



# *Town of North Haven, CT*

# *Zoning Regulations*



*Adopted: February 5, 2007*

*Effective Date: March 1, 2007*

ZONING REGULATIONS  
OF THE  
TOWN OF NORTH HAVEN, CONNECTICUT

**ADOPTED: FEBRUARY 5, 2007**

**EFFECTIVE DATE: MARCH 1, 2007**



**TABLE OF CONTENTS**

**ARTICLE I – GENERAL REGULATIONS..... 1**  
Section 1 – Purpose..... 1  
Section 2 – Amendments..... 1  
Section 3 – Definitions..... 2  
Section 4 – Establishment of Zoning Districts..... 10

**ARTICLE II– RESIDENTIAL DISTRICTS..... 12**  
Section 1 – Residence R-40, R-20, R-12 Districts..... 12  
Section 2 – Residence-Apartment RA-40, RA-20, RA-12 Districts..... 17  
Section 3 – Office-Apartment OA-12 Districts..... 20  
Section 4 – Elderly Housing EH-10 Districts..... 22  
Section 5 – Special Permit Cluster Subdivisions..... 26

**ARTICLE III – OFFICE DISTRICTS..... 29**  
Section 1 – Limited Office LO Districts..... 29  
Section 2 – Office O Districts..... 30

**ARTICLE IV – COMMERCIAL DISTRICTS..... 31**  
Section 1 – Limited Commercial LC Districts..... 31  
Section 2 – Neighborhood Commercial CN-20 Districts..... 35  
Section 3 – Central Commercial CA-20 Districts..... 39  
Section 4 – Commercial CB-20, CB-40 Districts..... 44

**ARTICLE V – INDUSTRIAL DISTRICTS..... 50**  
Section 1 – Light Industrial IL-30, IL-80 Districts..... 50  
Section 2 – General Industrial IG-80 Districts..... 61

**ARTICLE VI – SPECIAL DESIGN DISTRICTS..... 72**  
Section 1 – Village Center Planned Residential District..... 72

**ARTICLE VII – AQUIFER PROTECTION DISTRICTS..... 75**  
Section 1 – Purpose..... 75  
Section 2 – Lands to Which These Regulations Apply..... 75  
Section 3 – Compliance..... 75  
Section 4 – Establishment of an Aquifer Protection Agency..... 75  
Section 5 – Use Regulations..... 76  
Section 6 – Special Permits..... 77

**ARTICLE VIII – SUPPLEMENTAL REGULATIONS..... 80**  
Section 1 – Soil Erosion and Sedimentation Control..... 80  
Section 2 – Wireless Telecommunications Towers and Antennae..... 85  
Section 3 – Non-Conforming Buildings and Uses..... 99  
Section 4 – Keeping of Animals..... 101  
Section 5 – Parking, Loading and Driveways..... 104  
Section 6 – Swimming Pools, Fences and Walls..... 114

Section 7 – Landscaping, Screening and Buffering Requirements.....	116
Section 8 – Signs.....	120
Section 9 – Excavation, Removal and Filling of Material.....	124
Section 10 – Sale of Alcoholic Liquor and Beer.....	131
Section 11 – Automobile Service Stations, Public Garages, Body Shops, and Automotive Sales or Dealers (Including Nonconforming Used Car Dealers) .....	133
Section 12 – Prohibited Uses.....	136
Section 13 – Accessory Structures in Residential Zones.....	137
Section 14 – Adult Oriented Establishments.....	141
 <b>ARTICLE IX – AREA, YARD, HEIGHT AND BULK REGULATIONS.....</b>	 <b>151</b>
Section 1 – General Regulations.....	151
 <b>ARTICLE X – SITE PLAN REVIEW.....</b>	 <b>156</b>
Section 1 – Site Plan Approval.....	156
Section 2 – Coastal Site Plan Review.....	164
 <b>ARTICLE XI – SPECIAL PERMITS.....</b>	 <b>167</b>
Section 1 – Special Permits - A Lot Lying in More Than One District.....	167
 <b>ARTICLE XII – ZONING BOARD OF APPEALS.....</b>	 <b>169</b>
Section 1 – Zoning Board of Appeals.....	169
 <b>ARTICLE XIII – ADMINISTRATION AND ENFORCEMENT.....</b>	 <b>171</b>
Section 1 – Enforcement.....	171
Section 2 – Processing an Approved Subdivision or Resubdivision for Filing in the Office of the Town Clerk.....	172
Section 3 – Rule Adopted into Planning and Zoning Regulations Effective March 1, 1984.....	174
Section 4 – Notification Requirements.....	175
 <b>ARTICLE XIV – SEPARABILITY, REPEALER AND EFFECTIVE DATE.....</b>	 <b>176</b>
Section 1 – Separability.....	176
Section 2 – Repealer.....	176
Section 3 – Amendments.....	176
Section 4 – Effective Date.....	176
 <b>APPENDIX A: Schedule of Zoning Regulation Amendments</b>	

## **ARTICLE I – GENERAL REGULATIONS**

### **SECTION 1.1 PURPOSE**

**1.1.1** For the purpose of promoting the health, safety and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of preventing the overcrowding of land and avoiding undue concentration of population; for the purpose of facilitating adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the town:

BE IT RESOLVED that the following zoning regulations be and hereby are adopted by the North Haven Planning and Zoning Commission.

### **SECTION 1.2 AMENDMENTS**

Refer to Appendix A.

## **SECTION 1.3      DEFINITIONS**

**1.3.1** 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”.

**Accessory Building:** Any building which is subordinate to and whose use is incidental to the use of the principal building and located on the same lot therewith. A detached accessory building shall be one which is not attached to the principal building by any covered porch, breezeway or other roofed structure.

**Alternative tower structure:** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna:** means any exterior or interior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Apartment Hotel:** A building providing lodging for persons, with or without meals, and intended primarily for the accommodation of patrons for periods of one month or longer. Rooms or suites of any apartment hotel may contain food preparation and storage facilities containing an area of not over 40 square feet.

**Aquifer:** A geologic formation composed of rock or sand and gravel capable of yielding usable amounts of water.

**Aquifer Protection Zone:** Recharge areas of designated Aquifers. The Aquifer protection zones are shown on an overlay to the official zoning map of the Town of North Haven.

**Assisted Living Facility:** A residential facility which offers assisted living services by a Connecticut licensed assisted living services in a managed residential community, as defined under regulations of the State of Connecticut Department of Public Health, including the provisions of supportive services to assist those in need of assistance in the activities of daily living.

**Automobile Service Stations:** Any lot or building, or part thereof, used for the sale of gasoline and other vehicular fuels and auto accessories and which may include facilities for lubrication, washing and the servicing of vehicles. Automotive body repair and automotive painting shall be prohibited.

**Automotive Sales or Dealer:** Any lot or building, or part thereof, where new, used or antique automobiles are sold. Service may be an accessory use.

**Backhaul network:** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Boat Sales or Dealer:** Any lot or building, or part thereof, where new or used boats are sold. Service may be an accessory use.

**Body Shop:** Any lot or building, or part thereof, where automobiles, trucks, motorcycles, boats or any motorized vehicle requiring a license from the state is used for body repairs, collision repair or body painting.

**Building:** Any structure having a roof, supported by columns, air pressure, or walls or self supporting and intended for the shelter, housing or enclosure of persons, animals or chattel. Roofs over service station pump islands, whether attached to or detached from the principal building, are excluded from this definition provided that these roofed areas are without side walls on at least three sides and the nearest edge of said roof is at least 18 feet from any lot line. Any other structure more than 8 feet high shall be considered as a building, including a solid fence or wall, but excluding an electric transmission line, electric light, telephone or telegraph pole, highway or railroad bridge and flagpole. Any vehicle or object with or without wheels which is drawn by or used in connection with a motor vehicle is not considered a building.

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

**Building Coverage:** The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

**Building Height:** The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

**Building Line:** A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the municipality or by private covenant.

**Certification:** means a signed, written approval by the North Haven Planning & Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

**Cluster Subdivision:** a special permit granted by the Planning and Zoning Commission after holding a public hearing, which allows the subdivision of eight (8) acres or more of land in an R-20 or R-40 district with reduced lot sizes and reduced minimum required lot frontage if all the requirements and standards of the Cluster Subdivision permit are met by the applicant. In addition, the applicant must meet the all the requirements of the

Subdivision regulation. The Planning and Zoning Commission will only grant the special permit after reviewing a conventional plan and a cluster subdivision plan for the same parcel of land.

**Commission:** means the Planning & Zoning Commission of the Town of North Haven.

**Community Open Space:** a parcel of land, within a subdivision, that is permanently dedicated as land to be considered a parcel for common use and accessible to all the lots within the subdivision, whose terms shall be on file in the land records of the Town of North Haven. In a cluster subdivision, any single Community Open Space parcel shall be no less than one acre.

**Conventional Subdivision:** herein referred to as a subdivision, a residential or commercial subdivision of a parcel of land that meets all the requirements and standards of the Subdivision Regulations of the Town of North Haven.

**County Soil and Water conservation District:** means the New Haven County Soil and Water conservation District established under subsection (a) of section 22a-315 of the General Statutes.

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

**Development:** means any construction or grading activities to improved or unimproved real estate.

**Discharge:** Any accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration or placing of any material into or on any land or water.

**District:** A district established by the provisions of Section 1.4 of these regulations.

**Disturbed Area:** means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**Dwelling:** A building or part of a building which contains living, sleeping and housekeeping accommodations for permanent occupancy by one or more families.

**Dwelling, One Family:** A detached building designated for or occupied solely as a dwelling, by one family.

**Dwelling, Two Family:** A detached building designated for or occupied solely as a dwelling, by two families living independently of each other.

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

**Elderly Housing Unit:** A dwelling unit (1) designed exclusively to be occupied by and to meet the specific requirements and design standards suitable for occupancy by one or more elderly person(s) and which conform to the requirements of the State and/or Federal Programs for the safety and comfort of the elderly whether or not such housing is constructed under such program.

**Erosion:** means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**FAA:** means the Federal Aviation Administration.

**Family:** A single person keeping house separately or any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit, provided that a group of not more than three (3) persons keeping house together, and not necessarily related by blood or marriage, may be considered a family.

**Family Dwelling Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes.

**Farm:** A tract of more than 2 acres used for agricultural, dairy or horticultural purposes and including truck gardens, nurseries, pasturage or woodland.

**FCC:** means the Federal Communications Commission.

**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.

**Groundwater:** Water in the subsurface zone beneath the water table in which all pore spaces are filled with water.

**Guest Room** Any room for occupants other than bathrooms or food preparation and storage areas.

**Hazardous Materials:** Materials which may pose a present or potential hazard to human, health or the environment when improperly Stored, transported, or disposed of or otherwise managed, including without exception but not limited to hazardous materials Identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 at 40 C.F.R. Part 261. This includes any chemical or mixture of chemicals having one or more of the following characteristic: toxicity, persistence, degradability in nature (unstable), potential for accumulation in tissue, flammability, explosiveness or corrosiveness.

**Health Service Organization** A non-profit organization engaged in or providing services in the hospital, medical or health fields, including one operating pursuant to Chapter 592 or 593 of the Connecticut General Statutes, Revision of 1958, as amended.

**Height (Tower):** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Hotel:** A building to provide lodging for persons, with or without restaurant facilities, and intended for the accommodation of transients and so designed that normal access and egress are controlled from a central point.

**Impervious Surface:** Material on the ground that does not allow surface water to penetrate into the soil.

**Inspection:** means the periodic review of sediment, and erosion control measures shown on the certified plan.

**Limited Access Highway:** A trafficway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**Lot:** A plot or parcel of land, entirely in one ownership, which is occupied or capable of being occupied by one principal building and the accessory buildings or uses permitted thereon by these regulations, including such open spaces as are required hereunder.

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

**Lot, interior:** A lot other than a corner lot or through lot.

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

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

**Lot line, front:** All dividing lines between a street and the lot shall be considered front lines.

**Lot line, rear:** The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

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

**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. The width of a right-of-way and/or easement for access to an interior lot shall be excluded from the measurement in determining the minimum width of the front lot.

**Motel:** A building or group of buildings providing lodging for persons, intended primarily for the accommodation of transients, having an inside or outside entrance for each room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided on the premises.

**Motor Vehicle Recycling Facility:** Any site that has received a certificate of location from the Zoning Board of Appeals for a scrap metal or scrap yard business, as defined in the Connecticut General State Statutes, Section 14.67i.

**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, but which was legally, existing at the effective date hereof.

**Nonconforming Building:** A building, the use or construction of which does not conform to all the applicable provisions of these regulations, but which was legally existing at the effective date hereof.

**Open Space:** A space, not occupied by a building or other roofed structure, on the same lot as the principal building.

**Pre-existing towers and pre-existing antennas:** means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of these regulations, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**premise.:** A lot as defined in this section.

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

**Public Garages:** Any lot or building, or part thereof, used for the storage or repair, for remuneration, of automobiles, truck, motorcycles, boats or any motorized vehicle requiring a license from the state. The sale of gasoline and/or diesel fuel, automotive body repair and automotive painting shall be prohibited.

**Right-of-way:** A right of passage over another person's land.

**Rooming House:** A building in which rooms for sleeping purposes are rented for compensation to five or more persons other than members of the family of the proprietor.

**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.

**Soil:** means any unconsolidated mineral or organic material of any origin.

**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.

**Solid Waste:** Unwanted or discarded materials including solids and containerized liquid or gaseous materials.

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

**Stratified Drift:** Unconsolidated, sorted sediment, composed of layers of sand, gravel, silt or clay, deposited by meltwaters from Glaciers.

**Street:** A public way or a way open to the public use or other right-of-way giving access to the lot, but excluding an alley used for a service access only. "Street" shall be deemed to include the entire width of the right-of-way.

**Street Line:** The line dividing the street and the lot.

**Tower:** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-earner towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Trailer Coach:** Any vehicle or object on wheels which is drawn by, or used in connection with, a motor vehicle, and which is so designed and constructed or added to by means of such accessories as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, and shall include the type of vehicle known as a mobile home.

**Trailer Camp:** Any premise used or permitted to be used for the parking of more than one occupied trailer coach.

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

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

**Yard, side:** An open space between the building and a side lot line extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

**Yard, required front:** The open space lying between the street line, as defined herein, and the building line as defined herein, which required front yard shall be not less in depth than as set forth in the table applicable to the district in which the lot is situated.

**Yard, required rear:** The open space between the rear lot line and a line parallel to it at a distance equal to the minimum rear yard as set forth in the table applicable to the district in which the lot is situated.

**Yard, required side:** The open space between the side lot line and a line parallel to it at a distance equal to that required by the provisions of these regulations applicable to the district in which the lot is situated.

**Yards, depth or width of:** The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

**SECTION 1.4 ESTABLISHMENT OF ZONING DISTRICTS**

**1.4.1 Division of Districts**

**1.4.1.1** For the purpose of these regulations, the Town of North Haven is hereby divided into Districts which shall be designated as follows:

- (a) Residence Districts, R, comprising:
  - R-40 Districts
  - R-20 Districts
  - R-12 Districts
  
- (b) Office Districts, O, comprising:
  - O-12 Districts
  
- (c) Limited Office Districts, comprising:
  - LO Districts
  
- (d) Limited Commercial Districts, comprising:
  - LC Districts
  
- (e) Residence-Apartment Districts, comprising:
  - RA-40 Districts
  - RA-20 Districts
  - RA-12 Districts
  
- (f) Office-Apartment Districts, comprising:
  - OA-12 Districts
  
- (g) Commercial Districts, CN, CA and CB, comprising:
  - CN-20 Districts, Neighborhood Commercial
  - CA-20 Districts, Central Commercial
  - CB-20 Districts
  - CB-40 Districts
  
- (h) Industrial Districts, IL and IG, comprising:
  - IL-30 Districts, Light Industrial
  - IL-80 Districts
  - IG-80 Districts, General Industrial
  
- (i) Elderly Housing Districts, comprising:
  - EH Districts

**1.4.2 Zoning Map**

**1.4.2.1** The boundaries of the various zones are hereby established as shown on the Zoning Map of the Town of North Haven, dated July 6, 1971 and any revisions

thereto, which map and revisions thereto are hereby declared to be a part of these regulations.

### **1.4.3 Zoning Streets**

**1.4.3.1** Zoning districts shall include the beds of streets lying within them. When opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

### **1.4.4 Land Under Water**

**1.4.4.1** The boundary of each district shall include land under any lake, pond or stream lying therein.

## **ARTICLE II – RESIDENTIAL DISTRICTS**

### **SECTION 2.1 RESIDENCE R-40, R-20 AND R-12 DISTRICTS**

#### **2.1.1 Uses Permitted in Residence R Districts**

No one shall be permitted in any Residence R District except one which is listed in this section.

**2.1.1.1** One-family dwellings.

**2.1.1.2** A personal, professional or business office of the occupant of the premises located in the dwelling, occupied by such person as his residence and employing in such office not more than two persons who are not residents of the premises.

**2.1.1.3** A customary incidental home occupation such as dressmaking, millinery, hairdressing, preparation of food products, watch repairing, television and radio repair or similar service occupations carried on within a dwelling by a resident of the premises and employing not more than one person who is not a resident of the premises provided that such use is secondary to the use of the dwelling for residence purposes and does not change the residential character, thereof, but excluding the sale of food or beverages for consumption on the premises.

**2.1.1.4** Agriculture, farming, forestry, truck or nursery gardening, including greenhouses incidental thereto.

**2.1.1.5** The following uses when specifically approved by the Planning and Zoning Commission after a public hearing, subject to such conditions as said Board may establish, 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. Such approval shall also be required for any expansion of any such use or any change in driveway access or other substantial change in site plan affecting the public interest.

**(a)** Schools and colleges operated by a governmental unit or nonprofit corporation, including camps for children under 16 years of age operated by a nonprofit corporation.

**(b)** Private schools, including nursery schools or day care centers, for pupils below high school grades, whether operated for profit or not, but excluding a camp operated for profit. Said private school, nursery school or day care center must be contained within a residential dwelling located on the lot and the number of children by the day care center shall not exceed sixteen (16) children

**(c)** Churches, parish houses, convents, mausoleums and similar religious buildings.

**(d)** Libraries, museums and auditoriums operated by governmental units or nonprofit corporations.

**(e)** Hospitals, sanatoriums, health service organizations and similar institutions operated by a governmental unit or nonprofit corporation, excluding correctional institutions and institutions for the insane.

**(f)** Privately operated sanitariums, (except for treatment of the insane), privately operated convalescent homes or homes for the aged, provided that the lot area shall be not less than 40,000 square feet and subject also to the provisions of Section 9.1.8.

**(g)** Fire or police stations, town office buildings and similar municipal buildings, excluding service garages and yards for storage.

**(h)** Electric transformer stations, telephone exchanges for local service only, water, sewer or gas pumping stations or gatehouses.

**(i)** Public parks and public playgrounds operated by a governmental unit or nonprofit corporation.

**(j)** Commercial kennels, commercial riding, or boarding stables.

**(1)** The uses listed in this subsection may be permitted only on lots with a minimum area of five (5) acres.

**(2)** Any building or outdoor enclosure used for the housing of animals shall be located a minimum distance of 100 feet from any property line.

**(3)** The Planning and Zoning Commission shall require fencing or other suitable enclosures for any facilities located outside of a building, and in addition, may require buffer landscaping for Screening purposes.

**(4)** All feed shall be housed in rodent-proof containers.

**(5)** Such uses shall comply in all respects with any applicable requirements of the State of Connecticut and such further safeguards as the Planning and Zoning Commission may deem appropriate.

**(k)** Public or private golf courses and country clubs and appurtenant facilities on a parcel of land having an area of no less than 50 acres.

**(l)** Elderly housing units and appurtenant facilities operated by the Housing Authority of the Town of North Haven on a parcel of land serviced by a public water Supply or public sewers and having an area of no less than 2.0 acres. The maximum density allowable shall be one unit for every 2,000 square feet of land area, and same shall only be granted after consideration of those standards set forth in Section 2.1.1.5 of these Regulations. However, in no case shall more than 80 units be built on any one parcel of land. For purposes of this section elderly housing units shall consist of those units operated by the Housing Authority of the Town of North Haven in general for occupancy by persons 62 years of age or older.

**(m)** Any existing and/or non-conforming building or buildings (hereinafter collectively referred to as structures) Containing In the aggregate a minimum total gross floor area of 5,000 square feet on a conforming and/or non-conforming lot serviced by Public Sewers and Public Water Supply may be adaptively reused and Converted to Elderly Housing Units specifically designed for the needs of any elderly person or persons and conforming to the requirements of the State of Connecticut or Federal Government Program providing for housing for the elderly, or such Individually owned elderly housing units specifically designed for and restricted to residency by the elderly. The maximum permitted number and type of dwelling units on the lot shall be determined by dividing the gross floor area of the structures by one or more of the following factors.

**(1)** 500 for efficiency units, 600 for one bedroom units, and 900 for two bedroom units, but in no event shall there be more than one unit for every 2,000 square feet of land area.

**(2)** An addition or additions may be permitted to be added to the structures hereunder provided that: (1) the addition does not exceed fifty (50%) percent of the, gross floor area of the structures, (2) the addition conforms. to all other requirements of the zoning district In which it is located, (3) the Commission finds that the addition conforms architecturally and In scale to the structures, (4) the Commission finds that the addition is reasonably and practically necessary to the orderly conversion of the structures to elderly housing units, (5) the Commission finds that the addition conforms to the requirement of Section 2.1.1.5 of the Regulations.

**(3)** For purposes of this Section, a non-conforming building or buildings may be structurally altered or reconstructed so as to permit the orderly conversion of such structure to use for Elderly Housing units as set forth herein. The standards and requirements as set forth in this Section shall be used by the Commission in lieu of those under Section 8.3 of these Regulations pertaining to Non-conforming Buildings and Uses.

(n) Private, social and recreational clubs, together with appurtenant facilities occupying no less than four (4) acres and having a membership limit of no more than three hundred and fifty (350) families. Such clubs shall not be permitted to sell alcoholic beverages and must provide on site parking facilities for at least seventy-five (75) vehicles. If any such clubs exist prior to the effective date of this Regulation, they may Continue as non-conforming uses, but must comply with this section, as well as Section 2.1.1.5 of these Regulations if any expansion, or substantial alterations in site plan is to take place. At any public hearing held hereunder, site plans showing all buildings, athletic facilities, fences, barriers, outdoor lighting, paved areas, walkways, sidewalks, roadways, trees and shrubs shall be submitted.

**2.1.1.6** Accessory uses customarily incidental to a permitted use on the same lot. Accessory buildings shall not be used for dwelling purposes except by employees or nonpaying guests of the occupant of the premises. Accessory use may include a private garage, but if such garage is an integral part of the principal dwelling, it shall occupy not more than one half of the total ground floor area. Space for one motor vehicle may be rented to others than occupants of the premises. Accessory Uses may include the outdoor parking of one vehicle not exceeding three quarter ton capacity on each lot, but the foregoing limitation of weight shall not apply to a vehicle used and parked on a farm, and is not relevant to private passenger vehicles. Not more than one boat may be stored outdoors on any lot in a Residence District, and any such boat shall be located to the rear of the building line.

**2.1.1.7** One sign attached to any one dwelling not exceeding one square foot bearing the name and occupation of the occupant. One temporary sign not exceeding six square feet in area advertising the premises for sale or rent, or advertising a construction or repairing operation being carried out on the premises while such is on display. On any farm, as defined herein, one sign not exceeding 12 square feet in area and advertising products of such farm, which sign shall be not less than 10 feet to the rear of the front lot line. On any lot used for a purpose permitted under Section 2.1.1.5, not more than two signs each not exceeding 12 square feet in area and pertaining to such use, which signs may be designed to be read from both sides and shall be not less than 10 feet to the, rear of the front lot line. Directional signs not exceeding three square feet each may be located, on such lots or attached to buildings on such lots as deemed permissible under Section 2.1.1.5. The restrictions of the size of signs shall not be deemed to apply to inscriptions in masonry or metal which are part of the architectural treatment of such structures.

**2.1.1.8** All exterior lighting shall be designed, located, installed and directed in such a manner that there is no offensive glare or light trespass beyond the property line of its origin and in such a manner that it does not impair the value and enjoyment of any other lot.

**2.1.1.9 Required Lot Area, Width, Yards, Coverage, Height**

<u>District</u>	<u>R-40</u>	<u>R-20</u>	<u>R-12</u>
Minimum Lot Area, sq. ft.	40,000	20,000	12,000

Minimum Lot Width, ft.	150	100	80
Minimum Area per Family Unit, sq. ft.	40,000	20,000	12,000
Minimum Front Yard, ft.	50	50	25
Minimum Side Yards, Each, ft.	25	10*	10*
Minimum Rear Yard, ft.	25	25	25
Maximum Building Coverage, %	15	20	25
Maximum Height, ft.	35	35	25

\*The aggregate width of two side yards shall not be less than 30 feet in R-20 Districts and 25 feet in R-12 Districts.

**(a)** In new residential construction where no garage is provided, it is required that the wider area of the side yard be established to that portion of the house where a two car, garage would be most logically located. The minimum required side yards shall be as follows:

<u>District</u>	<u>Required Side Yard</u>
R-40	25 feet on one side, 50 feet on other side.
R-20	Aggregate width of both side yards 54 feet. Minimum on one side 10 feet 44 feet on other side.
R-12	Aggregate width of both side yards 49 feet. Minimum% on one side 10 feet 39 feet on other side.

## **SECTION 2.2 RESIDENCE-APARTMENT RA DISTRICTS**

### **2.2.1 Uses Permitted in Residence-Apartment RA Districts**

No use shall be permitted in any Residence-Apartment RA District except one listed in this Section 2.2.1.

**2.2.1.1** Any use permitted in a Residence District as provided by Section 2.1.1.1 and Section 2.1.1.5.

**2.2.1.2** Multiple dwellings conforming to the following restrictions:

**(a)** The total number of family dwelling units on the lot shall not exceed the whole number obtained by multiplying the net area of such lot in acres, exclusive of any street, by the density of dwelling units per acre set forth in Section 2.3.2.2, as applicable to the district in which such lot is located. An acre consists of 43,560 square feet.

**(b)** No building shall exceed a height of two stories and no space having its floor level below the finished grade shall be used for dwelling purposes. All interior spaces used for dwelling purposes shall have a clear ceiling height of not less than 7 feet, 6 inches throughout the entire floor area thereof.

**(c)** No single building shall contain more than 12 family dwelling units and no single building shall have any projected horizontal dimension, measured in a straight line, exceeding 120 feet except as follows: The maximum Projected horizontal dimension on any single building measured in a straight line to be no more than 180 feet instead of 120 feet in those cases where the buildings are semi-circular in nature and surround a courtyard or per special approval by Planning and Zoning Commission and any additional fire protection measures as recommended by the Fire Marshal inside the building. There shall be not more than one front and one rear entrance for every four family units, unless otherwise approved by the Planning and Zoning Commission.

**(d)** The distance between any two buildings on the same lot shall be not less than 50 feet, but not less than twice the height of any building wall facing such court. No court shall be less in any horizontal dimension than 50 feet, nor less than twice the height of any building wall facing such court.

**(e)** Accessory buildings and uses may include garages for the exclusive use of occupants of the premises, swimming pools and minor service buildings related to the use and maintenance of the multiple dwelling project.

**(f)** Each group of not more than four family dwelling units shall be separated from any other such units by a fire wall meeting the requirements of the building code.

(g) Each family dwelling unit shall have two separate and remote means of egress, each leading to corridors and stairways meeting a two-hour fire resistant rating, as provided in the building code, or directly outdoors.

(h) Subject to the provisions of this subsection, the building may be of frame construction and complying with all requirements of the building code.

(i) The entire area of the lot shall be suitably landscaped and provision shall be made for playgrounds and other recreation areas which shall be not less in aggregate area than twice the floor area of all family dwelling units on the lot as required by Section 2.2.1.2(k) hereof. A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling project. Such buffer strip shall be suitably landscaped and maintained with dense evergreen tree planting having a minimum height of three feet when planted.

(j) Off-Street parking facilities shall be provided as required by Section 8.5. Such parking facilities shall not be located in front of the building line. No off-street parking facilities shall be located within 20 feet of a side or rear lot line, except where adjacent to an off-street parking facility or another multiple dwelling project. The exterior entrance to each family dwelling unit shall be not more than 150 feet from a parking area measured along the usual path of travel.

(k) The floor area and number of rooms devoted to living area in each family dwelling unit shall be not less than listed below, measured to include the area of each separate room, including separate living, dining and sleeping rooms and bathrooms and kitchens, but not to include nor count as rooms the area occupied by halls, foyers, stairs, or closets.

<u>Number of Rooms</u>	<u>Minimum Floor Area</u>
2	600 square feet
3	700 square feet
Each additional room	100 square feet

(l) Access to every multiple dwelling project shall be from an existing or proposed public street. Driveways shall be located as approved by the Planning and Zoning Commission. In the case of corner lots, the driveway or driveways shall be located not less than 350 feet from the intersection of the nearest street lines. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Driveways shall be not less than 30 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb. The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

**(m)** Each such project shall be connected to a municipal sanitary sewer system and serviced by a public water supply.

**(n)** No permit for any multiple dwelling project as permitted under this subsection shall be issued until the plans therefore shall have been approved by the Planning and Zoning Commission after a public hearing upon due notice pursuant to Section 8.3 of the Connecticut General Statutes. The applicant shall submit to the Commission full plans for the entire project, showing the layout of buildings, proposed driveways and their relation to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces, accessory buildings, playground's and other recreation areas, and all other pertinent features including a landscape plan showing the location, size and type of all landscape elements, together with plans elevations, and other pertinent drawings of all buildings, indicating the area of land spaces for various purposes, the dimensions and floor areas of all buildings and yards and of all family dwelling units. Such plans shall include the entire area of the lot.

**(o)** In the case of a multiple dwelling project where the total acreage exceeds 10 acres and where at least one side or rear line abuts a limited access highway, the Planning and Zoning Commission may permit, in its discretion, after careful review and analysis of the proposed site plan:

**(1)** Minimum front yard requirements to be the same as provided in Section 2.3.2.1;

**(2)** Minimum side and rear yard set backs to be reduced to 20 feet where the side or rear yards abut land owned by public utilities and 15 feet where the side or rear yards abut non-access lines of a state highway provided that the setback from the travel way shall be no less than 75 feet;

**(3)** 25% maximum coverage as opposed to 15-20% as per Section 2.3.2.2. In those situations where the land in question contains a legal non-conforming commercial or industrial use which will be eliminated by the construction of a multiple dwelling project under this Section 2.2.1.2(o).

**SECTION 2.3 OFFICE-APARTMENT OA DISTRICTS**

**2.3.1 Uses Permitted in Office Apartment Districts**

No use shall be permitted in any Office-Apartment OA District, except one listed in this Section 2.3.1.

**2.3.1.1** Any use permitted in Office O District as provided in Section 3.2.1.

**2.3.1.2** Any use permitted in a Residence-Apartment District as provided in Section 2.2.1.

**2.3.1.3** Multiple Dwellings, subject to all of the requirements of Section 2.2.1.2 for Residence-Apartment Districts, with the following further provisions:

**(a)** A multiple dwelling which is entirely of fireproof construction, in conformity with the requirements of the Building Code, may be built to a height of three stories, provided that it is otherwise in compliance with the provisions of Section 2.2.1.2 and does not exceed a height of 35 feet.

**2.3.2 Required Lot Area, Width, Yards, Coverage, Height, Density**

**2.3.2.1** Requirements Applicable to Uses Other than Multiple Dwellings:

<b><u>District</u></b>	<b><u>RA-40</u></b>	<b><u>RA-20</u></b>	<b><u>RA-12</u></b>	<b><u>O-12</u></b>	<b><u>OA-12</u></b>	<b><u>LC-12</u></b>	<b><u>LO</u></b>
Minimum Lot Area, in sq.ft.	40,000	20,000	12,000	12,000	12,000	12,000	653,400 (15 acres)
Minimum Lot Width, Ft.	150	100	80	80	80	80	450
Minimum Area per Family Unit	40,000	20,000	12,000	12,000	12,000	12,000	-----
Minimum Front Yard, ft.	50	50	25	25	25	50	75
Minimum Rear Yard, ft.	25	25	25	25	25	25	75
Minimum Side Yard, Each, feet	25	10*	10*	10*	10*	12	75
Maximum Building Coverage, % including accessory buildings	15	20	25	25	25	25	15
Maximum Height, ft.	35	35	35	35	35	35	35

**2.3.2.2** Requirements Applicable to Multiple Dwellings

<b><u>District</u></b>	<b><u>RA-40</u></b>	<b><u>RA-20</u></b>	<b><u>RA-12</u></b>	<b><u>OA-12</u></b>
Minimum Lot Area, sq.ft.	160,000	160,000	160,000	80,000

Maximum Density Family Dwelling Units per Acre	8	8	8	10
Minimum Lot Width, ft.	200	200	200	150
Minimum Front Yard, ft.	75	75	75	50
Minimum Side Yard, ft.	50	50	50	40
Minimum Rear Yard, ft.	50	50	50	40
Maximum Building Coverage, %, including accessory buildings	15	20	20	25
Maximum Height, ft.	35	35	35	35

**(a)** Before applying the density requirements to any lot in an OA District, there shall be deducted from the net area of such lot an area equivalent to four times the floor area, exclusive of space used solely for toilets, corridors, stairways, elevator shafts, or mechanical equipment occupied by any permitted use other than a dwelling, if any such other use exists or is to be placed on the same lot.

**(b)** For the purpose of computing the permitted number of family dwelling units in any multiple dwelling project, only so much of the lot shall be included as lies within a space whose average greater dimension does not exceed three times its average lesser dimension.

**SECTION 2.4 ELDERLY HOUSING EH DISTRICTS**

**2.4.1 Uses Permitted in Elderly Housing EH District**

No use will be permitted in any Elderly Housing District except one listed in this Section 2.4.1.

**2.4.1.1** Elderly housing units specifically designed for the needs of an elderly person or persons and conforming to the requirements of a State of Connecticut or Federal Government program providing for housing for the elderly with the following further provisions.

**(a) Requirements Applicable to Elderly Housing Units:**

Minimum Lot Area, Sq. Feet	200,000
Maximum Density Family Dwelling Units per Acre	13.5
Minimum Lot Width, Feet	200
Minimum Front Yard, Feet	75
Minimum Side Yard, Feet	50
Minimum Rear Yard, Feet	50
Maximum Building Coverage, %, Including Accessory Buildings	20
Maximum Height, Feet	35
Minimum Floor Area per Unit, Sq. Feet	500

**(b)** For the purpose of computing the permitted number of family dwelling units in any elderly housing project, only so much of the lot shall be included as lies within a space whose average greater dimension does not exceed three times its average lesser dimension.

**(c)** In no case shall more than 60 units be built on any one parcel of land.

**(d)** Each elderly housing project shall be connected to a municipal sanitary sewer system and serviced by a public water supply.

**(e)** Off-street parking facilities shall be provided as required by Section 8.5.

**(f)** Access to an Elderly Housing project shall be from an existing or proposed public street. Driveways shall be located as approved by the Planning and Zoning Commission. In the case of corner lots, the driveway, or driveways shall be located not less than 150 feet from the intersection of the nearest street lines. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Driveways shall be not less than 30 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb. The Planning and Zoning Commission

may require that separate driveways be designated and suitably marked for entrance only or for exit only.

**(g)** The construction of the project and structure of the buildings shall comply with the applicable State of Connecticut or Federal specifications.

**(h)** The total number of units allowable in this zone shall be in harmony with the overall plan of the housing authority of the Town of North Haven.

**(i)** A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or elderly housing project. Such buffer strip shall be suitably landscaped and maintained with dense evergreen tree planting having a minimum height of three feet when planted.

**(j)** No permit for any elderly housing project as permitted under this subsection shall be issued until the plans therefore shall have been approved by the Planning and Zoning Commission after a public hearing upon due notice pursuant to Section 8-3 of the Connecticut General Statutes. The applicant shall submit to the Commission full plans for the entire project, showing the layout of buildings, proposed driveways and their relation to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces, accessory buildings, playgrounds and other recreation areas, and all other pertinent features including a landscape plan showing the location, size and type of all landscape elements, together with plans elevations, and other pertinent drawings of all buildings, indicating the area of land spaces for various purposes, the dimensions and floor areas of all buildings and yards and of all family dwelling units. Such plans shall include the entire area of the lot.

**(k)** An Elderly Housing District of 400,000 s.f. or more shall be allowed a maximum density family dwelling units per acre of 13.5 units where there exists a transitional area from a residential zone to a commercial zone or a residential zone to an industrial zone and a height limitation to four (4) stories.

**2.4.1.2** Assisted Living Units specially designed for the needs of an elderly person or persons, who need some form of assistance, with the following further provisions:

**(a)** Requirements Applicable to Assisted Living Units:

Minimum Lot Area, Sq. Feet	280,000
Maximum Density Family Dwelling Units per Acre	14
Minimum Lot Width, Feet	200
Minimum Front Yard, Feet	75
Minimum Side Yard, Feet	50
Minimum Rear Yard, Feet	50

Maximum Building Coverage, %	
Including Accessory Buildings	20
Maximum Height	35
Minimum Floor Area per Unit, Sq. Feet	500

**(b)** For the purpose of computing the permitted number of family dwelling units in an Assisted Living Facility, only so much of the lot shall be included as lies within a space whose average greater dimension does not exceed three times its average lesser dimension.

**(c)** In no case shall more than 120 units be built on any one parcel of land.

**(d)** Each Assisted Living Facility shall be connected to a municipal sanitary sewer system and serviced by a public water supply.

**(e)** Off-street parking facilities shall be one space per two units.

**(f)** Access to an Assisted Living Facility shall be from an existing or proposed public street. Driveways shall be located as approved by the Planning and Zoning Commission. In the case of corner lots, the driveway or driveways shall be located not less than 150 feet from the intersection of the nearest street lines. “Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible” to “Driveways entering streets shall be located to provide the maximum sight distance possible with a minimum distance as required per current AASHTO (American Association of State Highway and Transportation Officials) standards for a similar condition roadway intersection”. Driveways shall be not less than 24 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb. The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

**(g)** The construction of the facility and structure of the buildings shall comply with the applicable State of Connecticut or Federal specifications.

**(h)** The total number of units allowable in this zone shall be in harmony with the overall plan of the housing authority in the Town of North Haven.

**(i)** A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or elderly housing project. Such buffer strip shall be suitably landscaped and maintained with dense evergreen tree planting having a minimum height of three feet when planted.

**(j)** No permit for any Assisted Living Facility as permitted under this subsection shall be issued until the plans therefore shall have been approved

by the Planning and Zoning Commission after a public hearing with due notice pursuant to Section 8-3 of the Connecticut General Statutes. The applicant shall submit to the Commission full plans for the entire facility, showing the layout of buildings, proposed driveways and their relation to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces, accessory buildings, recreation areas, and all other pertinent features including a landscape plan showing the location, size and type of all landscape elements, together with plans, elevations, and other pertinent drawings of all buildings, indicating the area of land spaces for various purposes, the dimensions and floor areas of all buildings and yards and of all family dwelling units. Such plans shall include the entire area of the lot.

**(k)** The Assisted Living Facility shall have no less than 75 sq. ft. of Community space per unit, within the building.

**(l)** The Assisted Living Facility shall have no less than 100 sq. ft. of open space, per unit.

**(m)** No unit within an Assisted Living Facility shall have less than 350 sq. ft. of living area; and the average living space for all units shall be no less than 450 sq. ft. Mechanical equipment such as emergency generators, air conditioning or refrigeration compressors, transformers, etc., must be housed and/or screened (both visually and audibly) providing protection for abutting residential properties.

**(n)** The storage (parking) of commercial type vehicles is prohibited unless within a garage or defined closed area, with the exception of a handicap service bus/van or small body maintenance vehicle.

## **SECTION 2.5 CLUSTER SUBDIVISION REGULATIONS**

**2.5.1 SPECIAL PERMIT - CLUSTER SUBDIVISION:** a special permit granted by the Planning and Zoning Commission after holding a public hearing, which meets the following standards:

### **2.5.1.1 Criteria for obtaining Cluster Subdivision Special Permit:**

- (a)** Applicant must submit two (2) subdivision plans to the Commission to be reviewed: one conventional and one cluster.
- (b)** A minimum of eight acres of land is eligible for the Cluster Subdivision special permit.
- (c)** Only parcels of land wholly in an R-20 or R-40 district are eligible.
- (d)** A minimum of 10% of the gross land area must remain as non-building lots and such land shall be dedicated as permanent Community Open Space and accessible to all building lots within the subdivision. No single Community Open Space shall be less than one acre.
- (e)** Proposed subdivision must be serviced by public water supply and public sanitary sewers.
- (f)** In no case may the number of individual lots, now or in the future, exceed the number of lots that would be allowed in a conventional subdivision of the respective district in which the parcel lays.
- (g)** The applicant may request that the cluster subdivision be developed in phases, with a minimum amount of land to be included within any single phase be eight (8) acres.
- (h)** No construction of structures may occur on slopes of 15% or greater.
- (i)** A 25 foot vegetative no-disturbance set back must be maintained from any wetlands and/or watercourse and be shown on the subdivision plan.

### **2.5.1.2 Application must consist of the following:**

- (a)** Application form entitled “Cluster Subdivision Special Permit Form”, as approved by the Planning and Zoning Commission.
- (b)** Two (2) concept plans: one conventional subdivision plan and one cluster subdivision plan. It is the applicant’s responsibility to demonstrate to the Commission the advantages, to the town, of granting the special cluster subdivision permit instead of requiring conventional subdivision of the parcel of land.

(c) Application fee as required by the commission and administered by the Land Use (Zoning) Office.

(d) A complete application must meet the requirements of this special permit and the requirements of the Subdivision Regulations.

(e) Verification of the lot calculations for two concepts conventional subdivision and cluster subdivision.

(f) Two (2) plans, one conventional subdivision and one cluster subdivision, showing the location of dwelling units (or development of each lot) at the maximum allowable percentage of coverage.

(g) A description of the use(s), if any, for which the Community Open Space will be utilized and verification of acceptance of the Community Open Space, by the proposed future owner(s), must be included as part of the application.

**2.5.1.3** Objectives to Qualify for Cluster Subdivision Special Permit: In order to qualify, one or more of the following objectives must be met:

(a) Preserve and protect the Town's natural environment by encouraging the permanent preservation of specific features and land, including sites of historical interest, ecological significance or qualities of natural beauty.

(b) Preserve and protect wetlands, streams, rivers, aquifers, potential municipal water supplies, and ponds as natural resources. To avoid flooding, erosion and water pollution.

(c) Promote more suitable siting of buildings and better overall site planning.

(d) Protect the health and safety of the public by restricting the extent to which steep slopes and poor soils shall be utilized for public and private road, waste disposal systems-and other types of development.

(e) Promote the preservation .of space that will benefit the present and future generations of North Haven, including active and passive recreation areas, farmland of local significance, and scenic views or vistas.

**2.5.1.4** Criteria for Community Open Space:

(a) Applicant must inform the Commission and provide verification of the proposed ownership of the Community Open Space. In all cases, the Community Open Space area must be dedicated as permanent land upon which no residence may be built. Ownership may be the Town of North Haven; a corporation or trust owned by the owners of lots within the subdivision; or, a non-profit organization.

(b) In the case where the Community Open Space is not owned by the Town of North Haven, an instrument shall be recorded in the North Haven Land Records, which shall be approved by the Town Attorney before it is filed with the Town Clerk.

(c) Any amendment to the above mentioned instrument must be approved by the Commission.

(d) Cluster subdivision plan must show direct access to the Community Open Space or to public right of ways to the Community Open Space.

(e) In all cases of ownership, a perpetual restriction running to (or enforceable by) the Town shall be recorded for all the Community Open Space. Such restriction shall provide that the Community Open Space shall be retained in perpetuity for one or more of the following uses: Conservation, protection of natural drainage systems, assurance of safety from flooding, agriculture, preservation of historic areas or scenic sites or natural resources, or recreational or park purposes.

(f) The Commission may impose additional restrictions upon the proposed Community Open Space(s) and such restrictions must be recorded in the North Haven Land Records.

(g) The maintenance of the Community Open Space is the sole responsibility of the owner and the Community Open Space(s) must be maintained and groomed in accordance with any zoning regulations and/or Town ordinances.

(h) All corners of Open Space shall be marked with concrete monuments.

**2.5.1.5 Required lot area, width, yards, coverage and height:**

<u>District</u>	<u>R-20</u>	<u>R-40</u>
Minimum Lot Area, sq. ft.	17,000**	30,000**
Minimum area/family unit, square feet	17,000	30,000
Minimum lot width, feet	90	125
Minimum front yard, feet	50	50
Minimum side yard, (each), feet	10*	25
Minimum rear yard, feet	25	25
Maximum building coverage, %	20%	15%
Maximum height, feet	35	35

\* The aggregate width of two side yards shall not be less than 30 feet.

\*\* No more than a maximum of 10% of the lot may be any-of the following (or a combination of the following): wetlands or watercourses, land with slopes in excess of 25 percent or land designated as flood hazard areas. Thereby leaving a minimum of 90% of the lot as buildable land.

**ARTICLE III – OFFICE DISTRICTS**

**SECTION 3.1 LIMITED OFFICE LO DISTRICTS**

**3.1.1 Uses Permitted In Limited Office LO District**

No use will be permitted in any Limited Office District except one listed in this Section 3.1.1.

**3.1.1.1** Professional and Business Offices and Financial Institutions.

**3.1.1.2** Accessory uses customarily incidental to a permitted use.

**3.1.1.3** One sign of any one lot not exceeding 12 square feet in area bearing the name and occupation of the occupant or occupants of the premises, or advertising the premises for sale or rent or advertising a construction or repairing operation being carried out on the premises, which signs may be designed to be read from both sides and shall be located not less than 10 feet to the rear of the front lot line. No sign may be flashing.

**3.1.1.4** A buffer strip not less than twenty (20) feet in width shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another office building. Such buffer shall be suitably maintained with dense evergreen tree plantings having a minimum height of three (3) feet when planted.

**3.1.2 Required Lot Area, Width, Yards, Coverage, Height, Density**

<b><u>District</u></b>	<b><u>LO</u></b>
Minimum Lot Area, in sq.ft.	653,400 (15 acres)
Minimum Lot Width, Ft.	450
Minimum Area per Family Unit	-----
Minimum Front Yard, ft.	75
Minimum Rear Yard, ft.	75
Minimum Side Yard, Each, feet	75
Maximum Building Coverage, % including accessory buildings	15
Maximum Height, ft.	35

**SECTION 3.2 OFFICE O DISTRICTS**

**3.2.1 Uses Permitted in Office O Districts**

No uses shall be permitted in any Office O District except one which is listed in this Section 3.2.1.

**3.2.1.1** Any use permitted in a Residence R District as provided in Section 2.1.1.

**3.2.1.2** A two-family dwelling subject to the provisions of Section 2.3.2.2.

**3.2.1.3** Professional and business offices and financial institutions.

**3.2.1.4** Secretarial or business schools.

**3.2.1.5** Undertaker establishments.

**3.2.1.6** Radio and television studios.

**3.2.1.7** Accessory uses customarily incidental to a permitted use.

**3.2.1.8** One sign on any one lot not exceeding 12 square feet in area bearing the name and occupation of the occupant or occupants of the premises, or advertising the premises for sale or rent or advertising a construction or repairing operation being carried out on the premises, which signs may be designed to be read from both sides and shall be located not less than 10 feet to the rear of the front lot line. No sign may be flashing.

**3.2.1.9** Medically based health and wellness centers affiliated with a hospital or other healthcare institution.

**3.2.2 Required Lot Area, Width, Yards, Coverage, Height, Density**

<b><u>District</u></b>	<b><u>O-12</u></b>
Minimum Lot Area, in sq.ft.	12,000
Minimum Lot Width, Ft.	80
Minimum Area per Family Unit	12,000
Minimum Front Yard, ft.	25
Minimum Rear Yard, ft.	25
Minimum Side Yard, Each, feet	10*
Maximum Building Coverage, % including accessory buildings	25
Maximum Height, ft.	35

## **ARTICLE IV – COMMERCIAL DISTRICTS**

### **SECTION 4.1 LIMITED COMMERCIAL LC DISTRICTS**

#### **4.1.1 Uses Permitted in Limited Commercial Districts LC**

No use shall be permitted in any Limited Commercial District except one listed in this Section 4.1.1.

**4.1.1.1** Any use permitted in an Office O District as provided in Section 3.2.1.

**4.1.1.2** Studios for dance, musical or theatrical instruction, gymnasiums and physical culture establishments.

**4.1.1.3** Vocational and technical schools.

**4.1.1.4** Restaurants serving food and liquor to patrons at tables and liquor only at a bar which may be no longer than “12 feet of bar space without seating provisions,” such a bar to be permitted only in restaurants having an active seating capacity of over 100 patrons.

**4.1.1.5** Clubs, lodges and community houses.

**4.1.1.6** Retail stores for sale of books and stationery, art, artists’ supplies, antiques, gifts, jewelry, musical instruments, records, photographic equipment and supplies, dry goods and notions, haberdashery, optical goods, leather goods, toys, bicycles, business equipment and typewriters, hardware or paint and wallpaper, food.

**4.1.1.7** Retail package liquor stores.

**4.1.1.8** Retail florists’ stores.

**4.1.1.9** Barber shops, beauty parlors, custom tailors and dressmakers, cleaning and laundry agencies including hand cleaning only, self-service washing machine establishments, watch repair, shoe repair or radio and television repair stores or locksmiths.

**4.1.1.10** Public parking areas.

**4.1.1.11** Accessory uses customarily incidental to a permitted use.

**4.1.1.12** Signs as permitted by Section 3.2.1.8. Signs which are painted on or affixed against and parallel to the wall or windows of the building and which pertain to a business located on the premises, provided that the aggregate area of such sign or signs on any one wall of such building shall not exceed 10 percent of the gross area

of such wall. No sign shall be illuminated in such a manner that it may be mistaken for a highway traffic signal and no sign shall be flashing.

#### **4.1.2 Required Lot Area, Width, Yards, Coverage, Height, Density**

<b><u>District</u></b>	<b><u>LC-12</u></b>
Minimum Lot Area, in sq.ft.	12,000
Minimum Lot Width, Ft.	80
Minimum Area per Family Unit	12,000
Minimum Front Yard, ft.	50
Minimum Rear Yard, ft.	25
Minimum Side Yard, Each, feet	12
Maximum Building Coverage, % including accessory buildings	25
Maximum Height, ft.	35

#### **4.1.3 Additional Regulations**

**4.1.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**4.1.3.2** In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

**4.1.3.3** Before a permit is issued pursuant to Section 4.1.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**4.1.3.4** The lot frontage requirement may be omitted provided that:

**4.1.3.4.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access

to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**4.1.3.4.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**4.1.3.5** The provisions of Section 8.7.8.1 pertaining to landscaping in the front yard may be omitted provided that:

**4.1.3.5.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 4.1.3.4; and

**4.1.3.5.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**4.1.3.5.3** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**4.1.3.6 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**4.1.3.7 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**4.1.3.8 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**4.1.3.9.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**4.1.3.9.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**4.1.3.9.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**4.1.3.9.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**4.1.3.9.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**4.1.3.10 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

**SECTION 4.2 COMMERCIAL CN DISTRICTS**

**4.2.1 Uses Permitted in Commercial CN Districts**

No use shall be permitted in any Commercial CN District except one which is indicated by a check mark in the column below applicable to the district in which such use is located.

4.2.1.1 Residential uses permitted by Sections 2.1.1.1 to 2.1.1.3, inclusive.

4.2.1.2 Restaurants and taverns.

4.2.1.3 Professional and business offices and financial institutions.

4.2.1.4 Police stations, firehouses, municipal service buildings.

4.2.1.5 Telephone exchange, electric transformer station, gas, water or sewer pumping station or gatehouse, without service yard.

4.2.1.6 Basic neighborhood stores: book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware.

4.2.1.7 Retail package liquor stores.

4.2.1.8 Basic neighborhood services: barber, beauty parlor, custom tailoring and dressmaking, cleaning and laundry agency, self-service washing machine establishments, jewelry and watch repair, shoe repair, radio and television repair, locksmith.

4.2.1.9 Pet Grooming Establishments

4.2.1.10 Signs pertaining to a business or Industrial operation located on the premises.

4.2.1.11 Accessory uses customarily incidental to a permitted use on the same premises.

**4.2.2 Required Lot Area, Width, Yards, Coverage, Height**

<b><u>District</u></b>	<b><u>CN-20</u></b>
Minimum Lot Area, in sq.ft.	20,000
Minimum Lot Width, Ft.	100
Minimum Front Yard, ft.	50
Minimum Rear Yard, ft.	40
Minimum Side Yard, Each, feet	12

Maximum Building Coverage, %	25
Maximum Height, ft.	35

### 4.2.3 **Additional Regulations**

**4.2.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**4.2.3.2** In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

**4.2.3.3** Before a permit is issued pursuant to Section 4.2.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**4.2.3.4 Stores in CN Districts:** No single store in any CN District shall exceed 2,000 square feet in floor area devoted to retail sales.

**4.2.3.5 Omission of Yard Requirements:** In any CN District, one side yard on each adjacent lot may be omitted provided that the following requirements have been met.

**4.2.3.5.1** Owners of adjoining property must have recorded their agreement to this side yard omission in the land records of the Town Clerk.

**4.2.3.5.2** The remaining side yards shall be at least 15 feet wide.

**4.2.3.5.3** Except in the case of buildings built on the lot line as herein provided, no side yard shall be less in width than otherwise prescribed by these regulations.

**4.2.3.6** The lot frontage requirement may be omitted provided that:

**4.2.3.6.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**4.2.3.6.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**4.2.3.7** The provisions of Section 8.7.8.1 pertaining to landscaping in the front yard may be omitted provided that:

**4.2.3.7.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 4.2.3.6; and

**4.2.3.7.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**4.2.3.7.3** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**4.2.3.8 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**4.2.3.9 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**4.2.3.10 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**4.2.3.10.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**4.2.3.10.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**4.2.3.10.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**4.2.3.10.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**4.2.3.10.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**4.2.3.11 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

## **SECTION 4.3            COMMERCIAL CA DISTRICTS**

### **4.3.1 Uses Permitted in Commercial CA Districts**

No use shall be permitted in any Commercial CA District except one which is indicated by a check mark in the column below applicable to the district in which such use is located.

**4.3.1.1** Residential uses permitted by Section 2.1.1.2.

**4.3.1.2** Private schools, including nursery schools for pupils below high school grades, whether operated for profit or not (but excluding a camp operated for profit), when specifically approved by the Planning & Zoning Commission after a Public Hearing, subject to such conditions as the Commission may establish, giving consideration to the effect of present and future uses in the vicinity to the proposed use; and further subject to all other standards provided in these Regulations. No site approved by the Commission under this Section 4.3.1.2 shall contain any other use or facility, except one necessary or incidental to the operation of the school. The site plan shall include appropriate safety precautions for vehicular traffic and parking, pick-up and discharge of passengers, security, and site screening.

**4.3.1.3** Restaurants and taverns.

**4.3.1.4** Professional and business offices and financial institutions.

**4.3.1.5** Vocational and technical schools, undertaker's establishments.

**4.3.1.6** Clubs, lodges and community houses, radio and television studios.

**4.3.1.7** Police stations, firehouses, municipal service buildings.

**4.3.1.8** Telephone exchange, electric transformer station, gas, water or sewer pumping station or gatehouse, without service yard.

**4.3.1.9** Basic neighborhood stores: book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware.

**4.3.1.10** Retail package liquor stores.

**4.3.1.11** Basic neighborhood services: barber, beauty parlor, custom tailoring and dressmaking, cleaning and laundry agency, self-service washing machine establishments, jewelry and watch repair, shoe repair, radio and television repair, locksmith.

**4.3.1.12** Commercial kennels and veterinary hospitals provided they are located on lots of not less than 1 acre and provided that no dogs are kept in any building or enclosure located less than 50 feet from any lot line.

**4.3.1.13** Retail stores for art, artist supplies, antiques, gifts, jewelry, optical goods, and luggage, photographic supplies and studios, clothing, shoes, appliance stores, furniture, furnishings, electrical supplies, radio and television equipment, musical instruments, records, sporting goods, toys, bicycles, business equipment and typewriters and metal working machinery.

**4.3.1.14** Department stores, feed stores, garden supplies, seeds, paint and wallpaper stores, furniture repair and reupholstery shops.

**4.3.1.15** Studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments.

**4.3.1.16** Studios for ceramic and pottery instruction including the manufacturing or processing of ceramic products such as porcelain and pottery, provided such activities are necessary and accessory to the instructions, are carried on the premises, and do not create any objectionable noise or smell. Any kilns used in these processes shall be fired by gas or electricity only.

**4.3.1.17** Studios for enhanced educational and development opportunities for children and adults. Instruction sessions shall be limited to three hours per session. No outdoor instruction or recreation shall be permitted. The maximum useable floor area for such a facility shall be no greater than 2,000 sq. ft. No use which requires a child day care license pursuant to Connecticut General Statutes Section 19a-77 thru 19a-80 shall be considered under this section 4.3.1.17. This use shall be permitted in the CA, CB and IL zones. (effective May 1, 2006)

**4.3.1.18** Blueprinting and similar reproduction service.

**4.3.1.19** Wholesale offices and showrooms with storage limited to samples only.

**4.3.1.20** Public parking areas.

**4.3.1.21** Theaters, indoor.

**4.3.1.22** Bowling alleys, commercial skating rinks, tennis courts, golf driving ranges, indoor and outdoor miniature golf courses, commercial swimming pools, dance halls, eating and drinking places with entertainment.

**4.3.1.23** Pet Grooming Establishments

**4.3.1.24** Signs pertaining to a business or Industrial operation located on the premises.

**4.3.1.25** Accessory uses customarily incidental to a permitted use on the same premises.

**4.3.2 Required Lot Area, Width, Yards, Coverage, Height**

<u>District</u>	<u>CA-20</u>
Minimum Lot Area, in sq.ft.	20,000
Minimum Lot Width, Ft.	100
Minimum Front Yard, ft.	50
Minimum Rear Yard, ft.	25
Minimum Side Yard, Each, feet	12
Maximum Building Coverage, %	25
Maximum Height, ft.	35

### **4.3.3 Additional Regulations**

**4.3.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**4.3.3.2** In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

**4.3.3.3** Before a permit is issued pursuant to Section 4.3.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**4.3.3.4 Omission of Yard Requirements:** In any CA District, one side yard on each adjacent lot may be omitted provided that the following requirements have been met.

**4.3.3.4.1** Owners of adjoining property must have recorded their agreement to this side yard omission in the land records of the Town Clerk.

**4.3.3.4.2** The remaining side yards shall be at least 15 feet wide.

**4.3.3.4.3** Except in the case of buildings built on the lot line as herein provided, no side yard shall be less in width than otherwise prescribed by these regulations.

**4.3.3.5** The lot frontage requirement may be omitted provided that:

**4.3.3.5.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**4.3.3.5.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**4.3.3.6** The provisions of Section 8.7.8.1 pertaining to landscaping in the front yard may be omitted provided that:

**4.3.3.6.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 4.3.3.5; and

**4.3.3.6.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**4.3.3.6.3** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**4.3.3.7 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**4.3.3.8 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**4.3.3.9 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**4.3.3.9.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**4.3.3.9.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**4.3.3.9.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**4.3.3.9.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**4.3.3.9.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**4.3.3.10 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

## **SECTION 4.4 COMMERCIAL CB DISTRICTS**

### **4.4.1 Uses Permitted in Commercial CB Districts**

No use shall be permitted in any Commercial CB District except one which is indicated by a check mark in the column below applicable to the district in which such use is located.

**4.4.1.1** Residential uses permitted by Section 2.1.1.2.

**4.4.1.2** Restaurants and taverns.

**4.4.1.3** Professional and business offices and financial institutions.

**4.4.1.4** Hotels, apartment hotels and motels, providing that the lot area is equivalent to 2,000 square feet for each individual guest unit, when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such codes as said Board may establish, giving consideration to the effect of the proposed use on present and future uses, in the vicinity, to the proposed site planning and landscaping, except that the site must be serviced by sanitary sewers and a highway or street having a curb to curb paved width of 40 feet minimum. The width of the parcel shall not be less than 150 feet, measured at the building line, nor contain less than two (2) acres. Further, subject to the codes affecting traffic safety and to other standards provided in these Regulations.

**4.4.1.4.1** Floor Area:

1 Room = 400 sq. ft. minimum

2 Rooms = 600 sq. ft. minimum

**4.4.1.4.2** Maximum number of rooms =2

**4.4.1.5** Vocational and technical schools, undertaker's establishments.

**4.4.1.6** Clubs, lodges and community houses, radio and television studios.

**4.4.1.7** Police stations, firehouses, municipal service buildings.

**4.4.1.8** Telephone exchange, electric transformer station, gas, water or sewer pumping station or gatehouse, without service yard.

**4.4.1.9** Basic neighborhood stores: book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware.

**4.4.1.10** Retail package liquor stores.

**4.4.1.11** Basic neighborhood services: barber, beauty parlor, custom tailoring and dressmaking, cleaning and laundry agency, self-service washing machine establishments, jewelry and watch repair, shoe repair, radio and television repair, locksmith.

**4.4.1.12** Commercial kennels and veterinary hospitals provided they are located on lots of not less than 1 acre and provided that no dogs are kept in any building or enclosure located less than 50 feet from any lot line.

**4.4.1.13** Retail stores for art, artist supplies, antiques, gifts, jewelry, optical goods, and luggage, photographic supplies and studios, clothing, shoes, appliance stores, furniture, furnishings, electrical supplies, radio and television equipment, musical instruments, records, sporting goods, toys, bicycles, business equipment and typewriters and metal working machinery.

**4.4.1.14** Department stores, feed stores, garden supplies, seeds, paint and wallpaper stores, furniture repair and reupholstery shops.

**4.4.1.15** Studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments.

**4.4.1.16** Studios for ceramic and pottery instruction including the manufacturing or processing of ceramic products such as porcelain and pottery, provided such activities are necessary and accessory to the instructions, are carried on the premises, and do not create any objectionable noise or smell. Any kilns used in these processes shall be fired by gas or electricity only.

**4.4.1.17** Studios for enhanced educational and development opportunities for children and adults. Instruction sessions shall be limited to three hours per session. No outdoor instruction or recreation shall be permitted. The maximum useable floor area for such a facility shall be no greater than 2,000 sq. ft. No use which requires a child day care license pursuant to Connecticut General Statutes Section 19a-77 thru 19a-80 shall be considered under this section 4.4.1.17. This use shall be permitted in the CA, CB and IL zones. (effective May 1, 2006)

**4.4.1.18** Newspaper establishments and printing, photo-engraving and book-binding.

**4.4.1.19** Blueprinting and similar reproduction service.

**4.4.1.20** Wholesale offices and showrooms with storage limited to samples only.

**4.4.1.21** Automobile service stations.

**4.4.1.22** Mechanical, or automatic car wash.

**4.4.1.23** Automotive testing facilities.

**4.4.1.24** Farm equipment and boat salesrooms and outdoor sales areas.

**4.4.1.25** Public garages including repairs, except body work.

4.4.1.26 Automobile salesrooms and outdoor sales areas subject to the provisions of Section 8.11.

4.4.1.27 Public parking areas.

4.4.1.28 Theaters, indoor.

4.4.1.29 Theaters, outdoor when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such conditions as the Commission may establish, giving consideration to the effect of the proposed use on present and future uses in the vicinity, to the proposed site planning and landscaping, to the conditions affecting traffic and safety, and to other standards provided in these Regulations.

4.4.1.30 Bowling alleys, commercial skating rinks, tennis courts, golf driving ranges, indoor and outdoor miniature golf courses, commercial swimming pools, dance halls, eating and drinking places with entertainment.

4.4.1.31 Indoor tennis courts with locker and lounge facilities and indoor baseball training facility with locker and lounge facilities.

4.4.1.32 Slot car racing.

4.4.1.33 Research laboratories.

4.4.1.34 Assembly only, not manufacturing of electronic and electro-mechanical systems and devices including circuit boards, wiring harness, cable assemblies and small sub-assemblies of electrical and electro-mechanical systems with Planning & Zoning Commission approval, (a Special Permit/Public Hearing is required in the CB-Zoning District only), subject to such conditions as the Commission may establish. In addition, no exterior emissions of waste products associated with the assembly process are allowed.

4.4.1.35 Pet Grooming Establishments

4.4.1.36 Signs pertaining to a business or Industrial operation located on the premises.

4.4.1.37 Accessory uses customarily incidental to a permitted use on the same premises.

#### 4.4.2 **Required Lot Area, Width, Yards, Coverage, Height**

<b><u>District</u></b>	<b><u>CB-20</u></b>	<b><u>CB-40</u></b>
Minimum Lot Area, in sq.ft.	20,000	40,000

Minimum Lot Width, Ft.	100	150
Minimum Front Yard, ft.	50	50
Minimum Rear Yard, ft.	25	40
Minimum Side Yard, Each, feet	12	20
Maximum Building Coverage, %	25	20
Maximum Height, ft.	35	55

**4.4.3 Additional Regulations**

**4.4.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**4.4.3.2** In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

**4.4.3.3** Before a permit is issued pursuant to Section 4.4.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**4.4.3.4 Omission of Yard Requirements:** In the CB-20 District, the Commission may, after a public hearing, taking into account the health, safety, and general welfare of the public; the conditions affecting traffic safety and other standards set forth in the Connecticut General Statutes; issue a Special Permit that shall allow for the omission of one side yard on each adjacent lot provided the requirements set forth below are also met.

**4.4.3.4.1** Owners of adjoining property must have recorded their agreement to this side yard omission in the land records of the Town Clerk.

**4.4.3.4.2** The remaining side yards shall be at least 15 feet wide.

**4.4.3.4.3** Except in the case of buildings built on the lot line as herein provided, no side yard shall be less in width than otherwise prescribed by these regulations.

**4.4.3.5** The lot frontage requirement may be omitted provided that:

**4.4.3.5.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**4.4.3.5.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**4.4.3.6** The provisions of Section 8.7.8.1 pertaining to landscaping in the front yard may be omitted provided that:

**4.4.3.6.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 4.4.3.5; and

**4.4.3.6.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**4.4.3.6.3** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**4.4.3.7 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**4.4.3.8 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**4.4.3.9 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**4.4.3.9.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**4.4.3.9.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**4.4.3.9.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**4.4.3.9.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**4.4.3.9.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**4.4.3.10 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

## ARTICLE V – INDUSTRIAL DISTRICTS

### SECTION 5.1 LIGHT INDUSTRIAL IL DISTRICTS

#### 5.1.1 Uses Permitted in Light Industrial Districts IL

No use shall be permitted in any Light Industrial District except one listed in this Section 5.1.1.

**5.1.1.1** Residential uses permitted by Section 2.1.1.2.

**5.1.1.2** Restaurants and taverns.

**5.1.1.3** Professional and business offices and financial institutions.

**5.1.1.4** Hotels, apartment hotels and motels, providing that the lot area is equivalent to 2,000 square feet for each individual guest unit, when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such codes as said Board may establish, giving consideration to the effect of the proposed use on present and future uses, in the vicinity, to the proposed site planning and landscaping, except that the site must be serviced by sanitary sewers and a highway or street having a curb to curb paved width of 40 feet minimum. The width of the parcel shall not be less than 150 feet, measured at the building line, nor contain less than two (2) acres. Further, subject to the codes affecting traffic safety and to other standards provided in these Regulations.

**5.1.1.4.1** Floor Area:

1 Room = 400 sq. ft. minimum

2 Rooms = 600 sq. ft. minimum

**5.1.1.4.2** Maximum number of rooms =2

**5.1.1.5** Vocational and technical schools, undertaker's establishments.

**5.1.1.6** Clubs, lodges and community houses, radio and television studios.

**5.1.1.7** Police stations, firehouses, municipal service buildings.

**5.1.1.8** Telephone exchange, electric transformer station, gas, water or sewer pumping station or gatehouse, without service yard.

**5.1.1.9** Public utility building, including service yard.

**5.1.1.10** Basic neighborhood stores: book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware.

**5.1.1.11** Retail package liquor stores.

**5.1.1.12** Basic neighborhood services: barber, beauty parlor, custom tailoring and dressmaking, cleaning and laundry agency, self-service washing machine establishments, jewelry and watch repair, shoe repair, radio and television repair, locksmith.

**5.1.1.13** Commercial kennels and veterinary hospitals provided they are located on lots of not less than 1 acre and provided that no dogs are kept in any building or enclosure located less than 50 feet from any lot line.

**5.1.1.14** Retail stores for art, artist supplies, antiques, gifts, jewelry, optical goods, and luggage, photographic supplies and studios, clothing, shoes, appliance stores, furniture, furnishings, electrical supplies, radio and television equipment, musical instruments, records, sporting goods, toys, bicycles, business equipment and typewriters and metal working machinery.

**5.1.1.15** Department stores, feed stores, garden supplies, seeds, paint and wallpaper stores, furniture repair and upholstery shops.

**5.1.1.16** Studios for enhanced educational and development opportunities for children and adults. Instruction sessions shall be limited to three hours per session. No outdoor instruction or recreation shall be permitted. The maximum useable floor area for such a facility shall be no greater than 2,000 sq. ft. No use which requires a child day care license pursuant to Connecticut General Statutes Section 19a-77 thru 19a-80 shall be considered under this section 5.1.1.16. This use shall be permitted in the CA, CB and IL zones. (effective May 1, 2006)

**5.1.1.17** Newspaper establishments and printing, photo-engraving and book-binding.

**5.1.1.18** Blueprinting and similar reproduction service.

**5.1.1.19** Wholesale offices and showrooms with storage limited to samples only.

**5.1.1.20** Automobile service stations.

**5.1.1.21** Mechanical, or automatic car wash.

**5.1.1.22** Automotive testing facilities.

**5.1.1.23** Car rental facility when specifically approved by the Planning & Zoning Commission by Special Permit after a Public Hearing, subject to such conditions as said Commission may establish' and after the Commission has given consideration to the effect of the proposed use on present and future uses in the vicinity, to the proposed site planning and landscaping, to the conditions affecting traffic safety, aesthetics, the standards set forth in the purpose clause of these regulations and to any and all other standards provided in these regulations. In addition, no mechanical repairs, body repairs, painting, gasoline filling and outside storage of damaged or

inoperable rental vehicles are permitted on site. Such approval shall also be required for any expansion of such use.

**5.1.1.24** Farm equipment and boat salesrooms and outdoor sales areas.

**5.1.1.25** Public garages including repairs, except body work.

**5.1.1.26** Automobile salesrooms and outdoor sales areas subject to the provisions of Section 8.11.

**5.1.1.27** Public parking areas.

**5.1.1.28** Storage, sale and repair of heavy contractor's equipment when specifically approved by the Planning & Zoning Commission after a Public Hearing, subject to such conditions as said Commission may establish; and after the Commission has given consideration to the effect of the proposed use or present and future uses in the vicinity, to the proposed site planning & landscaping, to the conditions affecting traffic safety, aesthetics, the standards set forth in the Purpose Clause of these Regulations, and to any and all other standards provided in these Regulations, but nothing herein shall be construed to permit the junking, wrecking, stripping, partial or total demolition, or reprocessing of such motor vehicles on said premises unless permitted pursuant to Section 5.2.1.55.

**5.1.1.29** Theaters, indoor.

**5.1.1.30** Theaters, outdoor when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such conditions as the Commission may establish, giving consideration to the effect of the proposed use on present and future uses in the vicinity, to the proposed site planning and landscaping, to the conditions affecting traffic and safety, and to other standards provided in these Regulations.

**5.1.1.31** Bowling alleys, commercial skating rinks, tennis courts, golf driving ranges, indoor and outdoor miniature golf courses, commercial swimming pools, dance halls, eating and drinking places with entertainment.

**5.1.1.32** Indoor tennis courts with locker and lounge facilities and indoor baseball training facility with locker and lounge facilities.

**5.1.1.33** Slot car racing.

**5.1.1.34** Research laboratories.

**5.1.1.35** Storage warehouses, cold storage and ice manufacturer.

**5.1.1.36** Wholesale distribution and trucking terminals, including the operation of truck renting and leasing; wholesale produce and wholesale meat markets.

- 5.1.1.37** Monument and stone cutting works.
- 5.1.1.38** Machine tools, lumber and building materials storage and sales.
- 5.1.1.39** Manufacturer of optical goods, business machines, precision instruments, surgical and dental instruments.
- 5.1.1.40** Motion picture production.
- 5.1.1.41** Manufacture, compounding, processing, packaging or treatment of beverages, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet supplies and food products excluding fish, meat, sauerkraut and vinegar and also excluding the rendering or refining of fats and oils.
- 5.1.1.42** Assembling or treatment of articles from the following previously prepared materials: bone, cellophane, canvas, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious metals or stones, shells, textiles, tobacco, wood, yarns.
- 5.1.1.43** Carpentry, woodworking, millwork manufacture and upholstery shops.
- 5.1.1.44** Fabrication and installation of glass.
- 5.1.1.45** Laundry, cleaning and dyeing establishment and rug cleaning.
- 5.1.1.46** Metal finishing, plating, grinding, polishing, cleaning and rustproofing, stamping and extrusion of small products.
- 5.1.1.47** Light metal fabrication, sheet metal work.
- 5.1.1.48** Machine shop, blacksmith shop, manufacture of light machinery.
- 5.1.1.49** Manufacture of electrical and electronic equipment, electric wire and cable.
- 5.1.1.50** Assembly only, not manufacturing of electronic and electro-mechanical systems and devices including circuit boards, wiring harness, cable assemblies and small sub-assemblies of electrical and electro-mechanical systems with Planning & Zoning Commission approval, subject to such conditions as the Commission may establish. In addition, no exterior emissions of waste products associated with the assembly process are allowed.
- 5.1.1.51** Tool and die making, including incidental casting.
- 5.1.1.52** Manufacture of ceramic products such as porcelain and pottery.
- 5.1.1.53** Manufacture of silverware and similar products.

**5.1.1.54** Manufacture and assembly of toys, sporting goods, musical instruments, clocks and watches.

**5.1.1.55** Brewery and distillery of beverages.

**5.1.1.56** Smelting and refining of precious metals.

**5.1.1.57** Wholesale distribution of petroleum products including storage in underground tanks or in tanks above ground not exceeding 10,000 gallons capacity.

**5.1.1.58** Airports, landing strips for airplanes helicopters.\*

**5.1.1.59** Manufacture of, production of, processing or bottling or cylinderizing gases - when specifically approved by the Planning and Zoning Commission after a public hearing; notice of which shall be published in the form of a legal advertisement appearing in a newspaper having substantial circulation in North Haven 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 the public hearing. The Commission shall grant such use if it finds the proposed use and its location will not be detrimental to present or future uses in the vicinity, that the proposed use will be in accordance with accepted standards for the industry and in accordance with applicable State standards and that the use as proposed will not create a safety hazard to surrounding properties and uses.

**5.1.1.60** Recycling Center — Transfer Station owned or operated under the authority of the Town of North Haven.

**5.1.1.60.1** A Recycling Center — Transfer Station owned or operated by the Town of North Haven is a specifically permitted use, and all other provisions of the North Haven Town Zoning Regulations shall not be deemed to regulate, restrict nor apply after site plan approval to this use except:

(1) Any proposed new Recycling Center - Transfer Station within the Coastal Boundary shall also be required to comply with Section 10.2 of these Regulations (Coastal Site Plan Review).

(2) The Recycling Center - The owner of the Recycling Center - Transfer Station shall obtain all necessary permits. All plans and reports submitted to the Department of Environmental Protection shall be provided to the Planning and Zoning Commission.

**5.1.1.61** Pet Grooming Establishments

**5.1.1.62** Billiard Parlors when specifically approved by the Planning and Zoning Commission by Special Permit after a Public Hearing, subject to such conditions as the Commission may establish and after the Commission has given consideration to the effect of the proposed use or present and future uses in the vicinity, aesthetics, and any and all standards set forth in these Regulations.

**5.1.1.62.1** Billiard Parlors shall not be located within 500 feet from any premises used or reserved to be used for a college, school, church, synagogue, hospital or library and shall not be located within 2,000 feet from the edge of the village green, said green being bounded by Maple, Church, Trumbull and St. John Streets. The distances required in this section shall be measured from the nearest property line of the billiard parlor property to the nearest property line of any property to which the rule applies.

**5.1.1.63** Accessory uses customarily incidental to a permitted use.

**5.1.1.64** Signs as permitted by Section 3.2.1.8. Signs which are painted on or affixed against and parallel to the wall or windows of the building and which pertain to a business located on the premises, provided that the aggregate area of such sign or signs on any one wall of such building shall not exceed 10 percent of the gross area of such wall. No sign shall be illuminated in such a manner that it may be mistaken for a highway traffic signal and no sign shall be flashing.

**5.1.2 Required Lot Area, Width, Yards, Coverage, Height, Density**

<u>District</u>	<u>IL-30</u>	<u>IL-80</u>
Minimum Lot Area, in sq.ft.	30,000	80,000
Minimum Lot Width, Ft.	100*	200
Minimum Front Yard, ft.	75	75
Minimum Rear Yard, ft.	40	75
Minimum Side Yard, Each, feet	20	25
Maximum Building Coverage, % including accessory buildings	35	35
Maximum Height, ft.	60	60

**5.1.3 Additional Regulations**

**5.1.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**5.1.3.2** In an Industrial District where a single use or group of related uses occupies a single lot in excess of 30 acres, the following is permitted:

**5.1.3.2.1** The maximum coverage shall be increased to 50%.

**5.1.3.2.2** Parking requirements stipulated in Section 8.5.1.2 may be located across a town roadway, provided that not more than 75% of the required parking is so located.

**5.1.3.2.3** The following requirements must be met in such cases:

(1) The lot on which such use or uses is located, as well as the lot containing parking, shall not border on any Residential District.

(2) Where parking requirements are located on a lot across a town roadway, requiring pedestrian access across such town roadway, the location, geometry, and safety precautions of such crossing shall be approved by the North Haven Planning and Zoning Commission and North Haven public safety agencies.

(3) The site must adhere to all other conditions and requirements of Section 5.1.2.

**5.1.3.3** In Industrial Districts, not more than 75 percent of the area of the required front yard shall be used for driveways as provided or for parking, and the balance shall be suitably landscaped and maintained in good appearance. No portion of such required front yard shall be used for storage or for any purpose except as above provided.

**5.1.3.4** Before a permit is issued pursuant to Section 5.1.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**5.1.3.5** In an IL-80 District, the Commission may, after a public hearing, taking into account the health, safety, and general welfare of the public; the conditions affecting traffic safety and other standards set forth in the Connecticut General Statutes; issue a Special Permit that shall allow for the following provided the requirements set forth below are met:

**5.1.3.5.1** One side yard on each adjacent lot may be omitted provided the requirements of Sections 4.3.3.4.1 through 4.3.3.4.3 are met.

**5.1.3.6** The lot frontage requirement may be omitted provided that:

**5.1.3.6.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access

to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**5.1.3.6.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**5.1.3.7** The provisions of Section 8.7.8.1 and 5.1.3.3 pertaining to landscaping in the front yard may be omitted provided that:

**5.1.3.7.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 5.1.3.6; and

**5.1.3.7.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**5.1.3.7.3** The combined front yard areas of the lot(s) and the contiguous lot(s) with frontage on a public street shall provide for a total percentage of suitably landscaped areas as required in Section 5.1.3.3; and

**5.1.3.7.4** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**5.1.3.8 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**5.1.3.9 Lots in Industrial Districts Adjacent to a Limited Access Highway:** In the case of a lot in an industrial district, where the lot is immediately adjacent to a limited access highway, including the right-of-way of a ramp or other approach to such limited access highway where there is no right of access to such lot, the lot must comply with all applicable requirements of these Regulations pertaining to area, width, yards, coverage, height and provisions for off-street parking aid for loading and unloading of trucks.

**5.1.3.10 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**5.1.3.11 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**5.1.3.11.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**5.1.3.11.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**5.1.3.11.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**5.1.3.11.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**5.1.3.11.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**5.1.3.12 Airports and Heliports:** No land shall be used for an airport, air landing strip or heliport or landing field for helicopters, except upon the approval of the Planning and Zoning Commission. Before granting such approval, the Commission shall find:

**5.1.3.12.1** That such airport, air landing strip or heliport is necessary for the public convenience or for the convenience of commercial or industrial establishments located in the Town of North Haven or in an adjacent town,

**5.1.3.12.2** that the location is such that no undue nuisance or danger there from will affect any neighboring property, and

**5.1.3.12.3** that the site provides adequate room for landing and take-off with access paths, safety zones and landing areas approved by the Connecticut Department of Aeronautics.

**5.1.3.13 Industrial Parks:** In the case of the development of a tract of land in any IL or IG District, consisting of not less than 20 acres, under a plan of subdivision approved by the Planning and Zoning Commission, which plan of subdivision shows land to be dedicated to the Town for use as limited access highway with no right-of-access to adjacent properties or to be dedicated to the Town or other entity approved by said Commission for use as a park or flood protection and conservation area, the maximum building coverage permitted by Section 5.1.2 hereof may be increased by a factor obtained by dividing the area of lots in such subdivision including the area to be so dedicated by the area of such lots after deducting the areas to be so dedicated, but in no case to a building coverage greater than 30 percent.

(1) The Planning & Zoning Commission may, at its discretion, treat a group of multiple dwellings, public, institutional, commercial or industrial buildings as occupying one single lot, provided that such group of buildings is located on a single undivided parcel of land entirely under the same ownership and provided further that said Commission may require that driveways for vehicular access to and for circulation within the lot shall conform to the standards for streets as established by the Subdivision Regulations.

(2) In the case of the development of a parcel of land with a group of buildings which the Planning & Zoning Commission finds to be designed or intended for present or future sale or lease as separate buildings or plots of ground, so as to divide the original parcel into three or more parts, or to be capable of such division, no permit shall be issued under the provisions of Section 13.1.3 of these Regulations until the Commission shall have approved the plan for such development under the provisions of the Subdivision Regulations.

**5.1.3.15 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

## **SECTION 5.2           GENERAL INDUSTRIAL IG DISTRICTS**

### **5.2.1 Uses Permitted in General Industrial IG Districts**

No use shall be permitted in any General Industrial District except one listed in this Section 5.2.1.

**5.2.1.1** Restaurants, only as part of an industrial complex.

**5.2.1.2** Police stations, firehouses, municipal service buildings.

**5.2.1.3** Public utility building, including service yard.

**5.2.1.4** Electric generating station.

**5.2.1.5** Newspaper establishments and printing, photo-engraving and book-binding.

**5.2.1.6** Public garages including repairs, except body work.

**5.2.1.7** Public parking areas.

**5.2.1.8** Storage, sale and repair of heavy contractor's equipment when specifically approved by the Planning & Zoning Commission after a Public Hearing, subject to such conditions as said Commission may establish; and after the Commission has given consideration to the effect of the proposed use or present and future uses in the vicinity, to the proposed site planning & landscaping, to the conditions affecting traffic safety, aesthetics, the standards set forth in the Purpose Clause of these Regulations, and to any and all other standards provided in these Regulations, but nothing herein shall be construed to permit the junking, wrecking, stripping, partial or total demolition, or reprocessing of such motor vehicles on said premises unless permitted pursuant to Section 5.2.1.55.

**5.2.1.9** Indoor tennis courts with locker and lounge facilities and indoor baseball training facility with locker and lounge facilities.

**5.2.1.10** Research laboratories.

**5.2.1.11** Storage warehouses, cold storage and ice manufacturer.

**5.2.1.12** Wholesale distribution and trucking terminals, including the operation of truck renting and leasing; wholesale produce and wholesale meat markets.

**5.2.1.13** Monument and stone cutting works.

**5.2.1.14** Machine tools, lumber and building materials storage and sales.

**5.2.1.15** Manufacturer of optical goods, business machines, precision instruments, surgical and dental instruments.

- 5.2.1.16** Motion picture production.
- 5.2.1.17** Manufacture, compounding, processing, packaging or treatment of beverages, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet supplies and food products excluding fish, meat, sauerkraut and vinegar and also excluding the rendering or refining of fats and oils.
- 5.2.1.18** Assembling or treatment of articles from the following previously prepared materials: bone, cellophane, canvas, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious metals or stones, shells, textiles, tobacco, wood, yarns.
- 5.2.1.19** Carpentry, woodworking, millwork manufacture and upholstery shops.
- 5.2.1.20** Outside wood cutting, splitting and stockpiling of logs for firewood.
- 5.2.1.21** Fabrication and installation of glass.
- 5.2.1.22** Laundry, cleaning and dyeing establishment and rug cleaning.
- 5.2.1.23** Metal finishing, plating, grinding, polishing, cleaning and rustproofing, stamping and extrusion of small products.
- 5.2.1.24** Light metal fabrication, sheet metal work.
- 5.2.1.25** Machine shop, blacksmith shop, manufacture of light machinery.
- 5.2.1.26** Manufacture of electrical and electronic equipment, electric wire and cable.
- 5.2.1.27** Assembly only, not manufacturing of electronic and electro-mechanical systems and devices including circuit boards, wiring harness, cable assemblies and small sub-assemblies of electrical and electro-mechanical systems with Planning & Zoning Commission approval, subject to such conditions as the Commission may establish. In addition, no exterior emissions of waste products associated with the assembly process are allowed.
- 5.2.1.28** Tool and die making, including incidental casting.
- 5.2.1.29** Manufacture of ceramic products such as porcelain and pottery.
- 5.2.1.30** Manufacture of silverware and similar products.
- 5.2.1.31** Manufacture and assembly of toys, sporting goods, musical instruments, clocks and watches.
- 5.2.1.32** Brewery and distillery of beverages.

- 5.2.1.33 Textile spinning, weaving, manufacturing, dyeing, printing and processing.
- 5.2.1.34 Steel fabrication, manufacture of heavy machinery.
- 5.2.1.35 Foundry and rolling mill
- 5.2.1.36 Manufacture of bricks, tile and terra cotta and cement products.
- 5.2.1.37 Bulk storage of cement, concrete mixing plants.
- 5.2.1.38 Manufacture of pulp, paper, paperboard, wall board and similar products.
- 5.2.1.39 Manufacture of felt.
- 5.2.1.40 Smelting and refining of precious metals.
- 5.2.1.41 Manufacture of paints, varnishes, lacquers and printing inks.
- 5.2.1.42 Vinegar and sauerkraut manufacture, meat and fish processing and packing, excluding rendering of fats or animal products.
- 5.2.1.43 Manufacture of synthetics and plastics.
- 5.2.1.44 Manufacture of insecticides, fungicides, disinfectants, detergents and similar industrial and household chemical products and inorganic fertilizers.
- 5.2.1.45 Manufacture of glass
- 5.2.1.46 Rag and bag cleaning
- 5.2.1.47 Wholesale distribution of petroleum products including storage in underground tanks or in tanks above ground not exceeding 10,000 gallons capacity.
- 5.2.1.48 With approval of Board of Appeals, and with prescribed safety measures, wholesale distribution of petroleum products, Including storage in tanks greater than 10,000 gallons.
- 5.2.1.49 Manufacture, treatment and storage of asphalt products.
- 5.2.1.50 Railroad yards.
- 5.2.1.51 Airports, landing strips for airplanes helicopters.\*
- 5.2.1.52 Scrap iron, scrap steel and nonferrous scrap yards when specifically approved by the Planning and Zoning Commission after a public bearing; subject to such conditions as said Board may establish, giving consideration to the effect of the proposed use on present and future uses in the vicinity, to the proposed site planning

and landscaping to the conditions affecting traffic safety and to other standards provided in these regulations.

**5.2.1.53 Scrap Yard/Automobile Junk Yard Dealer**

**5.2.1.53.1** Notwithstanding the provisions of 5.2.1.56, the Planning and Zoning Commission, may after a public hearing, grant a certificate of approval of location, Special Permit, to such presently existing scrap yard as required by Section 14-67i of the Connecticut General State Statutes and amended thereto, provided that all such dismantling and the drainage of all oil, gas or other liquids shall be performed totally within a building located on such scrap yard premises, which building shall be no closer than 500 feet from any public street, and provided further that there shall be no sale of parts of motor vehicles in considering said application, the Planning and Zoning Commission shall take into account the health, safety and general welfare of the public, the affect of the proposed use on present and future uses in the vicinity to conditions affecting traffic, safety, and all other standards set forth in Section 14-67k of the Connecticut General Statutes and amendments thereto. All applications for this special permit shall be accompanied by a site plan.

**5.2.1.54** Manufacture of, production of, processing or bottling or cylinderizing gases when specifically approved by the Planning and Zoning Commission after a public hearing; notice of which shall be published in the form of a legal advertisement appearing in a newspaper having substantial circulation in North Haven 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 the public hearing. The Commission shall grant such use if it finds the proposed use and its location will not be detrimental to present or future uses in the vicinity, that the proposed use will be in accordance with accepted standards for the industry and in accordance with applicable State standards and that the use as proposed will not create a safety hazard to surrounding properties and uses.

**5.2.1.55** Motor vehicle recycling facility when specifically approved by the Planning & Zoning Commission, after a public hearing, in conjunction with certificate of approval of location (as required by the Connecticut General Statutes).

**5.2.1.55.1** Said motor vehicle recycling facility shall be situated on a lot or parcel of land consisting of no less than fifteen (15) acres with at least 70% of the total acreage of the parcel being usable land for construction or maintenance of buildings and/or outside storage and with a building or buildings having an aggregate area of no less than 40,000 square feet or 400,000 cubic feet in volume.

**5.2.1.55.2** Dismantling of all auto parts other than the frame or body and the draining of all oil, gas or other liquids shall be performed within said building or buildings and the parts so removed shall be stored within said building or buildings. After all the above dismantling has been performed

within the building or buildings, said motor vehicles shall be stored in orderly rows on said lot, shall not be stored to a height exceeding eight (8) feet and each motor vehicle so stored shall have adequate accessibility for removal of the individual vehicle or parts of said vehicle.

**5.2.1.55.3** In considering said application, the Planning & Zoning Commission shall take into account the health, safety and general welfare of the public, to the conditions affecting traffic safety and to other standards set forth in the Connecticut General Statutes.

**5.2.1.56** Elderly housing units specifically designed for the needs of an elderly person or persons and conforming to the requirements of a State of Connecticut or Federal Government program providing for housing for the elderly, or such individually owned elderly housing units specifically designed for and restricted to residency by the elderly, when specifically approved by the Planning & Zoning Commission after a public hearing (subject to such conditions as said Commission may establish, giving considerations to the site and adjacent uses and neighbors, to the proposed site planning and landscaping including buffers, to the accessibility, of public transportation, to the close proximity of churches, medical facilities and other commercial and recreational activities essential to meet the needs of the elderly). The site shall be served by public sewers and water. Such site shall be located in a mixed use Commercial or Light Industrial District (considered by the Commission to be a transitional area).

**5.2.1.56.1** In lieu of the bulk standards in Section 5.2.2, the following standards shall apply:

Minimum Lot Area, in sq.ft.	120,000
Minimum Lot Width, Ft.	100
Minimum Front Yard, ft.	50
Minimum Rear Yard, ft.	40
Minimum Side Yard, Each, feet	15*
Maximum Building Coverage, % including accessory buildings	20
Maximum Height, ft.	35
Minimum Area per Dwelling Unit	1,400 s.f.
Minimum Floor Area per Dwelling Unit	500 s.f.

\*With an aggregate width of 40 feet.

**5.2.1.56.2** No more than 50 units shall be constructed on any one parcel of land. Off-street parking facilities shall be provided as required by Section 8.5; one (1) space for-each dwelling unit and one (1) visitor's space for each

five (5) units.

**5.2.1.56.3** Access to the site shall be by a proposed or public street. A site plan must be submitted showing the proposed building location, parking layout, driveway access, landscaping and buffers together with a tabular notation showing compliance with this section and to other standards provided in these regulations.

**5.2.1.57** Dump or Landfill owned or operated under the authority of the Town of North Haven (municipal landfill).

**5.2.1.57.1** A dump or landfill owned or operated by the Town of North Haven is a specifically permitted use, and all other provisions of the North Haven Town zoning regulations shall not be deemed to regulate, restrict nor apply to this use except:

(1) The landfill shall have a Department of Environmental Protection Solid Waste Permit. All plans and elevations submitted to the Department of Environmental Protection for a permit be submitted to the zoning office for their records and submitted to the Planning & Zoning Commission for guidelines.

(2) Any proposed new municipal landfill shall also, be required to comply with Section 10.2 of these regulations (Coastal Site Plan Review).

(3) The Town of North Haven enter into a verification, procedure to verify all waste brought into and dumped into the municipal landfill generated within the Town. Verification Procedure to be submitted to the Planning & Zoning Commission.

**5.2.1.58** Tire Disposal Facility. When specifically approved by the Planning and Zoning Commission after a Public hearing. Subject to such conditions as may be established by the Commission in the interest of land values, public health, welfare and safety and the effect on present and future buildings and dwellings in the vicinity. Approval of such tire disposal facility shall be subject to the following additional requirements:

**5.2.1.58.1** The minimum lot area (which may include contiguous property located in another town) shall be no less than 30 acres, and this requirement shall supersede the minimum lot area requirements set forth in Section 5.2.2 hereof:

**5.2.1.58.2** The lot on which the facility is to be located must contain an existing pond of not less than 15 acres (which may include contiguous pond area located in another town), within which the tires shall be disposed.

**5.2.1.59** Pet Grooming Establishments

**5.2.1.60** Billiard Parlors when specifically approved by the Planning and Zoning Commission by Special Permit after a Public Hearing, subject to such conditions as the Commission may establish and after the Commission has given consideration to the effect of the proposed use or present and future uses in the vicinity, aesthetics, and any and all standards set forth in these Regulations.

**5.2.1.60.1** Billiard Parlors shall not be located within 500 feet from any premises used or reserved to be used for a college, school, church, synagogue, hospital or library and shall not be located within 2,000 feet from the edge of the village green, said green being bounded by Maple, Church, Trumbull and St. John Streets. The distances required in this paragraph shall be measured from the nearest property line of the billiard parlor property to the nearest property line of any property to which the rule applies.

**5.2.1.61** Accessory uses customarily incidental to a permitted use.

**5.2.1.62** Signs as permitted by Section 3.2.1.8. Signs which are painted on or affixed against and parallel to the wall or windows of the building and which pertain to a business located on the premises, provided that the aggregate area of such sign or signs on any one wall of such building shall not exceed 10 percent of the gross area of such wall. No sign shall be illuminated in such a manner that it may be mistaken for a highway traffic signal and no sign shall be flashing.

**5.2.2 Required Lot Area, Width, Yards, Coverage, Height**

<u>District</u>	<u>IG-80</u>
Minimum Lot Area, in sq.ft.	80,000
Minimum Lot Width, Ft.	200
Minimum Front Yard, ft.	75
Minimum Rear Yard, ft.	75
Minimum Side Yard, Each, feet	25
Maximum Building Coverage, %	35
Maximum Height, ft.	60

**5.2.3 Additional Regulations**

**5.2.3.1 Approval of Layout:** All plans for the development of a lot in any Commercial or Industrial District shall be submitted to the Planning and Zoning Commission for approval before a permit is issued. Such plans shall be prepared in accordance with the provisions of Section 10.1.

**5.2.3.2** In an Industrial District where a single use or group of related uses occupies a single lot in excess of 30 acres, the following is permitted:

**5.2.3.2.1** The maximum coverage shall be increased to 50%.

**5.2.3.2.2** Parking requirements stipulated in Section 8.5.1.2 may be located across a town roadway, provided that not more than 75% of the required parking is so located.

**5.2.3.2.3** The following requirements must be met in such cases:

**(1)** The lot on which such use or uses is located, as well as the lot containing parking, shall not border on any Residential District.

**(2)** Where parking requirements are located on a lot across a town roadway, requiring pedestrian access across such town roadway, the location, geometry, and safety precautions of such crossing shall be approved by the North Haven Planning and Zoning Commission and North Haven public safety agencies.

**(3)** The site must adhere to all other conditions and requirements of Section 5.2.2.

**5.2.3.3** In Industrial Districts, not more than 75 percent of the area of the required front yard shall be used for driveways as provided or for parking, and the balance shall be suitably landscaped and maintained in good appearance. No portion of such required front yard shall be used for storage or for any purpose except as above provided.

**5.2.3.4** Before a permit is issued pursuant to Section 5.2.3.1, a bond consisting of a commercial surety company bond or cash (in the form of a bank passbook) shall be filed with the Planning and Zoning Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate of cost of construction to complete all median strips, curbing, driveways, parking areas and landscaping as indicated on the final approved site plan. Said bonded work is to be completed within five (5) years of the date of approval of said approved site plan.

**5.2.3.5** The lot frontage requirement may be omitted provided that:

**5.2.3.5.1** The lot(s) without frontage on a public street shall be served by an easement, recorded in the records of the Town Clerk, which easement shall provide, in the discretion of the Commission, safe and adequate public access to the lot(s). Said easement shall have frontage on a public street that complies with the lot frontage requirement.

**5.2.3.5.2** The minimum lot area for the lot and any other lot created by the application of this regulation shall be no less than ten (10) acres.

**5.2.3.6** The provisions of Section 8.7.8.1 and 5.2.3.3 pertaining to landscaping in the front yard may be omitted provided that:

**5.2.3.6.1** The lot frontage requirement has been omitted by the Commission in accordance with Section 5.2.3.5; and

**5.2.3.6.2** The contiguous lot with frontage on a public street shall provide for a continuous strip of landscaped area as set forth in Section 8.7.8.1 not less than 15 feet wide between the street line and the balance of the lot and the average width of that continuous strip shall be at least 30 feet; and

**5.2.3.6.3** The combined front yard areas of the lot(s) and the contiguous lot(s) with frontage on a public street shall provide for a total percentage of suitably landscaped areas as required in Section 5.2.3.3; and

**5.2.3.6.4** The lot(s) must be used for the same use as and be accessible to the contiguous lot(s) with frontage on a public street.

**5.2.3.7 Lots Adjacent to a Railroad:** No side or rear yard shall be required in that portion of a lot in a Commercial or Industrial District where such lot is contiguous to a railroad right-of-way. In the case of a lot in a Commercial District which is contiguous to a railroad right-of-way for a distance of not less than 200 feet, the Maximum Building Coverage may be increased to 35 percent for use for warehousing and manufacturing.

**5.2.3.8 Lots in Industrial Districts Adjacent to a Limited Access Highway:** In the case of a lot in an industrial district, where the lot is immediately adjacent to a limited access highway, including the right-of-way of a ramp or other approach to such limited access highway where there is no right of access to such lot, the lot must comply with all applicable requirements of these Regulations pertaining to area, width, yards, coverage, height and provisions for off-street parking aid for loading and unloading of trucks.

**5.2.3.9 Conservation Areas:** Wherever in a Commercial or Industrial District the property owner, at the request of the Town, deeds certain property to the Town for conservation purposes, lot, area, width, yard requirements and building coverage shall be those allowed for, the total parcel including the conservation area. The deeding of such property shall in no way remove the obligation to meet other requirements of these regulations, particularly regarding parking and loading and sign control.

**5.2.3.10 Special Permit for Pedestrian Bridge Structures:** This special permit requires a public hearing before the Planning and Zoning Commission may issue the permit. A pedestrian bridge is an accessory use that is exempt from the set back requirements only where the bridge crosses one lot to another lot to connect two buildings.

The percentage of lot coverage requirements, of Section 5.2.2, shall not apply to the erection, use or maintenance of any pedestrian bridge structure designed to connect one physically conforming commercial or industrial building to another such conforming building provided that the following conditions are met:

**5.2.3.10.1** The conforming buildings are under single ownership or used by a single occupant and are located on adjacent lots or across a Town roadway.

**5.2.3.10.2** The approval of the North Haven Board of Selectmen shall be required when such pedestrian bridge structure crosses a Town roadway. All easements, agreement and/or conditions between the applicant and the Town must be reviewed by the Town Attorney, the Town Engineer and the Police Commission. Upon acceptance by the Board of Selectmen, all applicable documents must be filed in the Town's land records.

**5.2.3.10.3** No identification or advertising signs of any nature shall be permitted on the pedestrian bridge structure itself.

**5.2.3.10.4** Appropriate height clearances and safety signage, as determined by the North Haven Fire and Police Departments, shall be required for bridge structures crossing Town roadways.

**5.2.3.10.5** In case of change of occupant of connected buildings and cessation of the need for bridge, such bridge shall be removed and openings in said buildings closed.

**5.2.3.11 Airports and Heliports:** No land shall be used for an airport, air landing strip or heliport or landing field for helicopters, except upon the approval of the Planning and Zoning Commission. Before granting such approval, the Commission shall find:

**5.2.3.11.1** That such airport, air landing strip or heliport is necessary for the public convenience or for the convenience of commercial or industrial establishments located in the Town of North Haven or in an adjacent town,

**5.2.3.11.2** That the location is such that no undue nuisance or danger therefrom will affect any neighboring property, and

**5.2.3.11.3** That the site provides adequate room for landing and take-off with access paths, safety zones and landing areas approved by the Connecticut Department of Aeronautics.

**5.2.3.12 Industrial Parks:** In the case of the development of a tract of land in any IL or IG District, consisting of not less than 20 acres, under a plan of subdivision approved by the Planning and Zoning Commission, which plan of subdivision shows land to be dedicated to the Town for use as limited access highway with no right-of-access to adjacent properties or to be dedicated to the Town or other entity approved by said Commission for use as a park or flood protection and conservation

area, the maximum building coverage permitted by Section 5.2.2 hereof may be increased by a factor obtained by dividing the area of lots in such subdivision including the area to be so dedicated by the area of such lots after deducting the areas to be so dedicated, but in no case to a building coverage greater than 30 percent.

(1) The Planning & Zoning Commission may, at its discretion, treat a group of multiple dwellings, public, institutional, commercial or industrial buildings as occupying one single lot, provided that such group of buildings is located on a single undivided parcel of land entirely under the same ownership and provided further that said Commission may require that driveways for vehicular access to and for circulation within the lot shall conform to the standards for streets as established by the Subdivision Regulations.

(2) In the case of the development of a parcel of land with a group of buildings which the Planning & Zoning Commission finds to be designed or intended for present or future sale or lease as separate buildings or plots of ground, so as to divide the original parcel into three or more parts, or to be capable of such division, no permit shall be issued under the provisions of Section 13.1.3 of these Regulations until the Commission shall have approved the plan for such development under the provisions of the Subdivision Regulations.

**5.2.3.13 Waste Treatment Facilities in Commercial and Industrial Districts:**

In the case of the development of, any additions to, expansion of, or any changes in the site plan of any building or structure located or to be located on any lot or tract of land in a commercial and/or industrial district the use of which site requires or is required to have a private waste water treatment system, such system shall be designed so as to contain and prohibit emissions of any offensive or harmful odors, fumes, and/or gases into the atmosphere as well as the effect, if any, such system shall have on the health, welfare, safety or inhabitants within the surrounding areas and the effect same will have on the aesthetics of the area. In considering the health, welfare, safety of the inhabitants within the surrounding areas as well as the effect such system will have on the aesthetics of the area as well as the size and anticipated gallonage of the proposed system the Commission may in its discretion require that such system be totally enclosed and may totally prohibit the use of oxidation ponds, open lagoons and/or holding basins.

Specifically excluded from this regulation will be any subsurface sewage disposal system designed and used for the disposal of domestic waste as well as any public facility owned and operated by the Town of North Haven.

This regulation shall become effective on passage and publication as required by state statute.

**ARTICLE VI – SPECIAL DESIGN DISTRICTS**

**SECTION 6.1 VILLAGE CENTER PLANNED RESIDENTIAL DISTRICT**

**6.1.1 Uses Permitted in Village Center Planned Residential District (VCPRD)**

No use will be permitted in any VCPRD except one listed in Section 6.1.1.

**6.1.1.1 Requirements Applicable to VCPRD Housing Units:**

Minimum Lot Area, Sq. Feet	240,000
Maximum Density Family Dwelling Units per Acre	12
Minimum Lot Width, Feet	100
Minimum Front Yard, Feet	50
Minimum Side Yard, Feet	15
Minimum Rear Yard, Feet	15
Maximum Building Coverage, %, (Excluding Garages which are regarded as covered parking)	25
Maximum Height, Feet	38
Minimum Floor Area per Unit, Sq. Feet	750

**6.1.1.2** For the purpose of computing the permitted number of family dwelling units in any VCPRD housing project, the entire area of the lot shall be computed.

**6.1.1.3** In no case shall more than 130 units be built on any one parcel of land.

**6.1.1.4** Each VCPRD housing project shall be connected to a municipal sanitary sewer system and serviced by a public water supply.

**6.1.1.5** There shall be no less than 2 parking spaces for each unit.

**6.1.1.6** Access to a VCPRD housing project shall be from an existing or proposed public street. Driveways shall be located as approved by the Planning and Zoning Commission. In the case of corner lots, the driveway or driveways shall be located not less than 150 feet from the intersection of the nearest street lines. Driveways entering street at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible. Two-way drives shall be not less than 24 feet in width. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.

**6.1.1.7** The construction of the project and structure of the buildings shall comply with the applicable State of Connecticut codes.

**6.1.1.8** A buffer strip (sideyard) not less than 5 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or housing project. Such buffer strip shall be suitably landscaped and maintained.

**6.1.1.9** No permit for any VCPRD project as permitted under this subsection shall be issued until the plans therefore shall have been approved by the Planning and Zoning Commission after a public hearing upon due notice pursuant to Section 8-3 of the Connecticut General Statutes. The applicant shall submit to the Commission full plans for the entire project, showing the layout of buildings, proposed driveways and their relation to traffic on public streets, walks, sanitary sewers, storm drainage and other utilities, parking spaces, accessory buildings, playgrounds and other recreation areas, and all other pertinent features including a landscape plan showing the location, size and type, of all landscaped elements, together with plans, elevations, and other pertinent drawings of all buildings, indicating the area of land spaces for various purposes, the dimensions and floor areas of all buildings and yards and of all family dwelling units. Such plans shall include the entire area of the lot. (6.1.1.10) The area of Traditional Structure to be preserved shall be included as Building Coverage for density computations for lot coverage.

**6.1.1.10** The area of the Traditional Structure to be preserved shall be included in the computation of Maximum Building Coverage (6.1.1.1), and any Unit(s) within the Traditional Structure shall be included in determining the maximum number of units to be built on any one parcel of land (6.1.1.3), however, any Units within the Traditional Structure shall not be included in the computation of Maximum Density Family Dwelling Units per Acre (6.1.1.1).

**6.1.1.11** VCPRD housing which is specifically approved by the Planning and Zoning Commission after a Public Hearing is permitted, subject to such Conditions as said Commission may establish, giving consideration to the site and adjacent uses and neighbors, to the proposed site planning and landscaping including buffers, to the accessibility of public transportation, to the close proximity of churches, medical facilities and other commercial and recreational activities. Such site shall be located in or within one quarter mile of a mixed use Commercial Area, considered by the Commission to be a transitional area.

**6.1.1.12** Submittal of a plan for review and approval by the Planning and Zoning Commission of all exterior architectural design to reasonably ensure that the New England style traditional architecture be maintained and in harmony with the Town Green area.

**6.1.1.13** The rehabilitation refurbishing of an existing traditional structure shall provide for essential preservation/refurbishing of the existing façade, only providing for such new elements as may increase the safety and utility of the structure (such as but not limited to an additional entrance or chimney) without destroying the basic lines and character of the structure. If the existing traditional structure otherwise qualifies as a nonconforming building under the provisions of Section 10 of these Regulations, and so long as such nonconformity is not increased, said existing

traditional structure shall not have to conform to the yard setbacks set forth in Section 6.1.1.1.

**6.1.1.14** Reuse of any structure within a VCPRD shall be for uses compatible to the housing use.

## **ARTICLE VII – AQUIFER PROTECTION DISTRICTS**

### **SECTION 7.1 PURPOSE**

Connecticut General Statue Section 8-2 has granted authority to towns to zone for aquifer protection. The purpose of establishing the Aquifer Protection Zones is to protect public health by preventing contamination of the ground and surface water resources providing water supply or potential water supply to the Town of North Haven.

### **SECTION 7.2 LANDS TO WHICH THESE REGULATIONS APPLY**

These regulations shall apply to all land within the boundaries of all aquifer protection zones delineated on a map (on file in the Planning & Zoning office) showing recharge areas of designated aquifers and entitled “Aquifer Protection Zones, Town of North Haven, Ct.”

### **SECTION 7.3 COMPLIANCE**

Within the boundaries of the Aquifer Protection Zones, no land shall be used except in compliance with the provisions of this regulation. The Aquifer Protection Zones shall be superimposed on existing land-use zones. The provisions of this regulation shall be in addition to all other requirements of applicable statutes, codes, regulations or ordinances. In the event of conflict between any provision of this regulation and any other Town regulation, the more restrictive requirement shall control.

### **SECTION 7.4 ESTABLISHMENT OF AN AQUIFER PROTECTION AGENCY**

#### **7.4.1 Designation and Membership**

**7.4.1.1** In accordance with the provisions of Connecticut General Statutes Section 22a-354a, *et seq.*, the Planning and Zoning Commission is hereby designated as the Aquifer Protection Agency (hereinafter the “Agency”) of the Town of North Haven. The staff of the Planning and Zoning Commission shall serve as the staff of the Agency.

**7.4.1.2** Members of the Planning and Zoning Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Planning and Zoning Commission including, but not limited to, the number of members, and filling of vacancies. No member or alternate member of the Agency shall participate in any hearing or decision in which he is directly or indirectly interested in a personal or financial sense. In the event of disqualification, such fact shall be entered on the records of the Agency and replacement shall be made in accordance with the procedures set forth in Connecticut General Statutes Section 22a-354o(a).

**7.4.1.3** At least one member of the Agency or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Connecticut General Statutes Section 22a-354v.

#### **7.4.2 Regulations To Be Adopted**

The Agency shall adopt regulations in accordance with Connecticut General Statutes Section 22a-354p and Regulations of Connecticut State Agencies Section 22a-354i-3. Said regulations shall provide for:

**7.4.2.1** The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

**7.4.2.2** Procedures for the regulation of activity within the area.

**7.4.2.3** The form for an application to conduct regulated activities within the area.

**7.4.2.4** Notice and publication requirements.

**7.4.2.5** Criteria and procedures for the review of applications.

**7.4.2.6** Administration and enforcement.

#### **7.4.3 Inventory of Land Use**

**7.4.3.1** In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.

**7.4.3.2** Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Connecticut General Statutes Section 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency.

### **SECTION 7.5 USE REGULATIONS**

**7.5.1** The following uses are prohibited:

**7.5.1.1** Road salt storage and loading facilities.

**7.5.1.2** Manufacture, use, transport, or storage of toxic or hazardous materials in quantities greater than those associated with normal household use.

7.5.1.3 Disposal of toxic and/or hazardous waste.

7.5.1.4 Truck terminals.

7.5.1.5 Sanitary Landfills, junkyards, salvage yards, other solid waste disposal.

7.5.1.6 Motor vehicle service or washing stations of commercial nature.

7.5.1.7 Disposal of Snow from outside of zone.

7.5.1.8 On-site disposal of industrial waste.

7.5.2 The following uses require especial permit:

7.5.2.1 Any use, other than a single family dwelling, having on-site sewage disposal of greater than 1,500 estimated gallons per day, regardless of lot size.

7.5.2.2 Underground and above ground outdoor storage and/or transfer of, fuel oil, gasoline, or other hazardous materials. (Residential fuel oil deliveries are exempted from special permits.)

7.5.2.3 Parking areas with 200 or more spaces capacity.

7.5.2.4 For use other than single-family dwellings, retention of less than 30% of lot area In Its natural state with no more than minor removal of trees and ground vegetation.

7.5.2.5 Rendering impervious more than 20% of lot area.

7.5.2.6 Grading resulting in creation of exterior grades less than five feet above maximum groundwater elevation.

## **SECTION 7.6 SPECIAL PERMITS**

**7.6.1 Special Permit Granting Authority:** The Special Permit Granting Authority is the Planning & Zoning Commission. Such special permit shall be granted if the P&Z determines that the intent of this regulation as well as the specific criteria of Section 7.6.3 are met. In making such determination the P&Z shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed. The P&Z shall explain any departures from the recommendations of the other town agencies in its decision.

7.6.1.1 Upon receipt of the special permit application, the P&Z shall transmit one copy each to the South Central Connecticut Regional Water Authority, the Quinnipiac Valley Health District, the Inland Wetlands Commission, and the Town

Fire Marshal/Fire Chief for their written recommendations or permits where applicable.

**7.6.2 Special Permit Criteria:** Special permits under 7.6.1 shall be granted only if the P&Z determines, in conjunction with other town agencies as specified above, that groundwater quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water, or if existing groundwater quality is already below those standards, on-site disposal will result in no further deterioration.

**7.6.3 Submittals:** In applying for a special permit under this section, the information listed below shall be submitted:

**7.6.3.1** A complete description of type, size and intended content of storage tank and transfer piping, as well as other potentially toxic or hazardous materials to be used or stored on the premises.

**7.6.3.2** Evidence of approval by the Regulating Agency for disposal system or any wastewater treatment system over 1,500 gallons per day capacity.

**7.6.3.3** Analysis certifying compliance with Section 7.6.2 to be done by a technically qualified expert.

**7.6.4 Application:** An application for an Aquifer PROTECTION zone permit shall include the following Information:

**7.6.4.1** Distance to nearest public drinking water supply, well, or AA/A&B rated streams or rivers.

**7.6.4.2** Whether public sewer is available or proposed at the location.

**7.6.4.3** Location, size, capacity of septic tank, sewage lift stations, force mains and grease traps.

**7.6.4.4** Expected types and amount of discharge to sewers, the ground and surface water.

**7.6.4.5** Provisions for stormwater runoff controls which, except in areas of known groundwater contamination, will minimize suspended solids and maximize groundwater recharge. This should include a detailed drainage plan showing locations and points of discharge for building roof and floor drains, dry wells and drainage pipes whether pervious or impervious.

**7.5.4.6** Location and description of outside storage areas and materials to be stored.

**7.6.5 The Town of North Haven Finds That:**

**7.6.5.1** The groundwater underlying this town, (comprising the Muddy River, Mill River Aquifers,) is a major source of its existing and. future water supply, including drinking water.

**7.6.5.2** Accidental spills and discharges of petroleum products and other toxic or hazardous materials constitute increasing threats to the quality of the Town's groundwater supplies and related water resources, posing potential public health and safety hazards and threatening economic loss to our community.

**7.6.5.3** Unless preventive measures are adopted to prohibit discharge of toxic and hazardous materials and to control their storage within our town, further discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial developments, population and vehicular traffic.

**7.6.5.4** The foregoing conclusions are confirmed by findings set forth in the Water Quality Management Plan of the State of Connecticut, prepared pursuant to Section 208 of the Federal Clean Water Act.

## **ARTICLE VIII – SUPPLEMENTAL REGULATIONS**

### **SECTION 8.1 SOIL EROSION AND SEDIMENTATION CONTROL**

**8.1.1 PURPOSE:** To provide for proper provisions concerning soil erosion and sediment control during development.

**8.1.1.1** The Act (PA 83-388) requires:

- (1)** Soil erosion and sediment control plans to be submitted with each development application.
- (2)** Certification of such plans by the review authority to assure compliance with local erosion and sediment control regulations.
- (3)** Inspection of control measures during construction.

**8.1.1.2** The Act also establishes minimum requirements for soil erosion and sediment control plans and provides for assistance to towns from the County Soil and Water Conservation Districts.

**8.1.1.3** The legislation's purpose is to minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development. Accelerated soil erosion caused by land use changes necessitates costly repairs to gullies, washed out fills, roads, and embankments. In addition, erosion destroys the soil's capabilities to support vegetation. The resulting sediment entering water bodies and wetlands is a major pollutant and reduces water quality and supply.

**8.1.1.4** Aesthetic, recreational and fish and wildlife habitat values are also degraded. Sediment deposition clogs storm sewers and road ditches, reduces channel capacities which can result in flooding, reduces water depth and volume, may cause subsequent erosion and may damage adjoining properties. The expense of sediment removal alone identifies prevention as the cost effective alternative.

**8.1.2 Activities Requiring a Certified Erosion and Sediment Control Plan:** 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. This shall apply to uses in all zones in town.

**8.1.3 Exemptions:** A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations. Based upon the legislative history of PA 83-388, agricultural activities are deemed exempt from erosion and sediment control regulations.

**8.1.4 Erosion and Sediment Control Plan**

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 and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

**8.1.4.1** Said plan shall contain, but not be limited to:

**(1)** A narrative describing:

**(a)** The development.

**(b)** The Schedule for grading and construction activities including:

- Start and completion dates.
- Sequence of grading and construction activities.
- Sequence for installation and/or application of soil erosion and sediment control measures.
- Sequence for final stabilization of the project site.

**(c)** The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

**(d)** The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

**(e)** The installation and/or application procedure for proposed soil erosion and sediment control measures and storm -water management facilities.

**(f)** The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

**(2)** A site plan map at a sufficient scale to show:

**(a)** The location of the proposed development and adjacent properties.

**(b)** The existing and proposed topography including soil types, wetlands, watercourses and water bodies.

**(c)** The existing structures on the project site, if any.

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

(e) The location of the design details for all proposed soil erosion and sediment control measures and storm water management facilities.

(f) The sequence of grading and construction activities.

(g) The sequence for installation and/or application of soil erosion and sediment control measures.

(h) The sequence for final stabilization of the development site.

(3) Any other information deemed necessary and appropriate by the applicant and regulations as per Section 10.1 or requested by the Commission or its designated agent.

#### **8.1.5 Minimum Acceptable Standards**

**8.1.5.1** Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

**8.1.5.2** The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

**8.1.5.3** The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

#### **8.1.6 Issuance or Denial of Certification**

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

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

**8.1.6.3** Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendation concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

**8.1.6.4** The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

### **8.1.7 Conditions Relating to Soil Erosion and Sediment Control**

**8.1.7.1** The estimated Costs of measures required to control soil erosion and sedimentation, as specified, In the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 12.1.1 of the Subdivision regulations.

**8.1.7.2** The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other-assurance acceptable to the Commission in accordance with the provisions specified under Section 10.1.4.4 of the zoning regulations.

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

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

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

### **8.1.8 Inspection**

**8.1.8.1** Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

### **8.1.9 Control of Grading**

Where an area is to be regraded so as to change the existing, grade by more than two feet in either direction for the construction of roadways, buildings, houses, or for any purpose whatsoever, and where there is to be no removal of topsoil, fill or sand and gravel, the regrading operation shall satisfy the following requirements, except as otherwise approved by the Planning and Zoning Commission:

**8.1.9.1** The grading shall provide for proper drainage of the area. No embankment shall exceed a slope of 1 foot of vertical rise in 2 feet of horizontal distance.

**8.1.9.2** At the conclusion of the regrading operation, the area regraded, except portions affected by improvements, shall be covered with not less than 4 inches of soil suitable to support a perennial cover crop which shall be sown.

**8.1.9.3** The grading, or regrading, shall be done In such a manner so as not to damage any adjoining property, including but not limited to, damage caused by the diversion of surface waters upon said adjoining property.

**8.1.9.4** No combustible material shall be used for fill-in connection with any such grading or regrading.

## SECTION 8.2 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAE

### **8.2.1 Preamble**

**8.2.1.1** The Planning and Zoning Commission of the Town of North Haven (“Commission”) has received or expects to receive requests to site wireless communications towers and antennas within the town boundaries and finds that it is in the public interest to permit the siting of wireless communications towers and antennas within the town boundaries.

**8.2.1.2** It is the intent of the Commission to permit the siting of wireless communications towers and antennas within the town boundaries and to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas.

**8.2.1.3** The purpose of Section 8.2 is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Commission shall give due consideration to the Plan of Development of the Town of North Haven, its zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

### **8.2.2 Applicability**

**8.2.2.1 New Towers and Antennas**, All new towers or antennas in the Town of North Haven shall be subject to these regulations, except as provided in Sections 8.2.2.2 through 8.2.2.4, inclusive.

**8.2.2.2 Amateur Radio Station Operators/Receive Only Antennas**, These regulations shall not govern any tower, or the installation of any antenna, that is under sixty (60)

feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

**8.2.2.3 Preexisting Towers or Antennas**, preexisting towers and preexisting antennas shall not be required to meet the requirements of these regulations, other than the requirements of Sections 8.2.3.6 and 8.2.3.7.

**8.2.2.4 AM Array**, For purposes of implementing these regulations, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

### **8.2.3 General Requirements**

**8.2.3.1 Principal or Accessory Use**, Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

**8.2.3.2 Lot Size**, For purposes of determining whether the installation of a tower or antenna complies with these zoning regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

**8.2.3.3 Inventory of Existing Sites**, Each applicant for an antenna and/or tower shall provide to the Commission an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas that are either within North Haven or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Commission may share such information with other applicants applying for site plan approvals or special use permits under this regulation or other organizations seeking to locate antennas within North Haven, provided, however that the Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**8.2.3.4 Aesthetics**, Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

**8.2.3.5 Lighting**, Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. Any FAA lighting requirements shall be submitted as part of the application for site plan or special permit approval. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**8.2.3.6 State or Federal Requirements**, All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by these regulations shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**8.2.3.7 Building Codes; Safety Standards**, To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of North Haven concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**8.2.3.8 Measurement**, For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in North Haven irrespective of municipal and county jurisdictional boundaries.

**8.2.3.9 Not Essential Services**, Towers and antennas shall be regulated and permitted pursuant to these regulations and shall not be regulated or permitted as essential services, public utilities, or private utilities.

**8.2.3.10 Franchises**, Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in North Haven have been obtained and shall file a copy of all required franchises with the Commission.

**8.2.3.11 Public Notice,** For purposes of these regulations, any special permit request shall require written notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 8.2.6.2(5)(b), Table 2, in addition to any notice otherwise required by the North Haven Zoning Regulations.

**8.2.3.12 Signs,** No signs shall be allowed on an antenna or tower unless required by the FAA, the FCC or any other agency of the state or federal government with authority to regulate towers and antennas.

**8.2.3.13 Buildings and Support Equipment,** Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.2.7.

#### **8.2.4 Permitted Uses,**

**8.2.4.1 General,** The uses listed in this Section are deemed to be permitted uses and shall not require site plan approval or a special permit.

**8.2.4.2 Permitted Uses,** The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by Town of North Haven provided a license or lease authorizing such antenna or tower has been approved by the Town of North Haven.

#### **8.2.5 Approved Uses-Site Plans,**

**8.2.5.1 General,** The following provisions shall govern the issuance of site plan approvals for towers and antennas.

(1) The Commission may approve the uses listed in this Section by granting site plan approval after submission of an application for site plan approval in accordance generally with Section 10.1 of these regulations.

(2) Each applicant for site plan approval shall apply to the Commission providing the information set forth in Sections 8.2.6.2(1) and 8.2.6.2(3) of these regulations and a nonrefundable fee as established by resolution of the Commission to reimburse the Town of North Haven for the costs of reviewing the application.

(3) In connection with any such site plan approval, the Commission may, in order to encourage shared use, waive any zoning district setback requirements in Section 8.2.6.2(4) or separation distances between towers in Section 8.2.6.2(5) by up to fifty percent (50%).

(4) In connection with any such site plan approval, the Commission may, in order to encourage the use of monopoles, allow the reconstruction of an existing tower to monopole construction.

(5) If a site plan approval request is denied, the applicant shall file an application for a special use permit pursuant to Section 8.2.6 prior to filing any appeal that may be available under the Connecticut General Statutes.

**8.2.5.2** List of Uses for which Site Plan Approval Is Appropriate. The Commission may approve the following uses after site plan application.

(1) Locating a tower or antenna not exceeding 90 feet in height, including the placement of equipment buildings or cabinets used in connection with said tower or antenna, in any IL or IG zoning district.

(2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by Commission as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

(i) The antenna does not extend more than fifteen (15) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes.

(b) An antenna on existing towers sixty (60') or less in height. An antenna which is to be attached to an existing tower may be approved by the Commission and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower, which is modified or reconstructed to accommodate the collocation of an additional antenna, shall be of the same tower type as the existing tower, unless the Commission allows reconstruction as a monopole.

(ii) Height

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, if necessary to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (iii)(a) may only occur one time per communication tower.

(c) The additional height referred to in subsection (iii)(a) shall not require an additional distance separation as set forth in Section 8.2.6. The tower's premodification height shall be used to calculate such distance separations.

**(iii) Onsite location**

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location, provided no setback requirements are violated thereby.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 8.2.6.2(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 8.2.6.2(5).

(d) The onsite relocation of a tower that comes within the separation distances to residential units or residentially zoned lands as established in Section 8.2.6.2(5) shall only be allowed by special permit granted by the Commission.

(3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers, attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**8.2.6 Special Use Permits**

**8.2.6.1 General** The following provisions shall govern the issuance of special use permits for towers or antennas by the North Haven Planning and Zoning Commission:

**(1)** If the tower or antenna is not a permitted use under Section 8.2.4 of these regulations or permitted by site plan approval pursuant to Section 8.2.5 of this regulation, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

**(2)** Applications for special use permits under this Section shall be subject to the procedures and requirements of Section 2.1.1.5 of these regulations.

**(3)** In granting a special use permit, the Commission may impose conditions to the extent the Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

**(4)** Any information, including plans, of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

**(5)** An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Commission to reimburse the Town of North Haven for the costs of reviewing the application.

**8.2.6.2 Towers**

**(1)** Information required. In addition to any information required for applications for special use permits pursuant to Section 2.1.1.5 of these regulations, applicants for a special use permit for a tower shall submit the following information:

**(a)** A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site and adjacent land uses and zoning district classifications, zoning district classification of all properties within the applicable separation distances set forth in Section 8.2.6.2(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Commission to be necessary to assess compliance with these regulations.

**(b)** An A-2 survey and a legal description of the parent tract and leased parcel (if applicable).

**(c)** The setback distance between the proposed tower and the nearest residential unit and/or residentially zoned properties.

**(d)** The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 8.2.3.3 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

**(e)** A landscape plan showing specific landscape materials.

**(f)** Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

**(g)** A description of compliance with Sections 8.2.3.3 through 8.2.3.7, Section 8.2.3.10, Sections 8.2.3.12 and 8.2.3.13, Section 8.2.6.2(4), Section 8.2.6.2(5) and all applicable federal, state or local laws.

**(h)** A notarized statement by the applicant certifying that construction of the tower will accommodate collocation of additional antennas for future users.

**(i)** Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Town of North Haven.

**(j)** Information, including propagation plots demonstrating the suitability or non-suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

**(k)** A description of the feasible location(s) of future towers or antennas within the Town of North Haven based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

**(2)** Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Section 2.1.1.5 of these regulations, the Commission shall consider the following factors in determining whether to issue a special use permit, although the Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Commission concludes that the goals of these

regulations are better served thereby:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as set forth in Section 8.2.6.2(3) of these regulations.

**(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Commission related to the availability of suitable existing towers; other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.

**(d)** The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicants proposed antenna.

**(e)** The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

**(f)** The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**(g)** The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**(4)** Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided that the Commission may reduce the standard setback requirements if the goals of these regulations would be better served thereby:

**(a)** Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

**(b)** Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

**(5)** Separation. The following separation requirements shall apply to all towers and antennas' for which a special use permit is required; provided, however, that the Commission may reduce the standard separation requirements if the goals of these regulations would better served thereby.

**(a)** Separation from off-site uses/designated areas.

**(i)** Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in (b) below.

(ii) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:	
<b>Off-site Use/Designated Area</b>	<b>Separation Distance</b>
Land zoned for residential use including all designated R, RA, OA, EH and VCPRD districts	200 feet or 300% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(b) Separation distances between towers.

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:				
<b>Existing Towers – Types</b>				
	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole 75 Ft in Height or Greater</b>	<b>Monopole Less Than 75 Ft in Height</b>
<b><u>Lattice</u></b>	5000	5000	1500	750
<b>Guyed</b>	5000	5000	1500	750
<b>Monopole 75 Ft in Height or Greater</b>	1500	1500	1500	750
<b>Monopole Less Than 75 Ft in Height</b>	750	750	750	750

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided that the Commission may waive such requirements, as it deems appropriate.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided that the Commission may waive such requirements if the goals of these regulations would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

## **8.2.7 Buildings or Other Equipment Storage,**

**8.2.7.1 Antennas Mounted on Structures or Rooftops.** The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 360 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 245 square feet of gross floor area or 11 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 20 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

**8.2.7.2 Antennas Mounted on Utility Poles or Light Poles,** The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be

located:

(a) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 360 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 12 feet in height or 360 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

**8.2.7.3 Antennas Located on Towers**, The related unmanned equipment structure shall not contain more than 360 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

**8.2.7.4 Modification of Building Size Requirements**, The requirements of Section 8.2.7.1 through 8.2.7.3 may be modified by the Commission to encourage collocation.

## **8.2.8 Removal of Abandoned Antennas and Towers**,

**8.2.8.1** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall notify the Town that it has not been operated continuously for twelve (12) months and the owner shall remove the same within ninety (90) days after such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day period shall be ground to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## **8.2.9 Nonconforming Uses**,

**8.2.9.1 Not Expansion of Nonconforming Use**, Towers that are constructed, and antennas that are installed, in accordance with the provisions of these regulations shall not be deemed to constitute the expansion of a nonconforming use or structure.

**8.2.9.2 Preexisting towers**, Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall, be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of these regulations.

**8.2.9.3 Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas**, Notwithstanding Section 8.2.8, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain site plan approval of special use permit and without having to meet the separation requirements specified in Sections 8.2.6.2(4) and 8.2.6.2(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 8.2.8.

**8.2.10 Severability**,

**8.2.10.1** If a court of competent jurisdiction adjudges any part, sentence, paragraph, section or clause of Section 8.2 of these regulations unconstitutional or invalid, the remainder of these regulations shall not be affected thereby.

**8.2.11 Effective Date**,

Section 8.2 of these regulations shall take effect twenty (20) days after the date of publication.

## **SECTION 8.3           NON-CONFORMING BUILDINGS AND USES**

### **8.3.1 Continuance of Nonconforming Uses**

Any nonconforming use of buildings or premises lawfully existing at the effective date of these regulations or of any pertinent amendment thereto, may be continued, all subject to the following regulations.

**8.3.1.1** A nonconforming use may be changed to a conforming use, but no nonconforming use shall be changed to another nonconforming use unless with the approval of the Zoning Board of Appeals, provided said Board, acting in accordance with the standards set forth in Section 12.1.6.3 hereof, shall have found that the proposed nonconforming use is no more objectionable than the existing nonconforming use.

**8.3.1.2** No nonconforming use shall, if once changed into conforming use, be changed back again into a nonconforming use.

**8.3.1.3** No nonconforming use shall be extended or expanded except with the approval of the Zoning Board of Appeals, which Board shall act in accordance with the standards set forth in Section 12.1.6.3.

**8.3.1.4** No nonconforming use which has been abandoned for a period of one year shall be thereafter resumed.

### **8.3.2 Change of Plans**

Nothing in this section shall require any change in the plans, construction or designated use of a building, the construction of which shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereto.

### **8.3.3 Enlargement of Nonconforming Buildings**

**8.3.3.1** No building in a commercial or industrial zone which does not conform to the requirements of these regulations regarding building height limit, area and-width of lot, percentage of lot coverage, and required yards and parking facilities shall be enlarged except with the approval of the Zoning Board of Appeals, which Board shall act in accordance with the standards set forth in Section 12.1.6.3.

**8.3.3.2** A building in a residential zone may be added to or enlarged if located on an existing nonconforming lot regarding lot area and lot width without Zoning Board of Appeals approval if the change does not violate any required front, side or rear yard dimensions or lot coverage requirement. If the enlargement or addition of a building would violate these regulations

with respect to yard dimensions, height limit, lot coverage or increase the nonconformity, approval of the Zoning Board of Appeals is required.

#### **8.3.4 Reconstruction after Damage**

Nothing in these regulations shall prevent the reconstruction and structural alteration of a nonconforming building which is destroyed or damaged by fire or casualty, provided the cost of such reconstruction or structural alteration is less than 50 percent of the fair market value of such property and such reconstruction, or alteration, is commenced within six months of the date of such damage or destruction and completed within two years from such date.

#### **8.3.5 Reconstruction of Building with Nonconforming Use**

No building which contains a nonconforming use may be reconstructed or structurally altered, but the provisions of this section shall not prohibit ordinary repairs or maintenance which do not substantially prolong the life of the building.

#### **8.3.6 Coastal Site Plan Application**

Whenever an application for a variance is submitted to the Zoning Board of Appeals for a use, structure, or activity which lies either wholly or partially within the Coastal Boundary, the Zoning Board of Appeals shall, in making its decision, apply the criteria in this section of these regulations and the procedures, standards and criteria of Section 11-15 of P.A. 79535. Prior to making a final decision, the Zoning Board of Appeals shall transmit the Coastal Site Plan application to the Planning and Zoning Commission for its review and recommendation as to compliance with Section 10.2 of these regulations.

#### **8.3.7 Prohibition Against Transfers of Property**

No transfers of a piece or portion of property by sale, lease, gift or otherwise shall be permitted when such transfer shall leave the remaining piece or parcel of land of such size, area or dimension so as to be in noncompliance with any of the provisions of these Zoning Regulations or so as to increase or make more nonconforming any existing variation or nonconformity.

**SECTION 8.4 KEEPING OF ANIMALS**

**8.4.1 General Regulations**

The following regulations apply to the maintenance of animals in all districts:

**8.4.1.1** All animals living primarily within the residence and not regulated below are excluded from these Regulations.

**8.4.1.2** All animals shall be suitably contained to prevent damage to persons and property.

**8.4.1.3** No livestock, rabbits, horses, fowl, pigeons or bees may be kept on any lot of less than two (2) acres. The acreage required to meet the standard for one type of animal may not also be applied to meet the standard for another type of animal. For example, the maintenance of two (2) horses and four (4) goats on one lot would require a lot of at least five (5) acres.

**8.4.1.4** All animal feed shall be housed in rodent-proof containers.

**8.4.1.5** Regulations for types of animals not regulated in Section 8.4.2 below and not excluded in Section 8.4.1.1 above shall be determined by the Planning and Zoning Commission.

**8.4.2 Regulations for Specific Animals**

**8.4.2.1 Fowl (such as chickens and ducks)**

(1) The maintenance of 25 or less fowl is permitted as an accessory use in any district provided that the lot has a minimum area of two (2) acres. No roosters shall be permitted under this section.

(2) The maintenance of more than 25 fowl on a lot must meet the following standards:

(a) At least four (4) acres of lot area is required.

(b) All structures used for the housing and feeding of fowl and all exercise yards, pens, or other areas used for their maintenance shall be located at least fifty (50) feet from each property line and at least 150 feet from any existing residence other than that on the lot. Each required lot area shall be under single ownership.

**8.4.2.2 Goats and Sheep**

(1) The maintenance of four (4) or less goats or sheep is permitted as an accessory use in any district provided that the lot has a minimum area of two (2) acres.

(2) The maintenance of more than four (4) goats or sheep on a lot must meet the following standards:

(a) At least two (2) acres of lot area is required for the first four (4) goats or sheep. An additional half acre (1/2) of lot area is required for each goat or sheep after four (4).

(b) All structures used for the housing or feeding of goats or sheep shall be located at least fifty (50) feet from each property line and at least 150 feet from any existing residence other than that on the lot. All exercise yards, pens, or other areas used for their maintenance shall be located at least five (5) feet from each property line.

#### **8.4.2.3 Horses**

The maintenance of horses is permitted as an accessory use in any district subject to the conditions listed below:

(1) Two (2) acres of lot area shall be required for the first two (2) horses; one (1) acre of lot area shall be required for each horse after one (1).

(2) Barns and manure storage areas shall be located at least fifty (50) feet from each property line and 150 feet from any existing residence other than that on the lot. Fences and all exercise yards or pasture land shall be located at least five (5) feet from each property line. Each required lot area shall be under single ownership.

(3) The boarding of ten (10) or more horses or the operation of a riding stable for the use of persons other than the residents or their guests shall require the special approval of the Planning and Zoning Commission as provided in Section 2.1.1.5(j).

(4) Riding instruction, with or without compensation is permitted.

#### **8.4.2.4 Cattle and Other Livestock**

The maintenance of cattle and other livestock is permitted as an accessory use in any district subject to the conditions listed below:

(1) Two acres of lot area shall be required for the first such animal; one acre of lot area shall be required for each such animal after one (1).

(2) All structures used for the housing or feeding of cattle or livestock shall be located at least fifty (50) feet from each property line and at least 150 feet from any existing residence other than that on the lot. All exercise yards, pens, or other areas for their maintenance shall be located at least five (5) feet from all property lines. Each required lot area shall be under single ownership.

#### **8.4.2.5 Dogs**

(1) The maintenance of five (5) or less dogs is permitted as an accessory use in any district. Dogs less than six months old shall be exempt from these regulations.

(2) The maintenance of six (6) or more dogs on a lot must meet the following standards:

(a) At least one (1) acre of lot area is required for the first five (5) dogs. An additional 1/4 acre of lot area is required for each dog after five (5).

(b) All structures used for the housing or feeding of dogs shall be located at least fifty (50) feet from each property line and at least 150 feet from any existing residence other than that on the lot. All exercise yards, pens or other areas for their maintenance shall be located at least five (5) feet from each property line. Each required lot area shall be under single ownership.

(3) The boarding of six (6) or more dogs or the operation of a commercial kennel shall require the special approval of the Planning and Zoning Commission as provided in Section 2.1.1.5(j).

## **SECTION 8.5      PARKING, LOADING AND DRIVEWAYS**

### **8.5.1 Off-Street Parking**

**8.5.1.1** Off-Street parking facilities, with adequate driveways for entrance and egress connected to a street, shall be provided and suitably maintained on all premises sufficient to accommodate the motor vehicles of all occupants, employees, customers and persons normally visiting the premises at any one time.

**8.5.1.2** Required parking facilities shall be located on the same lot as the building they are intended to serve, provided that, not more than 50% of the area of the required parking facilities may be located on a separate lot located on the same side of the street and not more than 200 feet from such building, as measured in a straight line from such building to the nearest vehicle space.

**8.5.1.3** No required parking facility shall be reduced in area to less than that set forth herein, and no building or use of a building or premises shall be enlarged or extended unless the parking facilities therefore shall comply with the requirements of this section.

**8.5.1.4** Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access and egress. Rooftop or indoor parking, exclusive of ramps, may be included in the required area.

**8.5.1.5** The layout of proposed parking facilities shall be indicated on the plot plan submitted with the application for a permit as provided in Section 10.1; Sections 4.1.3.1, 4.2.3.1, 4.3.3.1, 4.4.3.1, 5.1.3.1 through 5.1.3.2, and 5.2.3.1 through 5.2.3.2; and Section 13.1.3, and such plan shall show clearly the number of vehicles which can be accommodated.

**8.5.1.6** Unless otherwise specifically approved by the Planning & Zoning Commission parking facilities shall contain space for vehicles in accordance with the following table. One car space shall contain not less than 270 square feet which may include aisles between rows of parked vehicles but shall not infringe on driveways needed for access except in the case of a one family dwelling. Car spaces shall be not less than 9 feet wide. For an office complex where all day parking is normal, spaces shall be made to contain not less than 208 sq. ft. which may include aisles between rows of parked vehicles but shall not infringe on driveways needed for access. Car spaces shall be not less than eight (8) feet wide. That visitors parking remain 9' wide and that the area be at the discretion of the Planning & Zoning Commission. "Floor area" as used below shall mean the total floor area of each floor inclusive of all exterior walls.

<b>Type of Use</b>	<b>Number of Car Spaces</b>
Dwellings	2 spaces for each dwelling unit
Multiple dwellings	2 spaces for each dwelling unit and 1 visitor space for every 3 dwelling units
Office, financial institutions	1 space for each 250 sq.ft. of gross floor area
Medical, Dental offices, Clinics and Laboratories	1 space for each 150 sq.ft. of gross floor area
Permitted home occupations	4 spaces for each unit
Retail stores, personal services shops, pet grooming establishments	1 space for each 200 sq.ft. of gross floor area
Restaurants (no provisions for dance floor)	1 space for each 75 sq.ft. of gross floor area
Nightclubs (restaurants having provisions for a dance floor and/or live entertainment)	1 space for each 50 sq.ft. of gross floor area
Taverns	1 space for each 50 sq.ft. of gross floor area
Hotels, Motels	1 space for each unit 1, space for each 75 sq.ft. of gross floor area of restaurant or banquet area, 1 space for each 50 sq.ft. of floor area of nightclub or lounge area
Private, social and recreational clubs, together with appurtenant facilities	on site parking facilities for at least seventy-five (75) vehicles.
Assisted Living Units	one space per two units.
Apartment Hotels	5 spaces for each 3 units
Theaters and assembly halls having fixed seating	1 space for each 3 seats
Bowling Alleys	5 spaces for each alley

Assembly halls and other places of assembly not having fixed seats	1 space for each 50 sq.ft. of floor area
--	--

<u>Type of Use</u>	<u>Number of Car Spaces</u>
Churches	1 space for every 4 seats of capacity, as defined by the State Fire Marshall or as otherwise approved by the Planning & Zoning Commission
Hospitals, sanitariums, nursing homes	1 space for every 4 beds plus 1 space for every 3 persons employed at one time
Manufacturing plants	1 space for every 2 persons employed at any one time but not less than 1 space for each 500 sq.ft. of floor space
Wholesale distributing plants, trucking terminals	1 space for every 2 persons employed at any one time but not less than 1 space for each 1,000 sq.ft. of floor space

Storage warehouses	1 space for every 2 persons employed at any one time but not less than 1 space for each 1,500 sq.ft. of floor space
Outdoor amusement area, Outdoor sales area, Outdoor storage areas, or Outdoor industrial operations	Parking facilities as determined by the Planning & Zoning Commission
Other uses not listed above	Parking facilities as determined by the Planning & Zoning Commission
Elderly Housing	1 space per unit
Shopping Centers having at least 125,000 sq.ft. of gross floor area for retail use and a minimum lot area of at least 15 acres	1 space for every 250 sq.ft. of gross floor area

**8.5.1.7** The Planning & Zoning Commission may, at its discretion, require that bicycle racks be required as a condition of site plan approval. If required, the standard shall be as follows: for every 10 parking spaces, one conspicuous and secure bicycle rack parking space will be provided.

**8.5.1.8 Truck Loading Space**

In the case of hospitals, institutions, hotels, apartment hotels, retail, wholesale and industrial buildings, space shall be provided for loading and unloading of trucks at the rate of one space not less than 400 sq. ft. in area for each 15,000 sq. ft. of floor area or fraction thereof less than 30,000 sq. ft., and 400 sq. ft. for each 30,000 sq. ft. of floor area or fraction thereof in excess of 30,000 sq. ft.

**8.5.1.9 Surfacing, Protection at Streets**

(1) Required minimum parking and truck loading facilities shall have adequate all weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facility. Where any parking space is adjacent to the street, there shall be a strip not less than 15 feet wide except at driveways needed for access, which strip shall be suitably landscaped and shall be provided with a masonry curbing not less than 8 inches high located on the edge of such strip which is farthest from the street.

(2) All new pavement within areas of non-residential development shall consist of a minimum cross section of 8 inches of gravel (or approved equal) over suitable subbase, covered by 3 inches (2 courses recommended) of bituminous concrete pavement.

**8.5.2 Additional Parking Requirements**

**8.5.2.1 Use of Land for Access for Parking**

The use of land for access to or 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 within an industrial District.

**8.5.2.2 Residence R Districts**

(1) Accessory uses customarily incidental to a permitted use on the same lot.

(a) Space for one motor vehicle may be rented to others than occupants of the premises.

(b) Accessory Uses may include the outdoor parking of one vehicle not exceeding three quarter ton capacity on each lot, but the foregoing limitation of weight shall not apply to a vehicle used and parked on a farm, and is not relevant to private passenger vehicles.

(c) Not more than one boat may be stored outdoors on any lot in a Residence District, and any such boat shall be located to the rear of the building line.

### **8.5.2.3 Residence-Apartment RA Districts**

(1) Multiple dwellings conforming to the following restrictions:

(a) Off-Street parking facilities shall be provided as required by Section 8.5.

(b) Such parking facilities shall not be located in front of the building line.

(c) No off-street parking facilities shall be located within 20 feet of a side or rear lot line, except where adjacent to an off-street parking facility or another multiple dwelling project.

(d) The exterior entrance to each family dwelling unit shall be not more than 150 feet from a parking area measured along the usual path of travel.

### **8.5.2.4 Village Center Planned Residential District**

(1) There shall be no less than 2 parking spaces for each unit.

### **8.5.2.5 IG Districts**

(1) Elderly housing units

(a) Off-street parking facilities shall be provided as required by Section 8.5; one (1) space for-each dwelling unit and one (1) visitor's space for each five (5) units.

### **8.5.2.6 Special regulations for Commercial and Industrial Districts**

(1) In an Industrial District where a single use or group of related uses occupies a single lot in excess of 30 acres, the following is permitted:

(a) Parking requirements stipulated in Section 8.5.1.2 may be

located across a town roadway, provided that not more than 75% of the required parking is so located. The following requirements must be met in such cases:

(i) The lot on which such use or uses is located, as well as the lot containing parking, shall not border on any Residential District.

(ii) Where parking requirements are located on a lot across a town roadway, requiring pedestrian access across such town roadway, the location, geometry, and safety precautions of such crossing shall be approved by the North Haven Planning and Zoning Commission and North Haven public safety agencies.

#### **8.5.2.7 Front Yards**

(1) In Industrial Districts, not more than 75 percent of the area of the required front yard shall be used for driveways as provided or for parking, and the balance shall be suitably landscaped and maintained in good appearance. No portion of such required front yard shall be used for storage or for any purpose except as above provided.

(2) In Commercial Districts the required front yard may be used for driveways and parking subject to the provisions of Section 8.7.8.1. Material for retail sale may be displayed during business hours in such front yard within six feet of the building.

### **8.5.3 Driveways**

#### **8.5.3.1 Residence-Apartment RA Districts**

(1) Multiple dwellings conforming to the following restrictions:

(a) Access to every multiple dwelling project shall be from an existing or proposed public street.

(b) Driveways shall be located as approved by the Planning and Zoning Commission.

(c) In the case of corner lots, the driveway or driveways shall be located not less than 350 feet from the intersection of the nearest street lines.

(d) Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible.

(e) Driveways shall be not less than 30 feet in width.

(f) Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.

(g) The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

### **8.5.3.2 Elderly Housing EH District**

(1) Elderly housing units specifically designed for the needs of an elderly person or persons and conforming to the requirements of a State of Connecticut or Federal Government program providing for housing for the elderly with the following further provisions.

(a) Access to an Elderly Housing project shall be from an existing or proposed public street.

(b) Driveways shall be located as approved by the Planning and Zoning Commission.

(c) In the case of corner lots, the driveway, or driveways shall be located not less than 150 feet from the intersection of the nearest street lines.

(d) Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible.

(e) Driveways shall be not less than 30 feet in width.

(f) Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.

(g) The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

(2) Assisted Living Units specially designed for the needs of an elderly person or persons, who need some form of assistance, with the following further provisions:

(a) Access to an Assisted Living Facility shall be from an existing or proposed public street.

(b) Driveways shall be located as approved by the Planning and Zoning Commission.

(c) In the case of corner lots, the driveway or driveways shall be located not less than 150 feet from the intersection of the nearest street lines.

(d) “Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible” to “Driveways entering streets shall be located to provide the maximum sight distance possible with a minimum distance as required per current AASHTO (American Association of State Highway and Transportation Officials) standards for a similar condition roadway intersection”.

(e) Driveways shall be not less than 24 feet in width.

(f) Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.

(g) The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

### **8.5.3.3 Village Center Planned Residential District**

(1) Access to a VCPRD housing project shall be from an existing or proposed public street.

(2) Driveways shall be located as approved by the Planning and Zoning Commission.

(3) In the case of corner lots, the driveway or driveways shall be located not less than 150 feet from the intersection of the nearest street lines.

(4) Driveways entering street at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible.

(5) Two-way drives shall be not less than 24 feet in width.

(6) Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet, tangent to the driveway and to the curb or to the outer edge of the shoulder of a road having no curb.

#### **8.5.3.4 Driveways in Commercial and Industrial Districts**

(1) Driveways giving access to lots in all Commercial and Industrial Districts shall conform to the provisions of this subsection, unless otherwise specifically approved by the Planning and Zoning Commission.

(2) Driveways shall be located as approved by the Planning and Zoning Commission. There may not be more than one driveway for each 150 feet, or fraction thereof, of frontage of the lot on the street. The Commission may require that the only driveway or driveways serving any lot shall be one or more dual driveways, as described in Section 8.5.3.4(5), regardless of the street frontage. In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot, or in case of a lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as practicable. Driveways entering streets at a curve or at the crest of a hill shall be located to provide the maximum sight distances possible.

(3) Driveways shall not exceed 45 feet in width, measured at and parallel to the street line. Driveways serving lots used for retail or industrial purposes or for places of public assembly and having parking space for 20 or more vehicles and driveways serving automobile service stations or public garages shall not be less than 40 feet wide, measured at and parallel to the street line. Other driveways, except those serving one- and two-family dwellings, shall be not less than 30 feet wide, similarly measured.

(4) Driveways shall cross the street line so that the angle between the center line of the driveway and a line perpendicular to the street or radial to a curve of the street, at such center line, does not exceed 45 degrees. Driveways shall be flared where they meet the street pavement by curves, having radii of not less than 20 feet, tangent to the curb or outer edge of the shoulder of a road having no curb and tangent to the driveway.

(5) Where there are two driveways serving the same lot, they shall be not less than 100 feet apart. Dual driveways permitted by the Commission shall consist of two lanes, each not exceeding 30 feet and not less than 24 feet in width, separated by not less than 4, nor more than 10 feet, provided that the design and layout is approved by the Planning and Zoning Commission. The Planning and Zoning

Commission may require such a dual driveway in lieu of other driveways or in addition thereto where in its opinion such dual driveway is required for traffic safety. The Planning and Zoning Commission may require that any driveway be suitably marked for entrance only or for exit only.

## **SECTION 8.6 SWIMMING POOLS, FENCES AND WALLS**

### **8.6.1 Swimming Pools**

**8.6.1.1** No permanent or portable swimming pool shall be constructed or located within any required front yard nor within 10 feet from any side or rear lot line.

**8.6.1.2** Every permanent swimming pool shall be surrounded by a protective fence no less than 4 feet high. Any opening in such fence shall be protected by a self-closing gate with a secure snap locking device.

### **8.6.2 Fences and Walls**

**8.6.2.1** No fence or wall on any lot in a Residence, Residence Apartment, Office or Office Apartment District shall be constructed within the required front yard exceeding three (3) feet in height, excepting a necessary retaining wall.

**8.6.2.2** No fence or wall on any lot in a Residence, Residence Apartment, Office, or Office Apartment District shall be built within any required side or rear yard exceeding six (6) feet in height, except that wooden, picket or lattice fences or wire fences, all having openings in excess of 50 percent of the gross area thereof, may be built of a height of eight (8) feet.

**8.6.2.3** The provisions of this section with respect to a required front yard shall also apply to any premises in a Commercial, Limited Commercial or Industrial District where such premises are occupied solely by a use also permitted in a Residence District. The provisions of this section with respect to side or rear yards shall also apply to premises in a Commercial, Limited Commercial or Industrial District occupied solely by a use also permitted in a Residence District where a side or rear yard of other premises also occupied solely by use also permitted in a Residence District.

**8.6.2.4** No wall or fence in excess of three (3) feet in height shall be constructed or placed between the building line and the street in any Commercial, Limited Commercial, or Industrial District except an open mesh wire fence, metal grille or open wood fence, all of a design having openings exceeding 80 percent of the gross area thereof.

**8.6.2.5** No wall or fence in excess of six (6) feet in height shall be constructed or placed within the required side or rear yard of any lot in a Commercial, Limited Commercial or Industrial District except an open mesh wire fence or metal grille of a design having openings in excess of 80 percent of the gross area thereof. The provisions of this section shall apply to all premises whether developed or vacant, in Commercial, Limited Commercial and Industrial Districts, except premises covered by the preceding section.

This section shall not apply to a retaining wall required by topographic conditions.

**8.6.2.6** A fence permit must be obtained prior to the installation of all fences in all districts to insure zoning compliance.

## **SECTION 8.7 LANDSCAPING, SCREENING AND BUFFERING REQUIREMENTS**

### **8.7.1 Stream Buffer Regulation**

In all development areas adjacent to the Quinnipiac River and Muddy River, there shall be established a fifty (50) foot greenbelt where no development can occur. This greenbelt area will begin at the river's edge and continue fifty feet (50) into the property which is being developed and be continuous along the property line. It shall consist of natural vegetation and where the Planning and Zoning Commission deems necessary, in connection with any approvals, additional plantings may be required from the Planning and Zoning Commission with respect to the property. This natural greenbelt area must be shown on any final approved site plan with respect to land adjacent to the greenbelt area and be continuously maintained as a condition of site plan approval. The purpose of this regulation is to maintain vegetated buffers along the rivers to absorb run-off thus mitigating flooding and erosion problems. These buffer areas can be utilized as a means of keeping development out of flood prone areas and protect the water quality.

### **8.7.2 Special Permit - A Lot Lying In More Than One District**

A minimum 50' landscaped buffer shall be required along the perimeter of any portion of the parcel where the use granted by the Special Permit encroaches into another district. A detailed landscaping plan showing all planting and buffer strips, must be submitted for approval by the Commission.

### **8.7.3 Wireless Telecommunications Towers and Antennas**

Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided that the Commission may waive such requirements if the goals of these regulations would be better served thereby.

**8.7.3.1** Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

**8.7.3.2** In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or 'waived.

**8.7.3.3** Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

#### **8.7.4 Multiple Dwellings in Residence-Apartment RA Districts**

**8.7.4.1** The entire area of the lot shall be suitably landscaped and provision shall be made for playgrounds and other recreation areas which shall be not less in aggregate area than twice the floor area of all family dwelling units on the lot as required by Section 2.2.1.2(k) hereof.

**8.7.4.2** A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling project. Such buffer strip shall be suitably landscaped and maintained with dense evergreen tree planting having a minimum height of three feet when planted.

#### **8.7.5 Limited Office LO District**

**8.7.5.1** A buffer strip not less than twenty (20) feet in width shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another office building. Such buffer shall be suitably maintained with dense evergreen tree plantings having a minimum height of three (3) feet when planted.

#### **8.7.6 Elderly Housing EH District**

**8.7.6.1** Elderly housing units specifically designed for the needs of an elderly person or persons and conforming to the requirements of a State of Connecticut or Federal Government program providing for housing for the elderly with the following further provisions.

**(1)** A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or elderly housing project. Such buffer strip shall be suitably landscaped and maintained with dense evergreen tree planting having a minimum height of three feet when planted.

**8.7.6.2** Assisted Living Units specially designed for the needs of an elderly person or persons, who need some form of assistance, with the following further provisions:

**(1)** A buffer strip not less than 20 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or elderly housing project. Such buffer strip shall be suitably landscaped and maintained with dense

evergreen tree planting having a minimum height of three feet when planted.

### **8.7.7 Village Center Planned Residential District**

A buffer strip (sideyard) not less than 5 feet wide shall be maintained along all side and rear lot lines except where adjacent to a lot occupied by another multiple dwelling or housing project. Such buffer strip shall be suitably landscaped and maintained.

### **8.7.8 Special Regulations for Commercial and Industrial Districts**

#### **8.7.8.1 Front Yards**

(1) A continuous strip of landscaped area not less than 15 feet wide between the street line and the balance of the lot. There shall be a curbing not less than 8 inches high located at the edge of such strip. The required strip may be traversed only by driveways and pedestrian ways installed as provided in Section 8.5.3.4.

#### **8.7.8.2 Buffer Strips**

(1) Where adjacent to a Residence, Residence Apartment, Office or Office Apartment District, the side and rear yards shall be not less than 50 feet in width or depth except where a greater dimension is required by the bulk requirements for each zoning district.

(2) Where adjacent to a Residence, Residence Apartment, Office or Office Apartment District, a strip not less than 30 feet wide in all side and rear yards of lots in Industrial Districts and 15 feet wide in all side and rear yards of lots in Commercial, Limited Commercial, Limited Commercial Apartment Districts shall be suitably landscaped with dense evergreen planting and not used for parking or storage or any use not permitted in such Residence, Residence Apartment, Office or Office Apartment Districts.

(3) If a zone line splits a property of single ownership, parking areas for commercial or industrial uses may extend into an adjacent Residence, Residence Apartment, Office or Office Apartment District for a maximum of 40 feet, provided there is a buffer strip of 15 feet beyond the parking area limit, densely planted with evergreens, and provided there is no storage or uses not permitted in such Residence, Residence Apartment, Office or Office Apartment District.

### **8.7.9 Off-Street Parking**

**8.7.9.1** Each parcel in any zone, other than single family residential, shall have a minimum of ten percent (10%) of its area either left in its natural state or landscaped with suitable ground cover, shrubbery and evergreen or deciduous trees common to North Haven's planting zone. Such required percentage must include at least the following:

(1) Landscaped islands marking each end of rows of vehicular spaces and intermediate islands across each such row at intervals not more than 16 vehicle spaces. Such planting island shall be not less than 8 feet wide and 20 feet long. Each such island shall have a suitable curb of granite or concrete or other suitable protection and shall be either planted with grass or groundcover or paved with brick or paving block with pervious joints. Each such island shall have at least one tree not less than 2-inch caliper. All hydrants, traffic signs or other utility structures shall be located in such islands.

(2) The balance of the required landscaped area shall be distributed throughout the site to provide screening for loading docks, trash storage areas, and other less attractive areas and shall be so distributed to provide a balance between paved and landscaped areas throughout the site. Use of landscaped areas less than 50 sq. ft. in size shall be avoided. Plans for landscaping shall consider the function of landscaping as screening of less desirable areas, adequate space for snow storage without damaging plant materials, plant materials which require minimal maintenance, and proper site distance within the traffic pattern. Where buffer strips are required by other sections of these Regulations, they can be included in the 10% overall landscape area requirement.

### **8.7.10 Obstructions at Street Intersections**

Within that portion of any lot at a street intersection which lies between the street lines and a line joining points on each street line 20 feet from the intersection of the tangents of such street lines, no fence, wall, hedge, shrubbery or other obstruction to vision in excess of 3 feet in height above the adjacent Street level shall be placed or allowed to grow.

## **SECTION 8.8 SIGNS**

### **8.8.1 Wireless Telecommunications Towers and Antennas**

No signs shall be allowed on an antenna or tower unless required by the FAA, the FCC or any other agency of the state or federal government with authority to regulate towers and antennas.

### **8.8.2 Residence R Districts**

**8.8.2.1** One sign attached to any one dwelling not exceeding one square foot bearing the name and occupation of the occupant.

**8.8.2.2** One temporary sign not exceeding six square feet in area advertising the premises for sale or rent, or advertising a construction or repairing operation being carried out on the premises while such is on display.

**8.8.2.3** On any farm, as defined herein, one sign not exceeding 12 square feet in area and advertising products of such farm, which sign shall be not less than 10 feet to the rear of the front lot line.

**8.8.2.4** On any lot used for a purpose permitted under Section 2.1.1.5, not more than two signs each not exceeding 12 square feet in area and pertaining to such use, which signs may be designed to be read from both sides and shall be not less than 10 feet to the, rear of the front lot line.

**8.8.2.5** Directional signs not exceeding three square feet each may be located, on such lots or attached to buildings on such lots as deemed permissible under Section 2.1.1.5.

**8.8.2.6** The restrictions of the size of signs shall not be deemed to apply to inscriptions in masonry or metal which are part of the architectural treatment of such structures.

### **8.8.3 Office O Districts**

**8.8.3.1** One sign on any one lot not exceeding 12 square feet in area bearing the name and occupation of the occupant or occupants of the premises, or advertising the premises for sale or rent or advertising a construction or repairing operation being carried out on the premises, which signs may be designed to be read from both sides and shall be located not less than 10 feet to the rear of the front lot line.

**8.8.3.2** No sign may be flashing.

#### **8.8.4 Limited Commercial Districts LC**

**8.8.4.1** Signs as permitted by Section 3.2.1.8.

**8.8.4.2** Signs which are painted on or affixed against and parallel to the wall or windows of the building and which pertain to a business located on the premises, provided that the aggregate area of such sign or signs on any one wall of such building shall not exceed 10 percent of the gross area of such wall.

**8.8.4.3** No sign shall be illuminated in such a manner that it may be mistaken for a highway traffic signal and no sign shall be flashing.

#### **8.8.5 Limited Office LO District**

**8.8.5.1** One sign of any one lot not exceeding 12 square feet in area bearing the name and occupation of the occupant or occupants of the premises, or advertising the premises for sale or rent or advertising a construction or repairing operation being carried out on the premises, which signs may be designed to be read from both sides and shall be located not less than 10 feet to the rear of the front lot line.

**8.8.5.2** No sign may be flashing.

#### **8.8.6 CN, CA, CB, IL, and IG Districts**

**8.8.6.1** Signs pertaining to a business or Industrial operation located on the premises.

#### **8.8.7 Special Regulations for Commercial and Industrial Districts**

##### **8.8.7.1 Omission of Yard Requirements**

The provision of Section 8.8.7.2 requiring the location of signs in Commercial or Industrial Districts to be located on the same premises as the business or industrial operation may be omitted for lots created pursuant to Sections 4.1.3.4, 4.2.3.6, 4.3.3.5, 4.4.3.5, 5.1.3.6 and 5.2.3.5 subject to the issuance of a Special Permit by the Commission pursuant to the criteria set forth herein.

##### **8.8.7.2 Signs in Commercial and Industrial Districts**

All signs in any Commercial or Industrial District shall pertain only to a business or Industrial operation located on the same premises. The area of a sign shall be deemed to be the area of the panel or background on which the

letters or other devices of such sign are painted or mounted. In the case of letters or other devices painted or mounted directly on a wall without distinctive background or letters or other devices which are free standing, the area of such sign shall be deemed to be the area enclosed by straight lines connecting the outermost points of all letters or other devices. All signs shall be affixed to or painted on the wall or windows or be free standing and all signs shall comply with the following requirements.

(1) The aggregate area of all signs which are painted on or affixed against and parallel to the exterior wall or windows of the building shall not exceed 10 percent of the gross area of such wall.

(2) The aggregate area of all signs projecting from the wall of the building shall not exceed 3 percent of the gross area of such wall and no single projecting sign shall exceed 20 square feet in area, nor project more than 5 feet from the face of such wall. Such signs may be designed to be read from both sides. The area of any supporting bracket, viewed from front or side elevation, shall not exceed 20 percent of the area of the sign which it supports. If the thickness of any sign projecting from the wall of building exceeds 6 inches, the thickness shall be added to the width to compute the area of such sign.

(3) Not more than two free standing signs on any one lot, each with an area not exceeding 40 square feet, but the aggregate area of such free standing signs on any one lot shall not exceed 1 square foot for every 5 linear feet of frontage of such lot, measured on all fronting streets and in no case shall exceed 80 square feet. No free standing sign shall exceed a total height of 20 feet, measured above the ground. No such sign shall be located nearer to the side lot line than the width of the required side yard nor less than 10 feet to the rear of the front lot line. No free standing sign exceeding 10 square feet in area nor 12 feet in height shall be located within 50 feet from the boundary of a Residence District. Free standing signs may be supported by posts, piers or pylons, provided that the aggregate girth of all such posts or other structure supporting any one sign shall not exceed 6 feet. Furthermore, the set back of free standing signs shall be determined as follows:

<u>Set Back</u>	<u>Area</u>
10 feet	20 square feet
17.5 feet	30 square feet
25 feet	40 square feet

(4) No rooftop signs are allowed, nor shall any sign be affixed to an exterior wall in such a manner that any part of said sign shall extend above said exterior wall.

(5) No sign or other device shall be flashing and no sign or other device shall be illuminated in such a manner that any spot light or other source of illumination is directly visible in any Residence District nor in such a manner as to cause any traffic hazard or confusion with any highway traffic signal. No streamers, pennants or similar advertising devices shall be permitted, but this shall not prevent the customary flying of a national or state flag or the flag of a recognized organization or the house flag of a company.

(6) In the case of a large commercial or industrial building, occupying a lot of not less than 10 acres, the Planning and Zoning Commission may, in its discretion, approve the use of signs exceeding the limitations prescribed in Section 8.8.7.2(3).

### **8.8.7.3 Information Signs**

Signs not exceeding the square feet in area and restricting trespassing, hunting, fishing or dumping may be placed on any premises in Commercial or Industrial Districts.

## **SECTION 8.9 EXCAVATION, REMOVAL AND FILLING OF MATERIAL**

### **8.9.1 Removal Restrictions**

An Excavation Permit must be secured from the Planning & Zoning Commission before commencing the excavation or removal of gravel, topsoil, clay, sand, stone, loam, dirt, or any other earth material on or from any parcel of land, except when such excavation or removal is to be limited to:

**8.9.1.1** Necessary foundation and trench excavation in connection with work on the premises for which a building permit has been issued.

**8.9.1.2** Necessary excavation and grading for a subdivision road for which plans have been approved by the Planning & Zoning Commission.

**8.9.1.3** The removal by or' for the owner from one part of his property to another of topsoil or subsoil to a maximum of 100 cubic yards over a period of time not to exceed one year, when such removal is for the purpose of landscaping, farming or construction of a pond.

### **8.9.2 Permit Application Procedure**

Application for a permit to excavate or remove any of said earth materials shall be made to the Planning & Zoning Commission by the property owner or his authorized agent on forms provided by the Planning & Zoning Commission. The application shall be accompanied by a fee, and by a plan of operation prepared by a Registered Land Surveyor, Professional Engineer, or Licensed Architect, any of whom are licensed by the State of Connecticut, which plan of operation shall include the following maps, plans and specifications:

**8.9.2.1** Location and limits of the premises, names of abutting owners and an estimate of the amount of material to be excavated or removed.

**8.9.2.2** Grading plan showing existing contours in the area to be excavated, and proposed contours at 2 foot intervals for the area after operations, such plans shall include the area to be excavated, as well as surrounding area if owned by the applicant, within 100 feet of the excavation, and shall be drawn at a scale not to exceed 1 inch equals 50 feet.

**8.9.2.3** Existing and proposed drainage of the site, together with drainage easements and flowage rights.

**8.9.2.4** An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation, and the locations and types of any buildings to be erected.

**8.9.2.5** Proposed truck access and egress to the excavation.

**8.9.2.6** Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations or at such earlier times as may be required by the Planning and Zoning Commission.

**8.9.2.7** Existing ponds and water courses on or adjacent to the premises.

**8.9.2.8** The location of wooded areas, and existing and proposed buildings, structures, and processing equipment.

### **8.9.3 Requirements for Approval**

**8.9.3.1** Before issuing an Excavation Permit, the Planning and Zoning Commission shall hold a public hearing, duly advertised and conducted according to State Statutes. The Commission in considering and reviewing the application and in arriving at its decision shall be guided by and take into consideration the public health, safety, general welfare and general effect of the same on the neighborhood, the duration of operations, future usefulness of the premises, the impact on vehicular traffic in the area, and such other factors as may bear upon or relate to the coordinate adjusted and harmonious physical development of the Town of North Haven.

**8.9.3.2** In addition thereto, the Commission shall satisfy itself that all conditions as set forth in Section 8.9.5 will be met and that the premises will be excavated and graded in conformity with the plan as approved. Any deviation from the approved plan shall be a violation and cause for the Commission to revoke the permit.

**8.9.3.3** The Commission's decision regarding issuance of the permit shall be published in a newspaper having substantial circulation in the Town of North Haven within ten (10) days of such decision date.

### **8.9.4 Performance Bond**

**8.9.4.1** Before a permit is granted under this section, the applicant shall post a performance bond signed by a surety company or responsible party, with the Treasurer of the Town of North Haven, in the amount of \$1,000 per acre, or fraction thereof, or such amount deemed by the Planning and Zoning Commission sufficient to insure completion of the work following excavation in the manner set forth in Section 8.9.5 below,

**8.9.4.2** No excavation or removal work shall commence until all procedures of application and posting of bond have been complied with.

**8.9.4.3** No bond as required under this Section shall be released until the Planning and Zoning Commission is satisfied that the project has been fully

completed in accordance with the plans and specifications submitted under Section 8.9.2 and until the cover crop as required in Section 8.9.5.10, has been permanently established.

### **8.9.5 Conditions of Operation**

The Planning and Zoning Commission may approve the application and Issue an Excavation Permit for a period of stated duration subject to compliance with the following conditions:

**8.9.5.1** No screening, sifting, washing, crushing or other forms, of, processing shall be conducted upon the premises unless located within a Zone where such operations are Permitted Uses as provided in these Regulations.

**8.9.5.2** No fixed machinery shall be erected or maintained within 100 feet of any property or street line.

**8.9.5.3** Excavation below the level of an abutting property or street line shall be at a distance from said property or street line to be determined by the Planning and Zoning Commission, which Commission in establishing said distance shall take into consideration the same provisions and guidelines as set forth in Section 8.9.3 above.

**8.9.5.4** No buildings shall be erected on the premises except as may be permitted in these regulations or except as temporary shelter for machinery and field office subject to approval by the Commission and to be removed upon the completion of the operations.

**8.9.5.5** At all stages of operations proper drainage shall be provided to prevent the collection, stagnation or excessive run-off of water and to prevent harmful effects upon surrounding properties and water courses.

**8.9.5.6** During the period of excavation and removal, proper barricades of fences shall be erected for the protection of pedestrians and vehicles.

**8.9.5.7** Truck access and egress to the excavation shall be so arranged and truck loads shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisance to surrounding properties.

**8.9.5.8** Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock.

**8.9.5.9** No operations shall be undertaken on the site except between the hours of 7:00 A.M. and 5:00 P.M. local time, Monday through Saturday. There shall be no blasting on the site except between the hours of 9:00 A.M. and 5:00 P.M. local time, Monday through Friday.

**8.9.5.10** When the approved excavation and removal operations or either of them are completed, or when required by the Commission, the excavation area shall be graded and seeded as required herein. In no case will a permit be extended for more than a twelve month period unless a substantial part of the area previously excavated has been properly graded and seeded.

**8.9.5.11** If as part of an excavation operation, debris or trash is encountered, the same shall be removed from the site and disposed of in accordance with applicable Town Regulations. Tree stumps and roots encountered during any excavation operation may be buried on the area provided that the same are suitably covered with earth material and further provided that such burying will not vary the approved final contours.

**8.9.5.12** The Commission may require the Permittee to submit periodic reports, prepared by and bearing the seal of a Registered Land Surveyor, Professional Engineer or Licensed Architect, any of whom are licensed by the State of Connecticut, showing the status and progress of the excavation.

#### **8.9.6 Duration, Renewal and Revocation**

**8.9.6.1** Any Permit issued by the Planning and Zoning Commission In accordance with Section 8.9.3 hereof shall cover operations for a stated period of time not to exceed twelve (12) months and such permit shall be renewable for successive stated periods of time, none of which shall exceed 12 months. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a Registered Land Surveyor, Professional Engineer, Licensed Architect, any of whom are licensed by the State of Connecticut, that the excavation already completed conforms with the plan of operations as approved.

**8.9.6.2** If for any reason the operation of work on the premises is abandoned for (6) months, the permit is void and the owner or his agent must apply for a new permit and furnish such engineering data and bond as may be required by the Planning and Zoning Commission and the Treasurer of the Town of North Haven.

**8.9.6.3** If there is a question as to whether or not any of the conditions of Section 8.9 hereof have been or are being violated, the Commission may at any time, upon at least five days notice to the holder of any excavation permit, require such holder to appear before the Commission on a day certain to be heard as to the alleged violations. If evidence that any of such conditions have been or are being violated, is presented at such hearing and if the Commission finds that violations do in fact exist, the Commission may immediately revoke such permit and order operations suspended and direct appropriate action to remedy the violations.

**8.9.6.4** For each and every violation of the terms of the permit or of the prescribed conditions under which an Excavation Permit is issued, the holder of such permit shall be subject to a fine of not in excess of One Hundred Dollars (\$100) a day for each day for which each violation continues.

**8.9.6.5** As necessary for inspection purposes, any members of the Commission, or their authorized representatives, shall have the right of access to all operations for which Excavation Permits have been issued or applied for.

### **8.9.7 Permit Fee**

**8.9.7.1** Before the issuance by the Planning and Zoning Commission of any Excavation Permit, or any renewal thereof, the applicant shall pay to the Treasurer of the Town of North Haven the necessary Permit Fee as set forth below and shall show the Commission a duly signed receipt evidencing such payment. Required fee for each Excavation Permit and each renewal thereof shall be ten dollars (\$10.00) for each acre or major fraction of an acre of permitted excavation area with a minimum fee of Thirty Five Dollars (\$35.00) plus any cost in excess of such fees for publication of the notice of public hearing, which cost shall be paid by the applicant within ten (10) days of notice thereof.

### **8.9.8 Applicability to Existing Operations**

Any renewal permit shall be subject to the regulations in effect at the time that said renewal permit is issued.

**8.9.8.1** Any existing excavation operation which was commenced prior to any regulation relating thereto and presently being conducted without a permit may be continued provided that said continued operation is carried on in accordance with these regulations relating to grading, drainage, slopes and cover crop provisions.

**8.9.8.2** In order to promote the health, safety and welfare of the residents of the Town of North Haven, any person or persons carrying on an existing excavation operation not covered by a permit issued by the Planning and Zoning Commission which operations do not conform to the requirements set forth in Section 8.9.8.1 above shall either terminate said excavation operations or correct such non-conformance within thirty (30) days of receipt of written notice of the same by the Zoning Enforcement Officer.

### **8.9.9 Land Fill Restrictions**

Any operation for land filling shall be carried on only pursuant to a permit from the

Planning and Zoning Commission except as follows:

**8.9.9.1** Land fill by or for the owner on part of his property may be allowed without such permit if the land fill does not exceed 1,000 cubic yards of earth material and such filling does not restrict any water course or drainage on the premises being filled or have an adverse effect on drainage on adjacent or surrounding property.

**8.9.9.2** Creating of stockpiles of material and removal of the same shall not be considered as a landfill or excavation operation requiring a permit.

#### **8.9.10 Fill Permit Application Procedure**

**8.9.10.1** Application for a permit to fill shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms prescribed by the Planning and Zoning Commission.

**8.9.10.2** Applications for permits to fill shall be accompanied by copies of any necessary State permits required pursuant to Public Act 155 or amendments thereto.

**8.9.10.3** All such applications shall be accompanied by the same engineering data and Information applicable to a fill operation as are set forth in Section 8.9.2 of the Regulations herein.

#### **8.9.11 Requirements for Approval of Fill Permit**

Before issuing a land fill permit the Planning and Zoning Commission shall hold a public hearing in accordance with the provisions of Section 8.9.3 herein.

#### **8.9.12 Performance Bond for Fill Permit**

Before a fill permit is granted, the applicant shall posts bond in accordance with the provisions of Section 8.9.4 herein.

#### **8.9.13 Conditions of Fill Operation**

The Planning and Zoning Commission may approve the application and issue a land fill permit for a period of stated duration subject to compliance with the following conditions.

**8.9.13.1** No fixed machinery shall be erected or maintained within 100 feet of any property or street line.

**8.9.13.2** Filling where the resulting grade shall be higher than an abutting property line, or street line or have an effect on any existing water course or established flood plain shall be kept at a distance from said property or street line to be determined by the Planning and Zoning Commission, which Commission in establishing said distance shall take into consideration the same provisions and guidelines as set forth in Section 8.3 above.

**8.9.13.3** No building shall be erected on the premises except as may be permitted in these Regulations or except as temporary shelter for machinery and a field office subject to approval by the Commission and to be removed upon completion of the operation.

**8.9.13.4** AU provisions of Section 8.9.5 relating to drainage, barricading and fencing, truck access, noise and dust control, hours of operation, and seeding shall, to the extent that they are applicable, also apply to any filling operation conducted pursuant to a permit issued by the Planning and Zoning Commission.

**8.9.13.5** Stumps and roots from the fill area itself may be buried on the premises provided that the same are suitably covered and the final contour of the premises is not different from that as shown on the plans submitted.

**8.9.13.6** The Commission may require the permittee to submit periodic reports prepared by and bearing the seal of a registered land surveyor, professional engineer or licensed architect any of whom are licensed by the State of Connecticut showing the status and progress of the land fill operation.

#### **8.9.14 Duration, Renewal and Revocation**

All of the provisions as set forth in Section 8.9.6 of these Regulations shall be applicable to the duration, renewal and revocation of any landfill permit.

#### **8.9.15 Permit Fee**

A Permit Fee for a landfill permit shall be required In accordance with the same provisions as Section 8.9.7 herein.

#### **8.9.16 Conflict Validity**

Should any section, clause or provisions of this Section 8.9 be declared by the Courts to be invalid, the same shall not affect the validity of the regulations as a whole or any part hereof, other than the part so declared to be invalid.

**SECTION 8.10 SALE OF ALCOHOLIC LIQUOR AND BEER**

**8.10.1** A Certificate of Location, Special Permit, must be approved by the Planning and Zoning Commission, after a public hearing, for any permits required by the State of Connecticut Liquor Control Board, in accordance with Section 30-52 of the Connecticut General State Statutes.

**8.10.2** A certificate of Location, Special Permit, may be denied by the planning and Zoning Commission if it has reasonable cause to believe:

**8.10.2.1** That the proximity of the location will have a detrimental effect upon any church, school (public, private or parochial), convent, charitable institution (Supported by public or private funds), hospital, veterans' home, home for the aged or workmen's camp.

**8.10.2.2** That issuing a new permit will be detrimental to the public interest. In reaching a conclusion, in this respect, the Planning and Zoning Commission may consider: the character of; the population of; the number of like permits; and, all permits existent in the immediate neighborhood and North Haven.

**8.10.2.3** That the place has been conducted as a lewd or disorderly establishment.

**8.10.3** The following provisions must be satisfied in order for the planning and Zoning Commission to issue a Certificate of Location

**8.10.3.1** The proposed building, where the liquor permit is to be granted, may not be within 500' from any premises used or reserved to be used; for a college, school, church, synagogue, hospital or library.

**8.10.3.2** A Certificate of Location may not be issued to a bar or tavern that is within 1500' of another bar or tavern.

**8.10.3.3** A Certificate of Location may not be issued to a wholesale or-retail package store that is within 1500' of another wholesale or retail package store.

**8.10.3.4** In order for a retail business to obtain a Certificate of Location, for a Grocery Store beer permit, it must be 30,000 square feet or larger.

**8.10.3.5** The 500' and 1500' distance shall be measured from the outer perimeter of the 1ot of the proposed location in a straight line to any other premise to which the rule applies.

**8.10.4** Every permit shall specify the building, or portion of the building, for which the Certificate of Location is issued. The permit shall not authorize any sale of liquor in any other place or building.

**8.10.4.1** An expansion of a business with a Certificate of Location for the sale of liquor shall require a public hearing before a new application may be submitted to the Liquor Control Board.

**8.10.4.2** If the ownership, or management, of a business that has a Certificate of Location for liquor sales, is the only change to occur the application to the Liquor Control Board may be reviewed and signed by the Zoning Enforcement Officer on behalf of the Planning and Zoning Commission.

**8.10.5** A certificate of Location may be revoked if there is any violation of the zoning regulations and/or the Connecticut State Statutes.

**8.10.6** On behalf of the Planning and Zoning Commission, the Zoning Enforcement Officer shall sign all applications for liquor permits (to the State Liquor Control Board) subsequent to the planning and Zoning Commission's approval or per Section 8.10.4.2.

**SECTION 8.11 AUTOMOBILE SERVICE STATIONS, PUBLIC GARAGES, BODY SHOPS AND AUTOMOTIVE SALES OR DEALERS (INCLUDING NONCONFORMING USED CAR DEALERS)**

**8.11.1** A Certificate of Location, Special Permit, for any permits required by the State of Connecticut Department of Motor Vehicles (in accordance with Section 14-54 and 14-55 of the Connecticut General State Statutes), must be approved by the Zoning Board of Appeals. No application may be approved by the Zoning Board of Appeals until after a public hearing has been held and such location has been found suitable for the business intended, with due consideration to its location in reference to traffic conditions, width of highway, effect on public travel and compliance with Section 8.11.3 of these regulations.

**8.11.1.1** In rendering a decision on an application for a Certificate of Location, the Zoning Board of Appeals shall give due consideration to the following: proximity of other similar uses; the best use of the proposed location taking into consideration the health, welfare and best interest of the neighborhood; and, such other residential, commercial or industrial uses in the surrounding area.

**8.11.1.2** In any case in which an approval has been previously granted for any location, the Zoning Board of Appeals may, in its discretion, waive the requirement of a public hearing on a subsequent application.

**8.11.1.3** The Zoning Board of Appeals may, in its discretion, waive the requirement of a public hearing on an application wherein the previously approved location of a place of business is to be enlarged to include adjoining or adjacent property.

**8.11.2** Islands for fuel dispensing pumps may be located in the required front yard, provided they are no less than 18 feet from the street line. There shall be no storage or display of materials located more than six (6) feet in front of the front face of the building, except for oil cans (for dispensing lubricant to vehicles) which may be kept at pump islands.

**8.11.3** Motor vehicle recycling facilities (whose Certificate of Approval shall be approved by the Planning and Zoning Commission, per Section 5.2.1.55), automobile service stations, public garages, body shops, automotive sales or dealers shall be located not nearer than 500 feet from a school; park, playground, hospital, church, theater or building for civic or public assembly, public library or post office, which total distance shall be measured along the street line or street lines or in part perpendicularly across a street from the nearest property line of the lot occupied by any of the above listed uses.

**8.11.4** An automotive sales or dealer must meet the following additional requirements before the Planning and Zoning Commission may grant site plan approval:

**8.11.4.1** The lot area shall be not less than 100,000 square feet.

**8.11.4.2** The lot width shall not be less than 250 feet.

**8.11.4.3** There shall be no outside storage of inoperable vehicles or vehicle parts.

**8.11.4.4** There shall be an indoor showroom/sales area sufficient to accommodate the indoor display of not less than four vehicles; there shall be reasonable office space to accommodate sales and bookkeeping personnel (6% of the building area); and, there shall be indoor service facilities for all car repairs and servicing.

**8.11.4.5** An outdoor parking plan must be submitted and approved by the Planning and Zoning Commission, per Section 10.1 for site plan requirements.

**8.11.4.6** All parking areas are to be paved and approved, per site plan requirements of Section 10.1.3.19.

**8.11.4.7** Signs, exterior lighting, architectural treatment, layout of driveways and other paved areas have been reviewed and approved by the Planning and Zoning Commission.

**8.11.5** An existing autobody repair facility having an existing used car dealers license (permitting dealer to dealer sales only) must meet the following requirements before the Planning & Zoning Commission may grant site plan approval of a new location:

**8.11.5.1** The existing autobody repair facility having an existing used car dealers license (permitting dealer to dealer sales only) must be in operation within the Town as of the effective date of this amendment.

**8.11.5.2** The new location must be specifically approved by the Planning & Zoning Commission, after a Public Hearing, subject to such conditions as said Commission may establish.

**8.11.5.3** Before any new location may be approved, the applicant must submit documentation, satisfactory to the Commission, that the applicant's existing location has been terminated as an approved location for an autobody repair facility operating with a used car dealers license, prior to occupancy of the new facility.

**8.11.5.4** The only sales allowed shall be dealer to dealer. There shall be no outside or inside display area for the sale of used automobiles.

**8.11.5.5** There shall be no outside storage of inoperable vehicles or vehicle parts.

**8.11.5.6** There shall be only indoor service facilities for all car repairs, servicing and body work.

**8.11.5.7** All other requirements of the Regulations shall apply to any application made under this Section.

## **SECTION 8.12 PROHIBITED USES**

### **8.12.1 Trailer Coach**

No trailer coach may be occupied for habitation and no trailer camp may be established, maintained, conducted or operated in any district.

### **8.12.2 Disposal of Radioactive Material**

No land in any district shall be used for the disposal of radioactive material and no such material shall be stored or handled except in accordance with the regulations of all federal and state agencies concerned.

### **8.12.3 Regulation of Storage of Waste Material**

No waste or scrap material, debris, motor vehicles which are partially or wholly dismantled, motor vehicle parts, abandoned machinery, junk or similar unsightly material shall be stored, parked, or allowed to accumulate in any open space or outside a completely enclosed building on any lot in a Residence, Office, Limited Commercial or Apartment/Multi-Family District so as to be in any way visible from any point off premises, but this provision shall not apply to temporary storage of waste material from a construction operation being legally executed on the same premises.

**8.12.4** Not more than one unregistered motor vehicle will be allowed on any lot unless enclosed by a permanent structure.

## **SECTION 8.13 ACCESSORY STRUCTURES IN RESIDENTIAL ZONES**

### **8.13.1 Purpose**

The purpose of these Accessory Structure Regulations is to establish the relationship among the principal and accessory structures and the criteria for regulating accessory structures in residential zones. Accessory structures are structures which are customarily incidental and subordinate to a permitted principal structure.

### **8.13.2 Accessory Structures In Residential Zones**

Subject to the restrictions and limitations specified, the following accessory buildings and structures shall be permitted in the R-40, R-20 and R-12 zones. Zoning permits are required for all structures listed below and must conform to structure setbacks.

The ZEO reserves the right to require Planning and Zoning Commission approval. The Commission may, in its discretion, hold a public hearing thereon. The following documents shall be submitted to the Commission at its request, with the application.

- (1) Plot Plan drawn to reasonable scale (need not be prepared by a registered land surveyor or professional engineer).
- (2) Other considerations as the Planning & Zoning Commission may establish.

**8.13.2.1 Permitted Combined Accessory Structure Area:** When on the same lot as a detached garage, the area of all accessory structures combined shall not exceed:

**8.13.2.1.1** In an R-40 zone, 1,200 sq. ft. or 50% of the living area of the principal residence, whichever is less.

**8.13.2.1.2** In an R-20 zone, 900 sq. ft. or 50% of the living area of the principal residence, whichever is less.

**8.13.2.1.3** In an R-12 zone, 600 sq. ft. or 50% of the living area of the principal residence, whichever is less.

### **8.13.2.2 Detached Private Garages**

**8.13.2.2.1 R-40 Zone:** Total area not to exceed 1,200 sq. ft. or 50% of the living area of the principal residence, whichever is less. A garage area of 480 sq. ft. is permitted regardless of the living area of the principal residence.

**8.13.2.2.2 R-20 Zone:** Total area not to exceed 900 sq. ft. or 50% of the living area of the principal residence, whichever is less. A garage area of 480 sq. ft. is permitted regardless of the living area of the principal residence.

**8.13.2.2.3 R-12 Zone:** Total area not to exceed 600 sq. ft. or 50% of the living area of the principal residence, whichever is less. A garage area of 480 sq. ft. is permitted regardless of the living area of the principal residence.

**8.13.2.2.4** Detached private garages are limited to one (1) story, not to exceed a maximum height of 15 feet.

**8.13.2.2.5** Detached private garages shall be designed to be in keeping with the architectural style and treatment of the principal structure.

**8.13.2.2.6** In the case of attached private garages, living area may be permitted above the attached garage as a component of the principal structure.

**8.13.2.2.7** In no case shall the combination of the footprint area of the principal structure and the footprint area of a private garage exceed the respective allowable lot coverage percentage for the underlying zone.

**8.13.2.2.8** All yard setback requirements shall be the same as the underlying zone.

### **8.13.2.3 Communication Receiving & Transmitting Antennas & Discs**

**8.13.2.3.1** Communication Receiving & Transmitting Antennas & Discs shall have a maximum height of 25'. Height increases above 25 feet may be approved pursuant to Section 12 (Zoning Board of Appeals).

**8.13.2.3.2** Those towers higher than 25' must be located a distance from the property line at least equal to the tower height.

### **8.13.2.4 Private Greenhouses**

**8.13.2.4.1** Total area of private greenhouses shall not exceed 450 sq. ft. Greenhouses may have rigid or flexible exterior materials provided the material is transparent. An opaque covering over the transparent exterior may be used temporarily. The principle use of greenhouses is strictly for the purpose of propagating or starting of plants.

### **8.13.2.5 Detached Storage Buildings, Utility Buildings, Workshops, Hobby Shops, Recreation Rooms And Other Similar Purposes**

**8.13.2.5.1** The area for any one structure regulated under this section shall not exceed 450 sq. ft.

**8.13.2.5.2** The height of any one structure regulated under this section is

limited to one (1) story, not to exceed a maximum height of 12 feet.

**8.13.2.5.3** Detached accessory storage buildings no more than 12 ft. in height and not used for human habitation, storage of motor vehicles or for the housing of animals may be located in the required rear yard and in so much of the required side yard as lies not less than 75 feet from any street line, provided that they are not less than 6 ft. from any side or rear line, and provided further that they occupy an aggregate area equal to not more than 20 percent (20%) of the area of the required rear yard.

**8.13.2.5.4** All storage buildings not attached to a dwelling must be located beyond the rear building line of the house.

**8.13.2.5.5** The exterior of structures regulated under this section must be constructed of rigid materials such as wood, metal or vinyl siding, etc. Canvas structures or structures whose exterior covering is plastic material are expressly prohibited.

**8.13.2.5.6** All storage buildings require a zoning permit.

### **8.13.2.6 Barns And Agricultural Storage Buildings**

**8.13.2.6.1** Barns and Agricultural Storage Buildings are allowed on farms (See definition of Farm), provided that they are used for used for farming purposes; the maximum floor area shall not exceed 5,000 sq. ft.

### **8.13.2.7 Roadside Sales Of Local Agricultural Products**

**8.13.2.7.1** Operation of a stand, not to exceed 200 sq. ft., for the display and sale, by the occupant of the premises, of agricultural products produced on the premises is allowed.

**8.13.2.7.2** Local agricultural products produced off-site may also be displayed and sold from said stand. Said stand shall be located a minimum of 30 feet from any lot line.

## **8.13.3 Outdoor Storage**

### **8.13.3.1 Outdoor Storage of Unsightly Materials**

**8.13.3.1.1** Outdoor storage of Unsightly Materials (such as excavation equipment, commercial equipment, industrial equipment, appliances, furniture or debris or waste or other products stored outdoors which are not actively being utilized for their intended purpose, such as for construction or

repair of a structure on the lot) is not permitted in the R-40, R-20 or R-12 zones.

**8.13.3.1.2** Storage of boats, self-contained trailers, camper trailers and all terrain vehicles shall not be located less than 6 ft. from side and rear lot lines and no closer to the street than the primary structure.

**8.13.3.2 Outdoor Storage of Junk Vehicles, Unregistered Vehicles and Vehicles Involved In Restoration**

**8.13.3.2.1** A maximum of two vehicles unfit for highway use, registered or unregistered may be allowed on a lot for not more than ninety (90) days when being restored or repaired if the two are owned by members of the household and the parts of the two are compatible and being used in the restoration or repair of one of the two. Parts totaling more than one (1) vehicle remaining after ninety (90) days will be determined to be unsightly material. Titles of ownership, registration or Bill of Sale of the vehicle must be readily available upon request.

**8.13.3.2.2** A maximum of one (1) unregistered vehicle being restored or one (1) registered vehicle being restored or repaired, or one (1) Unregistered vehicle unfit for highway use owned by a member of the household may be kept on a lot. Title of ownership, registration, or Bill of Sale of the vehicle must be available upon request.

## **SECTION 8.14 ADULT ORIENTED ESTABLISHMENTS**

### **8.14.1 Declaration of Policy**

The Planning and Zoning Commission of the Town of North Haven, Connecticut finds:

**8.14.1.1** The operation of “adult oriented establishments”, as defined below, in the Town requires special regulation and supervision by the Town to protect, preserve and promote the health, safety and welfare of the patrons, clients or customers and employees of such establishments, as well as the health, safety and welfare of the town’s citizens. Further, protecting order and morality, preserving the character of the town, and preventing the deterioration of the town’s neighborhoods, avoiding blight, decreasing crime and juvenile delinquency, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

**8.14.1.2** Statistics and studies performed by a substantial number of cities and towns in Connecticut and elsewhere in the United States indicate that “adult oriented establishments” as defined below, if unregulated, threaten the public health, safety, and welfare by providing an atmosphere conducive to harmful secondary effects including an increase in crime rates, depreciation of property values, and deterioration of community character and quality of life.

### **8.14.2 Purpose and Intent**

**8.14.2.1** The primary purposes of Section 8.14 are to protect the general health, welfare, safety, way of life and local property values in the Town of North Haven by preventing the concentration of these types of uses in any one area, minimizing any adverse community impacts, and ensuring that these adverse effects will not contribute to the degradation of the surrounding neighborhoods.

**8.14.2.2** It is not the intention of the Planning and Zoning Commission, in enacting this regulation, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Planning and Zoning Commission to impose any limitations or restrictions on the content of any communicative materials including sexually oriented films, videotapes, books and/or other materials. Further, by enacting this article, the Planning and Zoning Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

**8.14.3** For the purpose of this Article, certain words and terms used herein are defined as follows:

### 8.14.3.1 ACCESSORY ADULT USE

(1) An “Accessory Adult Use” is defined as any establishment that has stock in trade for sale, rent, or barter in the following items:

(a) Magazines, pamphlets, books, periodicals, video cassettes, DVDs, or films which are distinguished by or characterized by an emphasis on mailers and/or subjects depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined herein, but which constitute less than ten percent (10%) of its stock in trade.

(b) All other types of adult oriented materials or any types of devices used for sexual stimulation but which constitute less than ten percent (10%) of its stock in trade.

(2) It is also defined as any establishment utilized for viewing of videos, movies or films, which are characterized by or distinguished by their emphasis on or subjects depicting or relating to “Specified Sexual Activities” or “Specific Anatomical Areas”, as defined herein, but which uses less than ten percent (10%) of its interior gross floor area as calculated by square footage to sell or display any of the material or subject mailer as described in part (1) above. Hallways, foyers, restrooms, loading docks, storage rooms and other areas not normally utilized to display or sell products are not to be calculated in the gross floor area.

(3) An establishment having an Accessory Adult Use shall not be considered an Adult Oriented Establishment.

**8.14.3.2 ADULT ARCADE, ADULT VIDEO ARCADE** - An “adult arcade” or “adult video arcade” is defined as any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time,, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**8.14.3.3 ADULT BOOKSTORE** - An “adult bookstore” is any “adult bookstore”, “adult novelty store” or “adult video store”, or any other establishment that:

(1) contains or has more than ten percent (10%) of its stock in trade for sale, rent, or barter in magazines, pamphlets, books, periodicals, video cassettes, DVDs, or films which are distinguished by or characterized by an emphasis on or subjects depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined herein; or

(2) utilizes more than ten percent (10%) of its interior gross floor area as

calculated by square footage to sell or display any of the material or subject matter as described in part (1) above. Hallways, foyers, restrooms, loading docks, storage rooms and other areas not normally utilized to display or sell products are not to be calculated in the gross floor area; or

(3) presents adult materials or entertainment, including movies or films, videocassettes or live entertainment for the purpose of observation or viewing by clients, customers, members, patrons, or members of the public therein which is characterized by or distinguished by its emphasis on or subjects depicting or related to Specified Sexual Activities or Specified Anatomical Areas, as defined herein.

**8.14.3.4 ADULT CABARET** - An “Adult Cabaret” is defined as a nightclub, bar, juice bar, lounge, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(1) persons who appear in a state of nudity or semi-nudity, or

(2) live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities, or

(3) films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the reproductions, which are characterized by the depiction or Specified Sexual Activities or Specified Anatomical Areas.

**8.14.3.5 ADULT ENTERTAINMENT** - “Adult Entertainment” is defined as:

(1) Any means or method utilized to exhibit or display any type of adult oriented motion pictures, live performance, display or dance of any type.

(2) Entertainment which consists, in substantial or significant portion, of any actual or simulated performances of Specified Sexual Activities or exhibition and viewing of Specified Anatomical Areas, including, without limitation, modeling, removal of articles, of clothing or appearing unclothed, pantomime or any other manner of personal services offered to clients, customers, members, patrons, or members of the public.

**8.14.3.6 ADULT MINI-MOTION PICTURE THEATER** - An “Adult Mini-Motion Picture Theater” is defined as an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas for viewing or observation by clients, customers, members, patrons, or members of the public therein.

**8.14.3.7 ADULT MOTEL** - An “Adult Motel” is defined as a hotel, motel or similar commercial establishment which offers accommodations to the public for any

form of consideration which:

- (1) provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction/description of Specified Sexual Activities or Specified Anatomical Areas and which hotel, motel, or similar commercial establishment has a sign visible from any public right of way that advertises the availability of this adult type of photographic reproduction; or
- (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) allows a tenant or occupant of the sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**8.14.3.8 ADULT MOTION PICTURE THEATER** - An “Adult Motion Picture Theater” is defined as an enclosed building or structure with a capacity of fifty (50) or more persons regularly used for presenting material distinguished by or characterized by an emphasis on mailers or subjects depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by clients, customers, members, patrons, or members of the public.

**8.14.3.9 ADULT ORIENTED ESTABLISHMENT** - “Adult Oriented Establishment” shall include the following, without limitation, any:

- (1) “Adult motion picture theater”
- (2) “Adult mini-motion picture theater”
- (3) “Adult bookstore”
- (4) “Adult cabaret”
- (5) “Adult motel”
- (6) “Adult video arcade and adult arcade”
- (7) Any premises to which clients, customers, members, patrons, or members of the public are invited or admitted and which premises are so arranged physically as to provide studios, booths, compartments, rooms, cubicles or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures.
- (8) Any premises where an entertainer provides adult entertainment to any client, customer, member, patron, or member of the public in attendance when such adult oriented entertainment is held, conducted, operated or maintained for a profit, direct or indirect, or for which a fee is charged.

(9) Any premises or any adult entertainment studio that is physically arranged and used as an adult entertainment studio, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, massage parlor or any other term of like import.

**8.14.3.10 EMPLOYEE** - An “Employee” is defined as any and all persons, including independent contractors, who work in or at, or render services directly related to the operation of an Adult Oriented Establishment.

**8.14.3.11 ENFORCEMENT AND PERMITTING PERSONNEL** - “Enforcement and permitting personnel” shall include the zoning enforcement officer, Quinnipiac Valley Health District, the chief of police, the fire marshal, their agent or representative, or any town employee designated to make inspections for fire, public health, safety, or zoning purposes or authorized to issue permits relating to Adult Oriented Establishments.

**8.14.3.12 ENTERTAINER** - An “Entertainer” is defined as any person who provides entertainment within an Adult Oriented Establishment, whether or not entertainment is provided as an employee or independent contractor and whether or not a fee is charged or accepted for such entertainment.

**8.14.3.13 MINOR** - “Minor” is defined as a person under the age of eighteen (18) years.

**8.14.3.14 OPERATOR** - An “Operator” is defined as any person, partnership, corporation or other entity operating, conducting or maintaining an Adult Oriented Establishment.

**8.14.3.15 PRINCIPAL ACTIVITY** - “Principal Activity” is defined as a use accounting for ten percent (10%) or more of a business’s stock in trade, square footage of display space, floor space or movie display time per month.

**8.14.3.16 SPECIFIED SEXUAL ACTIVITIES** - “Specified Sexual Activities” is defined as, but not limited to, the following:

- (1) showing of human genitals in any state of sexual arousal or stimulation,
- (2) fondling or other erotic touching of genitals, buttocks, anus, breast, or pubic region,
- (3) acts, whether actual or simulated, of masturbation, sexual intercourse sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus,
- (4) lap dancing,
- (5) excretory functions as part of or in connection with any of the activities set forth in subsections (1) - (4).

**8.14.3.17** The term “Specific Sexual Activities” is not intended to include or apply to the following:

- (1) bona fide medical publications, films or educational publications,
- (2) bona fide art or photography publications that devote at least forty percent (40%) of the lineage of each issue to articles and advertisements dealing with art or photography,
- (3) periodicals which report or describe current events and which, from time to time, publish photographs of nude or semi-nude persons in connection with the dissemination of the news,
- (4) publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depict nude or semi-nude persons when describing certain cultures in which nudity or semi-nudity is indigenous to the population.

**8.14.3.18 SPECIFIED ANATOMICAL AREAS** - The term “Specified Anatomical Areas” is defined as:

- (1) Less than completely and opaquely covered:
  - (a) human genitals and the pubic region,
  - (b) buttocks, and
  - (c) female breast(s) directly or laterally below the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

**8.14.3.19** The provisions and conditions of Section 8.14 shall not apply to nor prohibit the following use activities:

- (1) Treatment by a Connecticut licensed medical professional, chiropractor osteopath, masseur or masseuse, licensed practical nurse or registered professional nurse,
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment,
- (3) Hospitals, nursing homes, medical clinics or medical offices,
- (4) Barbershops, beauty salons or beauty parlors which offer massage to the scalp, face, neck or shoulders only,

- (5) Athletic facilities of an educational institution including alumni club philanthropic or charitable institutions,
- (6) Health establishments including commercial and non-commercial clubs, which are equipped and arranged so as to provide instruction, personal service or other activities which can improve or affect a person's physical condition by massage or exercise; or
- (7) Physical exercise programs that include aerobics, the martial arts or the use of exercise equipment.

#### **8.14.4 Location Requirements and Standards**

**8.14.4.1** All Adult Oriented Establishments shall be located in an Industrial (IL or IG) Zone by special permit, are prohibited in all other zones, and are subject to the approval of the Planning and Zoning Commission in accordance with the following standards and criteria as set forth in this Section:

**8.14.4.2** Adult Oriented Establishments shall not be located within one thousand (1,000) feet of any residential zone or within one thousand (1,000) feet of any adjoining municipality.

**8.14.4.3** Adult Oriented Establishments shall not be located within one thousand five hundred (1,500) feet from the property line of any of the following uses:

- (1) any public, private or parochial school or other educational facility which provides services to individuals under the age of eighteen (18) years,
- (2) any State licensed day-care center or provider, libraries, public parks, playgrounds, funeral parlors, cemeteries, dance schools or martial arts schools,
- (3) any municipal, State or Federal building,
- (4) any church, convent, monastery, synagogue or other similar place of worship.

**8.14.4.4** Adult Oriented Establishments shall be separated by a linear distance of at least one thousand (1,000) feet from any other such establishment.

**8.14.4.5** For the purposes of compliance with the above requirement, all linear distances or other dimensions shall be measured in a straight line, without regard to intervening structures or objects, from the nearest boundary of the lot containing or proposing to contain an Adult Oriented Establishment to the nearest boundary of the lot containing the uses as specified above.

**8.14.4.6** In accordance with the authority provided in Section 8-6 of the Connecticut

General Statutes, as amended from time to time, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an Adult Oriented Establishment.

#### **8.14.5 Signs and Exterior Displays**

No use shall be conducted and no sign, banner, display or decoration shall be displayed in any manner on the exterior of or in any window of or other opening on any premises that permits or allows the observation or viewing, from any public way or from any property not registered as an Adult Oriented Establishment, of any type of material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

#### **8.14.6 Lighting and Visibility**

**8.14.6.1** All Adult Oriented Establishments shall be well lighted at all times and be physically arranged in such a manner so that the entire interior portion where Adult Entertainment is provided shall be clearly visible from the common areas of the premises.

**8.14.6.2** Adult Oriented Establishments shall be equipped with overhead lighting fixtures of sufficient intensity in order to illuminate every place to which persons or patrons are permitted access at an illumination of not less than one (1.0) foot candle per one (1.0) foot as measured at the floor level.

**8.14.6.3** It shall be the responsibility of the Operator, its agent(s) or Employees to ensure that the illumination required by c. above is maintained at all times when any patron is present on the premises.

**8.14.6.4** As part of any application for a Special Permit pursuant to Section 8.14.10, the applicant shall submit an outdoor lighting plan for approval showing the number and location of all outdoor lighting fixtures.

#### **8.14.7 Hours of Operation**

No Adult Oriented Establishment shall open to do business before 10:00 a.m. and no Adult Oriented Establishment shall remain open after 1:00 a.m.

#### **8.14.8 Employees and Operators**

**8.14.8.1** No Operator or Employee of an Adult Oriented Establishment shall perform or permit to be performed, offer to perform, or allow patrons, members, clients or customers to perform, any live performance or conduct featuring or including any Specified Sexual Activities.

**8.14.8.2** No Operator or Employee of an Adult Oriented Establishment shall allow or permit any minor to enter into, or in any way loiter in or around, any part of such establishment.

**8.14.8.3** Every act or act of omission by an Employee which constitutes a violation of the provisions of these regulations shall be deemed as an act or act of omission of the Operator, if such act or act of omission occurred either with the authorization, prior knowledge or approval of the Operator or as a result of Operator's failure to supervise or negligent supervision of the conduct of the Employee.

**8.14.8.4** The Operator shall be responsible for such act or omission in the same manner as if the Operator caused the omission or committed the act,

**8.14.8.5** The Operator shall be responsible for the conduct of all Employees while on the premises, including parking areas and all other portions of the property, and any act or omission of any Employee constituting a violation of the provisions of these regulations shall be deemed as an act of omission of the Operator for purposes of determining whether the Operator shall be subject to the penalties allowed by law for the violation of these regulations.

**8.14.8.6** No person shall be employed in any Adult Oriented Establishment within three (3) years of conviction of any crimes involving moral turpitude, prostitution, obscenity, or other sex -related crime or drug offence in any jurisdiction, unless such conviction has been submitted for appellate review, in which case, employment may be continued until such appeal is sustained.

#### **8.14.9 Inspection of premises**

**8.14.9.1** All Adult Oriented Establishments shall be available for on site inspections at all reasonable times by Enforcement and Permitting Personnel.

**8.14.9.2** Inspections shall be conducted by Enforcement and Permitting Personnel pursuant to the provisions of the General Statutes, as amended.

#### **8.14.10 Special Permit Approval**

**8.14.10.1** Adult Oriented Establishments shall only be allowed by Special Permit in accordance with Section 8.14 of these Regulations.

**8.14.10.2** In addition to the parking spaces required by Section 8.5 of these regulations, there shall be two additional spaces for each viewing booth, cubicle or compartment proposed and approved by the Commission.

**8.14.10.3** Special permits for Adult Oriented Establishments shall be issued for a period of one (1) year and may be renewed for additional one (1) year periods provided that the establishment currently complies with, and has during the prior

special permit period, complied with, the zoning regulations and any conditions imposed in the course of granting any previous special permit for the establishment.

**8.14.11** Should any court of competent jurisdiction declare any provision, section or clause of this Regulation to be unconstitutional, such decision shall only affect that provision, section or clause so declared unconstitutional, and shall not affect any other section, clause or provision of this Regulation.

**8.14.12 Effective Date**

This Section 8.14 shall become effective fifteen (15) days following filing with the North Haven Town Clerk and publication of legal notice of adoption of these regulations.

# **ARTICLE IX – AREA, YARD, HEIGHT AND BULK REGULATIONS**

## **SECTION 9.1 GENERAL REGULATIONS**

### **9.1.1 Compliance with Regulations**

No land, building or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other Structure, shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with these regulations. No lot shall have an area or width or front, side or rear yard less than that set forth in the applicable section hereof, except as otherwise specifically provided in these regulations. No building shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than as provided herein. Except as otherwise specifically provided by these regulations, any permitted building, or permitted use may be located in that portion of the lot not contained in any required front, side or rear yard.

### **9.1.2 Reduction of Lot Area or Dimensions**

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

### **9.1.3 Required lot width and Frontage**

No building shall be built on or moved onto any lot having a frontage of less than 50 feet on a public street or street dedicated to public use unless specifically approved by the Planning & Zoning Commission after a public hearing, subject to such conditions as said Commission may establish, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning, to the conditions affecting traffic or safety hazard, and subject to the limitations set forth below.

**9.1.3.1** The Commission may approve a permit for a single-family dwelling on a lot capable of being occupied only by one single-family dwelling under the requirements of these regulations if such lot has access from a public street or street dedicated to public use by a strip of land belonging to such lot, which strip is not less than 25 feet in width and does not exceed 150 feet in length in an R-12 District. 200 ft. in length in an R-20 District or 300 ft. in an R-40 District.

**9.1.3.2** In situations considered by the Planning & Zoning Commission to be unique, involving parcels of land in the R-40 District only and having all of the following: a) 40,000 square feet (one (1) acre) to 87,000 square feet (two (2) acres) excluding the area of any such strip and the area of that portion of the front yard of any such lot as lies in front of a line parallel to

and 50 feet in front of the building line; b) a 15 foot paved width area within the 25 foot strip; c) city water; d) active sanitary sewers; and e) fire hydrants in the area, the Commission may extend or lengthen the access strip from a public street beyond that designated herein, at its discretion and for purposes of providing reasonable access to the property.

**9.1.3.3** In situations considered by the Planning & Zoning Commission to be unique, involving parcels of land in the R-40 District only and being 87,001 square feet (two (2) acres) or greater, the Commission may extend or lengthen the access strip from a public street beyond that designated herein at its discretion and for purposes of providing reasonable access to the property.

**9.1.3.4** The Commission shall also designate the width, grade, drainage and type of construction to be required in all such entrance strip. The area of any such strip and the area of that portion of the front yard of any such lot as lies in front of a line parallel to and 50 feet in front of the building line shall not be included for the purpose of computing the minimum lot area required by applicable provisions of these regulations.

**9.1.3.5** In the case of a rear lot, having access as above provided, the required lot width and required front, side and rear yards shall be measured by designating as the front lot line that lot line most nearly parallel and nearest to the public street from which access is obtained, disregarding the strip used for access.

**9.1.3.6** All rear lots developed having access as above provided, shall have a horizontal clearance of 15' to be used for driveway area and a 15' vertical clearance.

**9.1.3.7** Notwithstanding the definition of "front yard" within these regulations as applied to corner lots, and notwithstanding the bulk requirements of each zoning district, in the case of a parcel or parcels found by the Planning and Zoning Commission to be unusually shaped or sized of land (or to be affected unusually by other requirements of these regulations) and located in whole or in part within a commercial and/or industrial district, the Commission may, in its discretion, after a public hearing and careful review and analysis of the proposed site plan, grant a special permit.

**9.1.3.7.1** In the case of a corner lot, to modify the front yard setbacks so that one front yard may be reduced to no less than the side yard setback (or such lesser reduction as the Commission shall deem appropriate in the circumstances; and

**9.1.3.7.2** In the case of any such parcel of land, to modify any one or more of the bulk requirements by no more than 25% of the minimum or maximum allowed, as the case may be, where the Commission finds that the proposed modifications will increase the

town's property tax base without any significant adverse impact on traffic or nearby property values or health, safety and welfare generally (greater than the effects anticipated by uses that could be made of the property without such modification(s)). In deciding whether to grant such special permit to modify any bulk requirement contained herein, the Commission shall give consideration to the specific use requested; the affect such use will have on present and future uses in the vicinity; the proposed site plan and landscaping in protecting and providing aesthetics to adjoining properties; and the conditions affecting traffic safety.

#### **9.1.4 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.

#### **9.1.5 Projection into Open Spaces**

Nothing in these regulations shall prohibit the projection of not more than 1 foot 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 Section 8.7.10 hereof.

#### **9.1.6 Lots on Narrow Streets**

In the case of lots fronting on streets less than 50 feet in width, the required front yard shall be increased by one half the difference between 50 feet and the actual width of the Street.

#### **9.1.7 Lots Adjacent to Express Highways**

A parkway or other limited or controlled access highway which gives no access to a lot shall not be considered to be a street with respect to such lot. No building shall be placed nearer to the right-of-way of such parkway or other limited, or controlled access highway than the depth of the required rear yard.

#### **9.1.8 Density of Residential Use**

In the case of buildings used for human habitation, other than dwellings, the total number of sleeping accommodations on any lot shall not exceed eight for each unit of land area appearing under the heading "Minimum Lot Area per Family Unit" in the table applicable to the district in which such lot is located.

**9.1.9 Height Limitation**

The building height limit shall be applied separately for each wing or other distinct portion of the building and may be increased for any building or distinct portion thereof by 1 foot for every 2 feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks and other similar features occupying in the aggregate not more than 10 percent of the building area and not used for human occupancy maybe erected to a reasonable and necessary height. The height of any such building shall in no case exceed seventy-five (75) feet.

**9.1.10 Existing Parcels of Land**

The applicable requirements of these regulations pertaining to Minimum Lot Area and Minimum Lot Width shall not prevent the construction of an otherwise permitted building on a piece or parcel of land which, on January 1, 1960, and continuously thereafter, stood by itself separate and distinct and not owned by the owner of adjoining land as a result of a purchase or transfer of said parcel occurring after January 1, 1960, provided that any reduction in required front, side or rear yards shall have been approved by the Zoning Board of Appeals and provided further, that no dwelling or other building containing human habitation shall be constructed on any lot less than 20,000 square feet in area unless such lot is served by public water supply or by a public sewer and further, provided that no dwelling or other building containing human habitation shall be constructed on any lot less than 6,000 square feet in area or less than 50 feet in width.

**9.1.11 Required Floor Area**

No dwelling shall be erected, moved, altered or enlarged unless the living space above the ground level shall not be less than listed below, exclusive of open or unheated porches, garages and unfinished spaces.

<u>Number of Rooms in Dwelling</u>	<u>Floor Area Required</u>
4 rooms or less	650 square feet
5 rooms	720 square feet
6 rooms or more	800 square feet

**9.1.12 Easements**

Easements included in Required Lot Area

**9.1.12.1** The minimum area required for a lot in any district shall include the area lying within any easement over such lot for a right-of-way or for the

purposes of drainage, water supply, sewerage, the transmission of gas or liquid, telephone, telegraph, electric or other utility or similar purposes.

**9.1.12.2** No building shall be located within the area of any such easement.

**9.1.12.3** No building used for human habitation shall be located within 40 feet from any high pressure gas or oil transmission pipe line.

**9.1.13 Conversion of Existing Dwellings**

A dwelling, the construction of which shall have been completed prior to 1930, may be converted to contain two-family dwelling units provided that the lot area per family is equivalent to that required in the district in which it is located and provided that said dwelling is presently located on the lot upon which it was originally constructed.

## **ARTICLE X – SITE PLAN REVIEW**

### **SECTION 10.1 SITE PLAN APPROVAL**

#### **10.1.1 Site Plan Approval, Applicability**

**10.1.1.1** To aid in determining the conformity of a proposed building or use with specific provisions of these Regulations, approval of a site plan by the Planning and Zoning Commission is required for:

- (1) the development or redevelopment of any property or structure for a new use,
- (2) the expansion or relocation of any existing use, or
- (3) any change of use of a property or structure.

**10.1.1.2** One-family dwellings, two-family dwellings, buildings accessory to one-family and two-family dwellings, and municipal uses do not require site plan approval. Where site plan approval is required, applications for the issuance of a Building Permit must be accompanied by a copy of the approved site plan.

**10.1.1.3** All site development and all use of the property shall be in conformance with approved site plan and all other provisions of these Regulations. No certificate of Zoning Compliance shall be issued until all such requirements have been met to the satisfaction the Planning and Zoning Commission. Continued conformance with the approved site plan including the maintenance of all landscaping shall be a requirement of the continued validity of any such Certificate of Zoning Compliance. Failure to maintain the approved landscaping constitutes a zoning violation.

#### **10.1.2 Standards**

The Planning and Zoning Commission shall not approve a duly submitted site plan unless it shall find that such plan conforms to the requirements of these Regulations. In reviewing the site plan, the Planning and Zoning Commission shall also take into consideration the public health, safety and general welfare, and shall set appropriate conditions and safeguards which are in harmony with the general purpose and intent of these regulations, particularly in regard to achieving the following:

**10.1.2.1** An adequate, convenient, and safe vehicular and pedestrian circulation system, so that traffic generated by the development will be properly handled both within the site and in relation to the adjoining street system.

**10.1.2.2** A site layout that will have the minimum potential adverse effect upon the established character or potential use of any adjoining properties.

**10.1.2.3** Considerations of the project's impact on the natural environment, with emphasis on minimizing any potential adverse effects thereon. The applicable requirements specified in Section 6 shall be met.

**10.1.2.4** The reasonable screening at all seasons of the year from the view of adjacent residential properties and streets of all parking and loading areas or other features, that, in the opinion of the Planning and Zoning Commission, require such screening. The applicable requirements specified for buffer areas shall be met.

### **10.1.3 Application Procedure**

Application for approval of a site plan shall be made by the owner of record, or by his authorized agent, in writing on a form furnished by the Planning and Zoning Commission. The application shall be accompanied by a review fee in an amount established by the Planning and Zoning Commission and eight (8) copies of a detailed site development plan prepared by and bearing the signature and seal of a professional engineer and/or architect and/or landscaped architect and/or surveyor, where applicable, and within the respective professional's discipline, licensed to practice in the State of Connecticut, in a format similar to the format used in the "typical site plan" contained in the Appendix of these Regulations and including the following information:

**10.1.3.1** Title of development.

**10.1.3.2** Date and revision dates if any.

**10.1.3.3** North point.

**10.1.3.4** Scale.

**10.1.3.5** Name and address of record owner and of applicant, if other than owner, and of the engineer, architect, landscape architect, or surveyor preparing the site plan.

**10.1.3.6** A-2 Survey showing area and boundaries of the property.

**10.1.3.7** Adjacent zoning and special district boundaries.

**10.1.3.8** Building or setback lines as required in these Regulations.

**10.1.3.9** Lines of existing streets and adjoining lots as shown on the Town's Official Tax Maps, and reservations, easements and other areas dedicated to public and special use.

**10.1.3.10** A location map drawn to a scale of 1" = 800'

**10.1.3.11** The names of all owners of record of all adjacent properties.

**10.1.3.12** Location and dimensions of all existing buildings, retaining walls, fences, rock outcrops, wooded areas, single trees with a diameter of eight inches or more measured three feet above the base of the trunk, water courses, marshes, water supply, sanitary sewerage, storm drainage and any other utility facilities, and of any other significant existing features on the premises. All significant existing features within 20 feet of all property lines shall also be shown.

**10.1.3.13** Existing and proposed contours at a maximum vertical interval of two feet.

**10.1.3.14** Proposed use or uses of all land and buildings, and, where only a portion of a property is to be occupied by the development, the boundaries and area of such portion (including required screening and setback areas).

**10.1.3.15** Outline and elevations of the pavement of abutting streets, and of proposed means of vehicular and pedestrian access to and from the site.

**10.1.3.16** Location, layout and numbers of proposed off-street parking and loading spaces, where provided.

**10.1.3.17** Location and layout of proposed recreation areas, where required.

**10.1.3.18** Finished floor elevation of buildings, finished grades of walls, pavements and storm drains.

**10.1.3.19** Detailed construction plans of retaining walls, steps, ramps, paving and drainage structures.

**10.1.3.20** Expected storm drainage loads, including off-site conditions where considered appropriate by the Planning and Zoning Commission.

**10.1.3.21** Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site, or a statement that no material is to be removed or imported.

**10.1.3.22** Location and dimensions of all proposed water supply, sanitary sewerage, storm drainage, and other utility lines and equipment, including connections to existing facilities.

**10.1.3.23** Detailed landscaping plan including type, size and location of all materials used and plans for buffer screening and fencing. All commercial,

industrial and multi-family developments will have underground sprinkler systems installed and shown on plan.

**10.1.3.24** All site plans must show all areas and/or location of the following:

- (1) Outside storage areas or structures.
- (2) Utility transformers.
- (3) Utility meters (free standing or attached to a structure), i.e. electrical, gas, water.
- (4) Telephone/cable television equipment.
- (5) Fuel oil storage facilities.
- (6) Refuse/trash containers of any type.
- (7) Postal facilities.
- (8) Exterior mechanical equipment such as, but not limited to HVAC items. If any or all of the services are not to be provided or are included in a prior approval, a statement to that effect shall be included as a note on the site plan.

**10.1.3.25** No storage of any type, including the temporary or permanent storage of waste products or material shall be permitted outside of an enclosed building without the expressed site plan approval of the Planning and Zoning Commission. In regarding such storage, the Commission shall consider the impact upon the public safety, public health, sanitation and aesthetics. The Commission may prohibit or may regulate such storage including but not limited to the amount, location, enclosure, screening, scheduled removal and the nature of the materials to be stored.

**10.1.3.26** Proposed location, type, design, size, color and illumination of all signs.

**10.1.3.27** Proposed type, design, mounting height, location, direction, power and timing of all outdoor lighting.

**10.1.3.28** Conditions specified by the Zoning Board of Appeals or Planning and Zoning Commission in the approval of any variance or special approval related to the subject property.

**10.1.3.29** In multiple dwelling projects, floor plans of each dwelling unit design and elevations and cross-sections of buildings when required by the Planning and Zoning Commission.

**10.1.3.30** Any other information determined necessary or appropriate by the Planning and Zoning Commission in order to provide for the proper administration and enforcement of these Regulations.

**10.1.3.31 Certificate of Operation:**

(1) Within the context of Section 14-311 and 14-311a of the Connecticut General Statutes. Any open-air theater, shopping center or other such development generating large volumes of traffic shall mean any development containing two hundred or more parking spaces.

(2) Application for certificate for such developments shall be made on the forms provided by the State Traffic Commission and shall contain all data required by the State Traffic Commission.

(3) This permit will be made a condition of approval on any site plan development where two hundred or more parking spaces are required.

**10.1.3.32 Stream Buffer Regulation**

In all development areas adjacent to the Quinnipiac River and Muddy River, there shall be established a fifty (50) foot greenbelt where no development can occur. This greenbelt area will begin at the river's edge and continue fifty feet (50) into the property which is being developed and be continuous along the property line. It shall consist of natural vegetation and where the Planning and Zoning Commission deems necessary, in connection with any approvals, additional plantings may be required from the Planning and Zoning Commission with respect to the property. This natural greenbelt area must be shown on any final approved site plan with respect to land adjacent to the greenbelt area and be continuously maintained as a condition of site plan approval. The purpose of this regulation is to maintain vegetated buffers along the rivers to absorb run-off thus mitigating flooding and erosion problems. These buffer areas can be utilized as a means of keeping development out of flood prone areas and protect the water quality.

**10.1.4 Action by Planning and Zoning Commission**

Within sixty-five (65) days of the date of the hearing or within sixty-five (65) days of the date of the Planning and Zoning Commission meeting at which a properly completed application was received limo hearing was held, the Planning and Zoning Commission shall act to either approve, deny, or approve with conditions, the site plan application and shall specify what modifications, if any, are necessary. A site plan may be modified or denied only if it fails to comply with requirements already set forth in these Regulations. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the period specified herein. A

decision to deny or modify a site plan shall set forth the reasons for such denial or modification.

**10.1.4.1** A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.

**10.1.4.2** The applicant may consent to one or more extensions of the above specified period for Planning and Zoning Commission action, provided the total period of any such extension or extensions shall not exceed two further sixty five (65) day periods or may withdraw such plan.

**10.1.4.3** The Planning and Zoning Commission may, as a condition of approval, require a bond consisting of a commercial surety bond or cash, in the form of a bank passbook, be filed with the Commission in a form satisfactory to said Commission and in an amount equal to the detailed estimate cost of construction to complete all median strips, curbing driveways, parking areas and landscaping as indicated on the approved site plan including modifications, if any; and/or the cost of any public improvements; and contingencies for site improvements. Said bonded work is to be completed within five (5) years of the date of approval, as defined in Section 10.1.4.4. The applicant may submit a written request, to the Commission, to extend the period to complete the bonded work beyond five years from the Date of Approval. To be valid, such request must be submitted and granted prior to the five-year expiration date. The Commission, at its discretion, may grant twelve-month extensions. In no case may the total extensions granted exceed five (5) years.

**10.1.4.4** All conditions of approval for a site plan must be complied with prior to the issuance of a building permit including the posting of a bond for site improvements, if required; and the filing of all other required documents. The date of approval by the Planning and Zoning Commission shall be the date the legal notice of the decision is published in the newspaper of public record of the Town of North Haven.

**10.1.4.5** The Commission shall have the right to retain 10% - 15% of the original Planning and Zoning bond for twelve months, from the date of completion of work as acknowledged by the Commission at a regularly scheduled monthly meeting, to ensure that no repair or replacement work is required or that no landscaping needs to be replaced.

### **10.1.5 Waiver of Requirements**

Upon a finding by the Planning and Zoning Commission that, because of the particular character or limited nature of a new development or change in use, or to special conditions peculiar to a site, the submission of a site plan; or of certain

portions of the information normally required as part of the site plan, is inappropriate or unnecessary, or that strict compliance with said informational requirements will cause extraordinary and unnecessary hardship, the Planning and Zoning Commission may vary or waive such submission wherever, in the opinion of the Commission, such waiver will not be detrimental to the public health, safety or general welfare.

#### **10.1.6 Expiration of Approval**

Approval of any site plan shall expire unless a Building Permit is applied for within a period of one year from the date of approval of the site plan by the Planning and Zoning Commission, except where the staging of development over a longer period has been specifically provided for at the time of site plan approval. The Planning and Zoning Commission may extend the site plan, approval for not more than two (2) six (6) month periods.

#### **10.1.7 Processing an Approved Site Plan**

**10.1.7.1** Prior to the issuance of a building permit for any permitted use in any district with the exception of a one family residential dwelling, two-family dwellings, buildings accessory to one and two family dwellings and municipal uses, a site plan shall be approved by the Planning and Zoning Commission. If a bond is required for site plan improvement, the bond shall be submitted to the Planning Office prior to the final approved endorsement. The Zoning Enforcement Officer shall sign the site plan only after all Conditions are met.

**10.1.7.2** All conditions of approval for a site plan must be complied with prior to the issuance of a building permit including the posting of a bond and all other necessary documents. The date of approval by the planning and Zoning Commission shall be the date the legal notice of the decision is published in the New Haven Register.

**10.1.7.3** The Clerk of the Commission shall send a copy of the Standard operating Procedure for approved site plan to the applicant and/or his agent with the letter of the Planning and Zoning approval.

**10.1.7.4** The applicant shall submit:

(1) Eight (8) blue line maps with any corrections or stipulation required by the Planning and Zoning Commission as a condition of approval.

(2) A bond or passbook in the amount and form approved by the planning and Zoning Commission. No letters of credit will be accepted. All bonds shall be on forms supplied by the Planning Office. All passbooks shall be on a Connecticut bank and the

account shall be in the applicant's name and Treasurer, Town of North Haven. All passbooks shall be accompanied by a completed passbook assignment form and two (2) withdrawal slips signed by the applicant. No site plan shall receive final endorsement until security (bond or passbook) is received by the Planning Office. All bonds in excess of \$10,000 shall be reviewed by the Town Counsel and must be approved by him prior to the issuance of a building permit.

(3) Any additional documents required by the Planning and Zoning Commission as a condition of approval.

**10.1.7.5** The Clerk of the Commission shall check to see if the bonding company is incorporated in the State of Connecticut. Bonds on a company not incorporated in the State of Connecticut will not be accepted.

**10.1.7.6** The Clerk of the Commission shall distribute the prints and bond forms accordingly:

(1) The bond form and/or passbook to the office of the First Selectman with a Planning Office file reference number of the site plan.

(2) Two (2) prints to the Planning Office.

(3) Two (2) prints to the Engineering Department with a bond form.

(4) One (1) print to the Assessor's Office.

(5) One (1) print to the Building Department.

(6) One (1) print to the Quinnipiack Valley Health District Office.

(7) One (1) print to the Department of Public Works.

### **10.1.8 Sanitary Sewers**

The Planning and Zoning Commission may, at its discretion with the advice and recommendation of the Water Pollution Control Authority and/or Town Engineer, require in any such area not served by sanitary sewers and in anticipation of the extension of the public sanitary sewers that dry mains (including laterals) be installed in public roads for any site plan approval.

## **SECTION 10.2 COASTAL SITE PLAN REVIEW**

### **10.2.1 Purpose**

The purpose of Coastal Site Plan Review is to assure that development within the Coastal Boundary is accomplished in a manner which is consistent with the goals and policies of the Connecticut Coastal Management Act (Conn. General Statutes sections 22a-90 through 22a-96 as amended by P.A. 79-535) and with the goals and policies of the Town of North Haven Planning and Zoning Commission.

### **10.2.2 Location**

The area subject to coastal site plan review is that area of North Haven which lies within the Coastal Boundary as defined in Section 4 of P.A. 79-535 and as shown on a map entitled "Coastal Boundary" prepared and adopted in accordance with Section 4 which is on file in the Planning and Zoning Office and in the Office of the North Haven Town Clerk.

### **10.2.3 Permitted Uses**

Within the Coastal Boundary any use which is allowed in the established zoning district shall be permitted, subject to compliance with the requirements of all pertinent sections of these regulations.

### **10.2.4 General Procedures for Coastal Site Plan Reviews**

**10.2.4.1** A Coastal Site Plan shall be required for any activity or project as defined in Section 11 (b) P.A. 79-535 which is proposed to be located either fully or partially within the Coastal boundary, with the exception of gardening, grazing and the harvesting of crops.

**10.2.4.2** No activity for which a Coastal Site Plan is required shall be begun until the Coastal Site Plan has been approved by the appropriate commission or board as outlined in Section 11 (b) of P.A. 79-535.

**10.2.4.3** An application for approval of a Coastal Site Plan shall be filed with the appropriate commission or board and shall comply with all provisions of the applicable zone, with Section 10.1 Site Plans, with all pertinent requirements of these zoning regulations and with all provisions of Section 11c and 12c of the Coastal Management Act.

**10.2.4.4** An application shall be accompanied by a filing fee of fifty (\$50.00) and six copies of a Coastal Site Plan.

**10.2.4.5** The Commission or board shall approve, approve with conditions, modify, or deny the application. It shall set forth the reasons for its decision and shall notify the applicant of its decision by certified mail within fifteen (15) days after such decision is rendered. In approving any activity proposed in a Coastal Site Plan, the Board or Commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board or commission: (1) is consistent with all applicable goals and policies in Section 22a-92 of the general statutes, as amended; and (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both Coastal resources and future water dependent development activities.

**10.2.4.6** The board or commission reviewing a Coastal Area Site Plan may require a bond, escrow account or other surety of financial security arrangement to secure compliance with any modifications, conditions and other terms stated in its approval of a Coastal Site Plan.

### **10.2.5 Additional Procedures: Section 15 Coastal Site Plan Reviews**

**10.2.5.1** The following activities are exempt from the Coastal Site Plan Review required by Section 15(a) of P.A. 79-5.35:

**(1)** Minor additions or modifications of existing buildings or detached accessory buildings such as garages and utility sheds. A minor addition is an addition which does not exceed ten percent of the first floor area or one-thousand square feet whichever is less, and which does not require more than a ten percent addition to the number of off-street parking spaces in order to comply with the parking requirements.

**(2)** Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, decks and detached accessory buildings.

**(3)** Construction of new or modification of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along tidal rivers.

**(4)** Construction of an individual conforming single-family, residential structure except in or within one hundred feet of tidal wetlands.

(5) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other Coastal land and water resources.

**10.2.5.2** The Planning and Zoning Commission may at its discretion hold a hearing on a Coastal Site Plan required under section 15(a) of P.A. 79-535. The time limits of Section 8-7d(b) of the Connecticut General Statutes shall be adhered to in acting on a Coastal Plan required under this section.

## ARTICLE XI – SPECIAL PERMITS

### SECTION 11.1 SPECIAL PERMITS - A LOT LYING IN MORE THAN ONE DISTRICT

**11.1.1** In the case of a lot lying in more than one district, the provisions of either district may be applied for a distance of no more than 40 feet into the other district without a Special Permit.

**11.1.2** After a public hearing, the Planning and Zoning Commission may allow the provisions of either district to apply for more than 40 feet into the other district by granting a Special Permit.

**11.1.2.1** The Commission shall give consideration to the specific use requested; the affect such use will have on present and future uses in the vicinity; the proposed site plan and landscaping; the effectiveness of buffer strips and planting in protecting and providing aesthetics to adjoining properties; the conditions affecting traffic safety; and, the provisions for off street parking.

**11.1.2.2** This Special Permit shall also be required for any expansion of any permitted use or any change in the driveway access or other substantial change in the permitted site plan affecting the public interest where the provisions of either district apply more than 40 feet into the other district.

**11.1.3** A minimum 50' landscaped buffer shall be required along the perimeter of any portion of the parcel where the use granted by the Special Permit encroaches into another district. A detailed landscaping plan showing all planting and buffer strips, must be submitted for approval by the Commission.

**11.1.4** The Planning and Zoning Commission must notify any town within 500' of the parcel of land requesting the Special Permit at least 35 days prior to the public hearing.

**11.1.5** In any case where the special permit requested under this section affects a lot or lots adjoining another municipality, the Planning and Zoning Commission shall notify Regional Planning Authority, for their comments, at least 35 days prior to the scheduled public hearing.

**11.1.6** In approving this Special Permit, the Commission may require periodic renewal of the permit to determine continuing compliance with the conditions and standards of approval.

**11.1.7** The applicant must file approval of the Special Permit in the Land Records, at the office of the Town Clerk, within one year of the date of approval. Failure to do so shall cause the approval to become null and void. Verification of recording must then be submitted to the Zoning office by the applicant.

**11.1.8** This Special Permit shall expire one year from the date of approval if the applicant does not meet the conditions of approval required in order to commence implementation of the approval. The date of approval being the day the notice of decision is published in the newspaper. Upon written request, the Commission may grant no more than two (2) six (6) month, extensions.

**11.1.9** This Special Permit shall become void if: (1) the use for which it was granted ceases for more than twelve months; (2) if all required improvements are not completed within twelve months (from the date the work on the project commences); or, (3) if all conditions and standards are not complied with throughout the duration of the use.

## ARTICLE XII – ZONING BOARD OF APPEALS

### SECTION 12.1 ZONING BOARD OF APPEALS

**12.1.1** In accordance with the provisions of Chapter 124 of the General Statutes, Revision of 1958, the Zoning Board of Appeals shall consist of five electors, who shall not be members of the Zoning Commission.

**12.1.2** The Zoning Board of Appeals shall elect a chairman from among its members and all meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and shall be open to the public.

**12.1.3** The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

**12.1.4** The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions.

**12.1.5** Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Office of the Town Clerk and shall be a public record.

**12.1.6** The Zoning Board of Appeals shall have the following powers and duties:

**12.1.6.1** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission or any other official charged with the enforcement of these Regulations.

**12.1.6.2** To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of these Regulations.

**12.1.6.3** To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not 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.

**12.1.6.4** Whenever the Board of Appeals grants a variance of these Regulations or a special exception hereunder, it may impose whatever conditions and safeguards it deems necessary to carry out the purpose and intent of these Regulations, to secure the public interest and welfare or to secure the interest and welfare of the general neighborhood.

**12.1.7** Appeals to the Board shall be taken in accordance with the provisions of Chapter 124 of the General Statutes, Revision of 1958, and within the time prescribed by rule adopted by the Board.

## **ARTICLE XIII – ADMINISTRATION AND ENFORCEMENT**

### **SECTION 13.1 ENFORCEMENT**

**13.1.1** The provisions of these regulations shall be enforced by the Commission or by and through any zoning enforcement agents who shall be appointed by the Commission to serve at its pleasure. Such zoning enforcement agents shall be the agents of the Commission,

**13.1.2** The Zoning Enforcement Agent may cause any building or premises to be inspected and may order in writing the remedying of any conditions found to exist therein or thereon in violation of these regulations.

**13.1.3** No building shall be constructed, enlarged or moved until a written permit for such work shall have been issued by the Zoning Enforcement Agent. Application for a permit shall be made on forms to be furnished by the Commission and shall be accompanied by a plot plan and shall contain all the information necessary to enable the Zoning Enforcement Agent to ascertain that the proposed building complies with all the provisions of these regulations.

**13.1.4** The Commission shall cause all violations of these regulations to be prosecuted as provided by provisions of Chapter 124 of the General Statutes Revision, 1958.

**SECTION 13.2 PROCESSING AN APPROVED SUBDIVISION OR RESUBDIVISION FOR FILING IN THE OFFICE OF THE TOWN CLERK**

**13.2.1** All subdivisions/resubdivisions shall be filed in the Office of the Town Clerk within 90 days after the end of the appeal period which is fifteen (15) days from the date of publication in the New Haven Register to become effective.

**13.2.1.1** The Clerk of the Commission shall send a copy of the Standard Operating Procedure for approved subdivision/resubdivision to the applicant and/or his agent with the letter of the Planning and Zoning approval.

**13.2.1.2** Within sixty (60) days after the appeal period (as described above) the applicant shall submit the following to the Zoning Office:

**(1)** Two (2) mylars and eight (8) prints of the subdivision/resubdivision with any corrections or stipulations required by the Planning and Zoning Commission as a condition of approval.

**(2)** A bond or passbook in the amount and form approved by the Planning and Zoning Commission. (Note: Bonds in excess of \$10,000 must be reviewed by Town Counsel)

**(a)** All bonds shall be on forms supplied by the Planning Office.

**(b)** All passbooks shall be on a Connecticut bank and the account shall be in the applicant's name and Treasurer, Town of North Haven. All passbooks shall be accompanied by a completed Passbook assignment form and two (2) withdrawal slips signed by the applicant. No subdivision/resubdivision drawings shall be signed until security (bond or passbook) is received by the Planning Office.

**(3)** A check for twenty dollars (\$20.00) payable to the Town Clerk (for filing fee), and

**(4)** Any additional documents required by the Planning and Zoning Commission as a condition of approval.

**13.2.1.3** The Clerk of the Commission shall check to see if the bonding company is incorporated in the State of Connecticut. Bonds on a company not incorporated in the State of Connecticut will not be accepted.

**13.2.1.4** The Quinnipiack Health Director shall sign the mylars and print if sanitary sewers and/or public water is not included in the approval. The Chairman of the Planning and Zoning Commission shall sign the mylars and prints only after all conditions are met.

**13.2.1.5** The Clerk of the Commission shall distribute the mylars, prints and the check accordingly.

- (1) One (1) mylar and the twenty-dollar (\$20.00) check payable to the office of the Town Clerk for filing.
- (2) One (1) mylar and two (2) blue line maps to the Engineering Department with a bond form.
- (3) One (1) print to the Assessor's Office.
- (4) One (1) print to the Building Department.
- (5) Two (2) prints to the Planning Office file.
- (6) One (1) print to the Quinnipiack Valley Health District Office.
- (7) One (1) print to the Department of Public Works.
- (8) The bond form and/or passbook to the Office of the First Selectman with a Planning Office file reference number of the subdivision/resubdivision.

**13.2.1.6** For any subdivision/resubdivision not submitted within 60 days after the end of the appeal period (15 days from the date of publication in the New Haven Register), the Zoning Administration shall send a letter to the applicant informing him that his subdivision will become null and void within 30 days. If the applicant requests an extension, the Commission may grant a ninety (90) day extension. No more than two (2) ninety (90) day extensions may be granted.

**SECTION 13.3      RULE    ADOPTED    INTO    PLANNING    AND    ZONING**  
**REGULATIONS EFFECTIVE MARCH 1, 1984**

**13.3.1** Any person aggrieved or any officer, department, board or bureau of the Town of North Haven aggrieved by any order, requirement or decision of the Zoning Enforcement Officer of the Town of North Haven may appeal to the Zoning Board of Appeals.

**13.3.2** Said appeal shall be taken within fifteen (15) days of the receipt of said order, requirement or decision by the filing of a written appeal with the secretary or at the Office of the Zoning Board of Appeals.

**13.3.3** Said appeal shall specify, the grounds thereof and a fee as specified by Board shall be paid at the time of the filing of the appeal.

**13.3.4** The Zoning Enforcement Officer may allow for a time longer than fifteen (15) days to appeal the order, requirement or decision but in no event shall the time to appeal be less than fifteen (15) days from the receipt of the order, requirement or decision.

**SECTION 13.4 NOTIFICATION REQUIREMENTS**

**13.4.1** The applicant, or his agent, shall notify the property owner(s) of any parcels of land that are within 100 feet of the parcel for which any application, petition, request or plan concerning any project on the site, which requires a public hearing, is pending before the Planning and Zoning Commission.

**13.4.2** The following shall be exempt:

**13.4.2.1** Municipal or state projects, unless the parcel is in a residential district.

**13.4.2.2** Amendments to the zoning regulations

**13.4.3** Notifications shall be made by certified mail and shall be mailed no sooner than fifteen (15) days nor less than ten (10) days before the public hearing at which the application will be presented to the Common.

**13.4.4** The notification is to be sent to owner(s) of record as recorded at the Office of the Town Assessor

**13.4.5** Verification of notification shall be submitted to the Zoning Office no later than ten (10) days before the public hearing.

**13.4.6** To verify that notifications have been sent, all of the following shall be submitted to the Zoning Office:

**13.4.6.1** A list of all the names and addresses of all the property owners within 100 feet of the parcel for which an application has been submitted.

**13.4.6.2** A copy of a book map denoting the parcel for which an application has been submitted and all parcels of land within 100 feet of the application site.

**13.4.6.3** A copy of the letter sent, describing the proposed activity; the date, time and place of the meeting; and, the name of the applicant and the name of the owner of record of the parcel for which an application is being submitted.

**13.4.6.4** All the postal certification slips.

## **ARTICLE XIV – SEPARABILITY, REPEALER AND EFFECTIVE DATE**

### **SECTION 14.1 SEPARABILITY**

14.1.1 If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

### **SECTION 14.2 REPEALER**

### **SECTION 14.3 AMENDMENTS**

14.3.1 These regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Commission in accordance with the provisions of Chapter 124 of the General -Statutes, Revision of 1958.

14.3.2 All applications for a change of district on the Zoning Map shall be accompanied by a map at a scale of not more than 800 feet to 1 inch showing the boundaries of the proposed change, which boundaries shall be referenced by dimension to a street line, railroad right-of-way, stream or other physical feature appearing on the Zoning Map of the Town of North Haven in effect at the date of such application.

14.3.3 All applications for such change of District or for an amendment to the Zoning Regulations shall be accompanied by a filing fee as set forth by the Commission.

### **SECTION 14.4 EFFECTIVE DATE**

14.4.1 These regulations shall become effective on January 1, 1960, at noon, eastern standard time, and all prior zoning regulations of the North Haven Planning and Zoning Commission are hereby repealed as of said effective date.

**APPENDIX A**  
**Schedule of Zoning Regulation Amendments**

<b><u>AMENDMENT NUMBER</u></b>	<b>ADOPTED</b>	<b>EFFECTIVE DATE</b>	<b>SECTION(S)</b>	<b><u>REVISED PAGE NUMBER</u></b>
1	03/07/60	03/17/60	5.1; 5.2; 5.3	UNRECORDED
2	04/04/60	04/09/60	ADD new paragraph .6.3.7	UNRECORDED
3	03/06/61	04/11/61	DELETE 1.19; ADD 4; 6.3.2.1 to 6.6; 7.1 to 7.8	UNRECORDED
4	05/01/66	05/10/61	4.1.8; 5.1.8; 6.3.8 to 6.3.8.3	UNRECORDED
5	12/04/61	01/08/61	4.1.6; ADD 6.3.3; DELETE 10.1; ADD 10.5; ADD 13; 3.20	UNRECORDED
6	01/08/62	01/31/62	ADD 6.3.8, 6.3.8.2 & 6.3.8.3; 6.6.1; 6.6.4	UNRECORDED
7	05/07/62	05/19/62	6.3.7	UNRECORDED
8	06/04/62	06/11/62	6.3.8; 6.3.8.5; ADD 6.3.8.6; DELETE & RE# 6.30 to 6.39	UNRECORDED
9	07/02/62	07/09/62	ADD 5.3, 5.4 & 5.5	UNRECORDED
10	10/08/62	10/08/62	5.2.4	UNRECORDED
11	05/06/63	05/13/63	ADD 2.1; 3.21; 5; 5.3 & 5.4	UNRECORDED
12	09/09/63	10/01/63	3.15; ADD 3.24; 6.3.6.3	UNRECORDED
13	10/07/63	10/14/63	ADD 3.25	UNRECORDED
14	04/06/64	04/16/64	3.18	UNRECORDED
15	06/01/64	UNKNOWN	3.19, 3.19.1, 3.19.2, 3.19.3; 3.26, 3.26.1, 3.26.2 & 3.26.3; 6.3.24	UNRECORDED
16	12/07/64	12/16/64	6.1.71	31a
17	06/06/66	06/13/66	3.3; 5.2.	9 and 22
18	07/11/66	07/16/66	1.27	4
19	09/13/66	09/21/66	6.1.?	27
20	10/03/66	10/09/66	1.9; 6.3.8; ADD 1.50; 6.3.8; 6.3.8.1, .2 & .3; RE# 6.3.8 & .9 to 6.3.9 & 6.3.10	3, 6, 29, 35, 35, 36 and 37
21	12/12/66	12/21/66	3.26.4	15
22	03/06/67	03/25/67	ADD 3.27; 6.3.1; ADD 3.11; 6.1	15, 15a and 32
23	05/01/67	05/06/67	6.21; 6.3.7	3, 4, 5, 6, 7, 21, 22, 23, 24, 25, 25a, 25b and 41
24	06/05/67	UNKNOWN	ADD 6.2.1; 6.3.7	
25	07/03/67	07/10/67	ADD 6.7; DELETE 4.1.6.4	17, 18 and 19, 39
26	08/07/67	UNKNOWN	RE# 4.1.6; DELETE 4.1.6.4	UNRECORDED
27	10/02/67	10/12/67	7.6	UNRECORDED
28	04/07/68	04/10/68	1.2; 1.17; 1.27; DELETE 1.39; ADD 1.50; 6.1.4; ADD 6.1.4.1; 7.7	UNRECORDED
29	05/06/68	05/16/68	6.2	UNRECORDED
30	07/01/68	07/10/68	3.21; ADD 4.1.6.11; ADD 11.6.4	UNRECORDED
31	08/12/68	08/21/68	5.3.2.12; 10.3	UNRECORDED
32	10/07/68	10/11/68	1.3	UNRECORDED
33	05/05/69	UNKNOWN	6.1.14	UNRECORDED
34	06/02/69	UNKNOWN	4.1.65; 1.18	UNRECORDED
35	10/13/69	UNKNOWN	1.3	UNRECORDED
36	04/06/70	04/09/70	6.2; 6.3.7; DELETE 6.3.8.1, 6.3.8.2 & 6.3.8.3; 6.38	UNRECORDED

<b><u>AMENDMENT NUMBER</u></b>	<b><u>ADOPTED</u></b>	<b><u>EFFECTIVE DATE</u></b>	<b><u>SECTION(S)</u></b>	<b><u>REVISED PAGE NUMBER</u></b>
37	05/04/70	05/15/70	ADD 5.5; ADD 5.6	UNRECORDED
38	12/17/70	12/27/70	Section 8 (entire); 3.14	UNRECORDED
39	03/02/71	03/07/71	ADD 6.1.72	UNRECORDED
40	06/07/71 06/21/71	06/28/71	ADD 5.7.1.1, 5.7.1.2 & 5.7.1.3; ADD 5.7.2; ADD 5.3.2.3 (a); ADD 5.3.2.4 (b)	UNRECORDED
41	07/06/71	07/14/71	6.3.3; 6.3.11; 8.3	UNRECORDED
42	07/06/71	07/06/71	6.3.3; 6.3.11; 8.3	Z-39, Z-43, Z-50
43	09/05/72	09/05/72	6.1.26	Z-33, Z-33a
44	11/06/72	02/01/73	6.1.29 (a)	Z-33
45	12/04/72	02/01/73	6.1.59	Z-35
46	01/02/73	02/01/73	6.3.61	Z-40
47	07/02/73	08/01/73	3.20; 6.3.9 (DELETE) 6.3.9.3; 6.3.9.4	Z-13, Z-41, Z-42
48	10/22/73	11/15/73	8.8	Z-49, Z-5-, Z-51, Z-52, Z-53, Z-54, Z-54a, Z-54b
49	03/04/74	04/01/74	1.4; 3.13; 3.15; ADD 3.15.1; 3.27.13; 4.1.7; 6.3.2.1; 6.3.10; DELETE 6.7; 7.5; 7.6; 7.6.1; 7.7; RE# 7.7 & 7.8	Z-6, Z-11, Z-12, Z-16, Z-19, Z-38, Z-43, Z-45, Z-46, Z-47, Z-48, Z-48a
50	05/06/74	06/06/74	4.1.6.12; ADD 9.3, 9.3.1, 9.3.2 & 9.3.3	Z-19, Z-20, Z-21, Z-55, Z-55a
51	09/16/74	10/15/74	4.1.6.13	Z-19
52	11/04/74	11/04/74	7.9	Z-48a
53	12/10/74	01/10/75	1.51; 3.3; 3.23; ADD 6.1.72; 6.3.2.2; 6.3.2.3; 6.3.2.24; 6.3.5; 6.3.6.1; 7.6; 7.6.1; 7.7; 7.7.1; ADD 8.1.4; 9.3	Z-6, Z-9, Z-14, Z-37, Z-38, Z-39, Z-40, Z-46, Z-48, Z-48a, Z-49, Z-55a
54	01/06/75	02/01/75	4.3	Z-21
55	07/07/75	07/25/75	ADD 4.1.6.14 Planned Residential	Z-19, Z-19a, Z-19b
56	08/02/76	09/15/76	3.3	Z-9, Z-9a
57	02/07/77	03/01/77	5.3.2.11; 5.7; 7.6; 5.7.1.6; 5.7.1.9 & .10	Z-8, Z-29, Z-29a, Z-29b, Z-48
58	06/06/77	06/06/77	ADD 6.1.17.1	Z-32, Z-32a
59	10/03/77	10/31/77	ADD 4.4.1; ADD 2.1 OS	Z-21
60	12/05/77	12/31/77	6.1.29	Z-33
61	05/07/79	05/07/79	DELETE 4.1.6.14	Z-19, Z-19a & b
62	06/23/80	07/15/80	ADD 1.51; ADD 3.3.4; 3.23; ADD 6.1.73 and 6.1.73.1; 6.3.2.2; 6.3.2.3; 6.3.2.4; 6.3.5; 6.3.6.1; 7.6; 7.6.1; 7.7; 7.7.1; ADD 8.1.4; ADD 9.1.1; 9.3	Z-6, Z-9a, Z-14, Z-37, Z-38, Z-39, Z-40, Z-46, Z-48, Z-48a, Z-49, Z-55a, Z-57
63	07/07/80	08/01/80	ADD 3.4; 10.6; renumber 3.4 to be 3.28	Z-10, Z-10a, Z-10b Z-16, Z-29, Z-33, Z-37a
64	05/04/81	05/04/81	6.2	Z-37b
65	06/01/81	06/01/81	10.3	Z-56
66	07/06/81	07/06/81	ADD 6.7	Z-45a
67	08/03/81	08/03/81	DELETIONS IN 6.1.29	Z-33

<b><u>AMENDMENT NUMBER</u></b>	<b><u>ADOPTED</u></b>	<b><u>EFFECTIVE DATE</u></b>	<b><u>SECTION(S)</u></b>	<b><u>REVISED PAGE NUMBER</u></b>
68	10/05/81	10/05/81	4.6; 6.1.29	Z-33, Z-37a
69	01/04/82	01/04/82	6.1.21	Z-32
70	06/28/82	06/28/82	6.1.75; 3.27; ADD 3.29; 3.29.2.3; 3.3.1; 4.1.5; 4.1.6.10; and 4.4	Z-9, Z-9a, Z-15, Z-15a, Z-15b, Z-15c Z-15d, Z-15e, Z-16, Z-16a, Z-16b, Z-16c Z-17, Z-18, Z-18a, Z-21, Z-37b
71	01/03/83	01/21/83	1.1; 1.3; 3.27.2.30; 4.17; 4.2.1; 5.3.2.7	Z-2, Z-15d, Z-19a, Z-20, Z-25
72	02/14/83	03/15/83	3.27.2.24; 3.21	Z-13, Z-14, Z-15c
73	05/05/83	05/23/83	3.27.2.31; 6.1.1.1; 4.1.6.14	Z-15e, Z-19, Z-19a Z-30
74	09/12/83	10/01/83	3.15.1	Z-12
75	01/09/84	01/30/84	DELETE 3.15.1	Z-12
76	02/07/84	03/01/84	ADD 1e; 6.1.75	1e, Z-37b
77	05/07/84	05/07/84	DELETE 4.1.6.14; 3.13; 1.13a; DELETE 2.1	Z-3, Z-7, Z-8, Z-11, Z-19a, Z-19b
78	09/10/84	11/18/84	6.1.22; 6.3.6.3; 7.6 DELETE 9.3.1	Z-32, Z-40, Z-55a Delete permitted Used/New Car Dealer
79	07/01/85	07/01/85	3.30; 3.31	Z-16d, Z-16e, Z-16f, Z-16g, Z-16h, Z-16i, Z-16j, Z-16k, Z-16l Z-16m
80	12/02/85	12/02/85	3.28	Z-16
81	01/06/86	01/20/86	6.1.22; 6.3.6.3	Z-32, Z-40
82	03/03/86	03/12/86	4.1.6.12a	Z-18a, Z-19
83	06/02/86	06/11/86	6.1.23a; 6.3.6.3	Z-32a, Z-40, Z-40a
84	04/06/87	04/14/87	5.3.2.14	Z-26a
85	06/01/87	06/12/87	5.3.2.3	Z-24
86	01/11/88	01/27/88	5.7.1.11	Z-29b
87	02/08/88	02/25/88	6.1.76	Z-37c
88	04/04/88	04/14/88	6.1.29 (c)	Z-33
89	02/06/89	03/01/89	3.4.4.4	Z-10
90	03/06/89	03/18/89	3.27; 3.27.2.23; 3.3.3;	Z-15a, Z-15c, Z-15d Z-9a
91	06/05/89	06/17/89	3.25; 3.25.1	Z-14, Z-15
92	07/10/89	07/22/89	3.32	Z-16m
93	09/11/89	09/21/89	6.1.75; 6.3.10	Z-37b, Z-43
94	12/04/89	12/09/89	6.1.77	Z-37c, Z-38
95	11/13/90	11/28/90	1.47; RE# 6.1.72 – 6.1.77 TO 6.1.73 TO 6.1.78; CORR 6.1.26	Z-6, Z-37, 37a, 37b and 37c, Z-33
96	04/08/91	05/08/91	ADD 1.2A, 1.2B, 1.2C, 1.2D, 1.2E, 1.30A, 1.36, 6.1.21 (d), & 6.3.6.4; Amend 6.3.3	Z-2, Z-2a, Z-5, Z-32 & Z-32a
97	05/08/91	06/01/91	3.28; ADD 3.28.1 – 3.28.9; ADD 1.7A, 1.7B & 1.7C; DELETE 4.3 & REPLACE & ADD 4.3.1 – 4.3.5	Z-15h & Z-15i, Z-2a, Z-21

<b><u>AMENDMENT NUMBER</u></b>	<b><u>ADOPTED</u></b>	<b><u>EFFECTIVE DATE</u></b>	<b><u>SECTION(S)</u></b>	<b><u>REVISED PAGE NUMBER</u></b>
98	06/03/91	06/07/91	ADD 6.1.79	Z-38 & Z-38a
99	06/03/91	07/01/91	ADD 3.33	Z-16n
100	07/01/91	07/11/91	ADD 6.1.72a	Z-36a
101	04/06/92	05/01/92	3.27; 3.3; 3.32; 6.3.2.4; 7.6.1 and ADD 3.27.3.5	Z-15f, Z-16m, Z-39 and Z-48
102	05/04/92	05/15/92	RE# 6.3.2 to 6.3.1.1 and ADD 6.3.1.2	Z-38, ADD Z-38a and Z-39
103	06/01/92	06/26/92	AMEND 6.1.34 and ADD 6.3.12	Z-33a, Z-43 and Z-43a
104	08/03/92	08/15/92	ADD 6.1.80 and AMEND 7.6	Z-37d and Z-47
105	10/05/92	10/22/92	RE# 6.1.2 to 6.1.2.1 and ADD 6.1.2.2	Z-30
106	03/01/93	03/10/93	AMEND 3.15	Z-11 and Z-12
107	04/05/93	04/14/93	AMEND 4.1.8	Z-19a
108	11/08/93	11/17/93	DELETE 1.2c; RE# 1.2 D&E to 1.2C & 1.2D; DELETE 6.1.21 (d); AMEND 6.3.6.1, 6.3.6.2 & 6.3.6.3; DELETE 6.3.6.4	Z-2, Z-2a, Z-32a, Z-33, Z-40, Z-40a Z-40b and Z-40c
109	11/08/93	11/17/93	AMEND ENTIRE SECTION 9	Z-55 and Z-55a
110	03/07/94	03/18/94	AMEND 3.3.1	Z-9 AND Z-9a
111	03/07/94	03/18/94	AMEND 6.1.28	Z-33
112	08/1/94	08/17/94	DELETE ALL REGIONAL SHOPPING CENTER SECTIONS 1.51, 3.3.4, 6.1.74, 6.1.74.1, 8.1.4  LISTING IN INDEX PAGE Z-6  TYPE OF USE, NUMBER OF CAR SPACES DELETE LAST SENTENCE 3.23, 6.3.2.2  DELETE WORDING IN FIRST SENTENCE 6.3.2.3, 7.7  DELETE FIRST SENTENCE 6.3.5; DELETE WORDING IN LAST SENTENCE 7.6, 7.6.1, 7.7.1, AMEND SECTION NUMBERS 6.1.75 RENUMBER to be 6.1.74, 6.1.76 RENUMBER to be 6.1.75, 6.1.77 RENUMBER to be 6.1.76, 6.1.78 RENUMBER to be 6.1.77, 6.1.79 RENUMBER to be 6.1.78 & 6.1.80 RENUMBER to be 6.1.79	Z-6, Z-9a, Z-37, Z-37a, Z-49  PAGE VII  Z-48  Z-14, Z-38a  Z-38a and Z-48  Z-40  Z-46, Z-48 and Z- 48a Z-37  Z-37a, Z-37b and Z-37c
113	10/11/94	11/03/94	AMEND 3.3.1	Z-9 and Z-9a

<b><u>AMENDMENT NUMBER</u></b>	<b><u>ADOPTED</u></b>	<b><u>EFFECTIVE DATE</u></b>	<b><u>SECTION(S)</u></b>	<b><u>REVISED PAGE NUMBER</u></b>
114	05/01/95	05/25/95	ADD SECTION 6.1.1.2	Z-30
115	05/01/95	05/25/95	AMEND 3.27.2.10 ADD LETTER H to 4.3.4 ADD SECTION 7.10	Z-15b, Z-21b and Z-48b
116	12/7/98	12/31/98	AMEND SECTION 5.8, SUBSECTIONS 5.8.1, 5.8.3, 5.8.5, 5.8.10, 5.8.11, 5.8.12 AND PROPOSED CHANGES IN THE WORDING OF THE AMENDMENT/RESOLUTION FOR THE VILLAGE CENTER PLANNED RESIDENTIAL DISTRICT	Z-29e
118	08/19/96	09/12/96	ADD SECTION 6.1.45a	Z-34
119	07/06/98	08/13/98	ADD SECTION 5.7.2	Z-29c
120	04/10/2000	05/08/2000	ADD SECTION 3A	1-16
121	10/02/2000	10/26/2000	ADD SECTION 6.3.13	Z-43a
122	03/12/2001	04/05/01	AMEND SECTION 6.3.13	Z-43a
123	01/07/2002	01/31/2002	AMEND SECTION 5.7.1.11 CHANGES IN LOT AREA AND DENSITY	Z-29b
124	03/04/2002	03/28/2002	ADDITION TO SUBSECTION 6.1.29 (a)	Z-33a
125	07/01/2002	07/25/2002	ELIMINATE SECTION 4.1.4 AMEND SECTION 1.14	Z-3
126	07/01/2002	07/25/2002	AMEND SECTION 4.1.6.2	Z-18
127	04/07/2003	05/01/2003	AMEND SECTION 6.3.5 ADD SUBSECTIONS 6.3.5.4, 6.3.5.5, 6.3.5.6	Z-40
128	05/05/2003	05/29/2003	AMEND SECTION 5.1 ADD SUBSECTION 5.1.9	Z-22
129	09/08/2003	09/16/2003	AMEND SECTION 6.3.5 ADD SUBSECTIONS 6.3.5.7, 6.3.5.8	Z-39 and Z-40
130	10/06/2003	10/30/03	ADDITION TO SUBSECTION 7.6	Z-48
131	04/05/2004	04/29/2004	AMEND SECTION 3.27.2	Z-15b
132	04/05/2004	04/29/2004	AMEND SECTION 6.1, ADD SUBSECTION 6.1.80	Z-37c
133	09/12/2005	09/27/2005	ADD SECTION 6A – ADULT ORIENTED ESTABLISHMENTS	
134	09/12/2005		EXTERIOR LIGHTING	
135	03/06/2006		BILLIARD PARLORS	
136	04/03/2006	05/01/2006	ADD SECTION 6.1.17.2	

## AMENDMENTS

- |     |                              |                                   |
|-----|------------------------------|-----------------------------------|
| 1.  | Section 6.2                  | Effective Date – 1 April 2007     |
| 2.  | Section 5.6                  | Effective Date – 1 May 2007       |
| 3.  | Section 4.3.1, 4.4.1 & 5.1.1 | Effective Date – 1 August 2009    |
| 4.  | Section 5.1.1.65             | Effective Date – 1 September 2009 |
| 5.  | Section 4.4.1.38             | Effective Date – 1 January 2010   |
| 6.  | Section 4.3.4                | Effective Date – 10 October 2011  |
| 7.  | Section 3.2.1.10             | Effective Date – 1 April 2012     |
| 8.  | Section 4.4.1.38             | Effective Date – 1 November 2012  |
| 9.  | Section 2.4.1.3              | Effective 1 June 2013             |
| 10. | Section 5.1.1.32             | Effective 1 January 2014          |
| 11. | Section 5.1.3.16             | Effective 6 October 2014          |
| 12. | Section 5.1.3.5              | Effective 1 February 2015         |
| 13. | Section 5.1.3.5.4            | Effective 1 September 2016        |
| 14. | Section 5.1.3.16             | Effective 15 December 2016        |
| 15. | Section 5.1.1.67             | Effective 2 February 2017         |
| 16. | Section 5.1.3.16             | Effective 1 January 2018          |
| 17. | Section 5.1.1.4              | Effective 15 February 2019        |
| 18. | Section 4.2.1.12             | Effective 4 January 2021          |
| 19. | Section 5.2.1.12             | Effective 1 January 2023          |
| 20. | Section 5.2.1.17             | Effective 1 May 2023              |
| 21. | Section 2.1.1.5(a)           | Effective 1 September 2024        |
| 22. | Section 8.12.5               | Effective 23 September 2024       |

# AMENDMENT 13

5.1.3.5.4 Reduced Lot Size. The purpose of this section is to permit lots sized in accordance with the IL-30 requirements to be contained and/or created within large shopping centers located in the IL-80 zone to permit separate fee ownership of said lots, while at the same time creating and/or preserving the appearance, integrity and functionality of the property as a shopping center. Therefore, the minimum required lot area, width, and yards contained in Section 5.1.2 for the IL-30 zone may be permitted in the IL-80 zone, provided the requirements set forth below are met:

5.1.3.5.4(a) Only properties located in the IL-80 zone on Universal Drive between Sackett Point Road and the Lippincott/Pearce bridge are eligible for this reduced lot size provision;

5.1.3.5.4(b) the reduced size lots are contained and/or created within a shopping center with a gross area of not less than 10 acres;

5.1.3.5.4(c) the reduced size lots shall not be permitted to have direct access to Universal Drive but instead must be accessed through driveways for the overall shopping center. Said access ways shall be created by easement rights which shall be approved by the Commission and recorded in the North Haven Land Records;

5.1.3.5.4(d) the only uses permitted on the reduced size lots shall be:

- i- restaurants and taverns;
- ii- professional and business offices and financial institutions;
- iii- retail stores as contained in section 5.1.1.14;
- iv- basic neighborhood stores, book and stationery, cigar, drug, dry goods and notions, florist, food, including retail bakery, haberdashery, hardware;
- v- retail package liquor stores;
- vi- health clubs, gymnasiums and physical culture establishments.

**ADD NEW SUBSECTION:**

5.1.3.5.4 (e) the businesses located on the reduced size lots within the overall shopping center shall be permitted to have signage on the pylon sign, if any, for the overall shopping center.

## AMENDMENT 14

**Section 5.1.3.16.2** Change the first sentence from “50 residential dwelling units” to “75 residential dwelling units”.

The first sentence shall now read in its entirety as follows: “In no case shall more than 75 residential dwelling units be built on any one parcel of land approved for an ILUWMU development.”

**Section 5.1.3.16.5** Change the third sentence from “25%” to “20%”, change “non-residential/commercial uses” at the end of the sentence to “non-residential uses” and add the further restriction that the non-residential uses “shall be restricted to the grade level”.

The third sentence shall now read in its entirety as follows: “At least twenty percent (20%) of the total building square footage of any ILUWMU development shall be dedicated to non-residential uses which shall be restricted to the grade level.”

**Section 5.1.3.16.15** Change the reduction permitted for Maximum Height, Feet from “48” to “60”.

# AMENDMENT 15

Section 5.1.1 Uses Permitted in Light Industrial Districts II

<b>5.1.1.67</b>	<b>Health clubs, gymnasiums and physical culture establishments</b>
-----------------	---

AMENDMENT 16

Amendment to Sec. 5.1.3.16.16

In the event that a licensed architect certifies that the existing buildings do not possess any environmental or historical benefits and are not capable of being adaptively reused for mixed use development due to the physical condition of the structure, the property may be developed as new construction in compliance with the standards set forth in Sec. 5.1.3.16.15

#P17-35 Application of Timothy J. Lee, proposed amendment to the Sec. 5.1.3.16 of North Haven Zoning Regulations, IL Upper Washington Avenue Multi-Use (ILUWMU) Developments

Amendment to Sec. 5.1.3.16.1

Maximum Height Feet 60

Amendment to Sec. 5.1.3.16.3

The total number of residential dwelling units permitted in the IL-30 District along Washington Avenue north of the I-91 interchange shall be limited to 150 residential units.

Amendment to 5.1.3.16.15

The number of units shall not exceed 50 units per 40,000 sf of lot area

# AMENDMENT 17

Section 5.1.1.4 is revised as follows:

**ARTICLE V-INDUSTRIAL DISTRICTS**

**SECTION 5.1 LIGHT INDUSTRIAL DISTRICTS**

**5.1.1. Uses Permitted in Light Industrial Districts II**

No uses shall be permitted in any Light Industrial District except one listed in this Section 5.1.1.

5.1.1.1 Residential uses permitting Section 2.1.1.2.

5.1.1.2 Restaurants and taverns.

5.1.1.3 Professional and business offices and financial institutions.

5.1.1.4 Hotels, apartments hotels and motels, providing that a lot area is equivalent to 2,000 square feet for each individual guest unit, **for one and two story buildings or 1,000 square feet for each individual guest unit, for buildings with 3 or more stories**, when specifically approved by the Planning & Zoning Commission after a Public Hearing; subject to such codes as said Board may establish, giving consideration to the effect of the proposed use on present and future uses, in the vicinity, to the proposed site planning and landscaping, except that the site must be serviced by sanitary sewers and a highway or street having a curb to curb paved width of 40 feet minimum. The width of the parcel shall not be less than 150 feet, measured at the building line, nor contain less than two (acres). Further, subject to the codes affecting traffic and safety and to other standards provided in these Regulations.

# AMENDMENT 18

Section 4.2.1.12 is revised as follows:

Studios for dance, musical and theatrical instruction, gymnasiums and physical culture establishments.

# AMENDMENT 19

Section 5.2.1.12 is revised as follows:

Wholesale distribution and trucking terminals, including the operation of truck renting and leasing; **commercial tractor trailer operator (CDL) training schools when affiliated with a wholesale distribution or trucking terminal having a gross building area of no less than 250,000 square feet**; wholesale produce and wholesale meat markets.

AMENDMENT 20

Section 5.2.1.17 is revised as follows:

Manufacture, compounding, processing, packaging or treatment of beverages, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toilet supplies and food products excluding fish, meat, sauerkraut and vinegar and also excluding the rendering or refining of fats and oils.

As an accessory use to permitted uses consisting of the manufacture, compounding, processing, packaging or treatment of beverages, candy dairy products or food products, in any facility consisting of at least 25,000 gross sq. ft. devoted to such use, no more than fifteen (15%) percent of the said gross sq. footage may be used for onsite retail sales of the product manufacturing compounded processed, packaged, or treated at such site.

AMENDMENT 21

Section 2.1.1.5(a) is revised as follows:

Schools and colleges operated by a governmental unit or nonprofit corporation on lots having an area of no less than 10 acres in North Haven, no less than 5 acres of which must be buildable, (that is neither Inland Wetlands, nor watercourse, nor areas where slopes exceed 25%); and camps for children under 16 years of age operated by a nonprofit corporation, on a lot having an area no less than the Required Lot Area set forth in Section 2.1.1.9 of these Regulations.

# AMENDMENT 22

Add Section 8.12.5 as follows:

All “cannabis establishment” uses, as defined by Connecticut General Statutes § 21a-420, are prohibited in all districts in the Town of North Haven, except for the delivery or transport of cannabis as provided in Connecticut General Statutes § 21a-422g(b).