

**Land Development Regulation**  
**Effective Date: January 15, 2015**

## **1.0 GENERAL STANDARDS**

The following General Standards apply to all land uses considered by the Town of Colchester Planning Staff and Planning and Zoning Commission ("Commission"):

### **1.1 RELATIONSHIP TO THE PLAN OF CONSERVATION AND DEVELOPMENT**

All permits and development plans considered and approved shall be in conformance and generally consistent with the Colchester Plan of Conservation and Development adopted by the Commission under the provisions of Chapter 126 of the Connecticut General Statutes (CGS) particularly in regard, but not limited, to the following:

1. Consideration and retention of community character;
2. The provision of Streets; limitations on the location and number of access Driveways and provisions for traffic management;
3. The Setback, location and bulk of Buildings and structures; the appearance of Buildings and structures from any Street or highway, or from other Lots;
4. The preservation of natural landform features, agricultural lands, Wetlands and water resources;
5. The provision, location and character of landscaping;
6. The location, character and intensity of outside illumination; and,
7. The extent, character, purpose and location of Signs.

## 2.0 ZONING DISTRICTS

### 2.1 ZONING MAP

The map entitled “Town of Colchester, Connecticut Zoning Map” (“Zoning Map”) is a part of these Regulations. The Zoning Map shows the boundaries and zoning designations for each district of the Town of Colchester. Use and dimensional requirements for each district are found in these Regulations.

### 2.2 ZONING DISTRICTS

#### 1. Districts and Boundaries

A. All district boundaries shown on the Zoning Map are intended to follow the center lines of Streets or lines drawn parallel to, and property lines, unless otherwise specifically shown thereon.

B. The Town shall be divided into the following zoning and zoning overlay districts:

Rural Use

Suburban Use

Town Center/Westchester Village

Future Development

Arterial Commercial Overlay

Historic Preservation Overlay

Aquifer Protection Overlay

Flood Hazard Overlay

C. The following Sections identify and describe the various zoning districts and their standards for use. These Regulations shall be enforced by the Commission and its duly authorized agent, the Zoning Enforcement Officer. The Zoning Enforcement Officer is empowered by the Commission to cause any Building or land to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provisions of these Regulations.

D. The Regulations are permissive in nature. Uses not identified and permitted by these Regulations are prohibited.

### 3.0 RURAL USE ZONING DISTRICT (RU)

#### 3.1 CHARACTER OF THE RURAL USE ZONING DISTRICT

1. Primary Character. The primary character determinants in the RU are the preservation and enhancement of existing natural resources, vistas, and Open Space in general. The intent of the district is to preserve rural character. Land uses in the rural use district areas are not served and have no plans to be served by municipal water and sewer. Agriculture operations are a large presence in the RU District. See Exhibit 1.
2. Relationship to Roads. While Arterial and Collector Roads exist in the RU, they are sparsely lined by development. Open Space corridors provide primary character determinants of the district and shall be preserved to the maximum extent practicable through the regulation of usage, site development, and design standards.
3. Relationship to the Natural Environment. The primary development issue to be addressed in RU is the cohesion of the natural and built environment noting the primary goal of preserving the natural Landscape. This Section addresses this primary objective by limiting and directing on-site development intrusions that would affect various natural resources. Another focus is the preservation of agricultural lands and uses.
4. Development Flexibility. Dimensional standards and parking requirements associated with the RU are designed to be flexible. Applications shall be reviewed to determine compliance with performance standards, but flexibility is provided to ensure that natural character as well as economic issues are addressed.



Exhibit 1. Subdivision in the Rural Zone

**3.2 PERMITTED USES** – The following uses are permitted in the RU District:

1. Single-Family and Two-Family Dwellings and Accessory Uses to such Dwellings
2. Agricultural uses as permitted in Section 8.9
3. Home Occupation
4. Membership Clubs that relate to outdoor activities
5. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings.

**3.3 SPECIAL PERMIT USES** in the RU District – The following are eligible for Special Permit after consideration and approval from the Commission:

1. Commercial Kennel
2. Accessory Apartments
3. Bed and Breakfast
4. Golf course
5. Institutional and municipal land uses including public utilities
6. Day care/nursery schools in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut.
7. Educational Institutions
8. Agricultural uses permitted by Special Permit pursuant to Section 8.9.

**3.4 RURAL USE DISTRICT DESIGN STANDARDS**

1. Minimum Lot Sizes

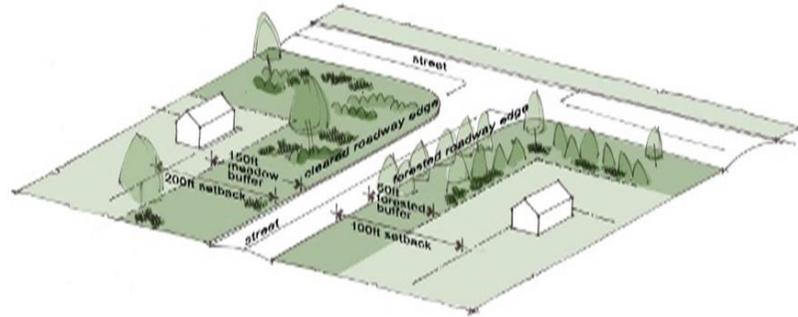
Land to be developed for residential uses in the RU District may be developed under the following development options:

- A. Conservation Subdivision: Development as a conservation subdivision is required where new Roads or Road extensions are proposed or for any subdivision proposed with more than four (4) lots.

Conservation subdivisions provide an opportunity for greater flexibility in the design of subdivisions with a view towards preserving and enhancing the natural beauty of the Landscape; protecting areas with unique or fragile natural resources; producing more attractive, safe and healthy living environments, conserving natural resources, and to encouraging low impact development (LID) methods.

The minimum Lot size for calculating Gross Residential Density (GRD) for a conservation subdivision shall be 80,000 square feet. Lot Frontage shall be three hundred (300) feet on Arterial and Collector Roads and two hundred fifty (250) feet on Local or dead end Roads. See Sections 3.8 and 3.9 for possible Lot size reductions.

- B. Conventional Subdivision: For developing residential lots fronting on existing Roads, the minimum Lot size for calculating Gross Residential Density (GRD) shall be 120,000 Square Feet. Lot Frontage shall be three hundred fifty (350) feet on Arterial and Collector Roads and three hundred (300) feet on local or dead end Roads. Minimum Lot width shall not be less than two hundred (200) feet at any point excepting Flag Lots per Section 8.11.7.
2. Maximum Building Coverage for residential use on any Lot shall not exceed twelve percent (12%) of the Buildable Area, and twenty percent (20%) for non-residential uses.
  3. Maximum Building Height – The maximum Building Height for structures within the RU District shall be thirty-five (35) feet, except where otherwise expressly permitted. Agricultural uses are permitted to exceed thirty-five (35) feet in accordance with Section 8.9.5.E and certain architectural features are permitted to exceed thirty-five (35) feet in accordance with Section 8.11.10.
  4. Building Setbacks
    - A. Front Yard Setbacks for land uses on existing Arterial and Collector Roads in the RU District shall preserve rural vistas to the maximum extent practicable. See Exhibit 2.
      1. For proposed residential uses where the Road edges are cleared of trees, the Front Yard Setback shall be a minimum of two hundred (200) feet and shall include a minimum of one hundred fifty (150) feet of Meadow or active agricultural land measured from the edge of the right of way. Significant trees, ponds or other natural features may also be included in the Front Yard.
      2. For proposed residential uses where the Road edges are forested, the Front Yard Setback shall be a minimum of one hundred (100) feet and a minimum forested buffer of fifty (50) feet shall be maintained. This Setback requirement may also be applied to Road edges that are cleared if the applicant demonstrates, through the use of a Landscape plan, prepared by a licensed landscape architect, that a fifty (50) foot forested buffer will be installed at the time of construction.
      3. For proposed residential uses utilizing existing Local Roads or proposed new Roads or extensions, the Front Yard Setback shall be seventy-five (75) feet.



**Exhibit 2 – Front Yard Setbacks**

- B. Side and Rear Yard Setbacks – For proposed conservation subdivisions, side and rear Yard Setbacks shall be a minimum of twenty-five (25) feet. For Lots created within a conventional subdivision, the side and rear Yard Setbacks shall be no less than thirty-five (35) feet.
5. Buildable Area – Individual Lots shall contain a minimum contiguous and accessible Buildable Area that can contain a square with sides equal to one hundred fifty (150) feet or an equivalent sized rectangle with the shortest side not less than one hundred twenty-five (125) feet.
6. Preservation of Conservation Features – The following conservation features shall be maintained and preserved to the extent required by federal, state and local laws or regulations:
- A. Regulated conservation areas including: (Survey required)
1. Wetlands and Watercourses
  2. Floodplains as shown on the latest FEMA mapping as amended;
  3. Structures and features listed on the National or State Register of Historic Places;
  4. Upland review areas, as defined by the Colchester Conservation Commission.
- B. Unregulated conservation areas are not formally recognized by federal or state law but the site development process shall take into consideration the following:
1. Naturally occurring Slopes greater than or equal to twenty-five percent (25%);

2. Any portion of a contiguous forest area over twenty (20) acres in size;
3. State-wide vegetation cover types including, but not limited to: Meadow, coniferous forest, Deciduous forest, mixed forest, old field, open Wetland, forested Wetland, and scrub (survey not required for unregulated areas, applicant may use interpretation of aerial photography to map in combination with field reconnaissance);
4. Potential contiguous Open Space or connective greenbelts;
5. Locally Important Farmland Soils as defined in Section 20.4;
6. Areas that have recreation value per the Town's Open Space Plan and the Recreation and Open Space Section of the Plan of Conservation and Development; and
7. Unregulated cultural features such as historic sites and structures, archaeological sites, stone walls, cemeteries and scenic views.

**3.5 GENERAL DESIGN CRITERIA** – The applicant for a residential subdivision or residential Lot in the RU District must submit a narrative indicating how each objective or standard below has been addressed. If there are areas that are not applicable to the specific site, it must be noted in the narrative:

1. The existing Landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and Soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Existing site conditions are to be considered in Road design. Designs that significantly alter the topography, tree cover, surface water buffers, and natural drainage will not be acceptable under these Regulations.
2. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cuts and fills; and to preserve and enhance views and vistas on or off the subject Parcel.
3. Development shall be related harmoniously to the terrain and the use, scale, and architecture of existing Buildings in the vicinity that have a functional or visual relationship to any proposed Building.
4. All Open Space on Lots (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
5. The removal or disruption of historic or traditional uses, stone walls, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

**3.6 RESIDENTIAL SITE DESIGN PROCESS** – Any proposed residential development of three (3) or more Lots, or a re-subdivision that results in the creation of four (4) or more Lots from the original Parcel shall follow a rural residential siting process as described herein. The purpose of this process is to determine the residential yield of a particular site and how to distribute those units across a site in a manner that best achieves the economic, environmental, and character objectives associated with the RU District.

1. Calculating Residential Yield of a Proposed Conservation Subdivision – The number of Dwelling Units that may be developed on a given site shall be determined using the following approach:

A. Subtract the cumulative area (in square feet) of the following site elements from the total square foot area of the site:

1. Wetlands and Watercourses;
2. Floodplains as shown on the latest FEMA mapping, as amended;
3. Exposed ledge or rock outcrops exceeding two hundred (200) square feet in area;
4. Existing conservation or utility easements;
5. Steep Slopes exceeding twenty-five percent (25%).

B. Reduce the remaining area resulting from above by ten percent (10%) to account for infrastructure needs such as Roads and drainage.

C. Divide the remaining area by:

1. 80,000

to determine the maximum number of Lots (Gross Residential Density (GRD)) permitted. Fractional numbers shall be rounded down to the whole number.

EXAMPLE

435,000 square feet Parcel

Subtract 30,000 square feet of conservation features in accordance with Section 3.6.1.A

Subtract 41,000 square feet of infrastructure

Leaving 364,000 square feet eligible for development

Divide by 80,000 (Density factor)

Result = 3 Dwelling Units maximum.

2. Residential Design Layout – See Exhibit 3.

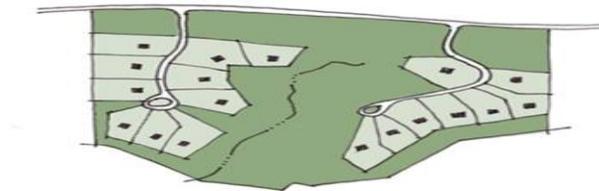
A. Identify conservation features as listed in Section 3.4.6.

B. Locate proposed dedicated Open Space areas per Section 3.7.

C. Locate sites of Dwellings using the residential yield in Section 3.6.1.

- D. Locate the sites of Dwellings outside of the regulated conservation areas as identified in Section 3.4.6.A.
- E. Locate Roads and Driveways – Trace a logical alignment for Local Roads to the Dwelling sites. Roads and Driveways shall follow the existing topography of the Parcel where feasible to minimize cuts and fills. A Road plan shall be designed which strives to maintain the rural character of the Town. Natural sheet flow drainage is encouraged. The applicant should avoid curbing and drainage structures in favor of grass swales or other low impact development (LID) techniques when possible and refer to the Road design standards established in the Subdivision Regulations.
- F. Draw in Lot Lines – Draw in the Lot lines in accordance with the applicable requirements of Section 3.4.

**Exhibit 3 – Design of Lots, Roads and Natural Areas**



**3.7 OPEN SPACE AND DEVELOPMENT RESTRICTIONS** – All developments in the RU District shall comply with the following Open Space requirements:

1. Required Open Space

Any proposed residential subdivision development in the RU District shall require the dedication as Open Space of a minimum of fifteen percent (15%) of the total gross Parcel area to be subdivided for conventional subdivisions and twenty-five (25%) for conservation subdivisions. Family subdivisions, as defined in CGS Section 8-25, are exempted from this requirement.

2. Including Wetlands in the Open Space

The percentage of required Open Space that may include Wetlands shall not exceed the percentage of Wetlands on the entire site. A sample calculation for a conventional subdivision is provided below:

Existing Conditions:

12 acre Parcel (522,720 square feet) with 1 acre (43,560 square feet) of Wetlands

$$43560 / 522,720 = 0.083 \times 100 = 8.3\%$$

Open Space Requirements:

15% Open Space = 2.4 acres (104,544 square feet) of Open Space required

Wetland Allowance:

2.4 acres (104,544 square feet) X 8.3% Wetlands coverage = .20 acres (8,677 square feet)

The Open Space shall contain at least 2.2 acres (95,832 square feet) of uplands and no more than .2 acres (8,712 square feet) of Wetlands.

3. Use of Open Space

Dedicated Open Space shall be used for wildlife habitat, conservation, protection of water resources and the following additional purposes: historic preservation, outdoor education, low impact recreation, Aquifer protection, Agriculture, Horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes. Applicants are strongly encouraged to locate Open Space to provide additional Buffer Areas to sensitive surface water resources and Wetlands areas. The Commission may permit a small portion of the Open Space to be paved or built upon for structures accessory to the dedicated use or uses of such Open Space (e.g., pedestrian walks and bike paths) provided said improvements support the purposes of the Open Space and are consistent with state and local level environmental protections. Under no circumstances shall stormwater from impervious surfaces within the Open Space be allowed to drain directly to existing Wetlands or Watercourses without adequate pre-treatment for pollutant removal.

4. Contiguous Open Space

Lands proposed to be used to satisfy the Open Space requirements shall be contiguous. Open Space will be considered contiguous if it is separated by a Road or other unobstructed way. The Open Space in Conservation Subdivisions shall be adjacent to and accessible to all of the Lots of the subdivision. Non-contiguous Open Space may be considered in meeting Open Space requirements where the requirement for contiguous Open Space cannot be met because providing such Open Space is not feasible and prudent, as those terms are defined in the State of Connecticut Inland Wetlands and Watercourses Act, CGS Sections 22a-36 to 22a-45 inclusive, as amended.

5. Flexibility for Open Space Preservation

This Section is intended to establish standards to allow for residential development flexibility in conservation subdivisions in order to help preserve Colchester's rural character and encourage the preservation of Open Space. The Commission may, after making findings on the record, approve one (1) or more of the modifications set forth in Section 3.8 for any conservation subdivision for residential uses provided both of the following conditions are met:

- A. More than twenty-five percent (25%) of the Parcel is permanently preserved as Open Space meeting the General Design Criteria of Section 3.5 of these Regulations;

- B. The Open Space meets the functional criteria of Section 6.5.1.a of the Subdivision Regulations.

### **3.8 POTENTIAL DIMENSIONAL REDUCTIONS FOR CONSERVATION SUBDIVISIONS**

The Commission may, at the applicant's written request, reduce the following Lot requirements to the same extent that buildable land is preserved as Open Space in excess of twenty five percent (25%) (i.e., if forty percent (40%) of the Parcel is preserved as Open Space, this is fifteen percent (15%) greater than the minimum requirement of twenty-five percent (25%) and the Commission may reduce the Lot requirements by up to fifteen percent (15%).

1. Reduce the minimum Lot size requirement.
2. Reduce the minimum contiguous Buildable Area requirement.
3. Reduce the dimension of one (1) side of the minimum Buildable Square or rectangle.
4. Reduce the minimum Lot Frontage for a Lot fronting on and obtaining access from a local or dead end Street.
5. Reduce the minimum Front Yard Setback requirement for a Lot fronting on and obtaining access from a local or dead end Street.

### **3.9 FLEXIBILITY PROCEDURE FOR SUBDIVISIONS**

Prior to applying the standards set forth in Section 3.8, above, the Commission shall make findings on the record that all of the following have been demonstrated:

1. A licensed landscape architect has prepared a conceptual plan identifying significant features on the site and identifying which of such features are to be preserved;
2. The proposed plan will conserve significant features on the site and promote the retention of the rural character of the area;
3. All Public Health Code requirements have been satisfied;
4. There will be a significant benefit resulting from the Open Space that is being preserved in perpetuity, such as:
  - A. Establishment of an Open Space corridor or greenway or interconnection of existing Open Space;
  - B. Preservation of areas along Collector or Arterial Roads that will protect rural appearance or character;
  - C. Protection of important natural and or scenic resources;
  - D. Providing for public access to the Open Space.

5. The Open Space will not result in small or fragmented Open Space Parcels that do not provide community benefits.
6. Any modification(s) granted on the basis of the standards set forth above shall be clearly identified and delineated on the approved development Site Plan.
7. Farming is permitted on open space lands as required by this section but lands must be permanently preserved or dedicated for agriculture uses to used.

## **4.0. SUBURBAN USE ZONING DISTRICT (SU)**

### **4.1 CHARACTER OF THE SUBURBAN USE ZONING DISTRICT**

1. Primary Character – The majority of the Town’s population is located with Suburban Use Zoning District (SU). The SU is primarily single-family residential in character with multi-family development existing also.
2. Institutional and commercial/service land uses are primarily located along several Arterial Roads that connect to surrounding towns. The primary function of these district regulations is the protection of residential character by limiting incompatible land uses. The SU is designed to contain most of the Town’s housing so that new developments do not sprawl into the rural areas.
3. Relationship to Roads – Land uses in the SU shall be located predominantly on Collector and Local Roads and are mainly single-family in type. Non-residential land uses are permitted and located mostly on Arterial Roads in the SU.
4. Design standard – The character of Buildings in the SU reflects residential Dwellings of various types and sizes. Multi-family residential areas are generally characterized by two-family and Townhouse developments rather than centralized apartments.

### **4.2 PERMITTED USES – The following uses are permitted in the SU subject to all applicable requirements of these Regulations:**

1. Single family and two family residential development.
2. Publicly owned recreation area, such as a park or playground;
3. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings;
4. Home Occupation.

### **4.3 SPECIAL PERMIT USES IN THE SU – The following are eligible for Special Permit after consideration and approval from the Commission:**

1. Religious facilities and Educational Institutions
2. Mobile Homes
3. Multi family Uses - the Parcel must be served by municipal water and sewer and comply with Section 8.1.1 as applicable;
4. Municipal facilities

5. Private outdoor recreation
6. Bed and Breakfasts/Inns
7. Day care/Nursery School in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut.
8. Retail Sales/Service Development along Arterial or Collector Roads. See Section 4.6.

**4.4 DIMENSIONAL REQUIREMENTS IN THE SU**

4.4.1 Applicability of Dimensional Requirements

With Available Municipal Water and Sewer			Without Available Municipal Water and Sewer		
	Single-family	Two-family		Single-family	Two-family
Lot Area	30,000 Sq. Ft.	40,000 Sq. Ft.	Lot Area	40,000 Sq. Ft.	50,000 Sq. Ft.
Minimum Buildable Area	12,500 Sq. Ft.	20,000 Sq. Ft.	Minimum Buildable Area	30,000 Sq. Ft.	30,500 Sq. Ft.
Minimum Buildable Square Rectangle	100' 80'	100' 80'	Minimum Buildable Square Rectangle	100' 125'	100' 125'
Density	1.1/buildable acre	.8/buildable acre	Density	0.5/buildable acre	0.7/buildable acre
Frontage	175/125' *	175/125' *	Frontage	175/125' *	175/125' *
Front Yard	50'	50'	Front Yard	50'	50'
Side Yard	20'	20'	Side Yard	20'	20'
Rear Yard	20'	20'	Rear Yard	20'	20'
Building Height	35'	35'	Building Height	35'	35'
Lot Coverage	20% of Buildable Area	20% of Buildable Area	Lot Coverage	20% of Buildable Area	20% of Buildable Area

\*Arterial and Collector Streets/Local and dead end Streets

The Density listed in the above table shall not apply to subdivisions of three (3) Lots or fewer provided the Lot to be subdivided was not part of a subdivision approved by the Commission subsequent to November 10, 1958. Further subdivision or re-subdivision of any Lot created thereafter shall be subject to the Density requirement of the zoning district in which it is located.

**4.5 MULTI-FAMILY HOUSING REQUIREMENTS FOR PROPERTIES WITH AVAILABLE MUNICIPAL WATER AND SEWER**

	Multi-family
Lot Size	175,000 Sq. Ft.
Minimum Buildable Area	120,000 Sq. Ft.
Units/Buildable Area	10 units/buildable 40,000 sq. ft. Requires satisfaction of affordable provisions of Section 8.2.
Maximum Units/Building	10 units/Building
Frontages	50’*
Front Yard	50’
Side Yard	25’/50’**
Rear Yard	25’/50’**
Building Height	45’
Building Coverage	25%
Impervious Coverage	35%

\*Arterial and Collector Streets and Local and dead end Streets. Two (2) Driveways are required for greater than thirty (30) units, Driveways must be separated by a minimum of 500’ between the center-lines on Arterial and Collector Roads.

\*\* 50’ when the development will abut an existing Single-Family Dwelling

The minimum Buildable Square requirement shall be met by demonstrating a square of the dimension required or a rectangle of the equivalent areas with the shortest side no shorter than that required.

**4.6 NON-RESIDENTIAL USES IN SUBURBAN USE DISTRICTS**

Permitted non-residential uses in the SU District shall meet the following conditions and shall be located along Arterial Roads:

1. The proposed land use and the design of the Building or its alteration are compatible with surrounding neighborhood.
2. Vehicle parking shall not be permitted in front of the building line.
3. Signs shall not be illuminated.
4. A planted Buffer Area at least five (5) feet wide, and containing shrubs that will be not less than six (6) feet tall in three (3) years, shall be established along Lot lines abutting Lots used for residential purposes to screen parking areas, refuse containers, Driveways or any use not customarily found in a residential neighborhood.
5. No structure shall violate Setback requirements established for Buildings.

## **5.0 TOWN CENTER AND WESTCHESTER VILLAGE DISTRICTS (TC OR WV)**

### **5.1 CHARACTER OF TOWN CENTER AND WESTCHESTER VILLAGE DISTRICTS**

It is the intent of this Section to encourage development in the Town Center that creates diverse development opportunities in a mixed use environment that allows for residential development as well as Commercial/Service Development and is less automobile dependent and more pedestrian friendly. Such development is intended to:

1. Enhance the historic character of Colchester by encouraging preservation of Buildings and context which make the Town unique.
2. Provide for work force, moderate income, elderly, and other housing needs.
3. Encourage a diverse mix of business, commercial, office, residential, institutional and entertainment uses for workers, visitors, and residents.
4. Encourage the use of contemporary development practices which address the context of the Town Center and Westchester Village.
5. Encourage pedestrian friendly environment and pedestrian-oriented commercial enterprises and consumer services that do not rely on automobile traffic to bring consumers into the area.
6. Permit uses that promote conversion of existing Buildings in a manner that maintains the visual character of surrounding areas and reflects the architectural scale of existing development within the district.
7. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.
8. Employ design concepts that address modern stormwater management planning including rain gardens, pavement treatments and other measures to conserve land and appearance.
9. Promote Shared Parking, inter-lot access and other project features to conserve land and limit impact of development.
10. Allow for more compact development than may be permitted in other zoning districts to reduce the impacts of sprawl and traffic congestion.
11. Encourage live/work units.

### **5.2 APPLICABILITY AND ADMINISTRATION**

The site and design guideline criteria within this Section shall be applicable to any land use containing a standalone residential Building with two (2) or more Dwelling Units and all non-residential developments and mixed uses within the district. This includes any new Building construction; a change

in Building use (adaptive reuse of an existing Building) or a significant alteration of an existing Building Facade; work which results in the increase of Floor Area through either an Addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure; or any activity requiring a new curb cut or increased parking.

### **5.3 USES PERMITTED**

The following uses shall be permitted in the TC or WV Districts subject to all applicable requirements of these Regulations:

1. Single-family, two-family or multi-family residential development and associated accessory structures and uses;
2. Commercial development except auto related uses (sales, service, repair, parts) and oil, propane sales/service;
3. Office development except construction/landscaping service that stores equipment and materials. Administrative offices of construction/landscaping operations are permitted.
4. Service Development;
5. Religious facilities and Educational Institutions;
6. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings. Other day care and nursery school uses are permitted through the approval of a Special Permit.
7. Municipal facilities;
8. Hotel/Motel;
9. Mixed uses, provided that the ground floor of a mixed use Building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.

### **5.4 DIMENSIONAL REQUIREMENTS**

1. Minimum Lot size: 10,000 square feet
2. Maximum height: Three (3) stories or forty (40) feet in height
3. Maximum residential Density shall be six (6) units per 40,000 square feet of Buildable Area for Duplexes and ten (10) units per 40,000 square feet of Buildable Area for Multi-Family Housing
4. Minimum Lot Frontage on a Street: Seventy-five (75) feet
5. No minimum Front Yard Setback.

6. Minimum side and rear Yard: No side or rear Yard is required between abutting Lots where both are used for commercial purposes. Where a Lot abuts a strictly residential use and not a mixed or non-residential one, ten (10) feet shall be maintained, which Yard shall not be used for parking, loading or storage.
7. Maximum Building Coverage: Seventy-five percent (75%) of the Buildable Area.
8. Maximum Impervious Coverage: Ninety percent (90%) of the Buildable Area.

## 5.5 PERFORMANCE REQUIREMENTS

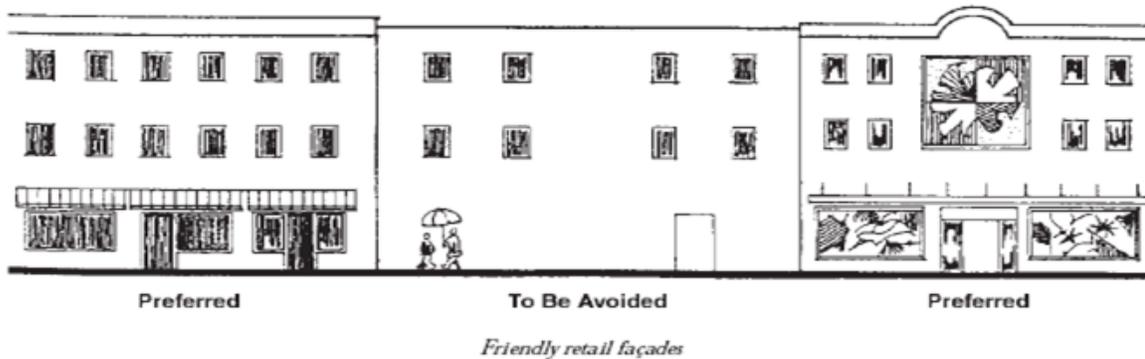
The following standards relate to features/approaches that must be addressed in permitting development within the TC. Some areas within the TC may be subject to additional review and requirements of the Colchester Historic District Commission. See Map of the HDC Overlay Zone for applicability.

1. Pedestrian and Bicycle Access – Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of Buildings, enlargement or substantial redevelopment/renovation and development of improved parking areas and should be designed in concert with landscaping plans as required. Site Plans in the Town Center District should provide for continuity from sidewalks in public Streets to all pedestrian entrances on the site, and walkability should be given primary importance over Road and other access criteria. New construction should improve pedestrian access to Buildings, sidewalks and parking areas and should be completed with consideration of pedestrian safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths (or connection to the Airline Trail) connecting the site with abutting areas in order to promote pedestrian and bicycle circulation and safety in the Town Center. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary Street is encouraged.
2. Landscaping – Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual diversity and interest, to provide shade for pedestrian areas and to screen parking and loading areas. Landscape plans shall be prepared by a registered landscape architect and meet the specific guidelines as set forth herein. Landscape plans shall show the location, type, and size of all proposed plantings as well as enough of the surrounding context such that the Commission may determine the plan's appropriateness. A landscaping maintenance agreement may be required as a condition of approval.
3. Side Yard Treatment
  - A. Where the distance between structures on adjacent Lots is ten (10) feet or less, the side Yard shall be screened by a solid fence, wall or Landscape treatment of Evergreen plantings at a height not to exceed three (3) feet.
  - B. Where the distance between structures on adjacent Lots is greater than ten (10) feet, landscaping shall consist of a combination of materials sufficient to break up the view into the side Yard.

- C. Side Yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the Building. Such walkways shall be landscaped and lighted for safety.

## 5.6 DESIGN REGULATIONS

1. Orientation – Buildings shall be oriented predominantly parallel to the front Setback line to preserve a consistent Facade line with the Street. Slight rotations from parallel may be accepted, where the plans submitted are found to be consistent with the architectural design and character of the district. Primary Building entrances should be easily identified and be oriented to the Street. The primary entry should be clearly visible from the public Street which provides the Building’s main orientation.
2. Articulation – New and redeveloped Buildings should reinforce the character of the existing streetscape by creating visual interest and reinforcing pedestrian scale. The apparent bulk and large wall expanses of multi-story Buildings as well as single story Buildings of fifteen (15) feet height or more should be minimized by incorporating one or preferably a combination of the following:
  - Windows
  - Architectural details
  - Canopies
  - Overhangs
  - Indented or projected bays, where not in conflict with pedestrian paths
  - Change of building materials.
3. The top of such Buildings should display a distinct profile or outline incorporating such elements as a projecting parapet, cornice, upper level setback or pitched roofline. When immediately adjacent to a Building with such articulation, new and redeveloped Buildings should provide a treatment that is reflective of existing features, such as providing a consistent cornice line or complementary roof configuration where possible.
4. Large expanses of blank walls are prohibited for commercial and mixed use Buildings. The ground floor Facade along the primary Street shall have continuous storefront windows, with the exception of necessary piers, columns, pilasters, etc. Indented or projecting bays may be used to add variety, to the Facade for display purposes or to fulfill the transparency requirements noted in Section 5.6.5, provided they do not conflict with any pedestrian walks or circulation. Window openings at the ground floor Facade along the primary Street may extend from floor to ceiling, but shall not be more than thirty (30) inches above the finished floor, nor lower than adjacent door heads. Wall areas remaining below windows not extending to the floor shall be articulated by the use of architectural features, such as panels, siding, etc.



**Exhibit 4 – Streetscape Perspectives**

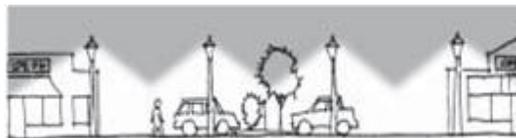
5. Transparency – For commercial and mixed use Buildings, a maximum of twenty-five percent (25%) of the Building Facade on the ground floor oriented to the street can be used for inside lighting, promotional materials or banners.
6. Doors and Entrances
  - A. Buildings must have a primary entrance facing a public Street or way and should be visually prominent.
  - B. In Buildings with multiple ground floor tenants, entries should provide a coordinated design theme, i.e., a common canopy, architectural projection or awning design.
7. Pedestrian Spaces and Comfort – For the purpose of providing a pedestrian friendly environment in the TC, new and redeveloped Buildings should provide for outdoor seating areas, scaled to the size and demands of the proposed use, where feasible. A mixed-use project with ground floor Restaurant may provide an area for outdoor dining which extends the indoor dining space for seasonal use. A ground floor use may provide a sidewalk bench where there is sufficient width.
8. Such pedestrian areas are best located when they take advantage of southern exposure and provide space that affords visual connectivity but is set back from major pedestrian flow and vehicular ways and is appropriate to the location.
9. Outdoor sales and display areas should be well organized and located against a Building so as not to impede pedestrian circulation if located on a public walk or way.
10. The following guidelines should be considered in the design and location of pedestrian spaces:
  - A. Buffering from major vehicular areas such as parking lots or main traffic ways
  - B. Lighting for nighttime comfort and safety
  - C. Appropriate Street furnishing, i.e., benches, trash receptacles

- D. A focal element where appropriate such as a water feature, special Landscape feature or public art installation
  - E. Decorative paving and seasonal planting
  - F. South facing locations
  - G. Visual connectivity, especially to important views such as an historic structure
  - H. Appropriate scale in relation to the development
  - I. Continuity of pedestrian sidewalks
11. Utilities – Underground utilities for new and redeveloped Buildings are required unless physically restricted or blocked by existing underground obstructions.
12. Lighting – Site lighting, security lighting and architectural/Landscape lighting should provide the user with illumination levels appropriate for the designed activity (i.e., parking, walking, outdoor dining space) while meeting minimum requirements of these Regulations. Illumination levels should also be reasonably uniform throughout the site and strive to minimize Glare. Lighting fixtures shall be of a style appropriate to the character of the district, and be consistent throughout the development.

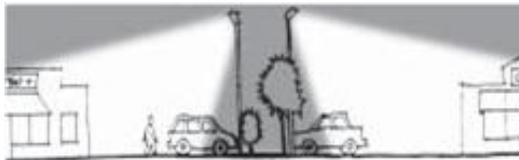
Adequate lighting levels shall be provided in all pedestrian areas, including Building entries, along walkways, parking areas, and other public areas. The following requirements must be met in lighting plans:

- A. An overlapping pattern of light at a height of about ten to fifteen (10-15) feet in lighted pedestrian areas and twenty to twenty-four (20-24) feet in parking areas.

**DO**



**DON'T**



**Exhibit 5 – Lighting Focus**

- B. Lighting at consistent Lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.

- C. In each lighted area, design lighting levels that will allow pedestrians to identify a face fifteen (15) yards away (generally, a minimum of four (4) Foot-Candles). Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.
  - D. Confine site lighting to the project site as much as possible; use shields or other methods to eliminate Glare on adjacent properties.
  - E. Place light posts and standards so that they do not create hazards for pedestrians or vehicles.
  - F. Indicate specific lighting levels in each lighted area.
13. Quality of site furnishings – Provide for the following Site Plan elements:
- A. High-quality fixtures and materials in site furnishings and features, such as durable and easily maintained walls and paving.
  - B. Site features and furnishings that discourage vandalism. Furnishings that are easily removed or do not convey an image of misuse.
  - C. Safety materials, such as non-slip walkway surfaces.
  - D. Site furnishings shall be of a style appropriate to the character of the district, and be consistent throughout the development.

## **5.7 WESTCHESTER VILLAGE DISTRICT**

This district is intended to recognize and encourage development and redevelopment of the commercial patterns at the intersection of RT 16 and 149. This district is intended to meet many of the village needs for basic retail shopping, tourism, and local services. The district also recognizes and reflects the significant rural Commercial Use of the Village. Uses in this district will utilize the standards in Section 5.7 only and not the other requirements of Section 5.

The following standards apply to development in the Westchester Village District:

1. Permitted Uses, subject to all applicable requirements of these Regulations:
  - A. Single-family, two-family or multi-family residential development and associated accessory structures and uses.
2. Special Permit Uses

The following are eligible for Special Permit after consideration and approval from the Commission:

- A. Commercial development excepting auto related uses (sales, service, repair, parts) and oil, propane sales/service.
- B. Automobile gasoline stations

- C. Automobile service/repair
  - D. Marine dealership and repair
  - E. Office development except construction/landscaping services that store equipment and materials. Administrative offices of construction/landscaping operations are permitted.
  - F. Service Development
  - G. Religious facilities and Educational Institutions
  - H. Municipal facilities
  - I. Mixed uses, provided that the ground floor of a mixed use Building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.
3. Minimum Lot size – 40,000 square feet
  4. Maximum Height – Thirty (30) feet or two (2) stories
  5. Maximum residential Density – Four (4) Dwelling Units/acre unless serviced by centralized sewer/water that is shown to have capacity to support development proposed. If the capacity of water/sewer is demonstrated, the Density can exceed four (4) Dwelling Units/acre to a maximum of six (6) Dwelling Units/acre.
  6. Minimum Lot Frontage – Seventy-five (75) feet
  7. Minimum side and rear Yard – No side or rear Yard is required between abutting Lots where both are used for commercial purposes. Where a Lot abuts a strictly residential use and not a mixed or non-residential use, ten (10) foot yard shall be maintained, which Yard shall not be used for parking, loading or storage.
  8. Maximum Building Coverage – Thirty-five percent (35%) of the Buildable Area
  9. Maximum Impervious Coverage – Fifty percent (50%) of the Buildable Area
  10. Performance Requirements – The following standards relate to features/approaches that must be addressed in permitting development within the Westchester Village District.
    - A. Pedestrian and Bicycle Access – Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of Buildings, enlargement or substantial redevelopment/renovation and development of improved parking areas and should be designed in concert with landscaping plans as required.
    - B. Landscaping – Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual diversity and interest, to provide shade for pedestrian areas and to screen parking and loading areas. As the Westchester Village District is a

small location within a rural area, landscaping and the treatment of Open Space on all developed sites are important. Landscape plans shall be prepared by a registered landscape architect or may be accepted, where the plans submitted are found to be consistent with the intent of this Regulation and meet the specific guidelines as set forth herein. Landscape plans shall show the location, type, and size of all proposed plantings as well as enough of the surrounding context such that the Commission may determine the plan's appropriateness. A landscaping maintenance agreement may be required as a condition of approval.

C. Side Yard Treatment

1. Where the distance between structures on adjacent Lots is ten (10) feet or less, the side Yard shall be screened by a solid fence, wall or Landscape treatment of Evergreen plantings at a height not to exceed three (3) feet.
2. Where the distance between structures on adjacent Lots is greater than ten (10) feet, landscaping shall consist of a combination of materials sufficient to break up the view into the side Yard.
3. Side Yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the Building. Such walkways shall be landscaped and lighted for safety.

11. Design Regulations

- A. Articulation – New and redeveloped Buildings should reinforce the rural character of the existing streetscape by utilizing Open Spaces and landscaping.
- B. Parking associated with an individual use shall, to the greatest extent feasible, be located behind structures or otherwise fully screened from Street view.
- C. Low impact development drainage and paving schemes are encouraged.

## **6.0 FUTURE DEVELOPMENT DISTRICT (FD)**

### **6.1 CHARACTER**

This district is intended to provide an area for non-residential development of a variety of business uses in appropriate locations in Colchester that are well served by transportation and utility infrastructure. These areas have been designated for economic development in the Plan of Conservation and Development. Mixed Use Development is encouraged as a goal in the creation of diverse and pedestrian friendly areas with a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access, all within a short walk of one another. A range of types, sizes, amenities and uses will enhance a series of inviting functional public spaces including shopping Streets, pedestrian friendly streetscapes, Open Spaces, courtyards, trails, residential, office and retail in mixed use Buildings. Finally, the design principles for Buildings and Streets should reflect traditional small town character that provides opportunities for intimate pedestrian friendly community life.

### **6.2 USES PERMITTED**

The following uses are permitted in the FD District subject to all applicable requirements of these Regulations. All sites must be serviced by public water and public sewer. Each site must utilize best management practices to protect water quality. Each site must derive access from internal Roads as much as possible.

1. Business, corporate, or Professional Offices.
2. Medical, dental, or optical laboratories.
3. Laboratories and research facilities.
4. Accessory Buildings and accessory structures.
5. Retail business where the total gross Floor Area shall not exceed 200,000 square feet.
6. Restaurants and eating and drinking establishments when most food and drink is intended to be consumed on the Premises at tables, counters or bars
7. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, as amended, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings.

### **6.3 SPECIAL PERMIT**

The following uses are permitted by Special Permit in the FD District provided they are served by public water and public sewer, derive access from internal Roads rather than existing Collector or Arterial Roads, and use best management practices to protect water quality.

1. Warehouse, storage and distribution facilities, except not to include Mini Storage Facilities.

2. Light Manufacturing or assembly conducted entirely within a Building, such as computer or electronic components and equipment, and light industrial machinery or equipment and sub-assemblies for commercial applications.
3. Hotel, Motel or banquet facility.
4. Retail businesses with a total gross floor area that exceeds 200,000sf.
5. Mixed Use Development including multi-family residential development of no more than seventy-five (75) total units on a Parcel. No more than four hundred (400) additional residential units will be permitted in all of the FD District. When the total of Multi-Family Dwelling Units permitted meets this threshold, there shall be no additional residential units permitted under this Section.
6. Movie Theater.
7. Municipal facilities.
8. Day care and nursery school uses in accordance with Section 8-9 of these Regulations.

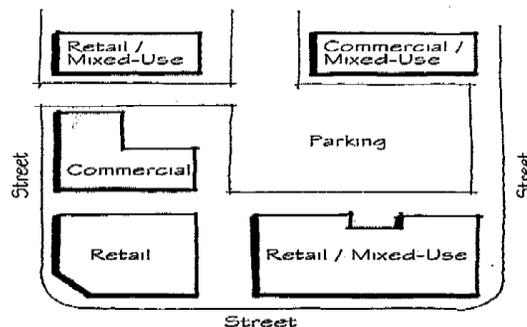
**6.4 DIMENSIONAL REQUIREMENTS FOR NON-MIXED USE DEVELOPMENT IN FUTURE DEVELOPMENT DISTRICT**

1. Minimum Lot size: 40,000 square feet of which at least 30,000 square feet is Buildable Area.
2. Minimum Lot Frontage on a Street: Two hundred (200) feet on Arterial and Collector Streets and one hundred fifty (150) on local and dead end Streets.
3. Minimum Front Yard Setback: Fifty (50) feet to public Streets.
4. Minimum Side and Rear Yard: see buffering distance chart, Table 6.1.
5. Maximum Building Height: Forty-five (45) feet.
6. Maximum Building Coverage: Forty percent (40%) of Buildable Area.
7. Maximum Impervious Coverage: Seventy-five (75%) of Buildable Area.

**6.5 STANDARDS FOR MIXED USE DEVELOPMENT**

1. Mixed use within Buildings – Mixed uses within Buildings are permitted by Special Permit. To qualify to develop residential lands uses in this district, at least thirty percent (30%) of the total residential units must be in Buildings that contain non-residential uses. Construction of separate distinct multi-family blocks is prohibited and instead, Dwelling Units at grade or at upper levels of mixed use Buildings are encouraged and permitted subject to standards of the district.

2. Minimum Building Frontage – In the FD District, side and rear Yards shall be a minimum of fifteen (15) feet. If there are two (2) entrances proposed at the front, the Commission will determine which entrance will be considered the main or front.
3. Utilities – All utilities (water, sewer, power, and data) shall be installed underground.
4. Minimum amount of non-residential development to permit residential mixed use component – In order to qualify for residential use, the proposed development shall also contain a minimum of 40,000 square feet or more of permitted non-residential uses or retail business as permitted in Sections 6.2 and 6.3.
5. Phasing, concurrent development – It is the aim of this Regulation to ensure that residential units are constructed at the same time as non-residential land uses. The size and amount of a site development area containing multi-family residential uses shall be limited by the Commission during the approval process by requiring phasing of construction. No more than fifty (50) residential units may be constructed concurrently with the non-residential section of the development. In order to exceed fifty (50) units, the non-residential section of the development must be more than seventy-five percent (75%) completed.
6. Density – Notwithstanding the Density requirements in Section 8.1.1, the overall residential Density of a mixed use site in this district may not exceed seven (7) Dwelling Units/acre of Buildable Area. There may be no more than six (6) Dwelling Units per Building for residential only Buildings; for mixed use Buildings there may be no more than ten (10) Dwelling Units per Building.
7. Unit Size – No more than ten percent (10%) of residential units in any Mixed Use Development in the FD District shall contain three (3) bedrooms and no unit can include more than three (3) bedrooms. Residential units will be limited to 1,750 square feet of total area or less.
8. Integration – The location of the Multi-Family Dwelling Units must be fully integrated with non-residential uses (commercial, retail, office, and/or recreational uses). Maximum Building footprint occupied entirely by a non-residential use shall be 50,000 square feet. See Exhibit 6.



Mixed-use Integration

**Exhibit 6 – Mixed Use Integration**

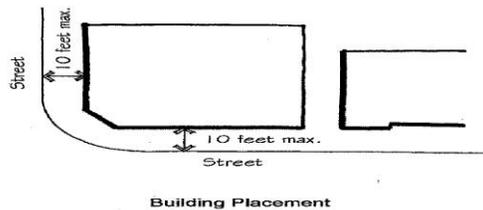
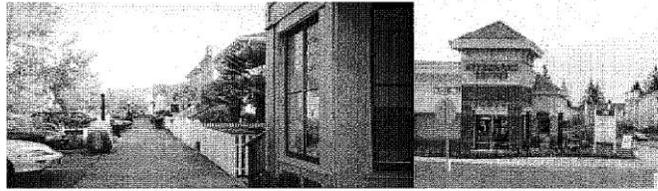
9. Live Work Units – Mixed Use Development should promote the development of pedestrian oriented live work units. A live work unit is a structure that combines a limited office, retail services or Business Services with a residential living space and has no more than four (4) employees. A live work unit can be used to satisfy the non-residential development requirement in an amount equal to the space within the non-residential section of the unit.
1. Building Setback – Setbacks of Buildings within developments constructed under Section 6.4.2 are not required.
2. Setbacks/Buffers to public Streets or Parcel boundaries – Minimum Setback distances to Parcel boundaries/public Streets are identified in the Buffering Chart, Table 6.1. The Commission may require, as a condition of approval for Special Permit use, additional planting and other buffering features to minimize impacts on adjacent properties.
3. In cases of mixed uses within structures, buffering will be based on the most restrictive use of the structure.

**Table 6.1 Buffering Distances (feet) Between Uses**

<u>Subject use</u>	Adjacent Use			
	Residential (under 35' in height)	Residential (over 35' in height)	Commercial	Industrial
Residential	25	50	75	75
Commercial	75	75	25	25
Industrial	75	75	25	25

**6.6 DESIGN GUIDELINES FOR MIXED USE DEVELOPMENT**

1. Building Placement
  - A. Zero Lot line – The majority of Buildings on the site shall be placed within ten (10) feet of the front Lot line or up to the sidewalk edge if the sidewalk is larger than or equal to ten (10) feet in width. Off-street parking shall be located in the side Yard or back Yard of the property. This will be done to maintain a Street focus with the emphasis on pedestrian activity. See Exhibit 7.



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**Exhibit 7 – Building Placement = Zero Lot Lines**

- B. Lighting – In addition to the regular lighting requirements in Regulation Section 12, the following standards shall be met in the FD District to ensure that site lighting contributes to the character of the site and does not disturb adjacent development. See Exhibit 8.
1. Lighting should be provided within the parking lots and along pedestrian walkways.
  2. Lighting fixtures shall be limited to heights of eighteen (18) feet to twenty (20) feet for parking lots and twelve (12) feet to sixteen (16) feet for pedestrian walkways.
  3. All lighting should be shielded from producing off-site Glare, through optical design inside fixture so that the direction of the lighting is downward.
  4. Street lights shall have brackets to mount special event and other flags and banners.
  5. Site lighting shall be consistent throughout the site.

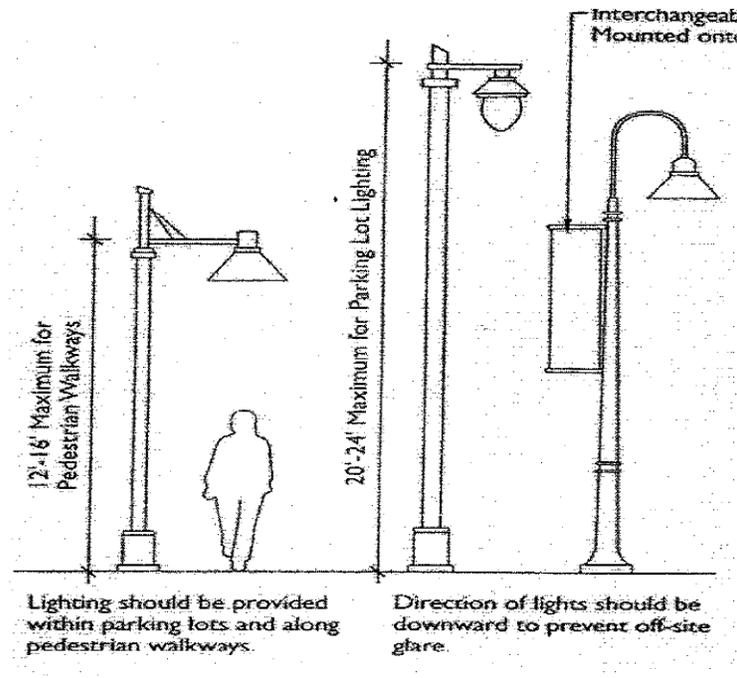


Exhibit 8 – Consistent Lighting

## 2. Architectural Character

The following guidelines shall apply to Mixed Use Development in the FD District proposed under this Section. Street level businesses are a prime focus of this Regulation. Toward this end, Street level Facades are encouraged and shall incorporate a minimum of two (2) continuous details. A minimum of forty percent (40%) of the Street level Facades of each Building shall be transparent. Upper floors shall have a minimum of twenty percent (20%) transparency. See Exhibit 9.



Fenestration - Transparency

Exhibit 9 – Transparency – Character

Screening – All utilities including dumpsters shall be screened by parapets, walls, fences, landscaping and roofing.

3. Pedestrian Circulation – In order to emphasize the goal of successful pedestrian integration, the Commission will require sidewalks in all internal sections of the development and the following features shall be utilized:
  1. Require short Street lengths
  2. Require cross walks
  3. Require installation of pedestrian activated signals
  4. Prohibit cul-de-sacs, except where significant barriers exists.
4. Sidewalks, within the interior of a Mixed Use Development, must be located in front of all mixed use and non-residential Buildings and must be a minimum of ten (10) feet in width. All residential interior sidewalks shall be a minimum of five (5) feet in width. Sidewalks can include alternative materials, i.e., pavers and other “green devices”.
5. Site Plans shall include a Street furniture plan which identifies elements proposed to be used including seating, art, utilities (garbage cans, postal boxes, etc.).
6. Pedestrian activities shall be concentrated at Street corners.
7. Entrances and Open Spaces should be wide and covered.

#### **6.7 OTHER REQUIREMENTS IN FUTURE DEVELOPMENT DISTRICT**

1. Development of all types in the Future Development District(s) shall:
  - A. Promote implementation of the Transportation Plan, particularly with regard to the location and configuration of a conceptual ring Road, as depicted in the Plan of Conservation and Development, and
  - B. Derive access from Roads internal to the future development rather than existing Collector or Arterial Roads such as Parum Road or Chestnut Hill Road unless the Commission has granted a Special Permit that permits access from an existing Collector or Arterial Road, and
  - C. Not derive access from Local Roads that are not internal to the Future Development District.

## **7.0 ARTERIAL COMMERCIAL USE (AC)**

### **7.1 CHARACTER OF THE ARTERIAL COMMERCIAL (AC) OVERLAY**

The Arterial Commercial Overlay is both a fixed and Overlay Zone that is intended to provide for commercial and industrial use development along Arterial Roads. Included in this zone are areas that are not serviced by water and sewer but are adjacent to major transportation routes and therefore are developed with commercial and light industrial land uses as well as residential land uses. Areas eligible to utilize this zone are located along Arterial Roads that traverse through other zoning districts and areas that are wholly zoned in this category. Certain Lots are zoned for exclusive Arterial Commercial Use while other Lots, zoned for Rural Use but with frontage and direct Driveway access to an Arterial Road, may be developed as Arterial Commercial with the uses permitted or specifically permitted in the Arterial Commercial Zone provided the Lot requirements can be met.

These uses should be designed in a manner that minimizes the potential for polluting the air or contaminating any body of water or Aquifer given that many properties in the zone are located near or within the Town Aquifer Protection Zone. Development in these areas should be in well-designed Buildings and attractively landscaped sites as they are visible from major transportation routes.

### **7.2 USES PERMITTED – The following uses are permitted in the AC, subject to all applicable requirements of these Regulations:**

1. Agriculture
2. Public or private recreation and Open Space
3. Retail uses under 20,000 square feet
4. Business Services
5. Repair services including auto, boat and truck without outdoor storage or activity that utilize no more than two (2) acres
6. Light industrial under 20,000 square feet
7. Restaurant without drive through
8. Bed and Breakfast

### **7.3 SPECIAL PERMIT USES IN ARTERIAL COMMERCIAL DISTRICT**

The following uses are permitted by Special Permit in the AC, subject to all applicable requirements of these Regulations:

1. Construction Services including staging and equipment storage (except salvage and

wrecking services)

2. Auto dealership and repair including outdoor storage and/or activity
3. Manufacture and assembly
4. Retail uses over 20,000 square feet if serviced by municipal water and sewer
5. Public utility structures
6. Private Warehousing and storage including Mini Storage Facilities
7. Wholesale storage and distribution uses if serviced by municipal water
8. Light industrial uses over 20,000 square feet
9. Hotel/Motel
10. Banquet, conference and convention facilities
11. Restaurant with drive through
12. Gasoline stations provided that the site is adjacent to a transportation interchange and no portion of the lot is within the Town Aquifer Protection Area, in accordance with Section 9.2.1, and/or within the Town Aquifer Protection Zone. See Section 9.2.2.

#### **7.4 PERFORMANCE STANDARDS FOR THE AC DISTRICT**

1. The use shall emit no offensive odors perceptible from any property line of the Lot on which the operation is located, and shall emit no obnoxious, toxic, or corrosive fumes or gases.
2. Maximum Impervious Coverage allowed on any site is sixty percent (60%) of the total area of the site.
3. Front Yard Setback shall be a minimum of fifty (50) feet.
4. Side Yard Setback is not required for areas that are adjacent on a side to another non-residential use. In the case where a non-residential use abuts an existing residential use, the Setback shall be seventy-five (75) feet.
5. Height limitation – thirty-five (35) feet and can be no more than two (2) stories.
6. Minimum Frontage – Two hundred (200) feet on Arterial and Collectors Roads, one hundred fifty (150) feet on local and dead end Roads.
7. Minimum area of 40,000 square feet of which 30,000 square feet is contiguous Buildable Area.
8. Minimum separation distance of impervious surface to the Salmon/Jeremy River and

associated Wetlands shall be one hundred (100) feet.

9. Minimum undisturbed buffer to the Salmon/Jeremy River and associated Wetlands shall be fifty (50) feet.
10. The Commission may permit outside storage, as an Accessory Use, behind the rear wall of the principal Building, if appropriate screening is provided to screen such storage from view from public rights-of-way, the Airline Trail, and neighboring properties.

**7.5 PERFORMANCE STANDARDS FOR PROPERTIES LOCATED IN THE EIGHT MILE RIVER DISTRICT**

1. Properties may only utilize the overlay standards if they were occupied with non-residential uses as of January 15, 2015
2. Each use must be located 200 feet or more from a wetland or water course

## 8.0 USE STANDARDS

### 8.1 HOUSING (INCLUDES NON-RESIDENTIAL USES TAKING PLACE IN RESIDENTIAL STRUCTURES)

1. Multi-family Development – Multi-family developments shall be designed, located, landscaped and buffered in a manner that does not adversely alter the character of established single-family neighborhoods.
  - A. Every multi-family development (development of multi-family Buildings) shall meet the following requirements:
    1. Multi-Family Dwellings shall only be permitted when the entire area of the property proposed is serviced by municipal water and sewer or is scheduled to be serviced by municipal water and sewer.
    2. The maximum Density for multi-family development shall not exceed ten (10) units per acre of Buildable Area. No multi-family Building shall contain more than eight (8) Dwelling Units.
    3. In Town Center and Future Development Districts, Dwelling Units may be included in a Building used for commercial purposes provided that:
      - b. The street-level floor of the Building shall not be used only for residential purposes except in Buildings that are designated historic;
      - c. The Dwelling Units do not occupy more than fifty percent (50%) of the total gross Floor Area of the Building.
    4. No Building shall be located closer than fifty (50) feet from any property line of a Lot containing a Single-Family Dwelling.
    5. No multi-family development shall exceed twenty-five percent (25%) Building Coverage or thirty-five percent (35%) Impervious Coverage.
    6. Every Multi-Family Dwelling shall be serviced by a private Road internal to the site and shall not derive direct Driveway access from a public Street. Any Road or Driveway shall have a permanent all-weather surface and shall be properly drained.
    7. Except in the TC District, every multi-family development shall have the main access Road connecting directly to a Collector or Arterial Street which shall be capable of accommodating the added traffic flow generated by the development.
    8. Any development containing more than thirty (30) units shall have a second Road access to a public Street accessible to all of the units. Such secondary access may be located on a local or dead end Street provided it is located within 600 feet of the Collector or Arterial Street.

9. A minimum of fifteen percent (15%) Open Space shall be provided on the site. Open Space is to be calculated as described in Section 3.7.
  10. Designated recreation and Open Space area(s) shall contain a minimum of 3,600 contiguous square feet which shall:
    - a. be at least fifty (50) feet in width, and
    - b. not be designated as inland Wetland soils or contain Slopes in excess of ten percent (10%).
  11. Garages and off-street parking spaces, or a combination thereof, shall be provided on the Lot for not less than one car per Dwelling Unit. Guest parking spaces should be provided at a rate of one space per every four units. Such required spaces shall be located with convenient access to the principal Building(s). Parking areas and Driveways shall have a permanent all-weather surface and shall be properly drained.
  12. All utilities shall be installed underground.
2. Age Restricted Housing – Age restricted Housing developments shall meet the requirements for multi-family developments and must also conform to the following standards:
- A. An Age Restricted Housing development shall not exceed six (6) units per acre of Buildable Area.
  - B. An Age Restricted Housing development shall be deed restricted in perpetuity in accordance with the Federal Fair Housing Act for utilization as Age Restricted Housing.
  - C. Age Restricted Housing developments shall be designed, located, landscaped and buffered in a manner that would not adversely alter the character of an established single-family neighborhood. If located in a Town Center or Future Development District, developments must demonstrate design compatibility with surrounding Buildings.
  - D. Management of the Age Restricted Housing development shall establish a procedure to routinely determine that occupancy of the units is in accordance with the Federal Fair Housing Act and shall report this information to the Town at least once every two (2) years, or promptly upon request.
3. Planned Development (PD)
- Planned Developments shall meet the following requirements:
- A. PD's shall only be permitted when the entire area of the property proposed for development is within the municipal water and sewer service areas and the development and will connect to public water and public sewer systems.
  - B. A PD shall not exceed the maximum Density permitted for the Parcel.

- C. No Building shall be located closer than fifty (50) feet from any property line of a Lot containing a Single-Family Dwelling.
- D. Every Dwelling in a PD shall be serviced by a private Road internal to the site and shall not derive direct Driveway access from a public Street. Any Road or Driveway shall have a permanent all-weather surface and shall be properly drained.
- E. Private Roads serving a PD shall have the main access Road connecting directly to a Collector or Arterial Street which shall be capable of accommodating the added traffic flow generated by development.
- F. Any development containing more than thirty (30) units shall have a second Road access accessible to all units to a public Street. Such secondary access may be located on a local or dead end Street provided it is located within 600 feet of the Collector or Arterial Street.
- G. Twenty-five percent (25%) of the total site area shall be maintained for Open Space and recreational facilities. Designated recreation and Open Space area(s) shall contain a minimum of 3,600 contiguous square feet which shall:
  - 1. be at least fifty (50) feet in width, and
  - 2. not be designated as Wetland soils or contain Slopes in excess of 10%.
  - 3. In cases where recreational facilities are intended for use by children, they shall be protected by suitable fencing and plantings from parking areas, Driveways, garages, service areas and Streets.
- H. Garages and off-street parking spaces, or a combination thereof, shall be provided for not less than one (1) car per Dwelling Unit. Guest parking spaces should be provided at a rate of one (1) space per every four (4) units. Such required spaces shall be located with convenient access to the principal Building(s). Parking areas shall have a permanent all-weather surface and shall be properly drained.

## **8.2 AFFORDABLE HOUSING**

- 1. Any housing development with more than six (6) Dwelling Units proposed for single-family use or more than three (3) units for multi-family use shall contain an Affordable Housing component that demonstrates that ten percent (10%) of all units will be affordable and provided in the following manner:
  - A. Applicability: In order for a unit to be deemed an “affordable Dwelling Unit” for purposes of these Regulations it must conform to the definition in CGS Section 8-30g as Section 8-30g relates to persons or families whose household income is less than or equal to eighty percent (80%) of the area or statewide Median Income, whichever is less, and must be deed restricted in accordance with CGS Section 8-30g, as amended.

- B. Density Bonus: If fifteen percent (15%) or more Dwelling Units in a development are sold or rented as units of Affordable Housing in accordance with Section 8.2.1.A, the development can qualify for a twenty percent (20%) increase in gross Density provided there is adequate capacity and connection to Town water and sewer.
- C. Quality and Size: The affordable Dwelling Units shall be of a construction quality and size that is comparable to market-rate units within the development and shall be dispersed throughout the development. A developer can reduce the size of half (50%) of the affordable Dwelling Units that will be sold or rented, but may not diminish the size of affordable Dwelling Units by more than twenty-five percent (25%) when compared to Dwelling Units sold at market rate.
- D. Phasing: The affordable Dwelling Units shall be built at the same time as other residential construction.
- E. Bedrooms: The ratio of one (1), two (2) and three (3) bedroom units among the affordable Dwelling Units shall be comparable to the ratio of one (1), two (2) and three (3) bedroom units among the market-rate Dwelling Units.
- F. Qualification of Occupants: Prospective occupants of the affordable Dwelling Units will be required to fill out an application form containing instructions for calculating their Family income and allowing the property manager to verify the information. Income definitions prepared by the U.S. Department of Housing and Urban Development will serve as a principal guideline for such calculation. Applicants will be required to sign a verification of their review and understanding of the income maximums, the penalties for false information, and, with regard to tenants, the applicable procedures in the event that their income increases at some future time above the allowable maximum. Applicants will also be required to provide appropriate documentation to verify their income. Incomes of tenant(s) in each affordable Dwelling Unit that is rented will be re-verified annually.
- G. Standard Lease Provision: Each lease for an affordable Dwelling Unit will contain a provision reflecting that this unit is being rented as “affordable housing” as defined in CGS Section 8-30g, and is available only to persons or families whose household income is less than or equal to eighty percent (80%) or sixty percent (60%), where applicable, of the statewide Median Income as determined by the Connecticut Department of Economic and Community Development in conjunction with the U.S. Department of Housing and Urban Development. Approval by the Commission of such development is based in part on the condition that a defined percentage of units will be always be rented as affordable Dwelling Units. The owner is required by law to strictly enforce these restrictions at all times.
- H. Monthly Payment: Calculation of the maximum monthly payment for an affordable Dwelling Unit that is leased, so as to satisfy CGS Section 8-30g, shall utilize the area Median Income data as published by the U.S. Department of Housing and Urban Development for a rental unit, as in effect on the day the lease is signed. The maximum monthly payment, adjusted by bedroom size, for an affordable Dwelling Unit shall not be greater than the amount that will preserve such unit as “affordable

housing” as that term is defined in CGS Section 8-30g, as it applies to eighty percent (80%) units.

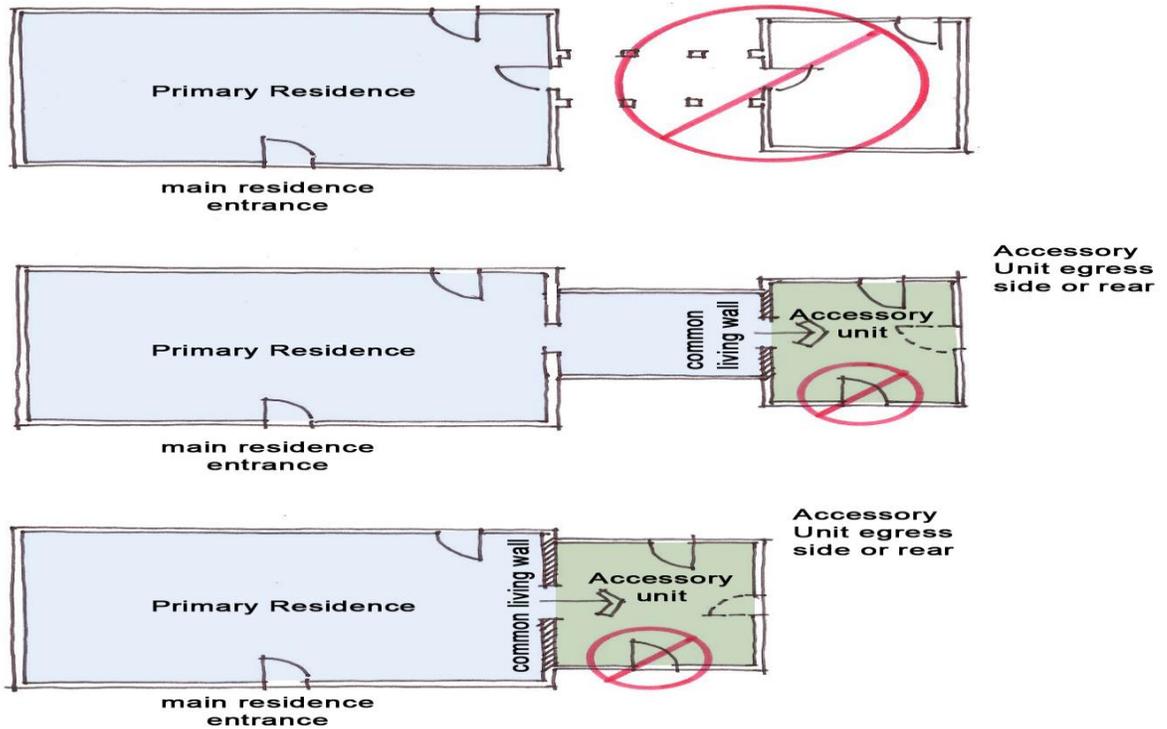
- I. Utility Allowance: The monthly rent for an affordable Dwelling Unit shall include a monthly allowance for utilities, which are heat, hot water and electricity, but exclude telephone and cable television. Heat and utility costs may be calculated by reasonable estimate.
- J. Principal Residence: Affordable Dwelling Units shall be occupied only as tenant’s principal residence. Subletting of affordable rental units for more than the affordable rate is prohibited.
- K. Affordability Period: The affordable period for each affordable Dwelling Unit shall be based on CGS Section 8-30g, as amended, and shall begin on the initial date of occupancy of each available affordable Dwelling Unit.
- L. Change of Income or Qualifying Status of Tenant: In the event that an affordable Dwelling Unit tenant’s income changes so as to exceed the qualifying maximum at the time of re-verification, such tenant must provide notice to the property manager within seven (7) days of the disqualification. Upon being disqualified, such tenant, following the procedures set forth below, shall have the option to vacate the unit within ninety (90) days, or to remain in the unit paying a market-rate rent. Within fifteen (15) days of receiving notice of a tenant’s disqualification, the property manager shall provide written notice to the tenant of the market rate rent for the unit. The tenant shall notify the property manager within fifteen (15) days of receipt of such notice whether the tenant will accept the market-rate rent or vacate. If the tenant elects to remain in the unit at the market rate, the property manager shall offer the next available unit as an affordable Dwelling Unit, if necessary, in order for the development to comply with the proper minimum set aside for affordable Dwelling Units.
- M. Compliance Reporting: No later than January 31 of each year, beginning the year after the initial occupancy of the last affordable Dwelling Unit to be rented, the property manager shall prepare and file with the Commission or its designee (Colchester Housing Authority) a report, containing a list of the units utilized as affordable Dwelling Units, a list of the incomes of all tenants, and a certification by the property manager of compliance. A violation of these Regulations shall not result in a forfeiture or reversion of title, but in enforcing these Regulations the Commission shall retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which powers include the authority, at any reasonable time, to inspect the property and to examine the books and records of the property manager to determine compliance of the development or individual units with these Regulations.
- N. There shall be several restrictions placed on the deeds of affordable Dwelling Units. They are identified below:
  - 1. If an affordable Dwelling Unit is proposed to be sold, it must be sold to a Family that has household income below eighty percent (80%) or sixty percent (60%) of the area or statewide Median Income, whichever is less.

2. Homebuyers cannot incur monthly housing costs that exceed thirty percent (30%) of their monthly income.

**8.3 ACCESSORY APARTMENTS** – Accessory Apartments shall be permitted in connection with all Single-Family Dwellings in accordance with the standards contained herein.

1. The Zoning Permit application and Site Plan shall be of sufficient detail, as determined by the Zoning Enforcement Officer, to determine compliance with the design standards of this Section and, in addition, the applicant for an Accessory Apartment use shall submit:
  - A. Required application form, completed, signed, and dated by the property owner.
  - B. A copy of the current deed for the subject Parcel.
  - C. A sworn notarized statement from the applicant(s) that he/she/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 Records against the name of the owner and shall only be released upon a written request to remove 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, and be grounds for enforcement, which may include revocation of the Zoning Permit.
  - D. A set of floor plans and Building elevations, with dimensions or drawn to scale, depicting the existing interior and exterior of the structure and clearly depicting the proposed interior and exterior of the structure after the creation of the Accessory Apartment. If no exterior Building improvements are proposed, Building elevations are not required.
  - E. A calculation of Floor Area for the existing Dwelling and Accessory Apartment.
  - F. A Site Plan prepared by a licensed surveyor that indicates the location of any existing and proposed structures on the Parcel, the existing and/or proposed utilities to service the Dwelling and Accessory Apartment, parking and Driveway areas, and any other information or reports that the Zoning Enforcement Officer may require to determine compliance with the intent and purpose of these Regulations.
2. Design Standards
  - A. The Accessory Apartment must be created within or attached to a Single-Family Dwelling and have a common wall with living space in the primary Dwelling and there shall be only one Accessory Apartment permitted for each Single-Family Dwelling. Principal access must occur through the primary Building. Secondary access is acceptable through a common garage, rear entrance or breezeway from the primary residence. See Exhibit 10.
  - B. The owner of the Dwelling Unit with which the Accessory Apartment is associated must occupy at least one of the Dwelling Units.

**Exhibit 10 – Accessory Apartment – Entrance and Relationship to Primary Unit**



**Primary Residence + Accessory Unit = 500sf min.  
and Accessory Unit = <33% total**

- C. All new construction shall meet the Building Coverage, minimum Setback requirements, and Building Height requirements applicable to the principal structures for the zoning district in which the Accessory Apartment is to be located.
- D. The Accessory Apartment shall be serviced by the same water and wastewater system serving the principal residence provided such service complies with all current requirements of the Public Health Code. The Accessory Apartment may share utilities (electric and heat) with the principal residence.
- E. The Accessory Apartment shall clearly be the secondary and subordinate use and is limited to one (1) bedroom. The maximum Floor Area of the Accessory Apartment shall not exceed 600 square feet or thirty-three percent (33%) of the combined Floor Areas of the principal Single-Family Dwelling and the Accessory Apartment, whichever is less. The definition of Floor Area in Section 20.4 of these Regulations shall be used for the purposes of calculating the size of the Accessory Apartment.
- F. Off-street parking shall be provided for all Accessory Apartments and for the principal Single-Family Dwelling Unit. Parking and access from the public right-of-way shall serve both the principal and accessory unit, and shall not be distinguishable as separate facilities.

- G. The Accessory Apartment shall have its own independent sleeping, cooking and sanitary facilities and shall comply with all other applicable building, housing and health codes.
- H. The entire Building to be converted shall comply with all current 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 principal residence. Accessory Apartments created through conversion or Addition shall have a common wall with the living quarters of the principal residence and main access through the principal residence. This may be accomplished via the incorporation of one entrance to both the principal residence and Accessory Apartment to reflect the single-family architectural style.
- I. Accessory Apartments shall not be considered as “units” for the purpose of calculating the maximum residential Density.

#### **8.4 SWIMMING POOLS**

Swimming pools and associated decks and other appurtenances are permitted as Accessory Uses on residential Lots provided they are not closer than fifteen (15) feet from any property line.

#### **8.5 HOME BUSINESS USE**

- 1. The use of a residence for personal business purposes is permitted as-of-right provided that:
  - A. No business is conducted on Premises except by mail, telephone or computer;
  - B. No people other than residents of the Dwelling Unit are employed on the Premises;
  - C. No external evidence of the business is visible;
  - D. No business or directional signs are erected;
  - E. No pedestrian or vehicular traffic other than that normally generated by a residence is generated; and
  - F. The business is registered with Town Clerk.

#### **8.6 HOME OCCUPATION**

- 1. A Home Occupation requires a permit from the Zoning Enforcement Officer and must meet the following criteria:
  - A. It is clearly secondary to the use of the Dwelling Unit for residential purposes, is conducted entirely within an enclosed structure, and does not change the residential character of the Dwelling or neighborhood in any visible manner.
  - B. There shall be no external evidence of the Home Occupation other than permitted Signs. It shall not create objectionable noise, dust, odors, vibrations, illumination, pollution,

interference with communication reception or transmissions in the vicinity, change the traffic or drainage characteristics of the property, or create any conditions that are perceptibly different at the property line from those that may reasonably be expected from the residential use.

- C. Not more than one (1) person not residing on the Premises shall be employed on the Premises.
  - D. The Home Occupation is to be conducted within a Single-Family Dwelling or accessory structure and shall occupy no more than twenty-five percent (25%) of the Floor Area of the Dwelling (exclusive of garage, attic and the basement). All materials and/or equipment associated with the Home Occupation shall be contained or otherwise stored within the total Floor Area designated for the Home Occupation. No additional accessory structures shall be permitted for any use, including storage, that is associated with the Home Occupation.
  - E. There is to be no outside storage or display of supplies, materials, equipment or machinery related to the Home Occupation use. No hazardous or toxic materials are to be stored on the site and there is to be no bulk storage of fuel or materials.
  - F. All client, patron and employee vehicle parking shall be accommodated off-street, and be suitably screened from the Street and adjoining properties.
  - G. Only one (1) commercial vehicle, not to exceed 10,000 pounds gross vehicle weight, may be used in connection with the Home Occupation. Such commercial vehicle shall be garaged or otherwise screened and hidden from view from the Street and adjacent properties.
  - H. There shall be no Retail Sales on the Premises.
  - I. The hours of operation of any Home Occupation use may be limited by the Zoning Enforcement Officer during the approval process to minimize adverse impacts on the neighborhood or as modified after Zoning Permit issuance if it is determined that there are impacts to the neighborhood that were not anticipated at the time of initial application.
2. Home Occupation Permit Submission Requirements
- A. Any application for Home Occupation shall be submitted to the Zoning Enforcement Officer for review. If approved by the Zoning Enforcement Officer, a Home Occupation is granted to the applicant specifically and not the property. In the event that a Home Occupation permit holder moves, a new Zoning Permit must be secured prior to the Parcel being used for Home Occupation.

B. An application for Home Occupation shall include:

1. A Class 1 Site Plan that includes:

a. Property boundaries and topography;

- b. Location of all existing and proposed structures;
  - c. Location of well and septic system;
  - d. Existing and proposed Driveway/parking areas;
  - e. Existing and proposed on-site buffering/screening;
  - f. The location and size of any proposed signage per Section 11 of these Regulations;
  - g. Any other information required by the Zoning Enforcement Officer as it relates to the proposed permit application.
- 2. A detailed statement of use addressing the criteria listed in Section 8.6.1 and fully describing the proposed Home Occupation use, number of employees, hours of operation, estimated number of patrons (daily, weekly) and mitigation measures to be employed in minimize potential neighborhood impacts.
  - 3. Floor Plans (with dimensions) of the Dwelling Unit and any accessory structure to be used for the Home Occupation, with the area of the Home Occupation indicated.
  - 4. If the applicant is not the owner of the property, the submission of a letter from the property owner is required giving permission for the applicant to apply for the proposed Home Occupation use.
- C. The Home Occupation permit is valid only to and for the person and property issued and is void upon discontinuance of the Home Occupation use or upon sale of the property.
  - D. A Home Occupation certificate of zoning compliance shall be filed on the land records by the applicant.
  - E. The Zoning Enforcement Officer shall report all decisions relating to Home Occupation to the Commission within thirty (30) days of the decision.

**8.7 USE OF MOBILE HOME OR RECREATIONAL VEHICLE DURING CONSTRUCTION OF A SINGLE-FAMILY DWELLING**

- 1. The use of a Mobile Home (MH)/Recreational Vehicle (RV) as a temporary residence during the construction of a permanent Single-Family Dwelling may be permitted by Zoning Permit issued by the Zoning Enforcement Officer in any district provided the conditions of this Section 8.7 of these Regulations are complied with.
- 2. Use of a Mobile home/Recreation Vehicle during construction of a Single-Family Dwelling Unit: A permit issued by the Zoning Enforcement Officer to occupy a MH/RV may be issued for one (1) year under the following conditions:
  - A. Such Zoning Permit is issued to the owner of a Parcel on which the Single-Family

Dwelling is to be constructed, altered, or reconstructed.

- B. A Building Permit has been issued for such Building construction.
- C. The MH/RV before occupancy is connected to the permanent water supply and sewerage disposal system that will service the completed Single-Family Dwelling.
- D. The Zoning Enforcement Officer may issue an emergency permit for use of a MH/RV during re-construction of a damaged Single-Family Dwelling under the following conditions:
  - 1. A copy of the report from the Fire Marshal and/or Building Official is provided to the Zoning Enforcement Officer; and
  - 2. The Chatham Health District has inspected and approved the sewerage disposal system and water connection.
- E. The Site Plan filed with the application for the Single-Family Dwelling Building Permit shall show, in addition to information required for Building construction, the proposed location of the MH/RV, water supply and sewerage disposal system and such Site Plan shall become a part of the application for a Zoning Permit.
- F. The MH/RV shall not be occupied after the Single-Family Dwelling is occupied, and failure to remove the MH/RV from the Premises or discontinue the dwelling use of the MH/RV within sixty (60) days after occupancy of the Single-Family Dwelling shall be considered a violation of these Regulations.
- G. Cash or bond in the amount of \$2,000 shall be posted prior to placement of a MH or RV. Said bond shall be released upon removal of the MH or RV from the site.

## **8.8 NON-RESIDENTIAL DEVELOPMENT**

- 1. Religious or Entertainment Gatherings – Zoning Permits for short term events of less than ten (10) days, may be granted by the Commission in any district provided the event will be conducted in accordance with the provision of the permit during the permit period. Adequate provision shall be made for safe access and traffic control, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.
- 2. Adult Oriented Business – In the development and execution of these Regulations, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special Permit regulation of Adult Oriented Businesses is necessary to ensure that the purposes of the Town, as specified in Section 4-1 of Town Ordinance Chapter 4 are satisfied. All Adult Oriented Business shall meet the following requirements:

- A. The property containing an Adult Oriented Business shall be no closer than 500 feet from any property in the Suburban Use District; no closer than 1,000 feet from property containing a school, nursery school, day care center, day care home, or other educational facility, church or recognized place of worship, public library, museum, public park or playground, or another Adult Oriented Business. Measurement of the distance shall be from the property boundary containing the Adult Oriented Business in a direct line to the property boundary of uses noted in this subsection or the boundary of any RU or SU District.
  - B. A Sign, two feet by two feet (2' x 2'), clearly stating "Adult Oriented Business – Persons under 18 Not Admitted" – shall be displayed outside of, and adjacent to, each entrance to the Adult Oriented Business.
  - C. The area of the Premises outside of each entrance, the parking area, and the area between the parking and any entrance shall be illuminated throughout the hours of operation.
  - D. No Adult Oriented Business shall be operated in any manner that permits the observation of any material depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any public way or any adjacent property. This provision shall apply to any display, decoration, Sign, show window or other opening.
  - E. No residential use shall be allowed on any property or in any Building containing an Adult Oriented Business. Any approval of a Special Permit by the Commission for an Adult Oriented Business shall be conditioned upon the presentation of a valid license issued by the Town of Colchester for the operation of such business.
3. Private Kennels and Commercial Kennels – Private Kennels and Commercial Kennels shall meet the following standards:
- A. The minimum Lot size for a Private Kennel shall be 120,000 square feet, and for Commercial Kennels shall be 200,000 square feet.
  - B. No Private Kennel or Commercial Kennel or associated structure shall be located within one hundred (100) feet of any property line.
  - C. All Buildings in which animals are housed shall have adequate noise insulation or buffering so as to avoid impacting adjacent properties due to noise.
  - D. Private Kennels shall be maintained as an Accessory Use to a Single-Family Dwelling. No more than five (5) dogs may be kept in a Private Kennel.
  - E. No animals shall be maintained exclusively in outdoor pens or runs.
  - F. Runs for Commercial Kennels shall be paved with six (6) inches of concrete and shall be equipped with wash-down facilities connected to an approved sewage disposal system

and with gutter guards to avoid overflow.

G. Applicable requirements of the State Health Code shall be met.

4. Proposed increase in Impervious Coverage – A Special Permit may be granted by the Commission to permit an increase of no more than twenty percent (20%) in permitted Impervious Coverage. The Commission cannot approve an increase that would permit Impervious Coverage exceeding seventy-five percent (75%) of the Buildable Area of the site. The Commission shall base its decision on the General Evaluation Criteria for Special Permits and on the character of the area, the provision or availability of Shared Parking and/or access, the impact on the streetscape, and provisions made for stormwater recharge.
5. Excavations – Excavation activities may be permitted by the Commission by Special Permit only in the Rural Use District and provided that the detrimental effects of the activity are minimal and provided the future usefulness of these Premises is assured when the activities are completed. Special Permits for Excavations shall not be issued for periods exceeding two (2) years and may be renewed in an administrative manner by the Zoning Enforcement Officer if it can be shown that the operation has been conducted in compliance with the provisions of these Regulations and all conditions of the Special Permit. The following additional conditions shall be met by all Excavation activity:
  - A. Such operations and associated activities shall be conducted Monday through Saturday between the hours of 7 A.M. and 5 P.M. excluding the celebrated day of the following holidays: January 1<sup>st</sup>, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day.
  - B. The Site Plan accompanying the Special Permit application shall demonstrate that adequate measures are to be taken to guard against Erosion and Sedimentation both during and after Excavation activity.
  - C. No bank may exceed a Slope of one (1) foot vertical rise in two (2) feet of horizontal distance (1:2) unless in ledge when the finished Slope may be one and one-half (1½) feet vertical rise in one (1) foot horizontal distance (1½ :1).
  - D. No removal shall take place within twenty (20) feet of a property line.
  - E. At the conclusion of the operation or of any substantial portion thereof, the whole area where Excavation has taken place shall be reclaimed by Grading, covering with at least four (4) inches of top Soil and stabilizing with vegetation to prevent Erosion and to restore or improve the appearance of the area.
  - F. Before a Special Permit for Excavation is issued, the applicant shall post a bond in a form and an amount approved by the Commission as sufficient to guarantee conformity with the provisions of these Regulations and of any Special Permit issued in connection with the Excavation operations. Additionally, the owner(s) shall grant written easement to the Town of Colchester to allow reclamation work in the case of forfeiture. This bond must be sufficient to re-grade a partially excavated site, to purchase and spread topsoil for at least a four (4) inch cover over the Excavation site

and purchase a plant stabilizing vegetation over the Excavation site. If the reclamation work has not been completed within one (1) year of the expiration of a non-renewed Excavation Special Permit, the bond shall be called and reclamation completed by the Town of Colchester or its designated contractor(s). When reclamation work has been completed, ten percent (10%) of the bond shall be held for an additional year to ensure full reclamation worked has been completed.

- G. Where any Excavation shall have a depth of fifteen (15) feet or more and creates a Slope of more than one in two (1:2), there shall be a substantial fence at least six (6) feet in height with suitable gates and such fence shall be located fifteen (15) feet or more from the edge of the Excavation.
- H. A written plan with sufficient detail shall be submitted to the Commission showing dust control measures to be instituted.
- I. Locations for access Roads, stockpiling and equipment storage shall be selected so as to minimize adverse effects on surrounding properties. Such locations shall be shown on the Site Plan accompanying the Special Permit application.
- J. Equipment used for processing of excavated material under an Excavation Special Permit, such as a crusher or screener, shall be no closer than 1,000 feet to any Building used for residential purposes on a neighboring property (See Section 8.11.12 for further conditions). Such equipment may not be operated in any district except as an adjunct to an authorized Excavation operation or an approved Site Plan and must be physically located on the approved site. Such equipment shall be operated only during the hours between 8 A.M. and 5 P.M. on weekdays, excluding the celebrated day of the holidays listed in Section 8.8.5.A of these Regulations.

6. Earth Materials Processing and Recycling ("EMPAR")

- A. Purpose – To allow limited materials processing and aggregate recycling as a use associated with an approved Earth Materials Excavation operation, and only in locations that will not have a negative impact on natural resources, are in reasonable proximity to regional highways, and that will promote the orderly development of the Town by protecting existing residential neighborhoods and uses.
- B. General Requirements – No processing or recycling of Earth Materials shall occur without a valid Special Permit. Special Permits for Earth Material Processing and Recycling may be issued for periods not exceeding two (2) years and may be renewed for periods not exceeding two (2) years. All Earth Materials Processing And Recycling operations shall require a public hearing on the initial application. Renewals of Special Permits for Earth Materials Processing And Recycling may be issued by the Zoning Enforcement Officer after staff review only if the applicant can demonstrate that the operation has been conducted in compliance with the provisions of these Regulations and all conditions of the Special Permit. The Zoning Enforcement Officer may refer a renewal request to the Commission for review and a determination of whether a public hearing is required. Renewal applications shall be accompanied by proof of notice to abutters as prescribed by Section 14.8. of these Regulations. In order to be

eligible for a Special Permit for Earth Materials Processing And Recycling the site and operation shall meet all of the following criteria:

1. Such Earth Materials Processing And Recycling operations, and associated activities, may only be conducted Monday through Friday between the hours of 7:00 A.M. and 5:00 P.M., excluding the celebrated day of the following holidays: January 1<sup>st</sup>, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and Christmas Day.
2. Crushing and grinding operations in connection with an EMPAR operation may only be performed for ten (10) days per calendar month. Rock Crushing Equipment used for EMPAR operations must meet all requirements of Sections 8.8.5.J and 8.11.12 regarding location and use.
3. No Special Permit for an Earth Materials Processing And Recycling operation shall be issued unless the EMPAR operation also has a valid Special Permit for earth Excavation pursuant to Section 8.8.5 of these Regulations, as evidenced by a valid and current Special Permit, Zoning Permit and any other required Town of Colchester approvals. Upon the conclusion or termination of the lawfully permitted active earth Excavation activity, the associated Earth Materials Processing And Recycling operation shall be concluded within one (1) year from the date of conclusion and the site fully reclaimed pursuant to Section 8.8.6.D.16 of these Regulations.
4. The site shall not be subject to any current or outstanding enforcement action, including any notice of violation, administrative order, consent order or stipulated judgment, from any governmental or administrative agency, including without limitation, the United States Environmental Protection Agency (E.P.A.), State of Connecticut Department of Energy and Environmental Protection (DEEP), Department of Transportation (D.O.T.), Department of Public Health (DPH) or the Town of Colchester, as of the date of application for the Special Permit or renewal.
5. The EMPAR operation must be conducted on a site containing a minimum of one hundred (100) contiguous acres of land, as evidenced by a deed recorded in the office of the Town Clerk.
6. No Earth Materials Processing And Recycling operation shall be located or conducted within the Aquifer Protection Overlay zone unless such Earth Materials Processing And Recycling operation is designed to control stockpile runoff and infiltration into the Ground Water in a means acceptable to the Commission and Town Engineer. Such design shall be submitted on the Class 2 Site Plan required in Section 15.4 of these Regulations. The installation, operation, and maintenance of the design details shall be addressed in written form as well as meeting all Site Plan requirements.
7. The site shall have direct frontage on and obtain all vehicular access/egress to a Collector or Arterial Street as defined by the Town of Colchester.

8. No activity permitted under this Section shall be permitted within one thousand (1,000) feet of the border of any neighboring town. Further, any activity permitted within twelve hundred (1,200) feet of any neighboring town border shall comply with any and all buffering requirements of such neighboring town.
9. The production of composting material is not deemed to be EMPAR provided that at least thirty percent (30%) of the material used in the compost is obtained on-site and that the composting operation is accessory to an established farm or other agricultural enterprise rather than an excavation/EMPAR activity. An entity desiring to produce and distribute compost may be required to formally verify that the operation is an accessory part of a farm or agriculture operation and how the 30% of the material is generated on-site.

C. EMPAR Performance Standards – Consistent with the purpose of these provisions, and in order to protect the health, safety and welfare of the Town’s citizens, the extent of a EMPAR operation shall be expressly limited as follows:

1. The total amount of Earth Material processed shall not exceed more than eighty (80) cubic yards per hour of Earth Material.
2. The types of material processed shall be limited to Earth Material as defined in Section 20.4 of these Regulations. The storage, burial, processing or recycling of any type of Hazardous Waste, Bulky Waste, Municipal Solid Waste, or scrap tires is expressly prohibited.
3. The Commission may attach conditions that limit the area or method of operation, including but not limited to parking, access, stockpiles; type, capacity, and number of equipment proposed on the site.
4. The Commission may attach conditions that require buffering, including but not limited to additional landscaping, vegetation, and fencing, to adjacent uses and Streets.
5. In order to establish compliance with any or all requirements, the Commission and/or its agent(s) may at any time require written documentation to demonstrate compliance, including but not limited to daily logs, invoices or other financial documentation, tax records, and/or notarized statements.

D. EMPAR Statement of Use – In addition to any other application requirements of these Regulations, an application for Special Permit to conduct an Earth Materials Processing And Recycling operation shall contain a detailed Statement of Use, which shall include the following information:

1. The type of Earth Material(s) to be processed and recycled.
2. The volumes of Earth Material(s), by type, to be processed on a daily, weekly and annual basis and the total volume of all Earth Materials to be processed on such bases.

3. The volumes of Earth Material(s), by type, to be stockpiled on-site, specifically the maximum, both by type and by total combined volume, at one time.
4. The number of employees.
5. The number of anticipated truck trips to and from the site on a daily, weekly, and annual basis and the anticipated distribution of truck traffic.
6. The hours and days of processing activity.
7. The type, number, make, model, and maximum operational capacity of equipment proposed to be used.
8. Any other uses, existing or proposed, on-site.
9. Information demonstrating compliance with the General Evaluation Criteria for Special Permits, set forth in Section 14.9 of these Regulations.
10. A detailed Class 2 Site Plan in accordance with Section 15.4 of these Regulations and modified as necessary.
11. The Site Plan shall show that adequate measures are to be taken to guard against Erosion and Sedimentation from the stockpiling of materials both before and after processing.
12. A written plan with sufficient detail shall be submitted to the Commission showing dust control measures to be instituted and the best management practices to be followed.
13. Location for access Roads, stockpiling, and equipment storage shall be selected to minimize adverse effects to surrounding properties. Such locations shall be shown on the Site Plan accompanying the Special Permit application.
14. Where other permits may be necessary from the E.P.A., DEEP, D.O.T. or any other governmental agency, evidence that application has been made, permit obtained or not required from the applicable agency shall be submitted to the Commission.
15. The Commission may, as a condition of Special Permit approval, require the installation and implementation of Ground Water quality monitoring wells and a Ground Water quality monitoring program, including but not limited, to annual or semi-annual sampling and reporting.
16. Upon expiration of a Special Permit issued pursuant to this Section, any area where the EMPAR operation has been permitted and has taken place shall be reclaimed by Grading and covering with at least four (4) inches of topsoil and stabilized with vegetation to prevent Erosion. The Special Permit holder shall restore or improve the appearance of the area. If restoration in connection with an EMPAR Special Permit has been completed (either by the Town, its contractor(s), or the applicant), ten percent (10%) of the bond shall be held for an

additional two (2) full growing seasons to ensure full reclamation. Such bond shall be released provided an eighty percent (80%) survival rate of the vegetation is achieved.

17. Prior to the issuance of a Special Permit for the permitted EMPAR operation, the applicant shall post a bond, in an amount approved by the Commission and acceptable to the Town and in consultation with the Town Engineer, as sufficient to guarantee conformity with the provisions of these Regulations and of any Special Permit issued in connection with the EMPAR operation. The bond must be sufficient to re-grade the site, to purchase and apply top Soil for at least four (4) inch cover over the site and purchase and apply a plant stabilizing vegetation over the site.

7. Heliport or Airstrip

Such facility may be permitted in any district by Special Permit for private use by the occupants of the Premises provided there is no Commercial Use of the facility and provided further that the use shall be licensed by the Connecticut Department of Transportation, Bureau of Aeronautics.

8. Temporary Saw Mill – Such uses may be permitted by Special Permit only in the RU District subject to the following conditions:

- A. Such operations shall be conducted between the hours of 7 A.M. to 6 P.M.
- B. No operation, except the felling of trees, shall occur within 300 feet of a residence or any adjacent property.

9. Day Care/Nursery School – Day care/nursery schools, other than family day care homes, are permitted by Special Permit, subject to the following:

- A. This use requires the minimum Lot area for the district where the use is permitted.
- B. A Single-Family Dwelling may coexist on the same Lot in the same Building as the day care/nursery school.
- C. In the Suburban Use District, a Single-Family Dwelling may occupy a second Building on the same Lot provided the Lot has twice the area requirement and it can be demonstrated that the Lot can be divided such that each use can stand alone on its own Lot and the Lots meet all the district requirements. This requirement shall be demonstrated on the Site Plan submitted for the Special Permit.
- D. Parking areas and Driveways must have capacity to accommodate all vehicles dropping off or picking up children at any one time. There shall be no in-street drop-off or waiting except for school buses.
- E. A minimum twenty-five (25) foot Buffer Area shall be established around the perimeter of the Lot. No Building, parking lot, Driveway (except for the entrance of the Driveway onto the Street), play area or any other use is permitted in this Buffer Area.

F. In the Suburban Use District, a sound-absorption plan that meets the approval of the Commission must be submitted.

G. In the Suburban Use District, the use and any structure related to the day care/nursery school, shall be designed so as to blend into the neighborhood. Parking and playground areas shall be fully screened from adjacent properties and the Street with year-round Evergreen plantings.

10. Public Utility Buildings

Public utility Buildings and uses, when permitted by Special Permit, may be located on Lots that do not meet the area and width requirements of these Regulations, provided the Yard requirements are met and there is no visible storage of supplies and equipment, including vehicle parking other than parking of vehicles owned by employees, as viewed from any adjacent RU or SU District.

11. Automotive Service Stations – Such uses shall meet the following requirements and be approved by Special Permit :

A. Except in Arterial Commercial Overlay Zones, no Lot or Building shall be approved for automobile service/repair that is within 1,500 feet of another Lot used for the same purpose.

B. Only such repairs and mechanical work may be performed at an automobile/repair service station as is permitted by a Limited Repairer’s License issued by the State of Connecticut pursuant to CGS Chapter 246, and all such work shall be performed within the Building.

12. Junk Vehicles

No Junk Vehicles as defined in Section 20.4 are permitted in any district except no more than one (1) unregistered vehicle may be stored or parked on any Lot except where automotive repairs are permitted, or at an authorized and licensed salvage or recycling operation. This paragraph shall not apply to vehicles used for agricultural purposes.

13. Alcoholic Beverage

A. Buildings used for the sale or dispensing of alcoholic beverages shall be located no closer than 500 feet to the boundary line of a property used as an Education Institution; except that the sale of beer/wine in a grocery store is exempt from these provisions.

B. In the Town Center District, Buildings used for the sale or dispensing of alcoholic beverages shall be located no closer than 500 feet to the boundary line of the Colchester Intermediate, Jackter or Johnston school properties. The limitation in 8.8.13.A shall not otherwise apply in the Town Center District.

14. Refuse Disposal

Except as permitted by Special Permit in an authorized refuse disposal, salvage or recycling operation, no property shall be used for the outside storage, keeping or abandonment of worked out, cast off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some other use.

15. Camper units/Recreational Vehicles

No more than one (1) camper unit or Recreational Vehicle (RV) shall be parked or stored on a Lot, except in an authorized recreation campground. Recreational Vehicles shall be located behind the front building line in side or rear Yards. Recreational Vehicles cannot be used as permanent Dwelling Unit or for office use. See Exhibit 11.

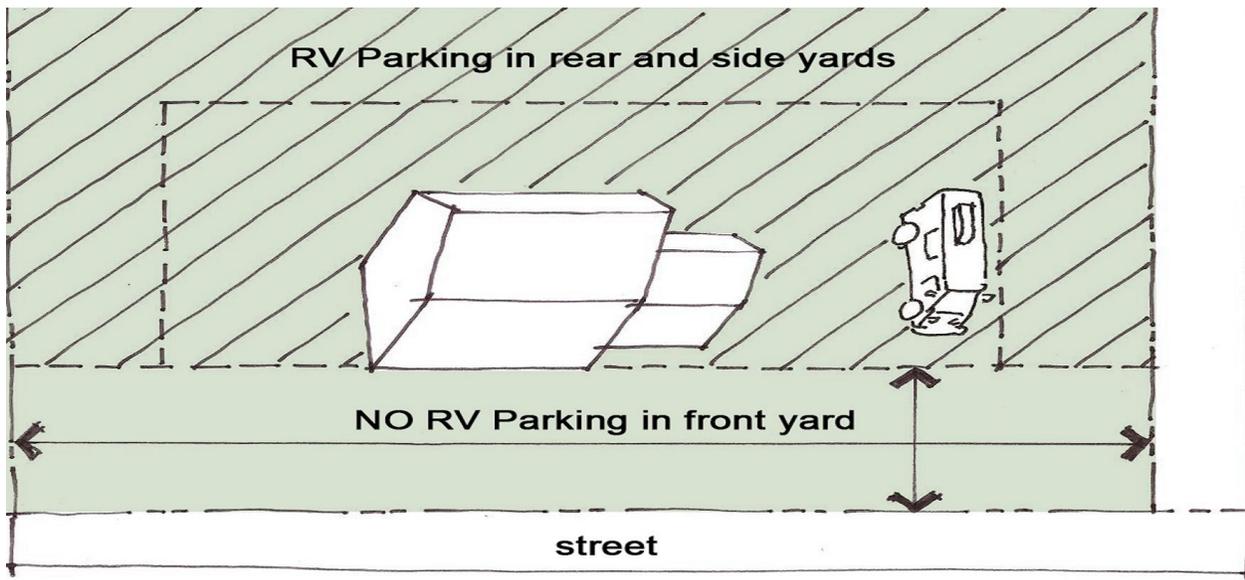


Exhibit 11 – RV Parking Requirement

16. Yard Sales

Yard sales, garage sales, tag sales and the like are permitted in any district and on any property where residential use is the primary use of the property. There shall be no more than three (3) events in any calendar year on a Lot and each sale shall not be longer than three (3) consecutive days.

17. Hours of Operation

The hours of operation of any non-residential use may be limited by the Commission or Zoning Enforcement Officer during the approval process to minimize noise, traffic, light, or other impacts on residential properties within one hundred (100) feet of any property used for non-residential uses.

18. Bed and Breakfast/Inn – Bed and Breakfasts and Inns are permitted by Special Permit and must meet the following requirements in addition to all other Special Permit requirements:

A. The use of a Building for a Bed and Breakfast or an Inn shall not change the residential

character of the Building or neighborhood. Parking shall be provided at the rate of one (1) space per guest room plus one (1) space for each employee.

- B. A Bed and Breakfast shall have two (2) additional parking spaces for the owner Dwelling Unit. An Inn, which has an associated Restaurant, shall have one (1) space per fifty (50) square feet of patron floor space in addition to the guest room/employee requirement.
- C. All parking shall be off-street and to the side or rear of the Building.
- D. The Regional Health District shall be satisfied that the existing or proposed sanitation facilities are adequate to the proposed use, and shall report its findings to the Commission in writing. The Sanitarian's disapproval shall constitute sufficient reason for denial of a Special Permit application by the Commission.

## 8.9 AGRICULTURAL USES

### 1. Purpose and Authority

The purpose of this Section is to promote the preservation of agricultural land and support Agriculture as an important and viable business and lifestyle within the Town of Colchester, while preserving the public health, safety and welfare. This rural character has its roots in the tradition of the Town's Agriculture: the small farm, the chicken farmers, the dairy farms. Agriculture is not just important from a character stand-point. Farms are a business and the Regulations seek to promote sustainability.

### 2. Agriculture is defined as that included in CGS Section 1-1 (q), as follows:

*Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of*

*protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.*

3. The Right to Farm is guaranteed in accordance with Colchester Ordinance Chapter 55.
4. Generally Accepted Agricultural Practices (GAAP) are actions that ensure that lands, waters, and animals are protected and respected and any impacts to surrounding properties are mitigated to the greatest extent possible as defined by the State of Connecticut Department of Energy and Environmental Protection (DEEP), the State of Connecticut Department of Agriculture (DOA), or other accepted source. GAAPs are designed to protect or improve water, land and air quality while maintaining agricultural production.
5. Farm Buildings and Structures
  - A. The raising of livestock is permitted on properties in the Rural Use District provided that all appropriate GAAPs are observed and that the Parcel exceeds 100,000 square feet in area.
  - B. Agricultural Buildings and structures on Parcels that are used for Agriculture are permitted by right, subject to the limitations below and all applicable building codes and other applicable regulations.
  - C. All agricultural Buildings and structures, except commercial Buildings that are open to the general public, shall be set back at least one hundred (100) feet from any property line except in cases where a property line abuts publicly owned Open Space. In cases where agricultural Buildings abut publicly owned Open Space, the Commission can reduce the Setback distances.
  - D. Agricultural Buildings and structures with footprints totaling greater than 6,000 square feet on a farm Parcel less than 120,000 square feet require Special Permit approval unless adjacent to another Parcel in common ownership where both Lots in total size are greater than 120,000 square feet.
  - E. Agricultural Buildings and structures shall have a one hundred (100) foot height limit except for commercial agriculture buildings regulated under sections 8.9.6 and 8.9.7 and all non-agriculture Buildings as identified in section 8.9.8 and 8.9.9 and farm labor housing as identified in section 8.9.5.H which shall have a thirty five foot (35') height limitation.
  - F. Any food services shall comply with the state and municipal health codes.
  - G. Structures, such as hoop houses, run-in sheds, birthing sheds and similar structures easily moved and not permanently mounted to the ground are allowed by right and no Zoning Permits are required, provided such structures are never placed within 100 feet of any property line.
  - H. Farm labor housing is permitted by Special Permit provided the workers are providing

service on-site to a farm and the housing meets health requirements and does not exceed five (5) units. If the farm operation ceases, the farm housing must be removed and is no longer permitted.

6. Farm Stores – One (1) farm store per active farming Parcel may be permitted by Special Permit provided the farm store meets all standards of this Section and has access from an Arterial or Collector Road and is sited more than fifty (50) feet from any property boundary. A pre-existing non-conforming structure may be converted to farm store use, with the Commission's approval, provided all public parking is located to the side or rear of the Building.

A. Every application for a farm store use Special Permit shall include a Statement of Use. The Statement of Use shall describe the following as they apply to the proposed farm store use:

1. Hours of operation, number of employees, types of items sold, and size of the retail area.
2. The Statement of Use shall become a part of any Special Permit approval for a farm store use, and the farm store use shall be operated in accordance with the provisions of the Statement of Use. The Statement of Use may be amended by the Commission, at the request of the applicant, without a new public hearing if, in the Commission's opinion, the requested amendments are minor in nature. If the requested amendments are not minor in nature, the Commission shall require a modification to the Special Permit and hold a new public hearing.

B. At least fifty percent (50%) of gross sales of the farm store shall be from agricultural goods produced on the owner's farm or processed products made from raw materials that were produced on the owner's farm.

C. To ensure public safety, farm stores are required to have off-street parking that is code compliant as it relates to grade and drainage. A parking area of three (3) square feet for every one (1) square foot of Building footprint and/or outdoor display area shall be provided. Paved parking areas are not required and permeable parking surfaces are encouraged.

D. Greenhouses used to sell nursery stock are not counted in this maximum size requirement.

7. Seasonal Farm Stand

A. Temporary farm stands are permitted by right on all farms provided they meet the following conditions:

1. The seasonal farm stand and sales area shall not exceed 750 square feet in size. Greenhouses used to sell nursery stock are not counted in this maximum size requirement. A seasonal farm stand must cease operations at least six (6) weeks in one (1) year, unless primary product(s) are produced year round, such as dairy products.

2. At least fifty percent (50%) of the gross value of the products available on-site for sale shall be from agricultural goods produced on the owner's farm, for at least three (3) of the immediately preceding five (5) years. All products sold must be from the Town of Colchester. For new farm stands, the stand must meet this requirement moving forward until an adequate history is present to revert to the rear-looking requirement.
  3. To ensure public safety, seasonal farm stands are required to provide parking for five (5) cars (not in a public right-of-way) with adequate ingress and egress. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles (a section of a field works, provided it is passable). The seasonal farm stand must be placed at least ten (10) feet from the front Lot line, at least fifty (50) feet from any Road intersection and at least twenty-five (25) feet from any side or rear Lot line.
8. Permitting for All Agricultural and Section 8.9.9 Non-agricultural Land Uses
- A. All proposed non-agricultural related land uses must submit a Site Plan to the Commission. The Site Plan must show in detail planned use areas, parking and traffic movements. If lighting and signage are proposed, they must be included on the Site Plan.
  - B. Once the Site Plan is approved and all conditions, if any, satisfied, the applicant must annually submit a list of scheduled events noting the date, number of persons expected and the nature of the event. The applicant will not have to receive Site Plan approval on an annual basis so long as the approved activities do not significantly change.
9. Agricultural and Related Non-agricultural Uses of Agricultural Land
- A. Agricultural-related uses of agricultural land include events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hay rides, petting zoos, or other accessory agricultural uses.
  - B. Agricultural-related uses are allowed on farms provided adequate off-street parking is provided for guests/customers. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles (a section of a field works, provided it is passable).
  - C. Permanent agricultural-related uses include events on a farm, which are accessory to agricultural uses and which occur regularly:
    1. These include uses such as horseback riding and/or lessons for pay, processing of farm products, farm Restaurants serving products produced on the farm or similar activities.
    2. Permanent agricultural-related uses are permitted on farms provided a Zoning Permit is issued by the Zoning Enforcement Officer and adequate off-street parking is provided for the anticipated number of guests/customers. Limits on the

use may be established by the Zoning Enforcement Officer, depending on the available parking.

3. Off-street parking shall be improved, using a gravel or other stable base or pavement, and have safe access, including sight lines, as specified in the Public Improvement Specifications of the Town of Colchester and determined by the Zoning Enforcement Officer.

D. Non-agricultural related uses on agricultural land: Fee-based activities that are part of a farm operation's total offerings, but are not accessory to agricultural, or tied to agricultural Buildings, structures, equipment and fields, are permitted subject to the following requirements:

1. Such uses include, but are not limited to, fee-based outdoor recreation, such as cross country skiing and mountain biking and event hosting, such as banquets, weddings, horse shows, etc.
2. Non-agricultural related uses are allowed on farms only by Special Permit and shall meet Special Permit requirements for special events as identified below:

E. Special event standards for agricultural-related and non-agricultural related events conducted on agricultural land:

1. Outdoor Events: Outdoor events and activities shall be a minimum of two hundred (200) feet from any residence and one hundred (100) feet from any property boundary. There shall be an appropriate Buffer Area that screens any such activity from the adjacent property(ies)
2. Attendees: The Commission may specify a maximum number of attendees permitted for any event, based upon site conditions, parking availability impacts on Town infrastructure and neighboring properties, and public health and safety considerations.
3. Sound: Sound systems used at outdoor or indoor events shall comply with the State of Connecticut DEEP noise standards with regard to maximum decibel output (55 db daytime/45db night time at least one (1) foot beyond the property line of the property on which the emitter is located). No outdoor music shall be played before 10:00 A.M. or after 10 P.M. Monday through Saturday or before 11:00 A.M. and after 9:30 P.M. on Sunday.

F. Open Public Events: These are events open to the general public and subject to the following provisions:

1. Six (6) such events are permitted throughout the calendar year.
2. At least two (2) weeks prior to any such event, a Zoning Permit application shall be submitted to the Zoning Enforcement Officer. The applicant shall provide the date of the event(s) and the number of estimated guests. A Zoning Permit shall ordinarily be issued unless the application is not timely filed or lacks sufficient

information.

G. Private Events: These are events not open to the general public. These include weddings, private parties, charitable and similar events. The following requirements apply:

1. Full meals and/or serving hors d'oeuvres and/or pastries are permitted for these events; however, only those alcoholic beverages produced on Premises shall be served, unless the event is catered and the caterer has a valid liquor license in accordance with the Connecticut General Statutes.
2. Music/entertainment is permitted per State sound regulations.
3. There shall be no more than three (3) such events per week. The Commission may reduce the number of events to address potential impacts on the neighborhood.

## **8.10 DESIGN AND SITE DEVELOPMENT STANDARDS**

### **1. Access and Circulation**

#### **A. Lot Access – General provisions for all Lots:**

1. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential traffic congestion and for hazards to traffic and pedestrians are minimized.
2. Access Driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any Street.
3. There shall be no more than one (1) Driveway connection from any Lot to any Street except that:
  - a. Separate entrance and exit Driveways may be provided where necessary to safeguard against hazards and to avoid congestion.
  - b. Additional Driveway connections may be provided, particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the Street will be facilitated by the additional connection.
4. Common Driveway aprons should be used wherever feasible.
5. To promote public safety and efficient land use, common Driveways may be permitted under the following conditions:
  - a. All plans for subdivision and re-subdivision which show common Driveways shall clearly state which Lots are sharing the Driveways. The Commission shall require a note to be placed on the Site Plan stating that the deed(s) are to include all information regarding easements, rights and responsibilities regarding the common Driveway including snow removal and maintenance. All

proposed easements shall be shown on the Site Plan with metes and bounds descriptions.

b. Common Driveways may be used in conjunction with a Flag Lot; however, this shall not change the required acreage, frontage, or access requirement for a Flag lot. (See Section 8.11.7 - Flag Lots)

**B. Residential Lot Access**

1. The Street(s) 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.
2. Driveways into a Lot shall have proper alignment and grade, not exceeding one percent (1%) in thirty (30) feet extending in from Town Roads. No Driveway shall be greater than fifteen percent (15%) Slope at any point. Any Driveway, at any point, having a grade of ten percent (10%) or more, but not exceeding fifteen percent (15%), shall be paved for the entire length of the Driveway.
3. All residential Driveway aprons shall be in conformance with Section 7.1a, Standard Construction Details, of the Subdivision Regulations of the Town of Colchester or ConnDOT Form 814, as appropriate.
4. All residential Driveways shall be a minimum of twelve (12) feet in width, and shall not exceed thirty (30) feet in width at the Street line. Any turn or curve in a Driveway shall have a minimum turning radius of thirty-five (35) feet.
5. All Driveways shall be constructed to the following minimum standards: Driveway cross section shall consist of a compacted eight (8) inch base of bank run gravel (five (5) inch minus); a four (4) inch Grading layer of compacted processed gravel; and a finish course of two (2) inches of 3/4" stone or compacted bituminous concrete.
6. For the health, safety and welfare of the public, Driveways shall be accessible to emergency vehicles, cleared of all obstructions to a minimum width of twenty-two (22) feet and a minimum height of fourteen (14) feet.
7. No more than two (2) Single-Family Dwellings or two (2) Duplexes shall share a common Driveway.
8. The common Driveway for residential use shall be at least fifteen (15) feet wide in its entirety; the entrance shall be a minimum of twenty (20) feet wide. The Commission may determine that a minimum of one (1) turn-around, twenty (20) feet by twenty (20) feet, will be required if the length of the Driveway exceeds three hundred (300) feet, or if the surrounding terrain will pose a safety problem. The Commission may also, if it chooses, direct that the Zoning Enforcement Officer make such a determination as to the need for, and location of, any additional turn around.

9. Clear sight distance shall be provided at the intersection of the Driveway and the Street as follows:

On Local Streets, two hundred (200) feet, on Collector Streets three hundred (300) feet, on Arterial Streets as required by the Connecticut Department of Transportation (DOT); unless a lesser distance for a specific Lot has been approved by the Town Engineer. Sight distance shall be measured from a point of ten (10) feet from the paved edge of a Road at a height of three and one half (3.5) feet to the center of the oncoming traffic lane.

C. Non-residential, Mixed Use and Multi-family Lot Access

1. Provision shall be made for both pedestrian and vehicular access to the Lot and circulation upon the Lot in such a manner as to safeguard against hazards to traffic and pedestrians, to avoid traffic congestion on any Street and to provide safe and convenient circulation. The Road condition and its measurements, traffic flow, volume, and congestion, and the effect of the traffic on the surrounding area shall be taken into consideration on all applications. Applicants should provide a traffic study/analysis to assist the Commission in evaluating the application when requested by the Commission and/or the Town Engineer and circulation shall also conform to the following:
  - a. Where reasonable alternate access is available, the vehicular access to the Lot shall be arranged to minimize traffic use of local residential Streets situated in or bordered by the RU or SU Districts.
  - b. The Street(s) 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.
  - c. 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 Road Driveways, inter-lot access and traffic controls within the Street.
  - d. Where topographic and other conditions permit, provisions shall be made for circulation and/or Driveway connections to adjoining Lots of similar existing or potential use when such Driveway connection will facilitate fire protection services, as approved by the Town Fire Marshal and/or when such Driveway will enable the public to travel between two (2) existing or potential sites, open to the public generally, without need to travel upon a Street.
  - e. All parking areas and Driveways shall be paved with a two (2) inch layer of bituminous concrete over a suitable gravel base, and provided with adequate storm drainage to ensure protection from surface runoff over adjacent properties and Roads. Driveways shall conform to Town of Colchester Standard Construction Details in Section 7.1a of the Subdivision Regulations. Each parking space shall be shown. Two-way traffic Driveways shall be at least twenty-four (24 ) feet in width from the face of the curb while one-way traffic

Driveways shall be at least fifteen (15) feet in width. Maximum grade for a parking area is five percent (5%). Cross pitch on any Driveway shall not exceed three-eighths inch ( $\frac{3}{8}$ " ) per foot. No parking will be permitted within a Street right-of-way. Horizontal and vertical control for Driveways shall conform to Residential Street Requirements of the Subdivision Regulations. Where Driveways intersect with Street or other Driveways, the radius of the gutter shall be a minimum of twenty-five (25) feet. With the intent of promoting on-site Ground Water recharge where applicable, alternative surface treatments for Driveways and parking areas may be approved by the Commission if it is documented that such alternative treatment is technically adequate, represents sound engineering principles, and is satisfactory to the Commission and the Town Engineer.

2. Existing Streets

Where a 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 or 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.

3. Visibility at Intersections

On a Corner Lot in any district, no fence, wall, hedge or other visual obstruction more than three (3) feet high shall be erected, placed or maintained within the triangular area formed by the intersecting Street lines and a straight line adjoining said Street lines at the point fifty (50) feet distant from the point of intersection measured along said Street line.

4. Residential Unit Standards

A. Minimum Floor Area. The following minimum Floor Areas are required for residential Dwellings.

1. Single-Family Dwelling

- a. One (1) story, including raised ranch – 1,000 square feet.
- b. One and one-half ( $1\frac{1}{2}$ ) story – 1,200 square feet (900 on ground floor and 300 on second floor).
- c. Two (2) story – 1,400 square feet (800 on first floor and 600 on second floor).
- d. Multi-Family Dwellings and Two-Family Dwellings shall contain a minimum of 500 square feet plus 150 square feet for each bedroom.

## 8.11 OTHER SITE DEVELOPMENT STANDARDS

### 1. Drainage

All drainage structures shall be in conformance with Appendix 1 of these Regulations.

### 2. Erosion

Provision shall be made for control of Erosion and sedimentation both during and upon completion of development in accordance with the applicable criteria of the Erosion and Sediment Control Handbook of the U.S.D.A. Soil Conservation Service and the State of Connecticut DEEP 2002 Guidelines for Soil Erosion and Sediment Control, as revised.

### 3. Wetlands, Watercourses and Aquifer Protection Zones

Where Wetlands, Watercourses and Aquifer Protection Zones are located on or adjacent to the Lot, provision shall be made for their protection unless modification is approved by the Commission and authorized by the Colchester Conservation Commission, Sewer and Water Commission and/or the State agency having jurisdiction, prior to approval of the Site Plan.

### 4. Flood Hazard Areas

When any part of the Lot is located within a FEMA Flood Plain District, the requirements of Section 9.3 Flood Hazard Overlay District shall be met.

### 5. Emergency Services

Suitable provision shall be made on the Lot for access to Buildings and other structures by fire, police and other emergency services, and for fire hydrants where appropriate and where public water supply is available, in accordance with good fire protection practices.

### 6. Water and Wastewater

Provision shall be made for water supply, sewage disposal, control of wastes and protection of water quality in accordance with the following criteria:

A. Proper provision shall be made for the water supply and sewage disposal requirements of the proposed use. When on-site systems are to be used:

1. Such systems shall be designed and constructed in accordance with applicable State and Town laws.
2. The design concept and layout shall be approved by the Chatham Health District and/or Town Engineer prior to approval of the Site Plan, and
3. Any Lot, prior to approval for development for any use, shall require a certification by the Chatham Health District that a functioning septic system and adequate reserve area can be provided in accordance with the requirements of the State Health Code, as amended.

- B. Proper provision shall be made for the collection, storage and disposal of all solid and liquid wastes accumulated in connection with the proposed use and for control of litter by means of receptacles, fences, a program for site maintenance and cleaning and other means approved by the Commission.
- C. The Site Plan shall demonstrate how any exotic or hazardous substances are to be managed in accordance with applicable law and so as to avoid danger to the public health and degradation of surface and Ground Waters and tidal and inland Wetlands.
- D. Proper provision shall be made for any above ground or in-ground storage of fuels, de-icing salts and chemicals in a manner that protects Stratified Drift Ground Water having potential for significant water supply.
- E. No Building or subsurface water disposal system shall be located within one hundred (100) feet of the mean water level of any Watercourse or within seventy-five (75) feet of any Wetland as defined by the Inland Wetland Regulations for the Town of Colchester, unless approved by the Conservation Commission. Under no conditions shall a subsurface waste disposal system be located closer than fifty (50) feet to a Wetland or Watercourse.
- F. All permitted uses requiring sanitary sewerage disposal facilities, whether public or private, shall comply with the following procedure: All applications for Building Permits, subdivision approval, Zoning Permits, or Special Permits shall be accompanied by a written statement signed by the Chatham Heath District, the Building Inspector or a Sanitarian from the State of Connecticut Department of Health that all required sanitary regulations have been complied with and that all percolation test requirements have been conducted in the presence of one of the above three officials or their designated delegates.

7. Flag Lots

A Flag Lot is permitted in any district provided:

- A. The Flag Lot was recorded on the land records or was approved by the Commission prior to December 12, 2003, or
- B. The Flag Lot was approved by the Commission as part of a residential subdivision after December 12, 2003, in accordance with the Town of Colchester Subdivision Regulations.
- C. The Flag Lot is approved by the Commission as part of a non-residential subdivision in accordance with the Town of Colchester Subdivision Regulations, or the Flag Lot is approved the Zoning Enforcement Officer as part of a "first cut/split" of a Lot of record.
- D. The separating distance between the frontages of Flag Lots on the same side of the Street shall be a minimum of three hundred (300) feet. This distance shall be measured along the Road frontage between the closest Lot lines of each Flag Lot. See Exhibit 13.

- E. The Flag Lot shall be accessible from an approved Street over a private Driveway which shall be located on the Flag Lot and not require an easement across other property.

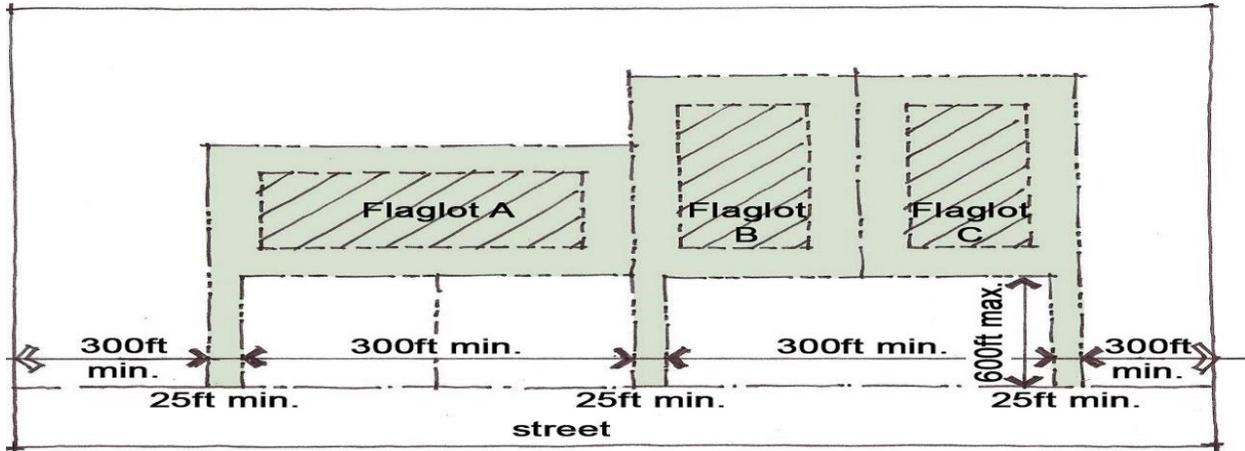


Exhibit 13 – Flag Lot Design

- F. Residential Flag Lot – A residential Flag Lot shall comply with the following requirements:

1. Dimensional requirements within the district shall be complied with except that:
  - a. The minimum frontage on a Street shall be twenty-five (25) feet;
  - b. Setbacks for all Yards shall be a minimum of fifty (50) feet. The front Setback line shall be established at fifty (50) feet from the “flag” corridor entry to the Lot.
  - c. The corridor entrance to the Flag Lot (flag pole) (Exhibit 13) shall not exceed six hundred (600) feet in length as measured within the flag portion from the Street line to the point where the Flag Lot achieves a minimum one hundred (100) feet width between the side property lines and at no point shall be less than twenty-five (25) feet in width.
  - d. The Flag Lot shall be at least twice the minimum Lot size required for the district in which it is located. The area contained in the “flag” corridor shall not be considered in the minimum Lot area requirement. See Exhibit 14.

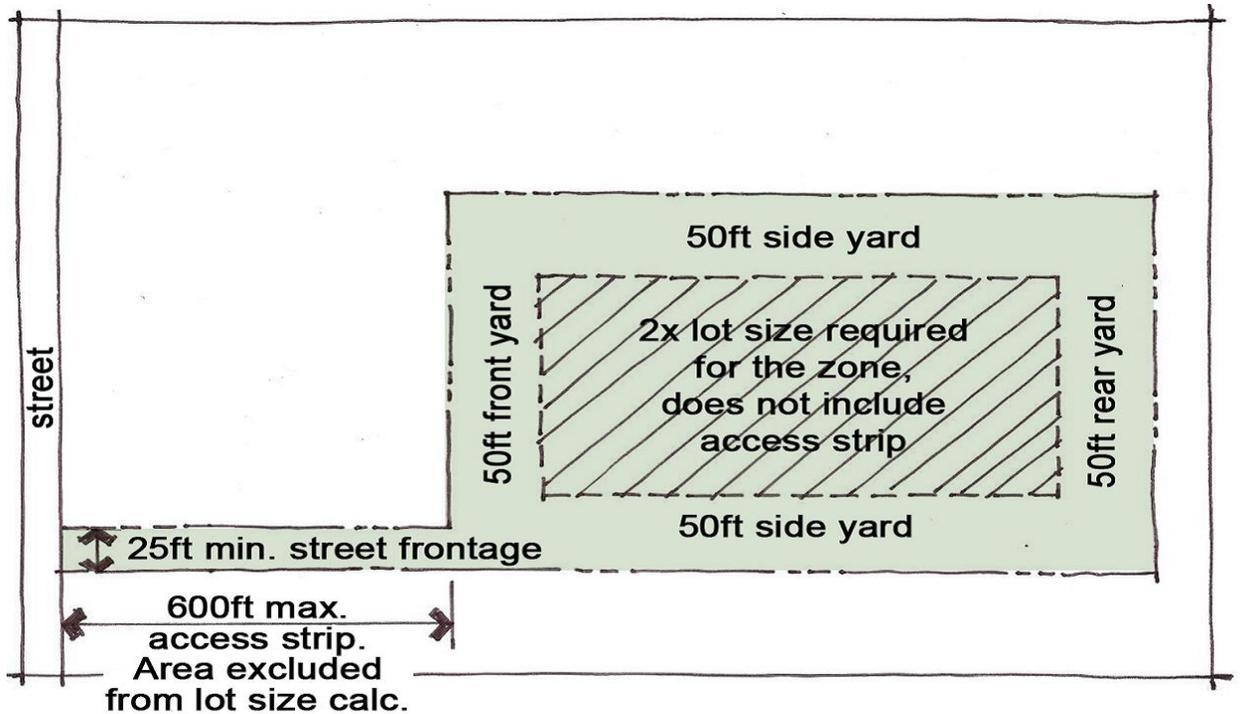


Exhibit 14 – Flag Lot – Lot size

2. The Flag Lot shall be accessible from an approved Street over a private Driveway which shall be located on the Flag Lot and not require an easement across other property.

G. Non-Residential Flag Lot – A non-residential Flag Lot shall comply with the following requirements:

1. Dimensional requirements within the district shall be complied with except that:
  - a. The minimum access-way width and frontage on a Street shall be fifty (50) feet.
  - b. The Flag Lot shall be at least twice the minimum Lot size required for the zone in which it is located. The area contained in the “flag” corridor shall not be considered in the minimum Lot area requirement. See Exhibit 14.
  - c. The Flag Lot shall be accessible from an approved Street over a private Driveway which shall be located on the Flag Lot and not require an easement across other property. The Commission may, by Special Permit, approve access to the Flag Lot not over the “flag” portion of the Flag Lot if it is demonstrated that:
    1. The access-way is adequate for the potential use, meets the Special Permit criteria, and promotes public safety and efficient land use, and
    2. Access over the frontage corridor is not feasible due to:

- A. The length of the access corridor;
- B. Topographic conditions that would require engineering methods that are not feasible and prudent to provide access or where required sight lines cannot be established;
- C. Significant impacts to environmental resources, i.e., Wetlands, streetscapes, large trees, etc.;

3. A permanent access easement shall be established.

8. Fencing

Substantial fencing (chain link not less than four (4) feet high) shall be required in all areas close to pedestrian or vehicular traffic or where hazardous conditions exist. This includes the top of high retaining walls, headwalls, top of steep embankments, or near vertical embankments into Watercourses. Fencing for non-residential uses shall not exceed four (4) feet in height in the Front Yard, or eight (8) feet in height in the side and rear Yards. Fencing for residential uses shall not exceed four (4) feet in height in the Front Yard nor six (6) feet in height in the side and rear Yards or elsewhere on the site. All fencing as described above shall be constructed with the finished side facing the exterior of the Lot on all sides. No fencing shall be placed as to hamper line-of-sight for vehicular flow on public or private Roads and Driveways.

9. Outside Storage and Display of Merchandise or Equipment

A. Outside storage (including any sales or display of merchandise, any storage of supplies, wastes, machinery, equipment and other materials and any manufacture, processing or assembling of goods, not in an enclosed Building, but excluding the parking of registered motor vehicles in daily use) shall conform to these requirements and otherwise shall be located in areas of the Lot as shown on the Site Plan and shall be limited and screened in non-residential uses as follows:

- 1. All non-residential outside storage areas shall be screened on all sides by a Building, fence, wall, embankment or other suitable device not less than six (6) feet in height. This provision, however, does not apply to areas designated on the Site Plan and approved for outside sale or display of merchandise or equipment on the site and approved for outside sale or display of merchandise or for storage in connection with marine facilities and services.
- 2. No outside storage shall be located in the area required for Setback from a Street line or from any boundary line of an RU or SU District, or in the area required for Setback on a Parcel used for residential purposes.

B. Outside display of merchandise for sale or equipment, including trash dumpsters.

1. No merchandise or equipment, including trash dumpsters or containers, shall be displayed outside of commercial Buildings except as follows:
  - a. Outside display of merchandise or equipment shall not be located in the required Setbacks or required Yard buffers.
  - b. Outside display areas shall be shown on the Site Plan and shall be in areas specifically designated for display or may be displayed directly against a Building provided there is no impact upon pedestrian access-ways and the display does not interfere with parking or fire lanes.
  - c. Display areas for merchandise or equipment may not be used for other uses.
  - d. Areas designated for outside display of merchandise or equipment must be suitably surfaced, landscaped and separated from parking or loading areas.
  - e. Trash dumpsters are to be completely enclosed by solid fencing and landscaping.
  - f. Areas designated for outside display of merchandise or equipment shall be maintained with safety factors in mind and merchandise or equipment shall not be stacked or displayed higher than ten (10) feet or two (2) units, whichever is greater.

10. Exceptions to Height Limits

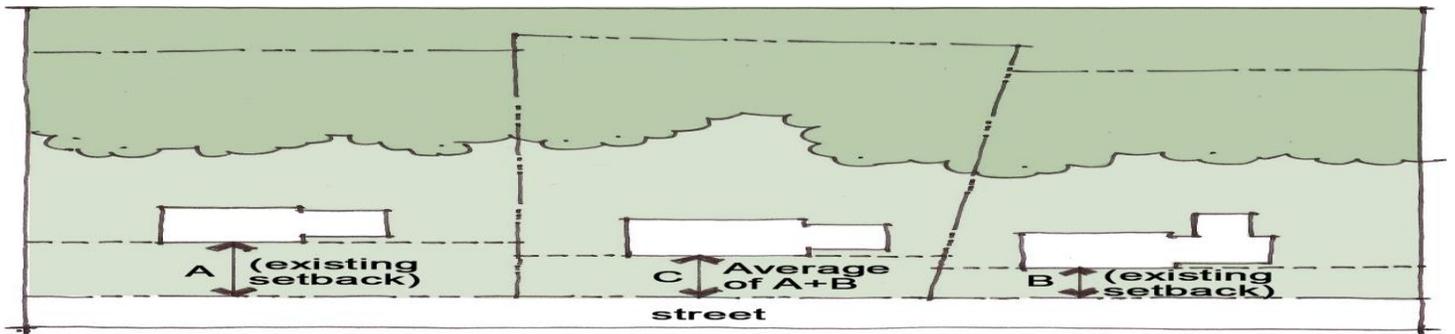
Except where otherwise specifically provided by these Regulations, the maximum height for accessory architectural features, including, without limitation, steeples and chimneys, shall be twenty (20) feet above the height limit otherwise established for the Building.

11. Setback Line in Infill/Developed Areas

In a SU District where the average Setback of at least two (2) developed Lots within 150 feet of the Lot in question and within the same block is less than the minimum Setback prescribed elsewhere in these Regulations, the required Setback on such Lots shall be modified so that the Setback shall not be less than the average Setback of the two (2) Lots immediately adjacent, or in the case of a Corner Lot, the Setback on the Lot immediately adjacent; provided, however, that the Setback on any Lot shall be at least fifteen (15) feet. See Exhibit 15.



Exhibit 15 – Setback/Infill in developed areas



12. Rock Crushing Equipment

- A. The Zoning Enforcement Officer may authorize, as part of an authorized construction project, the use of Rock Crushing Equipment, including, without limitation, rock crushers and screeners, for a period not to exceed ninety (90) days when the following conditions are met:
1. The Rock Crushing Equipment is located on-site such that it allows compliance with these Regulations.
  2. The Rock Crushing Equipment will be located no closer than five hundred (500) feet from any residential Dwelling.
  3. The Rock Crushing Equipment is operated only during the hours from 8:00 A.M. until 4:30 P.M. on weekdays and excluding holidays identified in Section 8.8.6.B.1 of these Regulations.
  4. The Rock Crushing Equipment meets all state or federal permit requirements.
  5. The purpose of the Rock Crushing Equipment is to accomplish the authorized Grading or construction of an approved Site Plan and to process materials from that authorized construction site for use on that authorized construction site. Off-site materials are not to be processed on-site. Excess processed materials may be sold from the site.

6. All necessary permits for an approved Site Plan have been issued.
- B. The Zoning Enforcement Officer may renew any permit granted under this provision for an additional thirty (30) days as long as the above requirements are met and not to exceed three (3) renewals in a calendar year.
- C. The applicant shall submit an application, either as part of the Site Plan submission or as a separate application, showing the location and type of the proposed Rock Crushing Equipment. It is the responsibility of the applicant to report the starting date of the rock crushing/screening operation to the Zoning Enforcement Officer at least seven (7) days prior to the desired starting date. The applicant will report to the Zoning Enforcement Officer the commencement of the operation and when such operation has been completed.
- D. Any change of location of the authorized Rock Crushing Equipment will require a new permit. A minimum distance of 500 feet is required for any relocation of Rock Crushing Equipment to qualify for a new permit.

13. Wind Powered Devices

A. Findings

1. The Commission finds that alternative energy sources are important.
2. Wind technology is building better and more efficient wind gathering infrastructure.
3. It is in the Town's interest to permit such facilities provided they are placed in locations that are safe to other structures and properties and the sound and view impacts are mitigated to the greatest extent possible. For these reasons, wind powered devices, including, without limitation, wind turbines, shall be by Special Permit.
4. Applicants proposing a wind powered device for home use shall only be permitted to erect a wind powered device that services their residence. Larger regional devices will not be permitted.

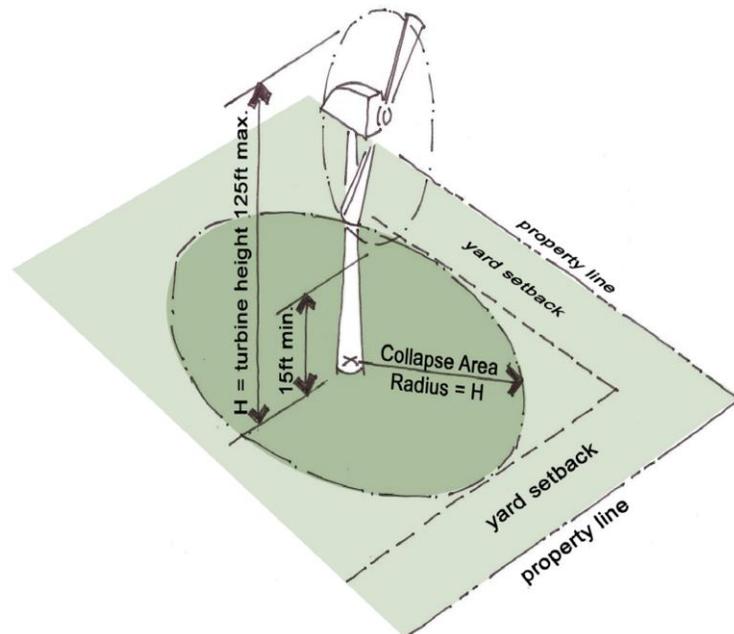
B. Submittals

An applicant wishing to construct a wind turbine structure or other wind powered device in excess of thirty-five (35) feet in height must submit a Class 1 survey showing the location of the wind turbine or device, noting the distances from the turbine or device base to each property boundary and distances between the base of the wind turbine structure or device and all other structures on applicant's property. Applicant must also submit photos that illustrate the viewpoint from each direction in relation to the proposed wind turbine or device.

Performance Standards

1. Height – towers of turbines or other wind-powered devices can be no higher than one hundred twenty-five (125) feet in height in residential areas as measured from the base of the tower to the tip of the blade or other highest equipment component as shown in Exhibit 16.
2. Distance from property lines and other structures – The wind turbine or other wind powered device must be located in a position farther from the property line than its height, meaning that if the structure should fall it would wholly fall on the applicant’s property.
3. Sound – Applicant must present detailed verifiable information on the noise associated with the proposed wind turbine or other wind powered device and must quantify its impacts on neighboring properties.
4. View – Applicant must conduct a balloon demonstration to illustrate the visibility of the wind turbine or other wind powered device from surrounding properties.
5. Length of blade – The length of the blade can be no more than fifteen (15) feet.

**Exhibit 16 – Wind-power Setback/Collapse Standards**



## 9.0 RESOURCE PROTECTION

### 9.1 HISTORIC PRESERVATION

1. Purpose – A Historic Preservation Overlay Zone (HPOZ) is hereby established for the purpose of encouraging the protection, enhancement, and use of Buildings and structures and appurtenant vistas having historic and/or aesthetic value which represent or reflect elements of the Town’s cultural, social, economic and architectural history. Areas or properties are eligible for designation as Historic Preservation Overlay Zone if any portions of such properties are listed on the National Register of Historic Places, either individually or as part of a National Register District, or a property is designated as historically significant by the Connecticut Historical Commission (Lusignan Historical and Architectural Survey, 1991). Properties may also be considered for inclusion in the Historic Preservation Overlay Zone if: (1) an historic association to a listed property can be documented (i.e., mill housing to a mill), or (2) a portion of the property is located within 500 feet of the Colchester Village National Register Historic District and the Commission determines that the Parcel has significant potential to negatively impact the protection and enhancement of the distinctive character, Landscape or historic values identified in the Colchester Plan of Conservation and Development and in this Section, including the protection, enhancement, and use of Buildings, structures and appurtenant vistas having historic or aesthetic value, which represent or reflect elements of Colchester’s cultural, social, economic and architectural history.
  
2. Uses Not Allowed in the Historic Preservation Overlay Zone – Uses shall be those permitted as-of-right or by Special Permit in the underlying zone; however, specifically excluding all of the following uses as being inconsistent with the purpose of the Historic Preservation Overlay Zone:
  - A. Excavations or EMPAR
  - B. Heliport or airstrip
  - C. Kennels
  - D. Town garage/municipal storage facility
  - E. Automobile and truck rental facilities or warehousing
  - F. Automobile livery services
  - G. Automotive service stations (gas stations)
  - H. Automotive sales, service, parts and repairs
  - I. Sales/storage of propane gas, or other fuels
  - J. Mini Storage Facilities

K. Wireless Telecommunication Sites

3. Zoning Designation of Properties – Properties included in the Historic Preservation Overlay Zone shall be designated by the appending of the initials “HPO” to the original and underlying zone designation.
4. Procedures for Designation of the Historic Preservation Overlay Zone – Application for inclusion of property in the Historic Preservation Overlay Zone may be made by the owner of the structure and/or property eligible under the purposes and criteria of Section 9.1., or by action of the Commission. Designation as Historic Preservation Overlay Zone shall follow the same procedures as a Change of Zone, as outlined in Section 18 of these Regulations.
5. Architectural Guidelines

A. For purposes of this HPOZ Regulation, the following definitions shall apply.

1. New construction is the erection of an entirely new structure, whether on a new or existing foundation system, including Additions to existing Buildings.
2. Substantial re-construction is when the cost of re-construction and/or restoration of the structure is in excess of fifty percent (50%) of its replacement value, exclusive of foundations.
3. Rehabilitation is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

B. New construction, substantial re-construction, and rehabilitation of properties within the Historic Preservation Overlay Zone shall comply with the secretary of the Interior’s “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” revised through 1990, as amended (referred to hereafter as “Standards and Guidelines”), as they apply to the exterior of structures and/or the site. These Standards and Guidelines are made part of these Regulations and are found in Appendix A. For information on the architectural fabric of the Town, applicants and developers are referred to the “Historical and Architectural Survey of Colchester, Connecticut” by Paul R. Lusignan (1991). This Survey is available in the Town Clerk’s Office and Code Administration Department, Municipal Office Complex, as well as Cragin Memorial Library, Colchester, CT.

C. Application for new construction, substantial re-construction and/or rehabilitation in the Historic Preservation Overlay Zone requiring a Class I Site Plan pursuant to Section 15.3 of these Regulations shall be submitted to the Zoning Enforcement Officer with sketches and other documentation adequate to review the proposal pursuant to the Standards and Guidelines and to other requirements set forth in Section 9. The Zoning Enforcement Officer will render a decision regarding compliance with the Standards and Guidelines and other requirements within fourteen (14) days, unless the application is referred to the Commission. Either the applicant or Zoning Enforcement Officer may refer an application to the Commission for review. In either case, a

determination regarding compliance with the Standards and Guidelines and other requirements will be rendered within thirty-five (35) days of application.

- D. An informal application for new construction, substantial re-construction and/or rehabilitation in the Historic Preservation Overlay Zone requiring a Class 2 Site Plan pursuant to Section 15.4 of these Regulations may be submitted to the Commission for preliminary review pursuant to Section 14.7.2 prior to submittal of a formal application for Site Plan approval.
- E. All new construction and substantial re-construction within an Historic Preservation Overlay Zone shall be by Special Permit only, and shall be subject to review and recommendation by an architect or architectural firm selected and contracted by the Commission and designated as "HPO Architectural Consultant", pursuant to the Standards and Guidelines.
- F. All new construction and substantial re-construction within the Historic Preservation Overlay Zone will, upon receipt, be submitted by the Zoning Enforcement Officer to the HPO Architectural Consultant for review. The HPO Architectural Consultant shall review and report to the Commission within thirty-five (35) days. The report and recommendation of the HPO Architectural Consultant shall be entered into the public hearing record and considered by the Commission in making its decision. Failure of HPO Architectural Consultant to report within the thirty-five (35) days will not alter or delay statutory application time lines.

6. Site Development Alternatives within the Historic Preservation Overlay Zone

- A. The Commission may allow for off-street parking in the Historic Preservation Overlay Zone to be provided at eighty percent (80%) of the requirements of Section 10 of these Regulations if it can be documented that:
  - 1. The proposed uses have significantly different peak usage periods,
  - 2. The proposed uses will share trips with adjacent uses sufficiently to reduce parking demand or
  - 3. Off-street public parking exists within five hundred (500) feet of the proposed site.
- B. Parking Layouts and Paving Materials: Large areas of pavement surrounding Buildings remove a structure from its historical context and detract from the visual integrity of the architecture. Parking areas should be located at the rear of the Building, if possible, with provisions made for handicapped or special needs as necessary. Avoid large unrelieved areas of asphalt paving through landscaping, screening and terracing. Though access from the rear of Buildings to parking lots may be required, main entrances in most cases should continue to be located in the front of Buildings. If rear parking is not possible, parking areas should be located on the sides of Buildings, with proper landscaping and screening. Alternatives to asphalt paving, such as stone pavers, can be used effectively in parking areas and on walks.
- C. Alternative surface treatments for Driveways and parking areas may be approved by the

Commission if the alternative treatment is documented to be technically adequate, represents sound engineering principles, and is satisfactory to the Town Engineer.

- D. Shared (common) Driveways may be utilized for access to the site where cross-easements have been recorded.
- E. Buffering and landscaping for sites in the Historic Preservation Overlay Zone must be demonstrated to be consistent with or an enhancement to existing landscaping and/or vistas. Stone walls are a feature of Colchester's Landscape and should be maintained and restored where possible. Fencing, when used, should respect the scale and proportions of surrounding materials and Landscape features. Trees form an important natural feature of the environment, and in many instances the older ones have historical significance in themselves, and should be preserved if possible, consistent with the health of the tree.

## 7. Signage

Signs play an important role in defining the character of architecture and are especially important in commercial Buildings which rely on their Signs as a means to locate and advertise business. Signs should relate to the pedestrian scale of their surroundings in Colchester. They should be compatible with the Building's style and materials; lettering and composition should relate to the architectural style. Signs should be scaled and located to complement the Building's composition and architectural detail and avoid covering or obscuring significant architectural detail or features. They should consist of materials and colors appropriate and compatible with the Facade design and materials. The removal of signs whose designs are inappropriate to the architecture can dramatically improve the appearance of a Building. Older signs of historic or artistic value shall be retained and restored. This can include a large range of styles and types, including Signs painted on Buildings, early advertisements and early 20th-century Neon Signs.

## 9.2 **AQUIFER PROTECTION**

### 9.2.1 **Aquifer Protection Zone (APZ)**

- A. Purpose, Statement of Intent – The purpose of this Regulation is to protect and preserve Ground Water quality within Stratified Drift Aquifers which are existing or are potential public drinking water supplies. These Ground Water resources have been shown to be easily contaminated by many land uses and activities and it is necessary that specific controls over land use be exercised within these areas to protect these resources.
- B. Authority – These Regulations are promulgated pursuant to CGS Sections 8-2 and 8-23.
- C. Applicability The provisions of these Regulations shall apply to all land within or partially within the area designated on the Zoning Map as the Aquifer Protection Zone (APZ). This zone is established as an overlay and these Regulations shall be in addition to the underlying zone or other underlying Regulations. In the case of conflict, the most restrictive Regulation shall apply.

- D. Designation of the Zone – The APZ consists of the Stratified Drift Aquifer and its Primary and Secondary Recharge Areas. Determination of all Aquifer Protection Zones shall be the responsibility of the Commission, who shall act upon the recommendation of the Colchester Sewer and Water Commission (CSWC). Maps demonstrating boundaries of all APZs will be on file in the office of the CSWC and shall be updated as necessary to reflect current water resources. Where the boundary of the zone is in doubt or dispute, the CSWC may amend the boundary. The burden of proof for amendment shall be on the applicant or petitioner questioning the boundary to demonstrate why and where the boundary should be amended. A petition for amendment shall be in the form of maps on a scale of one (1) inch equals forty (40) feet and shall include information sufficient to justify the change based on the zone boundary as defined and shall be in accordance with procedures to amend these Regulations. All applications for amendment shall be filed simultaneously with the Commission and the CSWC, and, within thirty (30) days following receipt of an application to amend the zone, the CSWC shall furnish the Commission with a written report detailing its recommendations concerning the proposed amendment.
- E. Use Regulations – All uses which are permitted in the existing underlying zones are permitted by Special Permit in the APZ except for Single-Family Dwellings for which no Special Permit is required and except those prohibited or restricted by the following standards:
1. Prohibited Uses:
- a. Any use in which the manufacture, use, handling, storage or disposal of hazardous materials is a principal activity.
  - b. Waste disposal facilities such as sanitary landfills, septage lagoons, Hazardous Waste, Bulky Waste, sludge disposal, water softener brines, and similar disposal facilities.
  - c. Any use involving septic system discharge of non-domestic waste.
  - d. Any use involving underground leaching systems for stormwater from paved highways, parking and developed areas.
  - e. Waste processing systems such as, but not limited to, resource recovery, facilities for municipal sanitary wastes, Solid Waste transfer station, recycling processing centers, sewage treatment plants, salvage or Junk Yards.
  - f. Any use involving storage or transmission of liquid fuels and hazardous chemicals such as, but not limited to, underground storage tanks, underground distribution systems, or liquid fuel pipelines.
  - g. Any use involving outdoor, unprotected storage of chemical products and wastes above ground.
- F. Special Permit Requirements – All uses in the APZ except Single-Family Dwellings shall be by Special Permit. An application shall be accompanied by the required information and plans, and be evaluated for potential impact to Ground Water quality, in accordance with

the following provisions. All such applications shall be submitted to the Commission and to the CSWC for determination of whether the use should be permitted in the APZ. The CSWC shall furnish the Commission with a written report containing its recommendations within thirty (30) days of receipt of each application.

1. Required Information – The following written and mapped information shall be submitted:

- a. Description of proposed use, type of use or activity, commercial (trades and services), industrial (Manufacturing and processing), product produced, Standard Industrial Code (S.I.C.) if applicable.
- b. A complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use.
- c. Description of types of wastes generated and method of disposal including: Solid Wastes, Hazardous Wastes, sewage and non-sewage wastewater discharges.
- d. Location of adjacent (within two hundred (200) feet of property line) private drinking water supply wells. Location of public water supply wells within 1,000 feet.
- e. Provisions for management of stormwater runoff.
- f. A Site Plan and Building plan showing: hazardous materials loading, storage, handling and process areas; floor drains; process vents; sewage disposal; and waste storage or disposal areas.
- g. Plans and documents containing information to show compliance with the Performance and Design Standards in Section 9.2.7 of these Regulations.

2. Other additional information may be required by reviewing agencies regarding the proposed use, its potential impact to water quality, hydrogeologic information, monitoring, and mitigation measures.

3. Evaluation Criteria and Considerations. In considering a Special Permit for any use in the APZ, the Commission shall consider the following:

1. The type of use and the area in which the use is proposed.
2. The degree of threat to Ground water quality caused by the proposed use.
3. Compliance with the Performance and Design Standards in Section 9.2.7.
4. The Commission may attach conditions to a permit to insure the protection of Ground Water quality.

- G. Performance and Design Standards – All uses in the APZ shall conform to the following standards. The objective of these standards is to prevent or minimize potential contamination of Ground Water supplies by: prohibiting or controlling waste disposal and other high risk activities; preventing direct and accidental releases of hazardous materials; and providing for inspection and emergency response. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent or better protection than that listed.

1. Stormwater Disposal and Management Facilities

- a. The use of drywells or leaching structures for disposal of stormwater runoff from developed areas is prohibited. All parking, storage, and loading areas shall be paved unless the applicant can demonstrate to the satisfaction of the Town Engineer and the CSWC that the proposed alternative will not affect Ground Water. (Certain clean discharge from rooftops and from Lawn or landscaped areas may be directed to dry wells or leaching structures where recharge is a concern).
- b. A maintenance plan shall be provided for any stormwater treatment structure (i.e., basins, separators).

2. Building Floor Drains – No floor drains shall be connected to drywells, subsurface leaching structures, or surface waters. Floor drains may be connected to public sanitary sewers with DEEP (or its authorized agent) approval and approved treatment where necessary. (Bathroom and kitchen facility drains connected to a septic system in accordance with the Public Health Code are exempt).

3. Non-Sewage Wastewater Discharges – No non-domestic wastewater discharge shall be directed to an on-site sewage disposal system (individual or community), dry well, or surface water, except for certain clean water discharges or for certain treated wastewater discharges which have been approved through state water discharge permit regulations.

4. Public Sewage Systems – Sewer system pipes and accessory structures may be required to be designed for low ex-filtration. Sewage pumping equipment is required to have emergency power and may be required to have emergency storage.

5. Bulk Material and Solid Waste Storage

- a. Bulk storage facilities of non-hazardous materials which may leach into the ground, such as de-icing salt, sludge, manure, or silage shall have an impervious floor and roof, and be raised or designed to prevent surface water runoff from entering.
- b. Solid Waste dumpsters shall be on a concrete pad, covered and be plugged so as to be watertight.

6. Security and Emergency Spill Contingency Plan for Hazardous Materials – A plan and procedure shall be submitted that identifies the following:

- a. Security and inspection measures to control vandalism or accident.
  - b. Procedures to contain and clean-up spills or leaks of hazardous materials.
  - c. Procedures for notification of local and state officials.
  - d. Schedule of update when any changes in materials or procedure occur.
  - e. Procedure to control hazardous materials release in case of total structure loss because of fire.
7. Pesticide, Herbicide and Fertilizer Use – Any use which includes more than three (3) acres of land used for crop, Lawn, garden or landscaping requiring regular applications of chemical pesticides, herbicides or fertilizers or any use requiring regular application of pesticide or herbicide shall be accompanied by a management plan. The management plan shall indicate types of materials, application schedule, and conformance with applicable best management practices.
8. Monitoring – If it is determined that additional safety measures and monitoring are needed because of hydrogeologic conditions or potential contamination, then a monitoring program may be required, which may consist of:
- a. Installation of monitoring wells.
  - b. Periodic sampling.
  - c. Reporting of analysis.
  - d. The costs of any required additional safety measures and monitoring requirements shall be borne by the developer.

#### **9.2.2 Aquifer Protection Area (APA) Regulations**

All development is subject to the Town of Colchester Aquifer Protection Area (APA) Regulations, which are found in the Town Code of Ordinances and are attached as Appendix to these Regulations.

### 9.3 FLOOD HAZARD OVERLAY DISTRICTS

1. Purpose – The purpose of this Section is to protect the public health, safety, and welfare by encouraging non-hazardous placement of structures and uses in relation to areas prone to periodic flooding as determined by a report by the Federal Emergency Management Agency (FEMA ) entitled “Flood Insurance Study, New London County, Connecticut” revised July 11, 2011, on file with the Town Clerk.

The degree of flood protection required by this Regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural uses permitted in such areas that will be free from flooding and flood damages. This Regulation shall not create liability on the part of the Town of Colchester or by an officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder. The Town of Colchester, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Colchester.

2. Flood Hazard Overlay Districts Established – In order to carry out the purposes of this Section 9.3, the following Flood Hazard Overlay Districts are hereby established, and shall be considered as superimposed over any other zoning district established by these Regulations:

Zone X Flood Hazard Overlay District (includes Zones X shaded and Zone X un-shaded)

Zone A Flood Hazard Overlay District

Zone AE Flood Hazard Overlay District

3. Flood Hazard Overlay Districts Map – The Flood Hazard Overlay Districts established by this Section 9.3 are the areas of special flood hazard identified by 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 Colchester, and any subsequent revisions thereto, which are adopted by reference and declared to be part of these Regulations. 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 and AE, including areas designated as a Floodway on a FIRM. Areas of special flood hazard are determined utilizing the Base Flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM is on file in the Office of the Town Clerk, and shall constitute the Flood Hazard Overlay District Map.

4. Flood Hazard Overlay District Boundaries – Where the Flood Hazard Overlay District boundaries divide a Lot, each portion of that Lot shall be subject to all the Regulations applicable to the district in which it is located, except that where published, elevations shown on the FIRM shall determine boundary locations represented on said map.
5. Zone X Flood Hazard Overlay District (including Zone X shaded and Zone Z un-shaded) Regulations – The Zone X Flood Hazard Overlay District consists of all areas of the Town lying outside the 500-year Floodplain, areas within the 500-year Floodplain, areas of 100-year flooding where average depths are less than one (1) foot, areas of 100-year flooding where the contributing drainage area is less than one (1) square mile, and areas protected from the 100-year flood by levees as shown in the FIS and on the FIRM. No Base Flood elevations or depths are shown in this zone in the FIS and on the FIRM. The Zone X Flood Hazard Overlay District does not include those areas within the Zone A Flood Hazard Overlay District and Zone AE Flood Hazard Overlay Districts.
6. Permitted Uses – The following uses are permitted and prohibited in the Zone X Flood Hazard Overlay District:
  - A. Any use permitted in the underlying zoning districts is permitted in the Zone X Flood Hazard Overlay District.
  - B. Any use prohibited in the underlying zoning districts is prohibited in the Zone X Flood Hazard Overlay District.
7. Zone A Flood Hazard Overlay District and Zone AE Flood Hazard Overlay District – The Zone A Flood Hazard Overlay District consists of those areas of the Town in the 100-year Floodplains as determined in the FIS by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no Base Flood elevations or depths are shown within Zone A in the Flood Insurance Study and on the FIRM. The Zone AE Flood Hazard Overlay District consists of those areas of the Town in the 100-year Floodplains that are determined in the FIS by detailed methods. In most instances, whole-foot flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within Zone AE in the FIS and on the FIRM. The Commission shall obtain, review and reasonably utilize any Base Flood elevation and Floodway data available from a federal, state or other source, as criteria for requiring that new construction, Substantial Improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 9.
  - A. Any use permitted in the Zone A Flood Hazard Overlay District and Zone AE Flood Hazard Overlay District underlying zoning districts is permitted, except for those uses specifically prohibited by Section 9.3.7.B.
  - B. Prohibited Uses – The following uses are prohibited in the Zone A Flood Hazard Overlay District and Zone AE Flood Hazard Overlay District:
    1. Any use prohibited in the underlying zoning districts.
    2. Any new construction, enlargement of existing structures, Substantial Improvement to the same footprint, Substantial Improvement that enlarges the

footprint, placement of any Manufactured Home or Recreational Vehicle (including a Manufactured Home located outside a Manufactured Home park or subdivision, in a new Manufactured Home park or subdivision, in an existing Manufactured Home park or subdivision, in an expansion to an existing Manufactured Home park or subdivision, or on a site in an existing Manufactured Home park in which a Manufactured Home has incurred substantial damage as a result of a flood) or any other development; except that existing structures destroyed or made uninhabitable by flood, fire or other natural disaster, or which have experienced substantial damage, may be reconstructed to their size and shape immediately prior to their destruction, provided those structures meet the requirements of this Section. This Section shall not apply to functionally dependent uses or facilities (including docks, piers, etc.) if not otherwise prohibited in these Regulations.

3. Mining, dredging, Filling, Grading, paving operations, Excavation operations/EMPAR and/or drilling operations.
4. The storage of any equipment or any materials.
5. Any development activity within the “regulatory Floodway” as such regulatory Floodway is shown on the FIRM.

C. Maintenance Provisions – Nothing in Section 9.3 shall be construed so as to prohibit ordinary and routine maintenance to structures existing in accordance with these Regulations as in effect at the time of the adoption of Section 9.3. Maintenance projects that constitute a Substantial Improvement to an existing structure will subject the structure to meeting the requirements of Section 9.

D. Reconstruction Provisions – Within the Zone A Flood Hazard Overlay District and the Zone AE Flood Hazard Overlay District, reconstruction of existing structures destroyed or made uninhabitable by flood, fire or other natural disaster shall only be allowed subject to the following:

1. After reconstruction, the Lowest Floor (including a basement level) shall be elevated to, at minimum, one (1) foot above the BFE as shown in the FIS and on the FIRM.
2. A licensed engineer or registered architect shall certify that the requirements of Section 9.3.7.D.1 herein are met.
3. In addition to these Regulations, any such improvement to be undertaken within the Zone A Flood Hazard Overlay District or the Zone AE Flood Hazard Overlay District shall also be in accordance with any applicable requirements of the Connecticut State Building Code and/or the FEMA minimum standards contained in the Code of Federal Regulations 44 C.F.R. 60.3, whichever is more restrictive. Reconstruction of functionally dependent uses or facilities (including docks, piers, etc.) shall not be subject to the requirements of Section 9.3.7 herein.
4. New construction, Substantial Improvements, and structures that have sustained

substantial damage shall be constructed using methods and practices that minimize flood damage. Building sites must be reasonably safe from flooding. New construction, Substantial Improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

5. New construction, Substantial Improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  6. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the BFE to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.
  7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
  9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  10. The flood carrying capacity within any altered or relocated Watercourse must be maintained. Adjacent communities, the DEEP and FEMA must be notified prior to any alteration or relocation of a Watercourse.
8. All necessary federal or state permits must have been received. Copies of such permits be shall be provided to the Town and maintained on file with the permit application.
  9. Manufactured Homes shall be elevated so that the Lowest Floor is elevated to, at a minimum, one (1) foot above the BFE as shown in the FIS and on the FIRM. Manufactured Homes shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Manufactured Homes shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement for piers more than six (6) feet above ground level.
  10. Recreational Vehicles placed on-sites shall be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A Recreational Vehicle is ready for

highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and is not permanently attached.

11. Located within Special Flood Hazard Areas are areas designated as Floodways on the community's FIRM. Since the Floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has Erosion potential, no encroachments, including fill, new construction, Substantial Improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a licensed professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the Base Flood discharge. Fences in the Floodway must be aligned with the flow and be of an open design.

When BFE have been determined within Zone AE on the community's FIRM but a regulatory Floodway has not been designated, the Commission must require that no new construction, Substantial Improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the Water Surface Elevation of the Base Flood more than one (1.0) foot at any point within the Town when all existing and anticipated development is considered cumulatively with the proposed development.

The Commission 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 Town.

12. Equal Conveyance – Within the Floodplain, except those areas which are tidally influenced, as designated on the FIRM for the Town, 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 licensed 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 (BFE). 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.
13. Compensatory Storage – The water holding capacity of the Floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by Filling, new construction or Substantial Improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the Floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the

100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the Town.

14. Subdivisions – All subdivision proposals shall include BFE data from the FIS and/or the FIRM, and shall be designed (including utility and drainage systems) to be consistent with the need to minimize flood damage. No proposed Building locations shall be located in the Zone A Flood Hazard Overlay District and the Zone AE Flood Hazard Overlay Districts.
15. Special Permit – The Commission may grant a Special Permit in accordance with Section 14.8 for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the provisions of this Section 9.3.
16. Records – The Town shall obtain and maintain records of the elevation (in relation to Mean Sea Level) of the Lowest Floor (including basement) of all new construction, Substantial Improvements or repair to a structure that has sustained substantial flood damage.

#### **9.4 LANDSCAPING**

1. Landscaping shall be provided and permanently maintained on all developments except for Single-Family Dwellings and all Lots except single-family residential Lots will conform to the following:
  - A. All portions of a Lot not covered by Buildings and other structures, outside storage areas, areas for off-street parking, loading and Driveways and approved paved areas shall be suitably landscaped with trees, shrubs, Lawns or other suitable landscaping or, if not disturbed by Filling, Grading, Excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the Lot.
  - B. In non-residential site development the area required for Setback from an existing residential use shall be suitably landscaped with Evergreen shrubs or trees, or such Evergreens in combination with embankments, fences, and/or walls, so as to provide a transition from the non-residential use to the residential use. Suitable natural terrain and existing Evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscaping requirement in the Setback area from the residential use. Such Setback area shall contain no off-street parking or loading spaces or Driveways. Within the required Buffer Area, a minimum fifteen (15) foot wide strip of land shall be landscaped with Evergreens at least four (4) feet high of a density of at least four (4) plants within each sixty (60) square feet of this strip or an equivalent. Such Buffer Area may be located within the minimum Setback, side Yard and rear Yard lines.
  - C. Each Lot shall be provided with a landscaped Buffer Area, fifteen (15) feet or more in width, along the Street line. The Buffer Area shall be landscaped and maintained with Lawn, shrubs, trees, and other suitable landscaping and shall be separated from any adjoining off-street parking or loading area, Driveway or outside storage area by a curb

six (6) inches in height. Necessary Driveways may be provided through and in the Buffer Area. Plantings areas in Street buffers shall not be planted with vegetation types that will obstruct vision at maturity.

- D. All off-street loading docks and garbage storage or processing facilities shall be suitably screened by a Building, fence, wall, embankment or other suitable device.
- E. All landscaping, trees, shrubs and Lawns on an approved Site Plan shall be well-maintained, and trees and shrubs that die or are destroyed shall be replaced with similar trees and shrubs within the first two (2) spring growth seasons after the initial planting. The Commission may require the posting of a suitable bond to ensure that landscaping survives the initial two (2) spring growth periods.
- F. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and shall be subject to the approval of the Commission.

## **10.0 PARKING, LOADING AND ROAD ACCESS REQUIREMENTS**

### **10.1 CHARACTER**

Facilities for off-street parking shall be provided to serve all development in Town and shall be sufficient to accommodate vehicles for all persons visiting the Building or Premises at any one time. Said parking shall be part of the Site Plan or prepared as a separate plan and shall include a consideration of the visual environment such as boundary screening and landscaping, landscaped islands and other natural features. Parking plans will also consider the functional capacity of the proposed parking areas and include identification of parking sites, traffic circulation patterns, loading areas, storm drainage facilities and traffic access and egress including Driveways.

The development of parking areas for non-residential uses in the RU is treated differently from other zones in the Town as protection of the environment is factored into the parking expectation of rural areas in a different manner than more developed areas. As rural character is dependent on the enhancement and preservation of natural features, smaller parking areas with differing surfaces will be encouraged in those areas. Natural substitutes to stormwater management are also a critical component of rural parking areas.

Parking areas in the other zones must consider the built environment and would focus on function more than in the RU. Parking areas in the SU should be limited and designed to reflect a neighborhood character. Parking in the Town Center/Westchester Village and Future Development Areas would be larger but would require more design consideration.

### **10.2 NUMBER OF PARKING SPACES**

Off-street parking shall be provided and maintained in accordance with requirements listed in Table 10.1. For uses not listed in this Section, the number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission. If the precise figure is not identified an applicant may submit accepted standards to support the number of parking spaces proposed.

**Table 10.1 Number of Parking Spaces Required**

<b>Land Use</b>	<b>Minimum Spaces</b>
Residential	1 per Dwelling Unit
Hotels/Motels	1 per guest room plus 0.5 per employee
Resident Mobile Home Parks	1 per Dwelling Unit plus 0.5 per employee
Hospitals, Sanitariums, Nursing or Convalescent Homes	1 for every 6 beds plus 0.5 per employee
Medical and Dental Offices	4 for each doctor engaged at the office
Funeral Homes	1 for each "Official Vehicle". 1 for each employee 1 for every 8 visitors at maximum capacity
Theaters and Places of Assembly	1 for every 6 potential occupants at maximum capacity plus one for each employee
Business Offices and Financial Institutions	3 per 1,000 square feet Gross Floor Area (GFA)
Restaurants	1 for every 3 seats
Retail, Personal Services	2 per 1,000 square feet GFA
Roadside Stands	1 per 150 square foot GFA
Active Adult and Age Restricted	1 per Dwelling Unit plus 1 per employee
Congregate and Assisted Living	0.5 per Dwelling Unit plus 1 per employee
Light Industrial	2 per 1,000 square feet GFA
Small Shopping Centers (under 40,000 square feet of gross leasable area)	3 per 1,000 square feet GFA
Bed and Breakfast & Country Inn	1 per guest room or suite
Personal Services	2 per 1,000 square feet GFA
Day Care Centers	1 per 8 children at maximum capacity
Churches and Places of Worship	1 per 5 seats in main sanctuary and other rooms

Land Use	Minimum Spaces
Museums and Libraries	1 per 1,000 square feet GFA
Social, Fraternal Clubs and Organizations	3 per 1,000 square feet GFA
Elementary, Middle, and High Schools	1 per 5 seats in the auditorium
Warehouse	1 per 1,000 square feet GFA
Commercial Kennel	1 per 1,000 square feet GFA
Automotive Sales and/or Rental	1 per 1,000 square feet GFA
Automotive Repair and/or Service	2 per 1,000 square feet GFA
Gymnasiums, Physical Fitness Centers, Health Spas, Martial Arts Centers, and Dance Studios	2 per 1,000 square feet GFA
Indoor Recreation Facilities	5 per 1,000 square feet GFA based

**10.3 PARKING SPACE REQUIREMENTS FOR PEOPLE WITH DISABILITIES**

1. All off-street parking areas shall include paved parking spaces accessible to persons with disabilities. Pursuant to CGS Section 14-253a(h), parking spaces for passenger motor vehicles designated for persons with disabilities shall be as near as possible to a Building entrance or walkway and shall be at least fifteen (15) feet wide including five (5) feet of cross hatch and twenty (20) feet long. Handicapped accessible parking spaces and access aisles shall be provided in the following number relative to the total number of spaces provided in the parking area:
  - A. One additional parking space for every twenty-five (25) regular spaces rounded up to the nearest whole number.
  - B. For every six (6) or fraction of six (6) parking spaces accessible to persons with disabilities, at least one (1) shall be a van-accessible parking space. Van parking spaces shall be twenty (20) feet long, sixteen (16) feet wide including eight (8) feet of cross hatch and designated as required by CGS Section 14-253a(h).

**10.4 REDUCED AND SHARED PARKING**

It is the intent of these Regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. This Section of the Regulations is intended to set standards for conditions under which Shared Parking may be allowed. The Commission may require the submission of a parking demand analysis as part of any request for parking approval.

1. Except for Buildings used or occupied for residential use, all or part of the off-street parking requirement may be satisfied by Shared Parking arrangements or public transportation where the proposed planning, design, and construction includes the following:
  - A. Sufficient publicly owned or Shared Parking spaces within five hundred (500) feet of the proposed development site.
  - B. Access to a regularly scheduled transit stop within five hundred (500) feet of the proposed development, with service available during the hours necessary to serve the activities of the use.
2. Requests for Parking Below the Minimum Required

Where an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission to support reduced parking space requirements. The Commission will consider and act on this request concurrent with and as part of the application process. Reduced parking approval requires a seventy-five percent (75%) affirmative vote of the membership. Requests for parking below the minimum required must include detailed study or data which indicate how parking will be provided and why the request should be granted.

3. Parking Space Held on Reserve

For phased developments, the Commission may provide that up to fifty percent (50%) of the parking spaces required by this Section be not be immediately constructed and kept in reserve. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time as the additional parking space is necessary to serve completed phases of the associated development. No above ground improvements shall be placed or constructed upon such reserve parking areas. The areas designated as reserve parking must be clearly depicted on the phased development Site Plan and the terms and conditions of phasing of the parking area completion, as determined by the Commission, must clearly be set forth in notations on the approved Site Plan. Stormwater management systems must either be sized to accommodate the full parking area at build out or developed along with the phased construction of parking areas. The Commission may require a bond or other mechanism to ensure that the reserve areas are developed if necessary.

4. Shared Parking – At an applicant’s request, Shared Parking may be provided in any district, subject to the following provisions:
  - A. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the Town legal counsel for review.
  - B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a Shared Parking agreement. This information might include but is not limited to: a) the type and hours of operation and parking demand, for each use, b) a Site Plan displaying shared use spaces in the

Lot and walking distance to the uses sharing the Lot, c) a description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of twelve (12) to twenty-four (24) hours at the site. Parking spaces to be shared must not be reserved for individuals or groups on a twenty-four (24) hour basis.

- C. Uses sharing a Shared Parking facility do not need to be contained on the same Lot, but shall be a maximum of five hundred (500) feet from the parking space in the parking Lot which is to be used and allow for safe, convenient walking for parkers, including safe pedestrian crossings, signage, and adequate lighting.
  - 1. If the conditions for Shared Parking become null and void and/or the Shared Parking arrangement is discontinued, this will constitute a violation of these Regulations for any use approved expressly with Shared Parking. The applicant must then provide written notification of the change to the Zoning Enforcement Officer and, within sixty (60) days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.
- D. Reduction in Required Parking Space for Shared Parking – Where Shared Parking is provided for a mixed use of land, the Commission may allow the following, at the applicant’s request:
  - 1. Up to thirty percent (30%) of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.
  - 2. Up to ninety percent (90%) of parking spaces required for uses such as public auditoriums, bowling alleys, nightclubs, movie Theaters, and similar predominately evening uses may be shared with such uses such as banks, offices, and similar predominately daytime uses.
  - 3. Up to ninety percent (90%) of the parking spaces required for such uses such as houses of worship and other uses exclusively in operation during the weekend may be shared with such uses as medical offices, banks, and other similar uses predominately in operation on weekdays. Other reductions may be allowed by the Commission if the applicant produces a credible peak parking demand study that demonstrates that a different reduction value is appropriate.

## **10.5 PARKING LOT DESIGN**

- 1. At a minimum, all parking lots shall:
  - A. Have a minimum stall size of nine (9) feet by eighteen (18) feet.
  - B. All line striping and traffic directional pavement markings and Signs shall conform to the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
  - C. Have spaces installed at ninety (90) or forty-five (45) degree angles (unless parallel

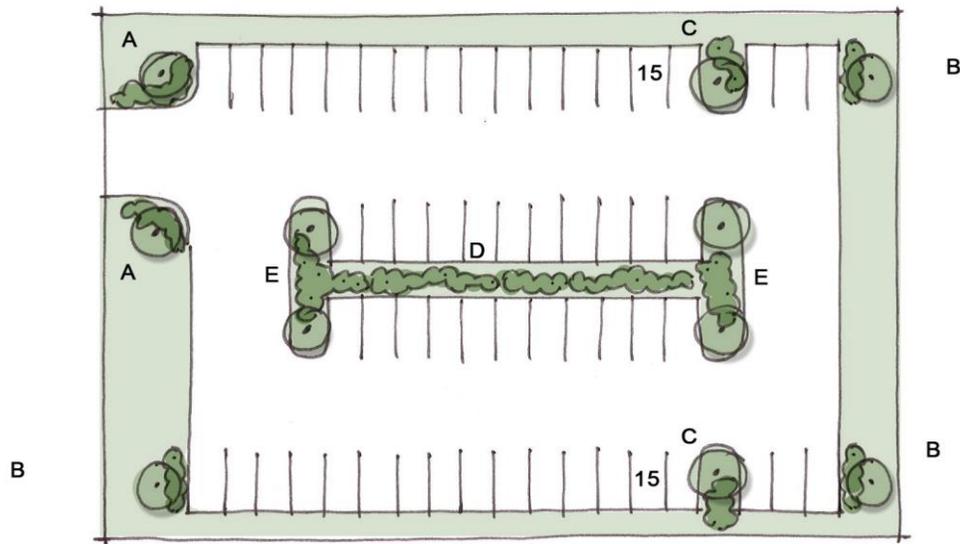
parking is being used).

- D. Have a twelve (12) foot travel lane for each direction of traffic except for one way lane which shall be a minimum of fifteen (15) feet.
  - E. Have no greater than three percent (3%) Slope.
  - F. Have a number and location of access Driveways compatible with traffic circulation patterns both within the site and on the abutting Street system.
  - G. Provide sufficient stacking area (area where cars may need to wait in line to exit onto the Street or to enter to circulate in the parking lot) and stacking for at least two (2) vehicles at the inbound access drives to the site.
  - H. Be designed to not allow any vehicle to protrude or overhang sidewalks or any landscaped area.
  - I. Minimize potential conflict points between pedestrians, bicycles, and motor vehicles.
- 2. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve.
  - 3. Pervious Parking Area
    - A. Parking areas composed of pervious surfaces are encouraged for all land uses and Lots, unless there are overriding environmental limitations or applicable Regulations that specifically require bituminous or other impervious surface. Such areas may be provided to meet all or part of any required parking spaces on a Lot. Impervious surfaces can occupy no more than seventy-five percent (75%) of any parking lot.
    - B. Measures that may be considered to reduce the amount of impervious surfaces in all proposed parking lots where such surfaces are not prohibited include:
      - 1. Provide pervious parking stall surfaces
      - 2. Provide pervious overflow parking
      - 3. Provide pervious snow-storage space
      - 4. Conserve existing natural areas, including trees on-site
      - 5. Minimize Clearing to the extent practicable while retaining access, sight distance, and safe vehicle flows.

#### **10.6 LANDSCAPING STANDARDS FOR PARKING LOT STORMWATER MANAGEMENT:**

- 1. The landscaping requirements for parking areas are intended to maximize the function of natural features in order to optimize on-site natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals the following standards shall apply:

- A. Developments with proposed parking areas of fifteen (15) spaces or more shall provide a minimum of fifteen percent (15%) of the total parking area as landscaped Open Space. Such landscaped Open Space may be provided in the form of islands, aesthetic Landscape treatments, pedestrian refuge/oasis areas, and may include the perimeter buffer between the parking area and adjacent Streets, residential/commercial developments, or Open Space areas. Planting plans shall not include invasive species as defined by the DEEP.
- B. Developments with proposed parking areas of fifteen (15) or more parking spaces should provide landscaped islands and perimeter landscaping throughout the parking area planted with a mix of shrubs and trees. Such islands and perimeter plantings should be located:
1. At each parking lot entrance;
  2. At the ends of each parking aisle;
  3. As intermediate islands in long rows of spaces, located every fifteen (15) spaces;
  4. As separation between long rows of parking spaces where they abut other rows; and
  5. As separation between pedestrian walkways and parking spaces and/or driving aisles.



- A. At each parking lot entrance.  
B. At ends of each parking aisle.  
C. As intermediate islands in long rows of spaces, located every 15 spaces.  
D. As separation between long rows of spaces where they abut other rows and:  
E. As separation between pedestrian walkways and parking spaces and/or driving aisles.

Exhibit 16 – Parking Lot Design

- C. All landscaped islands should be situated below the grade of the parking spaces and driving aisles such that stormwater runoff flow is directed to and trapped by such islands.
- D. Failure to maintain any landscaped area or Buffer Area shall constitute a violation of these Regulations.

## 10.7 BICYCLE AND PEDESTRIAN ACCOMMODATIONS

1. It is the intent of these Regulations to promote and support access by bicycle and walking throughout the community. To this end, all parking lots over fifteen (15) spaces must be designed to provide safe and convenient pedestrian and bicycle access as a part of any parking area or structure design including safe and convenient pedestrian and bicycle movement to and from public walkways and/or bikeways, Streets, or transit stops.
  - A. Bicycle Access Design Standards:
    1. Spaces shall be a minimum of two (2) feet by six (6) feet per bicycle.
    2. Design shall provide for a minimum number possible of potential conflict points between bicycles and motor vehicles.
    3. Lighting shall be provided.
    4. Provision shall be made for locking of bicycles to the rack or bicycle locker.
    5. Adequate spacing shall be provided for access to the bicycle and locking device when the spaces are occupied.
    6. Where possible, bicycle parking shall be located within view of Building entrances or in view of windows, and/or security personnel stations.
  2. Pedestrian Access Design Standards – Provision for safe and convenient pedestrian access shall be incorporated into landscaping plans for any parking area or parking structure. This shall be clearly shown on all Site Plans. Any parking area designed, constructed, and maintained as part of a development must be designed such that the flow of pedestrians can be directed through a system of convenient routes that bring them to central walkways leading to main entrances. All walkways shall be constructed to provide for:
    - A. Safe separation of all walkways from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
    - B. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting.
    - C. A minimum of four (4) feet in width.
    - D. Inclusion of plantings, benches, and lighting along walkways and at all pedestrian

crossings.

- E. Design, construction and maintenance to accommodate disabled persons in accordance with the Americans with Disabilities Act (ADA) and other applicable requirements.

#### **10.8 LOADING SPACE REQUIREMENTS**

On the same Premises with every Building devoted to retail trade, retail and wholesale food markets, Warehouses, supply houses, wholesale or Manufacturing trade, Hotels, hospitals, laundry, dry cleaning establishments or other Buildings where large amounts of goods are received or shipped, erected in any district after the date of the adoption of these Regulations, loading and unloading space shall be provided as follows:

1. Every Building or block of Building containing more five thousand (5,000) to twenty thousand (20,000) square feet gross Floor Area – one (1) loading space.
2. Every Building or block of Building containing more than twenty thousand (20,000) square feet gross Floor Area – one (1) loading space for each twenty thousand (20,000) square feet or fraction thereof.
3. A required loading space shall be not less than ten (10) feet wide, forty (40) feet long and fourteen (14) feet high.

## **11.0 SIGNAGE**

**11.1 INTENT** – This Section is intended to protect and enhance the character of the community and its various neighborhoods and districts and to provide protection from visual blight while respecting the desire to promote and advertise.

**11.2 PURPOSE** – The purpose of these Regulations is to permit the identification of land uses for the convenience of the general public, while regulating and restricting Signs so as to prevent them from: being excessive in number, illumination, area, or height; distracting to motorists; incompatible with the use of the land or Buildings to which they are accessory; having an adverse impact on property values or the aesthetic and historic character of the Town of Colchester; or otherwise impairing the public health, safety and welfare.

### **11.3 GENERAL:**

1. These Regulations shall govern the size, height, location and illumination of Signs.
2. If a use is located on a Lot or Parcel that is within more than one zoning district, all Signs erected in conjunction with such use shall conform to the Regulations for the zone in which the Sign is located.
3. If a Building or group of Buildings is located on a single Lot within a zone that permits non-residential or mixed use land uses and serves two (2) or more tenants or occupants, all Signs erected on the Premises shall be of consistent dimensions, lighting and height.
4. The Zoning Enforcement Officer may issue sign Zoning Permits for replacement of existing Signs or new Signs on an existing developed site. All new development requiring approval of the Commission shall include proposed signage for Commission review and approval.

**11.4 PROHIBITED SIGNS** – The following Signs are prohibited in all zoning districts. Nothing in this Section shall be construed as prohibiting Signs viewed principally from within a Building.

1. Moving Signs, including but not limited to Signs containing moving parts or Signs that move as a result of wind pressure because of the manner of their suspension or attachment or design, and including but not limited to spinners, streamers, Banner Signs, balloons, flags, bunting, pennants, ribbon Signs and the like (excluding Signs relating to approved/permitted temporary events, such as grand openings and festivals).
2. Portable Signs, including but not limited to so-called “A” frame Signs or “sandwich board” and “step stick-in” type Signs.
3. Mobile Signs, including but not limited to any Sign, which is mounted on wheels, or is collapsible. Signs on vehicles are permitted provided the Sign is attached or painted on the vehicle and does not extend beyond the original manufactured body proper. Subject vehicle must be parked in an approved parking area/space and must be properly registered and operable.

4. Signs painted or posted or otherwise attached to any fence, tree, utility pole, unregistered vehicle, rock (except carved or engraved on a stone monument) or painted or otherwise displayed upon the surface of the earth itself.
5. Roof Signs.
6. Billboard Signs.
7. Any Sign which displays lights resembling those customarily used by police, fire, ambulance, or other emergency vehicles; and any Sign which uses the words “stop”, “caution”, “slow”, or any other word, phrase, symbol, or character that might be misconstrued to be a public safety warning Sign or other official traffic control Sign. Excepted from this prohibition are traffic, regulatory, or informational Signs required and approved by governmental agencies.
8. Any Illuminated Sign in which the background (as opposed to the text) is illuminated by means of an internal light source through a translucent or transparent material.
9. Signs indicating uses not carried out on at the Premises on which the Sign is located or indicating to off-Premises locations. Excepted from this prohibition are temporary directional signs for notification of an “Open House” in connection with the sale or rental of Premises or tag/yard sale Signs.
10. An on-Premises attached Sign end-mounted or otherwise attached to an exterior wall of a Building and which projects more than three (3) feet from the wall to which it is attached.

**11.5 EXEMPT SIGNS** – The following Signs are authorized without a Zoning Permit, provided they comply with the provisions of these Regulations. Exempt Signs shall not be internally illuminated. External illumination is permitted, unless otherwise noted, only upon the issuance of a Zoning Permit from the Zoning Enforcement Officer. All Signs in this Section shall be set back ten (10) feet from the edge of the traveled portion of a Road and side boundary lines. These Signs shall be allowed in addition to any legally existing signage.

1. Public Signs – Signs of a non-commercial nature, erected in the public interest by or on the order of a public official in the performance of his/her duty, including, but not limited to, safety, trespassing, and traffic control Signs, legal notices and Signs of memorial or historic interest.
2. Small Identification Signs – The following Signs are permitted so long as they meet the requirements of this Section and do not possess any of the characteristics in Section 11.4.
  - A. One (1) public convenience Sign for each Building containing a non-residential or mixed use is permitted, attached flat against the principal Building, identifying store hours, the name of the business, or other basic information of a non-advertising nature, and not exceeding two (2) square feet in area.
  - B. Trespass Signs and other Signs indicating the private nature of a Driveway or other Premises, not exceeding two (2) square feet in area each and posted in accordance with applicable state statutes.

- C. Bulletin Board or similar Sign, not exceeding twenty (20) square feet in area, in connection with any church, museum, library, school, or similar public use, provided that the height of such Sign shall not exceed eight (8) feet
- D. Help wanted Signs not exceeding three (3) square feet.
- E. Holiday Decorations and messages.
- F. Temporary directional signs, maximum three (3) square feet in area used for the notification of an "Open House" in connection with the sale or rental of Premises or tag/yard sale signs. These signs may be located "off-site" Friday-Monday only.
- G. Address Signs, as follows.
  - 1. Address Signs associated with a residential or agricultural use that does not require a Special Permit.
  - 2. Address Signs displaying only the street number, name of the occupant, and/or the name of the farm or estate.
  - 3. The total area of all such address Signs on the property shall not exceed two (2) square feet.
  - 4. Such address Sign may be attached to the Building or be free standing; and, if free standing, the top of the Sign shall not exceed ten (10) feet above the ground immediately below the Sign.
- 3. "Open" flag Signs, provided that:
  - A. Such flag shall not be displayed unless the Premises at which it is located are open for business.
  - B. No more than one (1) such flag may be located on any business Premises.
  - C. The total area of such flag shall not exceed fifteen (15) square feet.
  - D. Such flag shall contain no advertising other than the logo of the business and the word "Open."
- 4. Official Insignias – The flag seal, or other official insignia of any nation, state, city or other political unit, civic, fraternal, religious or similar organization provided the same shall be no larger than fifteen (15) square feet in area.
- 5. Integral decorative or architectural features of Buildings, except letters, trademarks, moving parts or moving lights.
- 6. Construction, Sale and Rental Temporary Signs (On-site).
  - A. One (1) Construction or project Sign per Lot, which Sign shall not exceed thirty-two (32) square feet in area for residential uses or forty-five (45) square feet in area for non-

residential and mixed uses, not to exceed eight (8) feet in height for either residential or non-residential/mixed uses.

- B. One (1) Sign per Lot advertising for-sale or for-rent. Such for-sale or for-rent Signs shall not exceed six (6) square feet in area for residential uses and forty-five (45) square feet in area for non-residential and mixed uses. The height of such signs shall not exceed four (4) feet in residential uses and eight (8) feet for non-residential and mixed uses.
  - C. Such Sign shall advertise only the property on which the Sign is located.
  - D. Such Sign shall not be illuminated and shall conform to all other provisions of these Regulations.
- 7. Tag Sale Signs – One (1) Sign, not exceeding three (3) square feet in area, located on the same Lot as the tag sale, and for a period not to exceed seventy-two (72) hours.
  - 8. Future/Grand Opening Signs – A Sign or Signs announcing a forth coming business or activity may be erected on the site for that business or activity provided that the site has received approval of the Commission or the Zoning Enforcement Officer and the Signs are removed at the time the approved permanent sign(s) is installed or within 60 (sixty) days, whichever comes first. Maximum size shall be forty (40) square feet.
  - 9. Signs Announcing Charitable or Civic Events: These Signs shall not be constructed, posted or erected earlier than thirty (30) days prior to the event, and must be removed within seven (7) days following the event. Maximum size shall be sixty (60) square feet.
  - 10. Art Forms. Artistic paintings, sculptures, and similar works of art shall be permitted, provided that such works of art contain no commercial message, motif, or image; are not designed for the purpose of attracting the attention of the general public by their size, colors, or other characteristics; comply with the height, location, size and other requirements of these Regulations; and are limited to no more than one (1) such structure for each Building on the Lot.
  - 11. Political Signs. Signs pertaining to public policy issues, including those for which an election or other date-certain event is involved, subject to the following restrictions:
    - A. No political position Sign may be posted within Town controlled rights of way or elsewhere without the permission of the owner.
    - B. No political position Sign, on a residential parcel, shall exceed four (4) feet by four (4) feet (sixteen (16) square feet in area) or four (4) feet by eight (8) feet (thirty-two (32) square feet) in area on non-residential or mixed use Parcels. Such Signs shall not be illuminated.
  - 12. Window Signs – Signs displayed within the window of a non-residential use establishment announcing an event or advertising merchandise sold within such establishment. Such Signs shall contain no 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 Sign(s) occupy more than thirty percent (30%) of the total window surface in which they are placed.

13. Directional Signs – Signs for the control of traffic and parking on a property provided such signs conform to standards established by the Manual of Uniform Traffic Control Devices and contain no business name, logo, or advertisement.
  14. Date/Time/Temperature Signs – Signs indicating the current time, date, and/or temperature are permitted provided they meet all other provisions of these Regulations. The area of such Signs shall not be included in the calculation of the maximum total Sign area permitted on the Premises, provided that the time and/or temperature Signs include no advertising material. The area of time and/or temperature Signs that contain no advertising material shall not exceed three (3) square feet.
  15. Town Park and Recreation Facilities Signs – These Regulations shall not apply to signs displayed at parks, recreation, and athletic facilities owned by the Town of Colchester, including but not limited to:
    - A. Scoreboards
    - B. Informational Signs
    - C. Warning Signs
    - D. Sponsorship Signs and Banners
    - E. Any Sign displayed at a Town owned facility shall be authorized by the designated authority of the Town of Colchester prior to installation.
- 11.6 SIGN SIZE, HEIGHT AND LOCATION** – The Commission may permit increases in the height and size standards of Ground/Freestanding Signs and to the size and placement of Building-mounted Signs within the Town Center, Future Growth, and Commercial Arterial Zones by a 3/4 affirmative vote of the membership. All such requests are Special Permits and shall be submitted in the form of a Special Permit application with fee to the Commission, or as part of the submission for new site development and shall include all the information required in Section 11.10. In addition, the applicant is required to submit a narrative and other materials that demonstrate that the need to increase the size or height of a Ground/Freestanding Sign or the size and placement of a Building-mounted Sign, is due to a physical limitation relating specifically to the visibility of the use as viewed from the closest Arterial and/or Collector Street. In approving such Signs, the Commission shall state upon the record its reasons for approval and may establish conditions and stipulations regarding existing and future Signs, including those allowed as-of-right.
- 11.7 NON-CONFORMING SIGNS** – No Non-Conforming Sign shall be structurally altered, relocated, or established except in compliance with these Regulations. On properties where legal Non-Conforming Signs exist, the Sign area requirements of the district must be met before permits for additional signage will be issued.

**11.8 SIGNS WITHIN THE HISTORIC DISTRICT** – Except for those Signs exempted by Section 11.5, no Sign shall be erected, altered, redesigned, relocated, reconstructed or established within the Town of Colchester Historic District until issued a Certificate of Appropriateness by the Colchester Historic District Commission. Such approval is required prior to or in conjunction with the issuance of a Zoning Permit and/or Commission approval of a Special Permit and or Site Plan.

**11.9 SIGNS WITHIN THE FUTURE DEVELOPMENT DISTRICT**

1. All signage including directional and informational signage within each development of a FD District property shall be of the same style, size and design as others within the same property/development. Individual properties shall not diverge from that style and design except that trademarks and other logos can be included, provided that the size and scale of such is consistent with overall signage.
2. Signage within a property not placed on Buildings, not including the main entrance signage, cannot exceed nine (9) square feet in size.

**11.10 SPECIFIC REQUIREMENTS FOR ALL SIGNS**

1. Location – Unless noted otherwise in these Regulations, no Ground/Freestanding Sign except for Political Signs shall be located within the right-of-way for any Street unless an encroachment permit is obtained from the holder of the right-of-way. New signs shall be located such that they do not block the sight lines of existing Signs on neighboring properties. No Sign shall be erected in such a manner that will, or reasonably may, be expected to interfere with, obstruct, confuse, or mislead traffic. No Sign or a portion thereof shall be erected at the intersection of public Streets, within the triangular area formed by a line connecting points twenty-five (25) feet from the intersecting Street lines. No Ground/Freestanding Sign located within fifteen (15) feet of the edge of the traveled portion of the Road shall be larger than nine (9) square feet.
2. Height – No Ground/Freestanding Sign shall exceed the height limits listed for the zone in which it is to be located. Any Sign attached to the wall of a Building shall not exceed twenty (20) feet in height, extend above the sill of the windows of a second story, project above any point of the roof of a Building with a flat roof, or above the eave of a Building with a pitched or mansard roof or roof parapets.
3. Obstruction – No Signs shall be permitted to physically obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any Building or structure. The foregoing shall not be construed to prohibit the placement of paper or similar temporary Signs in windows, which do not physically obstruct or structurally alter such window.
4. Illumination – All Illuminated Signs (internal and external) shall be of low intensity and lighted from indirect or internal sources so shielded that the source of the illumination (bulb, etc.) is not visible from any adjacent Lot. A Sign shall be illuminated only with steady, stationary, shielded light sources without causing Glare and shall not scroll, blink or flash or change copy more than twice in a twelve (12) hour period. Externally Illuminated Signs shall be down lighted. Neon tubes used as abstract, graphic, decorative, or architectural

elements shall be considered to constitute an Illuminated Sign. Neon Window Signs shall be limited to a maximum of four (4) per establishment. L.E.D. lighting is permitted, but shall be of low intensity to prevent Glare. Strings of light bulbs are prohibited, except as part of a holiday celebration, provided that such display does not interfere with public safety or neighboring land uses. Internally Illuminated Signs shall have “dark” backgrounds (opaque or colored) and “light” lettering (white or lighter colored than the background) so as to minimize Glare or luminous overload. No Sign shall be illuminated unless the site on which it is located is open for business. This prohibition does not apply if the illumination occurs as a consequence of lighting provided for public safety purposes.

**11.11 GROUND/FREESTANDING SIGN MAINTENANCE/LANDSCAPING** – Every Ground/Freestanding Sign greater than fifteen (15) square feet in area shall be provided with suitable, properly maintained landscaping at its base.

1. Maintenance – All Signs shall be maintained in a clean and inoffensive condition, free and clear of rubbish and weeds. Normal maintenance shall include painting, changing, adding, or removing advertising or information on display surfaces and routine repairs necessary to keep the Sign in a neat, clean, attractive and safe condition, and reflecting the current occupancy of the site.
2. Obsolete Signs – Any Sign now or hereafter existing that no longer advertises a bona fide business or product sold shall be removed by the owner, agent, or person having the beneficial use of the Building or structure upon which the Sign may be found. Failure to comply with such notification shall be deemed a violation of these Regulations.
3. Hazardous Signs – Any Sign which has been found to be hazardous to the public by the Zoning Enforcement Officer or Building Official shall be repaired, replaced, or removed after the owner is notified of such a finding. Failure to comply with such notification shall be deemed a violation of these Regulations, and subject the violator to such penalties as may be provided by law.

**11.12 MEASUREMENT OF SIGNS AND HEIGHT**

1. Sign measurement shall be based upon the entire area of the Sign, with a single continuous perimeter enclosing the extreme limits of the actual Sign surface.
2. Sign area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of color different from the natural color of finish material of the Building.
3. For a Sign consisting of individual letters or symbols attached to a Building, wall or window, the area shall be considered to be the plane defined by one continuous perimeter of the smallest rectangle, triangle, circle or oval that encompasses all the letters, wording, design or symbols together with any background different from the balance of the surface on which it is located.
4. The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the Sign area provided such framework is incidental to the display and contains no advertising material or informational material other than a Street name or number. In the

case of Ground/Freestanding Signs where such supporting framework, when viewed from a point directly in front of the Sign area, covers an area exceeding twenty-five (25%) of the total Sign area supported, the supporting framework shall be included as part of the allowable Sign area.

5. When a Sign has two (2) or more Sign Faces, the area of all the Sign Faces shall be included in determining the area, except where two (2) Sign Faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the Sign area shall be taken as the area of either Sign Face and, if the two (2) Sign Faces are unequal in area, the larger side shall determine the area.
6. The height of a Sign shall be measured from the natural ground surface directly below the Sign up to the highest point of the display area of the Sign or the supporting structure of the Sign; if the top of the Sign and the top of the supporting structure are of unequal height, the higher measurement shall determine the height.

#### **11.13 BUILDING-MOUNTED SIGN STANDARDS:**

1. Wall Signs and lettering on windows or door awnings may, with Commission approval, be placed on walls not containing the main entrance provided their size conforms to the requirements of these Regulations.
2. No portion of a Building-mounted Sign shall overhang any property line or be closer than fourteen (14) feet above areas used for vehicle parking or access.
3. The business or other use must have exclusive use of the face of the exterior wall being used for a Building-mounted Sign. The Building face shall be taken to mean the side where the primary entrance and/or display windows for that tenant are located. For purposes of these Sign Regulations each tenant will have Building face on one side of the Building only unless otherwise approved by the Commission.
4. Directory Signs shall be mounted within ten (10) feet of the common access door.
5. Building walls used for Signs must be visible from a public right-of-way.
6. The area calculation shall only apply to length of the Building wall that provides the main public access to the Building.
7. Where there are two (2) or more occupants occupying a portion of the first floor frontage of a given structure, each occupant shall be entitled to a Wall Sign equivalent in size to that portion of the frontage so occupied, minus any proportionate amount of ground signage either existing or proposed.
8. Where multiple tenants share a common Wall Sign, the maximum Sign area shall be limited as if there was a single occupant.
9. Each business use or tenant, in a mixed use or multi-tenant Building, which is unable to have any Business Sign because existing uses are utilizing all allowable Sign area with legally erected Signs shall be allowed a maximum of eight (8) square feet of Wall or Hanging Sign.

**11.14 STANDARDS FOR PROJECTING SIGNS OR CANOPY/AWNING SIGNS:**

1. The bottom edge of a Projecting Sign shall be at least eight (8) feet above ground level when located in an area where the public walks.
2. No Projecting Sign shall extend more than six (6) feet from the wall to which it is attached.
3. A Projecting Sign shall only be placed on the wall containing the main entry.
4. Gasoline station Canopies may also contain Wall Signage on the Canopy fascia in accordance with the following:
  - A. A maximum of two (2) Canopy Signs may be located on the fascia with a total Sign area not to exceed ten percent (10%) of the area of the longest side of the Canopy fascia. No one Canopy Sign may be larger than twenty (20) square feet.
  - B. Not more than three (3) types of permitted Signs regulated by this Section shall be allowed on a Parcel.

**11.15 GROUND/FREESTANDING SIGN STANDARDS**

1. All portions of any Ground/Freestanding Sign shall be no closer than ten (10) feet from the edge of the traveled portion of a Road or to any side property boundary.
2. Every Ground/Freestanding Sign greater than fifteen (15) square feet in area shall be located within a suitable, properly maintained landscaped area, as required by the Zoning Enforcement Officer and/or Commission.
3. If there is not sufficient space in the Yard to meet these requirements, the Sign shall be set back at least one-quarter the distance from the property line to the limiting structure or natural object.
4. For residential uses the height of any Freestanding Sign shall not exceed six (6) feet. For non-residential uses or mixed uses, the height shall not exceed the height of the Building to which it relates or a height of fifteen (15) feet, whichever is less, unless otherwise provided in these Regulations.
5. If the Premises on which the Sign is to be located does not contain a principal Building, the Sign shall not exceed a height of six (6) feet.
6. Except as otherwise provided herein, only one (1) Freestanding Sign shall be permitted on a Lot for each Street from which the Lot has vehicular access, even if there is more than one (1) Building or use on that Lot.

**11.16 SIGN REQUIREMENTS FOR SMALL COMMERCIAL DEVELOPMENTS (less than 10,000 square feet of total Floor Area)**

1. The total Sign area permitted for the site is equivalent to one (1) square foot of Sign area per each one (1) lineal foot of Building wall containing the main entrance per tenant. Signs may be internally or externally illuminated.

2. No more than one Ground/Freestanding Sign subject to 11.16.1, not to exceed thirty-six (36) square feet in area and fifteen (15) feet in height, is permitted per site. Signs may be internally or externally illuminated.

**11.17 SIGN REQUIREMENTS FOR MEDIUM COMMERCIAL DEVELOPMENTS (greater than 10,000 square feet and less than 40,000 square feet of total Floor Area)**

1. Ground/Freestanding Sign: One (1) Ground/Freestanding site identification Sign per access drive entrance on to a Collector or Arterial Road, not to exceed seventy-five (75) square feet in area and twenty (20) feet in height is permitted, provided there is a minimum of five hundred (500) feet between the centerlines of the access Driveways on the same Road. Signs may be internally or externally illuminated.
2. Wall/Ground: Each business or tenant within a Building shall be entitled to one (1) square foot of Sign area per each one (1) lineal foot of Building wall containing the main entrance per tenant. Signs may be internally or externally illuminated. One additional Business Identification Sign, not to exceed four (4) square feet in area, may be located at a secondary entrance facing a parking lot.
3. The total allowable ground Sign area for the site shall not exceed one hundred fifty (150) square feet.

**11.18 SIGN REQUIREMENTS FOR LARGE COMMERCIAL DEVELOPMENTS (greater than 40,000 square feet of total Floor Area)**

1. Ground/Freestanding Sign: One (1) Ground/Freestanding site Identification Sign per access drive entrance on Collector or Arterial Roads, not to exceed one hundred (100) square feet in area and twenty-five (25) feet in height, provided there is a minimum of five hundred (500) feet between the centerlines of the access Driveways on the same Road. Signs may be internally or externally illuminated. Total Ground/Free Standing site Identification Sign area shall not exceed two hundred (200) square feet.
2. Wall/Ground: Each business or tenant within a Building shall be entitled to one (1) square foot of Sign area per each one (1) lineal foot of Building wall containing the main entrance per tenant. Signs may be internally or externally illuminated. One additional Business Identification Sign, not to exceed four (4) square feet in area, may be located at a secondary entrance facing a parking lot.
3. The total allowable Ground Sign area for business use on the site shall not exceed two hundred (200) square feet. See Section 11.18.1.

**11.19 SIGN REQUIREMENTS FOR COMMERCIAL LAND USES IN THE FD ZONE**

1. Ground/Freestanding Sign: One (1) Ground/Freestanding site Identification Sign per access entrance drive on Collector or Arterial Roads, not to exceed fifty (50) square feet in area and ten (10) feet in height is permitted, provided there is a minimum of five hundred (500) feet between the centerlines of the access Driveways on the same Road. Signs may be internally or externally illuminated. Total area shall not exceed one hundred (100) square feet.

2. Wall/Ground: Each business or tenant within a Building shall be entitled to one half (1/2) square foot of Sign area per each one (1) lineal foot of Building wall containing the main entrance per tenant. Signs may be internally or externally illuminated. One additional Business Identification Sign, not to exceed two (2) square feet in area, may be located at a secondary entrance facing a parking lot.
3. The total allowable ground Sign area for business/Commercial Use on the site shall not exceed one hundred (100) square feet.

**Table 11.1 Signage Allowance \***

Classification	Number	Size (square feet)	Maximum Height (feet)	Illumination
Residential	1	2	6	External
Home Occupation	1	3	10	External
Agriculture	1	16	15	External
Multi-family	1/unit	2	10	External
Future Development Zone	1 site identification	50 square feet or ½ square foot per linear foot/tenant Maximum 100 square feet of Ground Sign area	10 10	Internal External
Commercial under 10,000 square feet of total Floor Area	1 per tenant	1 square foot per linear foot/tenant Maximum of 36 square feet of Ground Sign area	15	Internal External
Commercial under 10,000 square feet to 40,000 square feet of total Floor Area	1 per tenant	75 1 square foot per linear foot/tenant Maximum 150 square feet of Ground Sign area	20 20	Internal External
Commercial over 40,000 square feet of total Floor Area	1 per tenant	100 1 square foot per linear foot/tenant Maximum 200 square feet of Ground Sign area	25 20	Internal External

\* Subject to other Requirements of the Sign Regulation

**11.20 AGRICULTURAL SIGNAGE**

1. Permanent Agricultural Signage – One permanent Freestanding or attached Sign may be permitted for a farm or farm store with the following conditions:
  - A. Such Sign shall not have an area larger than thirty-six (36) square feet per side total with a maximum of two (2) sides.
  - B. Permanent Agricultural Signs shall not be illuminated.
  - C. Freestanding Signs must be located ten (10) feet back from the front property line, and meet the underlying zone's side Yard Setback.
2. Temporary Seasonal Signage
  - A. Maximum size of eighteen (18) square feet of on-site signage advertising the sale of farm products is permitted, with a maximum of four (4) signs total.
  - B. All such Signs shall be set back ten (10) feet from the front property line.
  - C. Temporary Seasonal Signs shall not be illuminated.

## **12.0 LIGHTING**

**12.1 PURPOSE** – Outdoor Lighting is an integral component of our environment that, when appropriately planned and installed, increases safety, enhances the Town’s nighttime character, and helps provide safety. This Regulation is designed to reduce the problems created by poorly planned and/or installed Outdoor Lighting. Specifically, its intent is to establish standards that control the area that certain kinds of Outdoor Lighting fixtures can illuminate, and limit the total illumination per Lot, using guidelines established by the Illuminating Engineering Society of North America (IES) (see Appendix B).

The purpose of these Regulations is to establish specific standards for Outdoor Lighting and to:

1. Maximize the effectiveness of site lighting to enhance public safety and welfare,
2. Control the number, size, location, and intensity of Outdoor Lighting,
3. Protect residents, drivers and pedestrians from light sources that produce unnecessary Glare, and
4. Promote site lighting that avoids unnecessary upward illumination and illumination of adjacent properties, and reduces Artificial Sky Glow.

**12.2 APPLICABILITY** – Except as herein provided, these Regulations shall apply to all public or private Outdoor Lighting fixtures or Illuminated Signs installed, modified or refurbished within the Town of Colchester. These Regulations apply to all sites located within Village Center, Future Development and Arterial Commercial Districts, and apply to Special Permit uses in RU and SU Districts and specifically to Age Restricted Housing, multi-family, condominium residential development and non-residential uses permitted in the RU and SU Districts. This applies to new construction as well as site changes.

**12.3 LIGHTING PLAN** – All applications requiring a Class 2 Site Plan pursuant to Section 15.4 of the Regulations must include the following:

1. The location, height and type of any Outdoor Lighting Luminaires, including Building-mounted;
2. The Luminaire manufacturer’s specification data, including Lumen output and photometric data showing cutoff angles;
3. The type of lamp: metal halide, compact fluorescent, high-pressure sodium, light emitting diode (LED);
4. An Isodiagram showing the average lighting on the site; maximum and minimum lighting levels on the site, expressed in Foot-Candles at ground level. This requirement may be waived by seventy-five percent (75%) vote the Commission membership upon a written request submitted at the time of application.

5. A statement and copies of appropriate IES Standards for the proposed use demonstrating that proposed lighting levels are consistent with recommended IES Standards.

**12.4 GENERAL REQUIREMENTS** – All Outdoor Lighting and Illuminated Signs shall be designed, located, installed and directed in such a manner as to prevent objectionable Light Trespass at (and Glare across) the property lines and disabling Glare at any location on or off the property. Lighting design levels shall be maintained at levels and patterns as recommended in the Illuminating Engineering Society of North America (IES) Lighting Design Handbook (Latest edition).

1. All lighting for parking and pedestrian areas, including wall-mounted lighting, shall be Full Cut-Off Type Fixtures.
2. Lighting for flagpoles, Ornamental Lighting (trees, sculptures, etc.), Buildings and aesthetics shall be shielded to prevent direct Glare and/or Light Trespass and shall also be, as much as possible, contained to the target area. All Building lighting for security or aesthetics shall be Full Cut-Off or a Fully Shielded/recessed type, not allowing any upward distribution of light.
3. Adjacent to all residential and multi-family uses and on properties in the RU and SU districts, no direct light source shall be visible at the property line at three (3) feet above ground level.
4. Adjacent to business, commercial or industrial uses the light source shall not be visible at a height greater than five (5) feet above ground level.
5. All Street lighting installed as part of residential developments shall be Full Cut-Off Type Fixtures.
6. Canopy lights shall be recessed into the structure or be surface mounted Full Cut-Off Type Fixtures.
7. Use of metal halide, compact fluorescent, light emitting diodes (LED) or high-pressure sodium lamp types is strongly encouraged.
8. Any lighting provided along pedestrian walkways shall be provided by light bollards or other low-level lighting standards with shielded light sources.
9. All non-essential lighting should be reduced or turned off after business hours, leaving only the necessary lighting for site security. Motion or infrared sensor lighting is encouraged.
10. The Height of Luminaires, except streetlights in public right-of-ways, shall not exceed a height of twenty-five (25) feet including the base, except for lighting for recreational facilities. The following performance standards shall be met:
  - A. No Luminaire shall be closer than five (5) feet from any property line, and
  - B. No lighting plan shall shed more than one-quarter (.25) Foot-Candles beyond any property line.

- 12.5 GREATER HEIGHT FOR SAFETY** – An applicant may request the Commission permit greater than thirty-five (35) foot high light poles after demonstrating that the height of the pole is necessary to meet adequate illumination for safety and can meet the performance requirements of this Regulation in regards to Light Trespass and spillage with the additional pole height. A seventy-five percent (75%) vote of the Commission membership is required to exceed the height requirement.
- 12.6 CHANGES TO LIGHTING PLAN AFTER APPROVAL** – No change to Outdoor Lighting fixtures, type of light source used, or location of Luminaires may be made after the lighting plan has been approved, until a change request application has been submitted to the Commission demonstrating that the proposed changes meet the requirements of these Regulations.
- 12.7 EXEMPT LIGHTING** – The following lighting types shall be exempt from these Regulations.
1. Temporary Lighting used by police, fire, or emergency services,
  2. Temporary Lighting needed for nighttime Road construction projects,
  3. Lighting required and regulated by federal or state regulatory agencies,
  4. Traditional seasonal or special event lighting,
  5. Interior lighting,
  6. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code,
  7. Code required exit signs,
  8. Code required lighting for stairs and ramps, and
  9. Customary exterior illumination of a One-Family or Two-Family Dwelling and Driveway.
- 12.8 GASOLINE SERVICE STATIONS** – Illumination recommendations set by the IES (see Appendix C) shall be observed and not exceeded. All area lighting shall be Full Cut-Off.
- 12.9 LIGHTING IN HISTORIC PRESERVATION OVERLAY ZONE** – In the HPOZ zone, lighting plans shall use period type fixtures consistent with the Historic District and existing lighting concepts adopted for the Historic District. Lighting in the HPOZ shall comply with the following standards:
1. Such lights shall be selected and arranged to minimize Glare and Light Trespass;
  2. Where Full Cut-Off versions of these fixtures are available they shall be used;
  3. Lighting shall be limited to twelve (12) foot height period type poles unless waived by the Commission for reasons relating to public safety. Maximum pole height shall be eighteen (18) feet. A seventy-five percent (75%) vote of the Commission membership is required to approve the **waiver**.

**12.10 LIGHTING FOR RECREATIONAL FACILITIES** – Where outdoor Recreational Facilities (public or private) are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site. The following criteria shall be met:

1. All fixtures shall be fully shielded and shall not exceed a height of thirty-five (35) feet.
2. The applicant shall demonstrate the lighting meets the guidelines for recreational lighting established by the IES.
3. Luminaires are to be located a minimum of one hundred (100) feet from property lines of a Lot where a residence is the principal use.
4. For sports facilities, Luminaires higher than thirty-five (35) feet may be permitted by Special Permit after the Commission considers the following:
  - A. Effects on the existing uses in the area;
  - B. Preservation of surrounding property values and the character of the neighborhood;
  - C. Impacts on the capacity of the present and proposed utilities, Streets, drainage systems, sidewalks, and other elements of the infrastructure;
  - D. Suitability of the land for the proposed use and any environmental impacts created by the proposal;
  - E. Consistency with the goals and objectives of the Town Plan of Conservation and Development and/or Recreation Master Plan; and
  - F. The provision of lighting at levels in accordance with IES recommendations.

**12.11 LIGHTING OF PUBLIC ROADS AND PUBLIC PARKING AREAS** – Luminaires used for public Roads and public parking area lighting shall be installed in accordance with Section 13a-110a of the Connecticut General Statutes, as amended. Luminaires may be installed at a maximum height of twenty-five (25) feet and may be positioned at that height up to the edge of any bordering property.

**12.12 NON-CONFORMING LIGHTING** – Non-conforming lighting shall be brought into a conforming or more nearly conforming condition as soon as practical in accordance with the following:

1. All Luminaires legally in place prior to the date of this Regulation may remain, but once any non-conforming Luminaire is intentionally re-located or removed for purposes other than routine maintenance or repair, it shall be deemed permanently removed and shall be replaced only in accordance with the provisions of these Regulations.
2. Luminaires that direct light toward Streets or parking lots that cause disability Glare to motorists, cyclists or pedestrians shall be either shielded or redirected within thirty (30) days of notification by the Town, so that the Luminaires do not cause a potential hazard to motorists, cyclists or pedestrians.

3. Non-conforming lighting shall be brought into conformance with the Regulations whenever a new or modified/revised Site Plan is required.

**12.13 PROHIBITED LIGHTING** – The following lighting types shall be prohibited:

1. Floodlighting
2. Searchlights
3. Bare bulbs
4. The use of laser source light or any similar high intensity light when projected above the horizontal
5. Lights producing varying intensities and/or changing colors,
6. Any type of lighting directed upward at such an angle that neither Buildings, trees, shrubs nor site surfaces are lighted, and
7. Flashing and blinking lights except as permitted in Section 11.10.4.

**12.14 LIGHTING OF OUTDOOR SIGNS** – Illumination of any outdoor Sign shall comply with the standards set forth in Section 11.10.4 of these Regulations.

## **13.0 NON-CONFORMITIES**

**13.1** Within the districts established by these Regulations, there are Lots, Buildings, and uses which do not conform to the use and dimensional requirements of these Regulations and which are declared to be incompatible with the permitted uses in said districts. Such uses, to the extent that they were lawfully permitted and existing prior to the adoption date of these Regulations and otherwise meet the requirements of Connecticut law for Non-Conforming Lots, Buildings and uses, shall be considered existing Non-Conforming Uses. No existing Non-Conforming Use shall be enlarged, expanded or changed unless in compliance with these Regulations. In certain cases existing Non-Conforming Uses must receive various permit approvals just as conforming uses might. While lawful, existing non-conformities are permitted to continue, it is the purpose of this Section that such continuance not be encouraged.

### **13.2 NON-CONFORMING USES**

1. A Non-Conforming Use is a use of any Lot or Building lawfully in existence prior to the effective date of these Regulations or any amendment thereto and otherwise meeting the requirements of Connecticut law for Non-Conforming Uses, which violates the use requirements of the district in which the Lot or Building is located.
2. No Non-Conforming Use may be extended, expanded or changed, except to a conforming use.
3. No Non-Conforming Use may, if once changed to a conforming use, be changed back into a non-conforming one.

**13.3 NON-CONFORMING BUILDINGS** – A Non-Conforming Building is a Building lawfully in existence prior to the effective date of these Regulations or any amendments thereto which violates the Setback, Yard, Lot Coverage, height, Floor Area, or any other dimensional requirements of the district in which it is located.

1. After the effective date of these Regulations, no Zoning Permit will be issued for construction of a Non-Conforming Building.
2. Nothing in these Regulations shall prohibit the alteration or expansion of a Non-Conforming Building lawfully existing prior to the effective date of these Regulations or any amendments thereto, provided the alteration or expansion does not further violate the dimensional requirements of the district in which the Building is located. Vertical and lateral extensions of existing building lines shall be permitted so long as the applicable Setback is not further reduced.
3. Nothing in these Regulations shall prohibit the maintenance, strengthening or restoring to a safe condition, any Non-Conforming Building or part thereof, deemed to be unsafe by the Building Official.

4. A Non-Conforming Use or Building, which is damaged or destroyed by fire or other casualty, beyond the control of the owner to any extent, may be restored or resumed provided:
  - A. NOTICE – Written notice of intention to resume or restore is filed with the Zoning Enforcement Officer within six (6) months after such damage or destruction; and
  - B. COMPLETION – Such resumption or restoration must be made and completed within two (2) years after such damage or destruction; and
  - C. LIMITATION – Such resumption of use shall be confined to the use in existence immediately prior to such damage or destruction and such restoration shall not increase the non-conformity of any non-conforming characteristic in existence immediately prior to such damage or destruction and, if all or any portion of the Premises are located within the Historic District, such restoration shall be substantially similar in appearance, including architectural design, arrangements, texture and color, to the improvement so damaged or destroyed.

**13.4 NON-CONFORMING LOTS** – A Non-Conforming Lot is a Lot legally existing on the effective date of these Regulations or any applicable amendment thereto, but which fails by reason of such adoption or amendment to conform to the present Regulations for any prescribed Lot requirement.

1. Except as otherwise provided herein, and subject to CGS Section 8-26a(b)(2), as amended, subsequent to the effective date of these Regulations, no Zoning Permit will be issued or initial construction on any vacant Non-Conforming Lot, unless such Lot was approved as part of an unexpired subdivision or re-subdivision plan, or as the result of a Zoning Enforcement Officer approved Lot Division. Any construction on a vacant Lot shown on such approved and unexpired subdivision or re-subdivision plan or Lot Division plan shall not be required to conform to a change in the Regulations or boundaries of the zoning district adopted after the approval of the subdivision, re-subdivision or Lot Division. For purposes of this Regulation, a Lot shall be deemed vacant until the date when a Building Permit is issued with respect thereto and a foundation has been completed in accordance with such Building Permit, but shall not be deemed vacant if any Buildings were built or placed on such Lot but subsequently demolished.
  - A. With respect to any Non-Conforming Lot that was approved as part of an unexpired subdivision or re-subdivision plan, or as a result of a valid Zoning Enforcement Officer approved Lot Division, and upon which any improvements have been built, any construction shall be required to conform to a change in the applicable Regulations adopted subsequent to said Lot becoming an improved Lot. For purposes of this Regulation, no Lot shall be deemed improved until a Building Permit has been issued with respect thereto and a foundation has been completed in accordance with such Building Permit, and, subject to Section 13.3.4, such Lot will continue to be deemed improved even if any structures thereon are subsequently demolished.
  - B. Merger. If two or more contiguous Lots or combinations of Lots in single ownership that are not part of an unexpired subdivision, re-subdivision or valid Zoning Enforcement Officer approved Lot Division, 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. No portion of said undivided Lot shall be used or sold as a Building Lot which does not meet the Lot requirements established within these Regulations; nor shall any division of a Lot or boundary adjustment be permitted which leaves any remaining Lot non-conforming to the Lot requirements established within these Regulations.

**13.5 NON-CONFORMING SIGNS** – See Section 11.7.

**13.6 NON-CONFORMING MOBILE HOME PARKS** – No new Mobile Home park is permitted in the Town of Colchester.

1. Expansion of Existing Mobile Home Parks – Expansion of existing Mobile Home parks may be permitted in accordance with the following:
  - A. Expansion of twenty-five percent (25%) of the total number of existing and occupied Lots as of the effective date of these Regulations is permitted.
  - B. Either public water and/or sewer facilities must be provided. Each site must be serviced by individual water and sewer facilities.
  - C. Minimum Lot size must be 20,000 square feet per each Mobile Home site.
  - D. Must comply with all Public Health Codes.
  - E. The storage, collection and disposal of refuse in the Mobile Home park shall be handled or managed so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards and/or area pollution.
  - F. No Additions to Mobile Homes shall be permitted unless a minimum of ten (10) feet from adjacent Mobile Home is provided or a minimum of ten (10) feet from individual Lot line is provided.
  - G. Additional Lots or Mobile Home sites may be added after approval by the Commission of a Site Plan showing these Lots, in accordance with Section 15 of these Regulations. Said Site Plan shall show the location of all proposed Mobile Home sites, Mobile Home parking area, Driveways, sewer and water supplies, etc. The proposed roadway system must comply with the Road requirements noted in the Subdivision Regulations, with the exception that such Road may be twenty-four (24) feet in width and curbing is not required.
  - H. Any variation from the approved Site Plan for the location of the Mobile Home on each site shall be approved by the Zoning Enforcement Officer on a Class 2 Site Plan submitted in accordance with Section 15.4 of these Regulations

## **14.0 LAND USE PROCESS**

**14.1** There are fees assessed for most development applications reviewed by Planning Department personnel. These charges will change from time to time. A listing of charges for review of a development application is on file in the Zoning Office and is available on the Town's web site. Different activities may require different fees and all fees must be paid prior to commencement of review.

1. In addition to an application fee, the Commission may impose a project review fee on those applications which require, in the judgment of the Commission, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the application. The project review fee for such application requiring a Zoning Permit shall be paid by the Applicant based upon estimates provided by the project review consultant retained by the Commission.

## **14.2 ZONING PERMIT**

1. Application for a Zoning Permit for all uses shall be made on a form provided for that purpose and obtainable in the office of the Zoning Enforcement Officer. No Building Permit shall be issued nor any use established or changed in any area of the Town of Colchester without a Zoning Permit either from the Commission or the Zoning Enforcement Officer issued in conformance with the provisions of these Regulations. Uses of land or Buildings not clearly permitted in the various districts are prohibited.
2. A certificate of zoning compliance shall be issued by the Zoning Enforcement Officer upon completion of the development in accordance with the Zoning Permit.
3. After the effective date of these Regulations the Zoning Enforcement Officer will issue, upon the request of the owner or the occupant and the submission of documentation satisfactory to the Zoning Enforcement Officer, a certificate of zoning compliance for any legal Non-Conforming Building existing on the effective date of these Regulations or any amendment thereto. All Zoning Permits shall expire one (1) year after the date of issue or grant unless Substantial Improvement has been started within the year and has been diligently prosecuted to completion. Other than for certificates of zoning compliance for Non-Conforming Buildings as discussed above, a certificate of zoning compliance shall remain valid only so long as the Building, the use thereof, or the use of the land remains in full conformity with these Regulations or any amendment thereto.
4. Nothing in any amended Regulations shall require any change in the plans, construction or designated use of any Building on which actual construction was begun under a Zoning Permit validly issued prior to the effective date of said amended Regulations. Actual construction includes any of the conditions described below:
  - A. Excavation of a basement, cellar or foundation.

- B. Actual placing of construction materials in their permanent position fastened in a permanent manner.
  - C. Substantial beginning of demolition and removal of an existing Building preparatory to rebuilding: provided, however, in each circumstance that the actual construction shall be diligently carried on until the completion of the Building involved.
5. When a new Lot is formed by the division of an existing Lot, a Zoning Permit shall not be issued for the erection or moving of a Building onto the new Lot thus created nor shall a certificate of zoning compliance be issued for the new Building (new or moved) unless the size, Yards, and uses on both Lots comply with these Regulations.

#### **14.3 LAND DISTURBANCE**

A preliminary application must be made for any proposed Land Disturbance that effects greater than 10,000 square feet. The Zoning Enforcement Officer will make a determination whether a Zoning Permit is necessary based on the application and will issue a formal decision in writing. A permit may not be necessary but a preliminary application must be made. If a permit is found to be necessary, the Zoning Enforcement Officer shall meet with the applicant to discuss options which may include the submission of a permit application before final development approval is granted. In general there is to be no Land Disturbance before review and approval is final. The decision on whether to require a Zoning Permit will be made in consideration of the natural condition once the land is cleared.

#### **14.4 INSPECTION AND ACCESS**

In order to make meaningful comments on an application and its submission and processing, it may be necessary to inspect the subject property to observe the physical features. With the submission of an application for a Zoning Permit or for a certificate of zoning compliance, or any application to the Commission, the applicant must grant permission to access the subject property by Planning Staff and or Commission members for inspection and review. Failure to allow access may be grounds for denying the application.

#### **14.5 ADMINISTRATIVE REVIEW APPLICATION**

Administrative review involves development activities that occur by right in full compliance with the district in which they are located. The Zoning Enforcement Officer is the primary official charged with determining whether the applicant's submission is consistent with various development Regulations and standards. Upon initial application, the Zoning Enforcement Officer will decide on whether the application process requires administrative approval or must be decided by the Commission. If the Zoning Enforcement Officer determines that the proposed activities are subject to administrative review:

1. An application shall be made using an application form provided by the Zoning Enforcement Officer. The applicant is encouraged to schedule a predevelopment meeting with Town staff to determine application requirements, including discussion of the review process and expected submitted materials.
2. Once submitted, the application will be reviewed by the Zoning Enforcement Officer and

other staff professionals for completeness, accuracy and consistency with site and area development standards. It is the responsibility of the applicant to address all of the applicable requirements/standards described in the various sections of these Regulations.

3. The Zoning Enforcement Officer will forward the application to the various staff professionals for review and a review will be conducted based on these Regulations, the Plan of Conservation and Development (POCD) and other standards and/or official materials. If the applicant meets the criteria/standards as determined by the Planning Department staff, a Zoning Permit will be granted. A permit granted under this Section might contain a list of conditions. If the application is not deemed to meet criteria/standards as determined by the Planning Department staff then no permit or approval will be given and the applicant will be given a list of items that must be addressed in order for the application to gain approval.

#### **14.6 PROCESS – COMMISSION REVIEWED APPLICATION**

1. If it is determined that a project or other proposed activity requires review and approval from the Commission to secure a permit, it is recommended that the applicant meet with Planning Department staff in a pre-application setting to establish the parameters and process for the application.
2. It is also recommended that the applicant meet with the Commission on a pre-application basis. The applicant can describe the plans and gather feedback from the Commission prior to expending sums for preparation of materials.
3. A public hearing is required for all applications for amendments to the Zoning Map and/or Regulations, re-subdivisions and subdivisions proposing ten (10) or more Lots, all applications proposing to create or extend a public Road, and any Special Permit.
4. All applications that require review by the Commission (CAs) shall include required background documentation which shall be provided to the Planning Department. CAs shall include all required information and documentation as established by the Planning Department staff and the Regulations. Requirements for submission may be amended as conditions change and it is the responsibility of the applicant to meet with the Zoning Enforcement Officer to receive the most current application details.
5. The Zoning Enforcement Officer shall review the initial application submittal for application submission completeness and shall determine whether all items needed for review and decision have been provided. The Zoning Enforcement Officer shall complete this sufficiency review in ten (10) business days or less and shall provide a written response regarding sufficiency to the applicant and shall note any items required but not provided.
6. Once deemed sufficient, the various Planning Department staff shall substantively review the submitted application and forward their comments to both the applicant and the Commission. The applicant can provide additional information to respond to a stated staff comment or may offer additional materials to reflect a change made to address a comment or may provide any additional information that the applicant deems relevant.
7. Applicant may supplement any application and provide additional materials until a public

hearing on the application has been closed or, in the case of an application without hearing, a final decision has been made. Materials must be provided in the proper form and number and must be timely submitted in order to be considered by the Commission.

8. For each application, all staff comments and other application materials shall be forwarded to the Commission for review. Review will focus on the impacts of the proposal including traffic, noise, community character, Open Space, environmental quality, (if applicable) Building design, landscaping, and other factors identified by the staff and/or Commission. Requirements and guidelines for Site Plans are found in Section 15.

#### **14.7 APPLICATION PROCEDURES – SPECIAL PERMIT**

1. Applications for Special Permit shall be made to the Zoning Enforcement Officer in accordance with Section 14.6. In addition, a Special Permit application must contain:
  - A. Copy of the assessor's map showing all properties and zones within 500 feet of the subject property.
  - B. A list of the names and addresses of the owners of all properties within 500 feet of the subject property, all as shown on the latest assessor's records of the Town of Colchester. The applicant shall notify, by certificate of mailing or by certified mail, the owners of all properties within 500 feet of the subject property with a copy of the staff prepared legal advertisement at least five (5) days prior to the start of a public hearing. The applicant shall present proof of such notification to the Commission prior to the day of the public hearing.
2. The Commission shall hold a public hearing on each application for a Special Permit and shall provide notice and abide by the time limits and by other requirements set forth in CGS § 8-7d, as amended.
3. Filing – No Special Permit shall become effective until a copy thereof, certified by the chairman or secretary of the Commission, containing a description of the property to which it relates and specifying the nature of the Special Permit, including a reference to the Section of these Regulations under which the Special Permit is granted, and stating the name of the owner or owners of record, is recorded in the land records of the Town of Colchester. The applicant must file the Special Permit Notice of Decision within ninety (90) days of the date of the published approval. The Town Clerk shall index the same in the grantor's index under the name of the record owner(s) and record owner(s) shall pay for the recording.

#### **14.8 GENERAL EVALUATION CRITERIA** – In evaluating an application for a Special Permit, the Commission shall determine that the following general conditions are met:

1. The proposed use is compatible with the Plan of Conservation and Development.
2. The proposed use will not create or substantially aggravate vehicular and pedestrian traffic safety problems.

3. The proposed use will not have substantial degrading effects on the value of the surrounding property.
4. The proposed use will not substantially affect environmental quality in an adverse manner.
5. The ability of surrounding property to develop consistent with the prevailing zoning classification will not be substantially impaired.
6. Public utilities and storm drainage features are adequate to serve the proposed use.
7. The kind, size, location and height of Buildings and other structures, the nature and extent of landscaping, and the location of Driveways, parking and loading areas will not substantially hinder or discourage the appropriate use of adjoining property.

**14.9 SPECIFIC EVALUATION CRITERIA** – In evaluating an application for a Special Permit the Commission shall also determine whether the application meets the criteria relating to the specific Special Permit use proposed.

## **15.0 SITE PLAN REVIEW**

### **15.1 SITE PLAN REVIEW REQUIREMENTS**

Most zoning applications include requirements for submission and approval of a Site Plan. No application is complete without compliance with the submission requirements and standards applicable to the type of Site Plan required. The type of Site Plan required depends of the complexity and/or nature of the application (see Site Plan Requirement Chart). It is intended that a Site Plan for each proposed land use be prepared with due consideration for:

1. The purpose and intent of these Regulations, and protection of the public health, safety, welfare, property values and the environment;
2. Coordination with public infrastructure and impact including vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, Wetlands, Watercourses, Buildings and other features that support the neighborhood including the provision of Streets; limitations on the location and number of access Driveways and provisions for traffic management;
3. The Setback, location and bulk of Buildings and structures; the design of Buildings and structures relating to Streets or highways, or from other Lots;
4. The preservation of natural landform features, Wetlands and water resources;
5. The provision, location and character of landscaping;
6. The location, character and intensity of outside illumination; and
7. The extent, character, purpose and location of Signs.

### **15.2 TRAFFIC STUDY REQUIREMENT**

1. The Commission may require the applicant to submit an analysis of traffic caused by the proposed project and the actions taken to mitigate any identified impacts. If required, the following information shall be submitted:
  - A. Site Plan showing existing land use on-site and on both sides of the site including across any Streets and intersecting Roads
  - B. Proposed land use, including size of proposed structures
  - C. Proposed parking area, curb cuts, and sidewalks
  - D. Total trip generation and peak hour

volumes, including breakdown of anticipated trips generated by each land use if a Mixed Use Development

- E. Generated vehicular trips may be discounted in recognition of other reasonable and available modes of transportation (transit, pedestrian, bicycle, etc.)
  - F. Trip distribution at curb cuts and intersection turning movements
  - G. Direction of approach and projected traffic volumes via area Streets
  - H. Comparison with existing traffic volume from the project site (or volume generated by the previous land use on-site).
2. If the Commission finds that that the proposed development will result in a degradation of traffic conditions, it may recommend one or more of the following actions:
- A. Reduce the size, scale, scope or Density of the proposed project
  - B. Dedicate a right-of-way for Street improvements
  - C. Construct new Streets
  - D. Design ingress or egress to the project to reduce traffic conflicts
  - E. Alter the use and type of the development to reduce peak-hour traffic
  - F. Integrate design components (e.g., pedestrian and bicycle paths and/or connection to a proposed rail trail or transit improvements) to reduce vehicular generation
  - G. Implement traffic demand management strategies (e.g., carpool/vanpool programs, flex time, telecommuting, etc.) to reduce vehicular trip generation.
3. Where a proposal includes Road configurations as a primary design component contributing to the character of the development, the Commission, upon the written recommendation of the Town Engineer, may accept an alternative Road design where the proposed development can be shown to meet acceptable engineering practice, embraces low impact or context sensitive flexible design concepts, and does not compromise pedestrian or vehicular safety or emergency access. The Commission can approve a alternative design with a  $\frac{3}{4}$  vote of the membership.

**15.3 A SITE PLAN CLASS 1** shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or Accessory Building to any other principal Building, provided that the use is subordinate and customarily incidental to the principal use and provided that:

- 1. Such Building does not exceed twenty-five percent (25%) of the Floor Area of the existing

Buildings or fifteen hundred (1500) square feet, whichever is less.

2. Such Building conforms to all requirements of the district in which it is located.
3. No site improvements are intended, required or will result from such Building, including but not limited to the development of additional parking spaces.
4. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
5. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:
  - A. Boundaries, dimensions and area of the property.
  - B. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
  - C. Dimensions of all Yards, as required by these Regulations
  - D. Location and description of water supply and sewage disposal facilities.
  - E. Square footage of proposed structure and number of stories.
  - F. Wetland and/or Floodplain limits.

**15.4 SITE PLANS CLASS 2** shall be required for all land development applications that are not eligible for Class 1 approval. All Class 2 Site Plans shall be prepared by a professional engineer, land surveyor or architect licensed in the State of Connecticut. Such Site Plans shall be submitted to the Zoning Enforcement Officer for the Commission's review and be at a scale of at least one (1) inch equals forty (40) feet and shall be on sheets either 24 inches by 36 inches or 17 inches by 11 inches and shall detail the following. If an item is not applicable, a note on the Site Plan must be included that describes the rationale for its non-inclusion.

1. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the plan and program basis for review of the Site Plan submission. The nature and extent of the proposed use or occupancy must be described.
2. Site Plan drawn on one (1) or more sheets 24 inches by 36 inches and at a scale not to exceed 1" = 40' including a general location map sheet at 1" = 1000' scale map showing the site; north arrow; existing and proposed Roads, Watercourses, Aquifer Protection Zone, flood zones, zone district lines and Town Overlay Zone lines within 2000 feet of the site must be provided on the Site Plan, Index Map. If the proposed site does not fit on one sheet, a 1" = 200' scale map of the site showing match marks and sheet number references must be provided on the Site Plan. Other map scales may be approved by Commission. Additional details and specifications shall be drawn at the same sheet size and scale or such

other size and scale as may be appropriate in accordance with good design practice. The Site Plan shall be prepared by a professional engineer, architect, land surveyor and/or landscape architect licensed to practice in the State of Connecticut and as required by law.

3. Provision for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities.
4. The number of persons to occupy or visit the Premises on a daily basis, including the parking and loading requirements for the use. Shared Parking requirements may be submitted.
5. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. A traffic study providing the information set forth in Regulation Section 15.2 and prepared by a licensed professional traffic engineer may be required.
6. The equipment or other methods to be established to comply with the development standards included in the Regulations.
7. Disclosure of any toxic or other hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants in accordance with Section 3001 of the Resource Conservation and Recovery Act (42 USC § 6901, et seq. and 40 CFR Part 261) and Connecticut regulations for Hazardous Wastes.
8. A list of abbreviations and/or symbols used on the map(s) and plans along with their definitions.
9. A list of all dimensional requirements for the particular zone(s) along with the proposed dimensions.
10. A list of parking requirements for the proposed use along with proposed parking criteria.
11. Address of property and name of owner of record, including assessor's map/block information and Lot number.
12. Property boundaries, dimensions and area.
13. Wetland and Floodplain limits.
14. Locations of all existing and proposed Buildings and uses, including but not limited to Signs, sidewalks, Driveways, parking and loading areas, and abutting Streets, poles, hydrants and other utility appurtenances; areas to be used for exterior storage and the type of screening to be provided.
15. Dimensions of all Yards, categorized as required by these Regulations.
16. Locations and descriptions of water supply and sewage disposal facilities.

17. Contour lines at intervals determined by the Commission to be sufficient to clearly show natural drainage. If Grading is proposed, the existing and proposed contours shall be shown. Elevations are to be taken by field survey and referenced to an on-site benchmark tied to NGVD.
18. Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed Building or use. Wherever natural drainage is to be disrupted or extensive Grading is to be done, the applicant shall submit an Erosion and Sedimentation control plan. Such plan shall be prepared in accordance with standards prescribed in the U.S. Soil Conservation Service's Erosion and Sediment Control Handbook, shall be consistent with the 2002 Connecticut Guidelines for Erosion and Sediment Control, as amended, and shall show the measures to be taken during and after construction to minimize Erosion and sedimentation.
19. Proposed landscaping, including the type, size and location of proposed plantings.
20. All parking areas and Driveways shall be paved with a two (2) inch layer of bituminous concrete over a suitable gravel base, and provided with adequate storm drainage to ensure protection from surface runoff over adjacent properties and Roads. The paving requirement may be modified as accepted by the Town Engineer.
21. Driveways shall be at least fifteen (15) feet wide (curb to curb) for one-way traffic and twenty-four (24) feet wide for two-way traffic. A clear sight distance from an exit Driveway along a local Street shall be at least 350 feet and 500 feet along a Collector or Arterial Street, as measured from a point ten (10) feet from the travel way of the Street at an elevation of three and one-half (3 ½) feet.
22. A-2 Survey certified by a land surveyor registered in the State of Connecticut.
23. If approval from any state, local, or federal departments, offices or agencies is required, such approval shall be obtained prior to submission of the Site Plan. Approval from Connecticut Department of Transportation may be preliminary.
24. List of the required and proposed Building Setback lines. Lot width, Lot area and parking spaces. Structures should be in substantial design conformity with the surrounding area. Architectural elevations and photographs of the surrounding properties must be submitted for review and approval.
25. Any additional information required by the Commission.
26. All sidewalks/public trails shall be constructed in accordance with provisions of Sections 7.7 and 6.3.12 respectively of the Subdivision Regulations. Concrete sidewalks shall be required in areas where expected pedestrian and/or vehicle traffic generated by high residential Densities, commercial, industrial or institutional activities, as well as access to public schools make sidewalks necessary for public safety. Where the above conditions are determined not to exist, the Commission may decide not to require sidewalks in those areas not planned to be serviced by sidewalks or in circumstances where sidewalks would not carry appreciable pedestrian traffic.

### **15.5 SITE PLAN APPROVAL BY THE COMMISSION**

The Commission shall use the standards contained in these Regulations for the review of Site Plans submitted to the Commission for review and action. The construction of any improvements shown on any such Site Plan shall be in accordance with Form 815, as amended, "Standard Specifications for Road, Bridges and Incidental Construction", Town of Colchester Zoning Regulations, Town of Colchester Subdivision Regulations and Connecticut Landscape Contractors Association's "Standard Specifications for Planting Trees, Shrubs, Vines, etc."

A decision on an application and Site Plan submitted to the Commission shall be rendered within sixty-five (65) days after receipt of such application and Site Plan or as per CGS Section 8-7d, as amended. The Commission shall approve, modify and approve, or deny such Site Plan. Reasons shall be set forth when a Site Plan is denied or modified and approved. Any modifications shall be required to conform with these Regulations. A copy of any decision shall be sent by certified mail to the applicant who submitted such plan within fifteen (15) days after such decision is rendered.

### **15.6 FILING OF APPROVED CLASS 2 SITE PLAN**

The applicant shall submit three (3) signed and sealed paper prints, a signed and sealed mylar print(s) and a digital copy of the final approved Site Plan for endorsement by the chairman or secretary of the Commission. The endorsed mylar prints are to be filed by the applicant at the applicants expense in the Town's Land Records Office within ninety (90) days of the expiration of the appeal period.

### **15.7 POSTING OF BOND FOR CLASS 2 SITE PLANS**

Prior to the issuance of any permits pursuant to said Site Plan the applicant shall file a bond with the Commission in a form satisfactory to the Board of Selectman and/or the Town Engineer and in an amount acceptable to the Town Engineer for all Erosion and Sediment control measures shown on the approved Site Plan.

1. Prior to issuing a certificate of zoning compliance, all site improvements must be completed. However, in the event that weather conditions are such that it would prohibit the completion of such improvements, a bond for 110% of the cost of the remaining improvements or \$5,000.00, whichever is greater, may be posted and a certificate of substantial completion may be issued. Such bond must be in a form acceptable to Town Counsel and in an amount approved by the Town Engineer. No certificate of substantial completion will be issued unless a minimum of the binder layer of the pavement for any proposed parking area or Driveway and all sidewalks and public safety measures are installed as required on the approved plan. The foregoing bonding requirements do not apply to municipal projects.

**15.8 SIGN PERMIT APPLICATION AND PROCESS FOR APPROVAL** – Except for those Signs enumerated in Section 11 as exempt; no Sign shall be erected, altered, redesigned, relocated, reconstructed or established within the Town of Colchester until a permit relating to the proposed signs has been issued by the Zoning Enforcement Officer or approved by the Commission. For any use of land or Buildings requiring a Special Permit or Class 2 Site Plan pursuant to these Regulations, all required information relating to the proposed Signs shall be submitted as part of the application for such Special Permit and/or Site Plan and shall be approved, modified and approved, or disapproved exclusively by the Commission, as part of its action on the Special Permit and/or Site Plan. Where no application for a

Special Permit and/or Site Plan is required, the application for a Sign permit shall be filed with the Zoning Enforcement Officer for action. The Zoning Enforcement Officer may refer any Sign application to the Commission for review and action.

1. Every application for a Sign permit shall contain, at a minimum, the following information:
  - A. Name, address and telephone number of the Sign owner, property owner and of the Sign installer.
  - B. All applications for a Sign permit shall be signed by the owner of the Lot on which the Sign is to be located or in lieu of the signature of the owner, the application is to be accompanied with a letter from the property owner granting permission to make the application for the proposed Sign(s).
  - C. A Site Plan depicting the location and size of the existing and proposed Sign(s) on the subject site and its relation to adjacent Buildings and structures, and any associated landscaping, lighting sources, structural components, and the like.
  - D. An illustration of the proposed Sign(s), including dimensions, text/content, materials, color, and structural support.
  - E. A narrative description of the Sign(s), including its purpose, method of illumination, materials (if not evident from the illustration), the Section of the Regulations under which the such Sign is permitted, a description of the total area, location, type, size and other information for all other Signs on the Lot, and any other information not contained in the Site Plan or illustration.
  - F. Such other information as the Commission or Zoning Enforcement Officer may require for determining compliance with these Regulations.
  - G. An application fee per the schedule of fees.
2. Permit exceptions – The following operations shall not be considered as creating a new Sign and, therefore, shall not require Sign permit approval.
  - A. Change in Text/Content – A change in the text or content of an application for a Sign, with no other change in size, location, color, illumination, or any other aspect of the Sign, shall not require the issuance of a new Sign permit.
  - B. Maintenance – Painting, repainting, cleaning and other normal maintenance and repair of a Sign, or a Sign structure, unless a structural change is made.
3. Action – The Zoning Enforcement Officer may only approve or deny an application for a Sign permit. The Commission may approve, modify and approve, or deny an application for a Sign permit. Such modifications may include, but are not limited to, requirements for certain dimensions, illumination, lettering size, location, height, landscaping, and other characteristics or dimensions of the Sign(s). In determining such requirements, the Commission shall consider the character of the area where such Sign is located, the use with which it is associated, the types, sizes, dimensions, and the like of surrounding Signs

(both existing and proposed), and the general compatibility of the Sign(s) with Parcels located in the general area.

4. Criteria for Review.
  - A. That the proposed Sign(s) conforms to all applicable requirements of these Regulations.
  - B. That the proposed Sign(s) is appropriate in size, location, illumination, and character for the Building or use with which it is associated, and the area in which it is proposed; in harmony with the historic, rural character of the Town of Colchester; and will not adversely impact property values or public safety.
  - C. In addition to the minimum and maximum dimensions contained in these Regulations, the Commission may also impose more restrictive requirements where required to protect the public health, safety, welfare, property values, the natural environment, the character of historic areas, or the other purposes of these Regulations. The situations where such additional restriction may be imposed include, but are not limited to, the following: areas of historic importance; non-conforming non-residential uses in the SU or RU District; Signs in locations where sight line hazards may be created or maintained; developments adjacent to significant wildlife habitats; developments adjacent to uses requiring special protection from light and other characteristics of Signs, such as hospitals and rest homes, schools, churches, and other public or community Buildings.

### Site Plan Requirement Chart

	Administrative Application	Commission Application	Site Plan Required
<b>Accessory Use</b>	*		
<b>Temporary uses</b>	*		
<b>Lot Line Adjustment</b>	*		*
<b>Code Amendment</b>		*	
<b>Lot Split</b>	*		*
<b>Map Amendment</b>		*	*
<b>Land Disturbance not Excavation or EMPAR</b>	*		*
<b>Site Plan 1/Amendment</b>	*		

<b>Site Plan II/Amendment</b>		*	*
<b>Special Permit</b>		*	*
<b>Subdivision/Re-subdivision</b>		*	*
<b>Change of Use</b>	Depends on Use		
<b>CGS Section 8-24</b>		*	

<b>Use</b>	<b>Definition</b>	<b>Site Plan Required</b>
<b>Accessory Use</b>	Customary uses, clearly incidental and subordinate to a principal Building or land use and which is located on the same Lot with the principal Building or land use. Accessory Uses are permitted as long as the use does not otherwise undercut the plain intent of the Regulations.	<b>Class 1 Site Plan</b>
<b>Temporary Uses</b>	Any use of a structure or land for a limited period of time where the site is not to be permanently altered by Grading or construction of accessory facilities. Events include: art shows; rodeos; religious revivals; tent camps; outdoor festivals and concerts.	<b>Class 1 Site Plan</b>
<b>Lot Split</b>	Division of one (1) existing Lot into two (2).	<b>Class 1 Site Plan</b>
<b>Code Amendment</b>	Any proposed changes in the content contained in the Regulations. This is independent of specific property rezoning requests, which are considered map amendments	
<b>Lot Line Adjustment</b>	Any change to the established Lot dimension of two (2) or more adjacent Lots that does not create a new Lot.	<b>Class 1 Site Plan</b>
<b>Map Amendment</b>	Redesignation of a specific property or properties on the Town's Zoning Map	<b>Class 1 Site Plan</b>
<b>Land Clearing</b>	The cutting and grubbing of trees and stumps or Grading on any site, Parcel or Lot over 10,000 square feet; provided, however, it does not include mowing, trimming or pruning, so as to maintain vegetation in a healthy, viable condition.	<b>Class 1 Site Plan</b>
<b>Site Plan 1/Amendment</b>	A basic Site Plan is required for Single-Family Dwellings and Accessory Buildings thereto, for any change in use, Addition or Accessory Building to any other principal Building, provided that the use is subordinate and customarily incidental to the principal use . Class I Site Plans are limited to Buildings that do not exceed twenty-five percent (25%) of the Floor Area of the existing Buildings or 1,500 square feet, whichever is less.	<b>Class 1 Site Plan</b>

Use	Definition	Site Plan Required
<b>Site Plan II/Amendment</b>	Shall be required for all Buildings and uses other than those described above (Class 1 Site Plans).	<b>Class 2 Site Plan</b>
<b>Special Permit</b>	Land uses, which, because of various characteristics, cannot be distinctly classified or regulated in a particular zone without giving careful consideration in each case to the impact of such use upon neighboring uses, public safety, the surrounding area and the public need for such use in a particular location.	<b>Class 2 Site Plan</b>
<b>Subdivision/ Re-subdivision</b>	See CGS Section 8-25 and Subdivision Regulations	<b>Class 2 Site Plan</b>
<b>CGS Section 8-24</b>	Requirements for approval of municipal improvements as per CGS Section 8-24	

## **16.0 SUBDIVISION**

**16.1** Any person intending to subdivide land in the Town of Colchester must obtain approval from the Commission and shall submit a complete application to the Planning Department. The subdivision application shall be submitted in the form established by the Planning Department. Requirements for submission of a subdivision application may be amended by Planning Department staff as conditions change and it is the responsibility of the applicant to meet with staff to receive the most current application details. Application requirements and fee schedules are available at the Planning Department office.

**16.2** Staff shall review the application and shall render a decision on the sufficiency of the application within ten (10) days of receipt of the application. This review will not involve review of specific substantive items but instead will focus on whether each of the required items has been provided. Applicant may amend items already provided or develop additional items to satisfy the staff's sufficiency comments. Applicant is encouraged to submit all materials at one time.

**16.3** Staff will review the application based on the standards established in the Subdivision Regulations and this Land Development Regulation. Staff will develop written comments on the substantive merits and compliance of the application with the Subdivision Regulations and application requirements. Staff comments will be forwarded to the applicant. The applicant may amend submitted material or develop new materials in response to staff comments.

**16.4** The Commission shall hold a public hearing regarding any subdivision proposal that proposes ten (10) or more Lots, or the creation or extension of a new Road. No plan for re-subdivision shall be approved by the Commission without a public hearing. Such public hearing shall conform to CGS Section 8-7d requirements, as amended, and commence within sixty-five (65) days after receipt of the application. The public hearing must be completed within thirty-five(35) days after such hearing commences. The applicant may consent to one or more extensions of any period, provided the total of all extensions shall not exceed sixty-five (65) days.

**16.5** Whenever a subdivision of land is planned, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the regional planning agency or agencies of the region or regions within which the other municipality is located. The regional planning agency or agencies receiving such referral shall, within thirty (30) days, report to the Commission and to the applicant its findings on the inter-municipal aspects of the proposed subdivision. If such report of the regional planning agency is not submitted within thirty (30) days after the referral from the Commission, it shall be presumed that such agency does not disapprove of the proposed subdivision. The regional planning agency's report shall be purely advisory.

**16.6** The Commission shall vote to approve, modify and approve, or disapprove any subdivision application and maps and plans submitted therewith within sixty-five (65) days after completion of the public hearing thereon or, if no public hearing is held, within sixty-five (65) days after the official receipt thereof. Notice of decision of the Commission shall be published in a newspaper having substantial circulation in the municipality and sent by certified mail to the applicant by its secretary or agent, under his signature within fifteen (15) days after such decision has been rendered. The failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be

issued by the Commission on demand. The grounds for the action of the Commission shall be stated in the records of the Commission.

**16.7** Prior to commencement of work on the approved subdivision plan, the Commission shall accept from the applicant a bond in a form acceptable to the Town and approved by the Town Engineer for the estimated cost of installing the Erosion and Sediment control measures shown on the approved plans. No Lots may be sold or transferred in a subdivision until all public improvements and utilities are satisfactorily completed except that the Commission may accept a bond in an amount approved by the Town Engineer and acceptable to the Town for the all public improvements yet to be completed plus ten percent (10%).

**16.8** If the Commission votes to approve a subdivision plan or modify and approve a subdivision plan, its approval with the date thereof, together with a statement of any modifications applying to such approval, shall be endorsed and signed by the chairman or secretary of the Commission in the space provided for such purpose on 1) fixed line photographic polyester film, 2) original ink drawing on polyester film or linen or, 3) wash-off photographic polyester film copy of the plan provided by the applicant or other applicable medium. In addition to the above, the applicant shall provide three (3) paper copies of the final approved subdivision plan and a digital copy in Auto Cad drawing file format or other format acceptable to the Town.

**16.9** The endorsed copy of the subdivision plan shall be filed by the applicant in the office of the Town Clerk within ninety (90) days of the expiration of the appeal period, or in the case of an appeal within ninety (90) days of the termination of such appeal by dismissal, withdrawal, or judgment in favor of the applicant. Any plan not so filed or recorded within the prescribed time period shall become null and void; except that the Commission may extend the time for such filing by two (2) additional periods of ninety (90) days and the plan shall remain valid until the expirations of such extended time.

**16.10** Any person, firm or corporation making any subdivision of land shall complete all work in connection with such subdivision within five (5) years after the approval of the plan for such subdivision unless extension, as granted by Connecticut General Statutes, occurs.

## **17.0 ADMINISTRATIVE AND APPEALS PROCEDURE**

### **17.1 PENALTIES**

In accordance with CGS Section 8-12 or any amendments thereto, the owner or agent of any Building or Premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire Building or Premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part or assists in any such violation or who maintains any Building or Premises in which such violation exists, shall be subject to enforcement action which may include fines and/or legal expenses.

### **17.2 ZONING BOARD OF APPEALS**

There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternates, which shall act in accordance with the applicable provisions of Chapter 124 of the Connecticut General Statutes.

1. Powers and Duties – The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised, subject to appropriate conditions and safeguards, so as to be in harmony with the purpose and intent of these Regulations and the Plan of Conservation and Development of the Town of Colchester and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Colchester:
  - A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by any official charged with the enforcement and administration of these Regulations.
  - B. To hear and decide all matters upon which it is required to pass by the specific terms of the Regulations.
  - C. To determine and vary the application 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.

### **17.3 VARIANCES**

1. Variances may be granted only if in harmony with the general purpose and intent of these Regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values, when solely with respect to a Parcel of land and owing to conditions especially affecting such Parcel, but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or

Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured. Before granting a variance on the basis of exceptional difficulty or unusual hardship, there must be a written finding by the Board that the following conditions exist:

- A. That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same district.
  - B. That the hardship was not the result of the applicant's own action.
  - C. That the hardship was not merely financial or pecuniary.
  - D. That the hardship relates to the real property in question.
2. The Zoning Board of Appeals shall have no authority to permit by variance any use in any district in which such use is not otherwise allowed under the provisions of these Regulations.

**17.4 APPEALS** – Any person claiming to be aggrieved by any order, requirement or decision made by any official charged with the enforcement and administration of these Regulations may appeal to the Zoning Board of Appeals. Such appeal shall be filed within fifteen (15) days from the issuance of notice of said order, requirement or decision. Said Board shall hear and decide the appeal and may reverse or affirm, wholly or partly, or may modify any order, requirement or decision appealed from, and shall have all the power of the authority from whose decisions such appeal is taken, but only in so far as to enforce these Regulations, where an error has occurred.

#### **17.5 APPLICATIONS**

1. Applications and appeals to the Zoning Board of Appeals shall be submitted, in writing, by the owner(s) of the property, or by party(ies) who have a demonstrable interest as a result of the decision, on a form designated by the Zoning Board of Appeals together with any required fees. If the applicant is not the owner of the property, a notarized letter of consent from the property owner must accompany the application. A copy of each application shall be provided to the Commission for informational use only.
2. Each application or appeal shall clearly set forth the action desired by the Zoning Board of Appeals, shall state the circumstances creating the need for such action, and where applicable, shall reasonably illustrate with map(s) and other drawing(s), the location and nature of the appeal or application. In the case of a requested variance, the application shall demonstrate how the enforcement of the specific Regulation, ordinance or bylaw sought to be varied, creates a hardship upon the use of such Parcel of land. Every appeal or application shall refer to the specific provision of these Regulations involved.
3. All applications for variances shall be accompanied by a list of the names and addresses of the owners of all property within 150 feet of the boundaries of the property addressed in the variance, all as shown on the latest tax assessment records of the Town of Colchester, together with a map showing the property addressed in the variance and showing all other properties on said list.

4. The date of receipt of an application for a variance or an appeal from a zoning enforcement order, shall be the earlier of: the day of the next regularly scheduled meeting of the Board immediately following the day the application was submitted to the Board or its agent; or thirty-five (35) days after such submission.

**17.6 NOTICE TO ADJACENT PROPERTY OWNERS AND TO ADJOINING MUNICIPALITIES OF APPLICATION OR REQUEST**

1. In addition to legal notices otherwise required, the applicant shall mail the text of the public hearing notice of any variance application, not less than seven (7) days prior to the hearing to the owner(s) of each property within 150 feet of the boundaries of the property addressed in the variance application, all as shown on the latest tax assessment records of the Town of Colchester. Evidence of such mailing shall be submitted prior to the public hearing in the form of United States Post Office certificate of mailing or certified mail return receipt requested.
2. The Board shall notify the Clerk of any adjoining municipality by certified mail, return receipt requested, of any pending application or request regarding any site in which:
  - A. Any portion of the site affected by the Board's decision is within 500 feet of the boundary of the adjoining municipality.
  - B. A significant portion of the traffic to the completed project on the site will use Streets within the adjoining municipality to enter or exit the site.
  - C. A significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality.
  - D. Water runoff from the improved site will impact Streets or other municipal or private property within the adjoining municipality.
3. Such notice shall be mailed within seven (7) days of the date of receipt of the application or request.

**17.7 HEARINGS AND DECISIONS**

The Zoning Board of Appeals shall conduct a public hearing on all matters wherein a formal petition, application or appeal has been submitted in accordance with CGS Section 8-7, as amended. Such hearing shall commence within sixty-five (65) days after receipt of such petition, application, request or appeal and shall be completed within thirty-five (35) days after such hearing commences. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total of all extensions shall not exceed sixty-five (65) days. Notice of the time and place of such hearing shall be published in accordance with CGS Section 8-7d, as amended, in a newspaper having a substantial circulation in such municipality.

1. Decisions rendered by the Zoning Board of Appeals shall be in writing and said Board shall state upon its record the reasons for decision.

2. The concurring vote of four (4) members of the Zoning Board of Appeals is necessary to reverse any order, requirement or decision of the officer charged with the enforcement of these Regulations; to decide in favor of an applicant any matter upon which the Board is required to pass under any bylaw, ordinance, rule or Regulation; or to vary the application of these Regulations. In the case of any tie vote, the application shall be considered denied.
3. Notice of the decisions of the Zoning Board of Appeals shall be published in a newspaper with a substantial circulation in the Town of Colchester and a copy of each decision shall be mailed by certified mail to the applicant, within fifteen (15) days of the date the decision was rendered.

#### **17.8 FILING – VOIDING OF DECISION**

A copy of any variance granted by the Zoning Board of Appeals shall be filed in the Office of the Town Clerk within thirty (30) days of the published approval and each variance shall be recorded in the land records in accordance with the requirements of CGS Section 8-3d, as amended. Failure to file a granted variance within the time frame referenced above shall render the decision null and void.

## **18.0 AMENDMENTS – CHANGE OF USE**

**18.1** These Regulations and the boundaries of zoning districts may be amended by the Commission, after public notice and hearing, in accordance with CGS Section 8-3, as amended.

1. These Regulations or the Zoning Map may be changed only by a majority vote of all the members of the Commission, except as otherwise provided in this subsection. If a protest against a proposed Zoning Map change is filed at or before a hearing with the Commission signed by the owners of twenty percent (20%) or more of the area of the Lots included in such proposed change or of the Lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.
2. Any petition for a change of these Regulations or the boundary of a zoning district shall be on a form prescribed for such purpose and obtainable from the Zoning Enforcement Officer.

## **18.2 PROCEDURES FOR CHANGE OF ZONE**

1. Submit application, required number of plans, and fee to the Planning Department.
2. The plan showing the property and the proposed change must be certified as a minimum to Class D map standard.
3. The applicant shall submit a copy of the assessor's map showing all properties and zones within 500 feet of the proposed change and shall provide a list of the property owners within the proposed zone change and within 500 feet of the boundaries of the proposed zone change per the latest Parcel assessment record of the Town of Colchester.
4. All property owners within the area of the proposed zone change and within 500 feet of the area of the proposed zone change shall be notified with a copy of the staff prepared Legal Notice by the applicant by certificate of mailing or certified mail. The applicant shall bring proof of such notification to the Commission prior to the public hearing.
5. The provisions of Section 18.2.4 shall not apply in the case of amendments to the Town's Zoning Regulations and/or Zoning Map initiated by the Commission.

## **18.3 CHANGE OF USE**

1. Any change of use shall be in compliance with these Regulations. The change in use of a principal activity shall be subject to review by the Zoning Enforcement Officer, and/or Commission and by the Colchester Sewer and Water Commission and allowed only if found to be in compliance with the intent of these Regulations.

## **19.0 SEPARABILITY**

**19.1** Should any section or provision of these Regulations be declared by a court of competent jurisdiction 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.

## **20.0 DEFINITIONS**

### **20.1 Adoption and Purpose**

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

1. When not inconsistent with the context:
  - A. Words in the present tense include the future and vice-versa,
  - B. Words in the singular include the plural and vice-versa, and
  - C. Words used in the masculine include feminine and neuter and vice-versa.
2. The word “shall” is mandatory and is not discretionary.
3. The word “may” is permissive.
4. The words “zone”, “zoning district”, and “district” have the same meaning.
5. The phrase “used for” shall include the phrases “arranged for”, “intended for”, “maintained for”, and “occupied for”.
6. The word “person” also includes a partnership, association, trust, corporation, limited liability company, limited liability partnership, or other legal entity.
7. The phrase “these Regulations” shall refer to the entire Zoning Regulations.
8. The word “Building” includes the word “structure”.

**20.2 Meaning of Words** – The meaning of words and terms not specifically defined in these Regulations shall be determined by the Commission after reference to:

1. The Illustrated Book of Development Definitions,
2. The Connecticut General Statutes,
3. Black’s Law Dictionary,

4. A common dictionary, or
5. Such other materials as the Commission may deem appropriate.

**20.3 A2 OR A-2 CLASSIFICATION** – Shall be as defined in the current STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, as approved by the Connecticut Association of Land Surveyors, Inc.

#### **20.4 DEFINITIONS**

**ACCESSORY APARTMENT:** A Dwelling Unit which is clearly secondary to the principal use as a Single-Family Dwelling, which meets the criteria in these Regulations and is intended to provide affordable housing for young individuals or older persons who no longer can, or wish to, maintain a traditional Dwelling. Access is provided through the primary Dwelling.

**ACCESSORY BUILDING:** A detached subordinate Building, the use of which is incidental to and customary in connection with the principal Building or use, and which is located on the same Lot with such principal Building or use. An Accessory Building shall be one which is not attached to the principal Building by any covered porch, breezeway, or other roofed structure.

**ACCESSORY USE:** A customary use, clearly incidental and subordinate to the principal Building or land use and which is located on the same Lot with the principal Building or land use.

**ADDITION:** A structure added to the original structure at some time after the completion of the original that includes an extension or increase in the Floor Area or height of a Building or structure.

**ADULT BOOK STORE:** An establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, downloaded material, compact discs, or magazines , and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the same.

**ADULT AMUSEMENT MACHINE:** Includes any Amusement Machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

**ADULT ENTERTAINMENT:** Any exhibition of any motion pictures, videotapes, live performances, display or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of Specified Sexual Activities or exhibition and viewing of Specified Anatomical Areas.

**ADULT MOTION PICTURE THEATER:** An enclosed Building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

**ADULT ORIENTED BUSINESS:** Shall include, without limitation, Adult Book Store, Adult Motion Picture Theater, and commercial establishments containing one or more Adult Amusement Machines. In addition, Adult Oriented Business means any Premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios,

compartments or stalls separate from the common areas of the Premises for the purpose of viewing Adult Entertainment when such establishment is operated or maintained for profit, direct or indirect.

**AFFORDABLE HOUSING:** Residential or Mixed Use Development that meets the affordability standards of these Regulations.

**AFFORDABLE HOUSING RESTRICTION:** Deed restriction, covenant, zoning Regulation, Site Plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions and standards identified in Colchester's Affordable Housing Regulations.

**AGE RESTRICTED HOUSING:** Housing, including Independent Living Developments and Congregate Housing Developments, designed and used for persons fifty-five (55) years of age and older in accordance with the Federal Fair Housing Act.

**AGRICULTURE:** As defined in CGS Section 1-1 (q).

**AMUSEMENT MACHINE:** Includes any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score or whether or not electronically operated.

**ANTENNA:** A device used to receive or transmit electromagnetic waves, including, but not limited to, whip Antennas, panel Antennas and dish Antennas.

**AREA OF FLOOD HAZARD:** Land in the Floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.

**ARTERIAL ROAD/ ARTERIAL STREET:** Provides for movement across and between towns and cities serving predominately "through traffic" with minimum direct service to abutting land uses. This category includes mainly Roads under the jurisdiction of the State of Connecticut Department of Transportation.

**ARTIFICIAL SKY GLOW:** The brightening of the night sky attributable to manmade sources of light.

**AQUIFER:** A geological unit capable of yielding usable amounts of water to wells.

**BASE FLOOD:** Flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BED AND BREAKFAST:** An Accessory Use of an owner-occupied Single-Family Dwelling that provides short term accommodation of transients in not more than six (6) guest rooms, and may include the provision of on-site meals solely to overnight patrons.

**BUFFER AREA:** Open Spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other intrusions.

**BUILDABLE AREA:** Land area on a Parcel exclusive of:

Wetlands or Watercourses,

100-year Floodplains,  
Slopes in excess of twenty-five percent (25%),  
Rock or exposed ledge outcrops  $\geq$  200 square feet, or  
Pre-existing conservation, access or utility easements.

**BUILDABLE SQUARE:** Dimensional requirement of Buildable Area on a Lot.

**BUILDING:** Structure of walls, post, columns or other devices which may or may not support a roof, and which is used for the housing, shelter, enclosure or support of persons, animals or property of any kind. Any other structure more than six (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 bridge or flagpole.

**BUILDING COVERAGE:** The ratio of the area covered by Buildings or other structures on the Lot to the Buildable Area expressed as a percent.

**BUILDING HEIGHT:** The vertical distance from the average finished grade within ten (10) feet of the walls to the highest roof line.

**BUILDING PERMIT:** Permit required for the construction or alteration of any structure, as required by CGS Section 29-263, as amended.

**BULKY WASTE:** Land clearing debris and waste resulting from demolition activities other than Clean Fill.

**BUSINESS OFFICE:** Location principally used as an office for 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.

**BUSINESS SERVICES:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**CANOPY:** A roof-like covering over an area, in or under which a lighting fixture may be mounted.

**CERTIFICATION:** A signed, written approval by the Commission and/or its Soil Erosion and Sediment Control Plan Designated Agent that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these Regulations.

**CLASS D CLASSIFICATION:** Shall be as defined in the current STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, as approved by the Connecticut Association of Land Surveyors, Inc.

**CLASS 1 SITE PLANS:** Shall be the Site Plan submitted for all Single-Family Dwellings, Two-Family Dwellings and Accessory Buildings thereto, and any other change in use, Additions or Accessory

Buildings to any other principal Building provided that the use is subordinate and customarily incidental to the principal use and in accordance with the provisions of Section 15.3 of these Regulations.

**CLASS 2 SITE PLANS:** Shall be the Site Plan submitted for all other uses not noted under Class 1 Site Plans and in accordance with Section 15.4 of these Regulations.

**CLEAN FILL:** Means (1) natural Soil (2) rock, brick, ceramics, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to Ground Water or surface waters, nor a fire hazard and (3) polluted Soil as defined in subdivision 50 of subsection (a) of Section 22a-133k-1 of the Regulations of Connecticut State Agencies which Soil has been treated to reduce the concentration of pollutants to levels which do not exceed the applicable pollutant mobility criteria and direct exposure criteria established in Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies, as amended, and the Appendices thereto and in cases in which Soil is reused in accordance with Section 22a-133k-2(h)(3).

**CLEARING:** The large scale, indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for non-agricultural development purposes.

**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 and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**COLLECTOR ROAD/COLLECTOR STREET:** Provides for movement between neighborhoods. Collector Roads/Collector Streets serve limited amounts of “through traffic” and service a high proportion of local traffic requiring direct access to abutting properties. Collector Roads/Collector Streets provide the link between local neighborhood streets and larger Arterial Roads.

**CO-LOCATION:** Locating wireless telecommunication facilities of more than one Licensed Wireless Telecommunication Service Provider on a single Wireless Telecommunication Site.

**COMMERCIAL USE:** Activity involving the sale of goods or services carried out for profit.

**COMMISSION:** The Planning and Zoning Commission of the Town of Colchester.

**COMMISSION REVIEWED APPLICATIONS (“CA”):** Zoning applications that may be considered for approval without public hearings if they do not include uses requiring a Special Permit, propose less than ten (10) Lots and do not create or extend public Roads. Commission Reviewed Applications (CA) are for more complex land uses/Buildings than administrative applications and require policy decisions made by the Commission.

**CONGREGATE HOUSING DEVELOPMENT:** A housing development complex designed and used exclusively for disabled persons or persons age 55 and over, wherein independent living is assisted by the provision of congregate meals, housekeeping, and Personal Services.

**CONSTRUCTION AND DEMOLITION WASTE:** Waste building materials and packaging resulting from construction, remodeling, repair and demolition operations on houses, commercial Buildings and other structures, excluding asbestos; Clean Fill, as defined in regulations adopted under CGS Section 22a-209; or Solid Waste containing greater than de minimis quantities, as determined by the Commissioner of

DEEP, of (A) radioactive material regulated pursuant to CGS Section 22a-148, (B) Hazardous Waste as defined in CGS Section 22a-115, and (C) liquid and semi liquid materials, including but not limited to, adhesives, paints, coatings, sealants, preservatives, strippers, cleaning agents, oils and tars.

**CONSTRUCTION SERVICES:** Establishments primarily engaged in providing services for Building construction, utility installation, and landscaping installation and maintenance.

**COUNTY SOIL AND WATER CONSERVATION DISTRICT:** The New London County Soil and Water Conservation District established under CGS Section 22a-315(a).

**COUNTRY CLUB:** Land area and Buildings containing golf courses, Recreational Facilities, a club house, and Accessory Uses, open only to members and their guests.

**CUL DE SAC:** A closed Street with a single common ingress and egress, which commonly ends with a bulbous turnaround area.

**DECIDUOUS:** A plant with foliage that loses or sheds its leaves annually.

**DENSITY:** The number of Dwelling Units or Lots permitted on a Parcel of land expressed as units or Lots per acre or per square foot of Buildable Area.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, Buildings or other structures, mining, dredging, Filling, Grading, paving, Excavation, drilling operations, or permanent storage of materials. Because of its frequent use, this word is not capitalized in the Regulations.

**DESIGNATED AGENT:** An agent of the Planning and Zoning Commission.

**DIAMETER AT BREAST HEIGHT (dbh):** The outside bark diameter of a tree measured at 4.5 feet above existing grade on the uphill side of the tree.

**DISTURBED AREA:** Area where the ground cover is destroyed or removed leaving the land subject to accelerated Erosion.

**DRIPLINE:** An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

**DRIVEWAY:** A private Road providing access to a Street or highway.

**DUPLEX:** Residential Building containing two (2) Dwelling Units.

**DWELLING UNIT OR "DWELLING":** Any Building or portion thereof, which is designed and used exclusively for residential purposes. Such Dwelling shall contain living, sleeping, and sanitary facilities.

**SINGLE-FAMILY DWELLING:** A Building which is designed and used exclusively for residential purposes and which contains separate living, sleeping and sanitary facilities for occupancy by one (1) Family.

**TWO-FAMILY DWELLING:** A Building which is designed and used exclusively for residential purposes and contains two (2) independent Dwelling Units, each with independent outside access by common hallway, stairs and/or outside door and separate facilities that are used, or intended to be used, for living, sleeping and cooking and sanitary facilities.

**MULTI-FAMILY DWELLING:** A Building which is designed and used exclusively for residential purposes and which contains separate living, sleeping, housekeeping and sanitary facilities for three (3) or more Families.

**EARTH MATERIALS:** Earth Materials shall include only the following: topsoil; manure; compost; leaves; brush; sand; gravel; stone; rock; used concrete and brick; used bituminous paving materials (asphalt), and Clean Fill. Construction and Demolition Waste is not included within the definition of Earth Materials.

**EARTH MATERIALS PROCESSING AND RECYCLING ("EMPAR"):** Materials processing and aggregate recycling. Recycling, for the purpose of Section 8.8.6 of these Regulations, shall mean the processing of Earth Materials including the processing of Solid Waste, as defined by CGS Section 22a-207(7), to reclaim material therefrom.

**EDUCATIONAL INSTITUTION:** A Connecticut licensed facility or school providing educational services for which a degree/certification is awarded.

**EROSION:** Means the detachment and movement of Soil or rock fragments by water, wind, ice or gravity.

**EVERGREEN:** A plant with foliage that is retained and remains green throughout the year.

**EXCAVATION:** The removal from any land Premises within the Town of Colchester of earth, sand, gravel, clay, quarry stone or other natural earth products in excess of 100 cubic yards in a single calendar year, for commercial purposes, except as surplus material resulting from a bona fide construction.

**FACADE:** The exterior wall of a Building.

**FAMILY:** One (1) or more related persons or a group of not more than six (6) persons who need not be so related plus domestic servants, who are living together as a single housekeeping unit maintaining a common household. A roomer or boarder shall not be considered a member of a Family for the purpose of this definition.

**FALL ZONE:** The area or location within which a Tower, Antenna or any other material (such as ice) would drop, slide or settle in the event the Tower or Antenna is blown from its support structure, collapses, or otherwise is dislodged from its foundation or mounting.

**FILLING:** The depositing of Earth Materials on a site to change the grades. The Filling of land with 500 cubic yards or more of Earth Materials requires the submission of a Class 2 Site Plan to the Commission for review and approval.

**FLAG LOT:** A Parcel of land having access to, but less than the required frontage on a Town or State Road and having typically a major portion of its area located to the rear of the abutting Lots fronting on the Town or State Road.

**FLOODPLAIN:** Areas of special flood hazard in Colchester as determined by the Federal Emergency Management Agency in their most recent Flood Insurance Study or as otherwise mapped on their most recent Floodway Flood Boundary and Floodway Map.

**FLOODPLAIN, 100-YEAR:** Floodplain areas which fall below the 100-year flood frequency profile as determined by the most recent information from the Federal Emergency Management Agency.

**FLOODWAY:** The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than one (1) foot.

**FLOOR AREA:** Any enclosed portion of a structure or Building with a finished ceiling to floor height of not less than seven (7) feet, excluding any area above the first floor stairway, and excluding cellar, basement, porch, garage and utility areas and areas in an Accessory Building.

**FOOT-CANDLE:** A unit of measure of luminance; a unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) Lumen per square foot.

**FOUNDATION FOOTING:** The supporting base or groundwork of a structure that supports and distributes the weight of the foundation.

**FULL CUT-OFF TYPE FIXTURE:** A Luminaire or Light Fixture that by design of the housing, does not allow any light dispersion or direct Glare to shine above a ninety (90) degree horizontal plane from the base.

**FULLY SHIELDED LIGHTS:** Fully shielded Luminaire Light Fixtures, which allow control of the Glare in any direction.

**GLARE:** Light that causes visual discomfort or disability, or a loss of visual performance and in extreme cases causes momentary blindness.

**GRADING:** Any stripping, cutting, Filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades. The Grading of 20,000 square feet or more of land requires the submission of a Class 2 Site Plan to the Commission for review and approval.

**GROSS RESIDENTIAL DENSITY:** Number of Dwelling Units divided by the total site area, usually expressed in units/acre.

**GROUND WATER:** Water below the land surface, often between saturated Soil and rock.

**HAZARDOUS WASTE:** Any virgin or waste material, which, because of its physical, chemical or infectious characteristics, may pose an actual or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported, or otherwise managed, in accordance with Section 3001 of the Federal Resource Conservation and Recovery Act of 1976 (42 USC 6901, et seq.) and 40 CFR Part 261.

**HEAT ISLAND EFFECT:** An area of elevated temperatures in developed environments caused by structural and pavement heat fluxes and pollutant emissions.

**HEIGHT OF LUMINAIRES:** The Height of Luminaires is the vertical distance from the ground directly below the centerline of the Luminaire to the lowest direct-light-emitting part of the Luminaire.

**HOME OCCUPATION:** An Accessory Use of a portion of a Single-Family Dwelling Unit or accessory structure to a Single-Family Dwelling Unit for business purposes by the resident occupants when clearly incidental and customary to the residential use of the Dwelling Unit and subject to Regulation requirements. A Home Occupation is a component of the residential use and shall not be deemed to be a separate non-residential use.

**HORTICULTURE:** The cultivation of a garden, orchard, or nursery products.

**HOTEL:** A facility offering transient daily lodging accommodations to the general public and providing additional services, such as Restaurants, meeting rooms, entertainment, Personal Services, and Recreational Facilities in a Building so designed that normal access and egress are controlled from a central point.

**HOUSING AFFORDABILITY UNIT:** A housing unit that meets the criteria of the Town's affordable housing Regulations.

**HYDROLOGIC CYCLE:** Continual flow of water between land, surface water, Ground Water and atmosphere, through evaporation, transpiration, recharge, runoff, condensation, and precipitation.

**ILLUMINATION RATIO:** Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than  $\frac{1}{4}$  or four (4) times less than the average (4) level of illumination.

**IMPERVIOUS COVERAGE:** The amount of area on a site covered by hard-surfaced materials that do not readily absorb or retain water including, but not limited to, Building roofs, paved parking and Driveway areas, sidewalks, swimming pools, paved recreation areas and other areas as determined by the Town Engineer, expressed as a percentage of impervious area over Buildable Area.

**INDEPENDENT LIVING DEVELOPMENT:** Residential development designed and used exclusively as Age Restricted Housing for handicapped persons, consisting of Single-Family, Two-Family, Multi-Family, or Townhouse Dwelling Units or groups of Dwelling Units.

**INDIRECT RECHARGE AREA:** The area contributing water to surface Watercourses upgradient of the Aquifer or Wellfield Area of Contribution.

**INDOOR RIDING STABLES:** Indoor riding facilities which provide for maintaining, training and exercise for horses and riders.

**INN:** A Building of essentially residential character, designed and used for the short term accommodation of transient guests in not more than eight (8) guest rooms having normal access/egress from a centralized point. An Inn may have an associated Restaurant where food and drink is prepared, served and consumed primarily within the principal Building.

**INSTITUTIONAL LAND USE:** Public or private health, recreational or educational uses such as parks, schools, libraries, hospitals and camps.

**ISODIAGRAM:** Graphical representation of points of equal illuminance drawn as single line circular pattern or computer generated spot readings in a grid pattern on a Site Plan or lighting plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how Light Fixtures will perform on a given site.

**JUNK:** Any scrap, waste, reclaimable material, or debris including but not limited to tires, vehicle parts, equipment, paper, rags, metal, glass, Building materials, household appliances, machinery, and lumber.

**JUNK VEHICLE:** A motor vehicle not displaying valid current registration plates and/or a motor vehicle that is worn out, discarded, inoperative, or which is ready for dismantling or destruction. No more than one (1) such vehicle shall be stored or parked on any Lot except where automotive repairs are permitted. This definition shall not apply to vehicles used for agricultural purposes.

**JUNK YARD:** Any Premises in or on which Junk materials, or other waste products, and discarded items not used for their original purposes are stored or deposited on any Lot so as to be unsightly or detrimental to nearby property .Specific reference to CGS Sections 21-9 and 14-67g is herein cited.

**KENNEL, PRIVATE:** A facility where more than five (5) adult dogs (six (6) months old or older) are kept on one (1) Lot.

**KENNEL, COMMERCIAL:** A facility maintained and properly licensed for boarding or grooming of (5) five or more dogs or cats not owned by the owner of the facility.

**LANDSCAPE:**

- (1) An expanse of natural scenery;
- (2) Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, rain gardens, and ponds.

**LAND DISTURBANCE:** Any activity involving the Clearing, or cutting of trees and vegetation, Excavation, Filling or Grading of land, or any other activity that alters the existing topography or vegetative cover of the site.

**LAWN:** Any area on a site where pre-development vegetation or other features have been or will be replaced with turf, which is or shall be periodically mowed and regularly maintained as an ornamental feature or as an open area to create usable space for residents or visitors to that site. Areas where turf is installed for the purposes of providing utilities, such as easements, swales, leaching fields, etc., shall be exempt from this definition.

**LICENSED WIRELESS TELECOMMUNICATION SERVICE PROVIDER:** A company or other legal entity authorized by the Federal Communications Commission (FCC) to build and/or operate a Wireless Telecommunication Site.

**LIGHT TRESPASS:** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

**LOCAL STREET:** The majority of Colchester Streets are Local Streets. These Local Streets provide access to individual land uses.

**LOCALLY IMPORTANT FARMLAND SOILS:** Soils identified in the Locally Important Farmland Soils Map for Colchester as determined by the Connecticut Department of Agriculture.

**LOT:** A single tract, Parcel or piece of land including the Open Spaces required by these Regulations which, at the time of filing for a Zoning Permit, is designated as a unit and is under common ownership and control.

**LOT, CORNER:** A Lot or Parcel of land abutting upon two (2) or more Streets at their intersection or upon two (2) parts of the same Street forming an interior angle of less than 135 degrees or where the intersection is rounded by a curve having a radius of less than 100 feet.

**LOT COVERAGE:** The ratio of the area covered by Buildings or enclosures on a Lot to the total Buildable Area on a Lot; not including outside parking and loading areas.

**LOT DIVISION:** The division of a Lot that existed prior to the implementation of zoning in the Town of Colchester (1/1/1959) into two (2) building Lots. No Lot shall be established for building purposes unless it is demonstrated that the Lot is capable of meeting all of the Lot design standards for the underlying zoning district and the criteria set forth in these Regulations. The Lot Division shall require the approval of the Zoning Enforcement Officer based on a determination of compliance with these Regulations.

**LOT, FLAG:** See Flag Lot definition.

**LOT FRONTAGE:** The continuous lineal measurement of the boundary of a Lot that abuts the Street.

**LOT, NON-CONFORMING:** See NON-CONFORMING LOT.

**LOT, THROUGH:** A Lot that fronts upon two (2) parallel Streets or that fronts upon two (2) Streets that do not intersect at the boundaries of the Lot

**LOT, WIDTH:** The linear distance between the side Lot lines as measured at the required Setback.

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

**LUMEN:** The unit of luminous flux: a measure of the amount of light emitted by a lamp. One-foot candle is one (1) Lumen per square foot. For the purposes of this Regulation, these Lumen-output values shall be the initial Lumen output ratings of a lamp.

**LUMINAIRE ("LIGHT FIXTURE"):** A complete lighting unit consisting of one (1) or more electric lamps, the lamp holder, reflector, lens, diffuser, ballast, and/or other components and accessories.

**MANUFACTURING:** The act of converting raw materials into a finished product using machinery or other methods. For the purposes of these Regulations, the Manufacturing process must be conducted within a Building specifically designated on the Site Plan for this use.

**MANUFACTURED HOME:** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected

to the required utilities. The term includes all Mobile Homes and also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer.

**MEADOW:** A field vegetated primarily by grass and other non-woody plants (grassland)

**MEAN SEA LEVEL:** For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MEDIAN INCOME:** After adjustments for Family size, the area Median Income as determined by the U. S. Department of Housing and Urban Development for the Town.

**MEMBERSHIP CLUBS:** Premises owned or occupied by a corporation or association of persons which is operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not primarily for profit and whose use is open to a limited membership and their guests.

**MINI STORAGE FACILITIES:** One (1) story multi-unit public service facility. Units rented for cold storage of household goods, recreational equipment, business inventory, fixtures, and other similar personal property. No servicing or repair of any type shall be conducted in the storage Building or on the property. Individual units shall not be serviced by water, sewer, or electricity.

**MIXED USE DEVELOPMENT:** Development containing one or more Multi-Family or Single-Family Dwelling units and one or more commercial, public, institutional, retail, office, or industrial uses.

**MOBILE HOME:** A structure originally designed and constructed or redesigned and reconstructed for year-round occupancy for one (1) or more persons and equipped with or designed to be equipped with wheels for movement of the structure from place to place.

**MOTEL:** A Building or group of detached, semi-detached or attached Buildings containing guest rooms or Dwelling Units each of which, or each pair of which, has a separate entrance leading directly from the outside of the Building with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of motor vehicle transients. Motels do not include Hotels, Inns, Bed and Breakfasts, boarding houses, Mobile Home parks or recreation campgrounds. Each Motel unit shall contain inside hot and cold running water, shower or bath and toilet.

**MOUNTING HEIGHT:** The vertical distance between the lowest part of the Luminaire and the ground surface directly below the Luminaire.

**MULTI-FAMILY HOUSING:** Building that contains or will contain three (3) or more residential Dwelling Units.

**MUNICIPAL SOLID WASTE:** Solid Waste from residential, commercial and industrial sources, excluding Solid Waste consisting of significant quantities of Hazardous Waste as defined in CGS Section 22a-115, land Clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal.

**NON-CONFORMING BUILDING** – A Non-Conforming Building is a Building lawfully in existence prior to the effective date of these Regulations or any amendments thereto which violates the Setback, Yard, Lot Coverage, height, Floor Area, or any other dimensional requirements of the district in which it is located.

**NON-CONFORMING LOT** – A Non-Conforming Lot is a Lot legally existing on the effective date of these Regulations or any applicable amendment thereto, but which fails by reason of such adoption or amendment to conform to the present Regulations for any prescribed Lot requirement.

**NON-CONFORMING USE** is a use of any Lot or Building lawfully in existence prior to the effective date of these Regulations or any amendment thereto and otherwise meeting the requirements of Connecticut law for Non-Conforming Uses, which violates the use requirements of the district in which the Lot or Building is located.

**OBTRUSIVE LIGHT:** Glare and Light Trespass.

**OPEN SPACE:** Land permanently preserved for Agriculture, forestry, passive recreation, wildlife habitat, natural resource conservation, maintenance of community character, or as undeveloped land.

**ORNAMENTAL OR ACCENT LIGHTING:** Outdoor Lighting that is installed mainly or entirely for its decorative effect or to accent an object or a feature, rather than as an aid to visibility.

**OUTDOOR LIGHTING:** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**OVERLAY ZONE:** A zoning district that encompasses one or more underlying zones and that imposes additional or other requirements than those required by the underlying zone.

**PARCEL:** A contiguous piece of land owned or controlled by the same person(s) or entity(ies) and to be developed or used as a unit.

**PERSONAL SERVICES:** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty/nail salons, seamstresses, tailors, dry cleaners (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, health clubs and travel agencies.

**PERSONAL SERVICE ESTABLISHMENT:** An establishment primarily engaged in providing Personal Services.

**PHOTOMETRIC TEST REPORT:** A report by an independent testing laboratory or one certified by the National Institute of Standards and Technology (NIST) describing the candela distribution, shielding type, luminance, and other optical characteristics of a specific Luminaire.

**PLANNED DEVELOPMENT:** A development under unified control planned as a single continuous project, to allow single or multi-use projects within its boundaries and provide greater design flexibility.

Features in a Planned Development include common access, Driveways, parking, and Open Space/recreation areas, in which multiple principal Buildings are located on the same Lot or Lots. A Planned Residential Development may consist of a mixture or combination of Single-Family, Two-Family, and Multi-Family Dwellings. Use of a Planned Development should result in development superior to that which would occur using conventional zoning regulations

**PREMISES:** Land and Buildings together considered as a property.

**PRIMARY RECHARGE AREA:** (for Stratified Drift Aquifers) The area overlying the Aquifer and adjacent Stratified Drift in which Ground Water flows directly into the Aquifer. (The contact line between the Stratified Drift and adjacent till or bedrock is the boundary line).

**PROFESSIONAL OFFICE:** Office for person or persons whose vocation or occupation requires advanced training in a liberal arts or science, a State license or certification, and whose work usually involves non-manual work and where 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.

**PROFESSIONAL SERVICES:** A business that offers any type of service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, Professional Services include services rendered by certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, veterinarians, attorneys at law, physical therapists and life insurance agents.

**PROPERTY LINE ADJUSTMENT:** Any change in the location of an existing property line provided it does not create an additional Lot, does not result in a Lot or condition that violates these Regulations, and does not increase any existing Lot non-conformities with the dimensional requirements of these Regulations. Such Property Line Adjustment is also not considered a subdivision or re-subdivision so long as it does not create a Lot or affect a Street layout shown on an approved subdivision map, and it does not affect any area reserved for public use or established as Open Space under these Regulations or the Subdivision Regulations.

**PROPERTY MAINTENANCE AND LANDSCAPING:** The incidental Excavation, removal, Grading or Filling in conjunction 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 shall be permitted, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer. No Zoning Permit shall be issued pursuant to these Regulations if the proposed Excavation, removal, Grading or Filling will alter the natural character and drainage or affect an inland Wetland or Watercourse as defined by the Connecticut General Statutes.

**RECREATIONAL VEHICLE:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. For the purposes of these Regulations, no more than one (1) such unit shall be parked or stored on a Lot except in an authorized recreation campground.

**RECREATIONAL FACILITY:** A place designed and equipped for the conduct of sports and leisure-time activities.

**RECREATIONAL FACILITY, COMMERCIAL:** A Recreational Facility operated as a business and open to the public for a fee.

**RESTAURANT:** An establishment where food and drink are prepared, served, and consumed primarily within the principal Building at tables, counters or bars.

**RESTAURANT, TAKE-OUT:** An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the Restaurant, and where ordering and pickup of food may take place from an automobile with drive-thru service.

**RETAIL PACKAGE STORE:** A store for the sale for use off the Premises, of beer, wine and liquors which store has such products as its major stock for sale. It does not include Restaurants, cafes, stores engaged chiefly in the sale of groceries or drug stores.

**RETAIL SALES:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption or use and rendering services incidental to the sale of such goods.

**ROAD:** An improved public right-of-way accepted for public use by lawful procedure or a proposed Street in an approved subdivision plan. The functional classification of Streets (Arterial, Collector, local and dead end) used in these Regulations is in accordance with the classification used in the Subdivision Regulations of the Town of Colchester. A Street centerline shall be presumed to be in the center of the Street right-of-way.

**ROCK CRUSHING EQUIPMENT:** Specialized equipment, such as rock crushers or screeners, used to process excavated material. Rock Crushing Equipment may be used only on the actual site of an authorized Excavation project under the requirements of Section 8.11.12 of these Regulations.

**RURAL TOURISM:** Activities related and marketed to visitors that utilize the natural character and Landscape. Activities such as Bed and Breakfasts, vineyards, Restaurants and farm stores are examples.

**SECONDARY RECHARGE AREA:** Till and bedrock areas which provide direct Ground Water inflow to a Primary Recharge Area.

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

**SERVICE DEVELOPMENT:** An industry of technical or unique functions performed by trained personnel. Examples of services include accountants, actuaries, appraisers, architects, attorneys, business consultants, business development managers, copywriters, engineers, funeral directors, hair styling, insurance brokers, law firms, public relations researchers and real estate brokers.

**SETBACK:** The required distance from the property line to any portion of a Building as established by the provisions of these Regulations applicable to the district in which the Lot is situated.

**SHADE OR CANOPY TREE:** A tree that is selected in order to provide shading by way of an extensive canopy. Such trees generally grow to heights in excess of thirty-five (35) feet and provide for easy pedestrian and vehicular passage beneath the Dripline. These trees are generally best suited for use as Street trees.

**SHARED PARKING:** Parking spaces shared by more than one (1) user, which allow parking facilities to be used more efficiently. Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles.

**SIGN:** Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used for visual communication to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including letters, words, symbols, figures, fixtures, colors, trademarks, illustrations, images, or other graphic representations for purpose of advertisement, identification, publicity or notice.

**SIGN TYPES ARE AS FOLLOWS:**

**SIGN, ANIMATED OR MOVING:** Any Sign or part of a Sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

**SIGN, AWNING, CANOPY, MARQUEE:** A Sign attached to or hung from a marquee, Canopy or other covered structure, projecting from and supported by the Building and extending beyond the Building wall, building line or Street lot line.

**SIGN, BANNER:** A temporary Sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization.

**SIGN, BENCH:** A Sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or Road.

**SIGN, BILLBOARD:** A commercial Sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the Premises on which the Sign is located.

**SIGN, BLADE:** A vertically oriented wall Sign.

**SIGN, BULLETIN BOARD:** A Sign that identifies an institution or organization on the Premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

**SIGN, BUSINESS:** A Sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the Premises where the Sign is located.

**SIGN, CONSTRUCTION:** A temporary Sign erected on the Premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, DIRECTIONAL:** Signs limited to directional messages, principally for pedestrians or vehicular traffic, such as "one-way," "entrance," and "exit."

**SIGN, DIRECTORY:** Signs listing the tenants or occupants of a Building or group of Buildings and that may indicate their respective professions or business activities.

**SIGN, FACADE:** See SIGN, WALL

**SIGN, FACE:** The area or display surface used for the message.

**SIGN, FLASHING:** Any directly illuminated Sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**SIGN, FREESTANDING:** Any non-movable Sign not affixed to a Building.

**SIGN, GROUND:** A Sign supported by a pole, uprights, or braces in or upon the ground surface.

**SIGN, GOVERNMENTAL:** A Sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

**SIGN, HANGING:** A Freestanding Sign supported by the extended arm of a single post, with the top edge of the Sign Face not exceeding eight (8) feet above grade level.

**SIGN, HOLIDAY DECORATION:** Temporary Signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

**SIGN, HOME OCCUPATION:** A Sign containing only the name and occupation of a permitted Home Occupation.

**SIGN, IDENTIFICATION:** A Sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a Building, business, development, or establishment on the Premises where it is located.

**SIGN, ILLUMINATED:** A Sign lighted by, or exposed to, artificial lighting either by lights on or in the Sign or directed toward the Sign.

**SIGN, INFLATABLE:** Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**SIGN, INTERNALLY ILLUMINATED:** A Sign erected on the ground or attached to a Building, which is illuminated by the presence of a light source from within the Sign.

**SIGN, LANDMARK:** Any Sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as may be identified by the local historical commission or other official agency.

**SIGN, MEMORIAL:** A Sign, tablet, or plaque memorializing a person, event, structure or site.

**SIGN, MONUMENT:** A Sign engraved, carved, or sculpted on a finished or polished stone.

**SIGN, NAKED LIGHT DISPLAY:** A string of lights or any unshielded light used to attract attention.

**SIGN, NAMEPLATE:** A Sign, located on the Premises, giving the name or address, or both, of the owner or occupant of a Building or Premises.

**SIGN, NEON:** A Sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electric voltage is discharged.

**SIGN, NON-CONFORMING:** A Sign lawfully erected and maintained prior to the adoption of the current Regulations that does not conform with the requirements of the current Regulations.

**SIGN, OPEN HOUSE:** Temporary off-Premises Signs used to direct prospective purchasers to a house for sale.

**SIGN, ON-SITE INFORMATIONAL:** A Sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on to the property, including Signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

**SIGN, PEDESTAL:** SEE SIGN, GROUND.

**SIGN, POLE:** SEE SIGN, GROUND.

**SIGN, POLITICAL:** A temporary Sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**SIGN, PORTABLE:** A Sign, usually of a temporary nature, not securely anchored to the ground or to a Building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**SIGN, PRIVATE SALE OR EVENT:** A temporary Sign advertising private sales of personal property, such as "house sales," "garage sales," "rummage sales," and the like, or private not-for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

**SIGN, PROJECTING:** A Sign that is wholly or partly dependent upon a Building for support and that projects more than fifteen (15) inches (381mm) from the face of the wall or such Building.

**SIGN, REAL ESTATE:** A Sign pertaining to the sale or lease of the Premises, or a portion of the Premises, on which the Sign is located.

**SIGN, RESIDENCE DESIGNATION:** A Sign or nameplate indicating the name and/or address of the occupants of a residential property.

**SIGN, ROOF:** A Sign that is mounted on the roof of a Building or that is wholly dependent upon a Building for support and that projects above the top walk or edge of a Building with a flat roof, the eave line of a Building with a gambrel, gable, or hip roof, or the deck line of a Building with a mansard roof.

**SIGN, SEARCHLIGHT DISPLAY:** Any use of lighting intended to attract the general public by the waving or moving of light beams.

**SIGN, SIDEWALK:** Any temporary freestanding display located on the sidewalk or sidewalk area adjacent to a public Road or storefront.

**SIGN, SUSPENDED:** A Sign hanging down from a marquee, awning, or porch that would exist without the Sign.

**SIGN, TEMPORARY:** A Sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material, with or without a structural frame and designed or intended to be displayed for a short period of time; including decoration displays for holidays or public demonstrations.

**SIGN, VENDING MACHINE:** Any Sign, display, or other graphic attached to or part of a coin-operated machine dispensing food, beverages, or other products.

**SIGN, WALL:** A Sign fastened to, painted on, or directly attached to a fence, the surface of masonry or concrete, a frame or the wall of a Building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the Sign and that does not extend more than fifteen (15) inches from such Building, structure, face of the fence or wall.

**SIGN, WINDOW:** Signs displayed within the window of a non-residential use establishment announcing an event or advertising merchandise sold within such establishment. Window Signs will also be interpreted to include a display of merchandise within the window of the establishment in which it is sold. **See Section 11.5.12.**

**SIGN KIOSK:** A freestanding structure upon which Signs, information and/or posters, notices, announcements, are posted.

**SITE PLAN:** The development plan for one or more Lots on which is shown the existing and proposed conditions of the Lot, including topography, vegetation, drainage, Floodplains, Wetlands and Watercourses; landscaping and Open Space; walkways; means of ingress and egress; circulation; utility services; structures and Buildings; Signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**SITE PLAN CLASS 1:** A Site Plan that would pertain to permitted Single-Family and Two-Family Dwellings and Accessory Buildings or expansions or Additions to such Buildings and may be approved by the Zoning Enforcement Officer provided such Site Plan meets the requirements of these Regulations.

**SITE PLAN CLASS 2:** A Site Plan that portrays information that involves more complex development that will be reviewed and acted on by either the Commission or the Zoning Enforcement Officer for a Class 1 Site Plan.

**SLOPE:** The incline of land as measured between contour lines, typically expressed as a percentage (as in twenty-five percent (25%), signifying ten (10) feet vertical in forty (40) feet horizontal) or as a ratio (as in a 2:1 Slope, signifying two (2) feet horizontal to one (1) foot vertical).

**SMALL OR MINOR SHADE TREE:** A tree that is selected to provide shade primarily by blocking sunlight at various angles and casting shadows. These trees generally do not grow in excess of thirty-five (35) feet and may not provide convenient passage for pedestrians and motorists beneath the Dripline. These trees are generally best suited for transitional landscaping, parking islands and other isolated or strictly ornamental areas.

**SOIL:** Any unconsolidated mineral or organic material of any origin. Manure is not considered Soil.

**SOIL EROSION AND SEDIMENT CONTROL PLAN:** Scheme that minimizes Soil Erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**SOLID WASTE:** Unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

**SPECIAL PERMIT:** Form of zoning approval required for those uses, which, because of various special characteristics, cannot be distinctly classified or regulated in a particular zone without giving careful consideration in each case to the impact of such use upon neighboring uses, public safety, the surrounding area and the public need for such use in a particular location.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered human genitals and pubic region; buttocks; and female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation; sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**SPILL LIGHT:** Lighting from a lighting installation that falls outside of the boundaries of the property on which the installation is sited.

**START OF CONSTRUCTION:** The date the Building Permit was issued, provided the actual Start of Construction, repair, reconstruction, or improvement was within 180 days of the dated that the permit was issued. The actual start means the first placement or permanent construction of a structure (including a Manufactured Home) on a site, such as the pouring slabs or footings, installation of piles, construction of columns, or any work beyond the stage of Excavation or placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as Clearing, Grading and Filling, nor does it include the installation of Streets and/or walkways; nor does it include Excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main structure.

**STRATIFIED DRIFT:** Predominantly sorted Sediment deposited by glacial meltwater consisting of gravel, sand, silt or clay in layers of similar grain size.

**STREET:** An improved public right-of-way accepted for public use by lawful procedure or a proposed Street in an approved subdivision plan. The functional classification of Streets (Arterial, Collector, Local and dead end) used in these Regulations is in accordance with the classification used in the Subdivision Regulations of the Town of Colchester. A Street centerline shall be presumed to be in the center of the Street right-of-way.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement or, (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Building commences, whether or not that alteration affects dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary code specifications which are solely necessary to assure safe living conditions.

**TEMPORARY AGRICULTURALLY RELATED USES:** Events of limited duration on a farm, which are accessory to agricultural uses.

**TEMPORARY LIGHTING:** Lighting installed with temporary wiring and operated for less than sixty (60) days in any calendar year.

**TEMPORARY SEASONAL SIGNAGE:** Short term (six (6) months or shorter) Agriculture Signs that are taken down and stored once the growing season is ended.

**TEMPORARY USE:** Any use of a structure or land for a limited period of time where the site is not to be permanently altered by Grading or construction of accessory facilities. Events include: art shows; rodeos; religious revivals; tent camps; outdoor festivals and concerts.

**THEATER:** A Building or part of a Building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

**TOWER:** A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves, including but not limited to (a) self-supporting lattice, (b) guyed, and (c) monopole.

**TOWN ENGINEER:** Shall be a professional engineer, certified in the State of Connecticut who will review applications as requested by the Commission.

**TOWNHOUSE:** Residential Building consisting of a Single-Family Dwelling Unit constructed in a group of three (3) or more attached units, in which each unit extends from foundation to roof and has Open Space on at least two (2) sides.

**TRUCKING TERMINAL/WAREHOUSE:** An area and Building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation

**UPLIGHTING:** Any light source that distributes illumination above a ninety (90) degree horizontal plane.

**USE:** The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained. Because of its frequency, this term is not capitalized in the Regulations.

**WAREHOUSE:** A Building used primarily for the long or short term storage of goods and materials.

**WALLPACK LIGHTING FIXTURE:** A surface type lighting fixture normally mounted on a Building with a regulated light source not shielded or cut off.

**WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the Floodplains of coastal or riverine areas.

**WATERCOURSES:** As defined in CGS Section 22a-38, as amended.

**WELLFIELD:** An area containing one (1) or more pumping water supply wells in close proximity.

**WELLFIELD AREA OF CONTRIBUTION:** Area of the Aquifer where Ground Water flow is diverted to a pumping well due to a lowering of the water table.

**WELLFIELD RECHARGE AREA:** The area from which Ground Water flows directly to the Wellfield Area Of Contribution.

**WETLANDS:** As defined in CGS Section 22a-38, as amended.

**WIRELESS TELECOMMUNICATION SERVICES:** Licensed Wireless Telecommunication Services including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**WIRELESS TELECOMMUNICATION SITE:** A facility that consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with Wireless Telecommunication Services. Such facility may be maintained by others for operation by a Licensed Wireless Telecommunication Service provider(s).

**YARD:** An Open Space unobstructed from the ground upward along the full length of a Lot or Street line and between that line and the nearest point of any Building or portion thereof as may be specifically provided in these Regulations.

**YARD, FRONT:** An Open Space unobstructed from the ground upward along the full length of a Lot or Street line, and between that line and the nearest point of any Building or portion thereof. On a corner Lot, Front Yard requirements shall be met for both Street frontages.

**ZONING PERMIT:** Permit issued by the Zoning Enforcement Officer or Commission stating that the proposed Building is in compliance with the Zoning Regulations.