Commission:

- 3.14.1 Lot must be entirely located within a residential district.
- 3.14.2 The lot must be connected by a continuous, contiguous strip of land providing underground utilities and vehicular access to a Town accepted street or State Highway. Such strip of land shall be a perpetual, unencumbered right-of-way, and this right-of-way shall be noted in the deed of the owner of the rear lot(s). Where such strip of land connects one or two rear lots with a public street, it shall be at all points at least 25 feet wide. Such strip of land shall permit the construction of a private road with a grade which at no point exceeds 12%. However, no such continuous contiguous strip of land shall be permitted to serve more than two rear lots.
- 3.14.3 All rear lots shall have an area equal to at least 1.25 times the minimum lot area for the district in which the lot is located and shall be at least as large as those lots developed in the immediate vicinity as determined by the Commission.
- 3.14.4 The minimum lot dimension for any rear lot shall be the minimum lot width required in the district in which the lot is located.
- 3.14.5 A minimum square shall be designated in each rear lot. Such minimum square shall have a dimension of each side equal to the minimum frontage required in the district in which the lot is located. Such minimum square shall not include the required yard areas and at least 80% of the minimum square area shall contain suitable soil conditions and topography for the development of the type of structure proposed as determined by the Commission. All residential structures shall be located entirely within such designated minimum square.
- 3.14.6 A yard equal to the minimum side yard requirement for the district in which the lot is located shall be required at all lot lines.
- 3.14.7 The lots shall be large enough to adequately accommodate the sanitary disposal field required by the State Health Code, or the proposed buildings shall be connected to the municipal sewer system.
- 3.14.8 Adequate ingress, egress, and maneuvering for emergency vehicles shall be provided.
- 3.14.9 A map of each rear lot at a scale of 1"=100' or larger shall be filed with the Commission. Such map shall indicate the property lines of the rear lot and the strip of land connecting such rear lot to a public street including dimensions and bearings of all such property lines, the lot area, the designated minimum square, the required yards, and the topography of the lot and associated access strip with contour lines at a vertical interval not exceeding 5 feet. Such map shall be certified by a Professional Engineer and/or Land Surveyor registered in the State of Connecticut as required by State law.
- 3.14.10 A restricted deed covenant shall be filed in the Town Land Records prior to the approval of any rear lot for development under the provisions of this section which clearly provides that the Town of Waterford shall not ever be required to plow, maintain, take over the ownership of, or provide school bus service or garbage service along any land or right-of-way providing access to an approved rear lot.

3.15 BUILDING ON UNACCEPTED STREETS

- 3.15.1 Except as herein provided under Section 3.15.2, no zoning permit shall be issued by the Zoning Enforcement Officer, and no building or structure shall be erected on any lot abutting any unaccepted street.
- 3.15.2 The Planning and Zoning Commission may authorize the issuance of a zoning permit for the construction of a building or structure on a lot which does abut an unaccepted street if all of the following provisions are met:
- a. The unaccepted street was in existence and in regular use prior to June 19, 1972, and is shown on the zoning map dated January, 1971.
 - b. Such action shall be in harmony with the general purposes and the intent of the Zoning Regulations and the Subdivision Regulations of the Town, as determined by the Commission.
 - c. Such a request shall originate with the property owner(s) whose land abuts the unaccepted street, and the property owner(s) shall present a plan and profile, prepared by a licensed Professional Engineer and/or Land Surveyor licensed by the State of Connecticut, as provided by State Law, indicating that such unaccepted street is to be improved in accordance with the provisions of item (e) herein. Said land owner(s) shall also provide quit claim deeds to the Town for that portion of the private right-of-way passing in front of their property(ies) required to accomplish such improvements.
 - d. The entire costs of all improvements shown on the plan submitted in accordance with item (e) herein shall be borne by the abutting land owner(s).
 - e. All unaccepted streets being utilized under the provisions of this Section 3.15 shall be improved in accordance with all requirements of Section 5.6 of the Town's Subdivision Regulations. However, with the approval of the Commission upon a finding that such extensive improvements would result in an unreasonable hardship to the owner(s) involved, this requirement may be modified by the Commission, provided in no case shall development be approved on any unaccepted street which is not improved in accordance with the requirements of Section 5.6.5 and 5.6.9 of the Town's Subdivision Regulations.
- 3.15.3 In no instance shall any provision of this Section 3.15 prevent the issuance of a zoning permit for the construction of any farm or accessory buildings on such property, provided such construction complies with all provisions of the Town's Zoning Regulations and the State Building Code.

3.16 CLUSTER SUBDIVISION (Amended 7/2/90, Effective 7/13/90)

- 3.16.1 General Applicability - General development of land under the cluster subdivision principle may be allowed in any R-20, R-40, or RU-120 District with the approval of the Commission. In those cases where land is proposed to be developed under the cluster subdivision regulations contained in Section 7 of the Town's Subdivision Regulations, the minimum lot size, frontage, width, and yard requirements for the subdivision shall comply with Section 3.16.3 of these Regulations. However, in no case shall the total number of lots in any such subdivision exceed the number permitted under the provisions of Section 7.3 of the Town's Subdivision Regulations.

Under no circumstances shall provisions of this section be applied in any way to the development of rear lots as provided under Section 3.14 of these regulations. Except as provided herein, all other applicable provisions of the Zoning Regulations shall apply to cluster subdivisions. No site plan under Section 22 of these Regulations shall be required. The approval of a cluster subdivision shall establish the design for the development and may limit setbacks and the extent to which the plans for lot layouts may be modified. The approval shall also establish the minimum submission requirements necessary for a zoning compliance permit.

- 3.16.2 Permitted Areas (Rev. 04/11/94) - Cluster subdivisions may be constructed in R-20, R-40, and RU-120 zoning districts meeting the following criteria: The site shall be served by public water and also served by public sewer systems unless an alternative design has been approved pursuant to Section 3.34, Lot Design Standards, of these regulations. A minimum site size of five (5) acres is required.
- 3.16.3 Lot Size and Building Requirements (Rev. 04/11/94) - Subject to the provisions of Section 3.34, Lot Design Standards, minimum lot area per dwelling unit, frontage, lot width, and yard requirements shall depend upon the type of housing proposed and shall be in accordance with the following table:

LOT SIZE AND BUILDING REQUIREMENTS

Housing Type	Minimum Lot Size	Maximum Coverage	Minimum Yards (4)			Minimum Lot Width & Frontage (5)
			Front	Side	Rear	
Detached Single Family	15,000	20	25	15	30	75
Attached Single Family Or Lot Line	10,000	20	25(3)	15(1,2)	30	50

1. For lot line type, the minimum separating distance between structures shall be 30 feet.
2. This is zero on side where attached. No more than two units shall be attached in one group. Unit setbacks must vary by at least 5 feet.
3. Landscaping and/or architectural treatments required in this area. For lots abutting lands in separate ownership or fronting on existing roads, the minimum yards shall be the greater of either the district requirement or these standards.
4. For lots abutting lands in separate ownership or fronting on existing roads, the minimum yards shall be the greater of either the district requirement of these standards.
5. Width of the lot shall not be reduced below the minimum frontage requirement from the front property line to the building line.

3.17 AGE RESTRICTED HOUSING (Effective October 1, 2000)

3.17.1 PURPOSE AND APPLICABILITY

The following regulations are established to promote the development of housing for older persons (age 55 or older) within a common interest community. The development of housing projects to meet the specialized needs of this age group shall be designed in a manner that is sympathetic to the surrounding neighborhood and sensitive of the ability of the site and infrastructure to accommodate the project. These regulations provide for increased design efficiency and acknowledge that impacts on infrastructure are less with this age group than would be expected in an unrestricted housing development.

Age Restricted Housing projects may be allowed in the R-20, R-40, and developed in RU-120 Zoning districts subject to the approval of a special permit in accordance with Section 23 of these Zoning Regulations and Subdivision as applicable and subject to the

additional provisions of Section 3.17.6.3 with respect to development of such housing in the RU-120 Zone. The Commission recognizes that some Age Restricted developments are likely to be complex and/or built in phases. Therefore in the alternative application for Master Plan approval for the entire site at a scale of 1" = 100' feet is permissible.

3.17.2

APPLICATION

All applications for Age Restricted Housing submitted under the provisions of 3.17 herein shall be considered as an application for a Special Permit in accordance with the provisions of the Zoning Regulations of the Town of Waterford. Should any provision of this Section 3.17 be in conflict with any provisions of said Regulations, then the provisions of Section 3.17 shall apply.

3.17.3

CONTENT OF THE APPLICATION

Such application shall include the following:

3.17.3.1

Application for Approval of a Special Permit (16 copies).

3.17.3.2

Site Plan:

A site plan shall be prepared in accordance with the provisions of Section 22.3 of these Regulations, except because of the probable size and complex nature of the site involved, such plan may be drawn at a scale of not less than 100 feet to the inch and may, in lieu of the requirements of Section 22.4.4g4, g.6, g.8 merely show schematically the proposed methods of storm water drainage, water supply and sanitary sewage disposal (16 copies). However, in environmentally sensitive areas, the applicant must provide in reasonable detail a storm drainage plan which addresses flooding impacts and water quality.

3.17.3.3

A conceptual plan showing typical landscaping shall be incorporated into the design and where feasible existing vegetation shall be preserved. The proposed Master Plan shall include a 40 foot landscaped buffer along any property line which defines the external boundary of the Age Restricted Housing development. The commission may require additional setbacks, landscaping or screening between buildings and accessory buildings and uses, natural resources and the adjacent properties.

3.17.3.4.1

In addition the intended general architectural design of the homes and accessory buildings within the development, including typical floor plans and building elevations drawn to scale showing the exterior materials and treatment to be used, shall be submitted as part of the development application and may be modified by the Commission. The Commission recognizes that the actual homes and site design may vary due to market and site conditions, but the intent is that the development be constructed substantially in accordance with the plans approved by the Commission and these Regulations, as may be modified by the conditions which the Commission attaches to the approval.

3.17.3.5

In addition to other site plan requirements of Section 22, the applicant should submit as part of this application a separate site resource plan drawn to scale that identifies:

a)

All non-buildable areas by type i.e.:

1)

Areas with topography greater than 25% slope in grade exceeding a vertical heights of 10' as measured

- across the steepest portion of the ground surface in minimum horizontal increments of 40'.
 - 2) Sanitary landfill areas.
 - 3) Inland wetlands or watercourse soils as delineated by a detailed soil survey of the property conducted by a certified soil scientist.
 - 4) Areas within a 100 year flood hazard area as detailed on the most recent flood insurance rate maps for the Town of Waterford (FIA-FEMA).
 - 5) Areas with the following sensitive coastal resources: beaches, dunes, bluffs, escarpments, rocky shorefronts, and tidal wetlands.
- b) Inland wetlands and watercourses upland review areas and non-encroachment areas as established by the Conservation Commission,
 - c) Existing vegetation on site, Exposed ledge, Hilltops, and ridges,
 - d) Existing paths and trails
 - e) Existing and Proposed utility easements, Public Roads

Said plan shall be used by the Commission and may be used by the Conservation Commission to establish areas of open space, recreation and development. This may include the preservation of, or restriction on development within, buildable areas with exposed ledge, hilltops, ridges and areas of vegetation determined to be of value for habitats, buffering or as an amenity to the design of the project.

3.17.4 PROCEDURE

In taking action on a proposed Age Restricted Housing application, the Commission shall grant approval to each of the following parts of the application.

- 3.17.4.1 Application for Special Permit including all data required under Sections 3.17.3.1, 3.17.3.2, 3.17.3.4, 23.4 and 23.5 herein.
- 3.17.4.2 Conceptual Site Plan drawings in accordance with Sections 3.17.3.2, 3.17.2.3 and 3.17.3.5 herein which shall delineate the approved design concept described within the Special Permit approval, and will establish the maximum number of units to be built on the site. However, while such plan will substantially fix the basic parameters of the Age Restricted Housing approval, it is recognized that the final design configuration within these basic parameters might change to some extent between that time when original submission of an Age Restricted Housing application is made and that time when final construction drawings are prepared. For instance, the location of buildings on the site may change as the Master Plan which is at a scale of 1"=100' is refined for site plan approval to a scale of 1"=40'. Such movement will be allowed so long as the dwelling unit remains within the buildable area as defined in 3.34.5 of these Regulations. In addition, all other standards as established by this Regulation including setbacks and separations between buildings must be met unless otherwise modified by the Commission. As such, the final element of this approval process will consist of a detailed site plan as described in Section 3.17.4.3 herein.
- 3.17.4.3 Detailed Site Plan drawings meeting all of the requirements of Section 22.4 and 22.5 of these Regulations. Such plans may be submitted

subsequent to the granting of approval with regard to 3.17.4.1 and 3.17.4.2 or may be submitted in lieu of the conceptual site plan described in 3.17.4.2 herein.

3.17.5

GENERAL PROVISIONS

- 1) Deed restrictions, and/or covenants shall be provided at the time of application, in a form acceptable to the Commission. These documents will permanently bind the owner and their successors to comply with all state and federal fair housing laws and enforce the restriction that all units within such development will be permanently reserved for occupancy by persons, at least 55 years of age except that one spouse may be less than age 55. These restrictions shall run with the land and be filed in the land evidence records at the time the special permit notice and plans are filed.
- 2) The development shall be considered as a separate development application on a separate lot and shall comply with all provisions of the Zoning and Subdivision Regulations separate from any other use.
- 3) Public water and public sewer shall serve the entire development. The total number of units shall not exceed the capacity of the existing public sewer allocated for this parcel as determined by the Waterford Water Pollution Control Authority. If public sewer is not currently available directly to the project parcel, approval of an extension shall be submitted to the Planning and Zoning Commission by the Waterford WPCA pursuant to CGS 8-24, prior to making any application under this section. Unless otherwise provided for all costs associated with said extension, including costs to reconstruct roads, shall be paid for by the project. Said extension shall make reasonable provision for future access and tie-in by other properties within the sewer shed. Further, nothing in these Regulations shall prevent the Applicant from entering into a cost reimbursement agreement with the WPCA to recoup a reasonable share of the costs upon such future tie-ins.
- 4) The development may be phased as approved by the Commission for a period of up to 5 years. Thereafter the Commission may grant annual extensions not to exceed a total extension of 5 years.
- 5) MODIFICATIONS: As provided herein, the Commission in furtherance of the purpose of providing for age restricted housing in the Town of Waterford may grant modifications, pursuant to Section 19.1.10 of the Regulations. Such modifications shall be applied for as part of any application and the Commission shall state in the public record its reasons for acting on the modifications applied for.

3.17.6

STANDARDS

- 1) The minimum area upon which an Age Restricted Housing Project may be built shall be 50 acres exclusive of any other use.
- 2) The development shall be designed in accordance with Section 3.34 of these Regulations. The maximum allowable density, subject to compliance with all other requirements, shall be two times the buildable area divided by the minimum lot size required in the zone in which the development is to be located except that the density in the RU-120 Zone will be determined by the underlying regulations without a density credit for age restricted housing. The building area is defined as the total site area less the non-buildable area as defined in 3.17.3.5(a) above. For purposes of this calculation buildable area within an area of a proposed public road maybe counted toward density..

- 3) When a parcel of land proposed for Age Restricted Housing is partially in an R-40 Zone and partially in an RU-120 Zone, Age Restricted Housing may be developed in the RU-120 Zone. However, for purposes of calculating the maximum allowable number of units for the entire site, only the buildable area as defined herein in the R-40 Zone may be used. The buildable area is defined as the total site area less the non-buildable area as defined in 3.17.3.5(a) above.
- 4) All utilities shall be installed underground and in locations specified by the WPCA & DPW. Water and sewer easements shall be conveyed to the Town. Easements for Telephone, electricity and cable television shall be shown on the plans.
- 5) The minimum project frontage on an existing public street shall be 200 contiguous feet.
- 6) Maximum building height shall not exceed the height allowed in the underlying zone or one and one half stories as approved by the Commission as part of design review. In addition, no portion of a dwelling unit shall be allowed on top of any other dwelling unit or portion thereof.
- 7) All buildings shall be setback 100 feet from an existing road, 25 feet from the edge of pavement of a new public road and 75' from any other property line which defines the external boundary of the Age Restricted Housing development.
- 8) The aggregate building coverage shall not exceed 15% of the total area of the Age Restricted Housing development.
- 9) The maximum coverage of the buildings, parking lots, roads, and other impervious surfaces shall not exceed thirty percent of the total area of the Age Restricted Housing project site.
- 10) All units shall be 2 bedroom either detached single family units, or two, three or four attached units. No more than four units shall be attached.
- 11) All buildings shall be separated by a minimum of 30 feet unless:
 - a) All buildings are protected by an approved residential fire suppression sprinkler system meeting or exceeding the requirements of the correct NFPA Standard's 13D or 13R, as may be amended, whichever is applicable.
 - b) When all buildings are protected by approved sprinkler systems, the separation may be reduced to 20 feet between buildings.
 - c) When the separation is less than 30 feet, no building openings including windows or doors may directly oppose an opening on an adjacent building. Courts shall be open on one side.
- 12) The minimum habitable floor area of each unit as measured from the interior of the exterior walls shall not be less than 850 square feet. (Excluding garages, storage accessed from outside the unit and areas with less than 7 feet ceiling height).
- 13) The following customary accessory uses and buildings exclusively serving the occupants of the development, may be proposed subject to approval by the Commission. However, no parking area, accessory use and/or building may be allowed between a proposed principal building and a public street, with the

exception of parking exclusively serving a single unit, a bus shelter, trail, sidewalk or gazebo, or within 75 feet for buildings and 40 feet for other uses, of an external property line or wetlands non-encroachment line, which ever is closest, excepting trails.

- a) Swimming pools, and tennis courts.
- b) Community buildings used for laundry or recreational purposes,
- c) Community boat docks and boathouses.
- d) Off-street parking areas for vehicles, including parking areas for boats and recreational vehicles.
- e) Community garage, storage structures and maintenance buildings.
- f) Other similar accessory uses acceptable to the Commission.

- 14) Each unit shall have an at grade access to a contiguous area of 500 square feet of buildable area adjacent to the unit to provide for a private outside space for the use and enjoyment of the residents of each unit separately. The outdoor space shall be located on the side or rear of the unit and shall provide for privacy of the residents by design, layout, landscaping, or other forms of screening. For purposes of clarification and by way of example, decks and patios as well as areas that may have coverings including roofs but are otherwise open to the outside, may be counted towards meeting the 500 sq. ft. requirement. However, no such space may be completely enclosed without making provision for an alternative 500 square foot area to meet these requirements.

3.17.7 ROADS AND PARKING

- 1) The design and construction of all public streets within an Age Restricted Housing development shall be in accordance with the Town of Waterford's Subdivision Regulations, and the following minimum requirements;
- 1.1 Those roads providing primary circulation through the development may, provide direct access to the individual parking spaces provided exclusively to serve a single dwelling unit, or access to group parking facilities. All such roads shall be public, designed for 2-way traffic, 24 feet in width from edge of pavement to edge of pavement and shall be set within a right-of-way of at least 50 feet in width. The Commission may require additional widths to accommodate turning movements at intersections and may allow or restrict additional widths or road design elements proposed.
 - 1.2 The Commission shall not approve a group parking areas unless provision for refuse collection at the public street is provided for each unit in accordance with ordinance 8.04 of the Town of Waterford and specific covenants and restrictions are filed which require that the Town of Waterford will never be requested to provide snow removal or other services on private property.
 - 1.3 All public streets are subject to the Town of Waterford Snow Storm ordinance.
 - 1.4 Names for all public streets shall not duplicate existing street names and are subject to approval by the Commission.
- 2) All parking lots and access drives shall be designed in accordance with Section 20 of these Regulations except as provided herein.

- 3) A 20 foot wide landscape strip shall separate buildings from all parking areas, or access drives, except a driveway for 2 vehicles exclusively serving a single dwelling unit.
- 4) Parking shall be provided on the basis of two spaces per unit, exclusive of garage structures plus additional spaces for accessory uses as required in Section 20.3 or as specified by the Commission. Paved areas outside of garages (driveways) shall be counted for purposes of this requirement, provided that the area meets the minimum dimensions for parking spaces.
- 5) Parking areas shall be located no more than 100 feet from the entrance of the unit, or 200 feet from an accessory building or use served.
- 6) No more than 15 contiguous parking spaces may be allowed, without being separated by a landscaped island containing 400 square feet within the parking lot. Said island shall be landscaped and include at least one broad leaf deciduous tree with a minimum 2-inch caliper at time of planting.
- 7) Sidewalks and/or trails shall be provided between the units, the parking and recreation areas and other locations based upon anticipated pedestrian activity as determined by the Commission.

3.17.8 OPEN SPACE

- 1) All areas except areas approved for development or areas shown as common areas or limited common areas as defined shall be set aside as permanent open space in perpetuity. For purposes of meeting the open space requirements of this regulation, both open space and common areas may be counted. Open space shall be conveyed by deed or conservation easement to the Town, or a land trust, and/or shall be held in common by the owners of the development, or otherwise be restricted to prevent further development thereon.
- 2) At least 20% of the total area of the site shall be set aside for permanent open space and recreation.
- 3) Subject to the requirements of any other permit, license or approval required for the development of projects intended by this regulation, 50% of the required open space shall be land defined as buildable under Section 3.34.3a, provided, that in no event shall the total area of such buildable land to be set aside for Open Space exceed 20 acres.
- 4) Open space shall be contiguous to the housing units, but shall not include the 500 square foot yard required for each unit, parking lots or other developed areas. The Commission may allow the yard areas established by the setbacks required from an existing public street or adjacent property line to be counted towards these Open Space requirements.
- 5) In designing open space areas, careful attention shall be given to preserving those areas indicated as Natural Resources, Recreation, Greenways, Trails and Open Space Areas in the Town's 1998 Plan of Preservation, Conservation and Development.

3.17.9 RECREATION AREA

- 1) The Commission shall require the development of active recreation areas to serve the occupants of the Age Restricted Housing development. Required recreation areas shall be prepared, protected, and equipped, as determined by the

Commission so as to provide for the recreational needs of the occupants of the proposed development.

- 2) The minimum area dedicated to recreational uses shall be the total of 500 square feet for each unit.
- 3) The recreation area may be located within the required Open Space if the land to be used is considered buildable, subject to the setback requirements for accessory uses and buildings.
- 4) Flood hazard areas may be used for recreation areas with the approval of the Commission.
- 5) The area of the recreation facility shall be measured by the extent of the improved facility and shall not include excessive amounts of adjacent open space areas unless clearly useable for recreation purposes.
- 6) Recreation areas shall at least be developed at a rate proportionate to the entire development, unless the Commission determines that the facilities should be constructed earlier.
- 7) The Commission may require that an area for a public trail be reserved, conveyed and or constructed as part of the recreation requirement.

3.18 MUNICIPAL WATER AND SEWER FACILITIES

In accordance with the provisions of Section 23 of these regulations, the Planning and Zoning Commission may grant a Special Permit to the Town for the construction in any district of facilities such as pump stations, treatment and/or control installations and the like, reasonably necessary to provide for adequate water supply, sewerage, and drainage systems. Such permit may be granted after said Commission has determined that the plans for said construction have met all local and state requirements with regard to public health and safety. Such permit may be issued notwithstanding the fact that such use does not meet other regulations concerning road access, lot size, area, or yard requirements.

3.19 TEMPORARY FORMS OF OUTDOOR ENTERTAINMENT

The following temporary forms of outdoor entertainment, provided that such activity does not continue for more than 10 days, shall be permitted to take place if approval is granted for such activity by the Planning and Zoning Commission.

Such activities permitted under this provision shall include fairs, bazaars, concerts, dances, exhibitions, rodeos, circuses, carnivals, beer festivals, outdoor theater productions, or other similar activity when sponsored by an official Town board or agency, a parent-teacher organization of a Waterford public school; a Town fire company; church or eleemosynary institutions who own a building and property within Waterford which is used as its primary base of operations; or service club chartered in the Town of Waterford.

An application for approval of such activity shall be submitted to the Planning and Zoning Commission at least 30 days prior to the first day of the event, indicating the type of entertainment to be provided, the site of the event, and the period of time over which the event is to occur.

Such application shall be accompanied by a sketch of the site, to scale, indicating the location and method of sanitary facilities, provisions for off-street parking, provisions for fire safety, proposed seating arrangement, location of all temporary booths, canopies, and/or tents, and such other information

as the Commission may require in order to assure that the public health, safety, and welfare is provided for.

Such event shall not be permitted unless approved by the Commission and all forms of temporary signs posted to advertise such event shall be removed within three days after such event. Furthermore, the Commission may require the applicant to post a bond in an amount up to \$2,500.00 to assure site clean-up of the subject premises within three days after such event.

3.20 TRAILERS AND MANUFACTURED HOMES (Revised 7/5/11)

No manufactured home or trailer shall be permitted in any district except as follows:

- 3.20.1 At a location occupied by a manufactured home on September 1, 1966 except that if a manufactured home is removed from such location for a period of twelve months, it may not thereafter occupy such location.
- 3.20.2 A manufactured home or trailer of 150 square feet or less and belonging to the occupant of a house may be parked or stored in the rear of a house lot provided that it is located not less than 30 feet from any property line and is suitably screened so as to not be visible from any adjacent property line and further provided that it is not used in any way while so parked or stored.
- 3.20.3 The Zoning Enforcement Officer may issue a temporary zoning permit to an owner of a manufactured home or trailer who is engaged in constructing his own dwelling for which a building permit has been issued, to place one manufactured home or trailer on the property on which the dwelling is being constructed for a period of six months, which permit may be extended for two additional periods of three months each, but in no event shall the total period of time for such temporary zoning permit exceed one year. Permits shall be obtained from the Zoning Officer after the Town's Sanitarian has determined that correct and proper water and sanitary arrangements have been made.
- 3.20.4 When a lot contains at least 40,000 square feet of lot area and has a single family dwelling upon it, not more than one trailer or manufactured home of 150 square feet or less may be placed upon such lot by a guest of the occupant of the dwelling located on said lot, provided no compensation is received by any party as a result of the placement of such trailer or manufactured home and further provided that no trailer or manufactured home placed upon a lot under the provisions of this section shall be permitted to stay on said property for more than 30 days in any 12 month period.
- 3.20.5 A manufactured home may be permitted in a General Commercial (C-G) District as part of a manufactured home park expansion as provided by Section 3.21.2 of these regulations.

3.21 TRAILER CAMPS OR MANUFACTURED HOME PARKS (Revised 7/5/11)

- 3.21.1 No parcel of land or premises in any district shall be used as a trailer camp or manufactured home park for the parking of two or more trailers, whether otherwise occupied or not, except in accordance with Section 3.21.2. (Effective Date: July 1, 1988)
- 3.21.2 Any trailer camp (or manufactured home park) existing at the time of the adoption of these regulations may not be expanded to permit the parking of a greater number of trailers (or manufactured homes) than at the time of the adoption of these regulations. Those manufactured home parks existing as of November 1, 1987 may expand to permit the parking of not more than twenty-five (25) additional manufactured homes, subject to

the following general requirements, procedures, standards, and conditions: (Effective Date: July 1, 1988)

3.21.2.1 General

Any proposal to increase the number of manufactured homes existing in a manufactured home park shall be considered a manufactured home park expansion and shall conform to all the requirements contained herein. A manufactured home park expansion may be permitted in General Commercial (C-G) Districts provided that the expansion area shall be on property that is contiguous to the existing manufactured home park. For the purpose of these regulations, the expansion shall be considered as part of the existing manufactured home park.

3.21.2.2 Procedure

Each application for approval of a manufactured home park expansion shall

require the submission of a site plan as provided for in Section 22 of these regulations. No construction shall be undertaken within any manufactured home park until a site plan has been approved by the Planning and Zoning Commission. All future use of the property shall be in accordance with the approved site plan.

3.21.2.3 Standards and Conditions

Each application for a manufactured home park expansion submitted in accordance with this Section shall meet each of the following standards and conditions. These standards and conditions shall apply only to the manufactured home expansion area unless specifically noted otherwise.

A. Minimum Lot Area and Frontage - No manufactured home park expansion proposed under the provisions of Section 3.21.2 of these regulations shall be established on any lot unless the lot is at least 60,000 square feet in area and has a minimum frontage of 125 feet on a public street. The lot area shall include the existing manufactured home park and the expansion area.

B. Density - In no case shall the total number of manufactured homes in any manufactured home park, including existing and expansion areas, exceed a total density of eight units per acre of total land area within the manufactured home park.

C. Individual Space Size and Coverage - The limit of each individual manufactured home space shall be a minimum of 5,000 square feet in area and not less than 50 feet in width and 100 feet in depth. The maximum coverage of all buildings on each individual space shall not exceed 30 percent.

Fences between individual spaces are prohibited. The minimum space area and space configuration shall not include any inland wetlands, watercourses, or flood hazard areas.

D. Minimum Setbacks - No manufactured home shall be located within 75 feet of any street line or perimeter property line. On individual manufactured home spaces, minimum setbacks shall be as follows:

Front Setback - 8 feet from access drive

Side Setback - (Living Side) 30 feet from any adjacent manufactured home
(Utility Side) 10 feet from any adjacent manufactured home space limit line
Rear Setback - 15 feet from any adjacent manufactured home space limit line.

- E. Access Drives and Parking - Each individual manufactured home space shall have frontage on and access to an access drive that connects to a Town road or State highway. The access drive shall be paved with an all weather bituminous surface. Curbing shall be provided where necessary to provide for adequate drainage and to prevent parking in areas not so designated. The width of pavement shall be 24 feet for two-way traffic and 14 feet for one-way traffic. All access drives shall remain private. A suitable space address and sign identification system shall be detailed on the site plan. The address shall be the present public street address of the park parcel.

Parking shall be provided for all manufactured homes in accordance with Section 20.3 of these regulations. For purposes of this Subsection a manufactured home shall be classified as a one family dwelling unit. No commercial vehicles are permitted to be parked in spaces designated for passenger vehicles. In addition to the parking required under Section 20.3, guest parking shall be provided at the rate of one space per two manufactured homes; this parking may be grouped in one or more locations within the park. Vehicle parking areas shall be landscaped to delineate their limits and to provide for a separation from living and common areas in the park. Further, a dust free surfaced parking facility shall be provided for recreational vehicles, boats, and trucks belonging to park residents. The facility shall be sized to provide 180 square feet per manufactured home space.

- F. Utilities - Each individual manufactured home space shall be connected to a public water supply and sewer system. All utilities serving the manufactured home park expansion shall be placed underground, except where the Commission determines that such an installation is not feasible. Each manufactured home space shall be provided with a screened enclosure for the secure storage of all garbage cans. Fire protection shall be provided for the entire park by way of fire hydrants connected to the public water system. No space shall be more than 500' from a hydrant.

- G. Permitted Accessory Uses - The following accessory uses may be established with the approval of the Commission at locations they deem appropriate. However, none of these uses, except off-street parking areas serving two or less automobiles, shall be located in any front yard area of the manufactured home park.

1. Park facilities for use in common by the residents of the manufactured home park:
 - a. Artificial bodies of water.

- b. Swimming pools.
 - c. Tennis courts and golf courses.
 - d. Recreation areas, including play ground equipment.
 - e. Community buildings used for laundry or recreational purposes serving the occupants of the manufactured home park.
 - f. Community gardens.
 - g. Off-street parking areas for vehicles, including parking areas for boats and recreational vehicles.
 - h. Garage structures and maintenance buildings
2. Accessory storage buildings limited to one per manufactured home space not to exceed 200 square feet in area.
- H. Outdoor Living and Recreational Areas - Any manufactured home park expansion shall require the reservation of areas for an active recreation use to serve the occupants of the manufactured home park. Such recreation areas shall contain at least: the greater of 250 square feet of lot area for each space in the expansion area or 125 square feet of lot area for each space in the existing and expanded manufactured home park. The Commission may require improvement of these areas if existing areas at or near the park are determined to be inadequate.
- I. Buffers and Landscaping - The Commission may require the installation of fencing or the provision of suitable landscaping treatment to provide effective opaque buffers between a manufactured home park and adjacent property and the public right-of-way. Suitable landscaping and screening, as determined by the Commission, shall be provided, and the existing natural landscape shall be preserved wherever possible where necessary within the park such as around outdoor areas, recreation areas, vehicle storage facilities, trash receptacles, dumpsters, and garbage storage areas.

3.22 PARKING OF RECREATIONAL CAMPING VEHICLES

No recreational camping vehicle may be parked on any lot unless such lot contains a dwelling as the primary use of said lot and no recreational camping vehicle shall be parked on any lot within the Town of Waterford except in compliance with the following provisions:

- 3.22. 1 Not more than one recreational camping vehicle may be parked on any single residential lot, except as provided in Section 18.4 of these regulations, at any given time by a guest of the owner or occupant of the residence on such lot, and such parking of a recreational camping vehicle shall not result in compensation to any party. Furthermore, no such vehicle shall be allowed to be parked on any such lot for more than 30 days and no single lot shall be used for more than a total of 30 days for the parking of such recreational vehicles in any 12 month period.
- 3. 22. 2 Furthermore, nothing in these regulations shall prohibit the storage of not more than one recreational camping vehicle at any given time on the property of the owner or occupancy of the residence which is located on such lot provided that it is not used in any way while

stored, and that it is kept at least 10 feet from any side or rear property line or within a completely enclosed building.

3.23 REGULATIONS CONCERNING THE SALE OF ALCOHOLIC BEVERAGES

3.23.1 Except as provided in Section 3.23.2, 3.23.5, and 3.23.6, no building or premises shall hereafter be used and no building shall be erected or altered which is arranged, intended or designed to be used for the retail sale or consumption of alcohol, spirits, wines, beer, or alcoholic liquor, or any other beverage requiring a permit under the State Liquor Control Act of the State of Connecticut if the entrance of said building or premises is within 1,500 feet from the entrance of another building or premises in which alcoholic liquor is sold or dispensed under a permit previously issued under the Liquor Control Act of the State of Connecticut. (Effective November 5, 1984)

- a. When such proposed outlet and other outlets are located along the same street, such distance shall be measured along the center line of such street from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.
- b. When such proposed outlet and other outlets are on intersecting streets, such distance shall be measured along the center line of such intersecting streets from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.
- c. When such proposed outlet and other outlets are located other than as described in (a) or (b) above, such distance shall be measured along a line running from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.

In addition, no new liquor outlet, as described above, shall be permitted to be established on any lot which is within 1,000 feet from any lot on which is located public or private schools, recognized public places of worship, public hospitals, or libraries. In determining compliance with this provision, the controlling distance shall be the shortest distance between those lot lines of the proposed outlet and those lot lines of the affected facility.

3.23.2 The restrictions of Section 3.23.1 shall not apply to retail sales authorized by said Liquor Control Act under grocery store beer permits, special club permits for picnics, and temporary permits for outings, picnics, or social gatherings.

3.23.3 Any such use presently existing contrary to the provisions of this Section 3.23 may be continued; however, if any such use contrary to the provisions of this Section has been or shall be abandoned as defined in Section 24.2.7 of these regulations, it shall not thereafter be reestablished.

3.23.4 For the purpose of these regulations, all restaurant liquor permits as defined by the Liquor Control Act of the State of Connecticut shall be construed as like permits within the meaning of Section 3.23.1.

3.23.5 The 1,500 foot distance requirements between liquor outlets as set forth in Section 3.23.1 shall not apply to, or from, a package store liquor outlet located in a shopping center, provided that such shopping center shall contain not less than 75,000 square feet of floor space; and further provided that each such shopping center shall be limited to not more than one package store liquor outlet. A package store liquor outlet shall be defined as set forth in Section 30-20 of the State Liquor Control Act and shall be limited to the retail sale of alcoholic liquor for off-premises consumption. The 1,000 foot distance requirements from public or private schools, recognized places of worship, public hospitals, or libraries as set forth in Section 3.23.1 shall be fully applicable to such package store liquor outlets in shopping centers. (Effective November 5, 1984)

- 3.23.6 Except as provided in Section 3.23.2. the provisions of this section shall not be applicable to buildings or premises used for the retail sale or consumption of alcohol, spirits, wines, beer, or alcoholic liquor, or any other beverage requiring a permit under the State Liquor Control Act of the State of Connecticut, provided such buildings or premises are erected as part of a Regional Shopping Center constructed under the Planned Group Development provisions of these regulations, and further provided that the location and size of such buildings and premises be shown on the site plan, the approval of which site plan shall be in accordance with Section 22 of these regulations. It is further provided that in addition to other requirements in these regulations, the Commission shall require the screening of the uses permitted herein from adjacent residential, institutional, religious, or public uses and may prohibit access to a public thoroughfare containing such protected uses where a safer means of access is available. (Effective November 5, 1984)
- 3.23.7 The 1,500 foot distance between liquor outlets as set forth in section 3.23.1 shall not apply to, or from a restaurant liquor outlet provided that:
- (a) The restaurant is located in the General Commercial District or the Regional Commercial District;
 - (b) The restaurant shall obtain only a "Restaurant Wine and Beer" permit from the Department of Consumer Protection Liquor Division, and serve only beer and wine to its patrons;
 - (c) The restaurant shall maintain at least eighty (80%) percent of its gross receipts from the sale of food; and
The 1,000 foot distance requirement from public and private schools, recognized places of worship, public hospitals, or libraries as set forth in section 3.23.1 shall remain fully applicable to such restaurants. (Effective 5/15/03)
- 3.23.8 Except as provided in Section 3.23.2, the provisions of this section shall not be applicable to buildings or premises used for the retail sale and consumption of alcohol, spirits, wines, beer, alcoholic liquor or other beverage for which a restaurant liquor permit is required under the State Liquor Control Act of the State of Connecticut, provided such buildings or premises are erected as part of a Planned Group Development within a Special Development District pursuant to special permit approval, as provided for in these regulations, and provided further that the location and size of such buildings or premises shall be shown on the site plan, the approval of which site plan shall be in accordance with Section 22 of these regulations. It is further provided that the restaurant shall maintain at least eighty percent (80%) of its gross receipts from the sale of food and provided further that there shall not be more than two of such premises within any one Planned Group Development. For each premises in excess of two, the provisions of Section 3.23 shall apply. (Effective 10/3/06)

3.24 (RESERVED)

3.25 FILLING STATIONS, PUBLIC GARAGES, AND SERVICE STATIONS

No zoning permit shall be issued for the erection or establishment of any filling station or service station on any lot or portion thereof, situated within 1,500 lineal feet from any property on which any of the following uses is located. In determining compliance with this requirement, one shall measure the distance between the nearest property line of the lot on which such filling station, public garage, or service station is proposed to be erected and established and the nearest property line of any lot on which one of the following uses is located.

- a. A public or private school providing instruction for school age children
- b. A public or private hospital;
- c. Places of worship;
- d. open or enclosed theaters;
- e. Public libraries; and

- f. An established filling station or service station.

However, no filling stations or service stations shall be deemed to have become non-conforming uses through the subsequent erection of any of the facilities listed above. Furthermore, the provisions of this section shall not be applicable to filling stations, public garages, or service stations erected as part of any Planned Group Development.

3.26 JUNK

No rubbish, machinery, broken glass, stumps, roots, garbage, trash, refuse, debris, or junk motor vehicles shall be left or stored on any lot so as to be unsightly or detrimental to nearby property.

3.26.1 Junk yards are prohibited in all districts.

3.26.2 A junk motor vehicle shall mean a motor vehicle which does not display valid registration plates and/or is worn out, discarded, inoperative, or ready for dismantling or destruction.

3.27 PIGGERIES

The keeping of less than five pigs shall be allowed in the RU-120 district provided that the property on which such pigs are kept is greater than 120,000 square feet in area and the pig pens are at least 150 feet from any property line. The keeping of five or more pigs shall constitute a piggery, and is prohibited in all zoning districts.

3.28 RESTORATION OF EXISTING BUILDINGS CONTAINING PERMITTED USES

Nothing in these regulations shall prevent the restoration or reconstruction within one year of any building damaged or destroyed by fire, explosion, or accident, subsequent to the adoption of these regulations, to its condition prior to such damage or destruction, nor prevent the restoration of any unsafe wall or structural member, provided that such building was one in which a permitted use was carried on.

3.29 SWIMMING POOLS

No swimming pools shall be constructed or operated in any district as an accessory use unless it complies with the Town of Waterford's Building Code and the following conditions and requirements.

3.29.1 Exclusive Private Use in All Residential Districts if a swimming pool is located in any residential district. The pool shall be intended and used solely for the enjoyment of the occupants of the main building on the property on which it is located and their guests

3.29.2 Distance Requirements
The swimming pool, if accessory to a residential use, may be located anywhere on the premises except in a required front yard provided it shall not be located less than 10 feet from any street line or less than 6 feet from any side or rear lot line provided further that all pump and filter installations shall be located not closer than 10 feet to any property line.

3.29.3 Lighting
Any lighting used to illuminate the swimming pool area shall be so arranged so as to prevent the light from shining or reflecting on adjoining properties.

3.30 HOUSEBOATS

No houseboat as defined within Section 1.40 of these regulations may be docked or tied up at any location within the Town of Waterford except those areas in which a legally established marina or boat yard exists. As such, the permitted existence of a houseboat shall be allowed only as an accessory use to said marina or boat yard, and all houseboats shall be located strictly within the confines of said marina or boat yard.

3.31 TEMPORARY STRUCTURES

3.31.1 Construction Offices and/or Storage

A Zoning Compliance Permit shall be obtained from the Zoning Enforcement Officer for any of the following temporary structures or outdoor uses of land: Storage buildings or trailers, contractor's field offices, sales and marketing offices, and storage yards for construction equipment and earth materials. Said permit shall be in conjunction with and on the site of an approved planned group development, subdivision, or site plan, excepting sites to be used to support public projects.

The duration of the temporary use shall be approved by the Zoning Enforcement Officer based upon the project development schedule, contract duration, and phasing and occupancy schedule.

3.31.2 Outdoor Sales

A zoning compliance permit shall be obtained from the Zoning Enforcement Officer for the temporary outdoor use of land for the storage, display, and sale of goods in any commercial or industrial district for a period not to exceed 30 days during any calendar year. The proposed outdoor use of land shall be clearly accessory and related to the principal use of the site and located in such a manner as not to disrupt the operation of the principal use and traffic circulation on the lot.

3.31.3 Procedures and Violations

The Zoning Enforcement officer may modify and/or approve a Zoning Compliance permit for the temporary uses permitted herein. In his review of any application the Zoning Enforcement Officer shall refer said application for comment by applicable Town and State Agencies. In issuing a temporary Zoning Compliance Permit, the Zoning Enforcement Officer may attach such conditions as deemed necessary or requested by the commenting agencies. A bond in an amount established by the Zoning Enforcement Officer to ensure permit conditions are fulfilled, especially site clean up and restoration, may be required.

The Zoning Enforcement Officer may refer an application to the Planning and Zoning Commission with a recommendation for denial stating the reasons why the use as applied for should not be permitted. The Commission shall take action on the denial of any application or may refer it back with direction for administrative action. The failure to comply with any conditions imposed or to remove a temporary structure/outdoor use of land for which a permit has lapsed shall be considered a violation of these Regulations. The Zoning Enforcement Officer may withhold the issuance of further or related Zoning Compliance Permits for building permits or Certificates of Occupancy for a project that is found to be in violation of this Section.

3.32 SALE OF HOME GROWN PRODUCTS

Any agricultural product grown on any lot within the Town of Waterford may be sold on a temporary or seasonal basis from that property on which said product is grown.

3.33 EXISTING USES WHICH WOULD BE ALLOWED WITH THE APPROVAL OF A SPECIAL PERMIT

When the use of land or a building or structure existed prior to the adoption of these regulations which is only allowed hereafter upon approval of a special permit, such existing use shall be considered a permitted use, provided the provisions of Section 23.9 of these regulations shall apply to all proposed changes to such existing use.

3.34 LOT DESIGN STANDARDS (Effective 9/21/92)

3.34.1 General

In order to assure that the creation of any new lots provides sufficient area for the reasonable development for a use allowed in the respective zoning district; to assure that the development of land does not unreasonably impair or impact the natural resources including

inland and tidal wetlands, watercourses, flood hazard areas, areas of steep slopes, bedrock, and coastal resource areas; to assure that development, will not significantly affect the natural landscape and preserve the semi-rural character of this town; and to ensure the development of land is done in a manner that considers the development capacity of the soils, there shall be a set of lot design standards.

3.34.2 Applicability (Revised 7/15/03)

These standards shall apply to the creation of lots through lot division or subdivision in any zoning district, and lot development under the cluster subdivision, planned group development, Seaside Preservation District, and multi-family development regulations.

These standards shall not apply to the creation of a lot within lot divisions or subdivisions which will contain an existing use and structure; except that the required plan shall show that the exempt lot has been configured to provide for a septic system, reserve repair area and water supply in compliance with the Connecticut Public Health Code.

3.34.3 Minimum Buildable Area and Square

Each lot shall contain a contiguous minimum buildable area (MBA) of 2,500 square feet in lots served by public sewer and public water and 30,000 square feet in lots served by septic systems and/or wells. Each lot shall also contain a minimum buildable square (MBS) of 50' BY 50' located within the MBA. The required MBA shall not be located within buffers or non-encroachment areas established by the Waterford Conservation Commission.

In all cases, the MBS shall be located at or behind the required front yard building line. In the case of a corner lot, the MBS shall be located at or behind the shorter of the required front yard building lines.

a. Lots which are to be connected to public water and public sewer shall have all the following characteristics within the minimum buildable area:

- Topography no greater than 25% slope in grade exceeding a vertical height of 10' as measured across the steepest portion of the ground surface in minimum horizontal increments of 40'.

- No landfill areas.

- No inland wetlands or watercourse soils as delineated by a detailed soil survey of the property conducted by a certified soil scientist.

- No areas within a 100 year flood hazard area as detailed on the most recent flood insurance rate maps for the Town of Waterford (FIA-FEMA).

- None of the following sensitive coastal resources:
beaches, dunes, bluffs, escarpments, rocky shorefronts, and tidal wetlands.

- Ability to access public sewer by gravity flow, except if an alternative design has been approved by the Water Pollution Control Authority prior to application submission under these Regulations

b. Lots served by on-site septic systems shall contain a minimum contiguous buildable area having all of the characteristics of 3.34.3A, except access to public sewers and the following:

- Ledge rock no higher than 4 feet below the ground surface.

- Groundwater no higher than 24" below the ground surface as

determined by mottling or seasonal high groundwater, whichever is higher. Additional monitoring of groundwater may be required during the period of high groundwater, normally February 1 – May 31, as required by the Commission's agent.

- Soils having a percolation rate no slower than thirty minutes per inch and the hydraulic capacity to accommodate a four bedroom house.

The determination of soil suitability and compliance with these standards shall be based on field testing as directed by the Commission's agent in consultation with the Sanitarian. The Sanitarian may require detailed analysis in order to assist the Commission in determining compliance with these standards. A determination of soil suitability shall not be construed as approval of a septic system design.

3.34.4 Lot Development

Development as defined in Section 1.19 shall occur within the area delineated as the buildable area subject to the required setbacks or non-encroachment lines or buffers established by the Conservation Commission. The buildable area may be larger than required in this section if it contains all of the characteristics as required under Section 3.34.3. The buildable area and MBS shall be delineated on the subdivision plan, zoning compliance plan, or site plan as required to be submitted as put forth in the Zoning and Subdivision Regulations. The limit of the buildable area shall be the required setback line if greater than the district standard. Public roads, access drives not providing direct access to parking stalls, and drainage improvements approved by the Commission as part of a certified erosion control and stormwater management plan as required in the Zoning and Subdivision Regulations, may extend beyond the buildable area.

3.34.5 Lot Access

Access from the buildable area of each lot shall be provided to the public right of way via a minimum 15' wide access strip. This strip may extend through non-buildable areas, subject to other permit conditions, buffers, easements, and non-encroachment lines. Underground utilities and the driveway serving the lot shall be installed within this area. All driveways exceeding 10% in grade serving single family detached homes shall be paved and no driveway serving any single family home shall exceed 20% slope in grade.

The location of the driveway and any construction requirements shall be put on the required plans. Land disturbance for the installation of the drive and utilities shall be the minimum necessary. The limits of clearing, grading, surface treatment, and sedimentation and erosion controls for the drive and utility installation shall be shown on the plan. The limits of clearing shall be staked in the field prior to any development of the lot.

3.35 PERMITS AND INSPECTIONS

3.35.1 No person shall construct, reconstruct, alter, or enlarge any sewage disposal facility without the prior issuance of a permit by the Director of Public Health or his agent. All outstanding approvals and future permits issued pursuant to this regulation shall lapse one year after the effective date of this provision and six months after issuance, respectively, if the permit is not previously retired through the usual execution-of-work method. Any permit which is invalidated through failure to execute the authorized work may be renewed upon payment of the requisite fee, provided that there is no significant change in the sewage generating potential of the structure served and other design criteria upon which the lapsed permit was based.

3.35.2 No construction, alteration, or adjustment of use, which will significantly increase the sewage flow through expanded occupancy potential for dwelling structures or adjusted premises use for non-dwelling structures, of any premises to which a connection to a public sewerage system is not available, shall be undertaken without the prior approval of the site's sewage disposal potential by the Director or his agent.

3.35.3 The submission of applications, confirming of approvals, issuance of permits, and other administrative procedures attendant upon the enforcement of this ordinance shall be executed in accordance with the procedures established by the Director of Public Health and as approved by the Director of Public Works or his agent for the Town of Waterford.

3.35.4 Upon the completion of the sewage disposal facility installation and the subsequent notification of the Director of Public Health or his agent, the Director of Public Health or his agent shall inspect the facilities to determine if it has been installed in accordance with the State Building Code, permit specifications, and the pertinent State Public Health Code Regulations.

The Director of Public Health, or his agent, shall either approve or disapprove the installation in writing and in the latter case, state the reasons for such disapproval. All portions of the completed installation are to remain exposed for inspection and shall not be backfilled until permission is granted by the Director of Public Health, or his agent. No part of the sewage disposal facility shall be used until it has been granted final approval for backfilling by the Director of Public Health or his agent.

3.35.5 The Director of Public Health, or his agent, is hereby empowered to issue emergency sewage disposal facility permits which will authorize the undertaking of temporary measures to alleviate a health hazard or nuisance pending the thorough investigation and evaluation of the site and installation of an approved system as herein provided for. Such temporary permits will be valid for a 30 day period and may be renewed at the discretion of the Director of Public Health, or his agent, for such additional 30 day periods as circumstances may warrant.

3.35.6 The sewage system contractor shall be responsible for compliance with Section 3.35.7.

3.35.7 The applicant for site approval and a permit shall pay to the Town of Waterford fees in accordance with the following schedule: **(Please refer to Ledge Light Health District's Fee Schedule – effective 5/13/02)**

3.35.8 Standards: All standards which may from time to time be revised, prescribed by the applicable sections of Connecticut State Building Code and/or the Public Health Code, shall be applied by the Director in regulating the disposal of sewage and the construction, repair, or revised use of existing sewage disposal facilities.

3.35.9 Enforcement: It shall be the duty of the Director of Public Health, or his agent, to enforce this regulation.

3.35.10 Conflicting Legislation: All conflicting legislation heretofore adopted by the Town of Waterford is hereby repealed.

3.35.11 Severability: This regulation and various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this regulation shall not be affected thereby.

3.35.12 Penalties: Any person who violates any provisions of this ordinance shall be fined not more than \$25.00. Each day in which such violation continues shall constitute a separate offense.

3.36 ACCESSORY APARTMENTS: (Effective 08/03/93)

Accessory apartments shall be permitted in all Village Residential, R-20, R-40, RU-120, NB, NBPO, CG, CT and OS zoning districts in accordance with the standards contained herein, subject to the issuance of a Zoning Compliance Permit

3.36.1 Submission Requirements

The Zoning Compliance Permit application shall be of sufficient detail to determine compliance with the standards of Section 3.36.2 and shall include at a minimum, the following information:

3.36.1.1 Required application form, completed, signed, and dated accompanied by a Zoning Compliance fee, in accordance with Chapter 16.08 of the Waterford Code of Ordinance (see Section 26.6)

3.36.1.2 A copy of the deed for the subject parcel.

3.36.1.3 A sworn, notarized statement from the applicant that they will reside at the subject premises as a condition of maintaining the validity of the accessory apartment. This statement shall be placed on the Land Evidence Records against the name of the owner and shall only be released upon removal of the Accessory Apartment or replacement with a similar statement executed by a subsequent owner.

Failure to comply with the owner occupancy requirements herein shall be deemed a violation of these regulations.

3.36.1.4 Two sets of floor plans and building elevations, drawn to scale, indicating the interior and exterior use and appearance of the building both before and after the establishment of the apartment. Exterior elevations shall indicate the type and color of siding existing and proposed, and other similar features. If no exterior building improvements are proposed, building elevations are not required.

The plan shall include a calculation of floor area for the existing home and apartment with respect to compliance with Section 3.36.2.5

3.36.1.5 Two sets of a site plan drawn to scale that indicate the location of any existing and proposed structures on the parcel, the existing and proposed utilities to service the home and apartment, parking and drive areas, and any other pertinent information as deemed necessary by the Zoning Enforcement Officer. If external site improvements are proposed, a determination of whether any regulated Inland Wetlands or Watercourses are on site must be made prior to submitting the formal application for a Zoning Compliance Permit.

3.36.2 Design Standards:

3.36.2.1 Each accessory apartment must be created within or attached to a single-family dwelling and there may be only one accessory apartment permitted for each single family dwelling.

3.36.2.2 The owner of the residence with which the accessory apartment is associated must occupy at least one of the dwellings.

3.36.2.3 All new construction shall meet all percent coverage, required minimum setback, and height requirements, applicable to principal structures for the zoning district in which the accessory apartment is to be located,

with the exception of pre-existing non-conforming building setbacks pursuant to Section 24.4.1b.

- 3.36.2.4 Accessory apartments are permitted to be serviced by the same water and sewer/septic system serving the principal residence, as long as it meets current Public Health Code requirements.
- 3.36.2.5 The accessory apartment shall clearly be the secondary and subordinate use and its maximum floor area shall not exceed 850 square feet or 25% of the combined floor areas of the single family dwelling and the accessory apartment, whichever is less. Section 3.5 shall be used for purposes of calculating floor area. Each accessory apartment shall meet the minimum floor area requirements of the current Building Code.
- 3.36.2.6 Off-street parking shall be provided for all accessory apartments and the single family dwelling unit in accordance with Section 20.3.a. Parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities.
- 3.36.2.7 Each accessory apartment shall have its own independent bathroom and kitchen facilities and shall comply with all other applicable building, housing, and health codes.
- 3.36.2.8 The building to be converted shall comply with all applicable state, local, health, building, and housing codes after conversion and shall maintain the exterior appearance and architectural style (roof line, roof pitch, building materials, colors, window style and spacing, etc) of the existing principal residence. Apartments created through conversion, shall include separation of entrances or incorporation as one entrance to both the principal and accessory apartment, so that the entrances reflect a single family unit architectural style.

3.37 TEMPORARY OFFSITE PARKING (Effective Date 08/03/93)

- 3.37.1 In order to allow for the efficient use of existing parking lots which may have excess capacity, and in recognition of the fact that some businesses have parking demands which vary on a seasonal basis, the Planning and Zoning Commission may approve a permit for the temporary use of an existing park lot.
An application for approval of a permit for temporary parking shall be submitted to the Commission at least 30 days prior to the temporary use of the lot and shall include a plan drawn to scale indicating areas of the existing parking lots to be used for access and parking, as well as any existing lighting, and any improvements planned to support the temporary use. The application shall also include a statement of use indicating the desired duration of the use, hours of operation, means of transportation from the business to the temporary lot, provisions for security, and the anticipated impact on the existing use occupying the site of the temporary lot and on the adjoining roadway system.

The lot to be used must be an existing parking lot located in a commercial or industrial zoning district. The lot may not be used for overnight parking or camping.

In reviewing and acting on any temporary parking permit application, the commission shall take into consideration and may establish conditions relative to:

- a. The amount of parking to be used, the capacity of the existing lot, and the impact on the principal use of the lot.
- b. Hours of operation, duration, and provisions for safety and security, maintenance and site restoration.

- c. Proximity of the use to the temporary lot and proposed means of transportation between the use and the lot.
- d. Conditions of the lot and any maintenance and/or improvements needed to allow for the safe operation of the lot in accordance with the standards of Section 20.

In granting approval to use a temporary lot, the Commission may establish such conditions and require improvements it deems necessary to assure compliance with the standards of this Section.

3.38 FLAG LOT DEVELOPMENT (Effective: February 1, 1995)

3.38.1 Purpose and Applicability

In order to promote the efficient use of limited land resources, while assuring protection of public health and safety through specific design standards, Flag Lots, as defined in Section 1.50, shall be permitted within R-20, R-40, RU-120, and OS Zoning Districts, subject to compliance with the provisions of Section 3.38. Flag lots shall only apply to single family detached home development.

3.38.2 Minimum Building Setbacks

Setbacks shall comply with the district standard and Section 3.34 requirements. Each flag lot shall contain a front and a rear yard. Where interpretations are necessary to establish compliance with current yard definitions, the Commission or its agent shall locate the front and rear yards based upon the proposed lot's relationship to abutting lands and uses, and not upon the lot's orientation to the street. Front and rear yards shall be located to promote conventional separation and orientation of buildings (reference Figure F).

3.38.3 Minimum Lot Area

The flag lot shall meet the minimum lot area requirement for the district in which the lot is located, with the exception of lots in the R-20 district, which shall be a minimum of 40,000 square feet. The area of the access strip shall not be applied towards the minimum lot area or minimum buildable area requirement. Flag lots shall comply with the minimum buildable area requirements of Section 3.34.

3.38.4 Access Strip

Each flag lot shall be served by an access strip extending from the street line to the point at which the lot achieves the minimum lot width for the district. The required access strip shall be held in singular ownership as part of the flag lot it serves, and shall be no less than 25' wide for its entire length. Access to the public street shall be taken over the access strip. No more than two access strips shall abut. Where two access strips abut, a common drive serving both lots may be required at the Commission's discretion, with a single curb cut to the street. Unless a common drive is required by the Commission, all drives shall be a minimum of 5' from the property line. Common drives and/or curb cuts may be required to protect resources, reduce traffic conflicts, and for other similar purposes. Where the Commission approves a drive to extend onto an adjacent flag lot, deeded access, maintenance, and utility easements shall be filed on the Land Evidence Records prior to the issuance of a Zoning Compliance Permit for single family home development. No single access strip shall exceed 1,200 feet in length as measured from the street line to the point at which the minimum lot width is achieved.

3.38.5 Flag Lots in Cluster Subdivisions

Flag lots may be permitted within Cluster Subdivisions, however, such flag lots shall meet the requirements of Section 3.38, not the reduced bulk standards of Section 3.16. The

inclusion of flag lots in a cluster subdivision shall not increase the total number of lots permitted in the development through Section 7 of the Subdivision Regulations.

3.38.6 Driveway Standards

Driveways serving flag lots shall be a minimum of 12' wide, with a minimum of 15' vertical clearance, and paved to a minimum of 20' within the property. Where the remainder is not paved, a minimum of 6" of processed gravel base shall be provided for the remaining length of the drive. Proper provisions for storm water drainage shall be made. When necessary to assure the completion of driveways consistent with these standards, the Commission or its agent may require a surety bond, and/or withhold issuance of Certificates of Occupancy.

3.38.7 Residential Sprinkler Requirements

Where the front building line is more than 500' from the public street where lot access is taken, as measured through the access strip, the principal residence shall be served by a residential sprinkler system in compliance with NFPA 13R, as amended. The Zoning Compliance and/or Subdivision Plan shall note this requirement.

SECTION 4 - MEDIUM DENSITY RESIDENTIAL DISTRICT (R-20)

4.1 GENERAL The minimum lot size in this district shall be 20,000 square feet subject to conformance with the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

4.1.1 One-family dwellings.

4.1.2 Farming, except piggeries and the raising of animals for the production of pelts, provided that no farming shall be permitted on any lot which is less than 120,000 square feet in size.

Roadside stands not over 200 square feet in size, only when used for the sale of farm products, shall be permitted only if such stand is accessory to a farm use existing on the lot on which said stand is located. All such stands shall be set back 15 feet from the front property line and shall be provided with at least three off-street parking spaces in addition to those parking spaces required to serve the other uses of the property. All of the products offered for sale at any stand established under this provision shall have been grown or produced on said property.

4.1.3 Public libraries, public schools, and places of worship, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

4.1.4 Public or private parks and playgrounds, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

4.1.5 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.

4.1.6 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.

4.1.7 Accessory apartments in accordance with Section 3.36 of these Regulations.

4.2 USES PERMITTED IN THE R-20 DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the R-20 District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

4.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.

4.2.2 Cemeteries.

4.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.

4.2.4 Municipal facilities including firehouses and parking lots serving firehouses.

4.2.5 Convalescent nursing home, places for assisted living, hospitals, medical clinics, or medical service laboratories. (Amended 8/19/08)

4.2.6 Private educational institutions (Amended 8/19/08)

4.2.7 Age Restricted Housing, subject to the provisions of Section 3.17 of these Regulations. (Adopted 10/01/2000)

4.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 85 feet frontage on a public street, and each lot shall be at least 100 feet in width at the building line

4.4 MINIMUM SETBACKS

4.4.1 Front Yard - 50 feet, except when lots front a State Highway, the minimum setback shall be 75 feet.

4.4.2 Side Yard - 20 feet.

4.4.3 Rear Yard - 50 feet.

4.5 BUILDING COVERAGE (amended 6/15/03)

The aggregate building coverage on any lot in this district shall not exceed 25% of the total area of said lot, except that the Commission may, by special permit, allow an increase in coverage for existing Nursing Homes up to 35% where such expansion is for the purpose of creating private rooms, there is no increase in beds, and all patient beds are accessible at ground level. Section 23.9.1 shall not apply in the case of an application for a building coverage exception.

4.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

4.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

4.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

4.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

SECTION 5 - LOW DENSITY RESIDENTIAL DISTRICT (R-40)

5.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

- 5.1.1 One-family dwellings.
- 5.1.2 Farming, except piggeries and the raising of animals for the production of pelts, provided that no farming shall be permitted on any lot which is less than 120,000 square feet in size.

Roadside stands not over 200 square feet in size, only when used for the sale of farm products, shall be permitted only if such stand is accessory to a farm use existing on the lot on which said stand is located. All such stands shall be set back 15 feet from the front property line and shall be provided with at least three off-street parking spaces in addition to those parking spaces required to serve the other uses of the property. All of the products offered for sale at any stand established under this provision shall have been grown or produced on said property.
- 5.1.3 Public libraries, public schools, and places of worship, subject to the approval of a site plan under the provisions of Section 22 of these regulations.
- 5.1.4 Public or private parks and playgrounds, subject to the approval of a site plan under the provisions of Section 22 of these regulations.
- 5.1.5 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.
- 5.1.6 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.
- 5.1.7 Accessory apartments in accordance with Section 3.36 of these Regulations.

5.2 USES PERMITTED IN THE R-40 DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the R-40 District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 5.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 5.2.2 Cemeteries.
- 5.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 5.2.4 Municipal facilities including firehouses and parking lots serving firehouses.
- 5.2.5 Convalescent nursing home, places for assisted living, hospitals, medical clinics, or medical service laboratories. (Amended 8/19/08)
- 5.2.6 Riding stables, nurseries and commercial greenhouses, provided such are located on a lot at least 120,000 square feet in size.

- 5.2.7 Golf courses and country clubs.
- 5.2.8 Private educational institutions (Amended 8/19/08)
- 5.2.9 Age Restricted Housing, subject to the provisions of Section 3.17 of these Regulations. (Effective 10/01/2000).
- 5.2.10 Multi-Family Dwellings to accommodate Supportive Housing for the Elderly as Administered by the U.S. Department of Housing and Urban Development under Section 202 of the Housing Act of 1959 and sponsored by a HUD recognized non-profit organization. Development of this use shall be in accordance with the requirements of Section 18 of these regulations. (Effective Date: 6/14/2011)

5.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 100 feet frontage on a public street, and each lot shall be at least 125 feet in width at the building line.

5.4 MINIMUM SETBACKS

5.4.1 Front Yard - 50 feet, except when lots front a State Highway, the minimum setback shall be 75 feet.

5.4.2 Side Yard - 25 feet.

5.4.3 Rear Yard - 50 feet.

5.5 BUILDING COVERAGE (amended 6/15/03)

The aggregate building coverage on any lot in this district shall not exceed 25% of the total area of said lot, except that the Commission may, by special permit, allow an increase in coverage for existing Nursing Homes up to 35% where such expansion is for the purpose of creating private rooms, there is no increase in beds, and all patient beds are accessible at ground level. Section 23.9.1 shall not apply in the case of an application for a building coverage exception.

5.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

5.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

5.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

5.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

SECTION 6 - RURAL RESIDENTIAL DISTRICT (RU-120)

6.1 GENERAL

The minimum lot size in this district shall be 120,00 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district.
(Amended 7/2/90, Effective 7/13/90)

6.1.1 One-family dwellings.

6.1.2 Farming, except piggeries and the raising of animals for the production of pelts.

Roadside stands not over 200 square feet in size, only when used for the sale of farm products, shall be permitted only if such stand is accessory to a farm use existing on the lot on which said stand is located, All such stands shall be set back 15 feet from the front property line and shall be provided with at least three off-street parking spaces in addition to those parking spaces required to serve the other uses of the property. All of the products offered for sale at any stand established under this provision shall have been grown or produced on said property.

6.1.3 Public libraries, public schools, and places of worship, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

6.1.4 Public or private parks and playgrounds, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

6.1.5 (Repealed 10/1/2000)

6.1.6 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.

6.1.7 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.

6.1.8 Accessory apartments in accordance with Section 3.36 of these Regulations.

6.2 USES PERMITTED IN THE RU-120 DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the RU-120 District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

6.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.

6.2.2 Cemeteries.

6.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.

6.2.4 Municipal facilities including firehouses and parking lots serving firehouses.

6.2.5 Private educational institutions.

6.2.6 Riding stables, nurseries, and commercial greenhouses.

6.2.7 Animal hospitals, veterinary hospitals, and kennels.

6.2.8 Golf courses and country clubs.

6.2.9 Convalescent nursing home, places for assisted living, hospitals, medical clinics or medical service laboratories. (Amended 8/19/08)

6.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 150 feet frontage on a public street, and each lot shall be at least 200 feet in width at the building line.

6.4 MINIMUM SETBACKS

6.4.1 Front Yard - 50 feet, except when lots front a State Highway, the minimum setback shall be 75 feet.

6.4.2 Side Yard - 30 feet.

6.4.3 Rear Yard - 75 feet.

6.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 15% of the total area of said lot.

6.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

6.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

6.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

6.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

SECTION 6A - VILLAGE RESIDENTIAL DISTRICT (VR)

(Amended 10/25/82, Effective 12/1/82)

6A.1 PURPOSE

The purpose of the Village Density Residential District is to preserve the existing character of a village, permit infill development consistent with the existing density and character of a village, and prevent villages from being non-conforming under the R-20 zone. A goal of the Town's Plan of Development is to "foster the preservation of the strong village identities which currently exist throughout the community". Thus, the Commission declares that it is in the public interest to insure that the distinctive character of a village should not be injuriously affected and that the scale of a village be maintained.

The criteria for classifying a community as a village residential district are as follows:

1. A village is a stable residential area, generally composed of lots smaller than the 20,000 square feet minimum required in the R-20 zone.
2. A village functions as an entity.
3. A village has an existing, identifiable character which distinguishes it from surrounding development, resulting from one or more factors including:
 - a. common density
 - b. similar building ages, sizes, and/or styles
 - c. geographic features, including water, topography, and man-made barriers.
 - d. street system
 - e. historic identification
4. A village was generally developed before the present zoning regulations were enacted.
5. A village does not contain large tracts of undeveloped land.

6A.2 DESIGN OBJECTIVES

All development within the Village Density Residential Zone must be consistent with the following objectives:

1. The pattern of development in these areas must be consistent with the present pattern of development and with the Plan of Development.
2. The character and quality of existing village is to be maintained; structural rehabilitation is to be encouraged, and the scale of the new development should be compatible with the existing buildings.
3. No high intensity use or uses inconsistent with the residential character of these areas are to be permitted or be allowed to infringe on these villages.
4. Architectural and site design which promote aesthetic qualities while sustaining and enhancing the unique qualities of the Village are required, and shall be incorporated in all applications for permits. The Zoning Official may refer an application, which in his/her opinion is inconsistent with these regulations to the Planning and Zoning Commission for action as a site plan. (Effective 8/1/02)
5. Due to the limited lot sizes permitted, proximity to coastal waters, and potential impacts on water quality resulting from sewage discharges, each lot shall be served by public water and sewer. (Effective Date: 11/28/88)

6A.3 MINIMUM LOT SIZE

The minimum lot size of a village density residential district varies and is a function of the character of the village. Minimum lot sizes are subject to compliance with the lot design standards of Section 3.34 of these regulations. The subscript following the VR designation (on the zoning map) indicates the minimum lot size in thousands of square feet. (Amended 7/2/90, Effective 7/13/90)

- VR-15 = 15,000 square feet
- VR-10 = 10,000 square feet
- VR-7.5 = 7,500 square feet

6A.4 PERMITTED USES

- 6A.4.1 One-family dwellings.
- 6A.4.2 Public libraries, public schools, and places of worship, subject to the approval of a site plan under the provisions of Section 22 of these regulations.
- 6A.4.3 Public or private parks and playgrounds, subject to the approval of a site plan under the provisions of Section 22 of these regulations.
- 6A.4.4 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.
- 6A.4.5 Accessory Uses as defined in Section 1.2 herein and subject to the provisions of Section 3.9 and 3.10 of these regulations.
- 6A.4.6 Accessory apartments in accordance with Section 3.36 of these Regulations.

6A.5 USES PERMITTED IN THE VILLAGE DENSITY RESIDENTIAL DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 6A.5.1 Radio or television antennas, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground or private antennas more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 6A.5.2 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 6A.5.3 Municipal facilities including firehouses and parking lots serving firehouses.
- 6A.5.4 Age Restricted Housing, subject to the provisions of Section 3.17 of these Regulations (Effective Date: 10/1/2000)

6A.6 LOT AREA, SETBACK, AND BUILDING REGULATIONS

	VR-15	VR-10	VR-7.5
Minimum Lot Frontage (Eff. 8/30/84)	50	50	50
Minimum Lot Area (Sq. Ft.)	15,000	10,000	7,500
Lot Width	75	65	60
Minimum Setback: Front	*	*	*
Rear	30	30	30
Side (Eff. 08/01/02)	15	15	15
Side Yard Abutting A Street	*	*	*
Building Coverage (%)-(Eff. 11/28/88)	20%	20%	20%
Maximum Height (Eff. 08/01/02)	20	20	20

*The front yard setback shall be within 5 feet of the average of the setbacks of the adjacent buildings on either side of a single infill lot. Where there are no adjacent buildings, the setback shall be 30 feet in VR-15 zones, 20 feet in VR-10 zones, and 15 feet in VR-7.5 zones.

Minimum lot sizes are subject to compliance with the lot design standards of Section 3.34 of these regulations.
(Amended 7/2/90, Effective 7/13/90)

6A.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

6A.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

6A.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

SECTION 7 - NEIGHBORHOOD BUSINESS DISTRICT (NB)

7.1 GENERAL

The minimum lot size in this district shall be 20,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

- 7.1.1 One-family dwellings.
- 7.1.2 Retail stores and service establishments.
- 7.1.3 Business offices, professional buildings.
- 7.1.4 Restaurants. (Revised 08/15/94)
- 7.1.5 Post Office.
- 7.1.6 Public libraries and firehouses.
- 7.1.7 Combined commercial, retail, and wholesale operations shall be permitted in the same structure, in those cases only, where the products offered for sale on a retail or wholesale basis, are the same. The wholesaling of these retail item(s) shall be a secondary use on the site in the same structure.
- 7.1.8 Accessory Uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.
- 7.1.9 Accessory apartments in accordance with Section 3.36 of these Regulations.

7.2 USES PERMITTED IN THE NB DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the NB District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 7.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 7.2.2 Cemeteries.
- 7.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 7.2.4 Private educational institutions.
- 7.2.5 Service stations and filling stations, subject to the provisions of Section 3.25 of these regulations.
- 7.2.6 Motels and Hotels.
- 7.2.7 Swimming pools and swimming clubs.
- 7.2.8 Yacht clubs.
- 7.2.9 Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure, or fishing trips, or for vessels engaged in fishery or shell fishery.
- 7.2.10 A yard for building, storing, repairing, selling, or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom, and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 7.2.11 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 7.2.12 The rental of boats.

- 7.2.13 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 7.2.14 A sail loft or ship's chandlery.
- 7.2.15 Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, excluding the commercial bulk processing of fish.

7.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 100 feet frontage on a public street, and each lot shall be at least 120 feet in width at the building line.

7.4 MINIMUM SETBACKS

- 7.4.1 Front Yard - 50 feet, except when lots front a State Highway, Niantic River Road, Vauxhall Street Extension, or Old Colchester Road, the minimum setback shall be 75 feet.
- 7.4.2 Side Yard - 15 feet.
- 7.4.3 Rear Yard - 50 feet.

7.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 30% of the total area of said lot.

7.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

7.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

7.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

7.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

7.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 7A - NEIGHBORHOOD BUSINESS AND PROFESSIONAL OFFICE DISTRICT

(Effective Date: July 7, 1989)

7A.1 PURPOSE

This district is intended to provide a reasonable use of existing structures and the development of new uses consistent with these regulations. Located along major arterial and collector routes, this district contains existing residential neighborhoods which have been encroached upon by non-residential development, creating a need to provide transition uses between residential and commercial uses and to prevent further encroachment on stable residential neighborhoods. This district shall be considered a commercial district for purposes of compliance with all provisions of these Zoning Regulations.

7A.2 GENERAL

Except as provided herein, the minimum lot size in this district shall be 20,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

7A.2.1 One family dwellings.

7A.2.2 Professional offices up to 2,500 square feet of gross floor area.

7A.2.3 Municipal offices and facilities.

7A.2.4 Post Office.

7A.2.5 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these Regulations.

7A.2.6 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these Regulations.

7A.2.7 Accessory apartments in accordance with Section 3.36 of these Regulations.

7A.3 USES PERMITTED IN THE NBPO DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT:

The following uses may be permitted in the NBPO District if approved by the Commission in accordance with the provisions of Section 23 of the Regulations.

7A.3.1 Professional offices greater than 2,500 square feet of gross floor area.

7A.3.2 Radio and television antennae, flagpoles, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground, or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.

7A.3.3 Buildings, structures, and substations operated by utility companies but excluding service yards and outside storage areas.

7A.3.4 Private educational institutions.

7A.3.5 Business offices.

7A.3.6 Personal service establishments.

7A.4 MINIMUM LOT FRONTAGE AND WIDTH

Except as provided under 7A.12, no lot in this district shall have less than 100 feet frontage on a public street and each lot shall be at least 100 feet in width at the building line.

7A.5 MINIMUM SETBACKS

7A.5.1 Front Yard - 25 feet

7A.5.2 Side Yard - 15 feet except as allowed under 7A.12

7A.5.3 Rear Yard - 50 feet

7A.6 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 25% of the total area of said lot.

7A.7 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these Regulations.

7A.8 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these Regulations.

7A.9 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these Regulations.

7A.10 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these Regulations.

7A.11 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these Regulations and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

7A.12 MODIFICATIONS TO LOT SIZE AND SIDE YARD SETBACKS

For all non-residential uses in this district, the Commission may permit the reduction of up to 50% for the lot size and a reduction to zero for one side lot line, through the approval of a site plan in accordance with Section 22, if said plan meets all of the following:

7A.12.1 Structures may be joined by a common wall of masonry construction or separated by 30 feet along a common lot line if all other side yards are 30 feet.

7A.12.2 The sum of the contiguous lots frontage must be at least 150 feet and the width at the building line 150 feet.

7A.12.3 All parking facilities shall have a common access drive and circulation pattern.

7A.12.4 A permanent easement agreement for joint use and maintenance of common facilities shall be submitted with any application for site plan approval and recorded in the Waterford Land Evidence Records if approved by the Commission.

7A.13 HISTORIC PRESERVATION

The conversion of any existing non-conforming residential structure which may be on a non-conforming lot to a use permitted or specially permitted in the district is encouraged to the extent that such structure and lot shall not be considered non-conforming if the conversion results in all of the following:

1. The structural preservation of the existing structure and incorporation of any additions into the principal existing structure in such a manner as to preserve and enhance its architectural period/style.
2. All additions shall comply with the required heights and yard requirements except as provided in 7A.12 above.
3. All other provisions of the Zoning Regulations are complied with.

SECTION 8 - GENERAL COMMERCIAL DISTRICT (C-G)

8.1 GENERAL

The minimum lot size in this district shall be 30,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

- 8.1.1 One-family dwellings.
- 8.1.2 Retail stores and service establishments.
- 8.1.3 Business offices and professional buildings.
- 8.1.4 Restaurants. (Revised 08/15/94)
- 8.1.5 Taverns and night clubs, subject to the provisions of Section 3.23 of these regulations.
- 8.1.6 Post Office.
- 8.1.7 Public libraries and firehouses.
- 8.1.8 Financial institutions.
- 8.1.9 Printing and publishing establishments.
- 8.1.10 Veterinary hospitals.
- 8.1.11 Convalescent nursing home, places for assisted living, hospitals, medical clinics or medical service laboratories. (Amended 8/19/08)
- 8.1.12 Funeral parlors and mortuary establishments.
- 8.1.13 Bowling alleys, theaters, assembly halls.
- 8.1.14 Private clubs and fraternal organizations.
- 8.1.15 Combined commercial, retail, and wholesale operations shall be permitted in the same structure, in those cases only, where the products offered for sale on a retail or wholesale basis, are the same. (Amended 9/8/08, Effective 10/1/08)
- 8.1.16 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.
- 8.1.17 Accessory apartments in accordance with Section 3.36 of these Regulations.

8.2 USES PERMITTED IN THE C-G DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the C-G District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 8.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 8.2.2 Cemeteries.
- 8.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 8.2.4 Private educational institutions.
- 8.2.5 Service stations and filling stations, subject to the provisions of Section 3.25 of these regulations.
- 8.2.6 Motels and Hotels.

- 8.2.7 Municipal, state, and federal facilities, including garages and firehouses.
- 8.2.8 Light manufacturing.
- 8.2.9 Commercially operated tennis courts and/or private tennis clubs, and similar facilities for racquetball and paddle tennis.
- 8.2.10 Health spas and gymnasiums.
- 8.2.11 Skating rinks.
- 8.2.12 Sports arenas.
- 8.2.13 Marinas and boat yards.
- 8.2.14 Swimming pools and swimming clubs.
- 8.2.15 Establishments primarily offering electronic games.
(Effective Date: August 12, 1982)
- 8.2.16 Neighborhood and Community Shopping Centers as defined in Section 1.80.1 and 1.80.2 of these regulations.
- 8.2.17 Car Washes (Effective 11/1/2001)

8.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 125 feet frontage on a public street, and each lot shall be at least 150 feet in width at the building line.

8.4 MINIMUM SETBACKS

- 8.4.1 Front Yard - 75 feet.
- 8.4.2 Side Yard - 30 feet.
- 8.4.3 Rear Yard - 50 feet.

8.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 25% of the total area of said lot.

8.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

8.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

8.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

8.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

8.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 8a – SPECIAL DEVELOPMENT DISTRICT (SDD) (Effective 1/21/01)
Special Development District (SDD)

8a.1 **GENERAL**

The minimum lot size in this district shall be 200,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The Special Development District ("SDD") is intended to implement the recommendations of the Plan of Preservation, Conservation & Development adopted by the Planning and Zoning Commission on August 24, 1998 (the "Development Plan"). The Plan designated the east side of Route 85, across from Crystal Mall, as "Regional Business" in its Future Business Land Use Plan. All non-residential land uses will share access where appropriate to minimize the number of access points to Route 85. Proposed land uses shall be designated in such a way as to provide an appropriate buffer to adjacent residential areas and to ensure a uniformity of design standards within the District. The following shall be permitted uses within this district.

8a.1.1 One-family dwellings.

8a.1.2 Public playground, play field or parks.

8a.2 **USES PERMITTED IN SDD DISTRICT SUBJECT TO APPROVAL OF A SPECIAL PERMIT**

The following uses may be permitted in the SDD District if approved by the Commission in accordance with the provisions of Section 23 of the regulations.

8a.2.1 Hotel or motel.

8a.2.2 Convalescent nursing home and places for assisted living; hospitals. (Amended 8/19/08)

8a.2.3 Municipal offices and facilities.

8a.2.4 Professional offices, medical clinics, medical service laboratories, and research laboratories.

8a.2.5 Sit down restaurants excluding drive up windows or counter service.

8a.2.6 Financial institutions.

8a.2.7 Printing and publishing establishments.

8a.2.8 Business offices and services.

8a.2.9 Personal service establishments.

8a.2.10 Private educational institutions.

8a.2.11 Individual retail stores and service establishments not exceeding 65,000 square feet of Gross Leasable Area (GLA), defined as the total floor area exclusive of common areas, such as public toilets, lobbies and corridors, stairwells, elevators and machine and equipment rooms.

8a.2.12 Commercial recreational uses Including: health spas, gymnasiums, skating rinks, swimming pools, tennis and other racquet sports.

8a.2.13 Buildings, structures and substations operated by utility companies but excluding storage yards and outside storage areas.

8a.2.14 Shopping center not exceeding 400,000 square feet in Gross Leasable Area (GLA) as defined herein.

8a.2.15 Cinemas.

8a.2.16 Wholesale and retail sale of furniture and carpets.

8a.3 **MINIMUM LOT FRONTAGE AND WIDTH**

No lot in this district shall have less than 500 continuous feet frontage on a public street and each lot shall be at least 1,000 feet in width at the building line.

8a.4 **MINIMUM SETBACKS**

Minimum setbacks shall be in accordance with the following standards subject to compliance with Section 3.34 and 25.2 of the regulations.

8a.4.1 Front Yard - 75 Feet

8a.4.2 Side Yard - 30 Feet

8a.4.3 Rear Yard - 50 Feet

8a.5 **BUILDING COVERAGE**

The aggregate building coverage on any lot in this district shall not exceed 25 percent of the total lot area.

8a.6 **MAXIMUM BUILDING HEIGHT**

Except as provided in Section 3.6 of these regulations, no building in this district shall be constructed, reconstructed, extended or enlarged, moved or altered in any way so to have a maximum height in excess of 35 feet.

8a.7 **OFF STREET PARKING** Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations. The distance from any parking space to the entry of the building being served shall not exceed 400 feet.

8a.8 **SIGNS**

All signs erected within this district shall conform to the requirements of Section 21 of these Regulations.

8a.9 **ENVIRONMENTAL PROTECTION**

8a.9.1 No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these Regulations.

8a.9.2 A storm water management plan shall be submitted which mitigates any impact the use of this site has on water quality. The stormwater management system shall, based on available technology, have the ability to treat the first inch of runoff to remove 80% of total suspended solids, oils, chemicals and floatable debris. Best management practices shall be specified as part of the special permit and site plan and shall include required monitoring and maintenance.

8a.9.3 The percentage of land within the district which will be impervious to the infiltration of water shall not exceed 50%. The Commission may allow a greater percentage of impervious area if equivalent non wetland or lands otherwise restricted to infiltration outside the district but in the same watershed are set aside in a manner that assures that they will be preserved in perpetuity. Such land shall be conveyed in fee or conservation easement to the Town of Waterford or other agency as determined by the Commission. Infiltration of stormwater shall be maintained at predevelopment levels. In addition, a plan to control the quantity of water which minimizes downstream impacts shall be provided.

8a.10 **SITE PLAN APPROVAL**

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations and no building or structure, parking lot, or outdoor use of land, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

8a.11 **SPECIAL SITE DESIGN REQUIREMENTS**

8a.11.1 Site Design - Buildings, accessory structures, parking areas and accessways, service areas and other site components shall be organized in a coordinated, functional and safe manner and be compatible with site features and nearby residential areas. Building setbacks from the street, setbacks to adjacent buildings and resource areas and building alignment shall be consistent with other buildings within the SDD District. The applicant shall demonstrate how these criteria are achieved by submitting street views of the property and surrounding properties showing buildings, parking, loading and landscape areas in relationship to the public street and adjoining properties.

8a.11.2 Building Criteria - Large structures should have well articulated facades to reduce the appearance of bulk and rooflines shall be varied to provide architectural interest. Rooflines shall be articulated with parapet walls, gables, towers or a mansard roof. A unified design theme for building massing, exterior treatments and signage shall be established. Materials, textures and color used on the exterior walls and roofs shall emphasize the use of materials associated with New England style architecture. Preferred facade materials are brick, stone, wood or equivalent materials having the appearance of such materials, or other cement type material, provided it is accented with narrow siding, clapboard, shingles and similar materials. Roofing materials, where visible, shall be shingles, cedar shake, slate, copper or other finish treatment designed as part of a unified architectural theme. Rooftop mechanical units, vents or other protrusions shall be appropriately screened from adjacent property and/or a public road.

8a.11.3 Design Features - Preservation of important existing site features, such as large trees, steep slopes, wetlands and associated setbacks shall be incorporated into the design. Pedestrian walkways shall provide safe and convenient connections within the site and shall be constructed of slate, brick, concrete or paving blocks but shall not be gravel, earth or loose stone. All trash disposal areas shall be fully enclosed and properly screened. Exterior lighting shall be an architectural quality pole and fixture equipped with shields to prevent glare. Building mounted flood lighting is discouraged. Design and placement of signs shall consist of materials and colors that are coordinated with the building facade design and materials, and lettering styles, sizes, and composition shall be consistent and coordinated with the building architecture.

8a.11.4 Residential Buffer - Where a Special Development District adjoins any residential or multifamily district, a buffer strip at least 40 feet wide or greater as determined by the Commission shall be left naturally wooded or planted with not less than two rows of evergreen trees or landscaped in some other approved fashion, such as architectural walls or fencing so as to constitute complete visual screening. Such buffer strip shall contain no buildings, structures or paved areas but may contain stormwater control devices.

SECTION 9 - REGIONAL COMMERCIAL DISTRICT (C-R)

9.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district.

- 9.1.1 Neighborhood and Community Shopping Centers as defined in Section 1.80.1 and 1.80.2 of these regulations.
- 9.1.2 Retail stores and service establishments.
- 9.1.3 Business offices and professional buildings.
- 9.1.4 Restaurants. (Revised 08/15/94)
- 9.1.5 Taverns and night clubs, subject to the provisions of Section 3.23 of these regulations.
- 9.1.6 Post Office.
- 9.1.7 Public libraries and firehouses.
- 9.1.8 Financial institutions.
- 9.1.9 Medical clinics and medical service laboratories.
- 9.1.10 Bowling alleys and indoor theaters.
- 9.1.11 Private clubs and fraternal organizations.
- 9.1.12 Hotels and Motels.
- 9.1.13 Laboratories, research and development institutions, publishing establishments, and educational institutions.
- 9.1.14 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.

9.2 USES PERMITTED IN THE C-R DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the C-R District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 9.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 9.2.2 Cemeteries.
- 9.2.3 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 9.2.4 Service stations and filling stations, subject to the provisions of Section 3.25 of these regulations.
- 9.2.5 Municipal, state, and federal facilities, including garages and firehouses and parking facilities to serve these uses.
- 9.2.6 Commercially operated tennis courts and/or private tennis clubs, and similar facilities for racquetball and paddle tennis.
- 9.2.7 Health spas and gymnasiums.
- 9.2.8 Skating rinks.
- 9.2.9 Sports arenas.
- 9.2.10 Swimming pools and swimming clubs.

9.2.11 Regional Shopping Centers as defined in Section 1.80.3 of these regulations.

9.2.11.1 Establishments offering primarily electronic games, provided the same are contained within a regional shopping center.

9.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 150 feet frontage on a public street, and each lot shall be at least 180 feet in width at the building line.

9.4 MINIMUM SETBACKS

9.4.1 Front Yard - 75 feet, except for frontage roads paralleling Interstate Route 95, the minimum front yard setback shall be 150 feet.

9.4.2 Side Yard - 45 feet.

9.4.3 Rear yard - 50 feet.

9.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 25% of the total area of said lot.

9.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

9.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

9.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

9.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

9.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 10 - CIVIC TRIANGLE DISTRICT (CT)

10.1 GENERAL

The minimum lot size in this district shall be 20,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses in this district. (Amended 7/2/90, Effective 7/13/90)

- 10.1.1 One-family dwellings.
- 10.1.2 Business offices and professional buildings.
- 10.1.3 Financial institutions.
- 10.1.4 Municipal offices, public schools, public libraries, police stations, and other municipal facilities.
- 10.1.5 Parks and playgrounds.
- 10.1.6 Publishing establishments.
- 10.1.7 Museums.
- 10.1.8 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.
- 10.1.9 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Sections 3.9 and 3.10 of these regulations.
- 10.1.10 Accessory apartments in accordance with Section 3.36 of these Regulations.
- 10.1.11 Personal Service Establishment as defined in Section 1.68 herein. (Effective 12/1/05)

10.2 USES PERMITTED IN THE CT DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the CT District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 10.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are to be erected or more than 40 feet above the ground.
- 10.2.2 Buildings and structures and sub-stations operated by utility companies, but excluding service yards and outside storage areas.
- 10.2.3 Private educational institutions.
- 10.2.4 Storage Warehouses (Amended 03/23/98; Effective 04/15/98)
 - 10.2.4.1 The assembly of products held in storage warehouses shall be allowed as an accessory use only (not to exceed 25% of the space occupied by any individual tenant or owner), provided that the assembly does not involve a manufacturing process of any kind and complies with Section 1.4 of these Regulations.

10.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 100 feet frontage on a public street, and each lot shall be at least 120 feet in width at the building line.

10.4 MINIMUM SETBACKS

- 10.4.1 Front Yard - 75 feet.
- 10.4.2 Side Yard - 15 feet.
- 10.4.3 Rear Yard - 50 feet.

10.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 30% of the total area of said lot.

10.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

10.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

10.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

10.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

10.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 11 - GENERAL INDUSTRIAL DISTRICT (I-G)

11.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

- 11.1.1 Wholesale and retail sale of lumber, fuel, and building materials, including the storage of equipment commonly used by building contractors, subject to the following provisions:
 - a. All materials and equipment shall be stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material or equipment shall be located in front of the building line, as defined in Section 1.12 of these regulations.
- 11.1.2 Printing and publishing establishments.
- 11.1.3 Professional offices, medical clinics, medical service laboratories, research laboratories and business offices.(Effective 11/28/95)
- 11.1.4 Truck garages, automobile engine and body repair shops including welding and tire recapping provided that all mechanical and repair operations are carried on within an enclosed building.
- 11.1.5 The manufacture, processing, or packaging of food, candy, pharmaceuticals, cosmetics, toiletries, pottery and ceramic products, furniture, clothing, electronic apparatus, woodworking, optical equipment, glass, hardware, tools and dies, toys, novelties, sporting goods, musical instruments, signs and similar industries.
- 11.1.6 Stone polishing, engraving, cutting, or carving.
- 11.1.7 Public utility generating plants, uses and facilities appurtenant thereto.
- 11.1.8 Sheet metal and light metal fabrication, including the manufacturing of light machinery.
- 11.1.9 Public utility buildings, substations, storage yards, and appurtenances.
- 11.1.10 Trucking and motor freight stations or terminals, moving, express, or hauling establishments, including the storage of vehicles; provided all material and equipment and vehicles are stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material, equipment, or vehicles are located in front of the building line, as defined in Section 1.12 of these regulations.
- 11.1.11 Storage warehouses and wholesale establishments.
- 11.1.12 Retail sale or rental of power tools, hardware, and other building materials, scientific equipment, laboratory supplies, and fire fighting equipment.
- 11.1.13 Studios for motion picture, recording, television, and radio production, including transmitters and other related equipment.
- 11.1.14 Parks, playgrounds, and public schools.
- 11.1.15 Accessory uses as defined in Section 1.2 herein.
- 11.1.16 Financial Institutions (Effective 11/11/2011)

11.2 USES PERMITTED IN THE I-G DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the I-G District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 11.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground.

- 11.2.2 Places of worship and cemeteries.
- 11.2.3 Textile spinning, weaving, and dyeing.
- 11.2.4 Storage facilities, whether indoor or outdoor, which conform to the following provision and which shall be of a temporary nature for a period of one year, but which can be renewed on a yearly basis for a total existence of not more than five years.
 - a. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission. Vehicles being repaired shall be screened from adjacent properties.
- 11.2.5 Trade and technical schools and facilities of higher learning.
- 11.2.6 Municipal facilities including garages and firehouses, and parking facilities to serve these uses.
- 11.2.7 Riding stables, nurseries, and commercial greenhouses, provided that the lot on which such use is established contains at least 120,000 square feet of area.
- 11.2.8 Animal hospitals, veterinary hospitals, and kennels.
- 11.2.9 Convalescent nursing home and places for assisted living; hospitals (Amended 8/19/08)
- 11.2.10 Manufacture of asphalt, concrete, or products manufactured from concrete. (Amended 12/22/11)
- 11.2.11 Sales, storage, repair, or rental of automobiles, trucks, trailers, boats, motorcycles, construction equipment, and agricultural equipment.
- 11.2.12 Marinas and boat yards.
- 11.2.13 Golf courses and/or country clubs.
- 11.2.14 Swimming pools and swimming clubs.
- 11.2.15 Commercially operated tennis courts and/or private tennis clubs, and similar facilities for racquetball and paddle tennis.
- 11.2.16 Health spas and gymnasiums.
- 11.2.17 Skating rinks.
- 11.2.18 Sports arenas.
- 11.2.19 Wholesale and retail sale of furniture and carpets.
- 11.2.20 Dwelling designed for the use of a watchman or custodian, who is employed to provide services on the same property. Such dwelling may only be permitted as an accessory use.
- 11.2.21 The retail sale of industrial services, manufactured items and/or processed items shall be permitted only when such retailing is a secondary use on the site involved and only where such retailing takes place in the same structure where such items are manufactured, processed or such services are provided.
- 11.2.22 Family Entertainment Center

11.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 125 feet frontage on a public street, and each lot shall be at least 150 feet in width at the building line.

11.4 MINIMUM SETBACKS

- 11.4.1 Front Yard - 75 feet, except when lots abutting frontage road paralleling Interstate 95, the minimum front yard setback shall be 150 feet.

11.4.2 Side Yard - 30 feet.

11.4.3 Rear Yard - 50 feet.

11.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 40% of the total area of said lot.

11.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

11.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

11.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

11.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

11.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 12 - INDUSTRIAL COMMERCIAL DISTRICT (I-C)

12.1 GENERAL

The minimum lot size in this district shall be 40,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district.

- 12.1.1 Wholesale and retail sale of lumber and building materials, subject to the following provision:
 - a. All materials shall be stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material or equipment shall be located in front of the building line, as defined in Section 1.12 of these Regulations.
- 12.1.2 Printing and publishing establishments.
- 12.1.3 Research laboratories and business offices.
- 12.1.4 The manufacture, processing, or packaging of food, candy, pharmaceuticals, cosmetics, toiletries, pottery and ceramic products, furniture, clothing, electronic apparatus, woodworking, optical equipment, glass, hardware, tools and dies, toys, novelties, sporting goods, musical instruments, signs, and similar industries.
- 12.1.5 Trucking and motor freight stations or terminals, moving, express, or hauling establishments, including the storage of vehicles; provided all material and equipment and vehicles are stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material, equipment, or vehicles are located in front of the building line, as defined in Section 1.12 of these regulations.
- 12.1.6 Storage warehouses and wholesale establishments.
- 12.1.7 Retail sale or rental of power tools, hardware, and other building materials, scientific equipment, laboratory supplies, and fire fighting equipment.
- 12.1.8 Studios for motion pictures, recording, television, and radio production, including transmitters and other related equipment.
- 12.1.9 Parks and playgrounds.
- 12.1.10 Wholesale and retail sale of furniture and carpets.
- 12.1.11 Retail stores and service establishments.
- 12.1.12 Professional buildings.
- 12.1.13 Restaurants. (Revised 08/15/94)
- 12.1.14 Financial institutions.
- 12.1.15 Bowling alleys, theaters, assembly halls.
- 12.1.16 Private clubs and fraternal organizations.
- 12.1.17 Combined commercial, retail, and wholesale operations shall be permitted in the same structure, in those cases only where the products offered for sale on a retail or wholesale basis are the same.
- 12.1.18 Accessory uses as defined in Section 1.2 herein.

12.2 USES PERMITTED IN THE I-C DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the I-C District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 12.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground.

- 12.2.2 Buildings and structures and substations operated by utility companies but excluding service yards and outside storage areas.
- 12.2.3 Private educational institutions.
- 12.2.4 Service stations and filling stations, subject to the pro-visions of Section 3.25 of these regulations.
- 12.2.5 Motels and hotels.
- 12.2.6 Commercially operated tennis courts and/or private tennis clubs and similar facilities for racquetball and paddle tennis.
- 12.2.7 Health spas and gymnasiums.
- 12.2.8 Skating rinks.
- 12.2.9 Sport arenas.
- 12.2.10 Shopping centers as defined in Section 1.80 of these regulations.
- 12.2.11 Animal hospitals, veterinary hospitals and kennels.
- 12.2.12 Sales, storage, repair, or rental of automobiles, trucks, trailers, boats, motorcycles, construction equipment, and agricultural equipment. (9/1/2009)

12.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 125 feet frontage on a public street, and each lot shall be at least 150 feet in width at the building line.

12.4 MINIMUM SETBACKS

- 12.4.1 Front Yard - 75 feet, except when those lots abutting a frontage road paralleling Interstate 95, the minimum front yard setback shall be 150 feet.
- 12.4.2 Side Yard - 30 feet.
- 12.4.3 Rear Yard - 50 feet.

12.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 30% of the total area of said lot.

12.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

12.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

12.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

12.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

12.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 13 - GENERAL INDUSTRIAL PARK ZONE (IP-1)

13.1 GENERAL

The minimum lot size in this district shall be 80,000 square feet subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district.

- 13.1.1 Printing and publishing establishments.
- 13.1.2 Professional offices, medical clinics, medical service laboratories, research laboratories and business offices.
(Effective 11/28/95)
- 13.1.3 The manufacture, processing, or packaging of food, candy, pharmaceuticals, cosmetics, toiletries, pottery and ceramic products, furniture, clothing, electronic apparatus, woodworking, optical equipment, glass, hardware, tools and dies, toys, novelties, sporting goods, musical instruments, signs, and similar industries.
- 13.1.4 Stone polishing, engraving, cutting, or carving.
- 13.1.5 Sheet metal and light metal fabrication, including the manufacturing of light machinery.
- 13.1.6 Public utility buildings, substations, storage yards, and appurtenances.
- 13.1.7 Trucking and motor freight stations or terminals, moving, express, or hauling establishments, including the storage of vehicles; provided all material and equipment and vehicles are stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material, equipment, or vehicles are located in front of the building line, as defined in Section 1.12 of these regulations.
- 13.1.8 Storage warehouses and wholesale establishments.
- 13.1.9 Studios for motion picture, recording, television, and radio production, including transmitters and other related equipment.
- 13.1.10 Trade and technical schools and facilities of higher learning.
- 13.1.11 Combined commercial, retail, and wholesale operations shall be permitted in the same structure, in those cases only where the products offered for sale on a retail or wholesale basis are the same.
- 13.1.12 Parks and playgrounds.
- 13.1.13 Accessory uses as defined in Section 1.2 herein.
- 13.1.14 Yacht clubs.
- 13.1.15 Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure, or fishing trips, or for vessels engaged in fishery or shell fishery.
- 13.1.16 A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, rest- room and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 13.1.17 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 13.1.18 The rental of boats.
- 13.1.19 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 13.1.20 A sail or ship's chandlery.

- 13.1.21 Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, excluding the commercial bulk processing of fish.

13.2 USES PERMITTED IN THE IP-1 DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT (Amended 10/25/82, Effective 12/1/82)

The following uses may be permitted in the IP-1 District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 13.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground.
- 13.2.2 Places of worship and cemeteries.
- 13.2.3 Textile spinning, weaving, and dyeing.
- 13.2.4 Storage facilities, whether indoor or outdoor, which conform to the following provision and which shall be of a temporary nature for a period of one year, but which can be renewed on a yearly basis for a total existence of not more than five years.
 - a. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction, or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission.
- 13.2.5 General aviation airports and their ancillary service facilities.
- 13.2.6 Golf courses and/or country clubs.
- 13.2.7 Swimming pools and swimming clubs.
- 13.2.8 Commercially operated tennis courts and/or private tennis clubs, and similar facilities for racquetball and paddle tennis.
- 13.2.9 Health spas and gymnasiums.
- 13.2.10 Skating rinks.
- 13.2.11 Sports arenas.
- 13.2.12 Motels and hotels.
- 13.2.13 Restaurants. (Revised 08/15/94)
- 13.2.14 Riding stables, nurseries, and commercial greenhouses, provided such uses may only be established on a lot at least 120,000 square feet in size.
- 13.2.15 Shipping terminal or railroad freight terminal.
- 13.2.16 Animal hospitals, veterinary hospitals, and kennels.
- 13.2.17 Convalescent nursing home and places for assisted living; hospitals (Amended 8/19/08)

13.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 200 feet frontage on a public street, and each lot shall be at least 250 feet in width at the building line.

13.4 MINIMUM SETBACKS

- 13.4.1 Front Yard - 95 feet, except for lots abutting frontage roads paralleling Interstate 95, the minimum front yard setback shall be 150 feet.
- 13.4.2 Side Yard - 40 feet.

13.4.3 Rear Yard - 75 feet.

13.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 30% of the total area of said lot.

13.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

13.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

13.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

13.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

13.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

13.11 SPECIAL SITE DESIGN REQUIREMENTS

In addition to other applicable requirements of these regulations, each lot developed within this district shall also be required to comply with the following provisions:

- a. No parking area shall be located within 20 feet of a property line. The 20 foot strip remaining shall be turfed or seeded and planted with trees and/or shrubs as appropriate. Existing topography shall be disturbed to a minimum and trees preserved wherever possible. A parking area over 20,000 square feet in size shall contain planted islands located in such a way as to visually break up large expanses of paving and to assist in defining the circulation pattern therein. Such planted islands shall consist of at least five square feet of planted area for each 100 square feet of paved parking area. (revised effective: 2/2/2010)
- b. Where an Industrial Park District adjoins any residential or multi-family district, a buffer strip at least 40 feet wide shall be left naturally wooded or planted with not less than two rows of evergreen trees or landscaped in some other approved fashion so as to constitute complete visual screening. Such buffer strip shall contain no buildings, structures, or paved areas.
- c. All loading and unloading platforms and all loading and unloading operations shall be located in only a side or rear yard. Areas used for loading and unloading must be screened from adjacent roads and properties by landscaping or fencing which is in harmony with the principal structure and approved by the Planning and Zoning Commission.
- d. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction, or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc. must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission.

SECTION 13a – MEDICAL CAMPUS OVERLAY DISTRICT (MCOD) (Effective 6/1/2010)

13a.1 GENERAL

The Medical Campus Overlay District (MCOD) is an overlay zoning district located in the area south of Interstate 95, west of the boundary of the R-20 Zoning District adjacent to Cross Road, north of 429 to 475 Boston Post Road, and east of the boundary of the existing IP-1 Zoning District. The MCOD is located in an area where a range of business, industrial, and residential land uses are permitted in close proximity to interstate highways and frontage roads. The purpose of the MCOD is to enable a site with at least 40 contiguous acres to be developed into a Medical Campus as defined in Section 1.59.

13a.2 ADDITIONAL USES PERMITTED IN THE MCOD SUBJECT TO APPROVAL OF A SPECIAL PERMIT

Within the MCOD, all uses allowed in the underlying zone district(s) are permitted, subject to the requirements contained in the respective underlying zone district(s). In addition, Medical Campuses may be permitted in the MCOD, if approved by the Commission in accordance with the provisions of this section and sections 19 and 23 of these regulations. Unless otherwise specified herein, Medical Campuses shall comply with the requirements of Section 13 (IP-1 Zoning District).

13a.2.1 The primary use(s) within a Medical Campus shall be one or more of the following uses: Hospital, Medical Clinic, Medical Services Laboratories and/or Professional Offices primarily serving as Medical and Dental Offices as defined in section 1 and the standards of section 20.3. Hereafter these uses will be collectively referred to as the "Primary Medical Use(s)."

13a.2.2 It is presumed that the following uses serving the needs of patients, clients and employees of a Medical Campus are incidental to a Primary Medical Use and thus shall be considered part of the Primary Medical Use portion of a Medical Campus: food service, personal service, retail sales including pharmacy, educational institutions or facilities with a primary emphasis on medicine or health care, personal fitness and recreation, child and adult day care, on call sleeping accommodations and other similar uses as found acceptable by the Commission. The determination of the extent to which such uses shall be considered part of the Primary Medical Use(s) shall be based on square footage proposed as well as population to be served and may be limited by the Commission to an overall percentage of the gross floor area of the building.

13a.2.3 A Medical Campus shall contain at least 75,000 square feet of gross floor area dedicated to one or more Primary Medical Uses. The development of a Medical Campus may be phased, but at no time shall the constructed portion of the development contain less than 60% of its gross floor area dedicated to a Primary Medical Use.

13a.2.4 Up to 40% of the gross floor area of a Medical Campus may be dedicated to uses which are not a Primary Medical Use. Up to one-half of the gross floor area of such uses may be dedicated to one or more of the following uses not otherwise allowed in the underlying Zoning District, provided that the Commission makes a determination that said use will be supportive of the purpose and operation of the proposed Medical Campus, regardless of whether it may also become an independent destination for the public:

- a. Retail stores and service establishments
- b. Financial institutions
- c. One-family dwellings
- d. Two-family dwellings
- e. Multi-family dwellings

As a condition of approving a use under this section 13a.2.4, any subsequent change in use within a Medical Campus, except to a Primary Medical Use, is subject to the issuance of a new special permit. This provision will also apply to a proposed change to a use allowed in the underlying zone which is not a Primary Medical Use to ensure that the

purpose of these regulations is considered by the Commission at the time of the proposed change.

13a.3 PHASED APPLICATIONS

Notwithstanding any provisions in these regulations to the contrary, an application that proposes phased development of a Medical Campus is not required to include Detailed Site Plan drawings meeting the requirements of Section 22.4 and 22.5 of these regulations for phases of the Medical Campus beyond the initial phase proposed for development, provided that a master plan for the entire Medical Campus depicting general locations for land uses, site utility systems, drainage systems, and traffic access is submitted in conjunction with the application filed pursuant to sections 19 and 23 of these regulations. Once an application for a multiple phase Medical Campus has been approved by the Commission, all later phases of development after the initial phase must be approved pursuant to the provisions of section 19.4.3 of these regulations pertaining to Detailed Site Plan drawings.

13a.4 START OF CONSTRUCTION

Notwithstanding any provisions in these regulations to the contrary, initial construction of a Medical Campus shall be commenced within 5 years after the date of special permit approval by the Commission. For good cause shown, the Commission may grant one or more extensions of time to commence construction, not to exceed a total extension of 5 years.

SECTION 14 - WATERFRONT DEVELOPMENT DISTRICT (WD)

14.1 PURPOSE

The purpose of the Waterfront Development District is to encourage a mixture of land uses, with emphasis on waterfront access and water dependent and related uses (defined by the State of Connecticut as “those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat facilities, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters”).

The Town of Waterford contains a number of valuable waterfront areas, which have potential for waterfront development. These areas include several of the Thames River peninsulas and portions of the Mago Point area on the Niantic River. The Waterfront Development District is designed to achieve the most appropriate use of land and structures in these waterfront areas consistent with the design guidelines included here and in special plans adopted by the Planning and Zoning Commission for Mago Point or any of the designated Thames River peninsulas.

14.2 PERMITTED USES

The following water-oriented uses are permitted by right:

- 14.2.1 Public and private parks and playgrounds.
- 14.2.2 Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts, and racquetball facilities.
- 14.2.3 Boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery.
- 14.2.4 A yard for building, storing, repairing, selling, or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restrooms, and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 14.2.5 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 14.2.6 The rental of boats.
- 14.2.7 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 14.2.8 A sail loft or ship’s chandlery.
- 14.2.9 Swimming pools and swimming clubs.
- 14.2.10 Museums with nautical themes.

14.3 USES PERMITTED SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the WD District if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 14.3.1 Retail stores and service establishments.
- 14.3.2 Restaurants. (Revised 08/15/94)
- 14.3.3 Professional offices.
- 14.3.4 Residential uses up to a maximum density as provided for in Section 18 herein.
- 14.3.5 Hotels and motels.

- 14.3.6 Commercially-operated tennis courts and/or private tennis clubs and similar facilities for racquetball and paddle tennis.
- 14.3.7 Port facilities for bulk shipping and storage facilities, whether indoor or outdoor.
- 14.3.8 Radio or television antennas, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground.
- 14.3.9 Base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, and/or the commercial bulk processing of fish and shellfish.

14.4 LOT AND BUILDING REQUIREMENTS

The following lot and building requirements shall be met except as provided for in Section 3.7 of these regulations or as otherwise provided in this section.

14.4.1 Minimum Lot Size

The minimum lot size shall be 20,000 square feet subject to the lot design standards of Section 3.34 of these regulations.

14.4.2 Minimum Lot Frontage and Width

No lot in this district shall have less than 50 feet of frontage on a public street and each lot shall be at least 50 feet wide at the building line.

Where the Commission deems it infeasible to create a public street because of physical limits, railroad, etc., it may approve a site plan for use which does not have frontage on a public street, provided that the lot meets all other requirements and access is assured by covenants or other instrument acceptable to the Planning and Zoning Commission.

14.4.3 Minimum Setbacks

Front Yard - 20 feet.

Side Yard - 10 feet; the Commission may permit a reduction in the side yard to "0" if, in its judgment, such a reduction will help to achieve the purposes of the district. If a side yard is provided, however, it must be at least 10 feet.

Rear yard - 20 feet.

In no case shall new construction at the foundation line be less than 25 feet from the Niantic River or Thames River at mean water level elevation.

14.4.4 Building Coverage

The aggregate building coverage on any lot in this district shall not exceed 50% of the total area of said lot.

14.4.5 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum height in excess of 25 feet, except as provided in Section 3.6 of these regulations, and Section 14.8.2.1 below.

14.4.6 Building Width

The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height which are located adjacent to the Niantic River or Thames River shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river, except as provided for in 14.8.2.2 below.

14.5 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations. Required parking facilities shall be located on the same lot as the building or other use which they serve except as follows:

14.5.1 Because the WD District is important to the Town's economy, provides a local service and employment base, and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, required parking for uses within the WD District may be provided on sites other than the site which they serve provided that:

- a. Said spaces are within 400 feet walking distance of the lot or use which they serve.
- b. Said spaces are consistent with the guidelines as set forth in 14.8.1.
- c. The parking lot or spaces shall conform to the provisions of the district in which they are located except that in the case of a privately owned lot if they are serving a primary use outside the district in which they are located, the parking area shall be classified as a permitted accessory use.
- d. Such spaces shall be in the same ownership as the use which they serve and shall be subject to a deed restriction binding the owner and his heirs and assigns to maintain the required number of spaces either (1) through the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere.

14.6 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

14.7 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

14.8 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

14.8.1 Guidelines

In addition to the considerations set forth in Section 22 and Section 23, the Commission shall consider the purposes of this section and the specific design guidelines set forth in Master Plans for Mago Point or Thames River peninsulas that are adopted by the Planning and Zoning Commission as well as the following factors during their review:

- 14.8.1.1 The quality and extent of views from the adjacent public streets through the property to the water.
- 14.8.1.2 The design and relationship of development to the waterfront as viewed from the water.
- 14.8.1.3 The design and function of any easements or other access provided to the bulkhead, including new bulkheading or docking facilities.
- 14.8.1.4 The eligibility of proposed development to utilize any of the development incentives set forth below.
- 14.8.1.5 Traffic, parking, and pedestrian circulation recommendations contained in any plans for the area.

14.8.2 Modifications to Height and Width as Incentives to Achieve Purposes and Design Guidelines.

14.8.2.1 Height

- a. For every reduction of 10% in coverage below the maximum 50%, an additional 10 feet of height may be permitted up to a maximum of 45 feet.
- b. Maximum height may be increased by 10% up to a maximum of 45 feet if permanent public access to the river is provided. Such access, in the form of a permanent easement,

shall be at least 12 feet wide from the street to the water and 8 feet along the width of the property along the water.

14.8.2.2 Building Width

The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height which are located on property directly on the river shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 25 feet from the river. Building width may be increased under the conditions set forth below:

- a. Maximum width may be increased to 50 percent if permanent public access to the Thames River is provided as set forth in Section 14.8.2.1(b) above.

SECTION 15 - SPECIAL AQUIFER INDUSTRIAL PARK DISTRICT (IP-3)

15.1 GENERAL

The minimum lot size in this district shall be 120,000 square feet, subject to the lot design standards of Section 3.34 of these regulations. Because of the potential impact use of land within this district might have on the public water supply which serves the Town of Waterford and the City of New London, all uses within this district shall be subject to the approval of a Special Permit by the Commission, in accordance with the provisions of Section 23 of these regulations. However, under no circumstances is any use to be permitted within this district which might adversely affect the quality of the aquifers existing within this district due to the use of any toxic and/or hazardous material or process.

15.2 USES PERMITTED IN THE IP-3 DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the IP-3 District if approved by the Commission.

- 15.2.1 Research laboratories and business offices.
- 15.2.2 The manufacture, processing or packaging of food, candy, pharmaceuticals, cosmetics, toiletries, pottery and ceramic products, furniture, clothing, electronic apparatus, woodworking, optical equipment, glass, hardware, tools and dies, toys, novelties, sporting goods, musical instruments, signs and similar industries.
- 15.2.3 Sheet metal and light metal fabrication, including the manufacturing of light machinery.
- 15.2.4 Public utility buildings, substations, storage yards and appurtenances.
- 15.2.5 Trucking and motor freight stations or terminals, moving, express or hauling establishments, including the storage of vehicles; provided all material and equipment and vehicles are stored within a solid enclosure or provided with complete visual screening in a manner acceptable to the Commission and no material, equipment or vehicles are located in front of the building line, as defined in Section 1.12 of these regulations.
- 15.2.6 Storage warehouses and wholesale establishments.
- 15.2.7 Studios for motion picture, recording, television and radio production, including transmitters and other related equipment.
- 15.2.8 Trade and technical schools and facilities of higher learning.
- 15.2.9 Nurseries and commercial greenhouses.
- 15.2.10 Radio or television antennae, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground.
- 15.2.11 Cemeteries.
- 15.2.12 Places of worship.
- 15.2.13 Storage facilities, whether indoor or outdoor which conform to the following provision and which shall be of a temporary nature for a period of one year, but which can be renewed on a yearly basis for a total existence of not more than five years.
 - a. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by

- b. landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission.

15.2.14 Combined commercial, retail and wholesale operations shall be permitted in the same structure, in those cases only where the products offered for sale on a retail or wholesale basis are the same.

15.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 200 feet frontage on a public street, and each lot shall be at least 250 feet in width at the building line.

15.4 MINIMUM SETBACKS

15.4.1 Front Yard - 95 feet, except for those lots abutting a frontage road paralleling Interstate 95, the minimum front yard setback shall be 150 feet.

15.4.2 Side Yard - 40 feet.

15.4.3 Rear Yard - 75 feet.

15.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 30% of the total area of said lot.

15.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to have a maximum building height in excess of 40 feet, except as provided in Section 3.6 of these regulations.

15.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

15.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

15.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

15.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

15.11 SPECIAL SITE DESIGN REQUIREMENTS

In addition to other applicable requirements of these regulations, each lot developed within this district shall also be required to comply with the following provisions:

- a. Worker parking shall be located in the rear and side yards only. No parking area shall be located within 20 feet of a property line. The 20 foot strip remaining shall be turfed or seeded and planted with trees and/or shrubs as appropriate. Existing topography shall be disturbed to a minimum and trees preserved wherever possible. A parking area over 20,000 square feet in size shall contain planted islands located in such a way as to visually break up large expanses of paving and to assist in defining the circulation of pattern therein. Such planted islands shall consist of at least five square feet of planted area for each 100 square feet of paved parking area.
- b. Where any lot within this district adjoins any residential or multi-family district, a buffer strip at least 40 feet wide shall be left naturally wooded or planted with not less than two rows of

evergreen trees or landscaped in some other approved fashion so as to constitute complete visual screening. Such buffer strip shall contain no buildings, structures, or paved areas.

- c. Loading and unloading platforms and all loading and unloading operations shall be located in any yard but the front yard. Areas used for loading and unloading must be screened from adjacent roads and properties by landscaping or fencing which is in harmony with the principal structure and approved by the Planning and Zoning Commission.
- d. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission.

SECTION 16 - MULTI-FAMILY RESIDENTIAL DISTRICTS (R-MF) (C-MF) (CT-MF) (I-MF)

16.1 GENERAL

The minimum lot size in each of these districts shall be 60,000 square feet if such lot is to be used for Multi-Family Development under the provisions of Section 18 of these regulations. If however, said lot is to be used for other uses permitted in such district, the minimum lot size shall be 20,000 square feet in the R-MF District, 30,000 square feet in the C-MF District, 20,000 square feet in the CT-MF District and 40,000 square feet in the I-MF District. Minimum lot sizes are subject to compliance with the lot design standards of Section 3.34 of these regulations. Permitted uses in the Multi-family Districts shall be as follows. (Amended 7/2/90, Effective 7/13/90)

- 16.1.1 In the R-MF District, permitted uses shall include multi-family development in accordance with the provisions of Section 18 of these regulations and those uses permitted under Section 4.1 of these regulations.
- 16.1.2 In the C-MF District, permitted uses shall include multi-family development in accordance with the provisions of Section 18 of these regulations and those uses permitted under Section 8.1 of these regulations.
- 16.1.3 In the CT-MF District, permitted uses shall include multi-family development in accordance with the provisions of Section 18 of these regulations and those uses permitted under Section 10.1 of these regulations.
- 16.1.4 In the I-MF District, permitted uses shall include multi-family development in accordance with the provisions of Section 18 of these regulations and those permitted under Section 13.1 of these regulations.
- 16.1.5 In the R-MF, C-MF, and CT-MF Districts, two-family dwellings are permitted as defined in Section 1.25 of these regulations. (Effective Date: June 16, 1979)

16.2 USES PERMITTED IN THE R-MF, C-MF, CT-MF AND I-MF DISTRICTS SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the R-MF, C-MF, CT-MF, and I-MF Districts if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

- 16.2.1 In the R-MF District, any use permitted under Section 4.2 of these regulations.
- 16.2.2 In the C-MF District, any use permitted under Section 8.2 of these regulations.
- 16.2.3 In the CT-MF District, any use permitted under Section 10.2 of these regulations.
- 16.2.4 In the I-MF District, any use permitted under Section 13.2 of these regulations.

16.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot used for multi-family development in any multi-family district shall have less than 250 feet frontage on a public street. However, in the case of those lots in a multi-family district used for other purposes, the following provisions shall apply:

- 16.3.1 In the R-MF District, minimum lot frontage and width shall comply with the provisions of Section 4.3 of these regulations.
- 16.3.2 In the C-MF District, minimum lot frontage and width shall comply with the provisions of Section 8.3 of these regulations.
- 16.3.3 In the CT-MF District, minimum lot frontage and width shall comply with the provisions of Section 10.3 of these regulations.
- 16.3.4 In the I-MF District, minimum lot frontage and width shall comply with the provisions of Section 13.3 of these regulations.

16.4 MINIMUM SETBACKS

The minimum setbacks for all multi-family developments shall comply with the provisions of Section 18.3.4 of these regulations. However, when other uses are established in a multi-family district, the setbacks shall be as follows:

16.4.1 Setbacks in the R-MF District shall be those established in Section 4.4 of these regulations.

16.4.2 Setbacks in the C-MF District shall be those established in Section 8.4 of these regulations.

16.4.3 Setbacks in the CT-MF District shall be those established in Section 10.4 of these regulations.

16.4.4 Setbacks in the I-MF District shall be those established in Section 13.4 of these regulations.

16.5 BUILDING COVERAGE

The aggregate building coverage on any lot within these districts shall not exceed the following standards:

16.5.1 In the R-MF District, 25%.

16.5.2 In the C-MF District, 25%.

16.5.3 In the CT-MF District, 25% for lots used for multi-family development, 30% for lots put to other uses.

16.5.4 In the I-MF District, 25% for lots used for multi-family development, 30% for lots put to other uses.

16.6 MAXIMUM BUILDING HEIGHT

No building in the multi-family districts shall exceed 40 feet in height, except buildings in a R-MF or CT-MF District used for purposes, other than multi-family development, shall not exceed 35 feet in height.

16.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

16.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

16.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

16.10 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations, and no building or structure, parking lot, or outdoor use of land, except those used for a one-family dwelling and their accessory uses, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission.

SECTION 17 - OPEN SPACE DISTRICT (OS)

17.1 GENERAL

The minimum lot size in this district shall be 200,000 square feet, subject to the lot design standards of Section 3.34 of these regulations. The following shall be permitted uses within this district. (Amended 7/2/90, Effective 7/13/90)

17.1.1 One-family dwellings.

17.1.2 Farming, except piggeries and the raising of animals for the production of pelts.

Roadside stands not over 200 square feet in size, only when used for the sale of farm products, shall be permitted only if such stand is accessory to a farm use existing on the lot on which said stand is located. All such stands shall be set back 15 feet from the front property line and shall be provided with at least three off-street parking spaces in addition to those parking spaces required to serve the other uses of the property. All of the products offered for sale at any stand established under this provision shall have been grown or produced on said property.

17.1.3 Public libraries, public schools and places of worship, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.4 Cemeteries, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.5 Public or private parks, playgrounds, beaches, and aboretums, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.6 Private educational facilities, including colleges and universities and those buildings necessary to serve the cultural, recreational, educational, nutritional and housing needs of the students attending and faculty serving at such facilities, all such uses being subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.7 Non-profit theaters and their ancillary service facilities, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.8 Customary Home Occupations as defined in Section 1.37 herein and subject to the provisions of Section 3.11 of these regulations.

17.1.9 Accessory uses as defined in Section 1.2 herein and subject to the provisions of Section 3.9 and 3.10 of these regulations.

17.1.10 Golf courses and country clubs, subject to the approval of a site plan under the provisions of Section 22 of these regulations.

17.1.11 Accessory apartments in accordance with Section 3.36 of these Regulations.

17.2 USES PERMITTED IN THE OS DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the OS District, if approved by the Commission in accordance with the provisions of Section 23 of these regulations.

17.2.1 Radio or television antennae, flagpoles, towers, chimneys, water tanks or standpipes, any of which extend more than 40 feet above the ground or private antennae more than 20 feet above the residential structure on which they are erected or 40 feet above the ground.

17.2.2 Buildings and structures and substations operated by utility companies, but excluding service yards and outside storage areas.

17.3 MINIMUM LOT FRONTAGE AND WIDTH

No lot in this district shall have less than 50 feet frontage on a public street, and each lot shall be at least 200 feet in width at the building line.

17.4 MINIMUM SETBACKS

17.4.1 Front Yard - 75 feet.

17.4.2 Side yard - 50 feet.

17.4.3 Rear Yard - 75 feet.

17.5 BUILDING COVERAGE

The aggregate building coverage on any lot in this district shall not exceed 15% of the total area of said lot.

17.6 MAXIMUM BUILDING HEIGHT

No building in this district shall be constructed, reconstructed, extended, enlarged, moved, or altered in any way so as to have a maximum building height in excess of 35 feet, except as provided in Section 3.6 of these regulations.

17.7 OFF-STREET PARKING

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 20 of these regulations.

17.8 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

17.9 ENVIRONMENTAL PROTECTION

No development shall be undertaken on any lot within this district, nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.

SECTION 17a - SEASIDE PRESERVATION ZONING DISTRICT (effective 8/26/2011)

17a.1 PURPOSE

To transition the Seaside regional center to a productive private use which:

- 17a.1.1 Results in the adaptive reuse of the Main Building, the Employee Building I, so called, the Duplex and the Superintendent's House (Historic Structures), consistent with each building's original architectural design and the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 17a.1.2 Is designed to preserve and complement the architectural style of the Historic Structures.
- 17a.1.3 Integrates and controls all uses and site design to continue the unified and common use of the site.
- 17a.1.4 Least impacts the adjacent residential neighborhood.
- 17a.1.5 Provides for public access to the waterfront consistent with the capacity of the coastal resources

17a.2 USES PERMITTED IN THE SEASIDE PRESERVATION DISTRICT SUBJECT TO THE APPROVAL OF A SPECIAL PERMIT

The following uses may be permitted in the Seaside Preservation District, subject to the applicable lot design standards of Section 3.34, if approved by the Commission in accordance with the provisions of Section 23 of these regulations. Any such permitted use noted below shall be subject to the requirement that the Historic Structures be retained, renovated and integrated into the overall development plan. In meeting this objective, said buildings may be added onto or repositioned on the site.

- 17a.2.1 Clinics, residential and/or special care facilities, for the terminally ill.
- 17a.2.2 Adult Day Care
- 17a.2.3 Dwelling Units, subject to the following standards:
 - 17a.2.3.1 No subdivision of the property into separate single family lots shall be allowed.
 - 17a.2.3.2 The commission may limit the number of bedrooms as a condition of granting a special permit.
 - 17a.2.3.3 The density shall not exceed 4 units per acre of buildable area as buildable area is defined in Section 3.34.3.a of these regulations, and which is not otherwise committed to another use, except that the area of the public road may be counted towards density.
- 17a.2.4 Non-profit theaters and their ancillary service facilities
- 17a.2.5 Municipal facilities, public or private parks and playgrounds,

17a.3 ACCESSORY USES PERMITTED IN THE SEASIDE PRESERVATION DISTRICT

The following accessory uses are allowed if subordinate to the principal use(s) specially permitted. The commission may limit the location and operation of an accessory use as a condition of granting a special permit.

- 17a.3.1 Educational instruction, certification and training.
- 17a.3.2 Recreation and dining facilities, a community building, spas, physical therapy and personal service uses.
- 17a.3.3 Meeting facilities.
- 17a.3.4 Offices
- 17a.3.5 Day care facilities

17a.3.6. Other similar or customary uses as approved by the commission

17a.4 LOT FRONTAGE & PUBLIC ROAD

- 17a.4.1 A 24' wide public street with a sidewalk set within a 50' right of way shall be improved and dedicated to the Town of Waterford. No parking will be permitted on this road.
- 17a.4.2. The street shall extend to a point where fifty feet (50') of frontage is provided to the public access area.
- 17a.4.3 No driveway access will be allowed across the frontage along Shore Road.
- 17a.4.4 The required front yard along the frontage of Shore Road shall be suitably landscaped and shall not include any parking areas.
- 17a.4.5 Access shall be provided from all dwelling units to the new public street for municipal solid waste collection and designed in a manner consistent with current collection practices of the Town of Waterford.

17a.5 MINIMUM SETBACKS

- 17a.5.1 Front yard: Shore Road: 100 feet,
- 17a.5.2 Front yard: new public road: 25 feet,
- 17a.5.3 Other yards along the district boundary adjacent to private property: 75 feet, a 40' landscaped partial visual screen shall be provided along the adjacent property line.
- 17a.5.4 Building separation: Minimum separation shall comply with the current Connecticut Building and Fire Codes.
- 17a.5.5 Special flood hazard zone AE: 50 feet.

17a.6 BUILDING COVERAGE

The aggregate building coverage of all buildings located within this district shall not exceed 15% of the total land area of said district, which includes land dedicated for a public road.

17a.7 MAXIMUM BUILDING HEIGHT

- 17a.7.1 Maximum building height 35 feet, except that in order to preserve the original architectural design, any portion of a Historic Structure that exceeds the Maximum Building Height may be retained.
- 17a.7.2 Spires, steeples, cupolas, chimneys, flagpoles, and similar features may be erected an additional 12 feet above the maximum building height established herein subject to:
 - 17a.7.2.1 Occupying in the aggregate not more than 10 percent of the total roof area,
 - 17a.7.2.2 Not being used for human occupancy
 - 17a.7.2.3 Being incorporated into the design of the building.
- 17a.7.3 Addition(s) to the Historic Structures shall conform to the Maximum Building Height.

17a.8 OFF-STREET PARKING

Off-street parking areas, access drives, landscaping and other requirements shall be provided in accordance with the provisions of Section 20 of these regulations. In the interest of reducing the amount of impervious surfaces, the commission may grant modifications to the provisions of section 20. Modification requests shall include the nature of the modification, amount of the reduction and justification for the granting of the modifications. The commission may modify or condition the approval of a modification to the parking requirements.

17a.9 SIGNS

All signs erected within this district shall conform to the requirements of Section 21 of these regulations.

17a.10 ENVIRONMENTAL PROTECTION

- 17a.10.1 No development shall be undertaken within this district nor shall the existing character, including vegetation and topography, be disturbed from its natural state except in accordance with the provisions of Section 25 of these regulations.
- 17a.10.2 A storm water management plan shall be submitted, which mitigates any impact the use of this site has on water quality. The storm water management system shall, based on available technology, have the ability to treat the first inch of runoff to remove 80% of total suspended solids, oils, chemicals and floatable debris. Best management practices to control pollution at the source shall be specified.
- 17a.10.3 The total area which is impervious to the infiltration of storm water shall be limited to 30% of the site and including the area of the public road.

17a.11 OPEN SPACE & RECREATION

All areas not approved for development as defined shall be set aside as permanent open space or recreation area in perpetuity to be held in common by the owners within the district. The use, maintenance and preservation of all common areas, including open space and recreation areas, shall be controlled by an association of common owners organized pursuant to Connecticut's Common Interest Ownership Act. Association documents governing this obligation shall be submitted to the Commission for approval. All exterior common and limited common areas shall be delineated on the site plan required by Section 12 below.

- 17a.11.1 The area below elevation 12' and any adjacent area which the commission determines will facilitate public access shall be set aside as a public park and improved as required by the Commission. The Commission may allow land above elevation 12' to be substituted for the same amount of land below 12' in determining the area to be set aside for public access, provided however that any such substituted land must be contiguous to, and become a part of the public park.
- 17a.11.2 A Conservation and Public Access Easement over the public park and parking area shall be conveyed to the State with the Town as its successor. An agreement governing the use, operation, improvement and maintenance of the public park and parking area shall be submitted and may be conditioned as part of granting a special permit
- 17a.11.3 Passive recreation facilities serving residents of the dwelling units shall be located and improved on the basis of 500 square feet per residential dwelling unit. If approved by the Commission, required recreation area may include land set aside to meet the requirement of Section 17a.11.2 herein. Furthermore, where the Commission finds that either adequate outdoor facilities currently exist to serve the recreational needs of the occupants of the Seaside Preservation District, or that proposed indoor facilities will suitably provide for such recreational needs, the Commission may waive either a portion of or all of the requirements of Section 17a.11.3 of these regulations.
- 17a.11.4 The commission may require a system of trails and sidewalks within the development to provide access between buildings, uses and for recreational purposes.
- 17a.11.5 Public parking for at least 25 vehicles including van accessible handicapped/senior spaces shall be provided and located for convenient access to the park. The commission may require additional public parking areas be established in a location necessary to support acceptable public uses.

17a.12 SITE PLAN APPROVAL

A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations and the purpose of this district, and no building or structure, parking lot, or outdoor use of land, shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission. The development shall be constructed in accordance with these Regulations and the site plan as approved by the Commission. Changes to the approved plans may be made, the extent of which shall be set forth in the special permit.

17a.13 DESIGN

The architectural and site design of all buildings and improvements within the Seaside Preservation District, including typical floor plans and building elevations drawn to scale showing the exterior materials and treatment to be used, shall be submitted. The Plan submission shall specifically show how the development will result in the adaptive re-use of the Historic Structures. The Plans will demonstrate how all new construction will be integrated into a cohesive and unified development plan. The Plans will demonstrate how each of the Historic Structures shall be fully utilized and used primarily for residential dwelling units. The development shall be constructed in accordance with the design plans and the special permit shall specify the manner in which any changes to the design elements may be made. Due to the importance of the architecture of the Historic Structures the application shall include the following in order for the Commission to make a determination that the proposed design is prudent and feasible.

- 17a.13.1 A detailed structural analysis of each building prepared by a professional with specific qualifications to perform such analysis.
- 17a.13.2 A detailed economic feasibility analysis to support any proposed demolition and reconstruction of a Historic Structure.
- 17a.13.3 A report on the plans consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 17a.13.4 A detailed report on how any new construction complements the Historic Structures and are integrated into the overall site in a manner consistent with these regulations.
- 17a.13.5 Commentary or written review by the State Historic Preservation Officer or the Trust for Historic Preservation or both.
- 17a.13.6 Third party services of a professional in the field of historic preservation selected by the Commission to assist with its review of the proposed development's consistency with the requirements herein. The cost of the service shall be the responsibility of the applicant.

17a.14 PHASED CONSTRUCTION

The development may be phased as approved by the Commission for a period of up to 5 years. Thereafter the Commission may grant annual extensions not to exceed a total extension of 5 years. The commission may modify the phasing schedule and specify the timing of the restoration of the historic structures, installation of public improvements including site utilities and the public park and parking areas and the level of improvements required in order to permit the use and occupancy of the development.

SECTION 18 - MULTI FAMILY DEVELOPMENT

18.1 GENERAL

Any proposal to construct multiple dwellings including housing for the elderly, condominiums, and condominiums and rental units on the same tract, shall be considered a multi-family development and shall conform to all requirements of Section 18 of these regulations. Multi-family developments may be permitted to be constructed in any R-MF, C-MF, CT-MF, or I-MF District which both a public sewer system and a public water system are available and used to serve all proposed buildings provided approval of such development is obtained from the Planning and Zoning Commission in accordance with the following provisions:

- a. When a proposed multi-family development meets all of the Standards and Conditions described within Section 18.3 herein, approval of a Site Plan in accordance with the provisions of Section 22 of these regulations shall be required in order to proceed with the construction of such proposed development.
- b. When a proposed multi-family development seeks modifications of the Standards and Conditions described within Section 18.3 herein, as provided under the provisions of Section 18.7 of these regulations, approval of a Special Permit in accordance with the provisions of Section 23 of these regulations shall be required in order to proceed with the construction of such development.

18.2 PROCEDURE

Each application for approval of either a Site Plan or Special Permit as required under the provisions of Section 18.1(a) or 18.1(b) herein shall be submitted to the Planning and Zoning Commission as provided for in either Section 22 and/or 23 of these Regulations. Each application shall be acted upon by the Commission, each acting in its capacity as a Zoning Commission, in accordance with the provisions of Section 8-3(g) or 8-3(c) of the Connecticut General Statutes as such may be amended (See appendix to these Regulations).

18.3 STANDARDS AND CONDITIONS

Each proposal for a multi-family development submitted under the provisions of Section 18.1 herein shall meet each of the following standards and conditions, except as provided in Section 18.7 of these regulations.

- 18.3.1 Minimum Lot Area and Frontage - No multi-family development approved under the provisions of Section 18 of these regulations shall be established on any lot unless such lot is at least 60,000 square feet in size and has a minimum frontage of 250 feet on a public street.
- 18.3.2 Density - More than one dwelling unit may be erected on a lot. However, in no case shall the maximum number of dwelling units in any multi-family development exceed a total density of eight units per acre of total land area within said development. Furthermore, in determining compliance with this requirement, only land located in a district in which multi-family developments are permitted shall be counted.
- 18.3.3 Maximum Lot Coverage - The total aggregate building area shall not exceed 25% of the total lot area.
- 18.3.4 Minimum Setbacks - Front Yard - 75 feet, except for those lots abutting a frontage road paralleling Interstate 95, the minimum front yard setback shall be 150 feet.
Rear Yard - 75 feet.
Side Yard - 50 feet.
However, such minimum side and rear yard setbacks may be increased to not more than double these minimum requirements if the Commission determines that such additional separation is required in order to adequately buffer a proposed multi-family development from adjacent properties.
- 18.3.5 Open Space Requirement - At least 20% of the total area of the lot or lots on which a multi-family development is being constructed shall be set aside for permanent open space or recreation area.

Such open space shall not include land devoted to streets or parking areas, but may include, with the approval of the Commission, land within the minimum setback areas required under Section 18.3.4 herein. In determining compliance with this requirement, careful attention shall be given to preserving those areas indicated as Natural Resources and Open Space Areas in the Town's Plan of Development.

18.3.6 Recreation Area - In addition to the Open Space requirement of Section 18.3.5 herein, the Commission shall require the development of active recreation areas to serve the occupants of a proposed multi-family development. Such recreation areas shall contain at least 250 square feet of lot area for each efficiency or one-bedroom unit, and at least 500 square feet of lot area for each unit containing two or more bedrooms. Required recreation areas shall be prepared, protected, equipped, and located as determined by the Commission so as to suitably provide for the recreational needs of the occupants of the proposed multi-family development.

18.3.7 Building Size and Arrangement - No portion of any building shall be located less than 30 feet from any portion of any other building within a multi-family development. Courts shall be completely open on one side. No single building in a multi-family development shall contain more than the following number of dwelling units:

	Maximum Number of Dwelling Units
a. For all one-story buildings and townhouse type units where access to such unit is provided directly from grade to each individual unit.	12
b. For all two-story buildings.	16
c. For all buildings containing three or more stories.	24

18.3.8 Maximum Building Height - The maximum height of any building in a multi-family development shall not exceed 40 feet.

18.3.9 Dwelling Unit Mixture and Floor Area Requirements - No more than 50% of the total dwelling units in any single multi-family development shall contain two or more bedrooms; of which dwelling units containing three or more bedrooms shall not comprise a total of more than 25% of the total dwelling units in a single multi-family development.

In designing each individual dwelling unit, the following minimum floor areas shall be required for each unit. Such floor area shall be measured from within the exterior walls of each dwelling unit.

Efficiency Unit	550 square feet
One-Bedroom Unit	700 square feet
Two-Bedroom Unit	850 square feet
Three or more Bedroom Unit	850 square feet
(plus 150 square feet for each additional bedroom in excess of two.)	

18.3.10 Utilities and Antennae - All utilities serving those buildings within a multi-family development shall be placed underground, except where the Commission determines that such installation is not feasible. A single television antenna shall be provided for each building; or a community type antenna in compliance with Section 427 and 428 of the State Building Code may be erected, if approved by the Planning and Zoning Commission; or wherever possible, each unit may be served by cable television.

18.3.11 Clothes Drying and Rubbish Areas - All clothes drying areas and rubbish areas shall be fenced and screened from view from all streets by a planting of trees or shrubbery, or the construction of a closed picket or screen-type fence.

18.3.12 Access Streets, Parking and Sidewalks - The dimensions and construction of all public streets within a multi-family development shall be in accordance with the Town of Waterford's Subdivision Regulations. Parking shall be provided for all uses within the development in accordance with the requirements of Section 20.3 of these regulations, provided all parking areas shall be located at least 20 feet from all dwellings and community buildings. However, nothing within this section shall prohibit the construction of driveways to serve garage structures. Interior roads may be privately owned. However, except as provided in Section 18.7 herein, all such roads shall comply to the road specifications contained in the Town's Subdivision Regulations. Furthermore, all such roads shall be constructed so as to secure the safety, health and convenience of all residents served by such roads and under no circumstances shall any such road be permitted unless it meets the following minimum requirements:

- a. Those interior roads providing primary circulation through a multi-family development which provide direct access to the individual parking facilities provided to serve a single dwelling unit, as indicated in Figure (d) shall be at least 34 feet in width from edge of pavement to edge of pavement.
- b. Those interior roads providing primary circulation through a multi-family development which do not provide direct access to the front door of any dwelling and which provide access to group parking facilities, as indicated in Figure (e) shall be at least 20 feet in width from edge of pavement to edge of pavement when such roads are used for one-way traffic, and 28 feet in width from edge of pavement to edge of pavement when such roads are used for two-way traffic.
- c. All interior roads shall be set within a right-of-way at least 50 feet in width.

The placement, size, arrangement and use of driveways between public streets, private roads and/or parking areas shall be adequate to serve resident needs, provide adequate fire protection, and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all-weather surfacing may be required where the Planning and Zoning Commission determines such necessary for the convenience and safety of the residents of the multi-family development.

18.3.13 Mandatory Directional Signs - Each multi-family project shall include signs to direct people and emergency vehicle operators to the various buildings and facilities located on the lot. Each directional sign shall not exceed 6 square feet, and shall contain a map of the development highlighting the cluster to which access is being taken, and will include the name of the cluster(s) and numbers of the units in the cluster(s). Each directional sign shall be located in the vicinity of the intersection of the access drive serving the cluster(s)/units depicted on the sign.

18.4 PERMITTED ACCESSORY USES

The following accessory uses may be established with the approval of the Commission at locations they deem appropriate. However, none of these uses, except off-street parking areas serving two or less automobiles, shall be located in any front yard area.

- a. Artificial bodies of water.
- b. Swimming pools.
- c. Tennis courts and golf courses.
- d. Recreation areas including playground equipment.
- e. Community buildings used for laundry or recreational purposes, serving the occupants of the multi-family development only.
- f. Private boat docks and boat houses.
- g. Off-street parking areas for vehicles, including parking areas for boats and recreational vehicles.
- h. Garage structures and maintenance buildings.
- i. Other similar accessory uses acceptable to the Commission.

18.5 SPECIAL CONDITIONS WITH REGARD TO OPEN SPACE

All land being used as public or private open space and/or recreational area shall be set aside by conveyances or dedications as the Planning and Zoning Commission shall specify.

When open space is not to be deeded to the Town or a land trust, such open space may be deeded to a private organization made up of the property owners of the multi-family development, provided the developer shall not transfer ownership of any open space to such private organization until such time that at least 75% of the total units in such development have been occupied.

18.6 BUFFERS AND LANDSCAPING

The Commission may require the installation of fencing or the provision of suitable landscaping treatment to provide effective opaque buffers between a multi-family development and adjacent property on which single-family residences are located. Suitable landscaping, as determined by the Commission, shall be provided on all lots on which a multi-family dwelling is located, and the existing natural landscape shall be preserved wherever possible.

18.7 MODIFICATION OF THE STANDARDS AND CONDITIONS CONTAINED WITHIN SECTION 18.3 HEREIN

As permitted under the provisions of Section 18.1(b), an applicant seeking approval of a multi-family development may require certain modifications of the requirements contained in Section 18.3 herein. Each application including a request for such modifications shall be considered an application for a Special Permit and shall conform to the provisions of Section 23 of these regulations. Such applications for a Special Permit may address only those modifications listed within this Section 18.7, and no other modifications shall be permitted in regard to the Standards and Conditions contained within Section 18.3 herein.

- 18.7.1 Modifications of Minimum Lot Area and Lot Frontage - If individual multiple dwellings are proposed to be developed on separate lots within a single family-development, each lot frontage on a new public street, which is to be constructed as part of the proposed multi-family development, shall contain at least 5,000 square feet of lot area for each dwelling unit on said lot; and at least 25 feet of frontage on said new public street for each dwelling unit on said lot provided in no case shall total required lot frontage for any one lot exceed 250 feet.
- 18.7.2 Minimum Setbacks - When the Commission deems appropriate to serve the type of development proposed, and only where newly proposed lots front on a new street, constructed primarily to serve the multi-family development in which it is located, the Commission may allow the setback requirements established herein to be reduced by 50% with regard to only those lot lines which do not abut existing public streets or existing property lines between the multi-family development and adjacent properties.
- 18.7.3 Required Recreation Area - If approved by the Commission, required recreation area may include land set aside to meet the open space requirement of Section 18.3.5 herein. Furthermore, in those cases where the Commission finds that either adequate outdoor facilities currently exist to serve the recreational needs of the occupants of a multi-family development, or that proposed indoor facilities will suitably provide for such recreational needs, the Commission may waive either a portion of or all of the requirements of Section 18.3.5 of these regulations.
- 18.7.4 Special Requirements for Housing for the Elderly
 - 18.7.4.1 Minimum Floor Area Requirements - When a proposed multi-family development is to exclusively serve the elderly, the minimum floor area requirements established within Section 18.3.9 of these regulations may be reduced by not more than 10% if adequate assurance can be given to the Commission to indicate that all units within such development will permanently be reserved for occupancy by the elderly.
 - 18.7.4.2 Density - When a proposed multi-family development is to exclusively serve the elderly, the maximum density requirements established within Section 18.3.2 of these regulations may be increased by not more than one unit per acre if

adequate assurance can be given to the Commission to indicate that all units within such development will permanently be reserved for occupancy by the elderly.

18.7.4.3 Parking - When a proposed multi-family development is to exclusively serve the elderly, the minimum parking requirements established within Section 18.3.12 and Section 20.3 may be reduced to .7 spaces per unit for housing for the elderly, if adequate assurance can be given to the Commission to indicate that all units within such development will permanently be reserved for occupancy by the elderly. (amended 8/19/08)

18.7.4.4 Building Size and Arrangement - When a proposed multi-family development is to exclusively serve the elderly, the maximum number of dwelling units per building established within Section 18.3.7 of these regulations may be increased provided all of the other requirements of these regulations are met and further provided adequate assurance can be given to the Commission to indicate that all units within such development will permanently be reserved for occupancy by the elderly.

18.7.4.5 Frontage - When a proposed multi-family development is to exclusively serve the elderly, and where the building size and arrangement is to be modified per Section 18.7.4.4 of these regulations, then the minimum frontage requirements established within Section 18.3.1 of these regulations may be reduced as follows if adequate assurance can be given to the Commission to indicate that all units within such development will permanently be reserved for occupancy by the elderly, and further provided that the placement, size, arrangement and use of the ways between public streets, private roads and/or parking areas shall be adequate to serve resident needs, provide adequate fire protection and provide no hindrance to the safety of existing or proposed streets:

Small Development -100' of continuous frontage
(25 units or less)

Moderate Development-150' of continuous frontage
(26-100 units)

Large Development -200' of continuous frontage
(100+ units)

18.7.5 Access Streets - In those cases where adequate evidence can be provided to the Commission to assure that any proposed private road will permanently be set aside in such a manner so as to relieve the Town from ever having to own or maintain such road, then and only then may the Commission approve construction of such road to be a standard less than that required by the Town's Subdivision Regulations.

18.7.6 Dwelling Unit Mixture - When the Commission deems it appropriate to provide for a more balanced housing stock in the Town and to provide for more flexibility in the distribution of unit types within individual multi-family developments, the Commission may allow the dwelling unit mixtures of Section 18.3.9 to be modified as follows: The number of dwelling units containing two or more bedrooms may be increased to up to 75% of total dwelling units and the number of dwelling units containing three or more bedrooms may be increased up to 30% of the total dwelling units in a single multi-family development. (Effective Date: July 12, 1988)

18.8 COMPLIANCE WITH SITE PLAN

No construction shall be undertaken within any multi-family development until a Site Plan for such development has been approved by the Planning and Zoning Commission. All future use of the subject property shall be in accordance with the approved site plan for the development of said property and such terms and conditions imposed by the Commission as part of its approval of the proposed multi-family development.

SECTION 19 - PLANNED GROUP DEVELOPMENT

19.1 GENERAL

The Planning and Zoning Commission may treat as a Planned Group Development under the provisions of Section 19 herein any proposal to construct, in one or more buildings, a group of dwellings, public, institutional, commercial or industrial buildings on a single lot or on a group of contiguous lots, within any commercial, industrial or multi-family district, for the purpose of developing a coherent and related group of buildings and uses on said lot(s). A Planned Group Development may also include any residentially-zoned land that is adjacent to the principal commercial, industrial or multi-family district land that is included in the Planned Group Development, provided that the amount of such adjacent residentially-zoned land does not exceed 40% of the total area of the proposed Planned Group Development. Moreover, in addition to other requirements of these regulations, the following conditions and standards shall govern all applications for approval of a Planned Group Development. (revised 6/1/10)

19.1.1 Permitted Uses

No land within a proposed Planned Group Development may be used for any purpose other than those specifically permitted to be established within the zoning district in which such land is located.

19.1.2 Setback Requirements, Lot Frontage and Lot Width

Except as provided in Section 19.1.10 herein, each lot within a proposed Planned Group Development shall be developed in accordance with the applicable setback, lot width and lot frontage requirements of the zoning district in which such lot is located.

19.1.3 Building Coverage

Except as provided in Section 19.1.10 herein, the aggregate building coverage on each lot within any Planned Group Development shall not exceed the maximum lot cover age permitted within the district in which such lot is located.

19.1.4 Maximum Building Height

No building within a Planned Group Development shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to have a maximum building height in excess of that which is allowed within the district in which such development is located, except as provided in Section 19.1.10 herein.

19.1.5 Off-Street Parking

Except as provided within Section 19.1.10 herein, off- street parking spaces shall be provided in accordance with the provisions of Section 20 of these regulations.

19.1.6 Signs

All signs erected within a Planned Group Development shall conform to the requirements of Section 21 of these regulations.

19.1.7 Environmental Protection

All applications for approval of a Planned Group Development shall be subject to the provisions of Section 25 of these regulations.

19.1.8 Vehicle and Pedestrian Circulation

Except as provided within Section 19.1.10 herein, the dimensions and construction of all public streets and major private roadways within a Planned Group Development shall be in accordance with the Town of Waterford's Sub division Regulations. Furthermore, all roads and public streets shall be constructed so as to secure the safety, health and convenience of all those served by such roads and streets and shall meet the following minimum requirements:

- a. Those private roadways and/or driveways providing primary circulation through a Planned Group Development shall be at least 34 feet in width from edge of pavement to edge of pavement.
- b. Those interior roadways and/or driveways providing circulation between two or more aisles of parking shall be at least 20 feet wide from edge of pavement to edge of pavement

when such are used for one-way traffic and at least 28 feet in width from edge of pavement to edge of pavement when such is used for two-way traffic.

In addition, pedestrian walkways with all-weather surfacing may be required where the Planning and Zoning Commission determines such is necessary for the convenience and safety of those residing, visiting, or working within a Planned Group Development.

19.1.9 Landscaping and Lighting

The entire parcel on which the proposed Planned Group Development is to be established shall be landscaped and screened in such a manner as to insure a safe and cohesive layout and one appropriately related with and not detrimental to nearby uses. Such landscaping and lighting shall, at a minimum, comply with the provisions of Section 20.14 and 20.17 of these regulations.

19.1.10 Modifications of These Conditions and Standards

The Planning and Zoning Commission may approve modifications to those standards and conditions listed in Section 19.1 herein only to the extent described within this Section 19.1.10. In granting such modifications, the Commission shall give careful consideration to the topography of the site, the proposed location of the individual buildings to be constructed on the site, and the impact such modifications would have on adjacent traffic patterns, adjacent property values, and the future development of adjacent property. The granting of such modifications shall be accomplished through the approval of a Site Plan which shall meet all requirements of Section 22 of these regulations and on which shall be indicated those provisions of Section 19.1 herein which are being modified. Subsequent approval of such Site Plan by the Commission shall be deemed to establish the detailed requirements on the plan as the requirements for such Planned Group Development in lieu of otherwise applicable requirements of these regulations.

The following modifications may be approved:

- a. The Commission may approve modifications to the setback, lot width, and lot frontage requirements for the district in which the Planned Group Development is located.
- b. Maximum building coverage requirements may be exceeded on individual lots established within the area for which Planned Group Development approval is requested provided the total maximum coverage within the entire proposed Planned Group Development site does not exceed the maximum lot coverage for the district in which such development is located.
- c. The Commission may approve modifications to the maximum height requirements established for each district in which a Planned Group Development is permitted, including those modifications permitted under the provisions of Section 3.6 of these regulations. However, when acting to permit the construction of buildings and/or structures in excess of the maximum height requirements established within these regulations, such action shall be governed by the provisions of Section 19.1.10 herein
- d. The Commission may approve modifications to the requirements of Section 20 of these regulations and the special site design requirements of the underlying zone district with regard to off-street parking on a proposed Planned Group Development site. (revised 6/1/10)
- e. In those cases where adequate evidence can be provided to the Commission to assure that any proposed private roadway will permanently be set aside in such a manner so as to relieve the Town from ever having to own or maintain such roadway, then and only then may the Commission approve construction of such road to a standard less than that required by the Town's Subdivision Regulations.
- f. In those cases where adequate evidence can be provided to the Commission to assure that any development approved pursuant to this Section shall be developed in a coherent manner, provide common parking and access and is in unified ownership or control, the Commission may allow for reductions in the minimum lot size required for the District. In no case shall the total of the area of the contiguous lots be less than the minimum lot size required in the Zoning District in which the development is to be located. A permanent easement agreement for joint use and maintenance of common facilities shall

be submitted with any application for site plan approval and recorded in the Waterford Land records if approved by the Commission. (1/21/01)

- g. When the delineation of topography/slopes in accordance with Section 3.34.3a of these regulations results in the creation of small, isolated non-buildable or non-encroachment areas and these areas are not immediately adjacent to other areas designated pursuant to Section 3.34.3a, the Commission may allow development in these areas in accordance with an approved site plan. (1/21/01)

19.2 APPLICATION

All applications for Planned Group Development submitted under the provisions of Section 19 herein shall be considered as an application for a Special Permit in accordance with the provisions of Section 23 of these regulations.

19.3 CONTENT OF APPLICATION

Such application shall include the following:

19.3.1 Application for approval of a Special Permit (16 copies).

19.3.2 Site Plan:

A site plan shall be prepared in accordance with the provisions of Section 22.3 of these regulations, except because of the probable size and complex nature of the site involved, such plan may be drawn at a scale of not less than 100 feet to the inch and may, in lieu of the requirements of Section 22.4.4g.4, g.6, g.8 and only with the approval of the Commission, merely show schematically the proposed methods of storm water drainage, water supply and sanitary sewage disposal (16 copies).

19.3.3 Architectural Plans:

Preliminary architectural plans of all proposed buildings and structures, including general exterior elevations and/or perspective drawings, generalized floor plans and drawings of all proposed freestanding signs (12 copies).

19.3.4 Economic Feasibility Study:

This study shall show the consumer marketing areas for all uses proposed in such plan, the population potential of the area or areas to be served by the uses shown on said plan and other pertinent information concerning the need or demand for such uses of the land (10 copies).

19.3.5 Traffic Study:

This study shall show the effect of all proposed uses upon adjacent and nearby roads and highways. It shall also show the amount of direction of anticipated traffic flow and clearly describe what road improvements and traffic signal improvements might become necessary as a result of the construction of the proposed development (12 copies).

19.3.6 Ecological Impact Analysis:

The applicant shall describe in detail the extent and degree of ecological impact the proposed development will have on the site and surrounding environment (14 copies).

19.3.7 Water Supply, Sewerage Disposal, Storm Drainage:

Each applicant for approval of a Planned Group Development shall provide the Commission with a detailed report, prepared by a Professional Engineer licensed to practice in the State of Connecticut, which describes in detail the projected water supply needs and sanitary sewerage demands of the proposed development. Such report shall include detailed descriptions of any private water supply and/or on-site sewage disposal system which is to serve the proposed development including data describing the estimated capacity of any proposed wells and detailed soil data for all land which is to be used for on-site sewerage disposal systems. If the proposed development is to discharge into a public sewer system, this report shall provide data with regard to how much effluent is to be discharged.

In addition, said engineer's report shall include drawings and calculations describing the existing conditions on the subject site with regard to storm drainage flow and shall also provide schematic drawings of the proposed drainage patterns which will occur on the site as a result of the amount of water which will be discharged onto adjacent property or into any adjacent storm drainage facility.

Such report shall also address the capability of any off- site structure or facility to accept the storm drainage conditions which will be caused by the proposed development of the subject site (14 copies).

19.4 PROCEDURE

In taking action on a proposed Planned Group Development application, the Commission shall grant approval to each of the following parts of the application.

- 19.4.1 Application for Special Permit including all data required under Section 19.3.1, 19.3.3, 19.3.4, 19.3.5, 19.3.6, and 19.3.7 herein.
- 19.4.2 Conceptual Site Plan drawings in accordance with Section 19.3.2 herein which shall delineate the approved design concept described within the Special Permit approval with regard to Sections 19.1.1, 19.1.2, 19.1.3, 19.1.4, 19.1.5, and 19.1.6 with regard to freestanding signs; 19.1.7, 19.1.8, 19.1.9, and 19.1.10. However, while such plan will substantially fix the basic parameters of the Planned Group Development approval, it is recognized that the final design configuration within these basic parameters might change to some extent between that time when original submission of a Planned Group Development application is made and that time when final construction drawings are prepared. As such, the final element of this approval process will consist of a detailed site plan as described in Section 19.4.3 herein.
- 19.4.3 Detailed Site Plan drawings meeting all of the requirements of Section 22.4 and 22.5 of these regulations. Such plans may be submitted subsequent to the granting of approval with regard to 19.4.1 and 19.4.2 or may be submitted in lieu of the conceptual site plan described in 19.4.2 herein. Once a plan has been approved under the provisions of this Section, no Certificate of Occupancy shall be issued until all work has been completed strictly in accordance with such plan, except as provided within Section 19.6.3 herein.

19.5 ADDITIONAL CONDITIONS AND SAFEGUARDS

In granting approval to a Planned Group Development application under Section 19 herein, the Commission may attach such additional conditions and safeguards as are deemed necessary to protect the rights of individuals, property values, the environment in the area as a whole, the public health, safety, or welfare; or to promote sound planning and zoning principles, improved land use patterns, or better overall neighborhood compatibility, such as, but not limited to the following:

- a. Requirement of setbacks greater than the minimum required by these regulations;
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from a street, by walls, fences, planting, or other devices in addition to those specified within these regulations;
- c. Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area;
- d. Limitation of size, number of occupants, methods or time of operation, or extent of facilities;
- e. Regulation of number, design, and location of access drives or other traffic features including pedestrian ways;
- f. Requirements of off-street parking or other special features beyond the minimum required by these regulations or other applicable codes or regulations;
- g. Regulation of the number, type and location of outdoor lighting facilities; and
- h. Any data, plans or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Planning and Zoning Commission and may be made additional requirements and conditions of the Planned Group Development approval.

19.6 REVISIONS, EXTENSIONS AND MODIFICATIONS

It is recognized that because of the probable size and complexity of projects involved in Planned Group Development, certain changes might occur in the development plan between that time when original plans are submitted and that time when all construction involved at the site has been initiated. Therefore, the following provisions shall govern how revisions, extensions, and modifications of approved plans shall be treated.

- 19.6.1 After approval is granted to those elements of the Planned Group Development approval described in Sections 19.4.1 and 19.4.2 herein, any revision, extension, enlargement, movement or other change in the development of the site which results in increasing the total amount of approved coverage by more than 25%; increasing the total approved height of any building by more than 20%, reducing the approved relationship between the amount of building area and the amount of parking to be provided, reducing the total amount of approved landscaped area by more than 10%, locating any building closer to an adjacent property or street line than that which is approved, reducing the size of or changing in any way the location of any approved intersection or driveway connection with a public street shall require the submission of a new Planned Group Development application. However, in no case shall the extent of the development exceed the limitations established within Section 19.1 through 19.9 herein, except in those cases where modifications of these requirements are permitted as part of the Planned Group Development approval under the provisions of Section 19.10 herein.
- 19.6.2 Any other revision, extension, enlargement, movement or other change which is proposed, after approval is granted to those elements of the Planned Group Development approval described in 19.4.1 and 19.4.2 herein, shall be considered by the Planning and Zoning Commission as part of the Detailed Site Plan submission required under Section 19.4.3 herein. Subsequently, the detailed Site Plan may include proposed minor modifications of the Conceptual Site Plan approved under the provisions of Section 19.4.2 herein provided such modifications do not exceed the limitations described in Section 19.6.1 herein. Any detailed site plan including such modifications shall clearly indicate all changes proposed subsequent to the approval of the Conceptual Site Plan and approval by the Commission of a Detailed Site Plan shall act to establish those conditions shown thereon as the required conditions, which must be met prior to the issuance of a Certificate of Occupancy.
- 19.6.3 Once a Detailed Site Plan has been approved for the Planned Group Development, any revision, extension, enlargement, movement or other change in the development of the site which is proposed hereafter, and which does not exceed the limitations established within Section 19.6.1 herein, shall require the submission of a revised Detailed Site Plan which shall be acted upon in accordance with the provisions of Section 22 of these regulations. Such proposed modifications may be permitted only if approved by the Planning and Zoning Commission. Any revised Detailed Site Plan shall clearly indicate all changes proposed subsequent to the approval of the existing Detailed Site Plan and approval by the Commission of a revised Detailed Site Plan shall act to establish the conditions shown thereon as the required conditions, which must be met prior to the issuance of the Certificate of Occupancy.

19.7 DEVELOPMENT SCHEDULE AND COMMENCEMENT OF CONSTRUCTION

The applicant for Planned Group Development approval shall submit a development schedule indicating: (1) the approximate date when site preparation can be expected to begin; (2) the approximate date when construction of the first major building can be expected to begin; (3) The approximate date when all construction and site work can be expected to be completed; (4) if the development is to be undertaken in stages, a definitive description of each stage of construction indicating all buildings and site development work in which the project can be expected to be built and the approximate date on which construction of each stage can be expected to begin and when work on each stage can be expected to be completed shall be submitted to the Commission.

If the project will be developed in stages, the cost of completing the first stage (which cost shall include the cost of site preparation) shall be at least 30% of the total cost of completing the entire project. Site

preparation and/or construction of the Planned Group Development or the first stage of such development if to be built in stages shall begin no later than two years after the Commission has granted approval to the first two elements of a Planned Group Development approval as described in Sections 19.4.1 and 19.4.2 herein, except the Commission may extend such two-year period for not more than two additional years if adequate evidence can be provided that an effort is being made to proceed with the development of the approved Planned Group Development. If construction does not begin within two years after the Commission's approval or such extended period as may be established by the Commission, the approval for the Planned Group Development shall be considered null and void.

19.8 CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy shall be issued until it has been determined by the Planning and Zoning Commission that all provisions and conditions of the approval of the Planned Group Development, as granted by the Commission, have been complied with.

SECTION 20 - OFF-STREET PARKING REGULATIONS

20.1 GENERAL

No building or structure shall be erected, enlarged, modified, or its use changed unless permanently maintained off-street parking and loading spaces are provided in accordance with the provisions of these regulations. In addition, no alterations, improvements or modifications to an existing parking lot or the establishment of a new parking area may be established until a Site Plan in accordance with Section 22 of these regulations has been approved by the Planning and Zoning Commission.

Any existing parking area and appurtenances legally existing prior to the establishment of these regulations or amendments thereto, which does not comply with the requirements of this section shall be considered a non-conforming use of land and shall be discontinued when a Site Plan as required in this section is approved by the Commission.

These regulations shall also govern the location of access drives across a public right-of-way which shall comply with the requirements of this section, including the discontinuance of such existing drives which do not comply with this section. In addition, the issuance of an encroachment review response or STC review response from the State of Connecticut Department of Transportation shall not prohibit or preempt the Planning and Zoning Commission from requiring more restrictive requirements in accordance with this section of these Regulations.

20.2 PARKING SPACE DIMENSIONS

- a. A parking space shall have a minimum rectangular dimension sufficient to provide 180 square feet of parking area exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile. The length of any parking space shall be at least 18 feet and the width at least 9 feet as measured on an axis parallel with the vehicle after it is parked. The dimensions of the parking spaces shall be consistent for all contiguous spaces and shall provide for the most efficient design for vehicular and pedestrian circulation.
- b. The Planning and Zoning Commission may approve modifications to the dimensions of the parking spaces specified in Section 20.2.a herein when such spaces are contained in a large parking lot as defined in Section 20.17.3 of these regulations. In granting such modifications, the Commission shall give careful consideration to the proposed location of the building and uses to be serviced by the parking lot, the impact such modifications would have on traffic patterns, and the future development of adjacent property.

20.3 PARKING SPACE REQUIREMENTS

Adequate parking facilities located off the street or highway right-of-way shall be provided to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting each building or premises at any one time in accordance with the following requirements:

- a. For One-Family or Two-Family Dwelling Units: 2 spaces for each family unit; driveways may be included as required space for single-family dwellings. For permitted home occupations, spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the following.
- b. For Multi-Family Dwellings:
1-1/2 spaces for each efficiency and one-bedroom unit, and 2 spaces for each unit containing 2 or more bedrooms.
- c. For Business or Professional Offices or Governmental Office Space:
1 space for each 250 square feet of gross floor space.
- d. For Financial Institutions, Retail Stores, Personal Service Shops, Repair Shops and Similar Commercial Uses:

1 space for each 175 square feet of gross floor area. In addition, where any drive-in windows or facilities are provided to serve any of the above uses, provision shall be made to park at least 15 waiting automobiles between the street line and the drive-in window or facility being approached, and provisions shall also be made to park at least one exiting vehicle between any said window facility and the street. However, if more than one drive-in window or facility is provided, required waiting area for approaching cars may be reduced to 10 spaces per window or facility.

- e. For Furniture, Machinery, Equipment, Automobile and Boat Sales and/or Service Establishments:
1 space for each 400 square feet of gross floor area, and 1 space for each 800 square feet of outdoor sales and/or display area.
- f. For Restaurants, Night Clubs, Bars and Lounges
1 space for each 3 persons who may legally occupy the facility where allowable occupancy is determined in accordance with Section 20.4.e. Where any drive-in service window is proposed, provisions shall be made to park at least 15 waiting automobiles between the street line and the drive-in window being approached, with provisions also made to park at least one exiting automobile between said window and the street. Such facilities shall be provided in such a way as to cause no interruption to the smooth flow of traffic within the subject site, and if more than one drive-in window is provided, the required waiting space may be reduced to ten spaces per window.
- g. For Fast-Food Restaurants or Other Food Service Establishments Where Customers are Served by Primarily Counter Service:
1 space for every 3 permanent seats and 1 space for each 9 square feet of public floor area not devoted to permanent seating facilities, excluding rest room areas. Where any drive-in service window is proposed, provisions shall be made to park at least 15 waiting automobiles between the street line and the drive-in window being approached, with provisions also made to park at least 1 exiting automobile between said window and the street. Such facilities shall be provided in such a way as to cause no interruption to the smooth flow of traffic within the subject site, and if more than one drive-in window is provided, the required waiting space may be reduced to 10 spaces per window.
- h. For Theaters, Grandstands and Stadiums, Auditoriums or Meeting Rooms and Similar Places of Public Assembly: 1 space for every 3 seats if permanent seating is provided, or 1 space for each 21 square feet of public area for areas not served by permanent seating.
- i. For Libraries, Museums, and Non-Commercial Art Galleries:
1 space for each 750 square feet of gross floor area.
- j. For Hotels, Motels, Lodging or Boarding Houses:
1 space for each room, plus spaces as required for other related uses.
- k. Hospitals:
1 space for each bed plus 1 space for each 2 employees on the single largest shift.
- l. Nursing and/or Convalescent Homes and places for Assisted Living:
.5 Spaces per bed for convalescent nursing homes and .7 spaces per unit for assisted living units (amended 8/19/08)
- m. For Funeral Homes:
1 space for each 50 square feet of public assembly area, excluding residences which shall meet the requirements of Item a.
- n. For Marinas:
1 ½ spaces for each boat slip or rental boat with additional and separate areas provided for the parking of boat trailers.

- o. Public, Parochial, or Private Schools:
 - 1. Elementary and Junior High Schools:
2 spaces for each classroom plus 1 space for every 4 fixed seats in auditoriums, gymnasiums or other places of public assembly.
 - 2. High Schools:
6 spaces for each classroom, plus 1 space for every 4 fixed seats in auditoriums, gymnasiums or other places of public assembly.
 - 3. Colleges, Universities, Business, Technical and Trade Schools:
10 spaces for each classroom, plus 1 space for every 4 fixed seats in auditoriums, gymnasiums or other places of public assembly.
 - 4. Kindergartens, Child Care Centers, Nursery Schools and Similar Uses:
2 spaces for each classroom, but not less than 6 spaces for any one building.
- p. Bowling Alleys:
4 spaces for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
- q. For Industrial Plants, Wholesale Establishments, Warehouses and Similar Buildings:
1 space for each 1,000 square feet of floor area or 1 space for each three persons normally employed, whichever is greater.
- r. Buildings Occupied by a Duly Incorporated Nonprofit Body or Government Unit or Religious Institution:
1 parking space for each three persons for which seating accommodations are provided, plus parking as required for related uses as specified herein.
- s. Private Clubs, Fraternities, Sororities, Country Clubs, or Other Similar Organizations:
1 space for each two employees, plus spaces as required herein for restaurant areas, places of assembly, etc. If sleeping accommodations are provided, parking shall be provided in addition to other requirements at a standard of 1 space per sleeping room, or if dormitory accommodations are provided, at 1 space for each 2 beds. In those cases where golf courses are involved, parking shall be provided for at least 100 cars, and where tennis facilities are involved, parking shall be provided for at least 4 cars per court.
- t. Commercial Recreational Facility:
1 space for each 3 users who could be utilizing the premises at any one single time plus 1 space for each 3 seats provided for spectator observance of the establishment's activities. If restaurant or other commercial facilities are included in the facility, additional parking shall also be provided in accordance with the requirements for such related uses as specified herein.
- u. Automotive Services Including but not limited to Gas Stations, Auto Dealers, Auto Accessories, Auto Repair, Auto Body and Paint Shop, Muffler Installations, Tire Shops, Engine and Transmission Overhaul Shops and Car Wash:
5 spaces plus 2 spaces for each service stall, plus 2 spaces for each pump. In addition, if motor vehicles are offered for sale and/or for rent on the premises, one space shall be provided for each such vehicle offered for sale and/or rent. Furthermore, an automated or attendant operation car wash shall have at least 10 waiting positions for each bay between the street line and such bay for cars approaching, and at least 2 waiting positions for cars leaving such bays. A self-service (manual) car wash shall have at least 4 waiting positions for each bay between the street line and such bay for cars approaching and at least 2 waiting positions for cars leaving such bays.
(Amended 11/15/2001)

- v. Open or Outdoor Businesses Including but not limited to Those Which Sell New and Used: Motor Vehicles, Trailers, Mobile Homes, Building Supplies, Machinery, Equipment, Swimming Pools, Nursery, and Garden Supplies:
1 space for each 1,000 square feet of lot area.
- w. Medical or Dental Offices
5 spaces for each 1000 square feet of gross floor area. (revised 6/7/04)

20.4 INTERPRETATION OF OFF-STREET PARKING

- a. The parking required herein is in addition to space which is required for the storage of trucks or other vehicles used in connection with a business, commercial or industrial use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- c. The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Commission.
- d. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of public, parochial or private schools.
- e. In those instances where the requirements of Section 20.3 of the regulations are related to the number of people using a particular building or portion thereof, the occupancy allowances published in Section 806 of the State Building Code shall govern.

20.5 LOCATION OF REQUIRED PARKING FACILITIES

Required parking facilities shall be located on the same lot as the dwelling unit, building or other use which they serve.

20.6 INTERIOR DRIVES

Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted. Ninety degree (90) parking shall be used unless there is positive control of traffic directions.

- 90 parking - twenty-four (24) feet
- 45 parking - thirteen (13) feet
- 60 parking - eighteen (18) feet
- 30 parking - eleven (11) feet

20.7 SURFACE OF PARKING AREAS

All off-street parking areas shall be surfaced and maintained with a durable and dustless all-weather material as may be approved by the Planning and Zoning Commission. Parking areas shall be so graded and drained as to dispose of all surface water and proposed surfacing and drainage plans shall be submitted to and approved by the Planning and Zoning Commission. In no case shall drainage be allowed across any sidewalk areas. Furthermore, any parking area which serves more than 15 cars shall be surfaced with bituminous concrete and surface water from all such lots or concrete shall be discharged into a storm sewer wherever possible. However, the requirements of this section shall not apply to parking provided to serve one and two-family dwellings and farm buildings.

The Commission may allow any alternate to bituminous pavement, for non-commercial, non-industrial or non-multi-family low volume traffic generators, and the Commission approves specific maintenance provisions on the site plan.

20.8 ACCESS DRIVES AND VEHICULAR CIRCULATION

Provisions shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and to provide safe and convenient circulation in the street and upon the lot.

All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion. All access driveways for parking areas and/or loading areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorists approaching such driveway from a public or private street. Furthermore, all driveways providing connection between any parking and/or loading area and any public street or public right-of-way shall be finished with bituminous concrete or concrete, except in the case of access drives serving one- and two-family dwellings.

- a. The entrances and exits to all parking areas shall be clearly marked. Access drives for one-way traffic shall have a minimum width of 14 feet where one-way traffic is anticipated and a minimum width of 24 feet where two-way traffic is anticipated.
- b. All parking spaces in parking areas of more than 15 cars and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility.

In addition, all parking spaces shall be entered and exited along interior drives arranged perpendicular to access drives wherever possible. No parking shall be permitted along access drives within 40 feet of the street line and at greater distances as may be required by the Commission depending on the traffic generation and parking lot size. Dead end parking aisle interior drives shall be extended 5 feet further than the last parking space to allow movement of a vehicle in and out of a parking space.
- c. All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic. Each entrance and exit shall be at least 20 feet distant from any residential property or residential district and at least 75 feet distant from any street intersection, except entrance and exit onto a collector or arterial street which shall be 150 feet from any intersection.
- d. Driveways in commercial and industrial districts shall not be more than 30 feet wide at the right-of-way line and 55 feet wide at the curb line. Greater widths may be permitted where, in the opinion of the Commission, they are necessary to accommodate traffic volumes or movements, public safety requirements, or larger vehicles. Each parcel within these districts shall be entitled to one driveway where the property has 200 feet of frontage or less, and additional driveways only when permitted and approved by the Planning and Zoning Commission on the site plan.
- e. The grade for access drives to small (20.17.1), and medium (20.17.2) parking lots shall not exceed 6% from the curb line to 10' within the property. In large parking lots (20.17.3) the access drives shall not exceed 3% from the curb line to 40' within the property. All other parking lot grades shall not exceed 8%. Any variation shall be approved by the Public Works Director.
- f. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by residential districts.
- g. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- h. The street giving access to the lot shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- i. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands frontage roads, driveways, and traffic controls within the streets.
- j. Where topographic and other conditions are reasonably usable, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use, 1) when such driveway connection will facilitate fire protection services as approved by the Town Fire Marshal and/or 2) when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street.
- k. Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for

provision of curbs and sidewalks, as approved by the Commission and in accordance with the pattern of development along the street. Where necessary to provide for suitable access for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

20.9 PEDESTRIAN SAFETY

Off-street parking spaces shall be suitably separated from the building in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building served by any of the following means: a 6 feet wide concrete walk with an 8 inch high concrete safety curb; 8 inch high precast concrete curbs in such a manner as to provide a 4 foot wide vehicle free passageway; any combination of landscaping and walkway which establishes a 4 foot wide vehicle free passageway; or by any other manner as may be approved by the Planning and Zoning Commission. However, in parking lots containing 100 or more spaces, no parking shall be permitted adjacent to the sides and rear of any building only upon approval of the Planning and Zoning Commission in those cases where it is determined that such parking will not constitute a hazard to pedestrian circulation and will not interfere with any required fire lanes.

20.10 PROPERTY MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area and all required sidewalks and buffer areas in good condition without holes and free of all dust, trash, and other debris.

20.11 CURBING REQUIREMENTS

Appropriate provision shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials. Furthermore, whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond such property line.

20.12 FIRE LANES

No parking shall be permitted in those areas designated as fire lanes on any site plans approved under the provisions of these zoning regulations or established by the Town's Fire Marshal in accordance with Sections 1 through 7 of the Town Ordinance adopted February 5, 1973.

20.13 MARKING

All required parking spaces and fire lanes, except spaces required for one-family or two-family dwellings, shall be marked by painted lines, maintained in good condition, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall also be used as necessary to insure efficient traffic flow within all parking lots and between any such lot and the public street or right-of-way serving such lot.

All traffic control signs, handicapped parking signs and other signs as required herein shall meet the standard as established in the Manual of Uniform Traffic Control Devices or amendments thereto or as approved by the Waterford Traffic Authority or State of Connecticut Department of Transportation.

20.14 LIGHTING

Adequate lighting shall be provided in all lots of more than 15 spaces except where the Commission may determine that such parking areas will not ever be used at night. Required lighting shall be arranged and installed to minimize glare on adjacent property, and adjacent streets and highways.

20.15 TRUCK LOADING SPACE

In the case of hospitals, institutions, hotels, retail shopping facilities, personal service facilities, restaurants, wholesale and industrial buildings, and other facilities served by regular truck traffic, space shall be provided for the loading and unloading of trucks at the rate of one space not less than 12 feet wide and 60 feet in length for each 15,000 square feet of floor area or fraction thereof up to a total of 30,000 square feet. and one additional space for each additional 30,000 square feet when total floor area exceeds 30,000 square feet. Such truck areas shall be adjacent to the area or doors which shall be used for the loading and unloading of goods and supplies and shall not be visible from any public street or public right-of-way, and shall be located outside of any access drive or interior drive so as not to interrupt the flow of vehicles.

20.16 HANDICAPPED PARKING SPACES

Handicapped parking spaces shall be provided for in accordance with the provisions of CGS 19-395, Section 315.0 as contained in the Basic Building Code of the State of Connecticut. For the purposes of this section, required handicapped parking spaces shall be considered part of the parking spaces required under Section 20.3 and 20.4 of these regulations and not in addition thereto. Location and arrangement of handicapped parking spaces and building approaches shall be provided in accordance with CGS 19-385 Section 315.4 (Parking Lots & Building Approaches).

20.17 LANDSCAPING OF PARKING AREAS

All parking lots shall be landscaped in accordance with the following requirements:

20.17.1 Small Parking Lots

Every parking lot which contains more than 1,000 square feet and less than 20,000 square feet of lot area, including adjacent front, side and rear yard areas shall provide:

- a. A landscaped buffer strip, not less than 15 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb, separating such parking area from every street lot line. Except as otherwise required, such buffer strip shall provide partial visual screening as defined in Section 1.46.1 of these regulations. All freestanding signs shall be located within a portion or extension of this buffer strip.
- b. A landscaped strip not less than 5 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb along each side or rear lot line. Except as otherwise required, such landscaped strip shall provide partial visual screening as defined in Section 1.46.1 of these regulations.

20.17.2 Medium-sized Parking Lots

Every parking lot which contains 20,000 square feet or more but less than 80,000 square feet of lot area, including adjacent front, side and rear yard shall provide:

- a. Landscaped areas amounting to at least 10% of the total lot area, exclusive of building coverage. Such landscaped area may include those landscaped strips along the front, side and rear lot lines required in subsections (b) and (c) below. All interior landscaping including parking islands as defined in Section 1.67 of these regulations shall be located so as to provide both aesthetic value and orderly traffic flow within the subject site.
- b. A landscaped buffer strip, not less than 15 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb, separating such parking area from every street lot line. Except as otherwise required, such buffer strip shall provide partial visual screening as defined in Section 1.47.1 of these regulations. All freestanding signs shall be located within a portion or extension of this area.
- c. A landscaped strip not less than 5 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb along each side or rear lot line. Except as otherwise required, such landscaped strip shall provide partial visual screening as defined in Section 1.47.1 of these regulations.

20.17.3 Large Parking Lots

Every parking lot which contains 80,000 or more square feet of lot area, including adjacent front, side and rear yard areas shall provide:

- a. Landscaped areas amounting to at least 10% of the total lot area, exclusive of building coverage. Such landscaped area may include those landscaped strips along the front, side and rear lot lines required in subsections (b) and (c) below. All interior landscaping including parking islands as defined in Section 1.67 of these regulations shall be located so as to provide both aesthetic value and orderly traffic flow within the subject site.
- b. A landscaped buffer strip, not less than 20 feet in width, which shall also contain trees, and be provided with a 6 inch bituminous concrete, concrete or granite curb, separating such parking area from every street lot line. Except as otherwise required, such buffer strip shall provide partial visual screening as defined in Section 1.47.1 of these

regulations. All freestanding signs shall be located within a portion or extension of this area.

- c. A landscaped strip which shall also contain trees and which shall be at least 20 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb along each side or rear lot line. Except as otherwise required, such landscaped strip shall provide partial visual screening as defined in Section 1.47.1 of these regulations.

20.17.4 Landscaping Adjacent to an Abutting Residential District

Except as otherwise provided within these regulations, when any lot within a Commercial, Industrial, or Civic Triangle District abuts property within a Residential District, a landscaped buffer at least 20 feet wide shall be established and maintained to provide complete visual screening, as defined in Section 1.47.2 of these regulations along each rear and/or side lot line of the subject site which abuts a residential district.

20.17.5 Additional Landscaping Requirements

All planted and landscaped areas shall be maintained continuously by the owner of the property. All trees required to be planted in landscaped areas shall be at least 6 feet in height at time of planting. Those parking areas within Industrial Districts may be required to provide complete visual screening as defined in Section 1.47.2 around their perimeters in those cases where the Commission deems such screening necessary to buffer existing adjacent property uses from a proposed industrial use.

SECTION 21 – SIGNS

21.1 GENERAL

- a. Signs shall announce only the name and address of the occupant of a residence, the name and address of the business or industry and type of goods sold or manufactured, services rendered or type of commercial establishment, industrial establishment or home occupation which is being operated on the premises on which the sign is located.
- b. If a use is located on a lot or parcel which is within more than one zoning district, all signs erected in conjunction with such use shall conform to the regulations for the district in which the sign is located. No signs shall be permitted to be erected on any portion of such a lot or parcel which lies within a district in which such use is not permitted.
- c. If a building or group of buildings located on a single lot within a commercial or industrial district serves two or more tenants or occupants, each sign erected on such premises for each individual tenant or occupant shall be of consistent dimensions, lighting, and height as the other signs of the same type associated with the other individual tenants or occupants located on the same lot.
- d. No sign or part thereof shall contain or consist of posters, pennants, ribbons, streamers, spinners, strings of lights, or other similar devices. Furthermore, such devices shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- e. No sign of any classification, except required “EXIT” signs, shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- f. No sign shall be attached to or obstruct any window, door, stairway or other opening intended for ingress or egress or for needed light and ventilation, nor shall any sign be attached to any tree, fence or utility pole or be painted directly upon the wall or roof of any building.
- g. No sign shall be placed on or over any public right-of-way except publicly-owned signs, such as traffic and directional control signs and directional signs and street banners used to announce an activity approved under the provisions of Section 21.6.c of these regulations and erected in accordance with standards and conditions as established by the owners of the structures upon which the signs are to be placed.

21.2 EXISTING SIGNS

Signs existing on May 3, 1977 and not conforming to the provisions herein but which were constructed in compliance with previous regulations shall be regarded as non-conforming signs and may be continued to be used if properly repaired and maintained as provided in the Building Code of the State of Connecticut.

21.3 ABANDONED SIGNS

All signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises, unless adequate evidence is provided to the Zoning Officer that the owner intends to reestablish the business which the sign advertises within six months from the date on which the business was originally closed. Failure to comply with the provisions of this Section shall be interpreted as a clear intent to abandon said sign.

21.4 PROHIBITED SIGNS

Prohibited signs are signs which:

- a. Area of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, or which contain or imitate any traffic sign or signal.
- b. Advertise any activity, business, product or service no longer conducted on the premise upon which the sign is located.

- c. Swing, rotate or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment in such a way as to cause a potential hazard to public safety, or employ any part or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- d. Movable or portable signs, such as those used in conjunction with gasoline filling station operations and automobile dealers and garage activities, including any lighted sign displayed on a vehicle when such vehicle is used wholly or primarily for business sign purposes, and portable or temporary signs placed on the front or face of a building or on any premises, except as provided by Section 21.6 herein.
- e. Signs indicating uses not carried on at the premises on which the sign is located or indicating to off-premises locations.
- f. Billboards are prohibited in all zoning districts in the Town of Waterford.

21.5 EXEMPTED SIGNS

The following types of signs are exempted from the provisions of this regulation, except for construction and safety regulations and the following requirements:

- a. **Window Signs**
Signs displayed within the window of a commercial establishment announcing an event or advertising merchandise sold within such establishment. Such signs shall contain no flashing lights nor be illuminated by any flashing lights. Window signs will also be interpreted to include a display of merchandise within the window of the establishment in which it is sold. However, in no case shall such window signs occupy more than 25% of the total window surface in which they are placed.
- b. **Public Signs**
Signs of a non-commercial nature and in the public interest, erected by, or on the order of, any public officer in the performance of his or her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques and signs of historical interest. Where applicable said signs shall be in compliance with the Manual of Uniform Traffic Control Devices, latest edition, as may be amended.
- c. **Institutional**
Signs setting forth the name of, or any simple announcement regarding any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of 16 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than 10 feet above ground level.
- d. **Private Traffic Direction**
Signs directing traffic movement within a site, each sign not exceeding 1 ½ square feet in area nor 36 inches in length, provided the nature and location of such signs cause no nuisance or hazard. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- e. **Vehicles**
Signs on vehicles of any kind, provided the sign is painted to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle. Subject vehicle must be parked in an approved parking area.
- f. **Warning Signs**
Signs whose total area is not more than 4 square feet posted on private property warning a visitor or passerby of imminent danger which one might incur if one entered onto the property or

indicating directions to non- residents of the property as to a method or speed of access onto or around the property or a sign prohibiting a given activity on a lot.

g. Interior Signs

Such as signs within completely enclosed structures such as malls when such signs are not visible from the exterior of the structure.

h. Flags

One flag per lot, or per business with separate public access if in multiple tenant commercial and/or industrial buildings, may be permitted. Said flag shall not exceed 15 square feet and shall be made of durable cloth fabric. The pole holding the flag shall be affixed to the building wall of the structure within 10' of the point of public access for the business, and shall not extend over any public right of way, shall not encroach upon any required site line as defined in 3.13, nor shall inhibit access to and along areas reserved for pedestrian or vehicular movement onto and within the parcel.

21.6 TEMPORARY SIGNS

The following signs shall be permitted anywhere within the Town of Waterford and shall not require a permit; however, such signs shall meet all other applicable requirements with regard to location, height, type of illumination and structural requirements and all provisions of Section 21.1 of these regulations.

a. Construction Signs

Which identify the architects, engineers, contractors and other individuals or firms involved with the construction of a building or buildings, and do not include any advertisement of any products; and signs announcing the character of the building enterprise or the purpose for which the building is intended may be erected during the construction period. However, the total sign area on a given lot shall not exceed 32 square feet. The signs shall be confined to the site of the construction only and shall be removed within 14 days after the beginning of the intended use of the project.

b. Real Estate

Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of four square feet. Such signs shall be removed within 14 days after the sale, rental or lease of the subject property.

c. Temporary Forms of Outdoor Entertainment

Street banners, placards, and other forms of temporary advertisement used to announce an activity approved under the provisions of Section 3.19 of these regulations may be erected if approved by the Planning and Zoning Commission, only at those locations designated by the Commission not more than 14 days before any event.

Street banners advertising a regional event sponsored by a non-profit may be allowed independent of section 3.19 provisions, at the discretion of the Zoning Enforcement Officer and subject to Section 21.1g.

All such signs shall be removed within 72 hours after the event advertised is concluded.

d. Political Signs

Advertising the name and qualifications of a duly registered candidate for public elective office or advertising opinions regarding any issue to be voted upon at a public election may be temporarily erected not more than 60 days before the date on which the respective matter is to be decided and all such signs shall be removed within 72 hours after the date of the election. However, no such political signs are to be erected on any publicly owned property, building or structure.

21.7 PERMITS AND FEES

a. Permit Requirements

Except as otherwise provided herein, no sign greater than 2 square feet in area shall be erected, altered or relocated without the approval of a Zoning Compliance Permit which shall remain in

full force and effect so long as all conditions of these regulations are complied with. Prior to erection of any sign, all necessary building and electrical permits must be obtained from the Building Official. Requests for waivers per Section 21.8 shall be approved by the Planning & Zoning Commission.

b. Application

The application for approval shall include the following data:

1. Name, address and telephone number of the sign owner and of the sign erector.
2. Drawings showing the design, including the size, height, copy, or type of copy if changeable copy type sign, location on the site and materials to be used for the sign, as well as structural details of each sign supporting structure and the method of lighting proposed.
3. Statement indicating the purpose of the sign.
4. Position of sign and its structure in relation to adjacent buildings and structures, and landscaping proposed adjacent to freestanding signs when such is required by these regulation
5. The size, dimensions, lighting and location of all signs existing on the premises at the time of making said application.
6. Other pertinent information as required by the Zoning Enforcement Officer to insure compliance with these regulations.

c. Fees

The fee for each sign Zoning Compliance permit, or site plan fee in the case of sign waivers pursuant to Section 21.8.3, shall be submitted in compliance with the approved Fee Schedule referenced in Section 26.6. Such fee shall be paid by check or money order payable to the Town of Waterford.

d. Permit Exceptions

The following operations shall not be considered as creating a new sign and, therefore, shall not require sign approval:

1. Replacing Copy - The changing of the advertising copy or message on an approved painted or printed sign which is specifically designed for the use of replaceable copy.
2. Maintenance - Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
3. Temporary signs as defined in Section 21.6 and signs defined under exemptions, Section 21.5 of these regulations are also exempt from permit requirements.

21.8 DESIGN STANDARDS MATRIX

Unless otherwise required herein, all signs shall comply with the following standards.

21.8.1 Building Mounted Sign Standards

- a. No building mounted sign shall be mounted on a rooftop nor shall any portion of a building mounted sign extend above the building roofline.
- b. No building mounted sign shall extend more than 3 feet beyond the building wall.
- c. No portion of a building mounted sign shall overhang any property line nor closer than ten feet above areas used for pedestrian access or sidewalks nor closer than 14 feet above areas used for vehicle parking or access.
- d. The installation of building mounted signs shall meet the sight line standards of Section 3.13.

- e. The business or other use must have exclusive use of the exterior wall being used for a building mounted sign.
- f. Directory signs shall be mounted within 10 feet of the common access door.
- g. Building walls used must be visible from a public right-of-way.
- h. The area calculation shall only apply to length or area of the building wall above finished grade to which the sign is being attached.
- i. The maximum size listed in the following chart specifies the maximum total combined square footage of all signs which are permitted on any one building wall.

DISTRICT	MAXIMUN SIZE	MISCELLANEOUS
Residential	2 S.F.	
Multi-Family	6 S.F.	<ul style="list-style-type: none"> • Mandatory directory signs shall be provided within multi-family developments
Commercial & Industrial	20% of the area of the wall upon which they are to be placed	<ul style="list-style-type: none"> • Directory signs may be permitted in Multi-tenant structures up to a maximum of 24 S.F. • For Residential uses, apply Residential District Standards • For Multi-Family uses, apply Multi-Family District Standards • PZC can waive 21.8.1 a, b & i upon written request and 2/3 vote per 21.8.3
Civic Triangle	10% of the area of the wall upon which they are to be placed	<ul style="list-style-type: none"> • Directory signs may be permitted in Multi-tenant structures up to a maximum of 6 S.F. • For Residential Uses , apply Residential District Standards • For Multi-Family uses, apply Multi-Family District Standards
		<ul style="list-style-type: none"> •

21.8.2 Free standing sign standards

- a. All portions of any free standing sign shall be no closer than 10 feet to any property line.
- b. No free standing sign shall be placed in any required side or rear yard.
- c. The placement of all free standing signs shall comply with the sight line standards in Section 3.13.
- d. Every freestanding sign shall be located within a suitable, properly maintained landscaped area, as required by the Zoning Enforcement Officer.

DISTRICT	MAXIMUM SIZE PER FACIA	MAXIMUM HEIGHT	MISCELLANEOUS
Residential	2 S.F. 10 S.F. with RU-120 Farm 10 S.F. with Special Permit 50 S.F. with Subdivision	6 feet	<ul style="list-style-type: none"> • Sign with subdivision limited to one indicating name of subdivision
Multi-Family	6 S.F.	6 feet	<ul style="list-style-type: none"> • Multi-Family developments shall provide internal directory signs • In R-MF, apply Residential District Standards if not Multi-Family use
Commercial & Industrial	20 S.F. May increase 1 S.F. per 500 S.F. in excess of first 5000 S.F. of building area up to a maximum of 100 S.F. per sign 50 S.F. with subdivision	15 S.F.	<ul style="list-style-type: none"> • For Residential uses, apply Residential District Standards • For Multi-Family uses, apply Multi-Family District Standards • PZC can waive height and size upon written request and 2/3 vote per 21.8.3 • Maximum one sign per lot. Additional may be approved by PZC only at access points to public right-of-way
Civic Triangle	4 S.F.	6 feet	<ul style="list-style-type: none"> • See Commercial/Industrial

21.8.3 Waiver Standards and Criteria

The Commission may approve waivers to the height and size standards of freestanding signs and to the size and placement of building mounted signs within commercial and industrial districts by a two-thirds affirmative vote based on a finding of consistency with all of the following standards and criteria.

Requests for such waivers shall be submitted to the Commission and shall include all information required in section 21.7b, an application fee of \$50.00, and a narrative explaining the proposal's compliance with these standards and criteria. In approving such signs, the Commission shall state upon the record its reasons for approval, and may establish conditions and stipulations regarding, existing or future signs, including those allowed as of right.

STANDARDS AND CRITERIA

1. The signs shall comply with all other provisions of these regulations. The area of any such building mounted sign shall not exceed the maximum area permitted for the building wall below said sign, and shall be included in the total sign area permitted for that building wall. Only one roof mounted sign may be permitted per building.
2. Any roof mounted sign shall not extend above the ridgeline of a pitched roof, or more than three feet above the roofline of a flat roof, unless mounted upon a parapet or similar architectural feature, designed as an integral part of the building itself, and approved by the Commission. Roof top signs shall be placed parallel to the ridgeline and the bottom of any such sign shall be no more than 1' foot from the roof surface. Roof signs shall be constructed so as to conceal all structure and fastenings.
3. The applicant shall demonstrate that the need to increase the size or place the sign on the roof, or to increase the height of a freestanding sign as permitted herein is due to a physical limitation relating specifically to the visibility of the use as viewed from the closest arterial and/or collector street.

21.9 MEASUREMENT OF SIGN AREA

- a. The surface area of a sign is that area within a continuous perimeter having the smallest area which encompasses all lettering, wording, design or symbols together with any background different from the balance of the wall on which it is located. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- b. The support for a sign, whether it be columns, a pylon, or a building or part thereof, shall not be included in the computation of total sign area, except in the case of free-standing signs where such supporting member or members, when viewed from a point directly in front of the sign area, covers an area exceeding 25% of the total sign area supported. When supporting members of a sign exceed this 25% limitation, they shall be computed as part of the allowable sign area.

21.10 ILLUMINATION

All signs shall meet the following requirements as pertain to illumination:

- a. A sign may be illuminated only if the illumination is confined to or directed upon the surface of the sign only. The light from or directed upon any illuminated sign shall be shaded, shielded or directed in such a way as to assure that the light intensity or brightness therefrom shall not be directed upon any public thoroughfare, highway, sidewalk or property other than that on which the sign is located.
- b. No sign shall be illuminated by or contain flashing, fluttering, blinking intermittent, rotating, or moving light or lights, nor shall any sign be illuminated by a light source which does not maintain a constant intensity, brightness or color, except signs indicating time and/or temperature by means of white intermittent lighting.
- c. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices or marine navigational devices.
- d. Neither the direct, or reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

21.11 INSPECTION, MAINTENANCE, RENEWAL OF PERMIT, REMOVAL

- a. **Inspection**
Signs for which a permit has been issued shall be inspected periodically by a Zoning Enforcement Officer to determine compliance with these regulations.
- b. **Maintenance**
All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- c. **Removal of Sign**
The Zoning Enforcement Officer may order the removal of any sign erected or maintained in violation of these regulations. If pursuing to eliminate such violations, the Zoning Enforcement Officer shall be guided by the provisions of Section 8-12 of the Connecticut State Statutes as they may be amended.

SECTION 22 - SITE PLANS

22.1 PURPOSE

Each use for which a site plan submission is required is a potentially significant addition to a developing or developed area of the Town, and to a residential, commercial or industrial neighborhood. It is intended that the site plan for each use be prepared with due consideration for a.) the purpose and intent of these Regulations, b.) coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings, and other features that support the neighborhood and c.) protection of the public health, safety, welfare, property values and the environment. (Effective 2/22/85)

22.2 REQUIREMENT FOR SITE PLAN

No building or structure and no parking lot, sign waiver pursuant to 21.8, or outdoor use of land, except those used as a one-family dwelling or for farming purposes and their accessory uses, including home occupations, shall be used, constructed, enlarged, or moved until a site plan meeting all the applicable requirements of Section 22.3 herein has been approved by the Planning and Zoning Commission, with exception of sign waiver requests which shall meet the submission requirements of Section 21.7b.

Such plan shall be prepared by a Professional Engineer, and/or land surveyor registered to practice in the State of Connecticut, provided that such plan be prepared by a Professional Engineer when site work includes the design of roads, detailed drainage systems, sanitary sewerage systems, and water systems. Furthermore, the seal and/or seals of those who prepared the plan shall be included on the plan.

22.3 APPLICATION FOR SITE PLAN APPROVAL

(Amended 7/2/90, Effective 7/13/90)

Each application for site plan approval shall be submitted to the Commission's agent at least five (5) calendar days prior to the next regular meeting of the Commission, on a form provided by the Planning & Zoning Commission and accompanied by 15 copies of the proposed site plan drawings, which shall meet all requirements of Section 22.4 herein. In addition, once approval has been granted by the Commission, one mylar and 10 copies of the approved plan, on which all modifications imposed by the Commission as part of its approval have been clearly indicated, shall be forwarded to the Commission for their endorsement.

Such applications, except those accompanying a special permit request, shall be acted upon by the Commission acting in its capacity as a Zoning Commission under the provisions of Section 8-3, subsection (g), of the Connecticut General Statutes (see appendix to these regulations). In the case of site plans accompanying a special permit application, such plans shall be considered as part of the special permit application and final action on such plan shall be taken in accordance with the provisions of Section 8-7d of the Connecticut General Statutes (see appendix to these regulations).

The Commission shall take action on the plan initially received and no modifications to the plan shall be permitted except as an approval with modifications by the Commission. Prior to submission of formal application to the Commission, all applicants should submit plans to the Commission's agent for preliminary review, which plans meet all requirements of these regulations. There shall be no fee for the review of plans submitted prior to formal application.

22.4 CONTENT OF A SITE PLAN

A site plan drawn on a sheet no larger than 24" x 36" at a scale of 1"=40' or such other scale as may be approved by the Planning and Zoning Commission shall be prepared that will include and show, where applicable, the following information, and shall be accompanied by all written reports and documentation as required herein. (Effective 2/22/85)

22.4.1 Boundary Plan Survey (Effective 2/22/85)

All boundary and survey information contained on the site plan shall meet the requirement for accuracy to A-2 standards unless reference can be made to a previous A-2 survey on file in the office of the Waterford Town Clerk.

22.4.2 Statement of Use (Effective 2/22/85)

A written statement, signed by the applicant, and by the owner, if different from the applicant, describing the following in sufficient detail to determine the compliance with these Regulations and to establish the plan and program basis for review of the site plan submission:

- a. The nature and extent of the proposed use or occupancy.
- b. The number of persons to occupy or visit the premises on daily basis, including the parking and loading requirements for the use; and
- c. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

22.4.3 Reports (Effective 2/22/85)

Written reports concerning the following:

- a. For site plans involving 100 or more parking spaces or uses projected to generate more than 500 vehicle trips per day, a traffic impact analysis, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips, peak hour volumes, access conditions at the lot, distribution of traffic, types of vehicles expected and effect upon the level of service of the street giving the access to the lot.
- b. All plans and reports required in Section 25 of these Regulations including, but not limited to the following:
 1. In meeting the 2012 Plan of Preservation, Conservation and Development (2012Plan) goals of encouraging low impact development [LID] practices, site plans shall contain measures to reduce impacts to site hydrology and water quality. Site plan LID measures may include, but not be limited to, maintaining to the extent possible existing site hydrologic functions and topography, minimizing pavement and impermeable surfaces, minimizing land and vegetation disturbance to that necessary to provide for reasonable development and implementing stormwater quantity and quality controls. In order to ensure development has the least impact to the natural environment, is designed to fit a site, can be maintained in a stable condition, protects waterquality and maintains existing hydrology, all site plans and application submissions shall include a separate grading plan showing the application requirements of Section 25.1.2 and a narrative describing the development's conformance with the standards of Section 25.1.4. Earth products extraction, grading, filling and/or processing shall not involve the removal or deposition of more materials(s) than necessary to accommodate a use as allowed in the Zoning District in which it is to be located. The Commission shall determine the applicability and requirements for compliance with the standards contained in Section 25.1.4 depending on: the extent of grading, filling and excavation necessary to accommodate a proposed development, the stability and maintenance of graded areas upon completion of the site work, impact on abutting properties, the public right of way, public safety, and natural resources. Depending on the size and complexity of the development application the Commission or its agent may permit this information to be shown on the site plan, if all information can be provided in such a manner as to ensure the plan is legible. Such information may be shown on and described in a soil erosion and sediment control plan when certification is required. (Effective Date: December 22, 2011)
 2. For all proposed developments which contain flood hazard areas and/or a regulated floodway, as defined under Section 25.3.3, the plans and application submissions shall comply with the requirements of Section 25.3 of these regulations. The information required under Section 25.3.11 A-D shall be shown on the site plan and described in narrative form. Additional information shall be shown or provided in written form dependent on the extent of the

development and impacts on regulated areas as required in Section 25.3 of these regulations. (Effective Date: August 19, 1985)

3. Application and Coastal Site Plan as required in accordance with the provisions of Section 25.4 of these regulations. (Effective Date: August 19, 1985)
4. A soil and erosion and sediment control plan shall be submitted in accordance with the provisions of Section 25.5, with an application for the development of land in the Town of Waterford for which site plan approval is required, when the disturbed area of such development is cumulatively more than one-half acre. (Effective Date: August 19, 1985)

22.4.4 Site Plan Specifications

- a. All of the land in the lot together with any adjacent or contiguous parcels in the same ownership, with such detail of adjacent properties and public ways as will relate the subject premises to the neighborhood and to the street pattern within 1,000 feet from the perimeter of the subject property. (Such information may be shown on a key map at a scale of 1" equals 1,000'.)
- b. The location and size of all existing and proposed buildings and uses on the subject site and the approximate locations and size of all existing buildings and structures on the abutting properties which are within 100 feet of the common lot line.
- c. A complete parking area layout indicating that off-street parking, landscaping and lighting is provided in accordance with all requirements of Section 20 of these regulations. Such parking layout shall also indicate that all facilities for delivery and loading, as required under these regulations, are located within either a side or rear yard, and that no vehicular entrance exceeds 55 feet in width at the street line. Moreover, where required by the Commission, adequate acceleration and deceleration lanes for the passage of vehicular traffic to and from the nearest public traffic lane shall be provided.
- d. Such site plan shall also include the provision of all landscaped buffer strips required by Section 20.17.4 of these regulations, and any additional landscaping requirements provided for under the provisions of Section 20.17.5 of these regulations.
- e. Proper provisions for safe pedestrian movement within the subject lot and to adjacent lots. Where required by the Commission, safe pedestrian movement shall include sidewalks within the subject lot and adjacent to the subject lot.
- f. An indication that all storage areas for materials, vehicles, supplies, products, or equipment shall be located in either a side or rear yard and that such areas are adequately fenced or screened in accordance with the requirements of Section 22.4 of these regulations.
- g. In addition to the information required in a-f herein, the site plan shall also include the following information:
 1. Property boundaries and names of all abutting property owners within 100 feet of the subject site including across the street, if applicable.
 2. All existing and proposed grades at 5 foot intervals or less and the existing grades every 25 feet along abutting streets. Grades and contours shall be referenced to an existing or established public bench mark. The delineation of all existing stone walls, wetlands and watercourses, coastal resources, and 100 year flood zones. (Effective 2/22/85)
 3. All existing and proposed driveway entrances and exits.

4. Storm water drainage system, including the location and elevations of all existing and proposed highway drainage facilities within 100 feet of the subject site.
5. Location of all utility poles.
6. Location and size of all water supply and fire protection facilities.
7. Location of all fire lanes and restricted parking areas.
8. Location and design of all sanitary disposal systems.
9. Location and size of all parking spaces.
10. Location and size of all loading spaces.
11. Location of all outdoor fixed trash receptacles and facilities, location of all outdoor fixed telephone booths, location of all outdoor fixed seating, and the location of all other accessory structures.
12. Location, type and size of all signs.
13. Location of all traffic islands and barriers and a diagram of the proposed traffic flow.
14. Location, type and size of all light standards.
15. Location of all existing trees 18 inches in diameter or greater; the location of all areas where the natural terrain is to be left undisturbed; and the location, type, size and species of all proposed shrubs, trees or other planting or landscaping material.
16. Location, type and height of all screening materials along property lines.
17. Building elevations or preliminary drawings showing the general type of building proposed for construction.
18. Compliance with the requirements for applicable plan submissions in accordance with Section 25 of these Regulations. (Effective 2/22/85)
19. A zoning compliance chart delineating a column for: the district and other applicable bulk requirements, including lot size, % coverage, setbacks, height, sign sizes, number of required parking spaces by use, zone district and intended use, and a column indicating what is provided on the site plan. (Effective 2/22/85)
20. Seal of register of architect, engineer or surveyor who prepared the plan.
21. Evidence of submission, review and acceptability of plans to other State and Local regulatory agencies including but not limited to the following permits: Inland/Wetlands permits, Department of Transportation Encroachment Permit and/or State Traffic Commission permit, Department of Environmental Protection, Water Diversion Permit Floodway Encroachment Permit. (Effective 2/22/85)
22. Any other information as required by the Commission.

22.5 SPECIAL SITE LAYOUT REQUIREMENTS

- a. In addition to those requirements established within Section 22.5(b) herein, all lots hereafter developed within any Industrial Park District shall also be required to meet the applicable requirements of Sections 13.11 or 15.11 of these regulations. In any case, where the requirements of said sections conflict with the requirements of Section 22 herein, the requirements of Section 13.11 or 15.11 shall take precedence.
- b. No materials, merchandise, supplies, work in process, finished or semi-finished products, waste materials, commercial vehicles, construction or earth-moving equipment shall be permitted to remain on any part of a lot used or permitted to be used for an industrial or commercial purpose

outside of a building in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. Such materials, merchandise, etc., must be kept in the rear or side yard and screened by landscaping or fencing which is in harmony with the principal structure and which has been approved by the Planning and Zoning Commission. Vehicles being repaired shall be screened from adjacent properties.

22.6 RESERVED

22.7 AMENDMENTS AND MODIFICATIONS (Effective 2/22/85)

All modifications, amendments or alterations to an approved site plan, or architectural plan, shall be submitted to the Commission as a new site plan submission, except that the original plan with some change may be used, if it is legible, as long as said plan clearly by note or in tabular form, describes changes made to the plan including items deleted and added with revision dates. All changes shall be made in conformance with all other requirements of these Regulations.

22.8 COMMENCEMENT OF CONSTRUCTION (Effective 2/22/85)

Except as otherwise provided within these Regulations, unless construction is significantly begun within one year from the date of approval of a site plan, no zoning or building permit is to be issued until a new site plan is approved and the original approval shall become null and void. However, approval may be extended for a period not to exceed an additional one year at the discretion of the Commission.

22.9 CERTIFICATE OF OCCUPANCY (Effective 2/22/85)

No Certificate of Occupancy shall be issued by the Building Official until the Zoning Enforcement Officer has determined that the site has been completed in accordance with the approved site plan and has issued a Certificate of Zoning Compliance. No Certificate of Zoning Compliance or Occupancy shall be issued until "as built drawings" have been submitted to the Zoning Enforcement Officer for Zoning Compliance review and are determined to be in compliance with the originally approved site plan. The "as built" shall show the installation of all site work, exact location of buildings and other required items at a level of detail at or exceeding the original site plan. The "as built" shall be prepared by a Connecticut licensed professional engineer and/or surveyor and include a certification as to compliance with the approved site plan and list all deviations from the original plan. The Zoning Enforcement Officer shall submit all "as built" which deviate from the originally approved plans to the Commission for a determination of acceptance or plan amendment. Final accepted "as built" shall consist of one mylar and six copies signed by the Zoning Enforcement Officer and the mylar held by the Public Works Department.

When the site work cannot be completed because of weather or other pertinent reason, a Conditional Certification of Zoning Compliance and a Conditional Certificate of Occupancy may be issued for a period not to exceed 180 days provided a surety bond or other acceptable surety in an amount sufficient to cover the cost of those improvements remaining to be completed, as determined by the Planning and Zoning Commission, has been deposited with the Zoning Enforcement Officer.

Such surety shall be in a form acceptable to the Commission, payable to the Town of Waterford, and shall be accepted with the express condition that all work covered by such surety shall be completed within the period specified by the Commission or such surety shall be forfeited to the Town of Waterford.

22.10 PHASED CONSTRUCTION (Effective 2/22/85)

Except as permitted in these Regulations, no phased development shall be permitted, and the site plan shall include only that work to be completed within the specified time period, for which a Certificate of Occupancy will be required.

SECTION 23 - SPECIAL PERMITS

23.1 PURPOSE

The purpose and execution of a comprehensive Zoning Regulation is based upon the division of the community into zoning districts in which the use of land and buildings and the bulk and location of buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district, without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area; and without careful evaluation of the public need for such uses in the particular locations proposed. Such uses, therefore, shall be treated individually through the use of Special Permits, as provided in Sections 3.17, 3.18, 4.2, 5.2, 6.2, 6A.5, 7.2, 7A.3, 8.2, 8A.2, 9.2, 10.2, 11.2, 12.2, 13.2, 14.3, 15.2, 16.2, 17.2, 17A.2 and 19 of these regulations. Special Permits shall also be used to control height requirements under the provisions of Section 3.6; modifications to multi-family development requirements under the provisions of Section 18.7; and excavation operations under the provisions of Section 25.1 of these regulations.

23.2 APPLICATION FOR SPECIAL PERMITS

Each application for the approval of a Special Permit shall be filed with the Zoning Enforcement Officer on a form provided by the Commission at least five calendar days prior to the Commission's next regularly scheduled meeting and shall be accompanied by a fee, as required by Section 23.3 herein. The Planning and Zoning Commission shall not take action on any Special Permit application until after a public hearing has been held in accordance with the requirements of Section 8-3c of the Connecticut General Statutes (see appendix to these regulations).

Each Special Permit application shall include a site plan prepared in accordance with the requirements of Section 22 of these regulations. The Commission may take action simultaneously on both the Special Permit application and the site plan prepared for the subject property, however, approval of a Special Permit application shall not constitute approval of the site plan for the subject site unless specifically stated by the Commission.

23.3 FEE

An application fee as specified in Section 26.6 shall accompany each Special Permit application. Such fee shall be paid by check or money order payable to the order of the Town of Waterford and shall be used to defray the publication costs of the required legal notices. Such fee shall be non-refundable. Furthermore, if the actual costs of legal advertising are found to be more than the application fee, the applicant shall pay such additional money as may be required to cover all estimated legal advertising costs to the Town of Waterford prior to the Commission taking action on the applicant's request. (Effective Date: July 25, 1983)

23.4 NOTIFICATION OF ADJACENT PROPERTY OWNERS

Each application for a Special Permit shall include a list, prepared by the applicant, of the names and addresses of the owners of all land included within the application and of all properties 150 feet or less distant therefrom, all as shown on the most recent records on file in the Town of Waterford's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 15 days nor less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission.

Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Enforcement Officer along with the above said list of property owners, not less than five calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of a Special Permit request.

23.5 FINDINGS

A Special Permit shall not be granted until the Planning and Zoning Commission has determined that all of the following conditions have been satisfied. It shall be the responsibility of the applicant, at the time an application for Special Permit is made, to provide plans and reports which describe the proposed development's conformance with the required findings of Section 23.5. Any data, plans, and reports submitted in support of an application may be made additional conditions and stipulations of approval of a Special Permit. (Effective Date 1/1/87)

23.5.1 Compliance with the Adopted Land Use Plan and the Zoning Regulations.

The proposed use of the subject site is consistent with the purpose and intent of the Town of Waterford's adopted Land Use Plan, and the proposed use is one which is permitted to be established within the district in which the subject site is located, subject to the approval of a Special Permit.

23.5.2 Orderly Development

The location, type, character and size of the use and of any building or other structure in connection therewith shall be in harmony with the appropriate and orderly development of the town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.

23.5.3 Property Values and Character

The proposed use will not depreciate adjacent property values and the size and height of all proposed buildings and the extent of all proposed site improvements shall both be such as to harmonize with the existing character of the neighborhood in which such use is to be established.

23.5.4 Public Safety

The nature and location of the proposed use and of any building or other structure in connection therewith shall be such that there is adequate access to it for the purpose of fire protection, police protection, and other emergency equipment.

23.5.5 Traffic Considerations

The streets serving the proposed use are adequate to carry all prospective traffic; adequate provision is made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created; adequate off-street parking and loading facilities are provided as required by Section 20 of these regulations; and the development of the subject site provides for the continuation and appropriate improvement of streets terminating at or proposed to be constructed through the lot on which the proposed use is to be located.

23.5.6 Landscaping and Buffers

The site on which the proposed use is to be located will be suitably landscaped to protect the neighborhood and adjacent property and the proposed use of the subject property will not result in the loss of any existing buffering between the subject site and adjacent single-family residentially zoned properties. When adequate buffering is not found to exist, sufficient buffers between the proposed use and adjacent properties shall be provided.

23.5.7 Relationship to Utility Systems, Drainage Systems and Impact on Community Facilities

The subject site has adequate water and sewerage systems to service the proposed use. Adequate provision for storm water drainage can be provided without adversely affecting neighboring properties or adjacent public drainage systems, and the proposed use will not adversely impact existing community facilities.

23.5.8 Compliance with Zoning Regulations

In addition to meeting the other conditions described herein, the proposed use and the arrangement of all proposed buildings, structures, facilities and other site improvements shall comply with all applicable provisions of these Zoning Regulations.

23.6 PERMITTED STIPULATIONS WITH SPECIAL PERMIT

The Commission, in approving a Special Permit, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan; building location, size and layout; distribution of and relationship between uses and structures; vehicular and pedestrian circulation; parking; open space; landscaping and screening; signs and lighting; and the design and architectural treatment of all structures.

23.7 SUBSTANTIAL CONSTRUCTION WITHIN ONE YEAR

If substantial construction has not begun on a building or structure, or no use has been established on a lot for which a Special Permit was approved by the Planning and Zoning Commission, within one year from the date of issuance of such Special Permit for said building, structure or use, such Special Permit shall become null and void. Substantial construction shall include the erection of all foundation structures and at grade slabs.

However, in its discretion, and for good cause, the Planning and Zoning Commission, upon request of the applicant, may extend for an additional one year the period for the beginning of substantial construction or establishment of a use, provided such extension shall be granted only once for any particular Special Permit.

The Planning and Zoning Commission may also, at its discretion and for good cause, upon request of the applicant, approve a staging timetable for the start of construction or the establishment of a use, provided that such a staging timetable shall include all portions of the proposed development, and the approval of such staging program shall take precedence over other provisions established herein.

23.8 REVOCATION OF SPECIAL PERMITS

Whenever the Commission shall find, in the case of any Special Permit hereafter granted pursuant to the provisions of this section, that any of the terms, conditions or restrictions upon which such approval was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and the applicant for said Special Permit. Furthermore, whenever a use permitted by a Special Permit is abandoned, as defined in Section 24.2.6 of these regulations, the approval of such permit shall be rescinded and revoked. Continuation of a use for which a Special Permit approval has been rescinded and revoked shall constitute a violation of these Zoning Regulations.

23.9 CHANGES REGARDING APPROVED SPECIAL PERMITS

The following provisions shall govern any proposed changes regarding an approved Special Permit:

23.9.1 Once a Special Permit has been granted to use a lot under the provisions of Section 3.17, 3.18, 4.2, 5.2, 6.2, 6A.5, 7.2, 7A.3, 8.2, 8A.2, 9.2, 10.2, 11.2, 12.2, 13.2, 14.3, 15.2, 16.2, 17.2 or 17A.2 of these regulations, and a site plan regarding such use has been approved under the provisions of Section 22 of these regulations, no subsequent change to the approved building or structure, parking lot, sign or outdoor use of land shall be permitted unless a new site plan is submitted to and approved by the Commission regarding such change.

If any such modification involves a change in the use of the property or buildings thereon, from that which was originally approved, a new Special Permit application delineating such change in use shall be submitted to and approved by the Commission. In interpreting the provisions of this section, the mere expansion of an approved use into additional space shall not be considered a change of use.

23.9.2 Except as provided herein, no requirement modified under the provisions of Section 3.6 or 18.7 of these regulations shall be modified in any way unless a new Special Permit application has been submitted to and approved by the Commission regarding such modification. However, no new Special Permit application shall be required if a property owner chooses to comply with the requirements of any provisions for which a modification was approved.

23.9.3 When any Special Permit is granted under the provisions of Section 25.1 of these regulations, no change in the scope of operations or conditions of the approved site plan shall be submitted to and approved by the Commission regarding such change.

SECTION 24 - NON-CONFORMING USES, LOTS AND STRUCTURES

24.1 GENERAL

A non-conforming use, lot or structure is one which existed lawfully, whether by variance or otherwise, prior to the date these regulations or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these regulations or any amendment thereto.

24.2 NON-CONFORMING USES

For the purpose of these regulations, a non-conforming use shall be defined as a use of land and/or buildings which lawfully existed prior to the enactment of the Zoning Regulations or any amendment thereto, which does not comply with the use restrictions applicable to the district in which it is situated, and which is continuously maintained after the effective date of such enactment.

- 24.2.1 No non-conforming use of land shall be enlarged, extended or altered except in changing the use to one which is permitted in the District in which such use is located. No non-conforming use of an existing structure shall be extended to occupy land outside such structure or space in another structure.
- 24.2.2 No non-conforming use of land shall be moved to another part of a lot or outside the lot, and no non-conforming use of a structure shall be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming, and no structure containing a non-conforming use shall be moved, unless the result of such move is to end the non-conforming use.
- 24.2.3 Non non-conforming use of land or of a structure shall be changed to any use which is substantially different in nature and purpose from the former non-conforming use, except such uses as are permitted in the district in which they are located.
- 24.2.4 When a non-conforming use has been changed to a conforming use, it shall not hereafter be changed to any use not permitted in the district in which the use is located.
- 24.2.5 Any non-conforming use which has been abandoned shall not thereafter be reestablished. Any structure or land, or structure and land in combination, which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination, is located.
- 24.2.6 The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by an intent not to reestablish such use. Any of the following shall constitute prima facie evidence of intent to abandon:
- a. Any positive act indicating such intent; or
 - b. In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 12 consecutive months or for a total of 18 months during any three-year period;
 - c. In the case of land only, discontinuance of the non-conforming use for 90 consecutive days, or for a total of six months during any one-year period.
- 24.2.7 For the purpose of these regulations, failure to meet the required parking or loading requirements, failure to provide required buffer areas, and/or failure to provide adequate landscaping as required by these regulations shall be deemed to constitute a non-conforming use. However, nothing in these regulations shall prohibit a property owner from improving his property in such a way as to eliminate such non-conformity.

24.3 NON-CONFORMING LOTS

For the purpose of these regulations, a non-conforming lot shall be defined as a lot which had a separate existence prior to the enactment of those zoning regulations, or any amendment thereto which required a larger area, frontage, width or depth that that which existed prior to such enactment.

- 24.3.1 In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, single-family dwellings and customary accessory buildings may be erected on any non-conforming lot which was in separate ownership and not in continuous frontage with other lots in the same ownership as evidenced by a deed recorded in the Land Records of the Town of Waterford prior to the effective date of adoption of these regulations, or any amendments thereto which created such non-conforming lot, provided that construction on and use of each such lot shall comply with all other provisions of these regulations.
- 24.3.2 If two or more contiguous lots or combinations of lots or portions of lots in single ownership are of record at the time of passage of these regulations, or any amendment thereto, and if all or part of such lots do not meet the requirements for lot frontage, width, or area as established by these regulations, or any amendment thereto, the land involved shall be considered to be an undivided lot for the purposes of these regulations, except as provided in Section 24.3.3 herein. No portion of said undivided lot shall be used or sold as a building lot which does not meet lot frontage, width and area requirements established within these regulations, nor shall any division of a lot be made which leaves any remaining lot with frontage, width or area below the requirements stated within these regulations.
- 24.3.3 Where two or more lots or combinations of lots or portions of lots with continuous frontage are in single ownership as described in Section 24.3.2 herein and a lawfully erected building containing a primary use is located on such lot or lots, such lots shall be combined in such a way that each primary use is located on a conforming lot and in no case shall any lot be so created or maintained which is non-conforming in area, width, or frontage.
- 24.3.4 If any non-conforming lot contains an existing conforming use within an existing structure, permitted accessory uses may be erected and any existing structure may be modified, altered, or expanded so long as all new construction complies with all other applicable requirements of these regulations.
- 24.3.5 However, no requirement contained within this Section 24.3 shall supercede the provisions of Sections 8-26a, 8-28a and 8-28b of the Connecticut State Statutes.

24.4 NON-CONFORMING STRUCTURES (Effective 12/1/02)

For the purpose of these regulations, a non-conforming structure shall be defined as a structure which existed lawfully prior to the enactment of these regulations or any amendment thereto, which does not comply with the restrictions as to size, nature of construction, location of the structure on the land, or location of the structure in proximity to other buildings required by the regulations adopted subsequent to its construction, and which is continuously maintained after the effective date of such regulations or amendment thereto.

- 24.4.1 Any non-conforming structure lawfully existing at the time of the adoption of these regulations may be continued to be used, as long as such use is either permitted within the district in which it is located or is a legal non-conforming use; such structure may be expanded, modified or altered in accordance with the following provisions:
 - a. Such expansion, modification or alteration must not result in the expansion of a non-conforming use.
 - b. No increase in the area, any dimension or bulk of that portion of the structure which is non-conforming shall be permitted and all new construction shall comply with all requirements of these regulations, except that the height of that portion of the structure in non-conformity may be increased to the height permitted in the district in which the building is located.

24.4.2 In order to assure that the fair interests of all parties will be protected, nothing in these regulations shall be deemed to prohibit the restoration of any non-conforming structure and its use where such structure has been destroyed by means out of the control of the owner, provided the restoration of such structure and its use in no way increases any former non-conformity and provided further that restoration of such structure is begun within one year after the date of such destruction and all construction is diligently pursued to completion within two years following the date of such destruction.

24.5 **MAINTENANCE AND RESTORATION OF STRUCTURES CONTAINING NON-CONFORMING USES**

In order to assure that structures containing non-conforming uses will be maintained in safe and decent condition for so long as such non-conforming uses continue, nothing in these regulations shall be deemed to prohibit:

24.5.1 Work to be done on ordinary repairs, or on repair or replacement of walls, ceilings, floors, fixtures, wiring, or plumbing, in the non-conforming structure or non conforming portion of the structure, as the case may be, provided that such work does not expand or increase the extent of the non-conformity.

24.5.2 Any work required by the codes and ordinances of the Town of Waterford as ordered by any Town Official charged with protecting the public health, safety, or welfare, if such work does not enlarge or extend a non-conforming use or otherwise increase any non-conformity.

SECTION 25 - ENVIRONMENTAL PROTECTION

25.1 EARTH PRODUCTS EXTRACTION, GRADING AND FILLING (Effective Date: 12/22/11)

The purpose of this section is to provide a regulation to allow land to be excavated, graded or filled on a temporary basis when the activity is not associated with an approved site plan for a building or use permitted in the Zoning District where the property is located. It is the intent of these regulations to restrict these temporary activities, due to the potential impact on the natural resources and potential to generate excessive erosion and water quality degradation. Earth products including soil, loam, topsoil, sand, gravel, clay, rock or stone may be excavated or removed from any lot and land may be regraded or filled, as a temporary use for a period not to exceed two years subject to the approval of a Special Permit in accordance with Section 23 of these Regulations and Site Plan approvals in accordance with Section 22 of these Regulations and the following restrictions

a. These regulations are not intended to permit the mining or quarrying or processing of extracted earth products as a permanent use in any Zoning District. Permanent earth product processing is prohibited, constituting a long term land disturbance, and having cumulative impacts on the environment, property values and the public welfare.

b. The Commission may grant a Special Permit for a limited period of time, not exceeding two years, if it shall find that such excavation, regrading, removal or filling will not result in the creations of any sharp declivities, pits, or depressions, land forms not in harmony with the surrounding topography, or create any drainage or sewage problems or other conditions which would impair the use of the property in accordance with the Zoning Regulations and that such excavation, regrading, removal or filling will be in harmony with the general purpose and intent of the Zoning Regulations.

25.1.1 Exceptions

- a. Excavation, removal, regrading or filling in conjunction with an approved site plan and grading plan as required in Section 22.4.3b.1 of these regulations.
- b. Excavation, removal, regrading or filling in conjunction with an approved subdivision grading plan and certified soil erosion and sediment control plan.
- c. Excavation, removal, regrading, or filling in conjunction with and clearly essential to the construction or alteration of a building or structure on the same premises for which a building permit, health permit, and zoning compliance permit has been issued.
- d. Incidental excavation, removal, regrading or filling in connection with property maintenance or landscaping. No more than 500 cubic yards of material shall be deposited or removed from a lot, or no more than 20,000 square feet of a lot's area shall be disturbed, subject to the provisions of Section 25.1.6.
- e. A sanitary landfill operation of the Town of Waterford which has been approved by the Department of Environmental Protection.
- f. Agricultural excavation, regrading or filling operations provided that no more than 1,000 cubic yards of materials deposited or removed.
- g. Incidental excavations, removal, regrading or filling in connection with the installation of public utilities including water, sewer or drainage pipes, and roads as approved pursuant to CGS Section 8-24.

25.1.2 Application

Before any permit shall be granted, a written application shall be submitted to the Commission by the property owner or by his authorized agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut as prescribed by the State of Connecticut as prescribed by the State Board of Registration and showing the following:

- a. The boundaries of the property where the excavation, regrading, removal or filling is proposed and the area to be excavated or filled.
- b. Existing contours in the area to be excavated, regraded or filled and proposed contours after completion of the excavation, regrading or filling, which contours shall be prepared from an actual field survey based on bench mark noted and described on the map and drawn to a scale of not less than 40 feet to the inch with a contour interval not to exceed two feet.
- c. Existing and proposed drainage of the area and drainage easements or flowage rights.
- d. If the site is in or adjacent to a Flood Plain Zone or Flood Hazard Area, methods of controlling or preventing flood damage.
- e. Methods of preventing soil erosions and siltation during and at the completion of the operation.
- f. Names of the applicant and owner of the land.
- g. Coastal Area Boundary and existing rivers, streams, water courses, wetlands or other coastal resources on or adjacent to the premises.
- h. Adjoining lot lines with names of owners of record of adjacent land.
- i. Street lines and street names.
- j. Proposed vehicular access to a street.
- k. The location of any wooded areas, major trees and existing and/or proposed buildings or structures on the site.
- l. The Zoning District of the property and adjoining properties.
- m. The amount of fill to be removed, regraded or deposited, and the type of equipment to be utilized on the site.
- n. Proposed location of processing areas, if any.
- o. The time schedule proposed for the filling or excavation operation, including site restoration. The application shall include calculations and other information that proves that the activity can be conducted and concluded within a two year period including site restoration.(Effective Date 12/22/11)
- p. A written deed description of the lot(s) upon which the proposed excavation, regrading or filling is to occur.

25.1.3 Other Requirements

- a. A fee in an amount to be established in Section 26.6 of these Regulations.
- b. Submission of additional information on soil conditions, locations, and depth of rock ledge, groundwater conditions, and other such information as is deemed necessary by the Commission to make a reasonable review of the application.

25.1.4 Standards

A Special Permit shall be granted only upon the Commission finding that the application conforms to all of the following standards and conditions and the use is consistent with the restrictions in section 25.1 a & b.:

- a. No screening, sifting, washing, crushing or other processing of extracted earth materials shall be conducted on the premises unless located within an industrial or commercial District. Processing may be limited or prohibited as a condition of the Special Permit, if the Commission finds that the activity will have a detrimental impact on adjoining properties and their residents which cannot be adequately mitigated. Permitted materials

processing shall not include importing material from off site for the purpose of screening, sifting, washing or crushing and then exporting the material from the site.

The Commission may permit processing in other Zone Districts only if all adverse impacts are properly mitigated and the applicant submits notarized letters of consent from all abutting property owners within 100 feet of the perimeter of the parcel for which the permit is being requested. (Effective Date: 12/22/11)

- b. The use of explosives or explosive devices may be limited as a condition of a Special Permit.
- c. No excavation, fill, or grading shall result in excessive flying dust, noise, hazard to children or pedestrians, or danger to adjacent properties or passing vehicles.
- d. There shall be no excavation within 75 feet of any street line or 30 feet of any other lot line, except to an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line. The requirement prohibiting excavation within 30 feet of a lot line shall not apply in the event that a joint application is filed by the adjoining property owners and approved by the Commission.
- e. Proper drainage shall be provided to prevent the collection and stagnation of water and the protection of watercourses, streams, ponds and wetlands from pollution, siltation and erosion.
- f. No sharp declivities, pits, depressions, or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical rise to three feet of horizontal run shall be plateaued for a horizontal distance of five feet before continuing the next slope or bank.
- g. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a minimum depth of four inches in accordance with the approved contour plan.
- h. When the excavation, regrading, removal or filling operations have been completed, the excavated, regraded or filled area and other vegetated areas destroyed by the excavation, regrading or filling process shall be covered to a minimum depth of four inches with topsoil and seeded with a perennial rye grass or similar cover crop, planted with trees or otherwise treated in a manner the Commission deems appropriate.
- i. During the time of the operation, barricades, earthen berms, or fences for the protection of the public and adjoining properties shall be erected if deemed necessary by the Commission.
- j. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with dustless surface for a distance of 300 feet from a public street or highway.
- k. The completed excavation, regrading or fill area shall not impair the future use of the property in accordance with the Zoning Regulations of the Town of Waterford and the slopes and banks will not impair good development and safe use of the property after the excavation or filling.
- l. The premises shall be excavated, regraded or filled in conformity with the plans as approved.
- m. All materials used as fill shall be non-combustible unless a permit is issued under Sections 8-47 and 48, Disposal of Demolition Material, of the Waterford Code of Ordinances. Broken blocks, bricks, concrete, rocks and similar debris, if each piece of debris used is less than .5 cubic yards in size, is allowable as fill when mixed with enough gravel or sand to create fill which is void of air pockets.
- n. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding 12 inches in

thickness, and shall be compacted after each layer is spread. The Town Engineer may require tests or other information, if, in his opinion, the conditions or materials are such that additional information is necessary.

- o. No builder, excavator, grader or owner of any property in the Town of Waterford shall cause to remain, in any district, unsightly piles of rock or subsoil, or denuded land caused by, or in connection with, any activity regulated herein, for a period of more than one year after completion of said construction or activity. However, when the construction or activity cannot be reasonably completed within such period, said one year period may be extended if approved by the Commission for such additional time as the Commission deems appropriate, provided no single extension of time shall be for a period of more than one year.
- p. In coastal beach areas, excavation, grading or filling of beaches and/or the sand dune system is subject to regulation under this section.
- q. All applications for permits under this section which fall within the following categories shall be processed and approved under the respective regulations of those categories prior to consideration under this section:

Coastal Area Boundary - Coastal Site Plan Review and Approval

Inland Wetland & Watercourses - Review and Permit Approval

Tidal Wetlands - Review and Permit Approval

Flood Hazard Area & Floodways - Review and Permit Approval

Demolition Materials - Review and Permit Approval

- r. Any excavation which involves the creation of a pond or permanent water containment shall be governed by these regulations. Upon completion of excavation of said pond, the side slopes shall be graded at a slope not to exceed one foot of vertical drop to three feet horizontal distance to a minimum horizontal distance of 30 feet measured from the edges of the containment area at the discharge elevation.

25.1.5 Procedures

- a. The Commission may refer any application to the Connecticut Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
- b. The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.
- c. The Commission may, after the public hearing, grant a permit for a period of time not to exceed two years in accordance with these regulations. Failure to complete all work including site restoration within the time schedule approved by the Commission shall be considered a violation of these regulations and shall result in attachment of the performance bond proceeds for purposes of site restoration. Until such time as the violation is corrected no additional activity may occur except as expressly agreed to by the Commission.

At the time of project completion the owner of the property or his authorized agent shall file with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, regrading or filling conforms with the approved permit and plans. (Effective Date: 12/22/11)

- d. As an additional condition for granting of a Special Permit, the Commission may require the applicant to submit periodic reports on progress of the excavation, regrading, removal, or filling including contours and cross sections prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time, the Commission finds that the excavation, regrading, removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved, the Commission shall order the applicant to cease operation and revoke the permit.
- e. The applicant shall file with the Commission a Performance Bond, in form and with surety acceptable to the Commission, or its designated agents, in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the condition of approval. No excavation, regrading, removal of filling operation shall begin until such bond is received by the Commission. Furthermore, said bond shall not be released until said cover crop or planted material as required in Section 25.1.4h herein has been established and all debris removed.
- f. Upon successful completion of all work required and permitted as part of a special permit under this section then and only then can an application for a new special permit be submitted for any activity allowed under this section of the regulations for work on the same property. (Effective Date: 12/22/11)

25.1.6 Property Maintenance and Landscaping

- a. Incidental excavation, removal, regrading or filling in connection with property maintenance and landscaping provided that no more than: 500 cubic yards of material is deposited or removed from a lot, or 20,000 square feet of disturbed area results from the activity on a lot from the effective date of this regulation, shall be permitted, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer. No Zoning Permit shall be issued pursuant to this section if the proposed excavation removal, regrading, or filling will alter the natural character of an inland/wetland or watercourse, or coastal resource as defined by Section 22a-93(7) of the Connecticut General Statutes or restricts access along the public beach, until an inland/wetlands permit or coastal site plan has been approved.
- b. An application shall be made on the form provided by the Zoning Enforcement Officer and shall be accompanied by a plan, drawn to scale, showing: the actual shape and dimensions of the lot to be filled, graded or excavated; the size, area and location of the lot of the principal and accessory structures; the location of the property by street, Assessor's Map reference; the limits of the area to be filled, excavated or regraded; the existing grade of the property at 5 foot intervals; the amount of and type of material to be used as fill, graded or excavated; final grades, slopes and drainage patterns; measure to be taken to control erosion and stabilize disturbed areas during and after the proposed activity and such other information as may be necessary to determine and provide for the enforcement of this regulation. All information contained on the plans as it relates to volume of fill, grading, or excavation shall be accurate to the nearest cubic yard, except that when the Zoning Enforcement Officer shall deem it necessary, such plan shall be prepared by a licensed land surveyor or professional engineer.
- c. The Zoning Enforcement Officer shall issue a Zoning Permit for a period of two years under this section only after reviewing the application and plan submitted and certifying that the proposed activity meets the applicable standards contained in Section 25.1.4 of these regulations. Except that in no case shall a permit be issued under this section which allows on-site processing of material or the use of explosive devices. The Zoning Enforcement Officer may request technical assistance from the Director of Public Works for purposes of determining compliance with the standards contained in Section 25.1.4.

25.2 CONSTRUCTION ADJACENT TO BODIES OF WATER AND IN WETLAND AREAS

- 25.2.1 In addition to the setback requirements of the applicable zone district, the Commission may require additional setback for all buildings except a boat house, pump house and/or individual family sauna from any waterbody, watercourse, or wetland. Natural features such as topography and shoreline configurations of the lot shall be considered by the Commission in determining the extent

of additional setback required to protect the natural resource. No part of any subsurface sewage disposal system shall be located within 50 feet of any waterbody, watercourse, or wetland.

25.2.2 No lot or parcel on which inland wetland areas or watercourses are located shall be subdivided or resubdivided until adequate evidence is provided to the Commission that such subdivision or resubdivision will not adversely affect any designated inland wetland areas. Adequate evidence shall be defined, for the purpose of this section, to be a written record of action by the Town of Waterford's Conservation Commission regarding the activities proposed in said subdivision or resubdivision plan.

25.2.3 No Special Permit application and/or site plan application submitted in accordance with Sections 22 or 23 of these regulations which involves property on which inland wetlands areas or watercourses are located shall be approved until adequate evidence is provided to the Commission that approval of such Special Permit and/or Site Plan will not adversely effect any designated inland wetland area. Adequate evidence shall be defined, for the purpose of this section, to be a written record of action by the Town of Waterford's Conservation Commission regarding the activities proposed in said application.

25.2.4 No zoning permit shall be issued for any structure within the Town of Waterford if such structure is located on a lot on which inland wetlands areas or watercourses are located until the request for such permit has been referred to the Town of Waterford's Conservation Commission and they have taken action regarding the construction proposed.

25.3 DEVELOPMENT IN FLOOD HAZARD AREAS (Revised: 7/5/2011)

The flood hazard areas of Waterford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

25.3.1 Purpose:

It is the purpose of these regulations to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: A) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; B) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; C) control the alternation of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; D) control filling, grading, dredging, and other development which may increase erosion or flood damage; and E) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

25.3.2 Definitions:

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations its most reasonable application. This is a partial list of those definitions most commonly used in determining compliance with these regulations.

Please reference the Definitions provided herein, Section 1 Definitions of these regulations as well as in Section 59.1 44 CFR, Chapter I, October 1, 1986 as amended.

1. Area of Special Flood Hazard - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
2. Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year.

3. Base Flood Elevation (BFE) – means the elevation of the crest of the flood or 100-year 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.
4. Basement- means any area of the building having its floor subgrade (below ground level) on all sides.
5. Breakaway Wall - means 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.
6. Coastal High Hazard Area - means 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 a FIRM as Zone VI-30, VE or V.
7. Construction, New – means structures for which the “start of construction” commenced on or after February 4, 1981, the effective date of this ordinance and includes any subsequent improvements to such structures.
8. Cost - means, 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 .
9. Elevated Building - means a non-basement building built to have the lowest floor above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
10. Federal Emergency Management Agency (FEMA) – means the federal agency that administers the National Flood Insurance Program (NFIP).
11. Finished Living Space – means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but 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.
12. Flood Insurance Rate Map (FIRM) – means 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.
13. Flood Insurance Study (FIS) – means 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.
14. Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters;
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
15. Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge and base flood without cumulatively increasing the water surface elevation more than one foot.

16. Functionally Dependent Facility - means 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 shipbuilding, and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacture, sales, or service facilities.
17. Historic Structure – means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminary 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.
18. Lowest Floor - means 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.
19. Manufactured Home Park or Subdivision, Existing – means, for the purpose of this section, 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, 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 February 4, 1981, the effective date of the floodplain management regulations adopted by the community.
20. Market Value – means, as relates to substantial improvements and substantial damage, the value of the structure shall be determined by the cost approach 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.
21. Mean Sea Level – means, for purposes of 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.
22. Recreational CamperVehicle – means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less which measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping travel, or seasonal use.
23. Sand Dunes – means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
24. Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act - P.L. 97-348), includes substantial improvements 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 of 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 filing, 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.

25. Structure – means 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.
 26. Substantial Damage- means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
 27. Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be 1) the market value of the structure prior to the start of the initial repair or improvement as determined by the cost approach, 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 the alteration effects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
 28. Violation – means a failure of a structure or other development to be fully compliant with the community’s floodplain management ordinance.
 29. Water Surface Elevation – means 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 floodplain of coastal or riverine areas.
- 25.3.3 General Provisions:
- A. The provisions of these regulations shall apply to any land and improvements which are located within a flood hazard area, floodway, or coastal high hazard zone, as indicated on the Flood Insurance Rate Map, Federal Emergency Management Agency, Federal Insurance Administration, which are on file in the offices of the Town Clerk and Planning & Zoning Commission.
 - B. These regulations shall also apply to any development which will alter the natural drainage patterns of a site so as to result in the flooding of on-site or adjacent properties, buildings, structures, utilities and other improvements, on a one percent or greater chance in any one year.
 - C. These regulations shall also apply to areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011 and accompanying Flood Insurance Rate Maps (FIRM) dated July 18, 2011, and other supporting data applicable to the Town of Waterford, 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 when more restrictive 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 a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevation (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 only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
 - D. As provided in Section 26.3 of the Zoning Regulations of the Town of Waterford, a Zoning Compliance Permit shall be required in conformance with these regulations prior to the commencement of any development activities, including the issuance of any building permit for construction of any nature located within any designated Flood Hazard Area. No structure or land shall hereafter be located, used, extended, converted, or structurally altered without full compliance with the terms of these regulations and other applicable regulations. In addition, no manufactured home shall be placed within any designated Flood Hazard Area in accordance with these provisions and Section 3.20 of these regulations, unless a Zoning Compliance Permit has been issued indicating that such placement meets all of the conditions of Section 25.3 herein, and all other applicable requirements of these regulations.

- E. 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 floatation 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.
- F. 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.
- G. 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.)
- H. 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.
- I. This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- J. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Waterford or upon any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.
- K. The Zoning Officer shall forward written notice by certified mail to the State of Connecticut Department of Water Resources, the New England Regional Office of the Federal Emergency Management Agency, and to abutting municipalities upstream, and downstream, and if applicable, to those otherwise impacted by any proposal to relocate or alter a watercourse. Such notice shall be made prior to final action on the permit by the commission or its agent. Failure to receive comments from the above referenced shall not restrict the commission or its agent from taking final action on the permit.
- L. Federal and State Permits - All development and construction proposals for land within any designated Flood Hazard Area shall be reviewed to determine if Federal and/or State permits are required, and if such are required, no Zoning Compliance Permit shall be issued until all said permits have been obtained.
- M. Administration and enforcement of these Regulations shall be done in accordance with Section 26 of these regulations.
- N. All records pertaining to the provisions of these regulations shall be maintained in the office of the Planning and Zoning Commission. The Commission shall 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; and 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.

- O. The Zoning Officer shall review all development permits to determine that the permit requirements of this regulation have been satisfied and whether the proposed development and building sites will be reasonably safe from flooding.

25.3.4 Submission Requirements:

Plans and documentation shall be provided by an applicant for development within any flood hazard area which indicate the following minimum level of information:

- A. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all structures.
- B. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
- C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. A statement as to whether or not any proposed alterations to an existing structure meet the criteria of the Substantial Improvement definition of Section 25.3.2.27 above.
- E. A statement as to whether there will be dry access to the structure during the 100-year storm event.
- F. Where applicable the following certification(s) by a registered engineer and/or architect may be required. The design and method of construction shall be certified to be in accordance with accepted standards of practice and the provisions of these regulations.
- G. If the design criteria of enclosed areas below the base flood elevation set forth in Sections 25.3.5.E(2) and 25.3.5.E(4) is not used then the design and construction methods must be certified as explained in Section 25.3.4.F.
- H. Where interpretation is needed as to the exact boundaries of an area of special flood hazard, i-e., where there appears to be a conflict between a mapped boundary and actual field conditions, the Planning & Zoning Commission shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as so provided in these regulations.
- I. In the event base flood elevation data or floodway data has not been provided, the Planning & Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of these regulations

25.3.5 Design Standards:

- A. 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 of the structure resulting from Hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with materials and utility equipment resistant to flood damage and shall also be constructed by methods and practices that minimize flood damage.
 - 2. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.
 - 3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
 - 4. 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.
 - 5. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

6. Any structure already in compliance with the provisions of this ordinance shall not be made non-compliant by any alteration, reconstruction or improvement to the structure.
7. Placement of fill within Special Flood Hazard Areas shall only be permitted to the minimum extent feasible and only in order to meet the elevation standards contained herein for structures or substantial improvements to structures.
8. Where feasible, structures will be setback to the maximum extent possible from wetlands, watercourses and water-bodies, and the commission or its agent may require greater setbacks to these resources as permitted under Section 25.2.1 of the Waterford zoning Regulations. All new construction or substantial improvements shall be located landward of the high tide line.
9. 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.
10. 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 the floodplain. Storage shall be provided on-site, unless easements have been gained from the offsite 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.

B. Manufactured Homes:

1. All manufactured homes to be placed or substantially improved, including mobile homes placed on a site for 180 consecutive days or longer, shall be elevated so the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in 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.
2. All manufactured homes, as specified in part (1) above, 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, hydrostatic and Hydrodynamic pressures. Anchoring may include, but may not be limited to, the use of over-the-top or frame ties to ground anchors.
3. Manufactured homes shall be installed using methods and practices which minimize flood damage and shall be provided with adequate access and drainage.
4. Manufactured homes elevation construction standards shall include piling foundations placed not more than 10 feet apart, and reinforcement shall be provided within piers extending six or more feet above ground level.
5. Recreational Camping Vehicles shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 25.3.5 A and the elevation and anchoring requirements of Section 25.3.5.B for a manufactured home. A recreational camping 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.

C. Watercourses:

1. The flood carrying capacity in any portion of a watercourse which has been altered or relocated shall be maintained or improved.
2. Watercourses without established base flood elevations shall be reviewed utilizing the data set forth in Section 25.3.4I.

D. Specific Standards:

In all special flood hazard areas where base flood elevations have been determined, the following provisions shall apply:

1. New residential construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated no less than 1 foot above the base flood elevation;
2. New non-residential construction or substantial improvement of any commercial, industrial or non-residential structure shall have the lowest floor, including the basement, elevated n less than 1 foot above the level of the base flood elevation; or
3. Non-residential structures may be flood-proofed 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 water tight, with walls substantially impermeable to the passage of water, and are structural components having the capability of resisting hydrostatic loads, hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall provide the certification of flood-proofing as set forth in Section 25.3.4F of these regulations.
4. All new construction or substantially improved structures on pilings or columns shall be securely anchored thereto;
5. All pilings or columns with anchored structures thereon shall be designed and constructed 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 and constructed with wind and water loading values which equals or exceed the 100 year mean recurrence interval, i.e. a 1 percent annual chance.

E. Elevated Buildings:

1. New construction or substantial improvements of elevated buildings and structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed and constructed to preclude finished living space below the base flood elevation, and to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on foundation or exterior walls.
2. Designs for complying with the requirements of this Section must either be certified by a registered professional engineer or architect, or must meet the following criteria;
 - a. Provide a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;
 - b. Openings may be equipped with screens, louvers, valves, other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - c. The bottom of all openings shall be no higher than 1 foot above grade;
3. Electrical, plumbing and other utility connections are prohibited below the base flood elevation;

4. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles, i.e. a garage door; or limited storage of maintenance equipment used in connection with the premises, i.e. a standard exterior door; or entry to the living area, i.e. a stairway or elevator.
5. Such enclosed areas shall not be subgrade on all four sides.

F. Floodways:

1. Applicants must address floodway issues in all areas of special flood hazard where elevations are available, whether or not a regulatory floodway has been established. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply;
2. Where floodways have been identified and adopted under Section 25.3.3.C of these regulations, the following provisions shall apply. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted 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) increases in flood levels during occurrence of the base flood discharge published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design.
3. In A Zones where base flood elevations have been determined but no floodway has been identified, the following provisions shall apply: No new construction, substantial improvement, or other development (including fill) shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when considered with all existing and anticipated development, will not increase base flood elevations more than one (1) foot at any point within the community. Applicants shall identify the floodway and there shall be no fill within this floodway. Fill within the floodplain shall be minimized per Section 25.3.5A.7.
4. The community may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

G. Coastal High Hazard Areas. Located within the areas of special flood hazard established in Section 25.3.3C of these regulations are areas designated as coastal high hazard areas (Zones V1-30, V and VE). These areas are subject to high velocity waters, including wave wash; therefore, the following special provisions shall apply:

1. 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 1 foot above the base flood elevation level, with all space below the lowest supporting member open and free of obstruction so as not to impede the flow of water. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated 1 foot above the base flood elevation and cannot be located below the structure. Any service equipment that must be located below 1 foot above the base flood elevation must be floodproofed to prevent water from entering during conditions of flooding. All new construction and substantial improvements shall be securely anchored to resist flotation, collapse and lateral movement due to the effects 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 required by applicable State or local building codes.
2. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the 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 Section 1 above and Sections 25.3.5.D.4 and 25.3.5.D.5 of these regulations.

3. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided such materials are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used, and provided the following design specifications are met:
 - (a) Design safe loading resistance values for each wall shall not be less than 10 nor more than 20 pounds per square foot; or
 - (b) 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 the 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 percent (1%) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
 4. 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.
 5. There shall be no alteration of sand dunes which would increase potential flood damage.
 6. There shall be no fill used as structural support.
 7. All new construction and substantial improvements shall be located at least 25 feet landward of the reach of the mean high tide.
 8. All manufactured homes to be newly placed or undergoing improvements shall be elevated so that the bottom of the lowest supporting horizontal member is located one foot above the base flood elevation. The manufactured home must also meet all the construction standards for Zone VE as per Section 25.3.5.G. and the additional standards for manufactured homes in Section 25.3.5.B. 2-4. This includes manufactured homes located outside a 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 flooding.
 9. Recreational Camping Vehicles shall either be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standards of Section 25.3.5.A., the coastal construction requirements of Section 25.3.5H., and the additional standards for manufactured homes in Section 25.3.5.B.2-4. A recreational camping 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.
- H. Standards for Subdivision Proposals. Requirements in all special flood hazard areas:
1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have public utilities and facilities located and constructed to minimize flood damage.
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 4. In all A Zones, the flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions.
- I. Construction Stage:

1. Upon completion of the foundation portion for construction or substantial improvement, but prior to any further structural work, the applicant shall provide verification to the Zoning Officer of the following:
2. In a numbered A Zone, the elevation of the top of the lowest floor, including basement; or for a structure which has been flood-proofed the elevation to which flood-proofing is effective;
3. Deficiencies detected by review of the above information shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

Failure to submit the verification or failure to make said corrections require herein shall be cause to issue a stop-work order for the project.

25.3.6 Special Conditions Regarding Variances for the Use of Land in Flood Hazard Areas:

The Town of Waterford Zoning Board of Appeals may grant variances to the requirements and conditions described within Section 25.3.5 herein. However, no such variance shall be granted except as permitted by the following conditions:

- A. Variances shall be used only upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- B. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. If new construction or substantial improvements are to be erected on a lot of ½ acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, a variance may be issued if the other conditions of this Section are complied with.
- D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical places or the State Inventory of Historic Places.
- E. Variances may be issued for new construction and substantial improvement and for 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 other requirements of this section.
- F. The Zoning Board of Appeals shall consider the following criteria in granting a variance:
 1. The importance of the services provided by the proposed facility to the community;
 2. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 3. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 4. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 5. The costs of providing governmental services during and after flood condition, including maintenance and repair of public utilities and facilities, streets and bridges.
- G. Upon consideration of the factors listed above, and the purpose of these regulations, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of these regulations.
- H. If a variance is granted under the provisions of this Section, the Zoning Board of Appeals shall notify the applicant in writing over the signature of the Zoning Enforcement Officer

that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the increased risk, up to amounts as high as \$25 for \$100 of insurance coverage; and (2) such construction below the base level increases risks to life and property. The Zoning Enforcement Officer shall maintain a record of all variance actions with regard to the provisions of Section 25.3 herein, including justification for their issuance when approved, and shall report all variances so issued to the Federal Emergency Management Agency in its biennial report.

- I. In addition, the Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination rendered by the Zoning Enforcement Officer in the enforcement or administration of these regulation.

25.4 COASTAL AREA MANAGEMENT

25.4.1 Coastal Site Plan Review Required

All buildings, uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of Waterford shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes.

25.4.2 Coastal Site Plan Review Exemptions

- a. Pursuant to Section 22a-109(b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:
 1. Gardening, grading and the harvesting of crops;
 2. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
 3. 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; as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach;
 4. Construction of new or modification of existing on-premise structures including 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 as defined by Section 22a- 93(7) of the Connecticut General Statutes or restrict access along the public beach;
 5. Construction of an individual single family residential structure is exempt, except when such structure is located on an island not connected to the mainland by an existing road, bridge, or causeway, or except when such structure is within 100 feet, or other site development is proposed within 50 feet of the following coastal resource areas as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes; estuarian embayments, near shore waters, and rocky shorefronts.
 6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources;
 7. Interior modifications to buildings;
 8. Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.
- b. The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans, plans and applications:

1. Site plans submitted to the Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes;
2. Applications for a Special Permit submitted to the Planning and Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Section 23 of these regulations;
3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 27 of these regulations; except that a use variance shall not be exempt from coastal site plan review.
4. A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

25.4.3 Coastal Site Plan Review Fees

An application fee as specified in Section 26.6 shall accompany each Coastal Site Plan Review application. Such fee shall be paid by check or money order payable to the Town of Waterford and shall be used to defray the reasonable cost of reviewing and acting upon said application. Said fees shall be in addition to other fees as specified in Section 26.6 of these regulations.

25.4.4 Application Requirements

Except as exempted in Section 25.4.2 above, all applicants for zoning permits, site plans, special permits, variances, subdivision or resubdivisions, municipal projects, or planned group developments within the coastal boundary shall file with the appropriate board or commission a coastal site plan and application on such form as prescribed by the board or commission. Pursuant to Sections 22a-105 and 22a-106 of the Connecticut General Statutes, a coastal site plan shall include the following information: a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans indicating project location, design, timing, and methods of construction; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project; and a description of proposed methods to mitigate adverse effects on coastal resources. In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is acceptable and that such activity is consistent with the coastal policies of Section 22a-92 of the Connecticut General Statutes.

25.4.5 Commission Action

- a. In addition to reviewing coastal site plans for compliance with any other applicable standards, requirements, or criteria set forth by these regulations, the board or commission with jurisdiction shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the Connecticut General Statutes:
 1. Consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes.
 2. The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a-93(15) of the Connecticut General Statutes.
 3. The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in Section 22a-93(17) of the Connecticut General Statutes.
 4. The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.
- b. The board or commission with jurisdiction shall approve, modify, condition, or deny the coastal site plan for the proposed activity on the basis of the criteria listed in Section 22a-106 of the Connecticut General Statutes to ensure that the proposed activity is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.

- c. Pursuant to Section 22a-106 of the Connecticut General Statutes, the board or commission with jurisdiction shall state in writing the findings and reasons for its action with respect to any coastal site plan approved, conditioned, modified or denied. Further, in approving any coastal site plan, the board or commission with jurisdiction shall make a written finding that: (1) the proposed activity with any conditions or modifications imposed by the board or commission is consistent with the coastal policies in Section 22a-92 of the Connecticut General Statutes, and (2) that the proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water dependent development opportunities with any conditions or modifications imposed by the commission are acceptable.
- d. In accordance with Sections 22a-105 through 22a-109 of the Coastal Management Act, hearing notification requirements, time limits for making a decision, and decision publication and notification requirements for coastal site plans shall be as set forth in the Connecticut General Statutes for the type of permit or approval being requested.

25.4.6 Violations

In accordance with Section 22a-108 of the Connecticut General Statutes, any activity undertaken within the coastal boundary without the required coastal site plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that section.

25.5 EROSION AND SEDIMENTATION CONTROL REQUIREMENTS

25.5.1 Purpose

In order to minimize the erosion of topsoil and the depositing sediments in drainage structures and watercourses in the Town of Waterford, the Commission shall require that plans for the development of land include measures the applicant will take to control erosion and sedimentation during the construction of the development and to prevent its occurrence after completion of the development. It is the intent of this regulation that soil erosion and sediment control plans shall result in development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion to the satisfaction of the Planning & Zoning Commission when completed; and does not cause off-site erosion and/or sedimentation.

25.5.2 Activities Requiring a Certified Erosion & Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any site plan, special permit, a coastal site plan or zoning permit application for the development of land in the Town of Waterford, when the disturbed area of such development is cumulatively more than one half acre. The Commission or its agent may require temporary and permanent soil erosion and sediment control measures for development plans not requiring certification. Any person who conducts a development activity except in accordance with the provisions of a certified soil erosion & sediment control plan shall be considered in violation of these regulations.

25.5.3 Exemption

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

25.5.4 Erosion & Sediment Control Plan

25.5.4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provision 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. 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.

25.5.4.2 Said plan shall contain, but not be limited to:

- A. A narrative describing:
 - 1. The development; as defined in these regulations.
 - 2. The schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures, including temporary stabilization;
 - d. sequence and specifications for final stabilization of the project site, including all final landscaping;
 - e. contingency or emergency plans in case of failed erosion and sediment control systems and installations.
 - 3. The design criteria for proposed soil & erosion and sediment control measures and storm water management facilities.
 - 4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - 6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
 - 7. Identification of a designated on-site individual responsible for installation, monitoring and correction of sediment control plan requirements, and authorized to take corrective actions as required to ensure compliance with certified plans.
 - 8. The character of existing vegetation and effect the development will have on the natural vegetation.
- B. A site plan map at a sufficient scale to show:
 - 1. The location of the proposed development and adjacent properties;
 - 2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
 - 3. The existing structures on the project site, if any;
 - 4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and existing, new or altered property lines;
 - 5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - 6. The sequence of grading and construction activities;
 - 7. The sequence for installation and/or application of soil erosion and sediment control measures;
 - 8. The sequence for final stabilization of the development site.
 - 9. Existing vegetation patterns, and limits and extent of vegetation clearing beyond grading limits.

10. Certification block entitled “Erosion and Sediment Control Plan Certified by Vote of the Waterford Planning & Zoning Commission (date)” and a space for the signature of the Chairman or Secretary of the Commission.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

25.5.5 Minimum Acceptable Standards

25.5.5.1 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.

25.5.5.2 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 in writing.

25.5.5.3 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 run-off unless an alternative method is approved by the Commission.

25.5.6 Issuance or Denial of Certification

25.5.6.1 The Waterford Planning & 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. Denial of certification by the Commission of a soil erosion and sediment control plan shall be sufficient reasons for denial of the overall development site plan/application. A soil erosion & sediment control plan shall not be certified by the Commission unless the overall site plan/application has been approved by the Commission.

25.5.6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124A or 126 of the Connecticut General Statutes.

25.5.6.3 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 the plan by the District.

25.5.6.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

25.5.7 Conditions Relating to Soil Erosion and Sediment Control

25.5.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission. The Commission may require that the cost of accomplishing such measures be estimated by the Public Works Director.

25.5.7.2 Site development shall not begin nor shall a building permit be issued 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.

25.5.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. All control measures and facilities shall be maintained in effective condition to ensure the compliance with the certified plan.

25.5.7.4 As-Built plans as required in Section 22.9 shall show all final soil erosion & sediment control measures and storm water management facilities.

25.5.7.5 Any change in certified plan in excess of the provisions of Section 25.5.8.2 shall be submitted to the Commission as a certified plan amendment which will be acted upon by the Commission in accordance with Section 22.7 of these regulations. Until the request for amendment to the certified plan is approved, the requirements of the certified plan in effect at time of re-application shall be followed.

25.5.8 Inspection/Enforcement

25.5.8.1 Inspections shall be made by the Commission or its designated agent during the 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. When required by the Commission such progress reports shall describe: 1) grading progress, 2) the state of all the structural and non-structural erosion and sediment control measures and storm water management facilities, 3) field deficiencies, and 4) overall compliance with the approved plans. Such reports, when required, shall be submitted on a pre-determined schedule, as set by the Commission.

25.5.8.2 During the course of inspections, the Commission or its designated agent may approve variations in materials and methods to control soil erosion and sediment control as shown on the certified plan which do not result in any alterations or extensions of the disturbed area and are substantially consistent with the certified plan.

The Commission's agent may require more stringent materials and methods than shown on the certified plan when it is determined that such area necessary to control soil erosion and sediment control in compliance with the certified plan. All inspection reports shall specify actions taken pursuant to this section. The provisions of this section shall not authorize the modifications of any permanent structural or non-structural soil erosion or sediment control devices or provision as detailed on the certified plan or any alteration in storm water management facilities.

25.5.8.3 If the Commission or its agent determines that the requirements of the certified soil erosion sediment control plan are not being adhered to, the following action shall be taken:

- a. The Commission or its designated agent shall notify the owner/applicant or responsible agent as designated in the certified plan of the violation of the certified plan by transmitting a copy of the inspection report prepared on site to the responsible agent, retaining a copy of such inspection report for subsequent action as provided herein. The Commission or its agent shall specify the corrective measures necessary to comply with the certified plan as determined during the inspection with the responsible agent. In those cases where corrective measures are mutually agreed to, the inspection report shall detail such measures, time period in which they will be implemented (not to exceed 48 hours from time of inspection) and shall have the signature of the Commission's agent and the applicant/owner or responsible on-site agent.
- b. When determined by the inspecting agency that the provisions of the certified plan are not being adhered to and no mutually agreeable solution or measure to correct such violation is obtained with the responsible agent, or such solution has not been implemented within a 48 hour time period, the inspecting officer shall issue a cease and desist order, effective immediately, in writing with a copy of the inspection report to the record owner/applicant, contractor, responsible agent and the surety company.

The order shall provide no more than 48 hours in which to correct such violation and shall act as notice to the surety company, contractor and developer of the Town's intent to cause the required repairs to be made and bill the contractor, developer, and surety company of the cost of the work then involved. Such

action shall be done without prejudice to any other remedy available to the Commission, Board of Selectmen or Conservation Commission. As long as the cease and desist order remains in effect, no Certificate of Occupancy shall be issued.

SECTION 26 - ADMINISTRATION

26.1 INTERPRETATION

The provisions of these regulations shall be held to be the minimum requirements adopted for the purposes stated herein. It is not intended by these regulations to repeal, abrogate, annul or in any way impair, conflict or interfere with any existing provisions of law or ordinance or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the present use of buildings or premises; nor is it intended by these regulations to interfere with, abrogate or nullify any easements, covenants, or other agreements between parties, provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or require larger yards or other open spaces than are imposed or required by existing provisions of law or ordinance or by such regulations, permits, easements, covenants or other agreements between parties, the provisions of these regulations shall control.

26.2 ENFORCEMENT

These regulations shall be enforced by the Zoning Enforcement Officer or his agent who is hereby authorized to inspect or cause to be inspected any building, place, or use, and to order in writing the remedying of any condition found to exist in violation of these regulations.

26.2.1 Violation and Penalty

The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violations shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each day and every day that such violation continues, but if the offense be willful or conviction thereof, the punishment shall be a fine of not less than \$100.00 or more than \$250.00 for each and every day that violations shall continue, or by imprisonment for not more than ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court; and the Court of Common Pleas of the State of Connecticut shall have jurisdiction of all such offenses subject to appeal as in other cases.

26.3 BUILDING PERMITS

Before an individual may apply for a building permit, he must first make application to the Zoning Enforcement Officer for a Zoning Compliance Permit. Such application shall be made on the form provided by the Zoning Enforcement Officer and shall be accompanied by a plan, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the size, area, and location on the lot of the principal and accessory structures, the lines within which the building or structure is to be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, the subdivision title, location of the property, the width of the street upon which the lot has frontage, and such other information as may be necessary to determine and provide for the enforcement of these regulations. All dimensions shown on such plans relating to the location of the buildings and structures on the lot and the location and size of the lot to be built upon shall be accurate and to the nearest 0.5 feet, except that when the Zoning Enforcement Officer shall deem it necessary, such plans shall be prepared by a licensed surveyor.

It shall be unlawful to commence construction, demolition or alteration of any building or excavation for any building or structure or use, until the application and plans herein required shall have been approved by the Zoning Enforcement Officer and a zoning permit indicating such approval has been issued by him.

Furthermore, in addition to the requirements stated above, when a site plan approval is required by the provisions of Section 22.1 of these regulations, no building permit shall be issued for such construction

until the required site plan has been approved by the Planning and Zoning Commission and endorsed by its Chairman.

26.4 HEALTH PERMIT

No permit shall be issued for the erection of a new building intended for human occupancy or structural alteration of any building resulting in the increase in the number of family dwelling units accommodated therein without approval of the Town Health Officer of proposed location, design, and installation of sewage disposal and water supply facilities.

26.5 CERTIFICATE OF OCCUPANCY

It shall be unlawful for any newly erected structure or addition for which a Building Permit has been issued, to be occupied or used or for any building or premises or part thereof to be converted or changed from one type of use of occupancy to another until a Certificate of Occupancy has been issued by the Building Official. No such Certificate of Occupancy shall be issued unless the building or premises complies with all provisions of the State of Connecticut Basic Building Code and these Zoning Regulations. Whenever a site plan is required under the provisions of Section 22 of these regulations, Section 22.9 shall govern the issuance of a Certificate of Occupancy, except when a site is developed under the provisions of Section 19 of these regulations, the provisions of Section 19.8 shall govern the issuance of a Certificate of Occupancy.

26.6 FEE SCHEDULE

Fees shall accompany each application in accordance with Chapter 16.08 "Land Use Application Processing Fees" of the Waterford Code of Ordinance as may be amended from time to time and as attached hereto:

EFFECTIVE DATE: AUGUST 22, 1988

SECTION 27 - ZONING BOARD OF APPEALS

27.1 GENERAL

There shall be a Zoning Board of Appeals consisting of five regular members and three alternates elected in accordance with Town Ordinance. Such Board shall act in accordance with the applicable provisions of Chapter 124 of the Connecticut General Statutes.

27.2 POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties:

- 27.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations.
- 27.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations.
- 27.2.3 To determine and vary the application of provisions of these Regulations, in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not generally affecting the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

27.3 APPEALS

As provided by a rule established by the Zoning Board of Appeals, any party aggrieved by a ruling of the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations, shall file such appeal in accordance with the procedures established herein, within 15 days after the date of which such ruling was officially given. Such appeal shall be filed in accordance with the provisions of Section 8-7 of the State Statutes (see appendix to these Regulations) using a form providing by the Board, which specifies the grounds for such appeal and includes such other information as may be required.

27.4 SPECIAL TREATMENT OF USE VARIANCES

It is recognized that variances of the use provisions of these Regulations present special problems not occurring in the case of variances of other types, and as such, Section 8-6 of the State Statutes provides that these regulations may specify the extent to which use variances may be granted. Therefore, the following provisions shall control with regard to any application made hereafter for a use variance.

- 27.4.1 No application for a variance from the use provisions of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc. provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Planning and Zoning Commission, or if no such report has been received, until 20 days after a copy of such application has been sent to the Planning and Zoning Commission for its recommendations. In order to meet this requirement, the Zoning Board of Appeals shall transmit a copy of each application requesting a Use Variance to the Planning and Zoning Commission at least 20 days prior to the date on which a public hearing is to be conducted on the subject application.
- 27.4.2 The Board shall not grant any use variance unless each of the following findings can be substantiated by the Board and written basis for such determination by the Board shall be entered into the minutes of the meeting at which such variance request is acted upon:
 - a. The subject parcel of land cannot be reasonably developed for any permitted use within the district in which it is located because of reason peculiar to the parcel in question and not applicable to the area as a whole.
 - b. The use proposed is the minimum variance necessary in order to allow a reasonable use of the property; and

- c. This use will not impair the essential existing character of the area nor conflict with the general purpose and intent of these Zoning Regulations.

27.5 CRITERIA FOR DECISIONS

In addition to other requirements established within these Regulations, the Zoning Board of Appeals, prior to making its decision regarding any application for a variance or any other matter requiring Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, the following factors:

- a. The size and intensity of the proposal under consideration and its potential impact on the surrounding neighborhood including consideration of past ownership patterns involving the property in question and adjacent properties and changes in the Zoning Regulations which have occurred since the lot in question was created.
- b. The existence of conditions of the same kind and/or character on other properties within the surrounding neighborhood.
- c. The impact the proposed request will have on the capacity of adjacent streets to handle peak traffic loads without causing congestion and without creating any traffic hazards.
- d. The possible obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, or vibration in noxious or offensive quantities which might be caused by the proposal under consideration and the impact such conditions might have on adjacent properties.
- e. The resultant effect the proposal under consideration would have on the value and utilization of other properties within the surrounding neighborhood.
- f. The existence of unusual topography on the property in question and the nature, location and height of all existing and proposed buildings, walls, fences, and landscaping on the site in question.
- g. The extent, nature and arrangement of all existing and proposed parking facilities, driveways and roadways on the site in question.
- h. Any problems which might be created with regard to providing fire and/or police protection to the site in question or to adjacent properties.
- i. The preservation of the character of the neighborhood.
- j. The location of existing water and sewerage systems serving the subject site and the adequacy of such systems to support any additional construction on the property.
- k. All other standards prescribed by these Regulations.

27.6 TERMS AND CONDITIONS

In granting any variance under these Regulations, the Board may attach such additional terms, conditions and safeguards as are deemed necessary to protect the neighborhood such as, but not limited to, the following:

- a. Requirement of front, side or rear yards greater than the minimum required by these Regulations.
 - b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
 - c. Modifications of the exterior features or appearance of any structure, where necessary to preserve property values.
 - d. Limitation of size, number of occupants, method of time of operation or extent of facilities.
 - e. Regulation of number, design, and location of access drives or other traffic features.
 - f. Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations.
- 27.6.1 Failure to comply with any such condition or safeguard shall constitute a violation of these Regulations.

27.7 NOTICE TO CONTIGUOUS MUNICIPALITIES OF VARIANCE APPLICATIONS

Whenever the Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within 500 feet of a contiguous municipality, the Board shall, at least one week prior to the hearing thereon, notify the clerk of such municipality, in writing, of the fact of such application and of the date fixed by it for such hearing.

27.8 APPLICATION FOR VARIANCES

Application for a variance shall be made on a form provided by the Zoning Enforcement Officer indicating the property in question, the Section or Sections of the Zoning Regulations which are requested to be varied, the reason for the requested variance and the nature of the unusual hardships or exceptional difficulty existing with regard to the property involved. Such application shall be delivered to the Zoning Enforcement Officer. In addition, all variance requests shall be accompanied by a map and list showing the subject property and all adjacent property owners within 150 feet of all boundaries of the subject property and a sketch showing the existing and proposed conditions of the subject property.

27.9 NOTIFICATION OF ADJACENT PROPERTY OWNERS

The applicant for a variance or any party filing an appeal shall prepare a list of the names and addresses of the owners of all properties within the site addressed in the appeal or variance application and of all properties 150 feet or less distance therefrom, all as shown on the latest grand list of the Town of Waterford in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). Such list and a map indicating all described properties, prepared also by the applicant, shall be submitted to the Zoning Enforcement Officer along with the required application. The applicant shall mail notification of said pending application to at least one owner of each such property not more than 30 days or less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least five days prior to the hearing date.

27.10 FEES

An application fee specified in Section 26.6 shall accompany each appeal and/or variance request. Such fee shall be paid by check or money order payable to the order of the Town of Waterford and shall be used to defray the costs of the publication of required legal notices. Such fee shall be non-refundable. Furthermore, if the actual costs of legal advertising are estimated to be more than the application fee, the applicant shall pay such additional money as may be required to cover all legal advertising costs to the Town of Waterford prior to the Board's taking action on the applicant's request.

27.11 THE POSTING OF A BOND

The Zoning Board of Appeals may require the posting of a surety bond or other acceptable surety in an amount sufficient to cover the cost of all work required under the conditions and/or terms of any variance which they may grant. Such surety shall be in a form acceptable to the Board, payable to the Town of Waterford, and shall be accepted with the express condition that all work covered by such surety shall be completed within the time period specified by the Board or such surety shall be forfeited to the Town of Waterford.

27.12 VOIDING OF DECISION

Failure to initiate action with regard to any decision rendered by the Board in accordance with the provisions of Section 27 herein, within six months after the effective date of such decision, shall cause such decision of the Board to become null and void, except if requested at the time of application, such six month period may be extended by the Board for not more than an additional six month period, at the time the Board's decision is rendered if evidence is provided to the Board that such additional time is required by the applicants.

27.13 VARIANCES REGARDING FLOOD PLAIN REGULATIONS

Any application submitted to the Zoning Board of Appeals requesting a variance of any of the provisions of Section 25.3 of these Regulations shall, in addition to other requirements of Section 27 herein, be also limited by the requirements of Section 25.3.6 of these regulations.

SECTION 28 – AMENDMENTS

28.1 GENERAL

Those regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provisions of Chapter 124, Section 8-3 of the Connecticut General Statutes (see appendix to these Regulations).

28.2 APPLICATION

Any individual, firm or party owning land within the Town of Waterford may petition in writing for a change or amendment to these Regulations or the Zoning Map. Such petition shall be delivered to the Zoning Enforcement Officer. A request for a change in zoning district boundaries shall be accompanied by a plan drawn to scale showing the area of all lots included in such proposed change; designating the record owner or owners of all such lots; and showing the boundaries and owners of all adjacent lots within 500 feet from the boundary of the area subject to the zone change request. Each application for a zone map change shall also contain an accurate description by metes and bounds, of the lots included in such proposed change and shall further contain a statement of the reasons why such change is sought.

28.3 NOTIFICATION OF ADJACENT PROPERTY OWNERS

When the request is for a change in zoning district boundaries, the applicant shall prepare and submit with his application a list of the names and addresses of the owners of all properties within the area which is the subject of the application and of all properties 500 feet or less distant therefrom, all as shown on the records of the Town of Waterford's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 30 days or less than 10 days before the date set for public hearing by transmitting the text of the public hearing notice. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least five days prior to the hearing date.

The provisions of this section shall not apply in the case of Zoning Regulation changes or zone map changes initiated by the Waterford Planning and Zoning Commission.

28.4 FEES

An application fee specified in Section 26.6 shall accompany each application for a change or amendment of these Regulations. Such fee shall be paid by check or money order payable to the order of the Town of Waterford and shall be used to defray the costs of the publication of required legal notices. Such fee shall be non-refundable. Furthermore, if the actual costs of legal advertising are estimated to be more than the application fee, the applicant shall pay such additional money as may be required to cover all legal advertising costs to the Town of Waterford prior to the Commission's taking action on the applicant's petition.

SECTION 29 - VALIDITY AND EFFECTIVENESS

29.1 VALIDITY

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.

29.2 EFFECTIVE DATE

These Regulations as amended shall become effective on January 13, 1979, and each amendment thereafter shall become effective upon the date established by the Commission at the time such amendment is adopted.