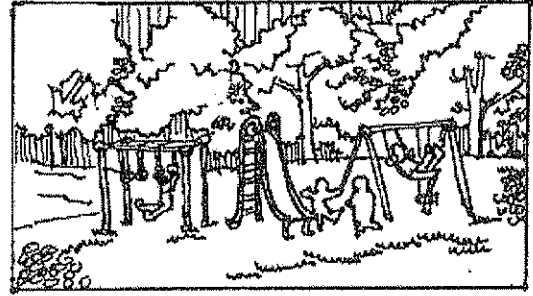
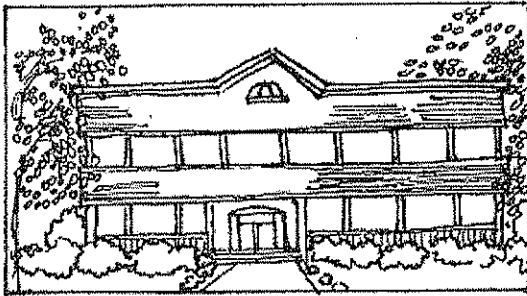
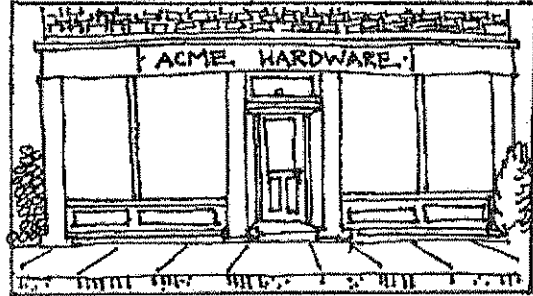
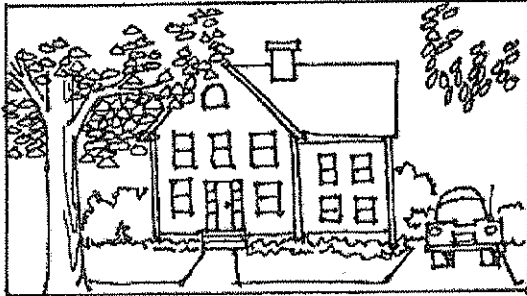


ZONING REGULATIONS OF THE TOWN OF STRATFORD



REPRINTED FROM
THE CODE OF STRATFORD, CONNECTICUT

This is a reprint of the Zoning Ordinance effective May 8, 1965. For any changes or amendments, consult the Master Ordinance on file in the office of Planning and Zoning.

**ZONING REGULATIONS
OF THE
TOWN OF STRATFORD**

With Amendments through June 1, 2006

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P R E F A C E

Be it resolved by the Town Planning and Zoning Commissions of the Town of Stratford that the following shall constitute the zoning regulations of the Town of Stratford superseding all zoning regulations in effect in the Town of Stratford the day before the effective date of these regulations and that the same be and hereby are adopted in order to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and to encourage the most appropriate use of land throughout the Town of Stratford. This preface was adopted initially in 1965 when Stratford had a combined Planning and Zoning Commission. The following continue to constitute the zoning regulations on and subsequent to January 1, 1990 at which time Stratford's Planning and Zoning Commission was separated into a Planning Commission and a Zoning Commission.

SECTION 1. DEFINITIONS.

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

1.1. Accessory.

A building or use clearly incidental or subordinate to, and customary in connection with, the principal building or use on the same lot. Additionally, any site which is environmentally contaminated, as determined by the appropriate Federal, State or local agency having jurisdiction over such matters, may have constructed thereon any building (s) or structure (s) necessary for the remediation or monitoring of said contamination, which building (s) or structure (s) shall be considered as accessory to the main building or use on the same lot.

1.1.1 Adult-oriented establishments

Adult-oriented establishments shall be as defined in the Code of the Town of Stratford and shall include, without limitation, adult entertainment, adult media outlets, adult motion picture theaters, adult mini-motion picture theaters, adult newsracks, adult retail establishments, and message parlors.

1.1.2 Affordable Housing.

Affordable Housing is as defined in Sections 8-30g and 8-39a of the Connecticut General Statutes.

1.1.3 Assisted Living Residential Facility.

A residential facility which provides assisted living services by a Connecticut licensed assisted living services agency in a managed residential community, as defined, under regulations of the State of Connecticut Department of Public Health, including the provision of supportive services to assist those in need of assistance in the activities of daily living.

1.2. Basement.

A story in a building, the structural ceiling level of which is above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street, and the floor level of which is below finished grade at any point on the periphery of the building.

1.3 Billboard.

A sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot.

1.4 Board of Appeals.

The board of zoning appeals of the Town of Stratford.

1.5 Building.

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

1.6 Building area.

The ground area enclosed by the outside walls of a building together with the area of all covered porches, other roofed portions, plus all decks, balconies and other similar structural projections above grade. (Amended 4/17/91).

1.6.1 Building coverage.

The percentage of a property occupied or intended to be occupied by all buildings and structures. Building coverage is the building area as defined in Section 1.6 divided by

the lot area as defined in Section 1.24.1. The area covered by water bodies, water courses, tidal wetlands and/or freshwater inland wetlands as defined in Chapter 440 of the Connecticut General Statutes shall not be used in computing the maximum allowable building coverage. (Building area divided by lot area equals building coverage.) (Effective 4/17/91).

1.7 Building code.

The Building Code adopted by the Town of Stratford on Sept. 27, 1943 and any amendments thereto.

1.8 Building height.

The vertical distance from the average finished grade within ten feet from the walls of the building to the highest point of flat or mansard roofs including the top of a parapet or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs.

1.9 Building inspector.

The Building Inspector of the Town of Stratford.

1.10 Building line.

A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Planning Commission or the Zoning Commission of the Town of Stratford or by limitation in a deed filed in the land records of the Town of Stratford.

1.10.1 Co-Location.

The location of wireless telecommunication facilities from more than one provider on a single site.

1.10.2 Commercial vehicle.

A commercial vehicle shall be defined as any vehicle over 10,000 lbs gross vehicle weight (GVW) including legal load, any commercially registered vehicle, any vehicle having visible lettering or advertising or any vehicle containing business related equipment, supplies or products which are visible off the premises and change the residential character of a neighborhood.

1.11 Court.

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

1.12 District.

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

1.13 Drive-in and/or take out restaurant.

Any restaurant or other food service establishments including delicatessen, grocery and any other business wherein customers may purchase food which has been prepared and is ready for consumption, and which food is placed on or packaged in non-returnable throw-away type containers for consumption either inside or outside of the building wherein the food is sold, either on or off the premises. (Effective 7/23/83).

1.14 Due process.

The procedure customary provided by these regulations or required by state statute.

1.15 Dwelling, one-family.

A detached building designated for or occupied by one family.

1.16 Dwelling, two-family.

A building designated for or occupied by two families living independently of each other.

1.17 Dwelling, multiple.

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

1.17.1 Dwelling, seasonal.

A structure designed and intended for human habitation of a structure which has been used for seasonal or recreational nature and not as a permanent dwelling; or a structure which has been used for seasonal or recreational purposes and not as a permanent dwelling.

1.17.2 Dwelling, year round.

A structure designed and intended for human habitation on a continual basis, as a permanent dwelling; or a structure which has been used on a continual basis as a permanent dwelling.

1.18 Family.

Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit.

1.19 Fence.

Any structure constructed of wood, metal, wire mesh, or masonry and used for fence purposes.

1.20 Floor area.

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

1.20.1 Floor area ratio (FAR).

The total floor area of all buildings on a lot divided by the lot area or such portion of the lot that lies within the applicable zoning district. (Total Floor Area/ Lot Area As Per Section 1.24.1=FAR)

1.21 Floor area, livable.

All spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and basements having a window area of less than 20% of the square foot area of the room. Usable floor area shall include all spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter with a clear height of seven feet from finished floor level to ceiling over 50% of the area of such attic space.

1.22 Hotel.

A building or portion thereof designed for or containing six or more guest rooms or suites of rooms occupied primarily by transient individuals and not having separate entrances from the outside.

1.23 Impervious area.

Any land or portion of a site covered by constructed features which prevent the direct percolation of surface water into the underlying earth. Examples: buildings, paved parking and roadways, masonry walls and terraces, swimming pools, sidewalks, hard-surface playing courts and paved driveways. Constructed features capable of absorbing and transmitting surface water (such as lawns, gravel sidewalks and driveways, clay

courts and natural ponds) are not considered impervious area. All public access amenities as required under Section 3.1.1 of the Zoning Regulations except public parking shall not be counted as impervious area. (Effective 6/19/91)

1.24 Lot.

A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces, street frontage and parking as are required by these regulations. (Effective 10/9/74)

1.24.1 Lot area.

The gross horizontal area contained within the property lines of the lot excluding all areas covered by waterbodies, watercourses, tidal wetlands and/or freshwater inland wetlands as defined in Chapter 440 of the Connecticut General Statutes. (gross horizontal area minus wetlands equals lot area.) (Effective 4/17/91)

1.24.2 Lot, rear.

A lot with less street frontage as required under Section 3.3 of the Zoning Regulations and which the buildable area is located generally to the rear of other lots having frontage on the same street and having access to the street via an accessway that is part of the rear lot.

1.25 Lot, corner.

A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees; or if rounded by a curve the intersection of tangents at the side lot lines is not more than 135 degrees.

1.26 Lot depth.

The sum of the length of both side lot lines divided by two. In the case of a corner lot, the greatest length on any street. For rear lots, the accessway shall not be considered in calculating lot depth.

1.27 Lot interior.

A lot other than a corner lot or through lot.

1.28 Lot through.

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

1.29 Lot line, front.

All dividing lines between a street and the lot shall be considered front lines. In the case of a rear lot, the front lot line shall also be considered the line or lines most nearly parallel to and closest to a street or streets providing lot frontage typically at the end of the accessway.

1.30 Lot line, side.

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

1.31 Lot line, rear.

The line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

1.32 Lot, minimum width of.

The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line and the lot lines adjacent thereto shall be considered as side lot lines. See sec. 3.3.

1.33 Manufacturing.

Any process whereby the nature, size, or shape of articles or raw materials are changed, or where articles are assembled or packaged.

1.33.1 Mechanical amusement device.

Any machine which, upon the insertion of a coin, slug or token, or upon payment of a charge, releases balls which are propelled by a plunger across a board and register scores by striking pins, posts, levers or bumpers or by falling into holes or slots, or any machine which, upon insertion of a coin or slug for the payment of a charge, is operated to register a score or tally of any kind. Such term shall include such devices as pinball or pin game machines, bowling, billiard games, electronic video games and similar mechanical amusement devices. (Effective 4/27/82)

1.34 Motel.

A building or group of buildings containing six or more guest apartments each having separate toilet facilities and a private outside entrance.

1.34.1 Non-commercial kennel.

Any kennel occupied by more than three (3) dogs and any run connected therewith cannot be located closer than one hundred (100) feet to any property line or street line. (Effective 6/13/76)

1.35 Nonconforming use.

A use of land, building, or premises which is not a use permitted by the provisions of these regulations for the district in which such land, building or premises are situated.

1.36 Nonconforming building.

A building which does not conform to all the applicable provisions of these regulations.

1.37 Open space.

That portion of a lot that is to consist of landscaped areas (lawns, shrubs, trees, gardens, etc.) for purposes of: providing adequate light and air, preserving the appearance, character and natural resources of an area, preserving land for conservation, park and recreation, wildlife and forest preserves.

1.37.1 Planning Commission.

The Town Planning Commission of the Town of Stratford.

1.38 Premises.

A lot or building.

1.39 Principal building.

A building in which is conducted the main or principal use of the lot on which said building is located.

1.39.1 Provider.

An entity authorized by the federal Communications Commission (FCC) to be a signal carrier for cellular telephones, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), and paging services or other modes of communication as described in the federal Telecommunications Act of 1996.

1.39.2 Recycling processing facility.

An operation of a recycling/transfer facility for the collection, compacting, crushing, shredding, baling, pulverizing, separation, sorting and consolidation of solid waste materials, including construction materials, demolition materials, wood products, plastics, tires, rags and similar materials for reclamation and volume reduction purposes and for transfer to other sites for final reprocessing, reclamation, conversion or change of form.

1.40 Regulations.

Any zoning regulations of the Town of Stratford or regulations adopted pursuant thereto.

1.41 Sign.

The term sign shall include signs, billboards, outdoor structures for advertising letters, words, models, devices, symbols, revolving or flashing lights, trade marks and shall include every kind of structure that is arranged, designed or used as an outdoor advertisement, announcement or direction.

1.42 Story.

That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

1.43 Story, half.

Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7 feet 6 inches or more.

1.44 Subdivision regulations.

Regulations providing for land subdivision in the Town of Stratford effective Feb. 1, 1956 and any amendments thereto.

1.45 Street.

A public or private highway or right of way giving access to the lot.

1.46 Street line.

The dividing line between a lot and a street.

1.47 Structural alteration.

Any change in the supporting members of a building, such as beams, columns, girders or bearing partitions.

1.48 Swimming pools.

Any man made structure not portable in nature and designed or intended to be used for swimming or bathing purposes.

1.48.1 Tower.

A pole or lattice type structure that is intended to support wireless telecommunications equipment. A monopole design is a tower consisting of a single self-supporting vertical pole with no guy wire anchors.

1.49 Trailer.

Any vehicle which is used for sleeping or living quarters and which is, has been, or may be equipped with wheels to permit normal vehicular travel on public highways. Any vehicle towable by a light duty truck such as a utility trailer, boat trailer, camp trailer or similar type vehicle.

1.49.1 Wireless Telecommunication Facility.

That portion of a property or structure, including supporting structures, where equipment or devices collect or transmit telecommunications or radio signals from a mobile radio communication source and transmit those signals to another facility, another communications source or receiver, or to a central switching computer which connects the mobile unit with land based telephone lines.

1.50 Yard, front.

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

1.51 Yard, rear.

An open space between the building and the rear lot line, extending the full width of the lot.

1.52 Yard, side.

An open space between the building and a side lot line, extending from the front yard to the rear yard.

1.53 Yard, required.

So much of the front, rear or side yard as is required by the applicable provisions of these regulations.

1.54 Zone.

Same as district.

1.55 Zoning commission.

The Town Zoning Commission of the Town of Stratford.

SECTION 2. DISTRICTS.

2.1 Division in districts.

For the purpose of these regulations, the Town of Stratford is divided into the following classes of districts.

One-Family Residence Districts, RS, comprising:

- RS-1 Districts
- RS-2 Districts
- RS-3 Districts
- RS-4 Districts
- Resource Conservation Districts

Multi-Family Residence Districts, RM, comprising:

- RM-1 Districts

Limited Business Districts, comprising:

- LB Districts
- LBB Districts
- Office Park Districts

Retail Commercial Districts, comprising:

- CA Districts
- CF Districts
- CNC Districts
- TH Districts (Theater)

Waterfront Business Districts, comprising:

- WF Districts

Heavy Commercial Districts, CC, comprising:

- CC Districts

Coastal Industrial Districts, MC, comprising:

- MC Districts

Light Industrial Districts, MA, comprising:

- MA Districts

General Industrial Districts, MB, comprising:

- MB Districts

(Amended 3/8/85)

2.2 Zoning map.

The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of Stratford dated October 1, 1956, and amendments thereto, which map and amendments are hereby declared to be a part of these regulations. Said map is on file in the Town Clerk's office and office of the Town's Planning and Zoning Commissions.

2.3 More restrictive districts.

A district is deemed to be more restrictive than any district appearing below it in the preceding list.

2.4 Zoning of streets.

The boundary of each district shall include the bed of any street, right of way or easement lying therein. When opposite sides of the street lie in different districts, the boundary shall be deemed the center of the right of way.

2.5 Land under water.

The boundary of each district shall be projected in a straight line to the town boundary line and shall include any land under any lake, pond or stream lying therein, and shall also include any land which extends under navigable waters.

SECTION 3. GENERAL REQUIREMENTS.

3.1 Compliance with regulations.

No lot or building, or part thereof, shall hereafter be used, and no building or part thereof, or sign or other structure, shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with these regulations. No lot shall have an area, width or a front, side or rear yard, less than that set forth in the applicable paragraph hereof, except as otherwise specifically provided in these regulations. No building or buildings shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these regulations. The building inspector shall issue no permit for the construction, alteration, reconstruction, or removal to a new foundation of any building except upon receipt from the planning and zoning administrator of a zoning compliance report that said proposed work is in conformance with these regulations.

3.1.1. Coastal area management regulations.

3.1.1.1 Purpose.

The purpose of this regulation is to a) assure that development within the coastal area of Stratford is accomplished in a manner which is consistent with the goals and policies of the Connecticut Coastal Area Management Act and with the goals and policies of the Town of Stratford Zoning Commission and b) promote and encourage public access to and use of the waters of Long Island Sound, Housatonic River and other similar marine and tidal waters as identified in Chapter 444 of the Connecticut General Statutes.

3.1.1.2 Review procedures and application requirements.

All buildings, uses, and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes. On sites with full or partial frontage on coastal, tidal or navigable waters priority shall be given to all buildings, uses and structures that are water dependent as defined in Section 22a-93(16) of Connecticut General Statutes. Except as exempted in Section 3.1.1.4 below, all applications for Certificate of Zoning Compliance, Special Cases, Variances, Subdivision or Resubdivisions, municipal projects or planned unit developments within the coastal boundary shall file with the appropriate Board or Commission a Coastal Site Plan Application on such form as prescribed by the Board or Commission. Such application shall include, but not limited to, the following requirements: pursuant to Sections 22a-105 and 22a-106 Connecticut General Statutes and in accordance with these Regulations where applicable:

1. A plan showing the location and spatial relationship of coastal resources on and contiguous to the site.
2. A description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction.
3. An assessment of the capability of the resources to accommodate the proposed use.
4. An assessment of the suitability of the project for the proposed site.
5. An assessment of project consistency with the goals and policies of the Connecticut Coastal Management Act.
6. An evaluation of the potential beneficial and adverse impacts of the project on coastal resources and the future water dependent use of the site.
7. A description of proposed methods to mitigate adverse effects on coastal resources.

3.1.1.3 Water dependent uses/public access requirements.

1. All uses bordering on the waterfront or marine and tidal areas except exempted uses as provided for in Section 3.1.1.4 shall provide the following minimum standards in addition to other requirements as may be required by the Coastal Area Management Act. The Zoning Commission, after further review, shall exempt other minor uses such as single family residential, excluding residential subdivisions, from having to provide the following minimum standards.

It is further required that all public amenities be properly marked on the property to increase public awareness and shall be improved where applicable with such features as benches, picnic tables, lighting and landscaping.

All public amenities must be designed and constructed to minimize adverse impacts to coastal resources on and adjacent to the site.

A) View Lane

Provision must be made on the property for a maximum view of the water from the nearest public street. The view, at a minimum, shall be a straight line uninterrupted, rectangular view lane whose width is not less than 20% of the lineal road or river frontage, whichever is greater. There shall be no building or other permanent obstruction in said view lanes including fences, shrubbery, trees or other landscaping features higher than four feet.

B) Pedestrian access easement

This easement shall be located as close to the high tide line as is feasible and designed so that it retains an unobstructed view of the marine frontage to permit public viewing and shall be a minimum of 20 feet wide. The easement shall extend the entire length of the water or marine frontage unless it can be demonstrated to the Zoning commission that areas of the public walkway would clearly pose unacceptable coastal resource impacts or public health and safety hazards. It shall be improved as a public

walkway and shall be connected to a public street or public parking area by a public right-of-way having a minimum width of 10 feet.

C) Vehicular access easement and additional public parking.

This easement shall be of a width and size suitable to provide safe public ingress and egress to and from the property and shall be located as close to the marine frontage as is feasible. The number and location of public parking spaces shall bear a direct relationship to the anticipated use of the public amenities, however in no instance shall the amount of public parking be less than one space for every 2,500 square feet of the area providing the amenities excluding vehicular easements.

2. Water dependent uses shall be those uses defined in Chapter 444 of the Connecticut General Statutes, except that a water dependent use that is water dependent by virtue of providing "general public access to marine and tidal waters" only shall also provide two (2) or more of the following amenities for general public use. For projects involving mixed (water dependent and non-water dependent) uses, the water dependent use, such as a marina, may be used to satisfy one of these two required amenities. The use of public access and public amenities may be considered in lieu of a water dependent use on a site if, and only if, it can successfully be demonstrated that a given site is not suited to a water dependent use. It must be further demonstrated that the level or size of the amenities are in just proportion to the size of the property or to the intensity of uses existing and/or proposed on the property. It is important to note that some of the following amenities would likely involve work seaward of the high tide line requiring state and federal permits prior to construction. In this instance all applicants are urged to obtain state and federal permission prior to applying to the Zoning Commission. If in-water amenities are selected without prior state and federal permits, applicants shall also present an alternative plan incorporating landward public amenities not requiring state and federal permits.

A) Open space easement for public park

The open space easement shall be a minimum of 10% of the lot area in addition to the minimum requirement for the district. The open space area shall be generally contiguous usable land that is unimproved, adequately landscaped and be of a shape that is conducive to passive public park use.

B) Conservation easement for natural preservation

In cases where 10% or more of the entire parcel consists of the following sensitive coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes; tidal wetlands, coastal bluffs and escarpments, beach and dune systems, the applicant may provide a conservation easement over all of the sensitive coastal resource area to preserve and maintain it for future passive use and public enjoyment.

C) Canoe and/or boat ramp

The ramp shall be of such size as to accommodate general public use and shall be connected to a public street by a public right-of-way. The ramp must be constructed of a durable surface to the mean low water mark and constructed at a grade as to accommodate easy launching and removal from the water.

D) Fishing pier/Public viewing walkway

The pier shall be so located as to provide reasonable fishing opportunities, be of a size and length as to accommodate general public use and be connected to a public street or public parking area by a public right-of-way. The viewing walkway shall extend from the public pedestrian walkway into the water or marine area a reasonable distance so as to maximize the water and marine views.

E) Public docking facilities

The number of docks available to the public for transient boaters, short term tie up and/or public safety use by the town shall not be less than 1 boat slip for each 10,000 sq.ft. of proposed non water dependent commercial floor space, shall not be less than 1 boat slip for each 10 residential units or be less than 10% of the total number of boat slips, whichever is the greater number.

F) Upland winter boat storage.

The area of boat storage shall bear a direct relationship to the size of the property, the intensity of the proposed use and shall be connected to a public street by a public right-of-way.

G) Boat rentals

The number of boat rentals shall bear a direct relationship to the intensity of existing or proposed uses.

3.1.1.4 Exemptions.

- 1) Gardening, grazing and the harvesting of crops.
- 2) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds, provided that any addition shall not be more than 10% but not to exceed 5,000 sq.ft. of the existing building area and further provided that such buildings or additions not be located within 100 feet of the Coastal resource areas as defined in item #5 of this section.

- 3) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts and detached accessory buildings.
- 4) Construction of new or modification of existing on premise fences, walls, pedestrian walks and terraces, underground utility connections, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach.
- 5) Construction of an individual single family residential structure except in or within one hundred feet of the following coastal resource areas as defined by Section 22a-93(7) of the Connecticut General Statutes, tidal wetlands, coastal bluffs and escarpments, beaches and dunes.
- 6) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.
- 7) Interior modifications to buildings.
- 8) Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.

3.1.1.5 Commission/board action.

In addition to reviewing Coastal Site Plans for compliance with any other applicable standards, requirements or criteria set forth by these regulations, the Board or Commission with jurisdiction shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the Connecticut General Statutes:

- (a) Consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes.
- (b) The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a-93(15) of the Connecticut General Statutes.
- (c) The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in Section 22a-93(17) of the Connecticut General Statutes.
- (d) The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.

The Commission or Board shall reserve the right to schedule and hold a public hearing on any Coastal Site Plan Application. (Effective 6/19/91).

3.1.2 Erosion and sediment control.

3.1.2.1 These regulations may be cited as "The Erosion and Sediment Control Regulations of the Town of Stratford, Connecticut", and are adopted for the purpose of conforming with and adhering to the requirements and public policy as set forth in Public Act 83-388.

3.1.2.2 Definitions.

- 1) "Certification" means a signed, written approval by the Stratford Planning or Zoning Commission, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 2) "Commission" means the Planning or Zoning Commission of the Town of Stratford, depending on the type of petition under review.
- 3) "County Soil and Water Conservation District" means the Fairfield County Soil and Water Conservation District established under subsection (2) of section 22a-315 of the General Statutes.
- 4) "Development" means any construction or grading activities to improved or unimproved real estate.
- 5) "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 6) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 7) "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 8) "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- 9) "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 10) "Soil" means any unconsolidated mineral or organic material of any origin.
- 11) "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

3.1.2.3 Activities requiring a certified erosion and sediment control plan.

- 1) A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

3.1.2.4 Exemptions.

- 1) A single family dwelling that is not a part of a subdivision of land shall be exempt from these regulations.

3.1.2.5 Erosion and sediment control plan.

- 1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods, practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control as amended.

Alternative principles, methods and practices may be used with prior approval of the appropriate Commission.

2) Said plan shall contain, but not be limited to:

A. A narrative describing:

1a) the development

2b) the schedule for grading and construction activities including:

a. start and completion dates;

b. sequence of grading and construction activities;

c. sequence for installation and/or application of soil erosion and erosion and sediment control measures;

d. sequence for final stabilization of the project site.

3c) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

4d) the construction details for proposed soil erosion and sediment control measures and storm water management facilities;

5e) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

6f) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;

B. A site plan map at a sufficient scale to show:

1a) the location of the proposed development and adjacent properties;

2b) the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

3c) the existing structures on the project site, if any;

4d) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

5e) the locations of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

6f) the sequence of grading and construction activities;

7g) the sequence for installation and/or application of soil erosion and sediment control measures;

8h) the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the pertinent commission or the Planning and Zoning Administrator.

3.1.2.6 Minimum acceptable standards.

1) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

2) The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Planning or Zoning Commission may grant exceptions when specifically requested by the applicant if technically sound reasons are presented.

3) The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Planning or Zoning Commission.

3.1.2.7 Issuance or denial of certification.

1) The Planning or Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations.

2) Nothing in these regulations shall be construed as extending the time limits for approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3) Prior to certification, any plan submitted to the Planning or Zoning Commission may be reviewed by the Fairfield County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

4) The Planning or Zoning Commission may forward a copy of the development proposal to the Stratford Conservation Commission, other Town of Stratford Department, commission or agency, or any consultant for review and/or comment.

3.1.2.8 Conditions relating to soil erosion and sediment control.

1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan, if such a modified site plan is submitted for review by the Planning or Zoning Commission, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified in the appropriate sections of the zoning and subdivision regulations of the Town of Stratford, as amended.

2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan schedule for installation prior to site development are installed and functional.

3) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

4) All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

3.1.2.9 Inspection.

1. Inspection shall be made by the Planning or Zoning Commission or the Planning and Zoning Administrator, or the Zoning Enforcement Officer, or its, his or their designated agent, during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress report that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. It shall be the responsibility of the permittee to provide proper notification for inspection of control measures and facilities that are required prior to proceeding with any development work which is affected by the installation of these measures. Failure to provide this notification shall nullify any approvals given by the Commission on the project site. (Effective 8/30/85)

3.2 Reduction of lot area or dimensions.

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

3.3 Required frontage and access.

No building shall be built on any lot unless such lot has a frontage of at least 50 feet upon a street built in accordance with "An Ordinance Providing For the Manner of Acceptance of New Streets, Boulevards, Highways or Public Ways and Establishing Certain Specifications Therefore, in the Town of Stratford, Conn." or upon a street formally accepted by the town council as a town road or a performance bond acceptable to the Planning Commission has been posted therefor and except as provided in section 3.3.1 of these regulations.

3.3.1 Rear Lots

Rear lots, as defined in Section 1.24.2 are exempt from the 50-foot frontage requirement as long as all other standards of Section 3.3. are complied with as well as the following additional standards:

1. Rear lots are permitted only in an RS-1, RS-2, RS-3, RS-4 or RM-1 District.
2. Only a single-family residence is permitted on a rear lot. No multi-family residences or duplexes are permitted even within an RM-1 District.
3. Each rear lot shall comply with the following lot area requirements:
 - RS-1 District – 60,000 SQ. FT.
 - RS-2 District – 30,000 SQ. FT.
 - RS-3 District – 15,000 SQ. FT.
 - RS-4 District – 11,250 SQ. FT.
 - RM-1 District – 11,250 SQ. FT.
4. A rectangle meeting the minimum lot width and lot depth of the applicable zoning district must fit within the rear lot.
5. The minimum front, side and rear yard setback requirements shall be one and one-half times the requirement of the applicable zoning district.
6. Each rear lot shall have access to a street by means of an unobstructed accessway held in the same fee ownership as the rear lot. The area of the accessway shall not be included in the minimum required lot area.
7. The access way shall be a minimum of 25 feet in width for the entire segment for those under 300 feet in length and 30 feet in width for those over 300 feet in length. Within the lines of said access way there shall be constructed a paved driveway of sufficient thickness to support fire apparatus to fire department specifications.
 - Driveways under 300 feet in length shall be a minimum of 12 feet in width and driveways over 300 feet in length shall be a minimum of 16 feet in width.
8. The maximum number of adjoining accessways shall not exceed two (2).
9. At no point shall the thirty (30) foot accessway exceed a vertical rise of fifteen (15%) percent.
10. A full fire detection system shall be installed to the Fire Department specifications, and all rear lots must be serviced by all utilities available.
11. A standard type of sign shall be placed at the road indicating the numeric address.

3.4 Lots lying in more than one district.

In all cases where a district boundary divides a lot in one ownership, the regulations prescribed herein for the less restricted district shall apply to the remaining portion of the lot in the more restricted district, subject to the following limitations:

3.4.1 In all cases where a district boundary line is located not further than 25 feet away from a lot line of record, the regulations applicable to the less restricted district may be applied to the entire lot.

3.4.2 In all cases where the portion of the lot lying in the more restricted district has access only through the portion of the lot lying in the less restricted district, the regulations of the less restricted district may be applied for a distance of not more than 25 feet beyond the boundary between the two districts.

3.4.3 In all cases where the portion of the lot lying in the more restricted district has independent street frontage, the provisions of the less restricted district may be applied for a distance of not more than 25 feet beyond the boundary between the two districts only upon a finding by the Zoning Commission that the portion of the lot lying in the less restricted district cannot be reasonably used for uses permitted in the said less restricted district.

3.4.4 In all cases where, following the extension of the regulations applicable to the less restricted district in accordance with the provisions of either paragraph 3.4.1 or 3.4.2 the Zoning Commission finds that the remainder of the lot lying in the more restricted district is unusable for any of the uses permitted in the said more restricted district, for other than self-inflicted reasons, the Zoning Commission may, subject to a public hearing, authorize the extension of the regulations applicable to the less restricted district to the entire lot if, in its judgment, such extension can be so regulated by means of appropriate conditions and safeguards any deleterious effect on adjacent properties located in the more restricted district.

3.5 Open space required for each building.

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

3.6 Projection into open spaces.

Nothing in these regulations shall prohibit the projection not more than two feet into a required open space of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open spaces except as provided in paragraph 3.7 hereof.

3.7 Obstructions at street intersections.

No fence, sign, wall, hedge, grading, shrubbery, or other obstruction to vision in excess of three feet above top of curb shall be placed or allowed to grow or exist at street intersections within the area formed by a line joining points on each front lot line 20 feet from the intersection of the street lines.

3.8 Lots on narrow streets.

In the case of lots fronting on streets containing less than 60 feet in right-of-way width, the required front yard shall be increased by one-half the difference between 60 feet and the actual width of the street right-of-way except on streets where dwellings exist in which case the required setback shall conform to the average of the setbacks of the existing dwellings within 200 feet in either direction along the street line but not required to exceed the minimum setback for the district in which located.

3.9 Lots adjacent to a railroad.

In the case of that portion of a lot in a district other than a residence district, where contiguous to a railroad right of way, no side or rear yard shall be required.

3.10 Use of land for access or parking.

The use of land for access to and for parking in connection with a use shall be considered to be accessory to and part of such use, except that this provision shall not prohibit access across a commercial district to a use lying in a industrial district.

3.11 Accessory buildings.

Detached accessory buildings not more than 12 feet in height and not used for human habitation or for the housing of animals may be located within the required rear yard, and in so much of the required side yard as lies not less than 75 feet from any street line except in RS-3 and RS-4 district in which it shall not be less than 65 feet for interior lots, provided that they are not less than three feet from any side or rear lot line and provided further that they occupy in the aggregate not more than 20 per cent of the area of the required rear yard. On a corner lot, a garage may be faced to either street provided the front yard requirement for the district is observed to both streets and the minimum side yard requirement is not less than three feet from either side lot line. By agreement of the owners of adjacent lots, duly recorded in the land records of the Town of Stratford, accessory buildings, with the same limitation of use, height and area, may be located in the required rear yard on the lot line provided that the party or other walls on the lot line are of masonry construction. A garage not more than 12 feet high and attached to a dwelling may extend into a required side yard not more than one half the width of such required side yard, provided the other side yard, meets the maximum requirements for the district in which it is located.

Pursuant to Section 1.1, the size of any buildings or structures on environmentally contaminated property shall not exceed that which is necessary, as determined by the appropriate Federal, State or local agency having jurisdiction over such matters, to protect and preserve the health and safety of the public, be adequately landscaped, and be built in such a manner and design that is consistent with the existing streetscape and architecture of neighboring properties.

Any agency proposing to construct such a building or structure, or the owner of the parcel on which the building or structure is to be constructed shall file information and a plan with the Zoning Administrator. The plan shall include information and a drawing(s) of the building/structure for review of the following:

- A. The accessory structure shall meet the yard setbacks of the zone in which it is located.
- B. The structure shall provide enclosed space for equipment, chemicals and control systems.
- C. The location of vehicular access and parking for service vehicles associated with the building or structure shall be shown on a site plan.
- D. Where possible, the structure should be serviced from roads or driveways within the parcel and not a separate driveway from a public street.
- E. The structure shall be designed to prevent entry by unauthorized personnel.
- F. All utilities serving the building shall be placed underground.
- G. Architectural plans or renderings of the proposed building or structures showing the floor plan, the facade, and exterior elevations of the building shall be provided.
- H. If the buildings are temporary, as determined by the appropriate environmental agency, they shall be removed once they are no longer required for site remediation purposes. If the buildings are for long term use or permanent, the architectural treatment shall be commensurate with their expected duration by the use of natural materials such as brick, clapboard, shingles, slate, etc. Artificial materials such as metals, vinyl and concrete are discouraged.

The Plans shall be subject to Site Plan Review by the Zoning Commission who may require changes to the facade, site layout, design, or size of the facility.
(Effective 7/17/96)

3.12 Special regulations for subdivisions.

In the case of the subdivision of land in an RS-1, RS-2, RS-3, RS-4 and RM-1 District, in accordance with a plan for subdivision and with the approval of the Planning Commission, the minimum lot area may be reduced by not more than 15 percent of the required area or width applicable, provided that the total number of family units to be contained in such subdivision does not exceed by 10% the number otherwise permitted by these regulations for the district in which such parcel is located. The Planning Commission shall be the only agency permitted to waive any requirement of the subdivision regulations of the Town of Stratford. (Effective 9/11/84)

3.13 Required living space.

No dwelling shall be erected, moved or altered structurally unless the finished floor area devoted to living space is 1,000 square feet or more. In the RS-1 and RS-2 District the minimum floor area devoted to living space on the first floor shall be 1,000 square feet. In RS-4 and RM-1 the minimum on the first floor shall be 700 square feet. Where any required living space is located above the first floor it shall be accessible by a permanent stairway.

In the case of dwellings for more than one family, the floor area devoted to living space in each family unit shall be not less than 200 square feet for the first room and an additional 120 square feet for each additional living room or bedroom in such unit. One hundred square feet may be deducted from the required first floor living area of a dwelling, but not from the total living area, for each car space, not to exceed two, in a garage facing a street and attached to the dwelling by enclosure within the same walls or by a covered breezeway. (Effective 3/8/85)

3.14 Waterbody, watercourse, wetland and coastal resource protection.

No new building construction increasing building area including minor additions to existing buildings or detached accessory buildings, such as garages and sheds and no pools, tennis courts, driveways, parking areas, terraces, other impervious surfaces or alteration of existing contours shall be permitted within 50 feet of the mean high water line of any waterbody or watercourse or within 50 feet of any freshwater inland wetland as defined in Chapter 440 of the Connecticut General Statutes except for direct water dependent/public access structures and uses as defined by the Connecticut Coastal Management Act and when consistent with coastal management policies therewith. Any activity within 50 ft. of an inland wetland or inland watercourse, for the purposes of environmental impact mitigation or restoration activities including but not limited to, storm water treatment, habitat management, riparian zone restoration or wetland restorations, shall not be required to obtain a variance from the Board of Zoning Appeals.

“The provision of this section as they relate to inland wetlands and watercourses as defined in chapter 440 of the Connecticut General Statutes shall not apply to any property which is the subject of an application for special case under Section 20 of these Regulations, provided that an application for said proposed use has been submitted to the Stratford Inland Wetlands and Watercourses Commission and said application has been approved by that Commission, and provided further that a public hearing had been held by the Inland Wetland and Watercourses Commission on any such application.”

No new building construction increasing building area including minor additions to existing buildings or detached accessory buildings such as garages and sheds and no pools, tennis courts, driveways, parking areas, terraces, other impervious surfaces or alteration of existing contours shall be permitted within 75 feet of the following coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes; tidal wetlands, coastal bluffs and escarpments, beach and dune systems, except for direct water

dependent/public access structures and uses as defined by the Connecticut Coastal Management Act and when consistent with coastal management policies therewith.

All building elevations shall conform to the national flood damage prevention ordinance. (Amended 4/17/91)

3.15 Certificate of occupancy.

No new, altered, moved or rebuilt structure shall be occupied for any use except in conformance with these regulations and after a certificate of occupancy shall have been issued by the building inspector as provided in section 206 of the Building Code.

When any nonconforming use is discontinued, the building inspector shall issue no certificate of occupancy for any other nonconforming use until it shall have been approved by the Zoning Commission as provided for in section 20 and a favorable zoning compliance report issued therefor.

3.16 Building removal.

No building of any type shall be moved from one foundation to another within the Town of Stratford unless the building in the new location meet all the requirements of these regulations and a permit for such removal shall have been issued by the building inspector following receipt from the planning and zoning administrator of a favorable zoning compliance report and if a public street is to be traversed the route is approved in writing by the chief of police of the Town of Stratford. The building inspector shall require a written application containing a statement of the present location, the new location, a plot plan showing the location of the building on the new foundation, and plans and specifications for any proposed improvements to the building.

3.17 Swimming pools.

Swimming pools may be installed in any district only as accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests and only on the conditions provided in this article (Section).

No swimming pool shall be installed or maintained unless:

- (a) Such pool is installed in the rear yard of the premises or in that portion of the side yard that lies not less than fifty (50) feet from any street line;
- (b) There shall be erected and maintained in good quality a fence not less than four (4) feet in height entirely surrounding the immediate area in which such in ground pool is located. Permitted fences shall be of the following materials: (1) link wire, (2) stockade type, (3) basketweave type, or (4) picket type, and approved by the Planning and Zoning Office. (Effective 4/14/74)
- (c) Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when

the owner or occupant of the premises is not present at such pool.

(d) Such pool shall not be erected closer than ten (10) feet from the rear and side property lines of the premises, and any part of the structure including decks, filters, slides, heaters, tanks, etc. shall not be erected closer than five (5) feet from the rear and side property lines of the premises, or in the case of a corner lot, closer than twenty-five (25) feet from any street line; (Effective 4/14/74)

(e) A building permit is required for any pool with a water depth of 36 inches or more. A plot plan drawn to scale shall be submitted showing all buildings on the property and the proposed location of the pool and all accessories; (Effective 4/14/74)

(f) If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system;

(g) If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool;

(h) Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the State of Connecticut or Town of Stratford Sanitation Code relating to public swimming pools.

No permission shall be granted for the installation of any swimming pool unless the plans therefor meet the minimum Town of Stratford Building Code construction requirements nor until the owner of the premises has filed with the building department a certificate approved by the town engineer that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public highways.

No loudspeaker device which can be heard beyond the property lines of the premises on which any swimming pool has been installed may be operated in connection with such pool, nor may any lighting be installed in connection therewith which shall throw any rays beyond such property lines.

All swimming pools other than those specified in these regulations shall be heard by the Zoning Commission as a Special Case under Section 20.

3.18 Fences.

For the first twenty-five (25) feet from the front property line on any street a fence shall not exceed four feet in height. The yard requirements of these regulations shall not be deemed to prohibit any retaining wall nor to prohibit any fence or wall provided that no fence or wall shall exceed six feet in height above the finished grade for rear and side yards or as provided in Section 10.2.1.4 of these regulations. (Effective 3/25/75)

3.19 Main Street, Paradise Green to Stratford Avenue.

Suitable residential buildings located on lots fronting on Main Street from Paradise Green to Stratford Avenue may be changed to office use without a zone change or an owner-occupancy requirement provided the residential character of the building is retained and, where appropriate, improved, subject to the approval of the Zoning

Commission as a Special Case under Section 20 of the Zoning Regulations. Site Plan Review shall be required for any of the uses permitted on Main Street with the exception of one and two-family dwellings. (Effective 8/19/81)

3.20 Board of zoning appeals.

The Board of Zoning Appeals shall have all the powers and duties prescribed by the General Statutes of the State of Connecticut. However, it shall not have power to grant variances relating to use of land and buildings or other structures, in districts in which such uses are not otherwise allowed. (Effective 12/15/87)

3.21 Satellite television antenna.

3.21.1 A satellite television antenna is a dish shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

3.21.2 No satellite television antenna shall be erected, constructed, maintained or operated unless:

- (a) All satellite television antennas more than 36" in diameter located in any district must be heard as a Special Case under Section 20 of the Zoning Regulations.
- (b) Such antenna must comply with the sideyard and rear yard requirements for a principal building. Installation within the required front yard setback shall be prohibited.
- (c) The maximum overall height of an antenna shall be 15 feet from existing grade level for ground mounted antenna.
- (d) The maximum diameter of such antenna shall be 10 feet.
- (e) Adequate landscaping and visual screening shall be provided as required of antenna installations.
- (f) Roof mounted antennas more than 36" in diameter shall be prohibited.
- (g) Only one such antenna shall be permitted on any lot.
- (h) Such antenna shall not be connected to receivers which are not located on the same lot as the antenna and must be for private non-commercial use only.
- (i) A building permit shall be required and any installation shall conform to the applicable building code and electrical code regulations and requirements.
- (j) All installations shall be in accordance with the manufacturer's specifications, be of a non-combustible, non-reflective mesh type corrosive-resistant material, be erected in a secure, wind resistant manner and be maintained in a condition equal to that at the time of installation.
- (k) If an obstruction on adjoining property is placed so as to interfere with the reception at the antenna, prior to relocation, or any alteration, approval of the Zoning Commission must be obtained.
- (l) No form of advertising or identification shall be allowed on any antenna or framework, other than the manufacturer's identification plate, which shall not be larger than 6"x6". (Effective 11/5/85)

3.22 Seasonal dwellings.

By June 1, 1991, the Planning and Zoning Administrator shall establish a list of seasonal dwellings then in existence in the Town of Stratford. Before making a decision on a dwelling's status for seasonal or year-round use, the Planning and Zoning Administrator shall review the information contained in the records of the Building Official and Tax Assessor. Available information regarding the dwelling's age, structural components and previous use, conformity with current zoning regulations, copies of local permits and any previous correspondence and town agency actions shall be considered. Whenever the above information presents an unclear situation, the Planning and Zoning Administrator shall request additional information from the owner or his/her agent to verify that year round occupancy had been established prior to the enactment of these amendments. Such information may include:

1. Copies of utility bills or affidavits from utility companies.
2. School enrollment information.
3. Voter registration information.
4. Personal copies of local zoning or building permits; Certificates of Occupancy or Certificates of Use and Compliance, etc.
5. Personal copies of construction contracts or other related information.
6. Notarized affidavits from disinterested persons giving dates of year round occupancy. Current owners and anyone with an existing or potential financial interest in the property shall not be considered disinterested.
7. Notarized affidavits from contractors stating that local permits for construction on the subject site were obtained, and work was accomplished.
8. Notarized affidavits from employees of the U.S. Post Office attesting to year round mail delivery.
9. Other verifiable information that can show year round use.

Based on the aforementioned information, the Planning and Zoning Administrator shall attempt to make an official judgment on the dwelling status. If a question still remains, the Administrator may consult with the Zoning Commission before making a determination.

3.22.1 Conversion of seasonal dwelling for year round use.

Seasonal dwellings may be converted for year round use subject to all local building, zoning, and health codes. However, in cases where the seasonal dwelling does not conform to local zoning regulations, an owner must also obtain Special Case approval from the Zoning Commission before undertaking such a conversion. The Zoning Commission, in addition to Special Case requirements of Section 20, must consider the following factors in rendering its decision on such a conversion: the location of such seasonal dwelling with respect to sensitive coastal resources (including beach and dune systems, tidal wetlands, and bluffs and escarpments); the increased risk to lives and properties from continuous exposure to coastal storm and flood events; and the impact on the Town's ability to provide year round public services including emergency vehicle

(fire, police, emergency medical services) access, trash and snow removal, and school transportation.

In no instance shall the Zoning Commission be allowed to grant approval for year round conversion of seasonal dwellings located on Town-owned property. (Effective 4/17/91)

3.23 Determination of lot area and building coverage requirements.

The area covered by waterbodies, watercourses, tidal wetlands and/or freshwater inland wetlands as defined in Chapter 440 of the Connecticut General Statutes shall not be used in computing or complying with lot area. For new lots being created through the subdivision process (Section 8-26 CGS), no more than 30% of the minimum lot area requirement may be satisfied with land which possesses a natural slope of 25% or greater. (Approved 2/8/99)

3.24 Environmental protection standards.

Any use which results in the contamination of air, ground, water or the natural environment, beyond the specific limits prescribed below is prohibited. Any use giving off objectionable noise, dust, vibration, light, gases or noisome or noxious fumes and odors noticeable off the premises or other physical hazard is prohibited. (Effective 6/19/91).

3.25 Tents/Canopies

Tents/canopies may be erected in any district for the private use of the owners or occupants of such property, their families and guests and only on the conditions provided herein:

- A) Tents/canopies may be erected for not more than three (3) consecutive days.
- B) Tents/ canopies may be erected on the same property not more than two times per calendar year. (Town property such as Booth Memorial Park is exempt as it would be utilized by the public.)
- C) Tents/canopies shall not exceed a total of 800 sq. feet in size nor exceed 14 feet in height to the peak.
- D) Tents/canopies shall not be erected closer than ten feet from all property lines of the premises and in the case of a corner lot, closer than twenty-five feet from any street line.
- E) A permit to erect a tent/canopy is required and may be obtained at the Stratford Building Department. A plot plan drawn to scale shall be submitted showing all buildings on the property and the proposed location and size of the tent/canopy.

F) Tents/canopies that are used for recreational camping purposes and do not exceed 120 square feet in size are exempt from all requirements. (Effective- May 17,1995)

3.26 Carnivals, Shows, Fairs and Sidewalk Sales

Carnivals, shows and fairs are permitted subject to the administrative review and approval by the Zoning Commission. Particular attention should be given to the following: safety, parking, length of the event, hours of operation, effect upon neighborhoods, noise level and air pollution. These events will not be allowed in residential districts except on property containing schools, churches, fraternal organizations or on Town owned property. A site plan drawn to scale shall be submitted showing property size, layout of rides, games and tents, parking, sanitation facilities, lighting, etc. Tents or canopies used in conjunction with carnivals, shows or fairs may exceed the height, size, consecutive day and times per calendar year requirement as stated in Section 3.25 upon the administrative approval of the Zoning Commission. (Effective 5/17/95)

SIDEWALK SALES. Sidewalk sales will be permitted for retail uses up to two (2) in one year per retail use, each not lasting more than three (3) days, subject to the following conditions: a) Retailer must notify the Planning and Zoning office in writing, 7 days in advance, of its plans to hold such a sidewalk sale with dates of operation; b) The area to be used for such sidewalk sale shall be limited to 100 square feet of area and the sidewalk sale operation shall not prevent safe and free passage of pedestrians and vehicles.

Sidewalk sales which exceed these parameters may be approved by the Zoning Commission in administrative session in the same manner as carnivals, shows and fairs, above.

3.27 Airport

The Zoning Commission of the Town of Stratford is hereby designated as the Zoning Commission for the Airport Zoning Ordinance. The Board of Zoning Appeals of the Town of Stratford is hereby designated as the Board of Appeals for the Airport Zoning Ordinance. (Effective Date 10/23/96)

3.28 Wireless Telecommunication Facilities

(effective August 19,1998)

3.28.1 Purpose and Objectives

In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Commission finds that these regulations are necessary in order to:

- A) preserve the character, appearance and property values within the Town of Stratford while allowing adequate wireless telecommunication facilities to be developed.
- B) protect the scenic, historic, environmental and natural resources of the community.
- C) lessen potential adverse effects of telecommunication facilities by minimizing the total number and height of such facilities, maximizing the use of existing structures in commercial or industrial districts for such facilities and by requiring providers to share locations where feasible.

3.28.2 Locational Preferences

In order to accomplish the above objectives, the Town establishes the following order of preference to guide the location of preference to guide the location of wireless telecommunication facilities with (A) being the most preferred location and (F) being the least preferred location:

- A) When completely concealed within existing structures and located in a CA, MA, MB, MC, LB, LBB, OPD, CF, WF, or CNC District.
- B) When located on existing structures such as buildings, billboards, smokestacks, electric transmission towers, etc. and located in a CA, MA, MB, or MC District.
- C) When located on existing structures in an LB, LBB, OPD, CF, CNC or WF District.
- D) When located on existing government or institutional facilities in a residential District.
- E) When located on new structures in CA, MA, MB or MC District.
- F) When located on new structures in an LB, LBB, OPD, CF, CNC or WF District.

3.28.3 Co-Location Requirements

Providers are required to maximize the use of existing or proposed wireless telecommunication facilities through the mutual sharing of sites. All applicants for new facilities are required to provide:

- A) Satisfactory demonstration by a qualified licensed engineer or other individual qualified in telecommunications that the proposed wireless telecommunication facility cannot be reasonably accommodated on a site containing an existing wireless telecommunication facility due to safety issues, reasons, potential interference, lack of height, etc.
- B) Satisfactory demonstration by a qualified licensed engineer or other individual qualified in telecommunications that the proposed wireless telecommunication facility or the structure to which it is attached to is designed or is able to accommodate both the applicants antennas and comparable antennas for at least two additional users. A notarized affidavit must be provided stating that space on the proposed facility or structure shall be made available to future users when technically possible.

3.28.4 Application Process and Requirements

Wireless telecommunication facilities are permitted in all zoning districts except residential districts as allowed under Section 3.28.2 (D) subject to the above locational preferences and the provisions of these regulations. Facilities proposed under Section 3.28.2 (A) or (B) are permitted subject to Administrative Site Plan Review by the Zoning Commission. Facilities proposed under Section 3.28.2 (c) thru (f) are permitted subject to Special Case approval under Section 20 of the Zoning Regulations. In addition to the standards and application requirements of a Special Case, if required, as well as all other standards of these regulations, each applicant shall provide the following:

- A) Demonstration that adequate coverage and/or adequate capacity is not already being provided in the Town of Stratford nor the potential by adjusting other sites.
- B) Demonstration that all buildings and properties identified as being a higher order of preference have been fully examined with a final determination by a qualified licensed engineer or other individual qualified in telecommunications that those buildings and properties are not technologically legally feasible.
- C) Demonstration by a qualified licensed engineer or other individual qualified in telecommunications that the proposed facility is the minimum height, number or size to provide adequate coverage, that the facility is structurally safe, would not cause interference and all measures to landscape, screen, camouflage or otherwise minimize its impact have been examined. Details on the proposed materials and colors chosen as well as details on screening, fencing and landscaping.
- D) If primary coverage (greater than 50%) from the proposed wireless telecommunications facility is outside Stratford, the applicant must demonstrate that they are unable to locate, for reasons other than financial, within the municipality which is primarily receiving service from the proposed facility.

- E) A map depicting the extent of the provider's planned coverage and the service area of the proposed wireless telecommunications facility.
- F) Proof that the applicant holds a bona fide license from the FCC to provide telecommunication services to the Town of Stratford.
- G) Complete building details on the proposed wireless telecommunication facility including accessory or equipment buildings. Detailed plans on how the proposed antenna will be affixed to a particular building or structure. Plans shall include at least four elevation views or photographic simulations as seen from various off site locations.
- H) Confirmation from the FAA that the proposed facility complies with all airport safety requirements. Towers shall not be located with respect to air traffic such that any tower would need special lighting or painted patterns or colors required by the Federal Aviation Administration.
- I) Copies of all submittals pertaining to FCC licensing, environmental impact statements, aeronautical studies and all data, assumptions and calculations relating to service coverage and power levels.

3.28.5 Review by Independent Consultant

The Town shall hire an independent consultant paid for by the applicant to conduct an independent review of the application. The applicant shall pay the Town for this review prior to the public hearing on this item. The consultants will work under the direction of the Zoning Department. The consultants shall each be qualified professionals in one of the following fields: a) telecommunications engineering, b) structural engineering, c) monitoring of electromagnetic fields and d) others as determined by the Zoning Office. Applications submitted under Section 3.28.2 (A) or (B) are exempt from this requirement.

The Zoning Administrator may waive this requirement for municipal public safety service providers (police, fire, emergency medical service).

3.28.6 Additional Standards

- A) No lights or illumination shall be permitted.
- B) No signs shall be permitted on any facility unless otherwise permitted by these regulations.

- C) All utilities proposed to serve a wireless telecommunication facility shall be installed underground unless otherwise approved by the Commission.
- D) All wireless telecommunication facilities shall comply with FCC standards for non-ionizing electromagnetic emissions and all generators or equipment shall comply with all state and local noise regulations. Proper documentation to prove compliance with these standards must be submitted with each application.
- E) No wireless telecommunication facility shall be permitted on property located within a Stratford Historic District, National Register Historic District or on any property located on the state or national Register of Historic Places.
- F) All accessory or equipment buildings shall be architecturally designed to blend in with the surrounding environment, be screened from view by suitable vegetation and/or fencing and shall meet the minimum setback requirements of the underlying zoning district. All buildings and/or grounds shall conform to the general style of architecture and landscaping in the neighborhood. Each principal structure shall be constructed on a lot containing the minimum frontage, width and lot area required in the applicable district.
- G) If all higher preference locations have been explored and documented to be unfeasible and a tower supporting wireless telecommunications antennas must be constructed to provide coverage, the following additional standards shall apply:
 - 1) Towers shall be located a minimum of 500 feet from any residential dwelling unit or to a public playground or public school.
 - 2) Towers proposed in commercial or industrial districts shall be set back a distance equal or greater than the height of the proposed tower including the antenna and all other appurtenances.
 - 3) Towers shall be located a minimum of 50 feet from any area designated as an inland wetland, waterbody or watercourse and a minimum of 75 feet from any area designated as a tidal wetland.
 - 4) Towers shall be limited to a maximum of 100 feet and shall be a monopole design.
 - 5) Towers shall be camouflaged or painted as well as landscaped so as to reduce its visual impact.
 - 6) A Special Case or Variance shall not be granted to allow a tower to be built on speculation.

3.28.7 Abandonment

A wireless telecommunication facility not in use for six (6) months shall be removed by the facility owner and/or the property owner. This removal shall occur within ninety (90) days of the end of such six (6) month period.

SECTION 4. ONE FAMILY RESIDENCE DISTRICTS, RS.

4.1 Uses permitted.

4.1.1 One-family dwellings.

4.1.1.1 Seasonal dwelling, provided that from November 15 of any year to the following April 15, no person may reside therein more than a total of thirty (30) days. (Effective 4/17/91)

4.1.2 The office of an accountant, architect, artist, dentist, designer, engineer, lawyer, musician, physician, surgeon, teacher, real estate, computer-based business, insurance or similar professional occupations located in the same dwelling occupied by such person as his residence provided that the total floor area utilized for the permitted home occupation does not exceed 25% of the finished floor area of the dwelling, and employing not more than one person not resident on the premises and does not change the residential character thereof. Computer-based businesses shall have no on-site storage of goods or products.

4.1.3 A customary incidental home occupation such as dressmaking, preparation of food products, watch repairing, television and radio repair, beauty parlor, or similar service occupations carried on within a dwelling and employing not more than one person not resident on the premises, provided that the total floor area utilized for the permitted home occupation does not exceed 25% of the finished floor area of the dwelling occupied by such person as his residence and does not change the residential character thereof, but excluding the sale of food or beverages for consumption on the premises.

4.1.3(a) Uses permitted under Section 4.1.2 and 4.1.3 of these regulations are allowed in one-family residence districts (RS) only and shall not be allowed in any structures that are occupied or constructed for use by more than one-family. A computer-based business is permitted in a multi-family district or residence provided there are no outside employees, on-site storage of goods and products, business related deliveries, signs or customers visiting the residence.

4.1.3(b) Parking - Parking for more than one vehicle and/or any use of storage of materials related to a permitted home occupation or use as contained in Section 4.1.2 and 4.1.3 that may be visible off the premises shall constitute a change in the residential character and therefore the use would not be permitted. Off-street parking shall be provided in accordance with Section 12.5.3 herein. (Effective 5/20/86)

4.1.3(c) Family Day Care Homes as regulated and licensed by the State of Connecticut-Department of Human Resources may be permitted to operate subject to administrative review by the Zoning Commission. (Effective 3/31/87)

4.1.4 The letting of rooms to not more than two persons in addition to the family of the occupant of the family dwelling unit, provided that the Zoning Commission may, with the approval of the health officer, grant permission for the letting of rooms without table board, to a total of not more than five persons. All dwelling units legally occupied by more than 5 but not more than 8 roomers at the time of adoption of these regulations may be continued as nonconforming uses at the same locations.

4.1.5 Farming, forestry, truck or nursery gardening, or commercial kennels, provided that no livestock or poultry except household pets shall be kept on any lot of less than three acres. No greenhouse over 500 square feet in area shall be located on any lot of less than three acres. No building in a residence district shall be used for the housing of livestock or poultry or as a commercial kennel unless specifically approved as a special case under section 20 and subject to such conditions and regulations as the Zoning Commission may impose. This paragraph shall not permit the commercial raising of fur-bearing animals other than rabbits nor the keeping for commercial purposes of swine. Notwithstanding the above restrictions, chickens, or pigeons may be kept on any lot of not less than 5,000 square feet in area at the rate of not more than 12 birds for each 5,000 square feet of lot area, provided they shall be confined in a building. No manure or dust producing fertilizer shall be stored in the open.

4.1.6 The Zoning Commission may approve the following individual uses as special cases and subject to such conditions as the Zoning Commission may impose, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning and landscaping, to the conditions affecting traffic safety, to the provisions for off-street parking and to other standards provided in these regulations.

4.1.6.1 A public school, town hall, town office building, firehouse, police station or other similar municipal building of the Town of Stratford, but excluding a garage for storage of heavy equipment, repair shop, or incinerator.

4.1.6.2 Public parks, playgrounds or recreational areas operated by religious or charitable units.

4.1.6.3 A church, parish hall, or other religious use, but excluding a cemetery.

4.1.6.4 A school or an institution of higher learning not operated for profit

4.1.6.5 A private school for pupils below high school grade.

4.1.6.6 A bona fide club or community house not operated for profit.

4.1.6.7 A golf course operated by a membership club, provided that it occupies an area of not less than 50 acres.

4.1.6.8 A library, museum or auditorium operated by a nonprofit corporation.

4.1.6.9 A hospital, sanitarium, asylum or similar charitable or philanthropic institution, not operated for profit, but excluding a correctional institution or an institution for the insane or for drink or drug addicts.

4.1.6.10 A forest or wildlife reservation, park, or playground, not operated for profit

4.1.6.11 Residence apartments subject to the limitations set forth in Section 5.3 and subject to the approval of the Zoning Commission as a Special case, but in no instance shall residence apartments be approved with a total land area less than 30,000 square feet, nor shall any apartments be approved if not located within one-half mile, radius of a Stratford CA, CF, LB, or LBB Zoning District. Full and continuous sidewalks must exist between the apartments and said CA, CF, LB, or LBB Zoning District, to allow for safe pedestrian access. Nonconforming uses are not to be considered as equivalent to CA, CF, LB or LBB, nor are locations where there is the requirement by pedestrians to reach said commercial districts by crossing a major artery or state highway, unless a walk light exists at the time of the petition, allowing safe crossing from the residence apartment to the commercial area and safe crossing back again. The property proposed for residence apartments must be served by sanitary sewers, storm water systems and by public utilities which shall include public water supply. (Amended 7/15/86)

4.1.6.11.1 Affordable Housing developments subject to the requirements of Sections 5.4 and 20 of the Zoning Regulations.

4.1.6.12 RESIDENTIAL OPEN SPACE DEVELOPMENT

4.1.6.12.1 Definition. A planned residential development under one sponsorship containing one or more buildings each containing one or more dwelling units which shall be owned by the occupants thereof under a cooperative or condominium arrangement.

4.1.6.12.2 Permitted Districts. In any Residence District subject to approval of the Zoning Commission as a Special Case.

4.1.6.12.3 Minimum Lot Size, 75 acres of contiguous land under one ownership, except where applicant's property is divided by a road or roads, it may be considered as one application as long as at least one of the parcels contains a minimum of 75 acres of contiguous land under one ownership and all other parcels submitted as part of the application are under the same ownership and contain at least 20 acres each.

4.1.6.12.4 Accessory Uses and Buildings. Accessory uses and buildings are permitted when provided as an integral part of the overall development to serve primarily the residents thereof but not necessarily limited to the following:

- 1. Golf courses
- 2. Tennis courts
- 3. Swimming pools
- 4. Recreation facilities and buildings
- 5. Meeting halls
- 6. Maintenance, storage and utility buildings
- 7. Parking garages

4.1.6.12.5 Maximum Number of Units Permitted:

- or 1 bedroom unit at 4 to an acre
- or 2 bedroom units at 1 to an acre
- or 3 bedroom units at 1 to an acre

At least three-quarters of the units shall not contain more than four rooms or one bedroom. A maximum of four buildings are permitted to a specific acre, and a maximum of four units are permitted to a specific building.

At least two-thirds of the total acreage shall remain as open space and/or recreation areas. Accessory buildings may be constructed on this open space. All dwelling units shall be constructed on the remaining one-third of the total acreage.

4.1.6.12.6 Maximum Coverage. The total number of units (computed by multiplying the permitted units per acre by the total acreage) shall not cover more than 10% of the total acreage, including accessory buildings.

4.1.6.12.7 Maximum Building Height. 2 stories, excluding basement.

4.1.6.12.8 Required Living Space. The following livable floor area shall be provided for each dwelling unit but not necessarily on one floor.

| | |
|-------------------------------|--------------|
| for 1 bedroom units (3 rooms) | 750 sq.ft. |
| for 1 bedroom units (4 rooms) | 950 sq.ft. |
| for 2 bedroom units | 1,100 sq.ft. |
| for 3 bedroom units | 1,250 sq.ft. |

4.1.6.12.9 Basements. Basements shall be required for each building unit and shall have a minimum ceiling height of 7'6" covering at least 60% of the first floor area.

4.1.6.12.10 Parking. A minimum of 2.0 spaces shall be provided for each dwelling unit. At least one-third of the required number of parking spaces shall be provided in open areas.

4.1.6.12.11 Setbacks. No building shall be constructed within 200 feet of any adjoining property line. No parking area shall be constructed within 150 feet of any adjoining property line.

4.1.6.12.12 Utilities. The proposed development shall connect with public sewers and public water or provide its own facilities satisfactory to both the town and state departments of health.

4.1.6.12.13 Recreation Area. A minimum of 10% of the total area shall be established for recreational purposes to serve the residents of the units.

4.1.6.12.14 Standards. All streets, sidewalks, drainage and sewerage facilities shall be constructed to conform to applicable Town standards.

4.1.6.12.15 Streets. All interior streets, sidewalks, utilities, recreation facilities, and open space shall be owned and maintained by the applicant, owner, or association. Legal documentation, satisfactory to the Town Attorney, shall be submitted assuring the ownership and maintenance of said roads, sidewalks, utilities, recreation facilities and open space.

4.1.6.12.16 Dwelling Unit Equivalents. The limit of Dwelling Unit Equivalents as established under Section 5.3.5 of these regulations shall not apply to this section.

4.1.6.12.17 Site Plan Review. Petitions shall be considered in the order in which they are filed. Incomplete applications shall not be accepted for filing. Each application shall be accompanied by a site plan prepared by a land surveyor licensed as such by the state board of registration for professional engineers and land surveyors of the State of Connecticut. Such plan shall show the size, floor plan and location of each proposed building or accessory building, accessory uses, all proposed driveways, parking spaces and easements, all public highways or streets, all recreational facilities, landscaping and boundary lines and the names of adjacent land owners and any existing buildings on the site.

4.1.6.12.18 Surety. To assure conformance with all proposals (excluding buildings) shown on the approved site plan and other approved documents, a performance bond shall be posted in accordance with the requirements outlined in Chapter IX of the Subdivision Regulations of the Town of Stratford. (Effective 7/25/69)

4.1.6.13 A Bed and Breakfast Establishment, incidental to a single family, owner-occupied residence, subject to Special Case approval of the Planning and Zoning Commission under Section 20, and provided that:

1. The structure to be used as a Bed and Breakfast establishment must be listed on the National Register of Historic Places either as an individual building or as a contributing building in a district. No residential structure shall be removed, expanded or have its exterior altered to allow for a bed and breakfast use or to create parking for a bed and breakfast use.

2. No more than three (3) guests rooms may be let to no more than six (6) guests.
3. No more than 25% of the finished floor area of the structure may be used for this purpose.
4. Off-street parking shall be provided, as required under Section 12.5.8.1.
5. On-site illumination shall be kept to a safe minimum; adequate sound and light buffering must be provided between the subject structure/parking areas and contiguous residential structures.
6. Signage shall comply with the provisions of Section 16.6.1 of these regulations.
7. The maximum stay for guests shall be seven (7) days.
8. Each operator shall keep a register of guests, listing names, addresses and dates of stay, which shall be available for inspection by Town officials at any time.
9. The Bed and Breakfast establishment must be licensed by the Health Department annually.

4. 1. 6. 14 Accessory Residential Apartments (Effective-February 10,1997).

A. Intent and Purpose

The purpose of this regulation is to provide and preserve accessory and affordable housing for the Town, while preserving the appearance and character of the Town's neighborhoods, by permitting the creation of a separate, self-contained living unit for family members within, incidental and subordinate to, an existing single family residence. The creation of such accessory residential apartments will promote the general welfare of the Town, without increasing the number of residential buildings, by allowing the residents to continue to live in our Town, either in their present homes or in the accessory residential apartments permitted hereunder.

B. Definitions

(1) For purposes of this regulation, the term "accessory residential apartment" shall be defined as the portion of a single-family dwelling which, within such dwelling, exists additional separate cooking, sanitary facilities, and one bedroom. Such apartment is not a separate and distinct dwelling and must have freely accessible, interior access to the principal dwelling unit.

(2) For purposes of this regulation, the term "primary dwelling" shall be defined as the unconverted portion of an existing single family residence.

(3) For purposes of this regulation, the term "principal owner" shall be defined as the owner of not less than a fifty-one (51%) percent interest in the residence.

C. Conditions and Requirements

A one-family residence located in RS-1, RS-2, RS-3 and RS-4 Districts may be converted into a one-family dwelling with a single accessory residential apartment, subject to the following conditions and requirements:

- (1) The property must contain the minimum lot area required for that district and the principal buildings located thereon must fully comply with all required front, side and rear yard setbacks.
- (2) A principal owner of the residence must reside in either the primary dwelling or the accessory residential apartment throughout the duration of the permit, referred to in paragraph D below.
- (3) The accessory residential apartment shall contain not less than four hundred (400) square feet nor more than eight hundred (800) square feet or twenty-five (25%) percent of the total livable floor area of the residence, whichever is smaller.
- (4) All means of ingress and egress must be limited to existing doorways or from the rear of the structure.
- (5) The number of offstreet parking spaces for the accessory residential apartment shall not be less than one (1) in addition to the required parking for the primary structure and shall not be located in the required front yard.
- (6) The occupancy of the accessory residential apartment shall be limited to not more than two (2) persons who are members of the family of the "principal owner". Those units approved as affordable units under Section H will still be limited to two (2) persons who need not be members of the family of the principal owner.
- (7) The accessory residential apartment shall comply with all applicable housing, building, fire and health code requirements.
- (8) The accessory residential apartment shall contain not more than one (1) bedroom. Libraries, dens, studies, studios and other similar spaces shall be deemed to be bedrooms. Additionally, the accessory residential apartment shall be served by the same mailbox, utility box and/or meter as the primary residence.
- (9) No dwelling containing an accessory residential apartment shall be permitted to also have rooms for rent (Section 4.1.4) or a bed and breakfast establishment (Section 4.1.6.13). Home occupations (Sections 4.1.2, 4.1.3) are permitted when they are operated by the primary occupant only with no employees and there is no client traffic.
- (10) The owner of the residence shall file with the Zoning Enforcement Officer with the initial application and on or before January 31 of every third (3rd) year following approval an affidavit on a form to be supplied by the Zoning Enforcement Officer, certifying that the primary dwelling and accessory residential apartment are in compliance with the conditions and requirements set forth herein.

D. Application Procedure

(1) Applications submitted for accessory residential apartment uses shall contain the following information:

(a) Completed application including an affidavit on a form prescribed by the Zoning Commission.

(b) Sufficient architectural drawings to show the exterior building alterations proposed, if any.

(c) Interior floor plans showing the floor area of the proposed accessory residential apartment, the primary dwelling, and the relationship of the two.

(d) A plot plan drawn to scale of the property showing existing and proposed buildings and setbacks, existing and proposed building coverage, and proposed site improvements (e.g. parking and landscaping).

(e) The applicant must provide evidence to the Zoning Commission that he/she has sent written notification to the owners of the property adjoining and across the street from the subject property at least fourteen (14) days prior to the Commission's administrative meeting advising said individuals of the date, time and location of the meeting and describing the applicant's request.

(2) Applications for accessory residential apartments must be submitted to the Zoning Commission for an administrative site plan review. The Commission shall issue a permit for the accessory residential apartment if:

(a) All requirements of these regulations have been fully complied with.

(b) Evidence of notification to neighboring property owners has been provided pursuant to the above instructions.

(3) The Commission shall reserve the right to schedule and hold a public hearing on any accessory residential apartment application.

E. Duration.

The permit and any other form of approval for a dwelling conversion issued hereunder shall be subject to revocation by the commission upon the following conditions. Revocation shall mean removal of all cooking appliances, refrigerator and kitchen sink and all plumbing shall be capped and concealed in the wall.

(1) The failure of the owner of the residence to file with the Zoning Enforcement Officer each three years an affidavit as required in Paragraph C(10).

(2) Notwithstanding the filing of such affidavit, a finding by the Zoning Enforcement Officer that there is in fact noncompliance with the conditions and requirements of approval.

(3) When the accessory residential apartment is no longer used by a family member.

F. Existing Accessory Residential Apartments

The owner of an accessory residential apartment existing as of the effective date of these regulations must file for approval under the application procedure as stated in subsection D of these regulations.

G. Sale of Residence

Upon sale of a residence containing an accessory residential apartment, the new owner of said residence shall file with the Zoning Enforcement officer within sixty (60) days of the transfer of title to such residence, a notice on a form to be supplied by the Zoning Enforcement Officer, stating whether or not such new owner intends to continue the accessory residential use.

H. Affordable Accessory Residential Apartments

An owner of property who wishes to create an affordable accessory residential apartment without restricting occupancy to family members only, may apply to the Zoning Commission for such approval under the procedure described in Section D of this regulation. Said application must, in addition to meeting the conditions of Section C, also meet the following conditions and requirements of approval:

(1) Owner must provide verification that the affordable accessory residential apartment shall meet the definition of "affordable housing" contained in Section 8-30g of the Connecticut General Statutes and agree to place a deed restriction on the property in a form approved by the Town Attorney's office and further agree to record said deed restriction on the Land Records of the Town of Stratford. The Town Planner, after consultation with the Town of Stratford Community Development office and the Stratford Housing Authority shall annually publish a notice of a) the maximum rents that may be charged for affordable accessory residential apartments (including heat and utility costs, which may be by a reasonable estimate, and excluding telephone and cable television; and b) the maximum allowed tenant income, 80% of the area median income adjusted for family size as determined by the United States Department of Housing and Urban Development for the Bridgeport Statistical Metropolitan Area (SMSA) or for the State of Connecticut whichever is less.

(2) Any individual seeking approval of an affordable accessory residential apartment must demonstrate that the unit will be located on a lot possessing an area that is at least twenty-five percent (25%) greater than the minimum lot area required for the zoning

district. in which the property is located and that the buildings located thereon will fully comply with all setback and coverage requirements of these Zoning Regulations.

(3) The owner of an approved affordable accessory residential apartment shall additionally verify tenant income and rent information when preparing the affidavit described in Section C(10).

(4) An affordable accessory residential apartment shall not be required to have a freely accessible interior access to the principal dwelling unit.

4.1.6.15 ACTIVE ADULT HOUSING

Active Adult Housing shall be permitted as a special case subject to the following development standards:

- 1. Each active adult housing unit shall be occupied by:
 - (a) A person who is fifty-five (55) years of age or older, subject to the fair housing laws of the United States and the State of Connecticut.
 - (b) A spouse of an occupant pursuant to (a) above.
 - (c) An occupant pursuant to (b) above who survives his or her spouse.
 - (d) An occupant pursuant to (b) above whose spouse has entered into a long-term continuing care facility or assisted living facility.
 - (e) In no event shall such an active adult housing unit be occupied by a person who is less than eighteen (18) years of age, subject to the Fair Housing Laws of the United States and the State of Connecticut.
- 2. A proposed active adult housing development shall be a common interest ownership community as defined in Chapter 828 of the Connecticut General Statutes. One community building and other accessory buildings may be provided for the use of residents for recreational, meeting and office purposes, subject to the standards of section 3 below.

3. Schedule of Standards.

| | |
|---|--|
| Minimum Lot Area As defined in Section 1.24.1 | 20 acres |
| Contiguous Open Space | 25% of Gross Parcel Area |
| Minimum Lot Depth | 125 ft. |
| Minimum Lot Width | 150 ft. |
| Maximum Building Height | 30 ft |
| Front Building Setback | When the parcel adjoins or abuts a Single-family district, this setback shall be one and one-half (1 ½) times the setback of the underlying district. Where the applicant’s property line abuts an open space or recreational area, the setback shall be as required in the underlying district. |

Side Building Setback

When the parcel adjoins or abuts a single-family district, this setback shall be two (2) times the setback of the underlying district. Where the applicant's property line abuts an open space or recreational area, the setback shall be as required in the underlying district.

Rear Building Setback

When the parcel adjoins or abuts a single-family district, this setback shall be two (2) times the setback of the underlying district. Where the applicant's property line abuts an open space or recreational area, the setback shall be as required in the underlying district.

Setback Between buildings 20 ft.

Maximum Community Building

Area 3,500. sq. ft.

Maximum Building Coverage 15% of Lot Area

Maximum Impervious Area 30% of Lot Area

Maximum Density 2.0 Units Per Acre of Lot Area

Parking Two per dwelling unit and six per 1,000 sq. ft. of community building for community building and visitor parking.

4. Only single-family detached units shall be allowed; and each dwelling unit shall contain adequate areas, which may be utilized for storage. Each dwelling unit shall contain a maximum of three (3) bedrooms.
5. The Commission may require along the perimeter of the development adequate buffer screening and/or plantings within the rear building setback area.
6. The development shall be served by public sewer and water. All utilities shall be placed underground.
7. Open space as required in paragraph 3 above shall be generally well-drained, and there shall be reasonable access to the land over non-wetlands sections of the property. Additionally, such open space shall have a minimum of 35 feet of frontage on a Town approved road or a new road to be constructed within the development, unless the open space area can be accessed to adjoining open space or public land. No more than 60% of the open space land can be land that is designated as inland or tidal wetland or land that would be classified as having a slope of 25% or greater, unless, in the opinion of the Zoning Commission, the protection of such environmentally sensitive areas outweighs the need for other forms of usable open space for that particular development or for the surrounding neighborhood. Such open space shall be of such overall character and shape that it will meet its intended purpose. The petitioner shall demonstrate to the satisfaction of the Zoning Commission that the property will be held in a manner that will maintain the open space in perpetuity.

4.1.7 A telephone exchange transformer substation, sewer or water pumping station, water tank, standpipe, water supply reservoir or reservation, bus waiting room or similar public utility use with no outside storage or supplies, provided that the Zoning Commission finds that such use is necessary within the residence district in which it is located and that the proposed architecture and landscaping are in harmony with the character of the neighborhood.

4.1.8 Accessory uses customarily incidental to a permitted use on the same premises. Where the principal use is subject to the approval of the commission, such approval shall also be required for any accessory use. No accessory building shall be used for residence purposes except upon the approval of the commission. Accessory uses may include private garage space for the use of the occupants of the premises for not more than three vehicles on any lot and for one additional vehicle for each 5,000 square feet by which the lot exceeds 20,000 square feet. A maximum of one commercial vehicle on a property is permitted in a residential district under the following restrictions: a) If the vehicle is between 10,000 lbs GVW and 15,000 lbs GVW including legal load, which is the maximum size allowed, it must be stored at all times in a garage. b) If the vehicle does not exceed 10,000 lbs GVW including legal load and is either registered commercially or contains lettering or advertising it must be stored or parked in the driveway. If any vehicle contains or carries business related equipment, supplies, products or materials which are visible off the property, it must be stored or parked at all times in a garage. c) The parking or storage of one commercial vehicle meeting the above restrictions shall be performed only by a resident of the premises.

No unregistered motor vehicle shall be stored or parked in a residential district between sunset and sunrise unless it is kept at all times in a garage. Registered vehicles intended for road and highway use stored or parked longer than sixty days without being used shall be screened from view on all sides during all seasons of the year. Canvas or other covers do not satisfy the screening requirements for more than one vehicle. The foregoing limitation of garage space shall not apply to vehicles or agricultural machinery used on the premises in the operation of a farm. Outside of a garage, no more than one recreational vehicle/mobile home is permitted and only one boat greater than 24 feet in length is permitted on a residential lot. No boat shall be located in the front yard or within 3 feet of the side or rear lot line. No trailer or recreational vehicle/ mobile home may be used for dwelling purposes. No trailer or recreational vehicle/ mobile home shall be located in the front yard or within 3 feet of the side or rear lot line.

No dumpster usually used on a construction site may be kept on the property of a single or two family residence unless a construction or improvement project is to commence within ten (10) days or it has been within ten (10) days of completion of the project but in no event shall exceed 30 days and shall be located entirely on private property. Repair of a motor vehicle shall be permitted on a lot provided that (a) the repair is conducted by a person residing in a dwelling on said lot, (b) the vehicle being repaired is owned by a person residing in a dwelling on said lot, and (c) any repair or body work involving the restoration of vehicles or the dismantling or transferring of body parts which render a

vehicle unsightly must be performed in a garage and shall not produce any fumes, noise, odor or smoke beyond the boundaries of the property. (Amended 4/24/91)

4.1.9 Off street parking for the uses named in subsections 4.1.6.1 to 4.1.6.11 inclusive subject to all the provisions of section 12.

4.2 Required lot area, dimensions, yards, coverage, height.

| District | Lot Area sq. ft. | Min. Lot Width | Min. Lot Depth | Min. Front Yard | Min. Side Yard | Min. Rear Yard | Max Bldg. Cov | Max Bldg. Hgt. |
|----------|------------------|----------------|----------------|-----------------|----------------|----------------|---------------|----------------|
| RS-1 | 40,000 | 150 ft. | 125 ft. | 40 ft. | 35 ft. | 35 ft. | 10% | 30 ft. |
| RS-2 | 20,000 | 100 ft. | 125 ft. | 30 ft. | 20 ft. | 35 ft. | 15% | 30 ft. |
| RS-3 | 10,000 | 100 ft. | 90 ft. | 25 ft. | 12 ft. | 30 ft. | 20% | 30 ft. |
| RS-4 | 7,500 | 60 ft. | 90 ft. | 20 ft. | 10 ft. | 25 ft. | 20% | 30 ft. |

(Amended 9/11/84)

4.3 Reclassification of zones.

All those areas of the Town of Stratford legally zoned as Res. AA, Res. A, Res. B, and Res. C respectively at the time of the adoption of these regulations is hereby included in and declared to be districts RS-1, RS-2, RS-3, RS-4 and RM-1 respectively. All uses legally existing in those zones as conforming uses at the time of the adoption of these regulations may be continued as conforming uses at the same locations, but none may be extended except in conformity with all the requirements of these regulations for the district in which it is located. (Amended 9/11/84)

4.4 Resource conservation district

4.4.1. Purposes. The Resource Conservation District was created to recognize that there are certain sections of Stratford which possess unique and important environmental qualities and which simultaneously possess significant development constraints, including but not limited to freshwater and tidal wetlands, coastal bluffs and escarpments, and beach and dune systems. While such areas exist in varying sizes on a scattered basis throughout the Town, the Resource Conservation District was designed to promote appropriate treatment, protection and conservation of large contiguous tracts of such environmentally sensitive areas; to promote uses which are generally compatible with

and will serve to enhance such areas; and to promote the general public health, safety and welfare of Stratford's residents. All uses are subject to the Environmental Protection Standards under Section 3.24 of these regulations and, where applicable, to the permitting requirements of the local, state and federal governments.

4.4.2. Permitted Uses:

1. Passive recreational uses, including unimproved ramps for purposes of launching canoes and other non-motorized vessels, where appropriate.
2. Scenic overlooks for purposes of bird watching and studying wildlife, providing that such overlooks require no impervious surface area.
3. Hunting, fishing, shellfishing, preservation of scenic, historic and scientific areas and wildlife preserves.
4. Hiking trails, including those for outdoor educational programs, and bridle paths.
5. Harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.

4.4.3. Special Case Uses:

1. Public access ramps, piers, or docks, excluding marinas, where it can be demonstrated that such uses are compatible with policies and standards of the CT Coastal Management Act.
2. Buildings used solely for the purpose of raising water fowl, minnows and other similar lowland animals, fowl, finfish or shellfish.
3. Relocation of any water course.
4. Dams, power plants, flowages, and ponds.
5. Accessory Uses.

4.4.4. Prohibited Uses:

All uses not named are considered to be prohibited.

4.4.5. Standards

| | |
|------------------------|----------------------------------|
| Min. lot area | 200,000 sq.ft. |
| Lot shape | A square 400 x 400 to fit on lot |
| Min. lot width | 400 feet |
| Min. lot depth | 450 feet |
| Min. front yard | 50 feet |
| Min. side yard | 75 feet |
| Min. rear yard | 100 feet |
| Max. building height | 15 feet, one story |
| Max. building coverage | .5% (one-half of one percent) |
| Max. impervious area | .5% (one-half of one percent) |

Min. open space 99%
 (Effective - May 22, 1991)

SECTION 5. TWO-FAMILY DISTRICTS, RM-1

5.1 Uses permitted.

5.1.1 Any use permitted in a single family RS District, subject to all of the provisions of subsection 4.1.

5.1.2 Dwelling for not more than two families provided the lot area per family dwelling unit is equal to 3,750 sq.ft.

5.1.3 A boarding or rooming house, subject to the provisions of these regulations relative to density of residential use subject to the provisions of 4.1.4.

5.1.4 A group of private garage units or paved parking areas for the storage of noncommercial vehicles and meeting the requirements of section 12 of these regulations.

5.1.5 Accessory uses as provided in paragraph 4.1.8.

5.1.6 All that area of the town included in the Res. "C" Zone at the time of the adoption of these regulations is hereby included in and declared to be an RM-1 District. All uses legally existing as conforming uses in the Res. "C" Zone at the time of the adoption of these regulations, may be continued as conforming uses at the same locations, but none may be extended except in conformance with all the requirements of these regulations for RM-1 Districts.

5.1.7 Residence apartments subject to the limitations set forth in section 5.3 and subject to the approval of the Zoning Commission as a special case.

5.1.8 Affordable Housing developments subject to the requirements of Sections 5.4 and 20 of the Zoning Regulations.

5.2 Required lot area, width, yards, coverage, height.

| District | Lot Area sq. ft. | Min. Lot Width | Min. Lot Depth ft. | Min. Front Yard ft. | Min. Side Yard ft. | Min. Rear Yard ft. | Max Bldg. Cov. % | Max Bldg. Hgt. ft. | Min. lot area per fam. dwell. unit - sq.ft. |
|----------|------------------|----------------|--------------------|---------------------|--------------------|--------------------|------------------|-----------------------------|---|
| RM-1 | 7,500 | 60 | 100 | 15 | 10 | 25 | 33 1/3 | 30 or as specified in 5.3.4 | 3,750 or as specified in 5.3.3 |

5.3 Residence apartments.

5.3.1 Residence apartment development defined.

A residence apartment development for the purpose of this chapter is defined to mean and include all buildings designed and constructed for use as a residence totaling 10 or more families living independently of each other in apartments meeting all the requirements of the General Statutes of the State of Connecticut which applies to tenement houses.

5.3.2 Apartment requirements.

At least two-thirds of the apartments in any residence apartment development shall have not more than three rooms. Each apartment shall contain a bathroom equipped with a water closet, wash basin, and a bathtub or shower, a kitchen or kitchenette equipped with a sink and provided with facilities and space for cooking range and refrigerator, at least one room which shall be not less than 200 square feet in area, and, if the apartment shall have three or more rooms, one additional room which shall be not less than 100 square feet in area. No room in any apartment, other than the bathroom, shall be less than 80 square feet in area, and each room, including the bathroom, shall have a ceiling height of not less than 7 feet 8 inches in the clear and outside windows with a net glass area of not less than one-eighth of the floor area of the room. For the purpose of computing the number of rooms in an apartment, a bathroom, strip or pullman kitchen, hall or foyer, alcove, pantry, laundry, closet or storage space shall not be considered to be a room.

5.3.3 Area and parking requirements.

The maximum building coverage shall be 17.5% of the lot area for all developments in an RS-1, RS-2, RS-3 and RS-4 District. The maximum building coverage shall be 20% of the lot area for all developments in an RM-1, CA, LB and LBB District. The remainder of the lot shall be left open, and shall be appropriately landscaped with the exception of the required parking areas. Off street parking shall be subject to Section 12 of these regulations. At least one-third of the number of required parking spaces shall be provided in open areas. The entire property must be at all times maintained in a neat, clean sanitary condition and free of noxious weeds.

The maximum density of any residence apartment development will be determined by the district in which the development is located as shown on the following chart:

UNITS PER 40,000 SQ.FT. OF LOT AREA (See 1.24.1)

| | | |
|-------------------|---|------------|
| RS-1 | - | 3.5 units |
| RS-2 | - | 4.0 units |
| RS-3 | - | 6.0 units |
| RS-4 | - | 6.0 units |
| RM-1, CA, LB, LBB | - | 11.5 units |

When the total number of dwelling units is equal to a fraction, such fractional dwelling unit total shall be rounded down to the nearest whole number of below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.

5.3.4 Height limitations.

The maximum height of all buildings in a residence apartment development in an RS-1, RS-2, RS-3 and RS-4 District shall be 26 feet. The maximum height of all buildings in a residence apartment development in an RM-1, CA, LB and LBB District shall be 30 feet.

5.3.5 Apartment unit equivalents.

Residence apartments may be approved as special cases as provided in section 20 of these regulations but in an amount not to exceed the following in each neighborhood. The boundaries of these neighborhoods are hereby established as shown on a map entitled "Ultimate Neighborhoods, Showing Existing and Proposed Elementary School Locations", dated September 1964, revised to December 8, 1964, which map is hereby declared to be a part of these regulations. Copies of said map are on file in the Town Clerk's office and office of the Planning Commission and Zoning Commission. The unused balance of 504.5 "Apartment Unit Equivalents" plus an additional one hundred (100) "Equivalents", permitting a total of 604.5 "Apartment Unit Equivalents", shall apply to any of the thirteen (13) neighborhoods, listed below, in the Town of Stratford provided that no more than one hundred (100) of the "Equivalents" shall be used in any one neighborhood.

Neighborhood

- | | |
|------------------------|----------------------|
| 1. Franklin | 8. Lordship |
| 2. Oronoque-James Farm | 9. Second Hill |
| 3. Birdseye | 10. Chapel |
| 4. Whitney | 11. Johnson-Fox Hill |
| 5. Center-Academy Hill | 12. Nichols |
| 6. Garden | 13. Stonybrook |
| 7. Wilcoxson | |

Apartment unit equivalents shall be determined by assigning the following values to apartments containing

- | | |
|--------------------------|--------------------|
| 1 room | - 0.5 equivalents. |
| 2 or 3 rooms – 1 bedroom | - 1.0 equivalent |
| 4 rooms - 2 bedrooms | - 2.0 equivalents |
| 5 rooms - 3 bedrooms | - 3.0 equivalents |

For the purpose of these regulations, libraries, dens, studios, studies, lofts and other similar spaces shall be deemed to be bedrooms.

The planning and zoning administrator shall keep an accurate record of the units which have been approved for residence apartments in each neighborhood and the number of units remaining for residence apartments in each neighborhood shall be public information.

5.3.6 Front yards.

The minimum front yard setback for all buildings in a residence apartment development shall be 40 feet.

5.3.7 Side and rear yards.

The minimum side yard and rear yard setback for all buildings in a residence apartment development shall be 35 feet.

5.3.8 To promote fire safety all residence apartment buildings shall have full basements, with headroom of 7 feet, six inches below the lowest joist or girder and in full compliance with all requirements of the local and state fire and building codes.

The foregoing basement requirements shall not apply to resident apartment buildings constructed in a coastal management area as designated on the maps supplied by the State of Connecticut and adopted by the Zoning Commission, provided that said buildings are heated by a heating source (e.g. gas burner, oil burner, electric hot-water heater) which shall be located in a space or spaces meeting local and state building fire codes, and provided that a separate storage space in compliance with Section 5.3.9 is provided within the living area of the apartment building.

No individual oil heating or oil cooking equipment shall be permitted within the confines of any apartment. (Effective 11/13/82, 3/23/82)

5.3.9 A separate storage space, having a minimum floor space of 10% of the apartment it serves, shall be provided for each apartment. Such storage space shall be located in the cellar of the building occupied by the apartment it serves except that the storage space may be located within the living area of a residential apartment building containing no basement constructed in a coastal management area as designated on the maps supplied by the State of Connecticut and adopted by the Zoning Commission. In the case of a storage space located within the living area of a resident apartment building, said storage space shall have no windows and shall meet all requirements of the local and state fire and building codes. In basement storage areas, separation walls between storage spaces shall be of 4 inch cinder block or hollow tile, extending from floor to ceiling. (Effective 11/13/81)

5.3.10 No certificate of occupancy shall be issued for any residence apartment unit until such unit has been connected to the town sanitary sewer system, or to private sanitary

disposal facilities meeting the minimum requirements of both the town and state departments of health.

5.3.11 No certificate of occupancy shall be issued for any residence apartment unit until such unit has been connected to a supply of potable water sufficient to furnish at least 100 gallons of water per day. If said water is supplied from any system other than a public water supply, its portability shall be certified by the health officer of the Town of Stratford.

5.3.12 Petitions shall be considered in the order in which they are filed. Incomplete applications shall not be accepted for filing. Each application shall be accompanied by a preliminary plot prepared by a land surveyor licensed as such by the state board of registration for professional engineers and land surveyors of the State of Connecticut. Such plat shall show the size, floor plan and location of each proposed building or accessory building, all proposed driveways, parking spaces and easements, all public highways or streets, all boundary lines and the names of adjacent land owners and any existing buildings on the plot. To enable the Zoning commission to consider the application it shall be accompanied by a written statement that the proposed Residence Apartments area and buildings shall comply with all the requirements of section 5.3 and a perspective sketch of one of the buildings showing the type of architecture to be used.

5.3.13 All residence apartment developments shall comply with Section 4.1.6.11 of these regulations

5.3.14 A minimum of ten per cent of the total lot area shall be established for recreational purposes to serve the residents of said development. This land shall be in one piece and lawn or trim areas between walks and building or between walks and paving shall not be considered as recreational area. A layout of proposed recreational facilities shall be shown on the site plan submitted for approval. All open spaces shall be landscaped to conform to the surrounding area and shown on the site plan prepared by a landscape architect or landscape contractor and approved by the Tree Warden of the Town of Stratford. (Effective 5/20/69)

5.3.15 To assure conformance with all proposals (excluding buildings) shown on the approved site plan and other approved documents, a performance bond shall be posted in an amount determined by the Administrator to cover the cost of the required work.

5.4 Affordable Housing Development

5.4.1 Purpose and Intent.

A. The purpose of the Affordable Housing Development Regulations is to authorize construction of affordable housing by establishing more flexible standards in order to increase the number of affordable housing units for the elderly and young families, consistent with terrain, infrastructure capacity and available services. All such affordable

housing shall be developed in a fashion that is generally consistent with the housing patterns of the neighborhood in which it is located.

B. An affordable housing development shall be deemed to mean a housing development (A) which is assisted housing or (B) which not less than 20% of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold and rented at, or below, prices which will preserve the units as affordable housing as defined in Section 8-39a, as amended from time to time, of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income for at least twenty years after the initial occupation of the proposed development.

5.4.2 Eligible Zoning Districts.

Affordable housing developments are permitted in RS-1, RS-2, RS-3, RS-4, RM-1, LB, LBB, and CA Districts.

5.4.3 Development Standards.

| | |
|----------------------|---|
| Min. Lot Area | 120,000 sq.ft. |
| Max Lot Area | 400,000 sq.ft. |
| Min. Road Frontage | 60 feet |
| Req. Lot Shape | A square 250 ft. x 250 ft. to fit on lot in an RS-1 District. A 200 ft. square is required in all other districts. |
| Min. Front Yard | 1.5 times the zoning requirements in which the development is located. |
| Min. Side Yard | 1.5 times the zoning requirements in which the development is located. |
| Min. Rear Yard | 1.5 times the zoning requirements in which the development is located |
| Max. Bldg. Height | 30 feet |
| Max. Bldg. Coverage | 20% of Lot area |
| Max. Impervious Area | 45% of Lot area |
| Min. Open Space | 55% of Lot area |

Any Affordable housing development constructed within the Town shall be in full compliance with all of the requirements of this regulation as well as all other applicable Town ordinances and regulations.

5.4.4 Density.

The maximum density of any affordable housing development will be determined by the district in which the development is located and the percentage of affordable housing units within the development and shall be based upon the following matrix:

UNITS PER 40,000 SQ.FT. OF LOT AREA (SEE 1.24.1)

| Zone | Allowed Density | 20% - 39% Affordable | 40% - 79% Affordable | 80% - 100% Affordable |
|-------------------|-----------------|----------------------|----------------------|-----------------------|
| RS-1 | 1.00 | 1.25 | 2.25 | 3.50 |
| RS-2 | 2.00 | 2.25 | 3.00 | 4.00 |
| RS-3 | 4.00 | 4.25 | 5.00 | 6.00 |
| RS-4 | 5.30 | 5.50 | 5.50 | 6.00 |
| RM-1, CA, LB, LBB | 10.60 | 10.80 | 11.00 | 11.50 |

When the total number of dwelling units is equal to a fraction, such fractional dwelling unit total shall be rounded down to the nearest whole number of below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.

5.4.5 Recreation Area.

A minimum of ten (10) percent of the total lot area shall be established for outside recreational purposes to serve the residents of the affordable housing development. The area devoted to this purpose shall be in one piece and shall not be less than 50 feet in width. The recreation area shall be level with slopes not to exceed 4 percent and shall be landscaped primarily as lawn.

5.4.6 Parking.

Parking for Affordable Housing Developments shall be as provided in Section 12.5.14 of the Zoning Regulations.

All parking areas must be setback a minimum of 15 feet from all property lines.

5.4.7 Landscaping.

All buildings, parking areas, driveways and walkways shall be substantially screened from all streets and adjoining properties by a landscaped treatment acceptable to the Commission. A mix of shade trees, evergreen trees, flowering trees and shrubs shall be planted in all buffer areas and around the buildings to provide suitable year round screening and a pleasant aesthetic environment. To the greatest extent possible, all mature trees shall be retained on the site.

5.4.8 Utility and Driveway Requirements.

- A. There shall be a public water supply and municipal sewer system adequate to meet the needs of the development.
- B. All utilities shall be installed underground.
- C. All common areas and elements are to be maintained by an association of homeowners and/or a common interest association.
- D. All internal roads and driveways shall be private.
- E. There shall be a storm drainage system which shall collect, carry off and dispose of surface water run-off. A calculation of pre-development and post-development storm water runoff showing a zero percent increase in volume and rate of runoff shall be provided.

5.4.9 Design Requirements.

All units in an affordable housing development shall be one family detached dwelling units or multi-family attached dwelling units not to exceed four (4) units per building. All buildings shall have a minimum setback of twenty-five (25) feet to any other building. The exterior design of all multi-family attached dwellings shall incorporate varying gable rooflines and building facades to break up the building mass. Choice of the building materials and color scheme for all units shall be generally consistent with the existing neighborhood. All deed restricted affordable units shall be substantially similar to market rate units in terms of building design, materials, finish quality and unit size and shall be dispersed throughout the development.

5.4.10 Location Standards.

- A. The affordable housing development shall be located within three miles of an existing fire station.
- B. All affordable housing developments containing units for the elderly shall be located within a one-half mile radius of a Stratford CA, CF, LB, or LBB Zoning District and all units for the non-elderly shall be located within a one mile radius of a Stratford CA, CF, LB or LBB Zoning District.
- C. Continuous sidewalks must exist between the development and above commercial districts to allow for safe pedestrian access.
- D. All affordable housing developments containing units for the elderly shall be located on a public transit route or be located within a one-half mile of a public transit route if there are continuous sidewalks between the development and the public transit route. All units for the non-elderly shall be located on a public transit route or be located within a one mile radius of a public transit route if there are continuous sidewalks between the development and the public transit route.

5.4.11 Submission and Procedural Requirements.

A. All affordable housing developments shall be considered as a Special Case subject to all requirements of this section and Section 20 of the Zoning Regulations and all pertinent sections of the Connecticut General Statutes.

All applications for an affordable housing development shall be on a form supplied by the Zoning Commission.

SECTION 6. LIMITED BUSINESS DISTRICTS, LB CIVIC CENTER

6.1 Uses permitted in LB districts.

6.1.1 Any use permitted in an RM District, subject to all of the provisions of subsection 5.1 and minimum parking requirements for the same use in an RM District.

6.1.2 Professional and business offices and financial institutions when located in a new building, an existing residential building, or enlargement of an existing building, subject to the approval of the Zoning Commission as a special case, if said commission finds that the architecture and landscaping of the proposed building are in harmony with the character of the historic and civic center of the Town of Stratford.

6.1.3 Residence apartments subject to the limitations set forth in section 5.3.

6.1.4 Undertakers establishments.

6.1.5 Churches or fraternal halls operated by a nonprofit organization for noncommercial purposes.

6.1.6 An educational institution as a special case if the Zoning Commission finds that its operation will not create a fire, health or traffic hazard.

6.1.7 Accessory uses customarily incidental to a permitted use.

6.1.8 Affordable Housing developments subject to the requirements of Sections 5.4 and 20 of the Zoning Regulations.

6.1.9 Parking requirements in LB Districts:
All parking shall meet the minimum requirements of section 12 of these regulations as to extent and location.

6.1.10 General requirements: LB

| | |
|-------------------------------|--------------|
| Min. lot width | 75 feet. |
| Min. lot depth | 100 feet. |
| Min. lot area | 9,000 sq.ft. |
| Min. side yard | 12 feet. |
| Min. rear yard | 30 feet. |
| Max. bldg. hgt. | 30 feet. |
| Min. lot area per family unit | 3,750 sq.ft. |
| Max. Bldg. Coverage | 25% |
| Max. Impervious Area (B) | 70% |
| Min. Open Space (A) (B) | 30% |

A) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

B) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

Front yard in LB Districts, none required, but buildings shall not extend beyond the building line delineated on a certain map entitled: "Proposed Civic Center Zone, Stratford, Conn. dated July 1948" on file in the town engineer's office, and made a part of these regulations herewith. All building in LB Districts shall have gable roofs, with a pitch not less than 6" to the foot, with no parapet wall extending above eaves or rake of the roof.

6.1.11. All that area of the town included in the "Civic Center Zone" at the time of the adoption of these regulations is hereby included in and declared to be an LB District. All uses legally existing as conforming uses in the Civic Center Zone at the time of the adoption of these regulations may be continued as conforming uses at the same locations, but none may be extended except in conformance with all the requirements of these regulations for LB Districts.

6.1.12. A nursing home or medical health care facility for the housing, medical and nursing care and comfort of persons in the community in need of those services providing that:

- a) Such use has a valid "Certificate of Need" as issued by the State of Connecticut;
- b) Such use has approval as a Special Case under Section 20 by the Zoning Commission and
- c) The following criteria have been met: 1. Use is on a parcel containing no less than 60,000 square feet under one ownership. 2. No more than one (1) principal building shall be erected on any site; uses customarily accessory to a nursing home, such as a maintenance or storage shed, are permitted when clearly incidental to the principal

building and when they do not detract from neighboring residential property; No building or accessory building shall exceed thirty-five (35) feet in height; Building coverage may not exceed twenty-five (25%) percent of the total lot area; No building shall be constructed within one hundred (100) feet of any public street and thirty-five (35) feet of any other property; No accessory building shall be located closer than seventy-five (75) feet from any side or rear lot line. 3. No site shall exceed a density of twenty-five (25) beds per acre nor shall accommodate more than 125 beds; each site shall contain usable open space of at least 150 square feet per bedroom. 4. The proposed development shall be connected to public sanitary sewers and public water. 5. Exterior illumination shall be installed where necessary for safety lighting of buildings, walks and roads, and shall be subject to the approval of the Zoning Commission. All lights shall be so located and of such a design as to prevent direct light rays from limiting visibility beyond any point on the boundaries of the same property. 6. Access shall be to a Town accepted street over property of any zone provided that access over residentially zoned property will be by a driveway with sufficient buffer plantings to maintain the residential character of the neighborhood. Any roadways or driveways shall be private and privately maintained.

6.1.13 Assisted Living residential facilities, subject to Special Case Approval pursuant to section 20 and the following criteria: (Effective January 29,1997)

- a) The facility shall be located on a lot of not less than five (5) acres under one ownership.
- b) No site shall accommodate more than one hundred (100) assisted living units or exceed a density of twenty (20) units per acre.
- c) Each site shall contain at least fifty percent (50%) of the total lot area as permanent open space, which shall not include land devoted to streets or parking areas, but may include land within the minimum setback areas required herein.
- d) Included within the open space requirement set forth in subsection (c) above, the Commission shall require the development of outside recreation areas suitable to serve the occupants of the assisted living facility. Such recreation area shall contain at least 150 square feet of lot area for each unit proposed with a minimum of 6,000 square feet landscaped providing benches, paved walkways, site lighting and beneficial views, shielded from heavy traffic.
- e) Public sanitary sewer and public water shall be supplied.
- f) All utilities shall be underground.
- g) All outside utilities and mechanicals shall be fenced and screened from view by suitable shrubbery and/or construction of a closed picket or screen-type fence. All dumpsters are to be located on a concrete pad and enclosed with a privacy fence.

h) No more than one principal building shall be erected on any site. Said building shall be residential in appearance and sensitive to surrounding properties. No wing of the building shall exceed a length of three hundred (300) feet, no wall of such building shall exceed one hundred (100) feet in length in an unbroken plane without offset of at least three (3) feet. No building shall exceed forty (40) feet in height and building coverage shall not exceed twenty (20%) percent of total lot area. The final architectural plans and design are subject to approval of the Zoning Commission under section 20 of the Zoning Regulations.

i) No more than two accessory buildings, such as maintenance storage sheds, or the like, are permitted when clearly incidental to the principal building and when they do not distract from neighboring property. No accessory building shall exceed twenty-five (25) feet in height or five hundred (500) sq. feet in building area or be located within any minimum setback areas.

j) No building shall be constructed within seventy-five (75) feet of any public street and thirty-five (35) feet of any other property. Suitable buffer plantings shall be provided to assure maximum privacy to the residents and to the occupants of adjoining properties.

k) The property shall have frontage of at least 75 feet on a State highway.

l) Parking for Assisted Living Residential Facilities shall be as provided in Section 12.5.9.1 of the Zoning Regulations.

m) Exterior illumination shall be provided where necessary for safe lighting of buildings, walkways, parking areas and driveways. All such lighting shall be subject to the approval of the Commission and be so located and of such design as to prevent direct light rays from extending beyond any point of the boundaries of the property.

(n) Assisted living residential units shall be limited to occupancy by no more than two (2) persons who are 62 years of age or older and each facility shall have community space located therein of not less than seventy-five (75) square feet for each dwelling unit, which shall consist of dining rooms, kitchen facilities, medical, dental or clinical care rooms, meeting or activity rooms, recreation rooms, and similar uses in support of those living in the facility.

(o) All buildings containing assisted living residential units shall be located outside of either the 100 year flood zone or floodway as designated by the Federal Emergency Management Agency.

(p) All clinical facilities are for the sole use of the residents of the assisted living residential facility.

LBB DISTRICTS:

For areas of close and irregular contours where limited business use or residence apartments is indicated in the town plan.

6.2 Uses Permitted In LBB Districts

(Subject to Provisions of Subsection 6.2.12 as to Lot Layout and Arrangement of Buildings and Facilities on the Lot)

6.2.1. Any use permitted in an RM District including residence apartments subject to the limitations set forth in section 5.3.

6.2.2. Professional and business offices and financial institutions.

6.2.3. Laboratories for analysis, research and experimentation, provided that no activity results in objectionable noise, odor, smoke or dust noticeable off the premises.

6.2.4. Photographic, blueprinting, Photostatting, typesetting or printing establishments.

6.2.5. Buildings intended for the storage of commercial records or archives.

6.2.6. Radio or television studios or stations.

6.2.7. Hotels, motels and restaurants.

6.2.8. Motor vehicle service stations for the dispensing of fuels, tires and lubricants and for minor servicing only.

6.2.9. Retail services, agencies or stores conducted indoors which do not have for sale on the premises any merchandise or service giving off any objectionable noise, odor, smoke or dust noticeable off the premises; excluding the manufacture, processing or servicing of materials except as customarily incidental to a retail use, the sale of alcoholic beverages except as permitted under section 15 of these regulations, and those uses named in subsections 7.2.1, 7.2.2, 7.2.3 and 7.2.4.

6.2.10. Accessory uses customarily incidental to a permitted use, including a private garage for the storage of vehicles used in connection with a permitted use.

6.2.11. General requirements in LBB Districts: Due to the extremely irregular topography of such areas the general requirements for each individual use and location shall be jointly subject to the approval of the Zoning Commission as a special case as provided in section 20 of these regulations. Minimum standards to be met by the lot and use before such approval is granted are: (a) That off-street parking shall meet the minimum area requirements of section 12 of these regulations, for each use, but be arranged to fit the topography of the lot so that no area for vehicle parking shall have a greater slope than 5 per cent and no ramp for entrance, exit or interchange between

parking areas shall exceed 8 per cent slope. (b) That the lot contains more than 7,500 square feet and has a street frontage of 75 or more feet and a minimum depth of 100 feet. (c) That no building be within 30 feet of a street, or 50 feet of any area designated on the comprehensive plan as an RS District, or 8 feet of any side or rear lot line, or be greater in width than 50% of the lot frontage, or occupy more than 25% of the lot area. (d) That no entrance or exit drive be so arranged that a vehicle must leave or enter the street traffic lane at an angle greater than 30 degrees. Each lot must have its individual curbed access to the highway. (e) That the water supply be adequate for the use proposed and that both the water supply and sewerage disposal meet all requirements of the health department of the Town of Stratford and the State of Connecticut. (f) Buildings may be constructed to a maximum of 60 feet in height measured from any point on the perimeter of the building, but no building be so placed or erected to such a height that its highest point exceed 10 feet above the average grade of the dividing line where the building is located between the LBB District and any RS District. (g) The maximum impervious area is 70% of the lot area (h) The minimum open space area is 30% of the lot area.

1) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

2) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

6.2.12. A nursing home subject to the provisions set forth in 6.1.12.

6.2.13. Affordable Housing developments subject to the requirements of Sections 5.4 and 20 of the Zoning Regulations.

6.2.14 Assisted living residential facilities, subject to the same standards as set forth in Section 6.1.13.

6.3 Office park district.

6.3.1. Definition. An Office Park District under one sponsorship containing one or more buildings, each containing one or more office units which may be owned by the sponsor and/or occupants thereof under a cooperative or condominium arrangement created in a park-like environment.

6.3.2. Permitted Districts. In any District subject to the approval of the Zoning Commission as a Special Case under Section 20 of these regulations.

6.3.3. Minimum Lot Size. One parcel containing twenty-five (25) acres under one ownership, said acreage shall contain no less than 150 feet of road frontage and shall have a minimum lot width of 300 ft. and a minimum lot depth of 300 ft.

6.3.4. Accessory Uses & Buildings. Accessory uses and buildings are permitted when provided as an integral part of the overall development to serve the occupants, patrons and guests thereof but not necessarily limited to the following:

1. Restaurants
2. Tennis Courts
3. Swimming Pools
4. Recreational Facilities
5. Walking Trails
6. Bicycle Paths
7. Jogging Tracks
8. Garages, Maintenance Buildings
9. Health Clubs

6.3.4(a). The exterior facades of all buildings shall be of a finished quality on every side (such as brick, stone, wood, or glass), and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear, and completely shielded from view.

6.3.5. Uses Permitted. Uses permitted would be Corporate Offices, Professional and Business Offices, Financial Institutions, Offices and Laboratories for Research and Development purposes, hotels and restaurants, excluding drive-in restaurants and take-out establishments. No permitted use shall result in the emission of observable smoke, gases, fumes, odors, noise, glare, vibration, radiation, or result in pollution of ground, air, or water. Research and other permitted activities shall not result in any effect or sensation perceptible beyond the exterior of a building.

6.3.6. Maximum Coverage. Building coverage whether by single building or multiple buildings may not exceed 25% of the lot area in the Office Park District including accessory buildings. Group buildings on a single lot shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the heights of the affected buildings; exclusive of accessory parking structures which are designed to function in conjunction with the principal building.

6.3.6.1 Floor Area Ratio (FAR). No buildings or structures shall exceed a Floor Area Ratio of 25% of the lot area within an Office Park District.

6.3.7. Maximum Building Height. Except as provided in Section 6.3.15, buildings may be constructed to a maximum of sixty (60) feet in height if the Commission finds that the height, size and location of the proposed buildings are well sited within existing topographical features so as to minimize visibility and intrusion to adjacent residential areas.

6.3.8. Setbacks. No building shall be constructed within fifty (50) feet of any public street; one hundred (100) feet of any property designated RS (except for existing RS parcels currently developed with non-residential use), and all other building setbacks shall be fifty (50) feet.

The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

6.3.9. Parking. A parking ratio of not less than three (3) cars per one thousand (1,000) square feet of gross building area shall be required. No outdoor parking areas shall be located within fifty (50) feet of any buildings with the exception of handicapped spaces and passenger drop-off areas. A reserve parking area of one (1) parking space for each one thousand (1,000) square feet of gross floor area shall be retained in suitably located open space areas so as to be utilized for required parking at such time as the Zoning Commission shall require.

All surface parking lots and any exposed sides of partially above ground parking structures shall be screened for a depth of at least fifty (50) feet from any residential zone boundary by screening consisting of closely planted evergreen trees, or by hedges, shrubbery or fences. All other surface parking areas shall be screened by evergreens, trees and shrubbery.

Within each surface parking lot there shall be evenly distributed landscaped areas with at least one (1) shade tree and other low plantings for every ten (10) parking spaces.

The maximum impervious area is 50% of the lot area. The minimum open space area is 50% of the lot area. The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

6.3.10. Roadways. Roadways shall be private and privately maintained. They shall be built to a minimum width of 24 ft. and no parking shall be permitted thereon.

6.3.11. Utilities. The proposed development shall connect with public sewers and public water or provide its own facilities satisfactory to both the Town of Stratford and State Department of Health. All utilities shall be located underground.

6.3.12. Common Areas. All interior streets, sidewalks, utilities, open space (retention ponds) shall be owned and maintained by owner or owners.

6.3.12(a) Lighting. Exterior illumination shall be only as necessary for safety lighting of buildings, walks, and roads, and shall be subject to the approval and limitation by the commission. All lights permitted shall be so located and of such a design that no light source is visible beyond any point on the boundaries of the same property.

6.3.13. Site Plan Review. Each petition shall be accompanied by a Class A-2 Boundary Survey prepared by a Land Surveyor licensed by the State of Connecticut; in addition, a site plan prepared by a Landscape Architect or Professional Engineer licensed by the State of Connecticut. Such plans shall show the size, floor plan and location of each proposed building and accessory buildings, accessory uses, all proposed driveways, parking spaces and easements, all public highways or streets, all recreation facilities, landscaping and boundary lines and the name of adjacent land owners and any existing buildings on the site. No use shall be approved by the Zoning Commission unless the lot and/or subdivision has suitable access and is within one thousand (1,000) feet of a State Highway.

6.3.14. Bond for Completion of Improvements. To assure completion of all improvements (excluding buildings) as shown on the final approved site plan and in other Zoning Commission approved documents, whether required by these regulations or as may be required by the Zoning Commission, including the setting of all monuments, the construction of all roads, sidewalks and pavements, landscaping and plantings, construction of accessory units (other than buildings), and the installation of required drainage facilities, storm and sanitary sewers, within two (2) years of the date of the issuance of the building permit and where required, the dedication of any land to common or to public use within two years and three months of such approval, the applicant shall file with the Zoning Commission a cash or surety bond in favor of the Town of Stratford executed by the applicant, and in the case of surety bonds by a surety company authorized to enter into such bonds under the laws of the State of Connecticut, which bonds shall be in such amount and in such form and contain such conditions as the Zoning Commission shall from time to time require. The bond shall not be released until the Zoning Commission, upon the written statement of the Town Engineer and Director of Public Works, shall have determined that all of the bond conditions have been fully satisfied. No building permit shall be issued until said bond is accepted. The Zoning Commission may allow performance bonds to be posted and released in phases.
(Effective 4/9/85)

6.3.15 The following standards shall apply to the design and development of a hotel or restaurant use. All other standards of Section 6.3, including the setback provisions, shall apply unless noted below:

6.3.15.1 Minimum Lot Size. Provided the lot shall be located within an existing office park district or be contiguous to an existing office park district: 3 acres for a hotel, and 1 acre for a restaurant.

6.3.15.2 Lot Coverage. The maximum impervious area is seventy (70%) percent of the lot area. The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

6.3.15.3 FAR. No hotel building, together with ancillary structures, shall exceed a Floor Area Ratio of forty-five (45%) percent of the lot area.

6.3.15.4 Maximum Building Height. A hotel building may be constructed to not more than five (5) building stories or a maximum of sixty (60') feet in height if the Commission finds that the height, size and location of the proposed hotel is well sited within existing topographical features so as to minimize visibility and intrusion to adjacent residential areas.

6.3.15.5 Parking. For a hotel or restaurant use, the provisions of Section 12.5 of the Zoning Regulations shall apply. All parking shall be on or below grade. All surface parking lots shall be screened for a depth of at least fifty (50) feet from any residential zone boundary by screening consisting of closely planted evergreen trees, or by hedges, shrubbery or fences. Within each surface parking lot, there shall be evenly distributed landscaped areas with at least one (1) shade tree and other low plantings for every fifteen (15) parking spaces.

SECTION 7. RETAIL COMMERCIAL DISTRICTS CA, AND CNC

7.1 Uses permitted in CA district.

7.1.1. Any use permitted in an RM or LB district including residence apartments subject to all provisions of subsections 5.1, 5.3 and 6.1.

7.1.1.1 Residential developments of three to nine residential units or mixed use developments which combine other uses permitted in the CA District with residential developments of three to nine units, subject to a determination by the Zoning Commission that such uses comply with the standards for Special Case approval under Section 20 of the Zoning Regulations and the following additional standards:
(Effective 6/17/98)

- 1) The lot area for such uses shall be a minimum of 3,750 sq.ft. per dwelling unit.
- 2) A minimum of 400 square feet of land area per dwelling unit shall be established for outdoor recreational purposes to serve the residents of said development. The land set aside for this purpose shall be generally flat, provided in a contiguous location, and of such character that it is conducive to its intended recreational use. In no case will land intended to meet the minimum open space requirements of these Regulations for CA Districts be utilized to fulfill the recreation requirements.
- 3) The proposed use must meet the off-street parking standards of Section 12.5.1.1.
- 4) Since CA Districts exist in such a wide variety of locations in Stratford, the Zoning Commission shall, in approving such uses, give full consideration to the character of existing land uses and zoning districts in the vicinity of this proposed use to assure the feasibility of providing a quality residential environment.

7.1.2. For purpose of clarification, all those areas of the Town of Stratford legally zoned as Business 1, Business 2, Business A, are declared to be a CA District. All uses existing in these business zones are conforming uses at the time of the adoption of the respective regulations may be continued as conforming uses at the same locations, but none may be extended except in conformance with all the requirements of these regulations for CA Districts.

7.1.3. Retail services, agencies or stores conducted indoors which do not have for sale on the premises any merchandise or service giving off any objectionable noise, odor, smoke or dust noticeable off the premises; excluding the manufacture, processing or servicing of materials except as customarily incidental to a retail use, the sale of alcoholic beverages except as permitted under section 15 of these regulations, and those uses named in subsection 7.2 of these regulations.

7.1.3.1 Retail display or sales of article associated with landscaping, nursery, home supply retail centers, sales of seasonal products or garden centers out of doors shall be permitted in the Retail Commercial Districts (CA) and (CF) on lots with over 50,000 s.f. of retail building space providing the articles of such display or sales areas are limited to two outdoor sales/display area per shopping center complex and shall be limited to the regulations of Section 7 of the Ordinance and the following limitations:

- A. Any article for outdoor display or sales shall be suitable and compatible with the principal use of the parcel. The use of the area shall be used to display and inventory materials for retail sale and not for warehousing.
- B. The area intended for use as outdoor display or sales shall be contiguous to the principal building and clearly screened or buffered from the public way by fencing or landscaping.
- C. The total square footage of outdoor display and sales area may not exceed 12% of the square footage of the indoor floor area of the store to which the outdoor sales area is subordinate without Special Case Approval. Minor temporary landscaping sidewalk sale displays, reviewed under Section 3.26 of the Zoning Regulations are exempt from this requirement.
- D. The setback for outdoor display and sales areas shall meet the general requirements of Section 7.4 and shall have a minimum setback of 75 feet from any public right-of-way.
- E. Outdoor display, sales or storage of any non-hazardous chemical or fertilizers (e.g. compost, manure and peatmoss) shall be properly contained, lighted and protected from rain, snow or inclement weather and must be contained at all times in the designated fenced in area.

- F. The area intended for outdoor display or sales shall not interfere with vehicular or pedestrian circulation. All loading/unloading areas required to service the outdoor display area shall be serviced only from designated loading areas as shown on the site plan.
- G. A photometrics plan shall be provided detailing light type and wattage, installation location, mounting height, and ground level lighting intensity of all lighting in the outdoor sales area within the parcel and at adjacent property lines. Unless otherwise approved, the ground level lighting intensity caused by lighting of outdoor sales areas shall not exceed 1 foot candle at the property line.
- H. Materials which are stacked or stored in the outdoor sales and display area shall meet all Federal, State and local safety codes and shall in no case exceed the height of the fence which shall be limited in height to a maximum of 24 feet.
- I. The area of outdoor sales shall require the same minimum number of parking spaces and will be permitted the same signage as the standards for indoor sales in the district in accordance with Section 12 and 16 of the Ordinance. Any such sign shall only identify the business conducted therein.
- J. Materials for roofs, screens or coverings shall be aesthetically compatible with the principal building.

The plans demonstrating compliance with Section 7.1.3.1 of the ordinance shall be subject to Site Plan Review by the Zoning Commission.

7.1.4. Public garages, motor vehicle service stations with limited and general repairers license, and automobile sales rooms or outdoor sales areas for these uses provided, however, a self-service gasoline station shall be subject to the approval of the Zoning Commission as a special case. (Effective 6/13/76 and 4/27/80)

7.1.5. Theaters for indoor motion picture projection, indoor dramatic or musical productions, radio and television broadcasting studios.

7.1.6. Assembly halls, dance halls and bowling alleys.

7.1.6.1. Billiard and Pool Parlors and similar inclosed places of Amusement which contain more than three (3) mechanical amusement devices as defined in Section 1.33.1 shall be heard as a Special Case in accordance with Section 20 of these regulations. (Effective 4/27/82)

7.1.7. Hotels, motels and restaurants.

7.1.7.1. Drive-in Restaurants subject to the approval of the Zoning Commission as a Special Case as provided under Section 20 of these regulations. (Effective 9/23/69)

OUTSIDE DINING REGULATION

7.1.7.2 Outside dining subject to the approval of the Zoning Commission and in compliance with the following standards:

- (a) Outside dining areas containing more than 16 seats or are accessory to an establishment holding any type of liquor permit shall be heard as a Special Case under Section 20 of these regulations. All other applications are subject to Administrative Site Plan Review. The Commission will utilize the criteria under Section 20 in evaluating all applications.
- (b) Outside dining areas containing more than 16 seats are subject to the parking requirements of Section 12.5.7. Outside dining areas with less than 16 seats are exempt from parking requirements although the Commission may consider existing parking conditions in evaluating each request.
- (c) The outside dining season shall consist of the period commencing on May 1 and concluding on November 1 of each year and all dining areas are subject to all Health Department Regulations.
- (d) The outdoor dining area shall be contiguous to the establishment to which it is accessory.
- (e) Any establishment providing outside dining shall provide to the Town of Stratford Zoning Commission a certificate of insurance indicating liability coverage.
- (f) All outdoor seating must allow for pedestrian circulation and does not interfere with or impede pedestrian traffic on public sidewalks, restrict access to any portion of the building by emergency services, and does not impede vehicular traffic entering driveways or access ways.
- (g) Outdoor eating areas shall provide adequate trash receptacles.
- (h) Extended retractable awnings, canopies, or large umbrellas shall be permitted and located to provide shade for patrons and shall be safely anchored. Umbrellas are to be closed when the outdoor eating area is not in use.
- (i) Outdoor eating areas are not entitled to additional signage, beyond that permitted for the use.
- (j) The outdoor dining area shall not exceed 20% of the interior patron floor area.
- (k) There shall be no live or recorded music played or projected outside the establishment.
- (l) Each permit shall be valid for a period of not more than 1 year but, upon application, may be renewed. Failure to comply with all of the above conditions shall be cause for revocation of any permit granted under this section.

(m) Notification to abutting property owners is required for all applications per the instructions listed in the Special Case application.

7.1.8. Public parking lots or buildings operated as a business for renting parking space to the public. No part of such lots or buildings may be counted toward the minimum required under this section, or section 12, for other business establishments.

7.1.9. Newspaper establishments, job printing shop or an electric or gas substation, subject to the provisions of 7.1.3 as to objectionable noise, odor, smoke or dust.

7.1.10. Accessory uses customarily incidental to a permitted use, including private garages for the storage of motor vehicles used in connection with a permitted use, but not in violation of back or side yard requirements.

7.1.11. A nursing home subject to the provisions set forth in 6.1.12.

7.1.12. Affordable Housing developments subject to the requirements of Sections 5.4 and 20 of the Zoning Regulations.

7.1.13. Adult oriented, Body-Piercing and/or Tattoo establishments subject to the following distance and size limitation.

- A) All adult oriented, Body Piercing and/or Tattoo establishments shall be located a minimum of 1000 feet from a residential district, church, park, playground, library, day care establishment, school for the instruction of children under 16 years of age or any place frequented by minors and a minimum of 2,000 feet between any of these uses.
- B) All distances shall be measured in a straight line from property line to property line containing the above uses representing the shortest distance between the two lots.
- C) Adult oriented, Body-Piercing and/or Tattoo establishments shall not exceed a total floor area of 5,000 square feet.
- D) Body Piercing and/or Tattoo establishments are subject to the approval of the Zoning Commission as a Special Case under Section 20 of these regulations.

7.1.14 Assisted living residential facilities, subject to the same standards as set forth in Section 6.1.13

7.1.15 A car wash subject to the approval of the Zoning Commission as a Special Case as provided under Section 20 of these regulations. (Adopted 7/9/01)

7.1.16 A self storage facility subject to the approval of the Zoning Commission as a Special Case, as provided for under Section 20 of these Regulations, provided that the following standards shall apply:

- (a) The facility shall be located on a lot of not less than ten (10) acres in size under one ownership.
- (b) The facility shall be part of a mixed use building, or buildings, into which are incorporated other permitted uses in the underlying zone.
- (c) The height limitations of the underlying zone are suspended subject to the Zoning Commission establishing an appropriate height for the facility on a case by case basis, given the topography of the site, its proximity to other existing structures, the height of same, and the relationship of the height of the proposed facility to infrastructure or transportation facilities adjacent thereto, but in no event shall exceed 50 feet in height or 4 stories.

7.2 Uses specifically prohibited in CA Districts

In addition to those uses disqualified by the provisions of section 7.1, the following are expressly prohibited.

7.2.1. Dry cleaning, dyeing or laundry establishments employing more than eight persons.

7.2.2. Live poultry market, or poultry market where killing or picking is done on the premises.

7.2.3. The display or sale of any article out of doors.

7.2.4. Ice plant, bottling works or milk distributing station.

7.3 Off-street parking requirements for CA districts

Each establishment shall meet the minimum off-street parking requirements of section 12. As part of, or in addition to those requirements, each establishment shall:

7.3.1. Pavement at the lot lines shall be to a grade which will permit vehicular movement across the lot lines.

7.3.2. Provide for rear yard reception of all merchandise, fuel and supplies and removal of refuse.

7.4 General requirements for CA Districts

| | |
|--|---|
| 7.4.1. Min. lot area | 7,500 sq.ft. |
| Min. lot width | 60 feet |
| Min. front yard | 10 feet |
| Min. lot depth | 100 feet |
| Min. lot area per family unit | 3,750 sq.ft. except for residence apartments. |
| Min. lot area per hotel or motel room, | 1,000 sq.ft. |

| | |
|---------------------------|------------------|
| One sideyard min. | 16 feet |
| Rear yard min. | 32 feet |
| Building coverage maximum | 50% of lot area. |
| Building height maximum | 35 feet |
| Max. Impervious Area (B) | 80% |
| Min. Open Space (B) | 20% |

A) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

B) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

7.4.2. In CA and CF districts, except on a side adjacent to an RS District, the 16 foot side yard may be omitted and buildings built to the common lot line, provided the rear yard has other continuous 16 foot right of way for public use to a public street. This shall be in the form of a permanent easement across the necessary adjacent property and shall be on file in the office of the town clerk of the Town of Stratford.

7.4.3. In CA and CF districts the minimum rear yard depths may include a 16 foot public right of way extending from lot line to lot line in such a manner as to provide continuous public access from either adjacent rear yard to the other, or from one adjacent rear yard to a street.

7.4.4. All rear or side lot lines adjacent to RS Districts shall be fenced to a height of five feet above grade in such a manner as to obscure 50% or more of vision through any square foot of the fence; except for a distance of 20 feet from any street the height shall be reduced to two feet. (Effective 10/21/86)

7.4.5. On lots where the Zoning Commission may stipulate that the topography does not permit rear yard parking a second side yard of 32 feet will be required. In that event neither side yard may be omitted, but the rear yard minimum may be reduced to 10 feet.

7.5 CF Districts

7.5.1. Permitted uses.

7.5.1.1. Professional and business offices and financial institutions.

7.5.1.1.1 Retail services, agencies or stores subject to the conditions established in Section 7.1.3 of these regulations.

7.5.1.2. All uses allowed in a CF district must be heard by the Zoning Commission as a Special Case as provided in Section 20 of these regulations and shall be subject to the requirements of the basic building code of the State of Connecticut and the Connecticut fire safety code.

7.5.1.3. Off street parking shall be subject to Section 12 and 7.3.

7.5.1.4. General requirements for CF Districts subject to Section 7.4.

7.5.1.4.1 Professional and business offices and financial institutions.

7.5.1.4.2 Retail uses as defined in subsection 7.5.1.1.1 shall be subject to the provisions of Section 7.4.1 except as modified below:

| | |
|-----------------------|--|
| Minimum lot area | 40,000 sq. ft. |
| Minimum lot width | 100 sq. ft. |
| Minimum building size | 10,000 sq. ft. |
| Maximum building size | No buildings or structures shall exceed a Floor Area Ratio of 25% of the lot area. |

A) Except on lots greater than five (5) acres, there shall be no more than two (2) separate retail entities located in any one building structure in any CF District, and there shall be no more than one (1) building constructed on each lot.

7.5.1.4.3 The provisions of Section 16.6.5 shall apply to any retail use defined in Section 7.5.1.1.1

7.5.1.5. A nursing home subject to the provisions set forth in 6.1.12.

7.5.1.6 Assisted living residential facilities, subject to the same standards as set forth in section 6.1.13

7.5.2. All buildings in CF Districts shall be fire-resistive as specified in and subject to the requirements of table 5, type A and/or B, of the basic building code of the State of Connecticut and the Connecticut fire safety code.

7.5.3. Buildings shall be equipped with fire extinguishing apparatus to the extent required by article 12 of the basic building code of the State of Connecticut and the Connecticut fire safety code. (Effective 10/9/74)

RETAIL COMMERCIAL NEIGHBORHOOD DISTRICTS CNC
(Neighborhood Shopping Centers)

7.6 Purposes of, establishment and uses permitted in CNC Districts

7.6.1. For the purpose of reducing traffic on main thoroughfares and lessening congestion in CA and CF districts, the Zoning Commission intends to establish on its own motion or by petition to it, and after due procedure, CNC Districts of not less than 80,000 square feet each in area, wherever, in its judgment in the general areas indicated by the plan of development it shall find it necessary or desirable for public convenience to permit retail stores surrounded by or adjacent to other districts where they are prohibited, subject to the provisions of section 7.6 and 7.7.

7.6.2. Permitted uses are (a) retail services, agencies or stores, conducted indoors, which do not have for sale on the premises any merchandise or service, or carry on any processing of materials, giving off any objectionable noise, odor, smoke or dust noticeable off the premises. (b) professional offices provided that the total office space in the center does not exceed 75% of the total rentable square footage in the center. (c) Tea Room or restaurant with table service only, seating a minimum of 50 persons and located in a permanent building. (d) No CNC District shall be created unless it has provision for at least five different permitted uses in separate stores.

7.6.3. Excluded uses: In addition to those uses disqualified by the provisions of subsection 7.6.2, the following uses are expressly prohibited: (a) The sale of alcoholic beverages except as permitted by section 15 of these regulations. (b) Those uses named in subsection 7.2 of these regulations. (c) Any instrument which creates interference with radio and television reception.

7.7 General requirements

| | |
|------------------------------|---|
| 7.7.1. Min. lot width | 75 feet. |
| Min. lot area | 10,000 sq.ft. for existing family unit. |
| Min. side yard | 16 feet* |
| Min. front yard | 15 feet |
| Min. lot depth | 100 feet |
| Min. rear yard | 50 feet |
| Max. bldg. height | 30 feet |
| Max. building width or depth | 70 feet provided min. side and rear yards are maintained. |
| Max. Impervious Area (B) | 70% |
| Min. open space (B) | 30% |

*No building in a CNC District may be closer than 50 feet to any RS District lot line. Otherwise, the minimum side yard is 16 feet on each side.

A) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

B) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

7.7.2. Buildings in CNC Districts shall have gable roofs with a pitch of not less than 6" to the foot, with no parapet wall or sign extending above the eaves or rake of the roof. A roof of less pitch may be permitted as a special exception, subject to the approval of the Zoning Commission if the Commission finds that the architecture of the proposed building, as shown on plans submitted is in harmony with that of the nearby residential areas, and proposed signs are in keeping with the provision of section 7.7.4, and are located at least one foot below the top of any wall or parapet.

7.7.3. No building shall be used in whole or part for human habitation except that any building in use legally for human habitation in a CNC District at the time of its creation may be continued or repaired, or rebuilt after disaster, but not moved or extended within the district.

7.7.4. No accessory building, outdoor incinerator or storage of refuse shall be permitted.

7.7.5 A fence at least five feet high (except for a distance of 20 feet from any street it shall be two feet high) and obscuring at least 50% of the vision through any square foot, shall be built on all property lines adjacent to an RS District. Failure to maintain such fence in good condition shall be a violation of these regulations.

7.7.6. Each establishment shall provide paved off-street parking in accordance with the requirements of section 12.

7.7.7. More than one establishment shall be permitted in a single building, provided no individual store shall have a width of less than 15 feet or a floor area of less than 600 square feet.

7.8 Comprehensive uniform development

7.8.1. In a location where a proposed CNC District has a depth exceeding 300 feet, the Zoning Commission may approve, as a special case, a complete arrangement of buildings of similar architectural style facing, in whole or in part, a private right of way or plaza, but in no case will such an arrangement be approved where (a) the distance from any of its buildings to an RS District line is less than 50 feet (b) the distance between any two buildings is less than 32 feet (c) there does not exist a right of way, open to the public, 16 or more feet wide peculiar to each building, by easement to the property on which it stands, and leading to a public street. (d) The minimum aggregate parking in the district

is less than three times the floor space of all buildings in the district. (e) There is no guarantee that project will be completed as presented.

7.8.2. The application for zone change and approval of such layout must be made jointly in writing by owners of or agents for all property in the proposed CNC District. In addition to the usual requirements for a zone change petition the application shall be accompanied by:

(1) A preliminary plat, prepared in accordance with chapter VI of the Regulations Providing for Land Subdivision in the Town of Stratford, and showing thereon the size and location of each proposed building, the plot assigned to it, its relation to the proposed public right of way, and all other improvements the owners propose to make.

(2) An agreement among the owners to carry out the proposed arrangement as shown on the map, and to grant any necessary permanent easements--one to the other--to maintain the required rights of way to all buildings.

(3) An agreement to file in the office of the Town Clerk of the Town of Stratford deeds establishing the permanent easements required.

(4) An agreement to prepare and file in the office of the Town Clerk of the Town of Stratford a Record Map prepared in accordance with chapter VII of the Regulations Providing for Land Subdivision in the Town of Stratford.

(5) An agreement to file a bond for completion within two years from date of approval, of all proposed buildings and improvements and the improvements which may be required by the Zoning Commission. This bond shall be filed in accordance with chapter IX of the Regulations Providing for Land Subdivision in the Town of Stratford, and shall have attached to it a copy of the record map with all the proposed buildings and improvements guaranteed by the bond drawn thereon by number or symbol keyed to an accompanying detailed list. Such bond shall be in an amount equal to the full value of all improvements as determined by the engineering department of the Town of Stratford plus 10% of the total value of all buildings.

(6) A registered architect's perspective drawing of the complete district with all proposed buildings and improvements thereon. This drawing shall be of sufficient scale to indicate with reasonable clarity the style of architecture of the buildings.

7.8.3. No building permit shall be issued until the bond required under 7.8.2 is accepted.

7.9 Theater District, TH

(Effective 3/6/96)

7.9.1 Purposes.

The Theater District is designed to guide land uses in a way that will promote the economic viability of the American Festival Theater while maintaining important controls on health, safety and welfare conditions affecting residents of the Town, especially those in the neighborhood of the Theater. Additional purposes of the District are:

- 1) to foster the growth and perpetuation of tourism in Stratford.
- 2) to preserve and improve the character of established residential neighborhoods in the vicinity of the Theater,
- 3) to preserve and enhance unique qualities of Stratford's historic waterfront in this area, and
- 4) to create a cohesive business environment that is conducive to achieving these purposes.

7.9.2 Design Objectives

It is recognized that the Theater District encompasses a wide variety of existing land uses, architectural styles and density levels. The Town seeks to coordinate design in this area within a village theme to encourage compatibility and suitability of development. The following design objectives shall guide existing and new uses within the District:

- 1) The Town shall insure that greater intensity and bulk uses do not encroach into surrounding residential districts.
- 2) Development shall help to create a coordinated pattern of land uses which allows safe access and movement of pedestrians, bicycles and vehicles. Priority within this District shall be granted to pedestrian movement and bicycle travel, without restricting residents access to their homes.
- 3) Rehabilitation and adaptation of existing structures, where feasible, is encouraged in order to preserve and enhance traditional and diverse qualities of Stratford.
- 4) Emphasis will be placed on architectural and site design which promotes good aesthetics and a proper blend with the District as a whole.
- 5) Preserve and improve the integrity of Ferry Creek, Selby Pond and the Housatonic River.

7.9.3 General Provisions

7.9.3.1 District Structure.

Due to the diversity of uses, zoning classifications, and land forms in this area, the TH District is created as an overlay zone which extends over and modifies the permitted uses and development standards of the underlying zoning districts. This approach seeks to emphasize and build on the character of existing districts rather than superimposing an entirely new set of standards on the established neighborhood.

7.9.3.2 Number of Structures on A Lot.

To promote the village design concept within the TH District, the provisions of Section 1.24 do not apply to development within this district, and more than one principal building may be situated on a lot.

7.9.3.3 Identification of Sub-Districts.

Sub-Districts within the Theater District overlay include:

RS/TH Theater Sub-District -- Areas where the TH boundary encompasses the RS-3 or RS-4 Districts

CA/TH Theater Sub-District -- Areas where the TH boundary encompasses the CA District

WF/TH Theater Sub-District -- Areas where the TH boundary encompasses the WF District

MA/TH Theater Sub-District -- Areas where the TH boundary encompasses the MA District

7.9.3.4 Permitted Uses and Development Standards by Sub-District

Only uses specifically named shall be permitted within the Theater District, even if said uses would normally be permitted in the underlying district. Uses not specifically named are prohibited within this District.

7.9.3.5 Zoning Commission Approval.

Land uses identified as permitted uses within the District do not require specific approval by the Zoning Commission although they must comply with related zoning, building, health, and other applicable municipal codes such as FEMA, coastal site plan review, sediment and erosion control, etc. Uses requiring site plan approval shall be reviewed administratively by the Zoning Commission, subject to Site Plan and Design Review Criteria as adopted by the Stratford Zoning Commission. Land uses subject to Special Case approval must be reviewed by the Zoning Commission under the criteria for Special Case Approval contained in Section 20 of the Town Zoning Regulations. Special Case uses must also be reviewed under the Site Plan and Design Review Criteria established for the Theater District.

7.9.4. RS/TH Theater Sub-Districts

7.9.4.1. Permitted Uses

7.9.4.1.1. One-family dwelling if it existed as of the effective date of the Theater District Regulation

7.9.4.1.2. Home occupation/ office per Section 4.1.2 and 4.1.3 of these Regulations

7.9.4.2. Uses Permitted with Site Plan Approval (performed administratively by Zoning Commission)

- 7.9.4.2.1 A Bed & Breakfast establishment per Section 4.1.6.13 of these regulations, but not requiring a Special Case approval
- 7.9.4.3 Uses Permitted subject to Special Case approval by the Zoning Commission under Section 20 of these regulations
 - 7.9.4.3.1 Retail use per Section 7.9.5.2.2 on the first floor of a one family dwelling (Special Case application does not require a survey)
 - 7.9.4.3.2 One family dwelling (Special Case application does not require a survey).
 - 7.9.4.3.3 Theatrical school or college including accessory uses such as dormitories.
 - 7.9.4.3.4 Theater for live performances plus customary accessory uses such as costume and set design and production
 - 7.9.4.3.5 Museum or art gallery
 - 7.9.4.3.6 Hotel or Inn of no more than twenty-five rooms per building with dining room facilities having a maximum seating capacity of 75 seats.
 - 7.9.4.3.7 Residential Village Design Development, subject to the standards of the underlying RS zone as required by section 7.9.4.4. The Residential Village Design Development shall promote the land uses as outlined in sections 7.9.1 through 7.9.3.3. Historic Structure preservation and infill aspects of section 7.9 shall be particularly addressed.

The minimum lot area shall be 40,000 SQ. FT.

The density of any Residential Village Design Development will be:

| | |
|-----------|--------------------|
| RS-3 Zone | 10,000 sf per unit |
| RS-4 Zone | 7,500 sf per unit |

7.9.4.4 Development Standards Within the RS/TH Theater Sub-District

Standards in this district shall be set in relation to the standards of the underlying zoning district (RS-3, RS-4) as follows:

| | |
|------------|--------------------------|
| Lot Area | Standard for RS District |
| Lot Width | Standard for RS District |
| Lot Depth | Standard for RS District |
| Front Yard | Standard for RS District |
| Side Yard | Standard for RS District |
| Rear Yard | Standard for RS District |

| | |
|---------------------|-------|
| Max. Bldg. Coverage | 25% |
| Max. Bldg. Height | 30 ft |

Additional Standards for nonresidential uses:

| | |
|----------------------------------|--|
| Min. Lot Area for Hotels/Inns | 15,000 square feet minimum and at least 2,000 square feet of lot area per room |
| Max. Impervious Area | 40% |
| Min. Open Space | 60% |
| Min. Parking Setback | 12 Ft. |
| Parking buffer | 6 foot fence of appropriate natural materials such as wood, brick or stone and/or appropriate landscaping |

7.9.5 CA/TH and MA/TH Theater Sub-Districts

7.9.5.1. Permitted Uses

7.9.5.1.1 One-family or two family dwellings and professional office buildings if in existence on effective date of the Theater District Regulation.

7.9.5.1.2 Home occupations/offices per Section 4.1.2 and 4.1.3 of these Regulations

7.9.5.2. Uses Permitted with Site Plan Approval (performed administratively by Zoning Commission)

7.9.5.2.1 A Bed & Breakfast establishment per Section 4.1.6.13 of these regulations, but not requiring a Special Case approval

7.9.5.2.2 Any of the following retail uses or those considered to be similar by the Zoning Commission, providing that no such use shall occupy a building in excess of 5,000 square feet of floor area:

- Art Studio/ Shop
- Gift or curio shop
- Souvenir shop
- Antique store
- Book store
- Arts and craft store
- Candy or fudge shop
- Coffee shop

Clothing store
Bakery
Print Shop

7.9.5.2.3 Retail and Service Uses Specifically Prohibited Within the TH/CA and TH/MA District

- 7.9.5.2.3.1 Tattoo Parlor
- 7.9.5.2.3.2 Adult Book Store or Adult Video Store
- 7.9.5.2.3.3 Gun Shop
- 7.9.5.2.3.4 Adult Movie Theater
- 7.9.5.2.3.5 Adult Live Entertainment or Massage Parlor
- 7.9.5.2.3.6 Pawn Shop
- 7.9.5.2.3.7 Laundromat

7.9.5.2.4 One or two apartments above the first floor of a retail use as provided under Section 7.9.5.2.2

7.9.5.2.5 Related Service Uses including:
Restaurant without drive-through window and without outdoor seating
Ice cream parlor
Sightseeing or carriage tours
ATM Machine/Branch Bank
Travel Agency/Ticket Agency

7.9.5.2.6 A parking lot as an accessory use subject to the provisions of Section 12.2 provided that it is located in the side or rear yards of a property, and it is screened from view by a brick wall, landscaped berm or other suitable buffers.

7.9.5.3 Uses Permitted subject to Special Case approval by the Zoning Commission under Section 20 of these regulations

- 7.9.5.3.1 Theatrical school or college including accessory uses such as dormitories
- 7.9.5.3.2 Theater for live performances plus customary accessory uses such as costume and set design and production
- 7.9.5.3.3 Museum or art gallery
- 7.9.5.3.4 One or two family dwelling (Special Case application does not require survey)
- 7.9.5.3.5 Hotel or Inn with up to 125 sleeping rooms
- 7.9.5.3.6 Professional offices if it can be demonstrated that the use will help to promote the objectives of the TH District
- 7.9.5.3.7 Restaurant with outdoor seating (without drive-through window)
- 7.9.5.3.8 A parking garage within an MA/TH District provided that 1) the garage meets all setback, coverage and height requirements, and 2) it shall meet the design guidelines established for buildings within the Theater District.

7.9.5.4 Development Standards Within the CA/TH and MA/TH Theater Sub-District

Standards in this district shall be set in relation to the standards of the underlying zoning district (CA, MA) as follows:

| | |
|---------------------|--------------------------------|
| Min. Lot Area | Standard for CA, MA District |
| Min. Lot Width | Standard for CA, MA District |
| Min. Lot Depth | Standard for CA, MA District |
| Front Yard | Standard for CA, MA District * |
| Side Yard** | CA - 8' MA -10' |
| Rear Yard | Standard for CA, MA District |
| Max. Bldg. Coverage | 35% |
| Max. Bldg. Height | 35 ft. |

* The minimum required front yard shall consist of non-impervious surface and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

** Where commercial or industrial property abuts a residential district a 25 foot minimum setback shall be required.

Additional Standards for nonresidential uses:

| | |
|----------------------|---|
| Min. Lot Area for | |
| Hotels and Inns | 20,000 square feet minimum and at least 1,500 square feet of lot area per room |
| Max. Impervious Area | 60% |
| Min. Open Space | 40% |
| Min. Parking Setback | 12 Ft. |
| Parking buffer | 6 foot fence of appropriate natural materials such as wood, brick or stone and/or appropriate landscaping |

7.9.6 WF/TH Theater Sub-Districts

7.9.6.1 Permitted Uses

All uses within the WF/TH district shall be by Special Case approval and shall include those uses and structures listed under Section 8.2.1 Marine Uses and Section 8.2.2 Non-Marine Uses of these Zoning Regulations. Retail uses must comply with the provisions of Section 7.9.5.2.2 of these regulations.

7.9.6.2. Retail and Service Uses Specifically Prohibited Within the TH/CA and TH/MA District

- 7.9.6.2.1 Tattoo Parlor
- 7.9.6.2.2 Adult Book Store or Adult Video Store
- 7.9.6.2.3 Gun Shop
- 7.9.6.2.4 Adult Movie Theater
- 7.9.6.2.5 Adult Live Entertainment or Massage Parlor
- 7.9.6.2.6 Pawn Shop
- 7.9.6.2.7 Laundromat

7.9.6.3 Development Standards Within the WF Theater Sub-District

Standards in this district shall be set in relation to the standards of the underlying zoning district (WF) as follows:

| | |
|---------------------|--------------------------|
| Min. Lot Area | Standard for WF District |
| Min. Lot Width | Standard for WF District |
| Min. Lot Depth | Standard for WF District |
| Front Yard | Standard for WF District |
| Side Yard | Standard for WF District |
| Rear Yard | Standard for WF District |
| Max. Bldg. Coverage | 25% |
| Max. Bldg. Height | 30 ft |

Additional Standards for nonresidential uses:

| | |
|----------------------|--|
| Max. Impervious Area | 40% |
| Min. Open Space | 60% |
| Min. Parking Setback | 12 Ft. |
| Parking buffer | 6 foot fence of appropriate natural materials such as brick, wood or stone and/or appropriate landscaping. |

7.9.7 Site Plan and Design Review Criteria Within the Stratford Theater District.

For uses requiring site plan review within the RS/TH, CA/TH, WF/TH, and MA/TH Districts, applicants must submit plans in the form prescribed by the Zoning Commission in determining the extent to which the proposed development meets the following site plan and design review objectives.

Site Plan and Design Review Objectives (TH District)

In reviewing and acting on an application for development within the Theater District, the Commission shall take into consideration the health, safety, comfort and convenience of the public in general and the immediate neighborhood in particular. Because of the unique attributes of this District, the Commission shall also give careful consideration to the design treatment of proposed developments within the District. The Commission may require such modifications of the plans as it shall deem necessary to ensure the accomplishment of the following objectives:

7.9.7.1 Site Characteristics.

7.9.7.1.1 Town Plan.

That the proposed Site Plan shall be in general conformance with the intent of the Town Plan.

7.9.7.1.2 Public Safety.

That all buildings, structures, uses, equipment, or material shall be readily accessible for fire, police, and ambulance service. The Commission may require the input of specific Town departments in making this determination. The plans shall comply with the State Building Code, with specific regard to the requirements for the handicapped (ramps, elevators, depressed curb and parking provisions).

7.9.7.1.3 Traffic and Pedestrian Access.

That all proposed traffic and pedestrian accessways shall not create traffic hazards and shall be: adequate, but not excessive in number; adequate in width, grade, alignment and visibility; adequate in distance from street corners; places of public assembly and other accessways; and adequate in design for other similar safety considerations.

7.9.7.1.4 Circulation and Parking.

That adequate off-street parking and loading spaces shall be provided to prevent on-street and off-street traffic congestion; that all parking spaces and maneuvering areas shall be suitably identified; that entrances and exits shall be suitably identified and designed to specific use radii; that the interior circulation system shall be adequately designed to provide safe and convenient access to all structures, uses and/or parking spaces; that parking spaces shall be provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision shall be made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks. In cases where the property to be developed is located within the boundaries of or adjacent to the Housatonic Riverbelt Greenway, the applicant shall make provision for linking pedestrian access to the Greenway.

Except where physical constraints, site configuration or safety considerations preclude strict compliance, all parking must be accessible by driveway to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.

7.9.7.1.5 Landscaping and Screening.

That the general landscaping of the site shall comply with the village character of the district; that existing trees and shrubs shall be preserved to the maximum extent feasible and new ones will be where appropriate; all refuse containers and rooftop and ground mechanicals shall be enclosed; and that parking, storage, and service areas shall be suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

7.9.7.1.6 Lighting.

That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. Specifically, all exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line necessary to provide adequate and safe lighting of the building entrances, walkways, parking area(s) and accessways.

That glare from the installation of outdoor lights and illuminated signs shall be properly shielded from the view of adjacent property and public rights-of-way. Specifically, all exterior lighting shall be designed so that the filaments, light sources, reflectors or lenses shall be shielded with opaque material in such a way that the light shall be directed down and shall not be visible at a height greater than six feet above the ground level at property lines.

The alteration of approved lighting or installation of additional lighting shall require Site Plan Approval or modifications of an existing Site Plan.

7.9.7.1.7 Public Health.

That all utility systems shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution. New utility lines (electrical, telephone, etc.) shall be placed underground. Additionally, all refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls, or fencing.

7.9.7.1.8 Drainage.

That the design of storm water drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels.

7.9.7.1.9 Environmental Features.

That the development of the site shall conserve as much of the natural terrain and vegetation as possible, shall preserve important environmental land features such as steep

slopes, wetlands and sensitive coastal resources and shall preserve public scenic views or historically significant features.

7.9.7.2 Design Elements.

In determining the appropriateness of proposed improvements in the TH District, design elements of proposed buildings shall be evaluated in relation to existing adjacent or surrounding buildings. In most cases, to be considered appropriate, the original architectural character of existing buildings should be retained and enhanced, especially for buildings which have been determined to have historical significance by being listed on the State or National Register of Historic Places.

7.9.7.2.1 Guidelines for Development of Existing Structures.

7.9.7.2.1(a) Existing architectural design should be retained to the extent possible, and this design should be reflected to the extent feasible in additions or alterations to existing buildings. Additionally, it is the intent of these regulations to preserve properties of architectural and historic significance, such as individual listings on the National Register of Historic Places or structures identified as contributing structures within a National Register Historic District. Demolition of such historic properties is discouraged by the Zoning Commission.

7.9.7.2.1(b) Unique architectural features such as brackets, moldings, cornices, columns, and other details shall be retained to the extent possible in order to preserve original architectural character. Applicants shall generally not be required to fabricate and replace such details in cases where these features no longer exist.

7.9.7.2.1(c) Siding and roofing materials and similar exterior treatments should match as closely to the original as possible. In cases where new materials are required, they should generally be of traditional character such as brick, clapboard (wood siding), shingles, slate, etc. Use of artificial materials such as aluminum, vinyl, concrete, metal, etc. is discouraged.

7.9.7.2.2 Guidelines for Development Involving New Construction.

New buildings shall be designed so that they are similar in character to existing buildings in the following respects:

7.9.7.2.2(a) Height

7.9.7.2.2(b) Bulk and general massing
(number of wall surfaces, projections and building features)

7.9.7.2.2(c) Major divisions or rhythms of the facade

7.9.7.2.2(d) Proportion of openings (i.e. window to wall relationships)

7.9.7.2.2(e) Roof Treatment (shape)

7.9.7.2.2(f) Materials, colors, and textures of buildings and signage. In general, natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred to industrial

or artificial materials, such as raw or exposed aggregate concrete, anodized or galvanized metal, tinted glass, plastics, vinyls, etc.;

7.9.7.2.2(g) General architectural character:

- 1) Horizontal or vertical emphasis;
- 2) Scale;
- 3) Stylistic features and themes (i.e. porches, colonnades, pediments, cupolas, cornices, coins, detail and ornament);

7.9.7.2.2(h) Relation to street

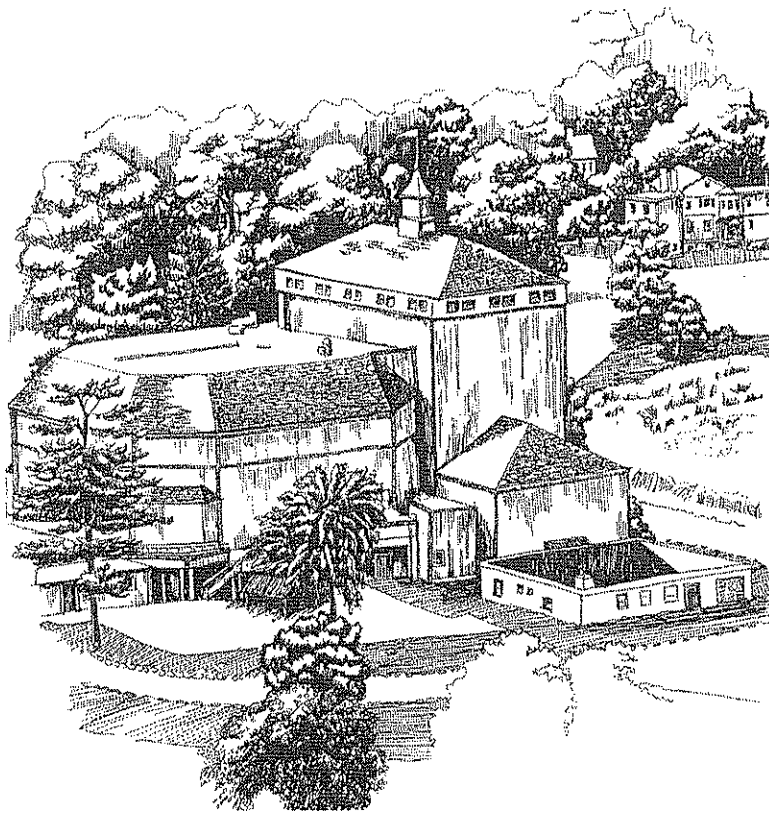
7.9.7.2.3 Guidelines for Signs.

7.9.7.2.3(a) Signage should accent rather than detract from existing architectural character.

7.9.7.2.3(b) Sign materials should be compatible with those used for the building to which the sign relates.

7.9.7.2.3(c) Wall signs should not cover or mask important building details such as windows and doors.

7.9.7.2.3(d) Signs should be limited to no more than three colors -- background color (generally dark, matte finish), lettering color (white or light shade), and one color for emphasis or accent purposes. Lettering style should be bold and simple for clarity and consist of no more than two typefaces or fonts.



SECTION 8. WATERFRONT BUSINESS DISTRICTS, WF.

8.1 Purpose

The purpose of this district is to preserve and enhance existing water dependent uses, encourage new water dependent uses where appropriate and encourage development which is compatible with the coastal resource characteristics.

The provision of access by the general public along the water's edge and the development of complimentary uses and activities on the waterfront will serve to integrate this district with surrounding districts.

8.2 Uses and structures

All uses must be heard as a special case in accordance with section 20 of the regulations. All uses in the Waterfront District are subject to Coastal Site Plan Review under Section 3.1.1 of these regulations; Section 3.14 of these regulations; and environmental protection standards under Section 3.24 of these regulations. Uses which are subject to other local, state and federal permits, particularly in-water components, must also have all such permits in place to constitute a legal activity. Public utility installations shall require Special Case approval.

8.2.1. Marine Uses.

In the Waterfront District, the following uses are considered Marine Uses

8.2.1.1. Boat docks, slips, piers and wharves, launching ramps, marinas, water based recreational docks and port facilities

8.2.1.2. Recreational and commercial fishing and boating facilities

8.2.1.3. Shipyards, boat building and marine repair facilities

8.2.1.4. Boat rental, excursion boats and related facilities

8.2.1.5. Yacht clubs, including uses accessory to them such as swimming pools, and tennis courts.

8.2.1.6. Marine research labs and related facilities

8.2.1.7. Parks, open space, & public recreational facilities

8.2.1.8. Marine police, harbor master and other marine enforcement and service agencies.

8.2.1.9 Vertical marine storage building, in conjunction with a travel lift facility, and general boat storage.

8.2.1.10. Accessory uses customarily incidental to a water dependent use, including the dispensing of fuels and lubricants to boats; marine related broker, sales and display; marine related office, retail and service.

8.2.2 Non-Marine Uses.

The following uses are permitted only as part of a mixed use project.

8.2.2.1. Restaurants excluding drive-in facilities

8.2.2.2. Retail and service establishments.

8.2.3 Prohibited Uses.

Uses not specifically stated are prohibited. No uses of land in this district or the provision of utilities or other facilities shall support the use of vessels as living quarters.

8.3 Standards

WF (WATERFRONT DISTRICT)

| STANDARD | MARINE USES | MIXED USES* |
|--------------------------|-----------------------|-----------------------|
| Min. Lot Area | 10,000 sq. ft. | 10,000 sq. ft. |
| Min Lot Width | 50 ft. | 50 ft. |
| Min. Lot Depth | None | None |
| Min. Front Yard (b) | 25 ft. | 25 ft. |
| Min. Side Yard (a) | 20 ft. | 20 ft. |
| Min. Rear Yard | 15 ft. | 15 ft. |
| Max. Bldg. Height | 30 ft. | 30 ft. |
| Max. Bldg. Coverage | 35% of Lot Area | 25% of Lot Area |
| Max. Impervious Area (c) | 70% of Lot Area | 60% of Lot Area |
| Min. Open Space (c) | 20% of Lot Area | 30% of Lot Area |
| Min. Water Frontage | 100 ft. | 100 ft. |
| Mean High Water Setback | Refer to Section 3.14 | Refer to Section 3.14 |

(a) Add 5 feet to the minimum requirements when adjacent to residential property

(b) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

(c) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

* A mixed use project is defined as one in which the marine use component (including public access facilities) requires a greater number of parking spaces than the non-marine use(s).

8.4 Architectural/Site Design Guidelines

The architectural style, design and scale of buildings as well as their materials and colors must bear a strong relationship to a waterfront setting. The architectural plans for all principal buildings must be prepared by a professional architect and must address the following:

- 1) The architectural relationship of the development to the waterfront as viewed from the water and adjacent public streets.
- 2) The relationship of the proposed site design to existing topography and vegetation minimizing excessive alteration of the natural landscape.
- 3) The architectural and site design linkage between the proposed development, all public access provisions and the surrounding neighborhood.

In addition to reviewing each development under the Special Case and Coastal Site Plan Review criteria outlined in Sections 20.2 and 3.1.1 of the Zoning Regulations, the Zoning Commission shall review each site design to ensure a sufficient level of upland support facilities for all waterfront uses. The Commission shall consider, but not be limited to, the following: a) Parking, b) Winter boat storage, c) Launch and haul facilities d) Public sanitary facilities, e) Effluent collection system, f) Stormwater management, and g) Sediment and erosion control.

SECTION 9. HEAVY COMMERCIAL DISTRICTS, CC

9.1 Uses permitted in CC Districts

9.1.1. Any use permitted in any district previously listed excluding residences.

9.1.2. Trailer, contractors and farm equipment sales rooms or outdoor sales areas for these uses. (Effective - June 13, 1976)

9.1.3. Automobile repair shops, tire recapping establishments.

9.1.4. Wholesale establishments.

9.1.5. Storage warehouse.

9.1.6. Public utility buildings, including enclosed storage yards.

9.1.7. Dairy and bottling works.

9.1.8. Retail lumber and building material yards and contractors' equipment storage.

9.1.9. Stone and monument works.

9.1.10. Accessory uses customarily incidental to a permitted use.

9.2 Required lot area, width, yards, coverage, height

| District | Lot Area sq. ft. | Min. Lot Width | Min. Front Yard ft. | Min. Side Yard ft. | Min. Rear Yard ft. | Max Bldg. Cov. % | Max Bldg. Hgt. ft. | Max. Impervious Area % | Min.. Open Space % |
|----------|------------------|----------------|---------------------|--------------------|--------------------|------------------|--------------------|------------------------|--------------------|
| CC | 20,000 | 100 | 30 (A) | 16 | 30 | 50 | 35 | 80 (B) | 20 (B) |

A) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

B) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

9.3. In CC Districts one side yard of each lot may be omitted and buildings may be built to the common lot line, providing that the party or other walls separating them are of masonry construction with no doors, windows or openings and with a two foot parapet. Except in the case of a building on the lot line no side yard may be less than as prescribed in this section.

SECTION 10. COASTAL AND LIGHT INDUSTRIAL DISTRICTS, MC, MA

10.1 Coastal Industrial District:

Land, buildings and other structures used for one or more of the following purposes shall be subject to the environmental protection standards of Section 3.24.

10.1.1. Purpose

This district recognizes that there are areas of the Town of Stratford which border on existing industrial areas yet are areas subject to frequent, occasional, periodic or potential flooding or contain or border on sensitive coastal resources or open water, estuarine embayments or coastal flood hazard areas. The intent and purpose of this regulation is to place stricter limitations on the development and use of land in those areas necessary to preserve and protect these sensitive coastal resources while reducing hazards to life and property as outlined in the CT Coastal Management Act. This transitional district which allows less intensive development than existing industrial districts yet recognizes the environmental sensitivity of the area should help achieve these objectives.

10.1.2 Permitted Uses

10.1.2.1. Retail services, agencies or stores conducted indoors.

10.1.2.2. Professional, business offices and financial institutions

10.1.2.3. Wholesale establishments, storage warehousing excluding materials related to prohibited uses.

10.1.2.4. The packaging of beverages, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals and food.

10.1.2.5. The assembling of articles from the following previously prepared materials: bone, cellophane, canvas, cork, feather, felt, fiber, fur, glass, hair, horn, leather, metal, plastic, shell, tobacco and yarns. The assembling of electronic parts and appliances, products and devices. Excluding the assembling of articles that require the storage of materials related to prohibited uses.

10.1.2.6. Indoor Recreation.

10.1.2.7. Laboratory and testing facilities for the diagnosis of oncological, chronic and genetic diseases and pathology laboratories.

10.1.2.8. Any use determined by the Commission to be similar to the above in character.

10.1.3 Special Case Uses

10.1.3.1. Restaurants or other food service establishments.

10.1.3.2. Hotels and motels.

10.1.3.3. Lab research and development not for chemical or biological purposes.

10.1.3.4. Convention centers, assembly halls, dance halls, billiard parlors, bowling alleys, theaters, churches and fraternal halls, radio and t.v. stations.

10.1.3.5. Educational facilities, hospitals, library, municipal buildings and museums.

10.1.3.6. Mining, sand and gravel excavation.

10.1.3.7. Farming, forest or wildlife reservation or park.

10.1.3.8. Public parks, playgrounds or recreational areas.

10.1.3.9. Undertaker establishments.

10.1.3.10. Veterinarian and commercial kennels.

10.1.3.11. Ice plant, bottling works or milk distributor.

10.1.3.12. Marina and marina related services including marine service repair.

10.1.3.13. Any use determined by the commission to be similar to the above in character.

10.1.3.14. Planned Economic Development (Effective 9/16/97)

10.1.3.14.1 Purpose - In addition to accomplishing the purposes set forth in Section 10.1.1 hereof, this Sub-Section is intended to accomplish the following:

(1) To encourage industrial, distribution, commercial and executive business operations grouped together in integrated development of sufficient size to meet high standards of design.

(2) To provide design flexibility in the implementation of such developments and their control through a series of review procedures and the establishment of specific building and development standards.

(3) To promote the most desirable uses of land in accordance with an approved General Development Plan ("GDP") designed to coordinate industrial, warehousing, office and commercial growth in its relation to its surroundings.

(4) To encourage the establishment of important and lasting employment centers and to broaden the tax base of the Town.

(5) To recognize that a necessary incentive to attract the large-scale, advance private investment in land and infrastructure for a planned economic development

which may be implemented over a period measured in decades is an early public commitment to the acceptability of the concept embodied in the proposed GDP.

10.1.3.14.2 Definitions

10.1.3.14.2.1 Planned Economic Development (“PED”) - An integrated development under one sponsorship in accordance with a General Development Plan (“GDP”) as set forth in Section 10.1.3.14.3 hereof, on a tract containing at least 30 acres with one or more buildings, each containing one or more of the uses permitted under Sub-Section 10.1.2 and Sub-section 10.1.3 of regulations.

10.1.3.14.2.2 Tract. Any parcel of land that contains at least (30) acres and is owned by, or is subject to, contractual rights or is controlled (i.e., options, etc.) by one (1) person, firm, corporation, association, business entity (partnership, LLC, LLP, etc.) or venture. In the case of any parcels of land within a tract that are separated by a public or private street, a railroad, or public open spaces, but which parcels are owned or controlled as aforesaid, and such parcels demonstrate sufficient adjacency and interrelationship to each other to support a comprehensive development under the PED as defined in 10.1.3.14.2.1 then such parcels of land shall be deemed and construed to constitute one (1) tract, notwithstanding that said tract is comprised of two (2) or more lots, plots or parcels of land as shown on the Tax Assessment Map of the Town of Stratford.

10.1.3.14.2.3 Tract Area. The gross horizontal area contained within the outermost property lines of the tract, including easements, right of ways and any area proposed to be offered for any public use or purpose but excluding any existing public streets abutting or crossing said tract as well as all public open spaces and all areas covered by waterbodies, watercourse tidal wetlands and/or freshwater inland wetlands as defined in Chapter 440 of the Connecticut General Statutes.

10.1.3.14.3 General Development Plan (“GDP”)

10.1.3.14.3.1 Submittal Requirements. An application for approval of a GDP for a PED shall include:

a. A Topographic Map of the entire tract showing all tidal wetlands and/or freshwater wetlands as defined in Chapter 440 of the Connecticut General Statutes and all coastal resources within the tract and within 100 feet thereof.

b. A Conceptual Plan for the overall development scheme within a PED which identifies the Proposed uses, improvements, infrastructure, intensity of development, parking areas, open space and the traffic and circulation system to be located in the PED.

c. A written Planned Statement containing appropriate legal evidence that the entire site is owned by or under effective control of the applicant describing various aspects of the plan, including any proposed phasing of development activities.

- d. A Compliance Chart of appropriate data demonstrating compliance with all requirements of these regulations.
- e. The Zoning Commission may waive any submission requirements under Sub-Section 20.2.2.1 and 20.2.2.2 that may be inapplicable due to the conceptual nature of the GDP.

10.1.3.14.3.2 Additional General Development Plan Standards

- (a) The intensity of development for the entire GDP shall not exceed a floor area ratio (FAR) of thirty-five hundredths (0.35).
- (b) The FAR on any parcel within the GDP may be greater than 0.35 provided that the FAR for the entire GDP does not exceed 0.35; and provided further that the proposed development complies with the height, impervious coverage, parking and all other applicable requirements.
- (c) The minimum distance between buildings shall be not less than thirty (30) feet
- (d) Where applicable, the location of all buildings within the GDP shall comply with the setback requirements of Section 3.14 of these regulations. Where the said regulations do not apply, no building shall be nearer than fifty (50) feet to any public street or boundary line of the tract and no parking area within such setback area shall be nearer than twenty-five (25) feet to any public street existing at the time of the approval of the GDP or to any new street within the GDP that is proposed to be dedicated to the Town.
- (e) The aggregate development within the PED shall conform to the following standards as a percentage of the tract area of the entire PED:

| | |
|---------------------------|-----|
| Maximum Building Coverage | 30% |
| Maximum Impervious Area | 70% |
| Minimum Open Space Area | 30% |
- (f) In a planned Economic Development, one goal is to have open space which shall be of such condition, location (s), size and shape as to be readily usable for conservation, park, or recreation purposes by the occupants of the PED. Where possible, efforts should be made to

encourage linkage for pedestrian and bicycle access from adjacent areas and to encourage public access and interaction with any adjacent park or recreational areas.

10.1.3.14.3.3 Effect of Approval of the Planned Economic Development

(a) Approval of the GDP shall be deemed to have designated the area encompassed thereon as a Planned Economic Development (PED). Such designation shall not be affected by the subsequent sale, leasing or mortgaging of any portion of the PED.

(b) Approval of the GDP shall not be deemed to approve any specific individual use that may be shown thereon. All individual uses will require either site plan and/or special case approval depending on the specific use.

(c) A PED shall be exempt from the time limit requirement set forth in Sub-Section 20.3 of these regulations.

(d) Any site plan for a specific parcel within the PED which complies with all GDP standards shall be exempt from the front yard, side yard, rear yard, building coverage, impervious area and open space requirements of Section 10.1.5.

10.1.3.14.4 Site Plan

10.1.3.14.4.1 Submittal Requirements. An application for approval of a site plan (SP) for a specific use on a specific parcel shall include a plan which sets out in detail the proposed use, construction, landscaping, engineering and site development proposed for such parcel as well as any other information that the Zoning Commission may request as being necessary for a proper review of the application including but not limited to the following:

(a) Existing Conditions Plan showing building footprints, parking and loading areas, utilities, streets and driveways.

(b) Site Development Plan showing proposed regrading, building footprints, parking and loading areas, streets and driveways.

(c) Utility Plan indicating how all utility needs (including storm drainage, sewage disposal and water supply facilities) will be met. All utilities shall be installed underground.

(d) Preliminary Architectural Plans, including floor plans, sections and exterior elevations, roof lines, facade materials and other features of the proposed buildings or structures.

(e) Open Space and Parking Areas Management Plan.

(f) Landscape Plan.

10.1.3.14.4.2 Site Plan Standards. No application for approval of a SP shall be granted until the Zoning Commission has made the following findings:

- (a) That the SP is consistent with all GDP standards.
- (b) That the SP complies with all requirements set forth in Section 3.1.1 and 3.14 and all other requirements of these regulations.
- (c) That, if the SP is for a use requiring special case approval, a special case application has been submitted to the Zoning Commission for such approval under Section 20 of these regulations.
- (d) That, except as set forth below, no building exceeds a height of forty (40) feet or two (2) stories. If, considered in the context of the GDP, the Zoning Commission, in Administrative Session, finds that the further protection and enhancement of the environment can be accomplished by permitting an increase in the height of any building, the maximum permitted height in each case may be increased to four (4) stories, not to exceed sixty (60) feet provided that (a) the aggregate maximum floor area ratio of 0.35 for the entire GDP is not exceeded thereby; (b) the minimum required setbacks shall be increased as provided in Sub-Section 10.1.5c of these regulations; and (c) such increase in height will be in conformity with all applicable airport zoning regulations.
- (e) Off-street parking and loading shall be as provided in Section 12 of these regulations.

10.1.4 Prohibited Uses

Any use in which the use, handling, storage or disposal of hazardous materials is a significant activity including but not limited to:

- 10.1.4.1. Family or commercial laundries, dry cleaning and industrial launderers.
- 10.1.4.2. Furniture stripping, commercial lawn care business.
- 10.1.4.3. Golf courses
- 10.1.4.4. Chemical or biological labs, wholesale trade or warehousing.

10.1.4.5. Gasoline filling station, motor vehicle service stations, vehicle washing establishments, electric or gas substation. Car, trailer, truck and farm equipment sales. Bulk storage of petroleum products.

10.1.4.6. Storage yards - general contractors, excavating or paving contractors.

10.1.4.7. Public utility buildings and storage yards.

10.1.4.8. Automotive services, and electrical repair shops.

10.1.4.9. Textile mill production, lumber and wood production, pulp and paper manufacturing, printing and publishing. Producing, dyeing, tanning and coating textiles and apparels.

10.1.4.10. Waste disposal and processing stations, power and nuclear plants and incinerators.

10.1.4.11. Recycling processing facility.

10.1.4.12. Salvage - junk yard. Road salt storage.

10.1.4.13. Manufacturing and processing of goods and materials.

10.1.4.14. Machine shops, metal industries and foundries.

10.1.4.15. Live poultry market or poultry market where killing or picking is done on the premises.

10.1.4.16. Any use determined by the Commission to be similar to the above in character.

10.1.5 Standards

MC (Coastal Industrial District)

| | |
|----------------------|--------------------------------|
| Min. Lot Area | 20,000 sq.ft. |
| Lot shape | A square 100x100 to fit on lot |
| Min. Lot Width | 100 ft. |
| Min. Lot Depth | 125 ft. |
| Min. Front Yard | 25 ft. (a) |
| Min. Side Yard | 15 ft. (a, b) |
| Min. Rear Yard | 35 ft. (a, b) |
| Max. Bldg. Height | 40 ft. or 2 stories (c) |
| Max. Bldg. Coverage | 30% of lot area |
| Max. Impervious Area | 70% of lot area (d) |
| Min. Open Space | 25% of lot area (d) |

- a. The first 15 feet of the front yard and 5 feet of the side and rear yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs and lawns. Provision shall be made for walkways and driveways necessary for the operation.
- b. Add 15 feet to the minimum requirements when adjacent to residential property.
- c. Any building or other structure, or portion thereof, exceeding a height of thirty feet shall be setback one foot, in addition to the applicable minimum setback requirement, for each foot or fraction thereof by which such building or portion thereof exceeds thirty feet of height.
- d. The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.
- e. These districts are all within environmentally sensitive areas therefore, in addition to the standard application requirements the applicant shall submit the following information:
 - 1) A soils survey, done by a soils scientist - stamped and signed with a live signature, showing soil types and boundaries including a written description of their classifications.
 - 2) A calculation of predevelopment and post development storm water runoff showing a zero percent increase in volume and rate of runoff. (Effective 6/19/91)

10.2 Light Industrial Districts, MA

10.2.1 Uses Permitted

10.2.1.1. Any use permitted in RS, RM, LB, CA, CF, CC Districts and subject to all provisions of subsection 4.1, 5.1, 6.1, 7.1, and 9.1 except that no building or premises shall be used for human habitation other than the dwelling of a proprietor or caretaker or as provided by Section 6.1.12.

10.2.1.2. The following uses if carried on wholly within a building.

10.2.1.2.1. The manufacture, compounding, processing, packaging or treatment of beverages, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet supplies and food or similar products.

10.2.1.2.2. The assembling or treatment of articles from the following previously prepared materials: Bone, cellophane, canvas, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious metals or stores, shell, textiles, tobacco, wood, yarns.

- 10.2.1.2.3. Laundries, cleaning and dyeing works and carpet or rug cleaning.
- 10.2.1.2.4. The manufacture of ceramic products from previously pulverized clay and using kilns fired only by electricity or gas.
- 10.2.1.2.5. The manufacturing and assembling of sheet metal products, electric signs, billboards, heating and ventilating ducts and similar products provided no noise or vibration noticeable off the premises is created.
- 10.2.1.2.6. The manufacture of phonographs, toys, sporting goods, musical instruments.
- 10.2.1.2.7. The manufacture of clocks, watches and precision instruments or tool making.
- 10.2.1.2.8. The assembling of electrical appliances, instruments, products and devices, including the manufacture of small parts.
- 10.2.1.2.9. Storage, warehouses, including cold storage.
- 10.2.1.2.10. Printing, type setting, engraving.
- 10.2.1.2.11. Any use determined by the Zoning Commission to be similar to the above in character.
- 10.2.1.2.12. Truck terminals subject to the approval of the Zoning Commission as a Special Case as provided under Section 20 of these regulations. (Effective 5/24/78)
- 10.2.1.2.13. A nursing home subject to the provisions set forth in 6.1.12.
- 10.2.1.3. The following uses if carried on wholly within a building and if located not less than 100 feet from a street and 200 feet from the boundary of a Residence District.
- 10.2.1.3.1. Automobile, boat, or aircraft assembling or manufacture.
- 10.2.1.3.2. The manufacture of small rubber products provided that no objectionable odors are created noticeable off the premises.
- 10.2.1.3.3. Machine shop, metal fabricating shop, woodworking shop.
- 10.2.1.3.4. Foundry casting nonferrous metal causing no fumes or odors noticeable off the premises.
- 10.2.1.3.5. Other foundry as an accessory use and incidental to a principal plant located on the same lot.
- 10.2.1.4. The following uses if carried on within an enclosure not less than six feet high consisting of a masonry wall.

10.2.1.4.1. Public utility buildings, service yards and substations, excluding electric or gas generating plants.

10.2.1.5. In all MA Districts accessory uses normally incidental to the principal use, including garages, storage buildings and power plants causing no objectionable smoke or odors noticeable off the premises. Accessory uses may include employees recreation facilities, clinics, and commissary stores and retail selling products of the person, firm or corporation occupying the premises.

10.2.2 Required lot area, width, yards, coverage, height

| | |
|--|--------------------------------------|
| Min. lot width: | 100 ft. |
| Min. lot area: | 10,000 sq.ft. |
| Min. lot depth: | 100 ft. |
| Min. front yard on a street 50 ft. wide: | 20 ft. (A)** |
| Min. side yards: | 5 ft. one side, 15 ft. other side |

Where adjacent to a residential zone 25 ft. on adjacent side must be provided.
Rear yard min: 15% of lot depth or more as required by off-street parking regulations.
Maximum building area: 50% of lot area or less as required by off-street parking regulations. The board of zoning appeals may vary these requirements not to exceed 10% of this requirement when in their opinion the needs may be adequately served.

| | |
|--------------------------|------------------------|
| Maximum height: | Three stories - 60 ft. |
| Maximum impervious area: | 80% (B) |
| Minimum open space: | 20% (B) |

***For streets under 50' wide, add 25' to these figures and measure from the center line of existing pavement.

A) The first half of the minimum required front yard shall consist of non-impervious surfaces and shall be landscaped with trees, shrubs, lawns, or suitable ground cover. Provision shall be made for walkways and driveways necessary for operation.

B) The minimum open space and the maximum impervious area requirements shall be adhered to prior to any increase or alteration of impervious area, floor area and building area square footage.

10.2.3 Required maintenance

Required yard space may not be used for material storage or any manufacturing or business purpose. The required front yard and the space between the building and the street or between the required enclosure and the street shall be maintained in such condition as to create no fire, police or health hazard.

10.2.4 Reclassification of light industrial zones

All those areas of the Town of Stratford legally zoned as light industrial at the time of the adoption of these regulations is hereby included in and declared to be District MA. All uses legally existing in light industrial zones as conforming uses at the time of the adoption of these regulations may be continued as conforming uses at the same locations, but none may be extended excepted in conformity with all the requirements of these regulations for District MA.

10.2.5 Uses prohibited

All other uses are prohibited, including but not limited to the following:

10.2.5.1. Garbage and refuse incineration or the dumping of refuse matter not originating on the premises, except on property owned by and operated for the Town of Stratford, subject to approval by the Zoning Commission as a Special Case in accordance with Section 20 of these Regulations. (Effective - July 15, 1986).

10.2.5.2. Any manufacturing process or treatment, or storage or handling of fuel, material or waste, giving off objectionable noise, dust or vibration or noisome or noxious fumes or odors noticeable off the premises.

10.2.5.3. Any operation creating radio or television interference noticeable off the premises.

10.2.5.4. Dwellings except as permitted by section 10.2.1.1 and section 6.1.12.

SECTION 11. GENERAL INDUSTRIAL DISTRICTS, MB.

11.1 Uses Permitted

11.1.1. Any use permitted in a Light Industrial District, without the requirement of enclosure but subject to the provisions of section 10.2.

11.1.2. Saw or planing mill.

11.1.3. Blacksmith shop.

11.1.4. Glass manufacture.

11.1.5. Pulp, paper, cardboard or building board manufacture.

11.1.6. Rag or bag cleaning establishments.

11.1.7. Any use customarily accessory to a permitted use.

11.2 Uses permitted in General Industrial Districts more than 500 feet from the boundary of a residence or commercial district

11.2.1. Manufacture and storage of such chemicals as shall be declared by the town health officer and the town fire chief as not dangerous to the public health and safety, off the premises.

11.2.2. Blast furnaces, foundries, metal fabricating plants, rolling mills, boiler works and drop forges.

11.2.3. Manufacture of bricks, cement products, tile and terra cotta.

11.2.4. Bulk storage of petroleum products.

11.2.5. Manufacture and treatment of rubber products.

11.2.6. Public utility power plant.

11.2.7. Fish or meat smoking, curing or canning.

11.2.8. Recycling Processing Facility when approved as a Special Case under Section 20 of these regulations.

11.2.9. Any use determined by the Zoning Commission to be similar to the above in character.

11.3 Uses prohibited

All other uses are prohibited, including but not limited to the following:

11.3.1. Dwellings, except as permitted in Light Industrial Districts.

11.3.2. Garbage and refuse incineration or the dumping of refuse matter not originating on the premises, except on property owned by and operated for the Town of Stratford, subject to approval by the Zoning Commission as a Special Case in accordance with Section 20 of these Regulations. (Effective 7/15/86)

11.3.3. Any manufacturing process or treatment, or storage or handling of fuel, material or waste, giving off objectionable noise, dust or vibration or noisome or noxious fumes or odors noticeable off the premises.

11.3.3.1. For recycling processing facilities, no putrescent, toxic, biomedical or hazardous wastes shall be allowed on the premises. No incineration shall be permitted on the premises and no stockpiling or storage of any materials shall be allowed outside of the enclosed building. There shall be no reprocessing, conversion or change of form

except compacting, crushing, shredding or baling of such materials on the premises and all separated and sorted materials shall be transferred to other sites for final reprocessing, reclamation, conversion, incineration or other disposition.

11.3.4. Any operation creating radio or television interference noticeable off the premises.

11.4 Reclassification of heavy industrial zones

All those areas of the Town of Stratford legally zoned as heavy industrial at the time of the adoption of these regulations are hereby included in and declared to be District MB. All uses legally existing in heavy industrial zones as conforming uses at the time of the adoption of these regulations may be continued as conforming uses at the same locations, but none may be extended except in conformance with all the requirements of these regulations for District MB.

SECTION 12. OFF-STREET PARKING

12.1 Parking facilities required

Parking facilities off the street or highway right of way shall be provided to serve all buildings erected, moved, altered, or enlarged and all areas otherwise developed after the adoption of these regulations. Such facilities shall be sufficient to accommodate the motor and other vehicles of all occupants, employees, customers and other persons normally visiting such building or lot at any one time.

12.2. Location of required parking facilities.

Required parking facilities shall be located on the same lot as the building or other use which they serve, except that upon the approval of the Zoning Commission, required parking facilities may be located not more than 200 feet from such building or use, measured in a straight line to the nearest space for vehicular parking. Properties within the Theater District are exempt from this requirement.

Off-street parking requirements in the Theater District will be the same as for other districts except that a minimum of fifty percent (50%) of the required off-street spaces for uses requiring 5 or more spaces shall be located at an off-site location outside of the Theater District or within the MA/TH District. The location of the off-site parking spaces must be approved by the Zoning Commission who shall take into account the following factors: a) Whether the proposed parking is permitted under the Zoning Regulations; b) The distance and relationship of the proposed parking to the Theater District; c) Means of transportation from the proposed parking area to the theater and; d) Compatibility of the parking area with neighboring land uses. These remote parking spaces must be guaranteed by the property owner through a deed restriction or subject to a long-term lease (minimum twenty-five years) and they must not be used for or counted

in any way for any other use. The Zoning Commission may also, within the Theater District, consider proposals for shared parking facilities serving multiple uses and/or buildings on the same property, providing that adequate documentation has been provided to the satisfaction of the Zoning Commission to describe the levels and patterns of the peak parking demands for each use involved.

12.3 Required space to be shown on plan

Plans for any new building or any expansion of an existing building, when submitted for a building permit, shall show specifically the location and use of such building, all required parking spaces, and, in the case of non-residential use, the loading space required to comply with the regulations and the means of access to such space from the public street or highways. Except for residences, no building permit shall be issued until such plan for parking and loading space and access to it and required improvements shall be submitted to the Office of Planning and Zoning for approval of traffic access, traffic circulation, and general layout of the parking facility and required improvements are planned with regard to safety to traffic on the public street and safety and adequacy of access for cars and pedestrians using the parking facility. To assure the completion of the required parking facilities, a Zoning Compliance Report that said work is in conformance with these regulations per the requirements of Section 3.1 shall not be issued by the Planning and Zoning Administrator until the applicant files a performance bond with said Administrator in favor of the Town of Stratford in an amount determined by the Administrator to cover the cost of the required work. All work, the performance of which is secured by said bond, shall be completed within two years from the date of the bond or 6 months from the issuance by the Building Official of a Certificate of Occupancy, whichever shall first occur. (Effective 7/23/83)

12.4. Existing structures and uses.

Structures and land uses in existence, or for which building permits have been approved at the time of the adoption of these regulations, shall not be subject to the parking or loading space requirement of these regulations, provided that any parking and loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities shall, however, be provided as a condition for the issuance of any building permit for any enlargement of such structures or uses in the future. In cases of exceptional difficulty or unusual hardship to such properties arising out of this requirement, appeal may be made to the board of appeals which shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming, but shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion, and shall not permit reduction or elimination of whatever quantity of parking may already be in existence unless it is in excess of requirements. Required off-street parking facilities which, after development, are later dedicated to and accepted by the town, shall be deemed to continue to serve the uses or structures for which they were originally provided.

12.5. Parking space requirements.

Unless otherwise specifically approved by the Zoning Commission, required parking facilities shall contain not less than the minimum areas set forth below, exclusive of driveways necessary for access. Except in the case of 1 and 2 family dwellings, rooftop or indoor parking, excluding ramps, may be included in the required area. For offices, home occupations, and bed and breakfast establishments in RS Districts, the following additional standards shall apply: 1) no parking spaces shall be provided in the front yard and 2) provision shall be made for a turn-around onsite.

12.5.1. For one and two family residences, one space for each dwelling unit.

12.5.1.1 For residential developments of three to nine dwellings, 1.5 spaces for each dwelling unit which is an efficiency and/or one bedroom unit and 2.0 spaces for each dwelling unit containing two or more bedrooms.

12.5.2. For residence apartments, 2.0 spaces for each dwelling unit plus additional guest parking spaces at 10% of the total number of spaces required.

12.5.3. For offices in RS Districts and for permitted home occupations, 2 spaces, in addition to the requirements of 12.5.1.

12.5.4. For financial institutions, non-medical office buildings, retail stores, personal service shops, and similar business buildings, one space for each 250 square feet of gross floor area. (Effective 4/26/00)

For medical office use, one space for each 165 square feet of gross floor area. (Effective 4/26/00)

12.5.5. For main auditorium or churches, for theaters, assembly halls, or stadiums, one space for every four seats or for each 200 square feet, whichever is the greater.

12.5.6. For places of public assembly or public recreation not otherwise listed, one space for each 150 square feet of floor area.

12.5.7. For restaurants, clubs, taverns or bars, one space for each 60 square feet of total floor space, including any outdoor service area. (Effective 2/19/97, with revisions effective 4/26/00)

12.5.7.1. For drive-in restaurants or take-out establishments, one space for each 100 square feet of gross floor area including any outdoor service area. (Effective 4/26/00)

12.5.8. For hotels, lodging or boarding houses, one space for each guest room or suite. In the case of restaurants or other public rooms in a hotel which are open to nonresidents thereof, additional parking facilities shall be provided as prescribed in paragraphs 12.5.6 and 12.5.7.

12.5.8.1. For Bed and Breakfast establishments, two spaces for the dwelling plus one space for each guest room.

12.5.9. For hospitals, clinics, sanitariums or convalescent homes, one space for each 3 patient beds, excluding bassinets.

12.5.9.1 For assisted living residential facilities parking shall be provided at a minimum of one (1) space for every two (2) dwelling units at the facility plus one (1) space for each employee at peak shift but in no event less than twenty-five (25) employee parking spaces.

12.5.10. For undertakers' establishments, one space for each 100 square feet of floor area open to the public.

12.5.11. For motels and tourist courts, one space for each guest room plus one space for each 600 square feet of additional floor space.

12.5.12. For industrial and manufacturing establishments and similar buildings, one space for each 400 square feet of gross floor area. (Effective 4/26/00)

For warehouse and wholesale establishments and similar buildings, one space for each 1,000 square feet of gross floor area. (Effective 4/26/00)

For a self storage facility one space for every five thousand (5,000) square feet of gross floor area

12.5.13. For marinas and yacht clubs, one space for each boat berth and/or mooring plus one boat trailer space 10'x40' in size per 20 boat berths. (Effective 1/27/87)

12.5.14. For Affordable Housing Developments, 2 spaces for each unit plus additional guest parking spaces at 10% of the total number of spaces required.

12.5.15 For Planned Economic Developments. Unless reduced by the Zoning Commission as set forth hereinafter, parking spaces shall be provided for each use at the rate of eighty (80) percent of the applicable requirements in section 12.5 and shall comply with the provisions of Sections 12.1, 12.3, 12.6, 12.7, 12.8, 12.9, and 12.10 of these regulations. The parking requirements set forth above may be reduced by the Zoning Commission where the Applicant provides documentation acceptable to the Commission demonstrating that peak use of certain parking facilities by neighboring developments within the PED will not occur at the same time or that other factors will permit multiple use of parking facilities, provided that the ratio of parking spaces to aggregate floor area shall not fall below 2.50 spaces per 1,000 square feet at any stage of development of the entire tract.

12.6. Parking space.

12.6.1. A parking space for one motor vehicle shall have minimum dimensions of 9 feet in width and 20 feet in length exclusive of driveways, aisles and maneuvering space appurtenant thereto, and shall have direct access to a street.

12.6.2. In parking lots that are over 50 spaces in size, 35% of the spaces can be made to service compact motor vehicles. The size of these compact spaces shall be 8 feet in width by 16 feet in length.

Compact parking stalls shall be grouped in contiguous, uniform stalls and shall have signs placed in appropriate locations indicating parking for compact vehicles only.

All or any part of the parking spaces provided in addition to those required by these regulations may be for compact vehicles.

12.7. Layout and location of off-street parking facilities.

12.7.1. No parking in connection with any nonresidential use shall be so located that motor vehicles may enter or leave the parking area across a sidewalk except at a point or points approved as part of a plan as required by section 12.3.

12.7.2. In any residence district, no required off-street parking facility shall be developed within the required front yard, or shall be developed within 5 feet of a side or rear lot line.

12.7.3. Any parking required for business uses in a business district shall not be provided in a residence district except as provided in section 3.4. Any parking required for industrial uses in an industrial district shall not be provided in a residence district.

12.8. Required off-street loading berths.

12.8.1. For a public library, museum, art gallery, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor area of 5,000 to 10,000 square feet, 1 berth; for each additional 25,000 square feet or major fraction thereof, 1 additional berth.

12.8.2. For buildings with professional, governmental, or business offices, or laboratory, establishments with floor area of 10,000 to 25,000 square feet, 1 berth; for each additional 25,000 square feet, or fraction thereof up to 100,000 square feet, 1 additional berth; for each additional 50,000 square feet or major fraction thereof, 1 additional berth.

12.8.3. For buildings with offices and retail sales and service establishments, 1 berth for 5,000 to 10,000 square feet of floor area, and 1 additional berth for each additional 15,000 square feet of floor area or major fraction thereof so used.

12.8.4. For undertakers establishments, 1 berth. Such berths shall be at least 10 feet wide, 20 feet long, and 7-1/2 feet high.

12.8.5. For hotels, 1 berth for each 20,000 square feet of floor area.

12.8.6. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug-cleaning establishments and laundries, 1 berth for 5,000 to 10,000 square feet of floor area, in such use, and 1 additional berth for each additional 20,000 square feet of floor area or major fraction thereof so used.

12.8.7. For restaurants and other places serving food and beverages, 1 berth for the first 2,500 to 5,000 square feet of floor area, and 1 additional berth for each additional 7,500 square feet of floor area or major fraction thereof so used.

12.8.8. Reasonable and appropriate off-street loading requirements for structures and land uses which do not fall within the categories listed above shall be determined, in each case, by the Zoning Commission which shall consider all factors entering into the loading and unloading needs of such use.

12.9. Size, location and access.

Each required loading berth shall be at least 12 feet wide, 33 feet long, and 14 feet high. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory.

12.10. Surfacing.

Required minimum parking and truck loading facilities shall be provided with minimum surfacing of bituminous concrete. All parking spaces where adjacent to a street shall have a concrete safety curb not less than 8 inches high, except at point of access. If the area for parking is 40,000 square feet or more the drainage of said area shall be subject to the approval of the engineering department of the Town of Stratford.

12.11. Parking facilities in RS District.

Off-street parking as permitted in RS District by subsection 4.1.9 shall be so arranged that no vehicles can be parked within 50 feet of any residence structure not on the lot and the area used for parking shall be separated from adjacent RS Districts by a fence not less than 4 feet high and obscuring at least 50% of the vision through any square foot of fence area except that for 20 feet from any street line the fence may be reduced to 3 feet in height. Lighting for any parking area shall be so arranged or shaded that the source of light is not visible from any residence window off the lot and within 75 feet of the light source. Where in the opinion of the Zoning Commission the above requirements are not

necessary to protect adjacent RS uses from undue noise or light the Zoning Commission may approve the use with lesser requirements as a special case under section 20.2.

12.12 Landscaping requirements for parking lots (Effective 5/17/95)

In order to enhance the appearance of a property and to protect property values through the preservation of existing vegetation and the establishment of new landscaping and to shade parking areas from heat and glare while providing privacy from noise and visual intrusion, all new parking lots containing 15 or more spaces, all parking lots increasing in size by 15 or more parking spaces and all parking lots serving new or modified uses that require 15 or more spaces shall be landscaped as follows:

12.12.1 Interior Parking Area

A) Tall shade trees, at least 3 inches in caliper, shall be planted and/or maintained within all surface parking lots and shall be evenly distributed at the rate of one tree for every ten (10) parking spaces. Shade trees shall mean any deciduous tree whose mature height of its species can be expected to exceed 35 feet and that has an expected crown spread of 30 feet or more.

B) The positioning of islands shall be designed to aid in the circulation and traffic safety within the parking lot which may include the periodic use of continuous landscape dividers to discourage unintended site circulation patterns.

12.12.2 Front Landscaping Area

A) Tall shade or flowering deciduous trees, at least 3 inches in caliper, shall be planted and/or maintained within the front landscaped area at the rate of one tree for every fifty (50) feet of property frontage.

B) All parking areas shall be screened from the street through the use of hedges, approximately 4 feet in height, or landscaped berms. If berms are used, the height of the hedge may be reduced in accordance with the height of the berm above the parking lot edge.

12.12.3 Buffer Areas

A) All parking and access areas shall maintain a minimum 12 foot setback buffer to any Residence District. Evergreen trees, at least 6 feet in height, shall be planted and/or maintained within the buffer area at the rate of one tree for every ten (10) feet.

12.12.4 Open Space Areas

All open space areas shall be mulched or grassed. Low shrubs or flowers shall be planted so as to cover a minimum of 25% of the open space area with the intent on covering a minimum of 50% of the area at maturity. Low shrubs or flowers shall be planted at entry areas and other focal points to provide color and interest.

12.12.5 Tree requirements for existing parking lots

For every 1,000 square feet of refitted commercial or industrial space which requires a building permit, the applicant or owner shall plant one shade tree, at least 3 inches in caliper, in the parking lot interior area until the minimum requirement is met. Thereafter, trees in the front landscaped area and buffer areas shall be planted until those minimum requirements are met. If it is determined that there is no area suitable for the new trees within the parking lot interior area without removing required parking spaces, then the required trees may be planted along the perimeter of the lot.

12.12.6 Protection of trees

All trees shall be planted in curbed porous islands at least 5 feet in diameter. All trees shall be further protected from damage with guide lines and shall be maintained in a healthy growing condition in perpetuity.

12.12.7 Environmentally Contaminated Properties

On properties or specific areas of properties which are proven to be environmentally contaminated, shallow rooted flowering trees may be substituted for tall shade trees upon the approval of the zoning office. In cases where shallow rooted flowering trees cannot be planted, even with the use of raised planting beds, then shrubs, 2-1/2-3 feet in height may be planted at the rate of 3 shrubs for every ten (10) parking spaces upon the approval of the zoning office.

SECTION 13. REMOVAL OF TOP SOIL, SAND AND GRAVEL

13.1 Removal restricted.

Except as provided in this section, there shall be no removal of earth, sand, gravel, clay or quarry stone in excess of 50 cu. yds. from any 10,000 sq.ft. of area except as necessary surplus material resulting from a construction operation for which a building permit has been issued. Nothing in this section shall prevent the removal of soil from one lot to another within an approved subdivision for grading purposes.

13.2 Removal of top soil

The planning and zoning administrator shall issue a permit in any district for the removal of top soil or loam in excess of 50 cu. yds. from any 10,000 square foot area and for a depth not to exceed 12" provided that four inches of top soil remains and provided further that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation within a reasonable time. The fee for such permit shall be \$3.00 for the first 10,000 square feet of area, or fraction thereof, and \$2.00 for each additional 10,000 square feet, or fraction thereof.

13.3 Removal of gravel, clay, stone or sand

Upon approval by the Zoning Commission, after a public hearing, the planning and zoning administrator shall issue a permit in any district for the removal within two years, of gravel, clay, stone or sand in excess of 50 cubic yards from each 10,000 square feet of area in the plan. In granting or refusing such approval, the Zoning Commission will consider (a) The effect upon surface and sanitary drainage, (b) traffic safety, (c) noise and dust, and (d) any other pertinent factors. Approval will be subject to all of the following stipulations:

13.3.1. The applicant shall submit a plan of the entire area from which removal shall be made, showing by a 2 foot contour line and their elevations the existing and the finished grade together with the estimate by a registered civil engineer or land surveyor of the amount of material to be removed. The applicant shall state the time required for such removal.

13.3.2. The plan shall provide for proper drainage of the area during and after completion and no bank shall exceed a slope of one foot of vertical rise in one and one-half feet of horizontal distance except in ledge rock. No removal shall take place within 20 feet of a property line or any boundary of the plan except that where the grade from a property line or said boundary rises toward the removal area, material lying above the grade at the property line or said boundary may be removed.

13.3.3. At the conclusion of the operation or of any substantial portion thereof as determined by the planning and zoning administrator, the whole area where removal takes place shall be covered with not less than 4 inches of top soil and seeded with a suitable cover crop, except where ledge rock is exposed. In industrial districts surface dustproofing may be used in place of top soil and seeding.

13.3.4. Except in an industrial district, no stone crusher, washer, grader, sifter or other machinery not required for actual removal of material shall be used.

13.3.5. Fees for permits under section 13.3 shall be \$10.00 for the first 1,000 cu. yds. or fraction thereof to be removed, and \$2.50 for each additional 1,000 cu. yds. or fraction

thereof to be removed. Fees for the entire estimated amount to be removed shall be paid before the permit is issued. No permit shall be issued for a part of such removal.

13.3.6. Before a permit is used under this section (13.3) the applicant shall file a surety bond with the Zoning Commission in an amount approved by the director of public works as sufficient to guarantee completion of removal and conformity with the provisions of these regulations or any amendments thereto in force at the time of filing. A copy of the map required under section 13.3.1 shall be part of the bond. Such bond shall not be released by the Zoning Commission until written certification from the director of public works has been received that all of the requirements of these regulations have been fully satisfied.

SECTION 14. NONCONFORMING USES

14.1 Definitions

A nonconforming use is a use of any lot or building which does not conform to the regulations applicable to the zone in which the same shall be located, but which legally existed at the effective date of these regulations or at the effective date of any amendment thereto or any change in the boundaries of any zoning district herein or hereafter established which creates the non-conformity. A nonconforming building is one which is arranged, intended or designed for or devoted to a nonconforming use.

14.2 Nonconforming use of buildings

A building or structure, the use of which does not conform to the use regulations for the zone in which it is situated shall not be enlarged or extended unless such building or structure, including such enlargement or extension, is made to conform to all regulations, including use, for the zone in which it is situated.

14.2.1. Such nonconforming building shall not be structurally altered, except in conformity to section 14.2, provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided further that any such nonconforming use may be extended throughout any existing parts of the building which were manifestly arranged or designed for such use at the time of the adoption of these regulations.

14.2.2. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use which under the special case procedure of section 20, the Zoning Commission finds to be of the same or of a more restricted nature, except that a nonconforming use in a residence, business or light industrial zone shall not be changed to a use permitted only in a heavy industrial zone or excluded from a heavy industrial zone, and except that a nonconforming use in a heavy industrial zone may not be changed to a use excluded from such zone.

14.2.3. If any nonconforming use of a building ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if the building in or on which use is conducted or maintained is moved any distance for any reason, then any future use of such building shall be in conformity to the regulations for the zone in which such building is located.

14.2.4. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building thereon shall be in conformity with the regulations for the zone in which such land or building is located.

14.3 Reconstruction after damage

Nothing in these regulations shall prevent the reconstruction within one year of a building damaged by fire, explosion, accident, the act of God or of the public enemy to its condition and size prior to such damage or prevent the restoration of a wall or structural member.

14.4 Completion of buildings under construction

Any building for which a permit has been duly granted, and the construction of which shall have been started before the effective date of these regulations and which building these regulations make nonconforming, may be completed in accordance with plans on file with the building inspector, provided that such construction is diligently prosecuted and such is completed within one year of the date of these regulations.

14.5 Continuance of nonconforming uses

Any nonconforming use of buildings lawfully existing at the effective date of these regulations or of any pertinent amendment thereto, may be continued and any building so existing which was designed, arranged, intended for or devoted to a nonconforming use may be reconstructed and structurally altered and the nonconforming use therein changed, all subject to the provisions of section 14.

**SECTION 15. REGULATIONS RELATING TO THE LOCATION OF PLACES
FOR THE SALE OF ALE, BEER, WINE AND LIQUOR**

15.1 Approval of Zoning Commission

No building or lot or any portion thereof shall be used for the sale, as packaged merchandise, for consumption on the lot or in the building or otherwise of alcoholic liquor, beer, ale or wine unless such building or lot is located in a district appropriate for the class of permit sought in accordance with section 15.8 of these regulations and shall have been approved by the Zoning Commission. Such approval shall be given only after public hearing and upon the affirmative vote of four or more members of said Commission. The Commission shall take into consideration the proximity of the premises to churches, schools, libraries, public playgrounds or any places frequented by minors. No building or lot shall be approved for a package store permit, druggist permit or any class of permit allowing the consumption on the lot or in the building of beer, wine, ale, or alcoholic liquor if located within 200 feet, measured along or across the public highway, of the street frontage of any residential district or church, or any school for the instruction of children under 16 years of age and giving a regular instruction at least five days a week for 150 days a year.

The Zoning Commission may refuse to approve any location for the sale of alcoholic liquor, wine, beer or ale, if it has reasonable cause to believe that the number of approved locations for all classes of permits in an immediate neighborhood is such that the approval of another location in the locality is detrimental to the public interest. In reaching a conclusion in this respect, the Commission may consider the character of, the population of, the number of all approved permit locations in, the neighborhood concerned, and the effect which a new permit location may have on such neighborhood.

15.2. Proximity of outlets.

No building or lot shall be approved for any class of permit if its entrance lies within 1,500 feet of the entrance to any other building or lot where the same class of permit as defined in section 15.8 is in use or has been approved by the Commission. The required minimum distance of 1,500 feet between outlets shall be measured between two points along the center line of the right of way of the public streets that would produce the shortest route between the two points. Said points to be determined by extending a line from the center line of the entrances of the buildings in question perpendicular to and through the front lot line to the center line of the nearest street right of way. Where no building exists, the midpoint of the front lot line shall be extended to the center line of the nearest street right of way, but in no case shall the center line of the entrance of any building be less than 1,500 feet from the center line of the entrance of any existing location.

15.3 Exemptions

(Effective 2/19/97)

A. The following must comply with the 200 foot distance requirement set forth in Section 15.1 but are exempt from the 1,500 foot distance requirement set forth in Section 15.2.

- 1) Buildings used for the sale of alcoholic beverages exclusively at wholesale.
- 2) Shopping centers as per section 15.11.
- 3) Hotels/motels with 25 or more rooms for sleeping purposes and accommodations for 100 or more diners at tables.
- 4) Restaurants with Class D & I permits (full liquor permits) and Class H permits (beer and/or wine only permits) when they have complied with the following items:
 - a) Such restaurants must provide meals, with the service of alcoholic beverages being secondary to the service of meals.
 - b) As an accessory or incidental use, such restaurants may have one bar/ lounge area which occupies not more than twenty percent of the total patron area of the establishment. The bar/lounge area shall be structurally separated from the restaurant.

Café permits (Class D or I) are not exempt from this 1,500 foot distance requirement.

B. The following is exempt from the distance requirements set forth in Section 15.1 and 15.2 of the regulations:

- 1) Grocery stores selling canned or bottle beer or ale.
- 2) Golf country club permits for golf courses located in an approved residential open space development.
- 3) Hotel, restaurant and restaurant beer/wine permits located within a Theater District. Each petition however, shall be carefully scrutinized prior to decision to determine the impact upon the district, its relationship to other outlets, and the necessity for this outlet.

15.4. One day permits.

The clerk of the Zoning Commission shall have authority to approve applications for one-day permits for the sale of ale or beer at picnics provided they are not at public parks or beaches. The clerk shall notify the police department of such approval prior to its date of use.

15.5. Change of class of permit.

No building or lot devoted to a business or use operating under one class of permit shall be changed to any other business or use under another class of permit unless approval of the Zoning Commission is first obtained.

15.6. Change of location.

If the holder of any permit issued by the liquor control commission changes the location of the permit, the new location must first be approved as provided in sections 15.1 and 15.2 of these regulations. If the liquor control commission grants such permit for a new location, the old location shall not again be used for the sale of alcoholic liquor, wine, ale or beer unless it is located in a district where such sale is permitted and complies in all respects with all other provisions of these regulations. Such certification shall be made as provided in section 15.7.

15.7. Certification.

When a municipal officer is asked or required under provisions of the Liquor Control Commission Act or any regulation thereunder to certify that the sale of alcoholic liquors, beer, ale or wine is not prohibited by local ordinance or regulation at the location for which an application to the liquor control commission is being made, or for any other purpose in connection with said location, such certification shall be made by the Planning and Zoning Administrator of the Zoning Commission, or in her or his absence the secretary or chairman of said commission, and a copy of such certification shall be filed in the records of such commission. (Effective 10/9/74)

15.8. Location in zoning districts.

No building or lot shall hereafter be approved for the sale as packaged merchandise, for consumption on the premises or otherwise, of alcoholic liquor, wine, beer or ale, except such building or lot be located within a zoning district of the town in accordance with the following class of permit:

CLASS:

- A - Package store and druggist permits may be located in LB, CA, CNC, CF, MA, MB, and MC districts.
- B - Hotel permits may be located in CA, CA/TH, LBB and MA/TH districts.
- C - Hotel beer permits may be located in CA, CF, and LBB districts.
- D - Restaurant permits and cafe permits may be located in CA, CF, LBB, CNC, and OPD districts.
- E - Tavern permits may be located in CA and CF districts.
- F - Club permits may be located in LB, CA, and CF districts.
- G - Grocery store permits may be located in CA, LBB, and CNC districts.
- H - Restaurant beer and/or wine* permit may be located in CA, CF, LB**, LBB and CNC*** Districts when the parking meets the requirements of the zoning regulations for the building, and the building provides seating for at least fifty (50) persons, exclusive of counter area. (Effective - *July 4, 1979, **October 28, 1979, ***March 28, 1982)

- I - A restaurant or cafe permit may be located in an WF district on property containing a mixed use within the WF District as defined under Section 8.3 of the Zoning Regulations, subject to the following condition(s):
 - a) Such restaurants or cafes must provide meals, with the service of alcoholic beverages being secondary to the service of meals.
 - b) As an accessory or incidental use, such restaurants or cafes may have one bar/ lounge area which occupies no more than twenty percent of the total patron area of the establishment (Effective 12/2/95)
- J - A bowling establishment permit may be located in a CA or an MA district. (Effective 3/23/82)
- K - A restaurant permit for catering establishment may be located in CA Districts or in any district in which a catering establishment is now located and shall be exempt from the distance limitation provisions of Section 15.1. (Effective 11/23/81)
- L - A restaurant permit may be granted to an establishment located in a district not conforming to the zone in which it is currently located and shall be exempt from the distance limitation provisions of Section 15.1 and Section 15.2 provided said establishment has seating for at least fifty (50) persons (exclusive of counter area), has been in continuous existence for a period of thirty (30) years prior to the effective date of this section, all music and entertainment shall be confined to the interior of the building and not heard off the premises, and, at the discretion of the Zoning Commission, a service bar with no seating be permitted. (Effective 10/23/94)
- M - A full Restaurant Liquor permit may be located on unzoned Railroad property in which a restaurant, on property leased from the Town of Stratford, is now located. (Effective 6/16/87)
- N - A Restaurant-Theater permit may be granted to an establishment which has a current full liquor restaurant permit and is adjacent and/or contiguous to an existing theater provided said establishment has seating for at least fifty (50) persons (exclusive of counter area) and both have been in continuous existence for a period of thirty (30) years prior to the effective date of this section. The consideration of an application for a Restaurant-Theater permit shall be governed by the provisions of Section 20.2 of these regulations. (Effective - October 30, 1984)
- O - A golf country club permit may be granted to a golf course located in an approved residential open space development. The dispensing of alcoholic beverages shall be limited to the clubhouse only.
- P - A restaurant and/or restaurant beer/wine permit may be located in a CA/TH, MA/TH and WF/TH District subject to the following conditions:
 - a) Such permits shall be carried on within a restaurant which must provide meals, with the service of alcoholic beverages being secondary to the service of meals.

- b) As an accessory or incidental use, restaurants with such permits may have one bar/ lounge area which occupies no more than twenty per cent of the total patron area of the establishment.

15.9 State approval of location required

The approval of location for any type of permit under section 15, is conditional upon the subsequent issuance of a permit for the location by the state liquor control commission. Failure to obtain such permit within 18 months from date of approval shall restore the location to its former status.

15.10 Enlargement, extension, etc., of classes of permits

Any waiver or variance necessary for the enlargement, extension or alteration to any class of permit as defined in section 15.8 shall be subject to the provisions of section 20.2 of these regulations.

15.11 Shopping centers

Shopping centers containing five or more stores where the land, buildings and required parking are under one management or ownership may be permitted, upon petition of said owner or manager, and upon approval by the Zoning Commission, to have one Class A permit if such shopping center contains over 80,000 square feet of lot area and provided that any shopping center shall not have more than one package store permit.

15.12 Nonprofit theater permits

Notwithstanding Section 15.1, 15.2 and 15.8 of these regulations, the retail sale of alcoholic liquor may be permitted on the premises of this nonprofit theater only, provided that the liquor is consumed on its premises by patrons on any day on which a performance is given, and provided further that the proceeds derived from such sales, except for operating costs, shall be used in furtherance of the charitable, literary and educational activities of such theater. The consideration of an application for a nonprofit theater permit shall be governed by the provisions of Section 20.2 of these regulations.
(Effective - September 4, 1976)

SECTION 16. SIGNS

16.1 Purpose.

The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance

and historical heritage of the community, and provide a more enjoyable and pleasing community. It is further intended hereby to reduce the sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way and curb the deterioration of the community environment.

16.2 Definitions.

- 16.2.1. OUTDOOR ADVERTISING OR IDENTIFICATION SIGN means any sign fabricated, constructed, attached, erected, fastened, painted or manufactured in any manner and displayed either out-of-doors or indoors but visible from out of doors for recognized advertising purposes related directly to the business or service rendered by the occupant of the premises.
- 16.2.2. COMMERCIAL SIGN means any sign fabricated, constructed, attached, erected, fastened, painted or manufactured in any manner and displayed out-of-doors for the purpose of inducing the sale of any merchandise or service or promoting the business, opinion or policy of any person, party, firm, association, group or corporation other than that offered or conducted on the premises on which it stands.
- 16.2.3. FREE STANDING SIGN means any sign which is supported by or suspended from one or more uprights, braces or other means of support in or upon the ground.
- 16.2.4. ROOF SIGN means any sign, or part thereof, erected, constructed and maintained above the eaves of, or attached to, the roof of any building.
- 16.2.5. WALL SIGN means any sign which is affixed to the exterior surface of any building or canopy, and projecting not more than 12 inches from the building wall or parts thereof.
- 16.2.6. PROJECTING SIGN means any sign extending perpendicular to a building or extending more than 12 inches from the building wall or parts thereof.
- 16.2.7. WINDOW SIGN means any sign affixed to a window or displayed within three feet of the interior of the window.
- 16.2.8. COMMUNITY SIGNS OR BANNERS means a sign or banner, erected by the Town of Stratford, primarily identifying the Town of Stratford, individual Town owned properties or special public events.

16.3 Measurement of Sign Area.

The area of a sign shall be considered that of the smallest rectangle or square which encompasses all lettering, wording design or symbols together with any background which is designed as an integral part of and obviously related to the sign. Any sign may be double faced but only one face shall be counted in determining conformity with these regulations. All faces of a multi-faced sign, however, will be counted in determining conformity with these regulations. The height of a sign shall be considered the distance from the base of the sign at normal grade to the top of the highest component of the sign including the pole.

16.4 Permits Required.

- 16.4.1 No outdoor advertising or commercial sign shall be displayed in the Town of Stratford except in accordance with these regulations and until a permit for the same has been issued by the building inspector following receipt of a zoning compliance report from the office of planning and zoning, except as hereinafter provided. Window signs are exempt from the permit requirements.
- 16.4.2. The fee for such permit shall be payable in full at the time of application for such permit, and shall be in accordance with the permit fee schedule as determined by the Building Inspection Department and the Zoning Commission.
- 16.4.3. An application, accompanied by a scale drawing, shall be made in writing for each separate permit to the building inspector upon a form approved by him. Such application shall set forth the name and address of the applicant, the location by street and number where such sign is to be erected or located, the name and address of the owner of the property, the size, type and general description of such proposed sign, including the materials of which it is constructed, the zone in which it is located and such other pertinent information required or deemed necessary to determine the sign's safety and conformity to these regulations. (Effective - May 25, 1982)
- 16.4.4. Bond required: Where freestanding, roof, or projecting signs exceeds forty square feet in area the applicant for a permit shall file with the building inspector a surety bond, or written evidence of liability insurance, in the sum of \$10,000.00. The condition of such bond or liability insurance, shall be that such applicant shall save and keep the Town of Stratford and all its officials harmless from all damages, losses or judgments that may be claimed against them by reason of faulty design, negligent erection, negligent construction, or negligent maintenance of such sign. Continued display of such sign after the expiration date of the required bond or insurance shall be a violation of these regulations, subject to penalties prescribed in section 17 thereof.

16.4.5. Maintenance of signs: All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and in a safe condition. The owner of a sign, and the owner of the premises on which it stands, shall be responsible for keeping such sign and ground around it in a safe, sanitary, neat and clean condition. Failure to comply with the conditions of this section shall be a violation of these regulations, subject to penalties prescribed in section 17.

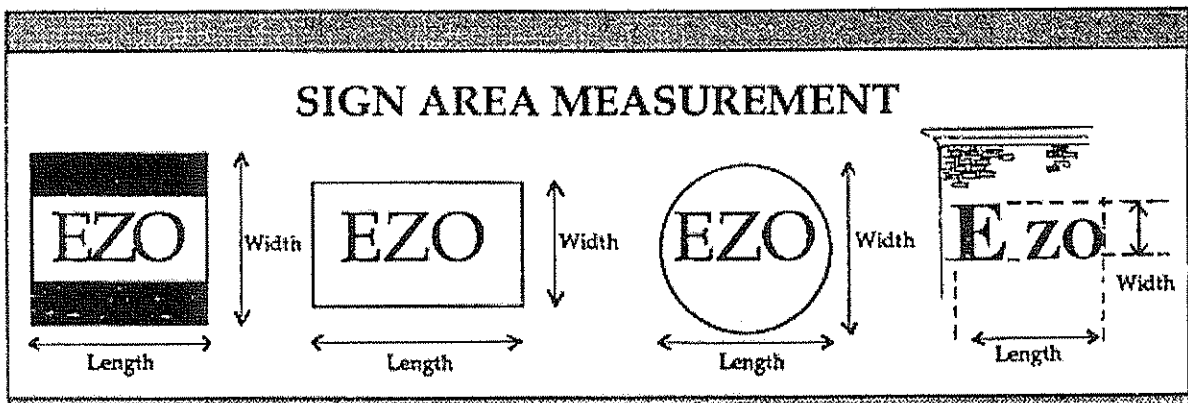
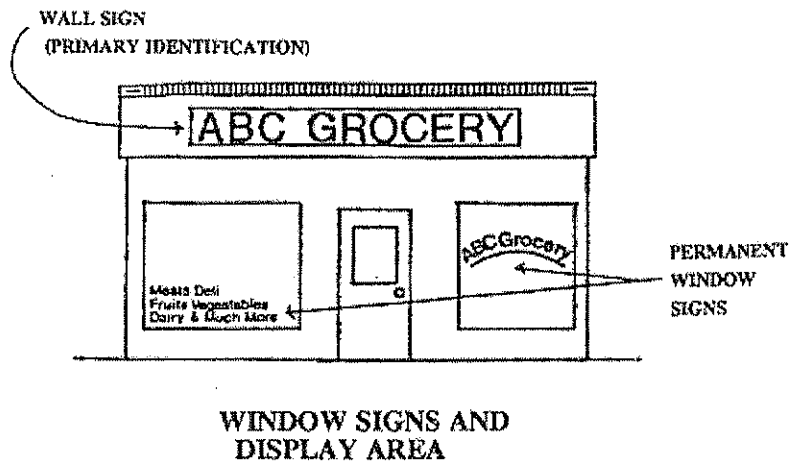
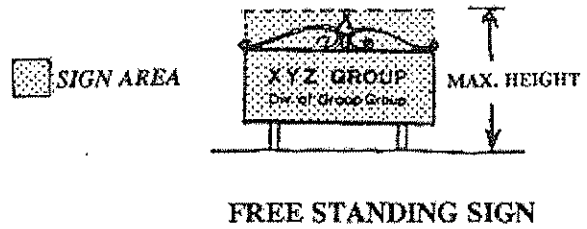
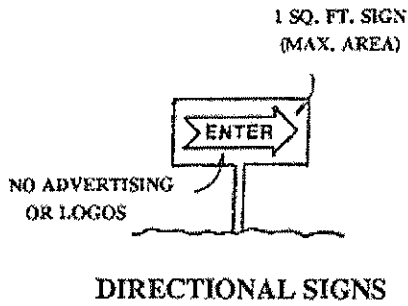
16.5 General Requirements.

- 16.5.1. Signs shall be a subordinate part of the streetscape rather than the dominant features. Properly designed signs can communicate names and addresses of occupants clearly and add interest in building facades without overpowering them.
- 16.5.2. No legally existing sign shall be altered, rebuilt, enlarged, extended or relocated except in accordance with the provisions of these regulations.
- 16.5.3. If any nonconforming wall sign or free standing sign is discontinued or requires replacement or alteration due to a change in use of the premises, such replacement sign must conform to these regulations if more than 25% of the free standing signage or 25% of the total front wall signage is replaced or altered. The repainting or repair of existing non-conforming signs is permitted only for the same use and only by the same tenant on the premises.
- 16.5.4. When a business or service using an identification sign is discontinued the sign shall be removed within ten (10) working days.

16.6 Signs permitted

- 16.6.1. Signs in Residential Districts.
 - 16.6.1.1 One sign not exceeding two square feet in area and located back of the front lot line, giving only the name of the dwelling or its occupant, or one sign not exceeding two square feet in area and located back of the front lot line announcing the existence of an enterprise permitted on the premises. Such signs shall be either a freestanding or wall sign provided they are non-illuminated, and colonial in appearance and style. Such signs are exempt from the permit requirements.

TYPES OF SIGNS



- 16.6.1.2 One announcement sign for public and religious institutions not exceeding two square feet in area and located back of the front lot line for their own use. Such signs are exempt from the permit requirements.
- 16.6.2 Signs in a Resource Conservation District.
- 16.6.2.1 Since the Resource Conservation District was designed to protect environmentally sensitive areas, all signs are subject to the administrative approval of the Zoning Commission. All signs shall be made of wood only, shall not be illuminated and shall be finished with nontoxic materials.
- 16.6.3 Signs in LB, LBB, CNC, CF and WF Districts. Signs in Residential Districts on Main Street Approved under Section 3.19 of the Zoning Regulations.
- 16.6.3.1 WALL SIGNS
- A) Wall signs are permitted only on the front fascia of the building and shall not exceed 0.66 square feet of sign area for each lineal foot of building frontage. If a free standing sign also is erected then the maximum size of a front wall sign shall not exceed 0.35 square feet of signage for each lineal foot of building frontage.
 - B) Signs may be illuminated by exterior methods only.
 - C) Where more than one sign is installed on a building they shall be uniform in design, material and shape.
 - D) There shall be a maximum of two wall signs per building face per tenant.
 - E) Signage is allowed on each building face other than on the rear but in no instance shall two building faces be combined to produce a greater amount of signage than that one face allows.
- 16.6.3.2 FREE STANDING SIGNS
- A) One free standing sign is permitted if the property has a minimum of 100 feet of street frontage on one street and it complies with the following height and size limitations:
 - 1. A sign not exceeding 4 feet in height and not exceeding 20 square feet of signage or,
 - 2. A sign over 4 feet in height but not exceeding 8 feet in height and not exceeding 16 square feet of signage.
 - B) The front yard setback of all free standing signs shall be one half the setback requirement of the district in which it is located.

- C) Signs may be illuminated by exterior methods only.
- D) Directional signs not exceeding 1.0 square foot of signage indicating the direction of vehicles on the premises.

16.6.3.3 WINDOW SIGNS

- A) The total square footage of all window signs shall not exceed 50% of the total window display area.

16.6.4 Signs in an Office Park District.

16.6.4.1 FREE STANDING SIGNS

- A) Only one ground sign visible from a public road is permitted and shall not exceed 50 square feet nor exceed 5 feet in height.
- B) One additional free standing sign not visible from a public road is permitted for each building in the office park provided each sign does not exceed 20 square feet, nor exceed 5 feet in height.
- C) Directional signs indicating traffic flow not exceeding 4 square feet per sign.
- D) Signs may be illuminated by exterior methods only.

16.6.4A Signs in a Planned Economic Development

- 16.6.4A.1 Signs. Except as provided hereinafter, signs shall comply with the provisions of Section 16.6.4.
- 16.6.4A.2 One free-standing sign not exceeding fifty (50) square feet in area and not more than ten (10) feet in height, limited to the name of the development, shall be permitted at each ingress from a public street bordering the tract. In addition, a second free-standing directory sign not exceeding thirty (30) square feet and eight (8) feet in height may be placed at each ingress not nearer than thirty (30) feet from the public street providing access to the development to provide directions only to occupants of buildings accessible by means of driveways located within three hundred (300) feet thereof.
- 16.6.4A.3 One free-standing sign not exceeding thirty (30) square feet in area and not more than eight (8) feet in height, identifying the occupant or occupants of the building, shall be permitted at each ingress to a building site as well as along any street bordering the site from which no access is provided.
- 16.5.4A.4 Directional signs, each not exceeding six (6) square feet in area and not more than five (5) feet in height, may be placed

as required, giving the direction to a building or group of buildings, use or parking and loading areas.

16.6.5 Signs in CA, CC, MA, MB and MC Districts.

16.6.5.1 WALL SIGNS

- A) Wall signs are permitted on the front fascia of the building and shall not exceed 1.0 square foot of sign area for each lineal foot of building frontage. If a free standing sign also is erected then the maximum size of a front wall sign shall not exceed 0.50 square feet of signage for each lineal foot of building frontage.
- B) Wall signs are permitted on the side fascia of the building and shall not exceed 0.50 square foot of signage for each lineal foot of building side.
- C) Where more than one sign is installed on a building they shall be uniform in design, material and shape.
- D) There shall be a maximum of two wall signs per building face per tenant.
- E) Signage is allowed on each building face other than on the rear but in no instance shall two building faces be combined to produce a greater amount of signage than that one face allows.

16.6.5.2 FREE STANDING SIGNS

- A) One free standing sign is permitted if the property has a minimum of 100 feet of street frontage on one street and it complies with the following height and size limitations as shown in the following matrix.

MAXIMUM SQUARE FOOTAGE OF FREE STANDING SIGNS

| Height of Sign | Properties with a Min. of 100 ft. of street frontage on one street. | Properties with a Min. of 200 ft. of street frontage on one street. | Properties with a Min. of 300 ft. or more of street frontage on one street. |
|---|---|---|---|
| Signs 5 ft. in height (Max.) | 32 | 44 | 56 |
| Signs over 5 ft. in height but not exceeding 10 ft. in height | 24 | 36 | 44 |

- B) The front yard setback for all free standing signs shall be one half the setback requirement of the district in which it is located.
- C) Directional signs not exceeding 1.0 square foot of signage indicating the direction of vehicles on the premises.
- D) A second free standing sign is permitted if the property has a minimum of 1000 feet of street frontage on one street provided the second sign shall also comply with the height and signage limitations shown in Section 16.6.5.2A above.

16.6.6 Signs in RS/TH Districts.

16.6.6.1 WALL SIGNS

- A) Wall signs are permitted only on the front fascia of the building and shall not exceed 0.50 square feet of sign area for each lineal foot of building frontage. If a free standing sign also is erected then the maximum size of a front wall sign shall not exceed 0.25 square feet of signage for each lineal foot of building frontage.
- B) Signs may be illuminated by exterior methods only.

16.6.6.2 FREE STANDING SIGNS

- A) One free standing sign is permitted if the sign complies with the following height and size limitations:
 - 1. A sign not exceeding 4 feet in height and not exceeding 8 square feet of signage.
- B) The front yard setback of all free standing signs shall be one half the setback requirement of the district in which it is located.
- C) Signs may be illuminated by exterior methods only.
- D) Directional signs not exceeding 1.0 square foot of signage indicating the direction of vehicles on the premises.

16.6.6.3 WINDOW SIGNS

- A) The total square footage of all window signs shall not exceed 20% of the total window display area. Neon signs and/or lighting fixtures are prohibited.

16.6.6.4 COMMUNITY SIGNS OR BANNERS

A community sign or banner carrying a business sponsorship may be erected on Town property or within a public right-of-way, subject to site plan approval of the Zoning Commission and meeting the following conditions:

1. The sponsorship area shall be limited to 25% of the total area of the sign or banner and shall not exceed 12" in height.
2. The sponsorship shall carry only the name of the business, institution or person providing the sponsorship. Additional information, such as a logo, address, phone number, etc. is not permitted.
3. When sponsorships are to be included in a series of signs or banners at multiple locations in Town, sponsorships will be limited to one like sign or banner per business.
4. In granting its approval, the Zoning Commission must determine that the proposed sponsorship is secondary to the purpose of the community sign and could not be substantially identified as a freestanding advertisement.

16.6.7 Signs in CA/TH, MA/TH and WF/TH Districts.

16.6.7.1 WALL SIGNS

- A) Wall signs are permitted only on the front fascia of the building and shall not exceed 0.66 square feet of sign area for each lineal foot of building frontage. If a free standing sign also is erected then the maximum size of a front wall sign shall not exceed 0.35 square feet of signage for each lineal foot of building frontage.
- B) Signs may be illuminated by exterior methods only.

16.6.7.2 FREE STANDING SIGNS

- A) One free standing sign is permitted if it complies with the following height and size limitations.
 1. A sign not exceeding 4 feet in height and not exceeding 12 square feet of signage or,
 2. A sign over 4 feet in height but not exceeding 8 feet in height and not exceeding 10 square feet of signage.
- B) The front yard setback of all free standing signs shall be one half the setback requirement of the district in which it is located.
- C) Signs may be illuminated by exterior methods only.

- D) Directional signs not exceeding 1.0 square foot of signage indicating the direction of vehicles on the premises.

16.6.7.3 WINDOW SIGNS

- A) The total square footage of all window signs shall not exceed 25% of the total window display area. Neon signs and/or lighting fixtures may be permitted subject to site plan approval where they are designed to be compatible with the buildings historic and/or architectural character.

16.6.8 Signs permitted in all Districts.

- 16.6.8.1 A sign erected by any fraternal, civic, religious or service organization or club, merely announcing its presence in the Town of Stratford and the time and place of its regular meeting, provided such sign shall not exceed three feet in diameter, or be more than 9 sq. ft. in area. Such signs are exempt from the permit requirements.

Signs by the above nonprofit organizations for temporary events or functions are permitted to be erected on designated Town properties subject to the following restrictions.

- A) Signs are only permitted on Paradise Green and on the West Broad Street Green.
- B) Approval from the Planning and Zoning Office shall be obtained.
- C) Signs may only be erected within two weeks prior to an event and shall be removed within 12 hours after termination of the event.
- D) There shall be a maximum of three such signs for any location.
- E) Only signs advertising events or functions in the Town of Stratford are permitted.

- 16.6.8.2 Any flag, badge, insignia or device of any governmental agency, or civic, charitable, religious, patriotic, fraternal or similar nonprofit organization when located on its own premises, or displayed along a line of march of any parade, or in sockets along any street during a fund raising drive. Such signs are exempt from the permit requirements.

- 16.6.8.3 Any sign required by regulation or statute of the federal, state or municipal government or department, board or commission thereof. Such signs are exempt from the permit requirements.

16.7 Signs Prohibited.

- 16.7.1. Signs erected in such a manner that it obstructs clear vision for a distance of 20 feet from any street intersection. Signs erected in such a location that any traffic control device shall be in a direct line between the sign and oncoming traffic.
- 16.7.2. Signs affixed to any building wall, roof or structure extending beyond the corner of the building or building roof lines, or covering any window, doorway, or other existing architectural feature. Wall signs projecting more than 12 inches from their mounting wall.
- 16.7.3. Message signs with changeable type excluding theater marquee signs and gasoline dealer price signs. Flashing, revolving or animated signs of intermittent or varying light intensity including such signs located inside a building but visible outside the building.
- 16.7.4. Signs employing any lighting or control mechanism which causes radio or television interference.
- 16.7.5. Signs placed in such a manner as to obstruct any fire escape, window, door or opening used as a means of egress or ingress or for fire fighting purposes or placed so as to interfere with any opening required for legal ventilation.
- 16.7.6. Signs, with the exception of canopy signs, projecting over any sidewalk.
- 16.7.7. Banners, streamer type signs and any non-rigid material for signs.
- 16.7.8. Portable signs.
- 16.7.9. Commercial signs.
- 16.7.10. Signs which face or are primarily intended to be visible from the Connecticut Turnpike or Merritt Parkway, except where another public right of way separates the premises from the Connecticut Turnpike or Merritt Parkway.
- 16.7.11. Signs greater than 3 feet in height placed at street intersections within the area formed by a line joining points on each front lot line 20 feet from the intersection of the streetlines.

16.8 Temporary Signs.

- 16.8.1. Signs placed on the premises of a building being constructed, repaired, altered or demolished, provided the cost of the sign is

included in the building permit, does not exceed 8 square feet in size for residential property and 16 square feet in size for commercial property and is removed immediately upon completion of the work.

16.8.2. Signs advertising the prospective sale, rental or lease of the lot or building located thereon when such sign does not exceed 8 square feet in size for residential property and 16 square feet in size for commercial property. Signs advertising individual rooms for rent not exceeding 2 square feet in size provided that all signs be located on the property. Such signs must be removed within seven (7) days after the closing or the signing of the rent or lease agreement and are exempt from the permit requirements.

16.8.3. Holiday decorations (noncommercial wording) or holiday lighting.

16.8.4 Sign or signs for a political organization may be erected as follows:

(a) the maximum total square footage of any sign shall not exceed 8 square feet and shall be located on privately owned land. Such signs are exempt from the permit requirements.

(b) recommendations for erection and removal of signs.

(1) Regular elections- signs erected not earlier than the first Tuesday after Labor Day prior to Election Day.

(2) Primary, special elections or referendum- signs erected not earlier than twenty-five days prior to balloting.

(3) Signs removed within five days of the balloting except in the instance of a primary, special election or referendum that occurs within the regular November election sequence such signs to be removed within five days of the regular election.

16.8.5 – Grand opening signs for new business establishments subject to the following conditions:

- a) The signs shall be constructed of cloth, canvas or similar material.
- b) The signs shall be displayed for a period not greater than ten (10) days.
- c) The signs shall be mounted to the wall of the building and shall not exceed one square foot of sign area for each lineal foot of building frontage.
- d) No sign or device held in the air by balloon or other means and no searchlights shall be permitted.

16.9 Enforcement

- 16.9.1. The building inspector may order in writing the removal of any sign not erected or not maintained in a safe condition. When the building inspector has ordered a sign to be removed because it is unsafe he may not permit it to be repaired, altered or reconstructed unless it meets all requirements of these regulations as to bond or insurance. (Effective - May 25, 1982)
- 16.9.2. Any person, firm, association or corporation who, having been notified in writing to discontinue any violation of these regulations shall be subject to penalties prescribed in section 17.2 if such violations are not corrected within 10 days.

SECTION 17. ENFORCEMENT AND CRIMINAL PENALTIES

17.1 Enforcement and criminal penalties

These regulations and orders thereunder shall be enforced by the planning and zoning administrator who is hereby authorized to cause any building, sign, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of such regulations or orders. The owner or agent of any building or premises where a violation of such regulations or orders shall have been committed, or shall exist or the lessee or tenant of an entire building or an entire premises, where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of an entire building or premises where such violation shall have been committed or shall exist or the agent, architect, builder, contractor or any other person who shall maintain any building or premises in which any such violation exists, shall be fined for each day that such violation shall continue to the full extent allowed under State Law. The superior court shall have jurisdiction over all such offenses with the right of appeal as in other criminal cases.

17.2. Civil penalty.

Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service or continues to violate any provision of the regulations made under authority of the provisions of chapter 43 of the General Statutes, 1949 revision as amended, specified in such order, shall be subject to a civil penalty in the full amount prescribed by State Statute payable to the Town of Stratford.

SECTION 18. INTERPRETATION OF REGULATIONS

18.1 Generally

In their interpretation and application, the provisions, of these regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety,

comfort, convenience and general welfare. It is not intended by these regulations to repeal, abrogate, or annul or in any way to impair or interfere with any existing decisions, orders, permits or waivers previously adopted, granted or issued under the Zoning Ordinance in existence heretofore as amended from time to time and it is not intended by these regulations to abrogate, annul, repeal, or in any way to impair or interfere with any existing provisions of the Building Code of the Town of Stratford or of any ordinance, rule, regulation or permit which hereafter may be adopted or issued pursuant to law relating to the use of buildings or premises. Further it is not intended by these regulations to abrogate, annul or in any way to impair or interfere with any easements, covenants or other agreements between parties provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or require larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these regulations shall control.

18.2. More restrictive provision to govern in conflict.

Where the requirements of any Section or Subsection of these regulations appear to conflict with the requirements of any other section or subsection, the requirement imposing the greater restriction shall apply.

SECTION 19. AMENDMENTS.

19.1 Amendments, changes or repeal

The Zoning Commission may, on its own motion, or on petition, adopt new regulations, amend, change or repeal these regulations, establish new districts, change or abandon existing district boundaries, subject to the following conditions and procedure.

19.1.1. Hearing.

No such regulation or boundary shall become effective or be established until after a public hearing in relation thereto be held by the Zoning Commission at which parties in interest and citizens of the town shall have had an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town of Stratford at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the town clerk for public inspection at least ten days before such hearing, and may be published in such paper.

19.1.2. If a protest is filed at such hearing with the Zoning Commission against such change signed by the owners of twenty per cent or more of the area of the lots included in

such proposed change, or of the lots within 500 feet in any direction of the property included in the proposed change, such change shall not be adopted except by a vote of four or more members of the Commission.

The 500 foot measurement shall be taken from the perimeter of the subject property. Property excluded from the area calculation as required by this Section shall include the property that is the subject of the change request, all municipal, State and Federal roads and rights-of-way, and properties located in another town or city. Individual condominium unit areas are excluded from the area calculation if the owner thereof has not signed said protest petition. The common areas of a condominium development are included if any unit owners sign. (Effective - July 21, 1987)

19.1.3. Effective date.

Zoning regulations or boundaries or changes therein shall become effective at such times as fixed by the Zoning Commission, provided a copy of such regulation, boundary or change shall have been filed in the office of the town clerk and notice of such filing shall have been published in a newspaper having a substantial circulation in the Town of Stratford before such an effective date.

19.2 Reasons for change

Whenever the Zoning Commission shall make any change in the zoning regulation or the boundaries of a zoning district, it shall state upon its records the reason why such change is made.

19.3 Time Limits

All petitions submitted in writing and in a form prescribed by the Planning or Zoning Commission as the case may be, shall be considered at a public hearing to be held within time frames prescribed in the Connecticut General Statutes. A decision thereon shall be rendered within the time frames allowed in the Connecticut General Statutes. The petitioner may consent to extension of the periods provided for hearing and for adoption or denial or may withdraw such petition. The commissions shall not be required to hear any petition or petitions which are substantially the same more than once in a period of twelve months.

SECTION 20. SPECIAL CASES AND UNNAMED USES

20.1 Applications

Applications for approval of all uses named as special cases by these regulations, or for the approval of any use not provided for or allowed by these regulations, shall be made to the Zoning Commission.

20.2 Special cases

Those uses which are named as special cases by these regulations shall be considered to be permitted uses in the districts under which they are named, subject to approval by the commission as to each specific use. Each of these uses is declared to be of such peculiar and unusual nature in its effect on an area that in order to have it comply with the purposes of the zoning regulations it is necessary to consider it as a special case. The commission may, after public notice and hearing in the same manner required by law for zoning amendments, and by the affirmative vote of four or more members present at the hearing, approve the use after making special application of these regulations in harmony with their general intent by stipulating such restrictions as appear to the commission to be reasonable and the minimum necessary to protect property values in the district as a whole and the public health, safety and welfare.

Before approving any Special Case the commission shall consider the following Special Case criteria and objectives in addition to all Site Plan objectives set forth in Section 20.2.2 of these regulations.

20.2.1 Special case criteria and objectives

- A) Conformance to all requirements of the district in which it is located in addition to any other standard prescribed by these regulations.
- B) The location, size and intensity of such use in relation to the size of the property and existing neighborhood development.
- C) Conformance with the Town Plan of Development.
- D) The design, location and specific details of the proposed use shall not adversely affect safety in the streets nor increase traffic congestion in the area nor interfere with the pattern of highway circulation. Information on past and present roadway conditions, existing roadway capacity, traffic accidents, existing and projected traffic volumes (ADT, Peak A.M. & Peak P.M.) existing and projected volume/capacity ratios, existing and projected levels of service and adequacy of traffic signalization and channelization shall be required for all projects impacting traffic conditions.
- E) The emission of noise, light, smoke, odor, gas, dust or vibration affecting land, water or air quality.
- F) The overall effect on tax valuation of neighboring properties as a result of the proposed use.
- G) All fire and police hazards involved.

20.2.2 Site plan objectives.

In reviewing a Site Plan, the commission shall take into consideration the health, safety and general welfare of the public and may require such modifications it shall deem necessary to ensure the accomplishment of the following objectives.

20.2.2.1 General building and property considerations.

That the location, size, design and specific details of all proposed buildings and uses shall be compatible and harmonious with the character and appearance of the surrounding neighborhood. The following aspects shall be evaluated to determine conformity to this objective.

- A) The architectural design of all buildings including materials, color, elevations, roof line, height, size, location, bulk and signage.
- B) The specific nature of the use including but not limited to occupancy, number of employees, hours of operation, etc.
- C) The provision for open space and/or recreation areas.
- D) The protection, preservation and/or enhancement of the natural environment including topography, vegetation, watercourses, wetlands, scenic views, historical structures, etc.

20.2.2.2 Traffic, pedestrian access, circulation and parking.

That all vehicular and pedestrian accessways, vehicular circulation patterns and off-street parking areas are safely designed to prevent traffic and pedestrian hazards both on and off the site. The following aspects shall be evaluated to determine conformity to this objective.

- A) The number, location, width, grade and alignment of vehicular and pedestrian entrances, exits, drives and walkways and the adequacy of pedestrian drop-off areas.
- B) The distance of entrances and exits from street corners, other accessways and places of public assembly.
- C) The visibility in both directions at all entrances and exits of the site.
- D) The extent, nature and arrangement of parking facilities, entrances and exits including the location and design of vehicle maneuvering areas, backaround areas and fire lanes and the adequacy of vehicular stacking lanes.
- E) The minimization of curb cuts and the interconnection of adjoining parking areas in order to encourage safe and convenient circulation.
- F) The provision of safety devices necessary to protect life and property such as traffic signs, crosswalks, guardrails, etc.

20.2.2.3 Landscaping and screening.

That the proposed development will protect the environmental quality of the site and preserve and enhance adjacent property values. The following aspects shall be evaluated to determine conformity to this objective.

- A) Existing trees shall be preserved to the maximum extent possible particularly within all setback and buffer areas.
- B) The adequacy of landscaping within and bordering parking and loading areas.
- C) The location, height and materials of walks, fences, berms, hedges so as to ensure compatibility with adjacent development.

20.2.2.4 Lighting.

- A) All exterior lights and illuminated signs shall be designed and directed so as to prevent objectionable light at, and glare across, the property lines.
- B) All exterior light fixtures shall be located at a minimum height from the ground and the maximum distance from the property line necessary to provide adequate and safe lighting.

20.2.2.5 Public health and safety

That all utility systems shall be suitably located, adequately designed and properly installed to serve the proposed uses and to protect the environment from adverse air, water or land pollution. All buildings and uses shall be directly accessible for fire, police, and emergency medical services.

- A) All refuse and recycling areas shall be located near the service entrance and shall be screened or otherwise enclosed by plantings, walls or fencing.
- B) Storm drainage facilities shall be designed to achieve at least a zero impact runoff based on a minimum 25 year storm flow with culverts designed for a 100 year storm flow.
- C) Provision shall be made for all necessary sedimentation and erosion controls during construction.

Effective - December 27, 1991

20.3 Time Limit on Special Cases

Within six months of the date of approval as a Special Case, final plans shall be submitted to the Zoning Commission for approval, prior to Zoning Compliance being given to the building permit. In the event that such final plans are not submitted within said six months, and no extension having been granted by the Zoning Commission, the area shall revert back to its original status. (Effective 2/17/87)

Any petition approved as a Special Case and no building shall have been started within eighteen months of the final approval by the Commission or no extension having been granted by the Commission, the area shall revert back to its original status. In the event court action is taken against such approval, the six month period for approval of final plans shall commence immediately following final judicial action. (Effective 1/29/70)

SECTION 21 VARIANCES

21.1 Determination of board of zoning appeals

The board of zoning appeals shall have the power to determine and vary the application of these regulations except section 15 and those uses classified as special cases or unnamed uses in the manner provided by state statute, in harmony with their purpose and intent and with due consideration for conserving the public health, safety, convenience and welfare, solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Such variances may be for periods as determined by the board of zoning appeals.

Before making such determination or variance the board of zoning appeals must make a written finding in the minutes of each case giving in detail: (a) The special circumstances which create the hardship for the particular parcel of land and which do not apply to other parcels in the district; (b) that the hardship did not exist when the applicant became an interested party and was not created by any act of the applicant, and (c) that the variance allowed was the minimum necessary to relieve the hardship. A copy of each variance shall be filed in the land records of the town in the town clerk's office.

21.2. Time limit on obtaining building permit.

When a waiver or variance is granted by the board of zoning appeals, a building permit pursuant thereto shall be obtained within eighteen months of the effective date of approval, or any and all actions by said board shall be null and void. If appealed, all action remains status quo until final judgment of appeal.

SECTION 22. REGULATIONS RELATING TO APPLICATIONS AND PETITIONS

22.1 Data required

The following data shall appear on all building applications in order to insure the conformance of buildings and lots with all zoning regulations:

22.1.1. The district or districts in which such building and lot are situated.

- 22.1.2. The present and proposed use or uses for such building and lot.
- 22.1.3. Size of lot.
- 22.1.4. Locations of all structures including proposed structures on lot.
- 22.1.5. Height of such buildings.
- 22.1.6. Building area.
- 22.1.7. Size of yards and court.
- 22.1.8. The proposed number of families and persons to occupy the building and lot.
- 22.1.9. The names of person or persons having record title to such building or lot.
- 22.1.10. The names of all tenants of such building or lot.
- 22.1.11. The dates and types of permits or waivers of the commissions or board of zoning appeals affecting such building or lot.
- 22.1.12. Any other information deemed necessary by the building inspector for the purpose of properly showing the use of such building and lot.

22.2. Duties of planning and zoning administrator.

The planning and zoning administrator shall ascertain from such data whether the building, lot and present or proposed use conform with the zoning regulations for the particular district in which the building and lot are or will be situated and he shall not issue a zoning compliance report until such data discloses conformance therewith. Before issuing a certificate of occupancy the building inspector shall obtain a zoning compliance report from the office of planning and zoning that such building and lot as erected or altered, and the use thereof are as stated in the application and in conformity with these regulations.

22.3. Form of petition.

All applications, appeals or petitions shall be on a form supplied by the Planning Commission, Zoning Commission, or the Board of Zoning Appeals and shall be submitted and receipted in accordance with the provisions of the Connecticut General Statutes.

22.4. Fees to the Planning and Zoning Commissions.

All fees shall be in an amount prescribed by the Planning and Zoning Commissions.
(Effective 3/8/85)

22.5. Fees to board of zoning appeals.

All fees shall be in an amount prescribed by the Board of Zoning Appeals.
(Effective 3/8/85)

22.6 Notice to be posted on premises

For applications or petitions filed with the Planning and Zoning office, which require publication of notice thereon and which relate to a specific parcel (s) or building (s), the Planning and Zoning office shall post conspicuously on the premises on which action is pending so that it may be easily seen and read, a printed placard at least 11"x14" in size, on white or yellow card stock, in black ink as follows: "ZONING Use Change" in two lines of 72 point type, "Requested Here" in one line of 60 point type, followed by, in writing in black grease crayon, the location, time and place of the public hearing to be held thereon. Such placard shall be posted on such premises at least five days preceding such hearing. Any person mutilating, tearing down, removing or obstructing the view of such placard shall be found guilty of a misdemeanor punishable under the provisions of Section 17 of these regulations. This penalty clause shall be printed in 12 point type on the placard. This posting requirement shall not generally apply to petitions for proposed amendments to the zoning regulations, proposed amendments to the subdivision regulations or proposed amendments to the Plan of Development unless such petitions address an isolated area or property where the administration of these posting requirements would be practical.

22.7. Pending changes

Whenever there shall be pending before the Zoning Commission, any proposal for a change of zone or alteration of an existing district boundary, the building inspector shall not issue any building permit for the construction or substantial alteration of any building or buildings, upon any lot likely to be affected by the final determination of such motion for a change of zone or variance of an existing district boundary, as the case may be, pending the public hearing and final decision by the Commission upon such motions. The clerk of the Zoning Commission shall immediately give notice in writing to the building inspector of the pendency of such motion and of the final decision thereon.

22.8. Effect of issuance of building permit.

The issuance of a building permit by the building inspector shall not be construed as any guarantee or warranty by the municipality that the permitted structure conforms to all of the requirements of these regulations. If the action of the building inspector is appealed as provided by these regulations, or the General Statutes of the State of Connecticut, the holder of such permit shall not exercise the privileges granted therein except at his own risk.

SECTION 23. VALIDITY OF REGULATIONS.

If any section, subsection, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision clause or provision so adjudged invalid and the remainder of these regulations shall be deemed valid and effective.

SECTION 24. REPEAL.

Be it resolved: That under powers delegated to it by the town council by ordinance passed July 11, 1955 and by chapter 43 and 45 of the Connecticut General Statutes, 1949 Revision as amended to 1953, zoning regulations of the Town of Stratford, adopted March 12, 1945 and all amendments thereto; An Ordinance Concerning the Moving of Buildings in the Town of Stratford, adopted October 12, 1936 and all amendments thereto; An Ordinance Concerning the Regulation of Outdoor Advertising Signs, adopted June 8, 1936 and all amendments thereto are hereby repealed as of May 8, 1965.

SECTION 25. EFFECTIVE DATE.

These regulations shall be effective on May 8, 1965.

SECTION 26. AFFORDABLE HOUSING OPPORTUNITY ZONE

This section was presented as part of a site-specific affordable housing development approved under the provisions of Section 8-30g CGS. A copy of this regulation is available for review in the Planning and Zoning Office, Stratford Town Hall.

SECTION 27. HOUSING OPPORTUNITY DEVELOPMENT ZONE

This section was presented as part of a site-specific affordable housing development approved under the provisions of Section 8-30g CGS. A copy of this regulation is available for review in the Planning and Zoning Office, Stratford Town Hall.