

- A. The home occupation shall not occupy more than 25% of the gross floor area of the dwelling unit or 500 sq. ft., whichever is less.
- B. The home occupation shall not change the exterior residential character of the dwelling in any visible manner.
- C. The home occupation shall not result in any increase in pedestrian or vehicular traffic in excess of what is normally associated with a dwelling unit.
- D. The home occupation shall be clearly incidental to the residential use of the dwelling. The occupation may involve only residents of the dwelling unit, except in zoning districts where the minimum lot area permitted is 40,000 square feet, or greater, one non-resident employee is allowed.
- E. The home occupation shall not display or advertise any commodity or service for sale on the premises, nor shall it store any materials, products, or equipment outside of the space allocated in subsection A. above.
- F. The home occupation shall not create any noise, odor, dust, vibrations, smoke, gas fumes, radiation, electromagnetic interference, lighting, or unsightly conditions noticeable on or off the lot.
- G. On-site parking spaces shall not be provided for clients, patients, customers or patrons. Parking spaces shall be provided for the principal use in accordance with Section 7.2-3.

7.1-12 Hospital

Public and private hospitals, sanitariums, and clinics (other than drug rehabilitation centers and institutions for the insane) are permitted uses in the RU, OMF, CA, CB, DD, IPA, IPB, and IPC districts, subject to approval of a special permit and the following conditions:

- A. There shall be a minimum lot area of 5 acres or 1,500 sq. ft. for each patient accommodation, whichever is greater.
- B. The emergency entrance shall have direct access to a major public street.
- C. No building shall be located within 75 feet of any property line.
- D. The power plant or laundry, if located in a separate building, shall be located a minimum of 100 feet from any property line.

7.1-13 Junk, Salvage, or Scrap Yard

Junk, including automobile, salvage and scrap yards are permitted uses in the IA district subject to approval of a special permit and the following conditions:

- A. The total coverage of all buildings and open storage areas shall not exceed 50% of the lot area.
- B. All buildings and open storage areas shall be in accordance with the yard requirements of the applicable district, except any yard adjoining any residential district shall be a minimum of 75 feet.
- C. Open storage areas shall be enclosed by a solid fence not less than 8 feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours of such yard. All unregistered motor vehicles, used parts, iron, scrap metal, glass, paper, rags and any other material shall be within this enclosure.

- D. All materials shall be stored or piled in such a manner that the materials shall not be seen from adjoining properties or a public street.
- E. All salvaging operations and sales shall be conducted entirely within a building which shall be of such a nature to screen said operation or operations from public view.
- F. Heavy machinery and compacting or shearing machinery shall be located on a solid concrete or similar foundation to avoid vibration.
- G. There shall be no burning of any materials on the property unless carried out in a properly designed incinerator as approved by the Health Officer and the Fire Marshal.

7.1-14 Kennel or Stable

Commercial kennels, riding stables, and boarding stables are permitted uses in RU and all industrial districts, subject to approval of a special permit and the following conditions:

- A. A minimum lot area shall be as required by the applicable district or 3 acres, whichever is greater.
- B. Open exercise areas and buildings containing animals shall be a minimum of 100 feet from any property line.
- C. Open exercise areas shall be enclosed by a fence at least 5 feet in height and such areas shall be maintained in a sanitary and odor-free condition at all times.
- D. All stalls, pens and similar enclosures for animals shall have a floor made from concrete or other impervious material which shall contain adequate drainage facilities connected to an acceptable sanitary system for proper washing and maintenance.

7.1-15 Mobile Home Parks (Existing)

Mobile home parks existing at the time of the adoption of these regulations may be permitted to expand in any zoning district, subject to approval of a special permit and the following conditions:

- A. The expansion area shall be contiguous to the existing mobile home park.
- B. The mobile home park may be permitted to expand its land area without increasing the number of mobile home spaces.
- C. In evaluating the proposal, the Commission shall take into consideration the site plan objectives in Section 8.4-5 and the following guidelines:

The principal purpose of expanding an existing mobile home park shall be to improve the living environment for the residents within the park. For example, this may be accomplished by enlarging and rearranging the mobile homes, increasing open space around the periphery of the park, providing recreation areas for residents, and/or providing additional automobile parking spaces.

7.1-16 Multi-Family Dwellings (New Eff: 10/1/91)

Multi-family dwellings limited to residential use including elevator buildings, garden apartments, townhouses, row houses, or any other group housing projects, including executive hotel/motel suites, are subject to the conditions set forth in Section 6.7-6.

7.1-17 Nightclub, Disco, or Cabaret

A nightclub, disco or cabaret is a permitted use in the CA, CB and DD districts, subject to the following conditions:

- A. No building or part thereof shall be within 125 feet of any residential district boundary.
- B. A buffer area having a minimum width of 25 feet shall be provided in accordance with the provisions of Section 7.4-4.

- C. Sound emanating from an audio system shall be controlled and maintained at a level so as not to constitute a nuisance to residents on adjoining residential properties.

7.1-18 Child Day Care Center (New Eff: 10/31/89)

Child Day Care Centers are permitted uses in the RS, R, RMF, RU, and all other commercial and industrial districts, except the Waterfront districts, subject to the conditions listed below and other applicable regulations. Child Day Care Centers consisting of 20 or more children in the RS, R, RU, and RMF zones are also subject to approval of a special permit. The above requirements shall not necessarily prohibit the establishment of a Child Day Care Center in the NMDD zone.

- A. No building shall be located within 50 feet of any property lot line, except in commercial zones and the IPA, IPB and IPC zones, where the required setbacks of the respective zone shall apply.
- B. Building coverage shall not exceed 15% in the RS, R, or RU districts.
- C. A buffer area shall be provided in accordance with the intent of Section 7.4-1 of these regulations within all boundaries of a lot as follows:

Residential Districts: 25 feet
Commercial Districts: 25 feet
Industrial Districts: 50 feet
Industrial Park Districts: 50 feet

The buffer area shall be designed to mitigate impacts from adjacent uses as well, particularly in cases where centers are located in commercial and industrial districts. This buffer requirement shall typically be applied to the portion of the site dedicated to day care use including such items as play area(s). The play area or areas shall not be located within the designated buffer area. The Planning Commission may modify the width requirement of the buffer area where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided the buffer area meets the intent of the regulations.

- D. A graded and suitably fenced play area, including a minimum of 75 square feet of play space for each child who would be using the play area at any one time, shall be provided. The minimum required play area shall be free of hazards and regulated wetland soils, provide a suitable play surface, and shall be a minimum of 1% but not in excess of 3% in grade. Where the existing topography and conditions present unique circumstances which will not compromise child safety, the Planning Commission may modify the maximum play area grade requirement to 5%. Active play areas, defined as areas containing playground equipment, including but not limited to swings and other apparatus, shall not exceed 1% in grade. In RS, R and RU zones, outdoor play activities shall take place within the hours of 9:00 a.m. and 6:00 p.m.
- E. The applicant shall accommodate all pedestrian and vehicular traffic to and on site, and shall provide an acceptable area for dropping off children on site. To the extent possible, parking stalls dedicated to the public shall be located so as to preclude pedestrian crossing of interior drives.
- F. All state and/or local licensing and permit requirements/standards shall be met.

7.1-19 Nursing Home (Deleted 5/31/97)

7.1-20 One and Two Family Dwellings and Boarding or Rooming Houses and Active Senior Housing

One and two family dwellings and boarding or rooming houses are permitted in the RMF district subject to the provisions of the R-12 district.

Any dwelling existing in an IP-80A, B or C zone shall be considered conforming if it meets the requirements of an RU-20 zone.

Any lot existing in an IP-80C zone may be developed in accordance with the requirements of an RU-20 zone as a special permit to be approved by the Zoning Commission following a public hearing to determine the area suitability and the effect of possible increased traffic. In the case of Active Senior Housing Communities, the density standard for the RU20 zone shall be used in the application of Section 7.1-45. (New Eff: 3/1/05)

Two family dwellings are permitted in the RU-20 district as of right. Two family dwellings are not permitted in the RU-40 and RU-80 districts. (Eff: 6/1/04)

7.1-21 Professional Offices

Professional offices are permitted uses in the RU district subject to approval of a special permit and the following conditions:

- A. There shall be a minimum lot area of 60,000 sq. ft.
- B. The gross floor area of all buildings shall not exceed 6,000 sq. ft. and the maximum horizontal cross-section of all buildings shall not exceed 3,000 sq. ft.
- C. No building shall be located within 75 feet of any property line.
- D. All parking shall be located in the side or rear yards.
- E. Medical and dental laboratories and outpatient clinics are permitted as accessory uses to medical and dental offices.

7.1-22 Telephone Exchange Stations and Electric Transformer Substations

Telephone exchange stations and electric transformer substations are permitted uses in any residential district subject to the following conditions:

- A. The minimum lot area shall be as required by the applicable district of 60,000 sq. ft., whichever is greater.
- B. No building shall be located within 50 feet of any property line.
- C. The station or substation shall be suitably screened by a fence and/or landscaping.

7.1-23 Veterinary or Animal Hospital

Veterinary or animal hospitals are permitted uses in the RU, CA, CB and all industrial districts subject to the approval of a special permit and the following conditions:

- A. The minimum lot area shall be as required by the applicable district or 60,000 sq. ft., whichever is greater.
- B. All activities, except as provided in D below, shall be conducted within an enclosed building.
- C. The building shall be sufficiently soundproof so as not to create a nuisance to adjoining property owners or the general public.
- D. Open areas such as exercise areas are permitted subject to the additional conditions of Section 7.1-14 Kennel or Stable.

7.1-24 Office and Similar Uses

Offices and similar uses within the OMF zone on lots of less than 20,000 sq. ft. and 100 foot width are permitted subject to the following conditions:

- A. The number of employees shall not exceed 4.
- B. Two parking spaces shall be provided per employee, with a minimum of 4 spaces required. At least 50% of the spaces shall be located in the rear yard if the number of spaces exceed 4.

7.1-25 Ignition, Brake, Muffler and Similar Limited Repair

Ignition, brake, muffler, and similar limited repair are permitted in the CA and DD districts subject to approval of a special permit and the following conditions: (Eff: 1/2/93)

- A. Vehicular access into the building shall be positioned so as not to be visible from the public way.
- B. All automotive repair or limited repair activities shall be conducted within the principal building.
- C. Limited repair activities shall not consist of auto body work, heavy repairs such as transmissions or engine overhauling, or activities generating nuisance type of activities.
- D. When such use is proposed for location in a shopping center or a group of commercial structures located on the same lot, the use shall locate to the side or rear of these commercial buildings.
- E. All storage materials and other materials shall be stored within the building.

7.1-26 Automobile Washing Facility

Automobile washing facilities are permitted in the CA, CB, DD and IA zoning districts subject to approval of a special permit and the following conditions: (Eff: 1/2/93)

- A. Minimum lot size for self-service type facilities shall be 40,000 sq. ft. and 45,000 sq. ft. for automatic facilities.
- B. Automobile access into the building shall be positioned so as not to be visible from the public way.

- C. Adequate vehicle stacking space shall be provided for all car wash facilities. In the case of self-service facilities, stacking lanes shall be provided for a minimum of five vehicles per bay. In the case of automatic washing facilities, sufficient stacking space shall be set aside to accommodate 2½ times the average number of cars washed in an hour period.
- D. A minimum of 15 off-street parking spaces shall be provided.
- E. Evergreen screening, decorative fencing, or a combination thereof, shall be provided around the perimeter of the site so as to minimize any objectionable effects of the facility.
- F. Public water and sewers shall be provided to the facility, and all water used for washing shall be recycled.
- G. Building surfaces shall be faced with impact resistant materials such as brick or other masonry surfaces.
- H. Vacuuming facilities may be outside building but shall not be in front yard. In case of a through lot, the vacuuming area shall be located within the portion of the lot having frontage on the low volume street. Additional fencing and landscaping may be required to contain litter and insure a favorable commercial image from the public way.

7.1-27 Other Outdoor Commercial Recreation (Eff: 5/11/92)

Other outdoor commercial recreation facilities are permitted in the RU, CB, IA, IPA, IPB and IPC zones subject to approval of a special permit and the following conditions:

- A. Size of site shall be a minimum of 10 acres.
- B. Proximity of active recreation portion of site to any property line associated with a residential dwelling existing at the time of application for special permit, other than a dwelling occupied or owned by the applicant, or to any residentially-zoned property, shall not be less than 250 feet.

Any individual outdoor commercial recreation activity shall be setback an additional one foot for every one foot of height over 30 feet up to the maximum height allowed in the underlying zone. The Zoning Commission may allow a reduction in this additional setback depending on site characteristics and adjoining uses.

- C. No motorized vehicles shall be used for competitive or exhibition purposes.
- D. Public address loudspeakers shall be directed away from populated areas and shall only be used from 9:00 a.m. to 8:00 p.m. No public address loudspeakers shall be permitted in the RU zones.
- E. Outdoor commercial recreation facilities shall contain adequate sanitary facilities in compliance with the State of Connecticut Building Code and Health Code. Concession facilities shall be constructed in conformance with the State of Connecticut Health Code.
- F. Outdoor commercial recreation uses shall not include music concert activities.
- G. Section 7.4-4 of the Zoning Regulations concerning required buffer areas shall apply except no buffer adjacent to residentially-zoned property shall be less than 50 feet in width.

7.1-28 Executive Hotel/Motel Suites (New Eff: 1/2/90)

Executive hotel/motel suites are permitted uses subject to the following conditions:

- A. Said suites are defined as a hotel/motel unit with three or less bedrooms with kitchen facilities that will be used on a longer term basis than normal hotel/motel units.
- B. The density of such suites is to be determined by the allowable lot coverage of the zone in which they are located.

- C. Said suites may be rented, leased and/or sold as condominium units. The conversion of any units to condominium ownership must have site plan approval by the Planning Commission.
- D. During site plan review consideration shall be given to providing both indoor and outdoor recreational facilities. Indoor facilities could include T.V./meeting room, game room and/or exercise room. Outdoor facilities could include a swimming pool, outdoor spa, a sport court, tennis court, barbecue and picnic facility.
- E. Laundry facilities for the patrons use shall be provided within the development.
- F. Community-type sewer and community-type water systems must be available and used.

7.1-29 Bowling Alley or Other Indoor Recreation

Bowling alleys or other indoor recreation facilities are permitted in CA, CB, DD, IA, IPA and IPB districts. Said recreation facilities when located in IA, IPA and IPB districts may include related accessory facilities which are supportive but supplemental to the principal use, subject to the following conditions:

- A. Services provided to patrons of the principal facility and their guests may include:
 - Food and beverage service, excluding the service of alcoholic beverages
 - Retail sale of items directly related to the principal use
 - Child care services to patrons while they are utilizing the facility.

The floor space of these services shall not exceed 15% of the total floor area of the building. Documentation shall be filed with the Commission indicating that such services are for the benefit of patrons and guests of the principal use only, and

will not be open to the general public. Hours of operations as related to those of the principal use shall be indicated, and the conditions pertaining to guest usage shall be defined.

- B. Services may be provided for the benefit of patrons and the general public, provided they can be clearly shown to be related to the principal use, but subordinate thereto. These may include education/training in subjects related to the principal use, personal or professional services related to recreation, health care, and the enhancement of physical fitness and appearance. The floor space of these services shall not exceed 25% of the total floor area of the building.

7.1-30 Caretaker/Security Service Dwelling

One dwelling for the provision of caretaker/security services may be provided as an accessory use to the principal use in all zones. Such dwelling unit shall be located in the same building as the principal use. The applicant shall provide documentation that this dwelling unit will be occupied by an employee or principal of the proposed use, and that the occupant will be residing on the premises for the legitimate provision of maintenance/security services.

7.1-31 Hotel/Motel - Accessory Uses

Hotels/motels allowed in IP zones may include related accessory facilities which are supportive, but supplemental to the principal use. Examples of such accessory uses include nightclubs, discos, cabarets, barber and beauty shops, books and stationery, cameras and photo supplies, gifts, novelties and souvenirs, newspapers and magazines, restaurants, tobacconists, apparel and accessories, etc.

7.1-32 Group Day Care Home (New Eff: 10/31/89)

Group Day Care Homes are permitted uses in the RS, R, RMF, and RU districts subject to the conditions listed below and other applicable regulations. The above requirements shall not necessarily prohibit the establishment of a Group Day Care Home in the NMDD zone.

- A. Building coverage shall not exceed 15% of the lot area in the RS, R, or RU districts.
- B. A graded and suitably fenced play area, including a minimum of 75 square feet of play space for each child who would be using the play area at any one time, shall be provided. The minimum required play area shall be free of hazards and regulated wetland soils, provide a suitable play surface, and shall be a minimum of 1%, but not in excess of 3% in grade. Where the existing topography and conditions present unique circumstances which will not compromise child safety, the Planning Commission may modify the maximum play area grade requirement to 5%. Active play areas, defined as areas containing playground equipment, including but not limited to swings and other apparatus, shall not exceed 1% in grade. In RS, R, and RU zones, outdoor play activities shall take place within the hours of 9:00 a.m. and 6:00 p.m.
- C. The applicant shall accommodate all pedestrian and vehicular traffic to and on site, and shall provide an acceptable area for dropping off children on site. To the extent possible, parking stalls dedicated to the public shall be located so as to preclude pedestrian crossing of interior drives.
- D. All state and/or local licensing and permit requirements/standards shall be met.

7.1-33 Waste Handling/Reduction Facilities (Eff: 4/1/94)

Waste handling/reduction facilities are permitted uses in the IA and IP-B zones subject to the conditions listed below and other applicable regulations. Facilities located in the IP-B zone are also subject to approval of a special permit.

- A. Such uses are only allowed on property not overlain by the Water Resource Protection District (WRPD).
- B. In the IP-B zone, there shall be a required minimum lot area of 25 acres.
- C. Access to the site shall be from collector or arterial roads.

- D. No buildings, equipment, or material stockpiles shall be located within 200 feet of a dwelling.
- E. No permanent disposition of any waste materials on-site is permitted.
- F. Identification must be made at the time of application regarding disposition of residual waste products. This waste must be disposed of at a legally permitted facility.
- G. No hazardous or medical waste shall be handled, stored, or processed.
- H. Demonstration will be made that proper measures are taken to prevent leachate from any material entering the ground including inside storage, and the covering and use of impermeable storage pads for materials stored outside, unless an appropriate alternative is approved or required by the Planning Commission.
- I. Facilities constructed under this regulation shall hook up to municipal water and sewer systems when such utilities are located within 1000 feet of the lot the facility is located on. This hook up shall be made within 6 months of the utility's availability. The hook up to utilities shall not be required in the case of facilities where brush and stumps alone are collected, stored and processed.
- J. The combined total coverage of all buildings and outside storage areas shall not exceed 50% of the lot area.
- K. All materials shall be stored or piled in such a manner that the materials are not seen from adjoining properties or a public street.
- L. Heavy machinery used in the operation of waste handling/reduction shall be located on a solid concrete or similar foundation to avoid vibration.

7.1-34 Accessory Apartments (New Eff: 6/1/91)

The intent of this regulation is to encourage the provision of affordable housing units for moderate income families and individuals and to encourage the provision of housing units for small households. Accessory apartments are permitted in the RS, R, RMF, RU, OMF, CA, CB, WF and IPC zones subject to Administrative Site Plan Approval and the following conditions:

- A. Each accessory apartment created must be associated with a single family dwelling and there may be only one accessory apartment permitted for each single family dwelling.
- B. The owner of the residence with which the accessory apartment is associated must occupy at least one of the dwellings.
- C. Freestanding accessory apartments are permitted, provided they meet all lot, yard and building requirements of Section 5.2, required of the principal dwelling.
- D. The accessory apartment shall clearly be the secondary use and its maximum floor area shall not exceed 600 square feet or 25% of the combined floor areas of the principal dwelling and the accessory apartment, whichever is less.
- E. Off-street parking shall be provided for all accessory apartments and the principal dwelling in accordance with Section 7.2-3.
- F. Each accessory apartment shall have its own independent bathroom and kitchen facilities.

7.1-35 Adult Day Care Facility (New Eff: 8/1/92)

Adult Day Care Facilities are permitted uses in all residential, commercial and industrial districts, except the waterfront districts, subject to the conditions listed below. Adult Day Care Facilities of 20 or more adults in the RS, R, RU and RMF zones are also subject to approval of a special permit. The above requirements shall not necessarily prohibit the establishment of an Adult Day Care Facility in the NMDD zone.

- A. No building shall be located within 50 feet of any property line, except in commercial and industrial zones where the required setbacks of the respective zone shall apply.
- B. Building coverage shall not exceed 15% in the RS, R or RU zoning districts.

- C. A buffer area shall be provided in accordance with the intent of Section 7.4-1 of these regulations within all boundaries of a lot as follows:

- Residential districts: 25 feet
- Commercial districts: 25 feet
- Industrial districts: 50 feet

The buffer area shall be designed to mitigate impacts from adjacent uses as well, particularly where centers are located in commercial and industrial districts. This buffer area shall typically be applied to the portion of the site dedicated to day care uses including any outdoor activity areas. The outdoor activity area shall not be located within the designated buffer area. The Planning Commission may modify the width requirement of the buffer area where lot size and shape or existing structures make it infeasible to comply with the minimum width requirements above, provided the buffer area meets the intent of the regulations.

- D. The applicant shall accommodate all pedestrian and vehicular traffic to and on the site, and shall provide an acceptable area for dropping off and picking up adults using the facility. To the extent possible, parking stalls shall be located so as to preclude pedestrian crossing of interior drives.
- E. All state and/or local licensing and permit requirements/standards shall be met.

7.1-36 Drive Through Facilities (New Eff: 11/1/92)

Drive through facilities are permitted accessory uses on lots equal to or greater than 20,000 square feet in any non-residential zone, except OMF and NMDD, in which the principal use is permitted, subject to the following conditions:

- A. Drive through facilities, including required stacking lanes, shall be located in the rear or side yards only.
- B. Drive through facilities shall not generate the need for an additional driveway curb cut.

- C. A minimum of 10 stacking spaces shall be provided on site for each drive through station, including the vehicle being serviced. Where an order board and pickup window are involved, a minimum of 5 stacking spaces shall be provided before both the window and the board for a total of 10, including the vehicle being serviced.
- D. Stacking lanes shall be a minimum of 10 feet wide and each space shown shall be 20 feet long.
- E. Stacking lanes shall be separate from internal aisles which allow traffic to circulate through the site without entering the drive through facility.
- F. Stacking lanes shall provide one additional storage space after each station for exiting vehicles; said space shall be separate from other circulation aisles and shall be at least 50 feet from the curb line of the street to which it will exit.
- G. Stacking lanes shall be designed and located so as to minimize traffic congestion and to promote pedestrian safety through the use of pavement markings, signs, and designated walkways.

7.1-37 Community Residential Counseling Facility (New Eff: 7/1/93)

Community residential counseling facilities are permitted uses in the CA, CB and DDD districts subject to the following conditions, and are permitted in the RMF and OMF districts subject to approval of a special permit and the following conditions:

- A. There shall be a minimum lot area of 20,000 square feet.
- B. The lot shall contain 1,500 square feet for each resident of the facility.
- C. Notwithstanding the provisions of Section 7.2 of the regulations, the minimum number of off-street parking spaces provided shall be one space for each staff member plus one space for each three adult residents. Additional parking spaces may be required by the Planning Commission at site plan stage based upon the nature of the specific facility.

- D. A facility may provide counseling services to non-residents as well as residents in the CA, CB, DDD and OMF districts provided that the facility includes a separate waiting area and separate meeting room for such non-resident services. Parking for non-resident counseling services shall be provided in accordance with requirements of Section 7.2.
- E. Residents and their dependents shall be housed in rooms and/or apartments. Each room or apartment shall have its own kitchen facilities unless the community residential counseling facility contains a common kitchen adequate to prepare and serve meals for all residents.
- F. A staff member shall be on site at the residential facility at all times.
- G. No more than twenty (20) residents shall be permitted in any facility.
- H. No facility shall be operated without obtaining all licenses and permits otherwise required by state or federal law.

7.1-38 Historic/Institutional Reuse (New Eff: 6/1/95)

The purpose of this provision is to provide reuse opportunities for existing buildings that have historic, architectural, or aesthetic significance. These structures constitute a significant element in the visual historic character of the community and therefore priority is put on their preservation and restoration.

In order to utilize this provision, facilities need to be located on lots two acres or more in size; have historically provided educational and/or other institutional uses to the community and/or neighborhood; and which have been most recently owned by the town and/or other institutional users.

Reuse options for these facilities may be in addition to those permitted by underlying zoning classification only when it is determined by the Zoning Commission, through its special permit process, to be necessary to accomplish the objectives and intent of this section. Proposed reuse options include residential, educational,

cultural, community and/or other similar uses deemed appropriate by the Zoning Commission. The Zoning Commission may employ bulk and density standards that are appropriate to the building and site conditions. Notwithstanding anything to the contrary, the bulk and density standards contained in Section 5.2 of these regulations shall be applied for one-family, two-family, and multi-family dwellings based upon the zoning district in which the facility is located.

In evaluating the appropriateness of the proposed new use, the Zoning Commission, in addition to the special permit criteria, shall consider the following items among others: the historic use of the site during its institutional use; the character of the surrounding area; the topography of the area; the bulk of the buildings existing on the site; and the extent of the benefit to the welfare of the community to be derived by preserving the existing aesthetic appearance of the site.

7.1-39 Self-Service Storage Facilities (Eff: 2/1/97)

Self-service storage facilities are permitted in the CA, CB, IA, IPA, IPB and IPC zones subject to the following conditions:

- A. The minimum lot area on which a self-service storage facility is located shall be 2 acres.
- B. Parking for single story facilities shall be at the rate of 1 space for every 100 storage cubicles or fraction thereof, located in the vicinity of the leasing office. A minimum of 4 such spaces shall be provided. Parking for multi-storied facilities shall be at the rate of 2 spaces for every 100 storage cubicles or fraction thereof and adequate loading spaces shall be provided in the vicinity of elevators and other points of access into the facility.
- C. Interior drives in and around buildings shall be a minimum of 24 feet in width.
- D. Building setbacks for the underlying zone as required in Section 5.2 shall apply; however as part of site plan review the Planning Commission may require a minimum setback of 30 feet from public roads, and from residentially zoned and/or residentially used property.

- E. A barrier shall be provided around the rear and sides of the developed portion of the site. Said barrier shall be located within the property line and may consist of either the solid facades of the storage structures or a fence. If the barrier used is a fence, it shall be a minimum of 6 feet in height and shall be constructed of opaque materials such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire. The appearance of the barrier should be in harmony with the existing uses and structures within the vicinity of the site.
- F. All areas outside of the barrier required in Condition E. shall be landscaped to provide appropriate visual screening from adjacent properties. Buffer areas required per Section 7.4-4 shall apply.
- G. All outdoor lights shall be shielded to direct light and glare away from all adjoining property.
- H. These facilities are limited to dead storage use only. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises. No hazardous materials shall be stored on site.
- I. No outdoor storage is permitted other than the parking of recreational vehicles which shall have designated parking shown on the approved site plan.

7.1-40 Freestanding, Large-Scale Restaurants (New Eff: 2/1/97)

The purpose of this provision is to allow freestanding, large-scale restaurants to be located in the IPA zone. This regulation expressly precludes the existence of fast-food restaurants, take-out restaurants, and restaurants with drive-through facilities.

Standard restaurants, as defined in these regulations, are permitted in the IPA zone subject to approval of a special permit and the following conditions:

- A. The site shall be served by public water and sewer.
- B. The restaurant shall have a seating capacity of at least 250 patrons.
- C. There shall be no drive-through facility.

D. There shall be a minimum lot area of 4 acres.

7.1-41 Telecommunication Towers, Antennae, and Facilities (New Eff: 4/15/97)

The purpose of this regulation is to regulate the location and number of telecommunication towers and antennae; minimizing their adverse visual effect through careful design, siting, and vegetative screening; and to encourage the shared or joint use of towers and facilities. These regulations are consistent with the Federal Telecommunications Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provision of personal wireless services, or regulate the placement and construction of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations regarding such emissions.

Telecommunication towers are permitted in the RU, RMF, and all commercial and industrial zoning districts subject to approval of a special permit and the following conditions, and telecommunication antennae and facilities are permitted in all zoning districts subject to the following conditions:

- A. To discourage the proliferation of telecommunication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. Applications for new towers shall be accompanied by documentation that no existing or planned tower or other structure can accommodate the applicant's antenna or transmitter. The application shall include documentation regarding the availability of any existing or approved telecommunication towers or other structures within the transmission area that meets the needs of the applicant.

It is a condition of any special permit issued under this regulation that the permit holder shall exercise good faith in allowing other providers to share space or co-locate on the site, provided that such shared use does not impair the technical level or quality of service. In the event that a dispute arises as

to whether the permit holder has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the permit holder and the applicant.

- B. Applications involving the co-location of antennae on existing telecommunication towers or on other existing structures are exempt from the need for a special permit and shall only be subject to site plan approval from the Planning Commission.
- C. Telecommunication towers are prohibited within existing town and National Register Historic Districts, along designated scenic roads, and as determined by the Zoning Commission to be within and to degrade scenic view areas as identified on a map in the Town Plan of Development.
- D. The lot on which a new telecommunication tower is constructed shall meet the minimum lot area requirements for the underlying zone.
- E. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a professional telecommunication systems engineer, shall accompany the application for special permit. Such documentation may include propagation modeling and/or test results.
- F. All new structures shall meet the setback requirements of the respective zone or be set back from all property lines a distance equal to the height of the structure, whichever is greater. Guy anchors shall meet the setback requirements of the respective zone.
- G. Towers and antennae shall be a subdued, non-reflective color which shall blend in with its surroundings.
- H. In addition to the applicable buffer area requirement of Section 7.4-4, landscape buffers shall be required around the perimeter of all structures, including guy anchors. Such landscape buffers shall include evergreen trees of sufficient height and planted at a sufficient distance to provide visual screening as determined during the site plan approval process.

- I. Signal lights or illumination shall not be permitted unless required by the Federal Communications Commission or the Federal Aviation Administration.
- J. No advertising or signage, other than warning signs, is permitted on any tower.
- K. All unused telecommunication towers shall be removed within 12 months of cessation of use. In the event that an unused tower is not removed within 12 months of cessation of use, the tower and associated facilities may be removed by the Town and the cost of removal assessed against the property. As a condition of site plan approval, the Planning Commission may require a bond to insure removal of abandoned towers where the cost of the removal of the tower may equal or exceed the value of the lot on which it is located.
- L. No new or existing telecommunications service shall interfere with public safety telecommunications or with any existing television or radio signal. All applications for facilities under this regulation shall be accompanied by a study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- M. Satellite dishes under 10 feet in diameter are exempt from this regulation when ground mounted or located on an existing building.
- N. Notwithstanding the provision of Section 4.11 of the Zoning Regulations, new towers may be placed on lots in RU zoning districts which already contain a principal building, provided that all other conditions of this section are met.

7.1-42 Large-Scale Conference/Entertainment Facilities (New Eff: 10/1/97)

The purpose of this regulation is to regulate conference and entertainment facilities that are large in scale and attract visitors from beyond the Town's and even the region's boundaries. Such facilities may be business or entertainment oriented and may provide

ancillary services that are customarily associated with the principal use.

Large-scale conference/entertainment facilities are permitted in CA, CB, DDD, NMDD, IA, IPA, IPB and IPC zoning districts subject to approval of a special permit and the following conditions:

- A. The minimum lot area shall be 5 acres for large-scale conference facilities and 15 acres for large-scale entertainment facilities.
- B. The site shall be served by public water and sewer.
- C. All structures and outdoor activities associated with a large-scale entertainment facility shall be located a minimum of 100 feet from any property line; all structures associated with a large-scale conference facility shall conform with the setbacks in the underlying zoning district. (Eff: 12/1/98)
- D. Maximum building coverage shall comply with the requirements of the underlying zone.
- E. The maximum height of any structure shall not exceed that allowed in the underlying zone, except where for each additional foot of setback from all property lines an additional foot of height may be achieved to a maximum of 100 feet, except as noted hereafter. Any structure proposed over 100 feet in height must be so noted in the special permit application which shall be accompanied by a visual impact analysis to determine whether or not the proposed structure would be widely seen and a negative impact on Groton's landscape. Structures judged to have a negative impact will not be approved by the Zoning Commission.
- F. The minimum lot width and depth for a large-scale entertainment facility shall be 400 feet; a large-scale conference center facility shall meet the requirements of the underlying zoning district. (Eff: 12/1/98)
- G. Because of the large number of visitors that might be attracted, these facilities shall be located where primary access to and from the site is via arterial streets or State highways. The special permit application shall be accompanied by a detailed traffic study which projects how much traffic will be

generated on both a daily and peak hour basis and probable routes of travel to the site. Where the existing road network is deemed substandard to accept the projected traffic, the Zoning Commission may condition the issuance of the special permit on upgrade/improvements to the road system, the details of which shall be approved by the Planning Commission at the time of site plan approval. Provision shall be made to accommodate the use of mass transit and other modes of travel to the site.

- H. In approving the site plan, the Planning Commission may approve of waivers from the requirements of Section 7.2 Off Street Parking and Loading, in terms of the number of spaces required, the location of spaces, and the surface of the spaces depending upon the type and scale of the proposed use. In general, these facilities will be required to provide parking at the rate of one off street space for every three seats in the facility or for every three persons attending the facility during peak hours.
- I. In considering the application for special permit, the Zoning Commission shall make a determination that the proposed use will not produce noise that will negatively impact existing residential neighborhoods. This includes noise produced by the use or activity itself, from the participants or visitors to the site, from loudspeakers, or any other source at or associated with the facility. The Zoning Commission may require a noise projection study to be performed. In general, no use shall emit noise beyond the boundaries of the subject property which will be received by residentially used or zoned property that exceeds 70dBA during the day or 50dBA after 10:00 p.m. and before 7:00 a.m. The Zoning Commission may limit the hours of operation of a use in the interest of minimizing/eliminating nighttime noise.
- J. Outdoor lighting at the proposed facility shall not spill over beyond the site's property lines and shall be the minimum intensity necessary to adequately and safely light the facility and its parking lot and access drives.
- K. The maximum size of freestanding signs shall not exceed 300 square feet. All other requirements of Section 7.3-7 Sign

Requirements for Signs in Non-Residential Districts, shall be applied as stated for the underlying zone.

- L. A landscaped buffer area of 75 feet in width shall be provided along all property lines for a large-scale entertainment facility; the Planning Commission may require an increased buffer at site plan application stage based upon the size, intensity, and location of the proposed use. (Eff: 12/1/98)

7.1-43 Auto Rental in Downtown Development District (New Eff: 10/1/98)

Auto rental (passenger vehicles only) is permitted in the DDD zone subject to the following conditions:

- A. There shall be a minimum lot size area of 10 acres.
- B. No rental automobiles shall be permitted to park or display within 75 feet of a front property line along Route 1.
- C. The parking used for storage of rental automobiles shall be separate and distinct from the parking required for other uses on the same site.
- D. Security fencing is not permitted in conjunction with this use in the DDD.

7.1-44 Drug Store Pick-Up Windows/Facilities (New Eff: 2/1/03)

Drug store pick-up facilities are permitted accessory uses to the principal use of Drug Stores/Pharmacies in the CA, CB, and DDD zones, subject to the following conditions:

- A. Drug store pick up facilities, including required stacking lanes, shall be located in the rear or side yards only, with the window and station located at the pharmacy, proper.
- B. A minimum of three stacking spaces shall be provided on site for each drive through station, including the vehicle being serviced.
- C. Stacking lanes shall be a minimum of 10 feet wide and each space shown shall be 20 feet long.

D. Stacking lanes shall be separate from internal aisles, which allow traffic to circulate through the site without entering the drive through facility.

E. Stacking lanes shall be designed and located so as to minimize traffic congestion and to promote pedestrian safety through the use of pavement markings, signs, and designated walkways.

7.1-45 Active Senior Housing (New Eff: 3/1/05)

Purpose: The purpose of this section is to provide for the construction of diverse alternative housing types to meet the needs of those active seniors age 55 and older while providing for a balance and variety of housing types and styles, offering a wide choice to prospective residents and accommodating the needs of various income levels, at the same time

recognizing the unique and special needs of the senior population and the need to protect existing neighborhood character in the Town of Groton. The regulations shall also encourage “empty nester” housing as identified in the Plan of Conservation and Development.

No provisions in this regulation shall be applied, enforced or implemented in a manner that is inconsistent with or prohibited by the Fair Housing laws of the United States (42USCA Section 3607) and the State of Connecticut (46a-64b).

Active Senior Housing Communities are permitted uses in the RS, R, RMF, RU-20, OMF, IP80 and CA-12 districts subject to approval of a special permit and the following conditions:

- A. The site and the primary access thereto shall be located on a collector road or higher classification in the Town’s system as shown in the Plan of Conservation and Development.
- B. The minimum lot area shall be 15 acres in the RS-20 and RU-20 zones.
- C. The minimum lot width shall be 250 feet.
- D. The minimum lot area and square footage per dwelling unit shall be in accordance with the permissible density standards of the underlying zone.
- E. In order to main consistency of project scale with its neighboring surroundings, the following respective product types shall be allowed:

RS Zone: Product Type = Single Family Detached, Duplex and Town House (maximum 3 units attached)

R Zone: Product Type = Single Family Detached, Duplex and Townhouse (maximum 4 units attached)

RU Zone: Product Type = Single Family Detached, Duplex and Townhouse (maximum 4 units attached)

RMF Zone: Product Type = Single Family Detached, Duplex, Townhouse, Multi-Family Unit.

OMF Product Type = Townhouse, Multi-Family Unit

CA-12 Product Type = Townhouse, Multi-Family Unit

IP-80C: Product Type = Townhouse, Multi-Family Unit

- F. No building containing a dwelling unit or related facilities shall be located within 75 feet of any property line or within 150 feet of any existing residential structure in an R, RU or RS zone, except in the case of individual, single family detached units or duplex units when the setback may be reduced by the Zoning Commission if the Commission finds that it will enhance the project and not adversely affect neighboring properties. In no event shall the setback from a property line be reduced to less than the required setback for the underlying zone. This section shall not supercede other, more restrictive requirements and standards of the Zoning Regulations.
- G. The maximum coverage of all buildings on the lot shall not exceed 20%.
- H. Active Senior Housing Communities are intended for senior citizens and shall be restricted to persons 55 years of age and older subject to the following exceptions:

If a couple resides in one unit, one member of the couple must meet this age requirement. At any time, the total number of dwelling units occupied by persons under 55 years of age cannot exceed 20% of the total number of units. The community or facility is responsible for submitting verification of this requirement annually to the Town of Groton Zoning Official.

Active Senior Housing shall meet all requirements of the United States Federal Fair Housing Act, as amended. The Active Senior Housing facility or community shall be responsible for compliance with the Fair Housing Act and must publish and adhere to policies and procedures that demonstrate intent to comply with the requirement of the Fair Housing Act and shall so state in the appropriate legal documents for the community or facility.

The Town shall have the right, but not the obligation, to review continuing compliance with the criteria of the Federal Fair Housing Act.

- I. Building height shall be regulated by the height requirements of the zone in which the facility is to be located, in accordance with Section 5.2 of these regulations.

- J. The provisions of Section 6.7-6 shall apply to all Active Senior Housing Communities with the following exceptions:
1. For Item 6.7-6 E. The minimum distance between single family detached buildings on the same site shall be 20 feet.
 2. For Item 6.7-6 F. In lieu of item F, information for duplex, townhome and multi-family structures is to be submitted to the Planning Commission during site plan review noting that the exterior walls of the proposed structure must provide for variation with respect to surface treatment and/or variation in the plane of the exterior walls so as to provide visual relief. Compliance with the standard for visual relief shall require that the design, arrangement, size, mass and bulk, and location of buildings or other created or natural elements are sufficiently consistent in scale, character, and siting with its surroundings, so as to avoid abrupt or severe differences in scale.
 3. Active Senior Communities may obtain reductions or waivers from the other requirements of Section 6.7-6 in accordance with the provisions of Section 6.7-6L.
- K. The community shall be designed to promote mobility and socialization of residents with each other and throughout the community, provide appropriate facilities and amenities, as noted herein, for the intended community, and provide for a variety of common and shared spaces. The development shall encourage open space development patterns to preserve meaningful open space.
- L. A community building or indoor community space shall be provided at a minimum ratio of 20 square feet per unit. Said community building or community space may be included in the 7% recreation requirement under Section 6.7-6. Other outdoor areas required under Section 6.7-6G. shall be designed for socialization, including sitting areas, game and recreation areas. In no case shall the community building or indoor community space area be less than 2000 square feet in size.
- M. Active Senior Housing, shall at a minimum, meet the following residential unit development standards:

1. The required percentage of residential units and all common spaces shall conform to requirements for accessibility in accordance with the Connecticut Building Code.
2. All units shall be designed to be able to easily be converted to provide for handicapped accessibility to the individual unit if needed in the future, such as easily converted to allow for a ramp or level access to the units.
3. Universal Design Features shall be incorporated into the site and building design except as modified below:
 - a) A minimum of one residential bathroom/unit shall be designed to be easily equipped with grab bars at toilets and showers.
 - b) A minimum of one bath or shower shall be designed to be easily equipped with a seat or walk in access to shower.
 - c) A minimum of one bath shall meet the Connecticut Building Code requirements for accessibility.
 - d) Non-slip flooring with level thresholds, security wiring, personal alarm systems shall not be required.

The applicant for special permit shall provide, and have approved by the Zoning Commission, a list of said universal design features and other amenities for active senior housing that will be incorporated into the project with the site plan application.

- N. Parking shall be provided in accordance with Section 7.2-3A and/or B as the case may be. Spaces shall be located within 200' of the dwelling units and shall not exceed 5% in grade unless otherwise approved by the Planning Commission.

7.2 Off-Street Parking and Loading

7.2-1 Applicability

Off-street parking and loading shall be provided in accordance with this section for any building or use hereafter erected, established, enlarged, increased, or exchanged. The number of parking and loading spaces required shall be based on construction or development activity after the effective date of these regulations. Parking and loading space shall be maintained and shall not be encroached upon so long as said principal building or use remains, unless an equivalent number of such spaces is provided elsewhere in conformance with these regulations.

7.2-2 Obligation

The requirement for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the property on which any such building or use is located as long as the building or use is in existence and its use requiring vehicle parking facilities continues unless a change in use also changes the parking requirements. It shall be unlawful for an owner of any building or use affected by this section to discontinue, change, or dispense with, or to cause the discontinuance of any vehicle parking or loading space. It shall be unlawful for any firm or corporation to occupy a building without providing parking and loading spaces which meet with the requirements of and are in compliance with these regulations.

7.2-3 Parking Spaces

The number of off-street parking spaces provided shall be in accordance with the following schedule of requirements:

- A. One and Two Family Dwellings - 2 spaces for each family unit; driveways may be included as required space. (Eff: 6/1/91)
- B. Multi-Family Dwellings and Accessory Apartments - 1½ spaces for each efficiency or 1 bedroom unit and 2 spaces for each unit of 2 bedrooms or more; 1.1 spaces for each efficiency or 1 bedroom unit and 1.6 spaces for each unit of 2 bedrooms or more in multi-family complexes in excess of 300 dwelling units. (Eff: 6/1/91; 8/1/02)
- C. Office Buildings - 1 space per 300 sq. ft. of floor area. (Eff: 11/1/92)
- D. Financial Institutions - 1 space per 250 sq. ft. of floor area. (Eff: 11/1/92)
- E. Medical/Dental Offices - 1 space per 200 sq. ft. of floor area. (New Eff: 11/1/92)
- F. Retail Store, Personal, and Commercial Services - 1 space per 200 sq. ft. of floor area for commercial buildings under 20,000 sq. ft. in size; 1 space per 250 sq. ft. of floor area for commercial buildings of 20,000 sq. ft. or more. (Eff: 11/1/92)

- G. Convenience Stores - 1 space per 150 sq. ft. of floor area.
(New Eff: 11/1/92)
- H. Furniture, Appliance, Carpet, and Hardware Stores - 1 space for each 400 sq. ft. of floor area.
- I. Nightclubs, Bars, and Lounges - 1 space for each 30 sq. ft. of public floor area.
- J. Restaurant, Fast-Food - 4 spaces for every 100 sq. ft. of seating area with a minimum of 5 spaces. (New Eff: 12/16/88)
- Restaurant, Standard - 3 spaces for every 100 sq. ft. of seating area with a minimum of 5 spaces. (New Eff: 12/16/88)
- Restaurant, Take-Out Only - 3 spaces for every 100 sq. ft. of gross floor area associated with the restaurant use with a minimum of 5 spaces. (New Eff: 12/16/88)
- K. Automobile, Truck, Trailer, Boat, Mobile Home, Machinery, and Heavy Equipment Sales, and Other Similar Uses of an Outdoor Nature - 1 space for each 400 sq. ft. of floor area or 1 space for each 1,000 sq. ft. of lot area, whichever is greater.
- L. Churches, Theaters, Halls, Stadiums, or Other Places of Public Assembly - 1 space for every 3 seats with a minimum of 30 spaces.
- M. Libraries, Museums, and Non-Commercial Art Galleries - 1 space for each 750 sq. ft. of floor area.
- N. Hotels, Motels, Lodging, or Boarding Houses - 1 space for each room.
- O. Hospitals - 1 space for each bed plus 1 space for each 2 employees.
- P. Nursing Homes - 1 space for each 3 beds plus one space for each 2 employees.

- Q. Funeral Homes - 1 space for each 50 sq. ft. of public floor area, in addition to the spaces required for any dwelling unit on the premises.
- R. Marinas - 1 space for each boat slip or rental boat with additional and separate areas provided for the parking of boat trailers.
- S. Manufacturing and Industrial Plants - 1 space for each 800 sq. ft. of floor area, or one space for each 3 persons normally employed, whichever is greater.
- T. Warehousing and Other Enclosed Storage Uses - 1 space for each 1200 sq. ft. of floor area.
- U. Outdoor Commercial Recreational Uses - .75 space for each competitor participating in any competitive activity.
- V. Adult Day Care Facility, Group Day Care Home, Child Day Care Center - 1 space for each employee or staff member, plus 1 parking space for every 6 adults/children to be cared for, during peak operation. (Eff: 8/1/92)
- W. Home Occupations - 1 space in addition to those required for the principal dwelling unit where the home occupation employs a non-resident of the dwelling. (New Eff: 6/1/91)
- X. Assisted Living Facility - 1 space for each 3 dwelling units plus 1 space for each employee during the largest shift of the day. (New Eff: 5/31/97)
- Y. Congregate Living Facility - 1 space for each multifamily dwelling unit plus 1 space for each employee during largest shift of the day. In the case of individual detached housing units or duplex units, 2 spaces for each dwelling unit shall be provided. (New Eff: 5/31/97; 12/10/2004)

7.2-4 Interpretation of Required Parking Spaces

- A. The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial, or industrial use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- C. The parking space requirements for a use not specifically listed in this section shall be determined by the Commission based on parking demand generation for a listed use of similar characteristics.
- D. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

7.2-5 Location of Required and/or Additional Parking Facilities
(Eff: 5/1/99)

Required and/or additional parking facilities shall be located on the same lot as the building or other use which they serve except as follows:

- A. Because the WDD is important to the Town's economy, provides a local service and employment base, and because its physical integrity and historic and architectural character must be protected, and further because it is desirable to utilize existing buildings as fully and as effectively as possible, and because land area for parking within the WDD zone is very limited, required parking for uses within the WDD zone may be provided on sites other than the sites which they serve provided that:
 - 1. Said spaces are within 500 feet walking distance of the lot or use which they serve and are within the WDD.
 - 2. Such spaces shall preferably be in same ownership as the use which they serve. However, evidence of a lease of such spaces and a minimum term of 10 years shall be

acceptable. Such lease shall be recorded in the Land Records of the Town prior to the filing of the site plan in the Land Records. Further, the obligation to maintain the required number of spaces as set forth in Section 7.2-2 is not diminished by the leasing option permitted under this section.

- B. In the IP Zone District, certain types of users may need more parking than is required by the Zoning Regulations. Since the IP Zone District is important to the Town's economy because it provides tax base, services and employment, and further because it is desirable to use existing and proposed buildings as fully and effectively as possible, it may be desirable to permit additional off-site parking to serve these special users. This parking may be provided on sites other than the sites which they serve provided that:
1. The off-site parking shall comprise those parking spaces in excess of the required number of spaces installed on the site for the principal and allowed uses to meet zoning regulations.
 2. The off-site parking may be freestanding but it shall meet all the intent and requirements of Section 7.2, except as modified herein. Use of this provision is solely up to the discretion of the Planning Commission upon demonstration by the applicant that said additional parking is justified.
 3. The parking spaces shall be within 500 feet walking distance of the lot or use which they serve and must be located within the IP Zone District.
 4. Pedestrian access connections between off-site parking areas and the site of the principal use shall be provided for, and shuttle service between sites shall be encouraged.

7.2-6 Shared Parking

- A. The Planning Commission may reduce the parking requirements of Section 7.2-3 of these regulations to allow for

shared parking. Use of this provision is solely up to the discretion of the Planning Commission subject to the requirements stated hereafter. This provision may be applied in any of the following instances:

1. Where in a mixed-use development, there are two or more land uses which have differences in their principal operating hours, thereby allowing utilization of the same parking spaces;
2. Where uses in a mixed-use development, although not having similar operating hours, will in fact be geared to the same users thus reducing the demand for parking spaces; or
3. Where a use is located near another use such as a church or other public place of assembly that is not in operation during the same hours or days as the first use, and where such church or public place of assembly is willing to make its parking available to the first use.

B. The Commission may reduce the parking requirement for the use(s) requiring the least amount of parking under the requirements of Section 7.2-3 of these regulations, but in no case shall the parking be reduced to less than the parking required for the use requiring the most parking under Section 7.2-3. The application of this provision is subject to the following conditions:

1. Joint off-street parking facilities provided by another building or use shall be within 500 feet of the applicant's building or use.
2. The applicant shall demonstrate that there will be no substantial conflict in the demand for the shared parking; shall provide documentation that the application of this provision is applicable to the use proposed; and shall show that parking on the street and other unauthorized areas will not increase significantly.
3. The Planning Commission may revoke the application of this shared parking provision where it determines that the actual experience of the uses involved or a

change in use will result in the demand for more parking than what is supplied. Where additional parking cannot be supplied, the Commission may require the reduction/elimination of uses based on the provision of parking required in Section 7.2-3.

7.2-7 Minimum Area

For the purpose of this regulation, an off-street parking space is an all-weather surfaced area having a width of not less than 9 feet and a length of not less than 18 feet. In those instances where the parking space abuts a landscaped area or a pedestrian sidewalk of not less than 6 feet in width, the parking space can be reduced to 16 feet in length. The length required shall be measured on an axis parallel with the vehicle after it is parked. The required area is to be exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile and shall be connected with a street or public right-of-way by an all-weather surfaced driveway. In the case of single-family and two-family dwellings, all-weather surfaces shall not be required.

7.2-8 Parking for the Physically Handicapped

Parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.

7.2-9 Pedestrian Safety

Off-street parking spaces shall be separated from the building served by a 6-foot wide concrete walk with a 6-inch high concrete safety curb. In lots of 100 spaces or more, parking is prohibited adjacent to the front of the building unless a minimum 20-foot landscaped area is provided in addition to the 6-foot wide concrete walk. (Eff: 11/13/98)

7.2-10 Interior Drives

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

- 90° parking - 24 feet
- 45° parking - 13 feet
- 60° parking - 18 feet
- 30° parking - 11 feet

7.2-11 Entrance and Exit Driveways

- A. Residence driveways shall not be less than 9 feet wide at the right-of-way line nor less than 13 feet at the curb line for lots for one or two-family dwellings.
- B. In multi-family residential and all non-residential districts, the design of driveway aprons between the right-of-way line and the curb line shall be as required by the Town of Groton Road and Drainage Standards, or by the State Department of Transportation. Each parcel within these districts shall be entitled to a driveway where the property has 200 feet of frontage or less, and additional driveways when permitted and approved by the Planning Commission on the site plan. No driveway shall be permitted within 50 feet of a street intersection or within 25 feet of another driveway.

7.2-12 Marking

All required parking spaces, except for single-family or two-family residences, shall be marked by painted lines, curbs, or other means to indicate individual spaces.

7.2-13 Surfacing and Drainage

Adequate storm water drainage shall be provided for all off-street parking areas. The minimum required number of parking and truck loading facilities for all uses other than single or two-family dwellings shall have an all-weather surface of bituminous or concrete paving maintained in good condition and capable of allowing free and safe movement of all vehicles using the facility. The perimeter of all parking areas shall have a machine-formed curbing at least 5 inches high or precast concrete bumpers, safety curbs, or other protective devices. Where the Planning Commission finds that the general public will not be utilizing a parking area on a regular basis or where it is determined that development may result in significant impacts to surface and/or groundwater resources the Commission may

authorize or require the use of an acceptable alternative parking surface. (Eff: 5/1/03)

7.2-14 Lighting

Adequate lighting shall be provided in lots of more than 10 spaces if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare beyond the property line.

7.2-15 Truck Loading Space

In the case of hospitals, institutions, hotels, retail, wholesale, and industrial buildings, space shall be provided for loading and unloading of trucks at the rate of 1 space not less than 400 square feet in area for each 15,000 square feet of floor area or fraction thereof up to a total of 30,000 square feet, and 400 square feet for each additional 30,000 square feet. Such truck area shall be adjacent to the loading area or doors.

7.2-16 Phased Parking Development

The Planning Commission may, depending on the specific parking needs of a particular use, approve a phased development of the off-street parking area for a proposed or an existing development, in accordance with the following conditions:

- A. The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards for that particular use, as specified in Section 7.2-3 of these regulations.
- B. The construction of the parking area and the installation of the spaces may be phased according to short term requirements as designated on the plan, except that no less than 50% of the total spaces required shall be constructed as part of the short term requirement.
- C. The balance of the spaces not constructed shall be designated as "reserve spaces" on the site plan and laid out as an integral part of the overall parking layout, and must be located on land suitable for parking area development and either left in its natural state of suitably landscaped.

- D. Under any circumstances, the owner may construct the total number of parking spaces required as per Section 7.2-3 of these regulations; or if the Zoning Official determines that additional spaces identified as reserve spaces on the site plan may be required, he shall notify the owner of the property concerning his findings and the owner shall construct the required spaces within six months of such notification.

7.2-17 Reduced Parking Standards (Deleted: 11/1/92)

7.3 Sign Regulations

7.3-1 Purpose and Declaration (Eff: 3/1/93)

The purpose of this regulation is to promote and protect the public health, welfare and safety by regulating location, number, and size of all signs in all zoning districts. It is intended to protect property values, create an attractive economic and business climate, and to enhance and protect the physical appearance and historic character of the Town. It is further intended to prevent signs or advertising forms which present a public safety hazard due to their unsafe location or their potential distraction to motorists.

No sign, except as provided in Sections 7.3-5 and 7.3-6 hereof, shall be erected, structurally altered, or otherwise changed, unless a Zoning Permit has been approved by the Zoning Official. Signs located inside the interior of a building are exempt from these regulations.

7.3-2 General Requirements

A. Construction

Signs shall be constructed in accordance with the structural and safety specifications of the Building Code. The installation, alteration, repairing, maintenance, and inspection of electric signs shall conform to requirements of local codes and ordinances.

B. Illumination

External lighting fixtures shall be permitted on indirectly illuminated signs, provided such fixtures do not extend more than 6 feet beyond the sign structure and are so attached that such illumination is directed upon the face of the sign and does not reflect directly into adjoining property or public streets. No lighting from illuminated signs shall cause glare to be reflected off the premises in which the sign is located. Neon lighting may be used on permitted signs in non-residential districts only, but is not permitted to outline buildings or structures or ornamental features by use of exposed neon tubing, strings of lights, or otherwise.

C. Maintenance

The owner of the premises on which a sign is erected shall be directly responsible for keeping all signs, together with their supports, braces, guys, and anchors, in good repair and in safe condition.

7.3-3 Sign Prohibitions

The following prohibitions shall apply to all signs in all zoning districts.

- A. No sign shall be attached to any tree, fence, or utility pole, or be permitted to be painted directly upon the wall or roof of any building.
- B. No sign shall project beyond any property line.
- C. No signs shall have blinking, flashing, fluttering, oscillating, rotating, or pulsating lights or other illuminating devices which have a changing light intensity or color. Emergency lights are excluded.
- D. Signs containing, or that are an imitation of, and official sign or signal, or containing the words "stop", "go slow", "caution", "danger", "warning", or similar words are prohibited.
- E. Signs which may in any way be confused with or be construed as a traffic control device or which conceal from view any traffic or street sign or signal are prohibited.
- F. Movable or portable signs, such as those used in conjunction with gasoline filling station operations and automobile dealers and garage activities, including any sign displayed on a vehicle when such vehicle is used primarily for the purpose of such display, are prohibited.

7.3-4 Non-Conforming Signs

Existing signs of a size or type not permitted in the district in which they are situated, or which do not conform to all the provisions of

these regulations, will be considered non-conforming structures under this section. Any increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Non-conforming signs shall not be relocated to any other location, unless such relocation results in eliminating the non-conformity.

A. Prohibited Signs

All signs identified in Section 7.3-3 existing at the time of enactment of this regulation shall be removed within 6 months of said enactment. Upon failure to comply with the time specified, the Zoning Official is hereby authorized to order removal of such sign within 30 days of written notification. If said order is not complied with within 30 days, the owner shall be billed for the expense incurred in removal.

B. Accessory Signs

All non-accessory signs currently existing in all RS, R, RU, WF, WDD, and IP zones shall be removed or relocated in accordance with these regulations by August 1, 1980. Upon failure to comply with the time specified, the Zoning Official is hereby authorized to order removal of such sign, within 30 days of written notification. If not complied with within 30 days, the owner shall be billed for the expense incurred in removal.

C. Bona Fide Advertisement

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold, or activity or campaign being conducted, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which sign may be found within 30 days of such cessation. Upon failure to comply within the time specified, the Zoning Official is hereby authorized to order removal of such sign, within 30 days of written notification, and expenses incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.

7.3-5 Signs Permitted in All Districts

The following signs are permitted in all districts without approval of a Zoning Permit, subject to the requirements of Sections 7.3-2 and 7.3-3 and the following conditions:

A. Temporary Signs

The following temporary signs shall be set back at least 10 feet from any property line:

1. Construction

Signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement, of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 16 sq. ft. for each firm or 32 sq. ft., whichever is less. The signs shall be confined to the site of the construction, and shall be removed within 14 days of the beginning of the intended use.

2. Real Estate

Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. Such signs shall be removed no later than 14 days of the sale, rental, or lease. Maximum total area for RS, R, and RU districts shall be 6 sq. ft.; IA and IP districts shall be 48 sq. ft.

3. Political Campaign

Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of 16 sq. ft. for each premise. These signs shall be confined within private property, erected not earlier than 60 days before, and removed within 14 days after the election for which they were made.

4. Public Entertainment or Event

Such street banners or temporary signs advertising a public entertainment or advertising a charitable, religious, or educational event, as may be specifically approved in location designated by the Zoning Official for 14 days prior to and 7 days after the public entertainment or event.

B. Public Signs

Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, memorial plaques, signs of historical interest and the like.

C. Integral

Names of non-commercial buildings, dates of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

D. Private Traffic Direction

Signs directing traffic movement onto a premise or within a premise, not exceeding 3 sq. ft. in area for each sign. Illumination of these signs shall be permitted in accordance with the section on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.

7.3-6 Signs Permitted in Residential Districts

The following signs are permitted in all residential districts subject to Sections 7.3-2 and 7.3-3 and the following requirements:

A. One and Two-Family Dwellings

One freestanding or wall sign not to exceed 2 sq. ft. in area per dwelling unit, nor 6 feet in height, identifying the name and address of the occupant(s), is permitted without approval of a Zoning Permit. Permitted home occupations may also state the occupation or profession on the sign.

B. Other Uses

One freestanding or wall sign is permitted for any other permitted use in residential districts subject to the same approvals required for the principal use and provided the sign does not exceed an area of 24 sq. ft. and a height of 8 feet above ground level, and is set back a minimum of 10 feet from any property line.

7.3-7 Signs Permitted in Non-Residential Districts

Signs are permitted in the WF, WDD, OMF, CA, CB, DDD, IA, and IP districts subject to the same approvals required for the principal use and the requirements in the Regulations for Signs in Non-Residential Districts Table.

Signs directing traffic movement down a street may be erected/installed within the public road right-of-way in the WF, WDD, OMF, CA, CB and DDD districts subject to the approval of the Director of Public Works. Such signs are for the sole purpose of directing automobile or pedestrian traffic and may not be used to provide additional commercial advertising containing the name of a specific place of business. The maximum size of these signs may not exceed the size of a standard Town of Groton street sign and only one sign may be erected per street corner. (Eff: 2/1/96)

7.3-7 REQUIREMENTS FOR SIGNS IN NON-RESIDENTIAL DISTRICTS

<u>TYPE</u>	<u>REQUIREMENTS</u>	<u>WF, WDD</u>	<u>OMF, CA, CB, DDD, NMDD</u>	<u>IA</u>	<u>IP</u>
<u>BANNER</u>	Permitted Number	-----	1 per business -----	N/A	N/A
	Size Determination	-----	1 sq ft per linear ----- foot of business frontage	N/A	N/A
	Maximum Size (sq ft)	-----	100 -----	N/A	N/A
	Number of Days Permitted Annually	-----	90 -----	N/A	N/A
<u>BULLETIN/MENU</u>	Permitted Number	-----	1 per business -----	N/A	N/A
	Maximum Size (sq ft)	-----	6 -----	N/A	N/A
	Maximum Extension from Wall (inches)	-----	9 -----	N/A	N/A
<u>FLAG</u>	Permitted Number	-----	1 per business -----	N/A	N/A
	Maximum Size (sq ft)	-----	15 -----	N/A	N/A
	Lowest Portion of Flag Height Above Walkway/Travelway (feet)	-----	8 -----	N/A	N/A
<u>FREESTANDING</u>	Permitted Number	-----	1 per street frontage -----		
	Size Determination	N/A	1½ sq ft per linear foot of building frontage ⁽¹⁾		300
	Maximum Size (sq ft)	32	100	100	200
	Maximum Height Above Ground (feet)	20	20	20	20
	Setback From Property Line	10	10	10	10
<u>WALL</u>	Permitted Number	-----	2 per business ^{(2)(6) (8)} -----		
	Size Determination of total sign area	-----	1 sq ft per linear foot of building frontage ⁽¹⁾⁽⁸⁾ -----		
	Maximum Size of each sign (sq ft)	50	200 ⁽⁸⁾	200	200 ⁽⁸⁾
	Maximum Height Above Roof (feet)	N/A	6	6	N/A
	Maximum Extension From Wall (inches)	15	15	15	15
	Maximum Height (feet)	2 ⁽³⁾	N/A	N/A	N/A
<u>PROJECTING</u>	Permitted Number	-----	1 per business ^(2A) -----		
	Maximum Size (sq ft)	12	12	12	12
	Maximum Projection From Wall (inches)	See Building Code	48	48	48
<u>NON-ACCESSORY</u>	Permitted Number	N/A	-----	1 per lot -----	N/A ⁽⁴⁾
	Maximum Size (sq ft)	N/A	300	300	N/A ⁽⁴⁾
	Maximum Height Above Ground (feet)	N/A	24	24	N/A ⁽⁴⁾
	Setback From Property Line (feet)	N/A	50 ⁽⁵⁾	50 ⁽⁵⁾	N/A ⁽⁴⁾
	Minimum Distance From RS, R, and RU Zones (feet)	N/A	200	200	N/A ⁽⁴⁾
	Minimum Separation Between Each (feet)	N/A	500	500	N/A ⁽⁴⁾
<u>CANOPY OVER FUEL PUMP</u>	Permitted Number	-----	2 per canopy face ⁽⁷⁾ -----		
	Size Determination	-----	0.5 sq ft per linear foot of canopy perimeter -----		
	Maximum Size Per Canopy (sq ft)	N/A	60	60	60
	Maximum Height Above Roof (feet)	N/A	N/A	N/A	N/A
	Maximum Extension From Wall (inches)	N/A	15	15	15
	Maximum Height (feet)	N/A	N/A	N/A	N/A
<u>TOPPER</u>	Permitted Number	N/A	-----	1 per gasoline pump -----	N/A
	Maximum Size (sq ft)	N/A	3	3	N/A

See following page for notations.

Notations for 7.3-7 Requirements for Signs in Non-Residential Districts

- (1) Building frontage for each business establishment.
- (2A) If a business has building frontage on two streets, two signs will be permitted, one per street. See also Section 7.3-9.
- (2B) If a business has building frontage on two streets, four signs will be permitted, two per street.
- (3) For buildings having a frontage greater than 50 linear feet, 1 additional foot of wall sign height is allowed for every additional 10 feet of frontage over 50 feet, the sign not to exceed 10 feet in height. (New Eff: 4/11/88)
- (4) See Section 7.3-8.
- (5) Setback may be revised at the discretion of the Zoning Commission.
- (6) In the IA and IP zones, businesses with more than one building on a single lot, may display one additional sign on each additional non-accessory building beyond the first building, and each such additional sign shall not exceed 125 square feet in size. (New Eff: 10/31/89)
- (7) Canopy type signs shall be located on the canopy face, shall not extend beyond the canopy face in any direction, and shall be an integral part of the sign design. (New Eff: 11/13/98)
- (8) See Section 7.3-10 for provisions for special large commercial tenant building signage. (New Eff: 9/10/05)

7.3-8 Special IP Zone Signage (Eff: 5/1/99)

- A. Signs which specifically promote or identify allowed park development on the property on which they are located or adjacent to are permitted in the IP zone. Prior to the construction of any sign under this section, a conceptual development plan, indicating the scope and overall configuration of the industrial park must be on file with the Planning Commission. In order to ensure that signs meet the intent of the regulation and are adequately maintained, the Planning Commission's approval for the signage will expire three years from the date of erection and will then have to be renewed or removed. These signs are to front on I-95 and will conform to the following requirements:

Permitted Number: 1 per industrial park development

Maximum Size: 200 sq. ft.
Maximum Height Above Ground: 24 feet
Set Back From Property Line: 50 feet*
Minimum Distance From RS, R and RU Zones: 200 feet
Minimum Separation Between Each Sign: 1,000 feet

*Setback may be revised at the discretion of the Zoning Commission.

- B. Signs which specifically identify an industrial park and its occupants by name or logo are permitted in the zone, provided said industrial park scope and overall configuration is so designated by the Planning Commission. At least 50 percent of the actual sign area shall be allocated to the industrial park name/logo. These signs shall be located at the park's primary entrance(s) and/or may be permitted along Interstate 95 highway frontage subject to the following conditions: 1) This provision for placement of special signage along Interstate 95 may only be exercised upon approval of a conceptual development plan for signage, submitted by the industrial park developer and approved by the Planning Commission, which specifies that no freestanding signage for individual lots shall be placed along the I-95 frontage. 2) A written binding agreement regarding the exercise of this option shall be entered into by the developer and the Planning Commission and be recorded in Land Records.

The sign lighting and design shall be approved by the Planning Commission. These signs shall conform to the following requirements:

Permitted Number: 1 per street frontage (with a maximum of 2 signs)

Maximum Size: 200 sq. ft.
Maximum Height Above Ground: 24 feet
Set Back From Property Line: 50 feet*
Minimum Distance From RS, R and RU Zones: 200 feet*
Minimum Separating Distance Between Each Sign: 500 feet

*Setbacks and distances from RS, R and RU Zones may be revised at the discretion of the Zoning Commission.

7.3-9 Waterfront Wall Signs in WF Zones (New Eff: 9/1/88)

Wall signs are permitted in WF zones on the sides of water-related commercial businesses facing the water. These signs will conform to the following requirements:

Permitted Number: 1 per business

Size Determination: 1 sq. ft. per linear foot of building (waterside) frontage

Maximum Size: 50 sq. ft.

Maximum Height Above Roof: N/A

Maximum Extension from Wall: 15 inches

Maximum Height: N/A

7.3-10 Special Large Commercial Building Signage Provisions (New 9/10/05)

The purpose of this section is to: allow additional wall signs for large commercial businesses offering multiple services to encourage the effective use of signs to convey specific information to the public; and to enable the use of wall signs to break up large expanses of horizontal and vertical building façades.

A. Building Requirements

Additional wall signage may be approved for large anchor businesses on lots zoned CA, CB, DDD, IPA, OMF and NMDD under the following conditions:

1. Business must occupy in excess of 50,000 square feet of building space; and
2. Portion of the building that the business occupies must have 250 feet or more of continuous, linear building frontage.

B. Wall Sign Requirements

If the requirements of subsection A of this section are met, signage for these businesses shall be subject to the following conditions:

1. Sign Area
 - a) The maximum total sign area shall not exceed 1.5 square feet per linear foot of building frontage supporting such signs.

2. Sign Size
 - a) The maximum of any one sign shall not exceed 400 square feet.
 - b) Signs that are 25 to 400 square feet shall be considered primary wall signs.
 - c) Signs that are less than 25 square feet shall be considered secondary wall signs.
3. Primary Building Frontage
 - a) A business shall be allowed a maximum of eight (8) wall signs on its primary building frontage, which shall be that frontage with the longer building frontage.
 - b) The primary building frontage shall be allowed a maximum of two (2) primary wall signs the combined square feet of which shall not exceed 400 square feet. All other wall signs shall be secondary signs.
4. Secondary Building Frontage
 - a) If a business has building frontage on two streets, the secondary building frontage shall be allowed a maximum of two (2) wall signs on this frontage.
 - b) The Secondary building frontage shall be allowed a maximum of one (1) primary wall sign not to exceed 200 square feet. All other wall signs shall be secondary signs.
5. All other provisions of 7.3-7, Requirements For Signs in Non-Residential Districts Table apply.

C. Sign Plan

Prior to the approval of additional signage under this section, and as part of the review for Site Plan applications or modifications to Site Plan applications, the Commission shall review and approve a sign plan presented by the applicant. Revisions to the sign plans for already developed sites may be made through the Administrative Site Plan application process if the conditions of Section 8.4-1B and C are met. The sign proposal shall include a conformance table outlining all calculations supporting the request for additional signage under this section including: the number of proposed wall signs, the size of each, the total sign area allowed under this section and the total sign area proposed. In order to ensure consistency with the regulations, the sign concept may contain such other information at the request of the Director of Planning and Development or designee or the Planning Commission, as the case may be.

7.4 Landscaping, Screening, and Buffer Areas

7.4-1 Purpose

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies.

7.4-2 General Requirements

The following provisions shall apply to any use in all zoning districts:

- A. Any portion of a developed lot or property which is not used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks, or similar purposes, shall be landscaped and maintained in such manner as to minimize storm water runoff.
- B. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- C. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.
- D. All landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.

- E. To the extent possible, existing trees, vegetation, and unique site features such as stone walls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
- F. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning Commission may substitute planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.
- G. In cases where the edge of the pavement or sidewalk within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street, pavement, or sidewalk.

7.4-3 Front Landscaped Area

A front landscaped area shall be required for all uses in all zoning districts. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one street shade tree having a caliper of 2 inches and a height of 6 feet shall be planted for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view.

A. Residential Districts

In all residential districts, the required front yard, except for the driveway, shall be landscaped, but in no case shall it be required to exceed 30 feet from the front lot line.

B. Commercial and Industrial Districts

In all non-residential districts, a strip of 10 feet wide along and contiguous to the front lot line shall be landscaped except in the DD and IP districts, which shall be required to provide a strip 20 feet wide along the front lot line. Furthermore, in all non-residential districts a landscaped area 5 feet wide shall abut the front of the building.

7.4-4 Buffer Area

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along and within all boundaries of a lot abutting or directly across a local street from any lot in a residential district. Such buffer area shall comply with at least the following minimum standards.

A. The minimum width of buffer areas shall be as follows:

Conditional uses in or abutting any residential district -
25 feet

All commercial districts - 15 feet

Industrial districts - 30 feet

Industrial park districts - 50 feet

Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Planning Commission may modify the width requirements provided the buffer area meets the intent of these regulations.

B. The buffer area shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Planning Commission, will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of trees 6 feet in height planted at intervals of 10 feet on center. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

C. An earthen berm, wall, or fence of location, height, design, and materials approved by the Planning Commission may be substituted for any portion of the required planting and/or buffer area strip.

D. Where the existing topography and/or landscaping provide adequate screening, the Planning Commission may modify the planting and/or buffer area requirements.

7.4-5 Landscaped Parking Area

In addition to the front landscaped area and buffer area requirements, parking areas shall comply with the following minimum standards:

- A. All uses required to provide 20 or more off-street parking spaces shall have at least 10 sq. ft. of interior landscaping within the paved portion of the parking area for each parking space. Islands shall be required to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate the major accessways through the parking area from parking aisles. Each separate landscaped area shall contain a minimum of 100 sq. ft., shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 2 inch caliper, at least 6 feet in height.
- B. A landscaped area shall be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs, and shall include at least one deciduous tree of not less than 2 inch caliper, at least 6 feet in height for every 50 feet along the perimeter of the parking area.

7.5 Sidewalks

7.5-1 Applicability (Eff: 6/1/92)

Sidewalks shall be provided in accordance with this section along the road frontage of all lots for any building or use hereafter erected, enlarged, or intensified and thus requiring site plan approval, in all zones, except as noted in Section 7.5-5. The Planning Commission may require that provision be made to connect the sidewalk in front of the subject site to sidewalks in the vicinity of the site or to a point where a pedestrian may continue to safely travel beyond the subject site.

7.5-2 Frontage Sidewalks (Eff: 6/1/92)

Sidewalks as required by this section shall be constructed at minimum, along the entire road frontage of a site, shall be 5 feet in width along arterial and collector roads and 4 feet in width along local roads, concrete, and provide for handicapped access at curb cuts and road intersections, unless otherwise stipulated or modified by the Planning Commission. Nothing in this section shall be deemed to restrict the Planning Commission from requiring wider sidewalks considered necessary in conjunction with development of particular sites such as schools, commercial centers, multi-family developments, institutional uses, and other, more intense, pedestrian generators. Where a road is slated for reconstruction, the Commission may allow temporary sidewalks built to a lesser standard.

Sidewalks shall be located 1 foot off of the property line or 8 feet off the gutter line, the exact location to be determined at the time of application. Where a location of 8 feet off the gutter line is required, and this location falls outside of the road right-of-way onto private property, the applicant may exercise one of two options. The applicant may choose to deed property to the Town increasing the width of the right-of-way, or the applicant may grant an easement to the Town allowing the public to pass and repass over the portion of the sidewalk located on private property. In either case noted above, at the time of site plan application, setbacks will be measured from the original property line.

7.5-3 Extension of Sidewalks (Eff: 6/1/92)

The Planning Commission may require that sidewalks constructed under this section be extended for a reasonable distance to sidewalks existing along the road frontage on either side of the subject lot or to a point where a pedestrian may safely return to the road travelway at locations where no other sidewalks exist. In making such a determination, the Commission may require such extension under the following conditions:

- A. The existing Zoning and Subdivision Regulations, and existing developed conditions on abutting properties, make future development of sidewalks along these property frontage(s) unlikely, as determined by the Planning Commission.
- B. Physical conditions along the frontage of abutting property(s) are such that development of the sidewalk extension would not result in unreasonable development cost.
- C. Development of the subject site for the uses proposed, including but not necessarily limited to schools, commercial centers, multi-family developments, institutional uses or other, more intense, pedestrian generators, would result in a reasonable need to link the use with living areas, pedestrian systems, roads, recreational areas, educational, community or shopping facilities, or other activity centers, to promote public safety and convenience. The Commission shall further take into consideration the number of existing pedestrians and the number of new pedestrians to be generated by the proposed use.

Under no circumstances shall such extension be required to exceed 200 feet. In all cases, the ends of sidewalks not connected to an existing sidewalk system shall be returned to grade at the curb or gutter line.

7.5-4 Internal Sidewalks (Eff: 6/1/92)

Sidewalks along a site's frontage shall be connected to the buildings and/or land uses on the site by a system of internal sidewalks. This internal system of sidewalks should also function to serve people

walking from on-site parking lots to the main entrances of any building or any other point of on-site pedestrian destination. In addition, the Planning Commission may require internal sidewalks to connect to adjacent properties where there is evidence that significant cross-movement of pedestrians will occur.

Internal sidewalks shall be constructed of concrete, unless otherwise approved by the Planning Commission, and shall be a minimum of 4 feet wide. In cases where parking abuts the sidewalk, the walk shall be 6 feet wide.

7.5-5 Options

- A. If in the opinion of the Planning Commission frontage sidewalks do not appear to be warranted at the time due to lack of existing/anticipated development in the area and/or resulting pedestrian traffic, the Commission may postpone the installation of the frontage sidewalk to a later date. In exercising this option, the applicant must demonstrate and the Commission must find that the postponement of installing the frontage sidewalk will not significantly endanger the health, safety and welfare of the existing or anticipated pedestrian traffic along the frontage of the property. If this option is exercised, the approved site plan shall provide all necessary information concerning the future sidewalk including, but not limited to, location, grades, elevations, and other details necessary for the future construction of said sidewalk.

In addition, prior to filing the approved site plan on which this option is exercised, the developer and Commission shall enter into a written, binding agreement indicating that sidewalks will be installed at a later date which 1) has been determined at the time of approval, or 2) will be determined at a future date when conditions change (i.e. additional development or pedestrian activity in the area, Town-initiated sidewalk extensions, etc.). This agreement shall be filed in Land Records.

- B. Where a new road system is being constructed as a result of a commercial, industrial/office, or multi-family development, the Commission may allow an alternative to frontage sidewalks,

such as a bike path or running/walking trail. This option is intended to provide an alternative to frontage sidewalks in

those developments which are self-contained and/or where internal sidewalks connecting one property to another would better serve the walking public.

- C. The Commission may waive the requirement for sidewalks altogether where the applicant demonstrates and the Commission finds that 1) there will be no significant pedestrian movement to the site and/or between the site and those adjacent to it, and/or 2) topography or other physical limitations prohibit the reasonable installation of said sidewalk.

SECTION 8

ADMINISTRATION AND ENFORCEMENT

8.1 Zoning Enforcement

8.1-1 Authority

These regulations shall be enforced by the Zoning Commission, acting by and through the Zoning Official. The Zoning Official may cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of these regulations. The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or exists, shall be fined in accordance with the General Statutes of the State of Connecticut.

Any official having jurisdiction in addition to other remedies may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building, or to restrain, correct, or abate such violation, or to prevent occupation of buildings, structures, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

8.1-2 Zoning Permit

No building or structure shall be erected, added to, or structurally altered and no use shall be established until a Zoning Permit has been issued by the Zoning Official. All applications for such permits shall be in accordance with the requirements of these regulations.

A. Application

Every application for Zoning Permit shall be accompanied by such information and exhibits as are required herein or may be

reasonably required by the Zoning Official in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations. The application shall include a certification that the lot is on record by map or by deed, including the date of recording, or is in a subdivision which has been approved by the Planning Commission.

B. Plot Plan

The application shall be accompanied by two copies of a plot plan based on a survey prepared by a land surveyor registered in the State of Connecticut, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building(s) to be erected, the location of the building upon the lot, the floor area ratio, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, the area and percentage of impervious cover, both existing and proposed, if subject to site plan review and approval provisions under Section 8.4 of these regulations and such other information as may be necessary. The Building Official may waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations. (Eff: 1/1/02; 3/1/02)

8.1-3 Certificate of Zoning Compliance (Eff: 3/7/88)

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Zoning Compliance shall have been issued by the Zoning Official, stating that the premises or building complies with all the provisions of these regulations. Such a Certificate is also required for any change, extension, or alteration in a use. Applications for Certificate of Zoning Compliance shall be accompanied by a certified plot plan of the lot and buildings involved, showing the exact placement of the structures on the lot. No such Certificate of Zoning Compliance shall be issued by the Zoning Official until all zoning requirements and conditions have been met.

8.1-4 Fees

All applications for Zoning Permit and Certificate of Zoning Compliance shall be accompanied by a fee, as determined from time to time by the Zoning Commission, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

8.1-5 Special Conditions

Any maps, plans, documents, statements and stipulations submitted to and approved by the Planning Commission, the Zoning Commission, the Zoning Board of Appeals, and/or the Inland Wetlands Agency in connection with Site Plan, Special Permit, Variance, Wetlands Permit, or other action of said Commission(s) as required by these regulations, and any conditions of such approval(s) attached by said Commission(s) shall be conditions for the approval of applications for and the issuance of a Zoning Permit and a Certificate of Zoning Compliance by the Zoning Official. Prior to issuance of a Zoning Permit or a Certificate of Zoning Compliance, the applicant shall obtain and submit all approvals required by any other Municipal, State, or Federal department, bureau or agency.

8.2 Zoning Amendments

8.2-1 Authority

The Zoning Commission, on its motion or on petition, may amend, change, modify, or repeal these regulations or the zoning map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut.

8.2-2 Applications

Any person, firm, or corporation desiring an amendment or change in the zoning regulations and/or map of the Town of Groton may submit an application proposing such amendment or change, to the Zoning Commission. Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the person, firm, or corporation submitting the petition.

A. Zoning Map Changes

All proceedings to change the boundaries or classification of a zoning district shall be instituted by application in writing to the Zoning Commission. Applications shall be signed by the person, firm, or corporation proposing the amendment or change or by the attorney or agent for such person, firm or corporation. The application shall give the zoning and a metes and bounds description of the land to be included in the amendment or change. Reasons for the proposed amendment or change may also be stated. The application shall also include:

1. Five copies of a map showing all existing lots, dimensions, property lines, and streets, the existing zoning, the proposed zoning, the existing contours at a contour interval not to exceed 10 feet, the north point and the name of the petitioner. (Eff: 1/1/02)
2. The map shall show the above required information for the area included in and within 500 feet of the area affected by the application.

3. The ownership of all lots within 200 feet of the area proposed to be rezoned, as indicated in the current records of the Town of Groton, shall be shown on the map.
4. The map shall be accurately drawn to a scale of 100 feet or up to 400 feet to the inch. The map may show any other information considered pertinent by the applicant.

B. Amendments to the Regulations

All proceedings to change the provisions of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to the Zoning Commission in which the specific provisions to be changed and the provisions to be substituted, deleted, or added shall be precisely set forth. Ten copies of the existing and proposed text shall be submitted. Applications shall be signed by the person, firm or corporation proposing the amendment change or by the attorney or agent for such person, firm or corporation. Reasons for the proposed amendment or change may also be stated in the application.

C. Fees

All applications and appeals shall be accompanied by a fee, as determined from time to time by the Commission, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

8.2-3 Public Hearing

The Commission shall hold a public hearing on all proposed amendments and changes to the zoning regulations or map and shall publish a notice of said hearing in a newspaper of general circulation in accordance with the General Statutes of the State of Connecticut.

8.2-4 Notice of Amendment to Zoning Map

Before a public hearing is held on any petition concerning an amendment to the zoning map of the Town of Groton, the petitioner

shall present proof to the Commission prior to the start of the public hearing or at the start of a continued hearing, if continued for the purpose of receiving proof of the notice described herein, that notice has been deposited at least 10 days but not more than 30 days in advance of the date of the advertised hearing in a Post Office regularly maintained by the U.S. Government, directed to each of the current owners of lots located within the area and also within 200 feet from the boundaries of the area proposed to be changed, as such owners and addresses appear on the CAMA database maintained by the Groton Assessor. (Eff: 2/16/01)

8.2-5 Affidavit of Compliance

The petitioner requesting a proposed change of the zoning map shall, on or before the date of the public hearing, file with the Zoning Commission a certificate of mailing documenting compliance with Section 8.2-4.

8.2-6 Exemptions

The provisions of Sections 8.2-2, 8.2-4, and 8.2-5 shall not apply to proposed amendments initiated by the Zoning Commission or the Planning Commission of the Town of Groton.

8.2-7 Referrals

All proposed zoning amendments or changes shall be referred to the Planning Commission for a report at least 35 days prior to the date assigned for a public hearing on such request. The failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the Planning Commission approving, disapproving, or proposing a modification of such proposal shall be publicly read at the public hearing. The full report of the Planning Commission regarding such proposal shall include the reasons for the Commission's vote and shall be incorporated into the records of any public hearing held thereon. A proposal disapproved by the Planning Commission may be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of the Zoning Commission. The Zoning Commission shall give written notice of the regional planning agency of proposed zoning amendments when required by the General Statutes of the State of Connecticut.

8.2-8 Protest of Proposed Amendment

Where a protest is filed with the Zoning Commission at a public hearing on a proposed amendment signed by the owners of 20% or more of the area of the lots included in such proposed change, or of the lots within 500 feet in all direction of the lots included in the proposed change, such change shall not be adopted except by a vote of two-thirds of the entire membership of the Zoning Commission.

8.2-9 Pending Zoning Map Changes

Whenever there shall be pending before the Zoning Commission any proposal for an amendment to the Zoning Map, which proposed amendment shall have been initiated or promulgated upon a motion by the Zoning Commission or the Planning Commission, the Zoning Official shall have the authority to withhold approval for a period of not more than 65 days from the date of first public notice of the public hearing of any Zoning Permit for the construction or substantial alteration of any building upon any lot likely to be affected by the final determination of such motion, pending the public hearing and final decision by the Zoning Commission.

8.2-10 Effective Date of Amendments

Zoning regulations, boundaries of zoning districts, and any amendments or changes thereto shall become effective at such time as may be fixed by the Zoning Commission, provided notice shall have been published in a newspaper having substantial circulation in the Town of Groton.

8.3 Special Permit Procedure

8.3-1 Authority

In all cases where these regulations require approval by special permit, no zoning permit shall be issued by the Zoning Official except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Zoning Commission.

8.3-2 Applications

Applications for a special permit shall be made in writing and shall include:

- A. A statement describing the proposed use or uses.
- B. A location map in accordance with Section 8.4-4 B.
- C. Five copies of a sketch plan indicating the boundaries of the property, the location and height of all buildings and uses, the location and arrangement of parking and loading spaces, the location and description of all open spaces, screening and buffer area. (Eff: 1/1/02)
- D. An application fee.
- E. Such other information as the Commission may require to determine compliance with the intent and purpose of these regulations.

8.3-3 Fees

All applications shall be accompanied by a fee, as determined from time to time by the Commission, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

8.3-4 Public Hearing

The Commission shall hold a public hearing on all applications for a special permit, and shall publish a notice of said hearing in a

newspaper of general circulation in accordance with the General Statutes of the State of Connecticut.

8.3-5 Notice of Public Hearing

Before a public hearing is held on any application for a special permit, the petitioner shall present proof to the Commission prior to the start of the public hearing or at the start of a continued hearing, if continued for the purpose of receiving proof of the notice described herein, that notice has been deposited at least 10 days but not more than 30 days in advance of the date of the advertised hearing in a Post Office regularly maintained by the U.S. Government, directed to each of the current owners of lots located within 150 feet from the boundaries of the subject properties, as such owners and addresses appear on the CAMA database maintained by the Groton Assessor. (Eff: 2/16/01)

8.3-6 Affidavit of Compliance

The petitioner requesting the special permit shall, on or before the date of the public hearing, file with the Zoning Commission a certificate of mailing documenting compliance with Section 8.3-5.

8.3-7 Referrals

Upon receipt of a special permit application, the Zoning Commission shall refer the application to the Planning Commission for review and recommendations to be submitted prior to or at the public hearing.

8.3-8 Special Permit Objectives

In evaluating a special permit, the Zoning Commission shall take into consideration the health, safety and welfare of the public in general, and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives:

A. Harmony With Development

That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and

orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

B. Traffic Circulation

That the location and size of such use, the nature and intensity of operations involved in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient, or incongruous with, any residential district or conflict with the normal traffic of the neighborhood.

C. Impact on Environment

That the location and size of such use, the nature and intensity of operations involved in connection therewith, and the site layout and development will not have a negative impact on any environmental and natural resource areas on or adjacent to the site or within the neighborhood.

8.3-9 Commission Action

Within 65 days after the date of the public hearing or official submission of all data requested by the Commission, whichever date is later, the Commission shall approve, modify and approve, or disapprove the special permit application. The applicant may consent in writing to an extension of time for the public hearing and action on the application, and such extension shall not exceed one additional 65 day period. The grounds for disapproval shall be stated in the records of the Commission. Failure to submit additional information requested in writing by the Commission within the 65 day period for action shall be grounds for disapproval of the application. A special permit approved by the Commission shall take effect upon filing a copy thereof in the Office of the Town Clerk and in the Land Records. Upon approval of a special permit, the applicant shall submit a site plan or administrative site plan in accordance with Section 8.4 to the Planning Commission or Director of Planning and Development or designee, whichever is appropriate,

for approval prior to applying for a Zoning Permit from the Zoning Official. (Eff: 10/1/92; Eff: 1/1/02)

8.3-10 Revocation

Any authorized special permit shall be subject to revocation by the Commission if any conditions or safeguards imposed by the Commission upon buildings, structures, land or uses for said permit are not strictly adhered to by the applicant and/or owner.

8.3-11 Amendments or Modifications

Applications for special permit amendments or modifications which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments or modifications which are found to be of a minor nature or which do not materially alter the special permit as determined by the Commission, may be authorized after Commission approval only, in lieu of another public hearing.

8.3-12 Time Period and Expiration

In approving a special permit, the Commission may set or impose time periods or limits on the permit or require periodic renewal of the permit without a public hearing. In the event an appeal is taken, directly or indirectly, from the Commission's approval of a special permit, then the time period shall commence on the date of final resolution or disposition of such litigation. Expired special permits shall be considered null and void and of no effect.

8.4 Site Plan Review and Approval

8.4-1 Authority (Eff: 6/1/91)

Site plan review and approval by the Planning Commission shall be required, except as noted below, before any Zoning Permit is issued for any building or use or enlargement in size or other alteration of any building or change in use of any building including accessory structures which enlargement or alteration or change of use results in a more intensive use of a property than prior to such action. More intensive use shall include additional residential units, additional employees, additional clientele or customers, additional floor space for sales or service, or additional required parking. No Certificate of Site Plan Compliance shall be given unless all construction and development conforms to the plan as approved by the Planning Commission or the Director of Planning and Development or designee. (Eff: 1/1/02)

A. Exemption

Site plan approval shall not be required for any temporary use or any detached one or two family dwellings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses.

B. Waiver

The Planning Commission may waive site plan approval requirements if the construction or alteration or change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

C. Administrative Site Plan Approval

Site plan review and approval may be granted by the Director of Planning and Development or designee for minor land uses, incidental filling with or removal of earth products in quantities not exceeding 1,000 cubic yards, and modifications to previously approved site plans where the proposed use or modification does not significantly affect the intensity of the use, the building footprint, traffic circulation, public safety,

and impact on surrounding areas. Application shall be made on a form prescribed by the Planning Department and the amount and detail of information required for submittal shall be determined by the Director of Planning and Development or designee and be consistent with Section 8.4-4 of these regulations. All other applicable requirements of the Zoning Regulations must be met during the administrative site plan review process. (Eff: 1/1/02)

Applicants for administrative site plan approval shall be notified in the event that the Director of Planning and Development or designee will not administratively act on submitted plans, in which case the application will be automatically submitted to the Planning Commission. The Director of Planning and Development or designee shall approve, modify and approve, or disapprove all applications for administrative site plan approval within 65 days after statutory receipt of such application and the applicant may consent to one or more extensions of such period, provided the total period of any such extension shall not exceed two further 65-day periods. Any person aggrieved by the decision of the Director of Planning and Development or designee may apply to the Planning Commission for site plan approval pursuant to Section 8.4-1 of these regulations. (Eff: 1/1/02)

8.4-2 Coastal Site Plan Review

A. Applicability

The following site plans, plans, and applications for activities or projects to be located fully or partially within the adopted coastal area boundary shall be subject to coastal site plan review and to the requirements of Chapter 444, Sections 22a-90 through 22a-113 of the Connecticut General Statutes as amended.

1. Site plans submitted to the Planning Commission.
2. Subdivision plans submitted to the Planning Commission.

3. Plans submitted to the Planning Commission for a planned unit development.
4. Applications for a special permit submitted to the Zoning Commission.
5. An application for a zoning variance submitted to the Zoning Board of Appeals.
6. A referral of a proposed municipal project to the Planning Commission.

B. Exemptions

Under the authority of Chapter 444, Section 22a-109(b) of the Connecticut General Statutes, the following uses, structures, and activities are exempt from review except that in the instance of properties regulated by Section 6.3 - Waterfront Design District, subsections 1, 2, and 3 below shall not be exempt from coastal site plan review:

1. Minor additions to or modifications of existing buildings or detached accessory buildings such as garages and utility sheds except in instances where Section 6.8 is applicable.
2. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings except in instances where Section 6.8 is applicable.
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 a public beach.
4. Construction of an individual conforming single family residential structure except in or within 100 feet of the

following coastal resource areas as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes.

5. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources.
6. Gardening, grazing, and the harvesting of crops.
7. Interior modifications to buildings.
8. Minor changes in use of a building, structure, or property except those changes occurring on property adjacent or abutting coastal waters.

C. Coastal Site Plan Contents

A coastal site plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans indicating project location, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.

Any persons submitting a coastal site plan as defined above shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of Section 22a-92 of the Connecticut General Statutes.

D. Coastal Site Plan Action

The board or commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of

the Connecticut General Statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of criteria listed in Chapter 444, Section 22a-106 of the Connecticut General Statutes. Further, pursuant to Connecticut General Statutes, Section 22a-106(e), the reviewing commission must find that the proposed activity is consistent with all applicable goals and policies of Section 22a-92 and 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.

The board and commission approving, modifying, conditioning or denying a coastal site plan on the basis of criteria listed above shall state in writing the findings and reasons for its action.

8.4-3 Site Plan Procedure

A. Application

Each application for site plan approval shall be submitted to the Director of Planning and Development or designee on a form established for that purpose and shall be accompanied by nine copies of a site plan, as well as the applicable fee. (Eff: 1/1/02)

Prior to submission of a formal site plan application, the applicant may meet with the Director of Planning and Development or designee to discuss the site plan application and if the Director or designee deems it appropriate may waive the submission of specific information identified in Section 8.4-4. (Eff: 1/1/02)

B. Planning Commission Action

The Planning Commission shall approve, modify and approve, or disapprove the site plan within 65 days of the date of certification of said application, unless an extension of time is applied for by the applicant and granted by the Commission. Failure to act within such time period shall be deemed approval. The Commission's disapproval shall include written

findings on any site plan element found contrary to either the provisions or intent of these regulations.

C. Surety

The Planning Commission, in approving any site plan, may require, as a condition of said approval, the applicant to post satisfactory surety in order to assure satisfactory completion of and full compliance with all proposed improvements, not including buildings, shown on the approved site plan and other approved documents.

D. Recording of Plans; Expiration (Eff: 9/4/93)

Prior to commencement of construction, site plans, which bear upon them the seal of a Connecticut registered Professional Engineer or Land Surveyor, shall be recorded in the Land Records of Town Hall and a Notice of Action obtained. Any approved site plan or administrative site plan for which construction is not commenced or which is not otherwise put into effect within a period of one year from the date of approval, shall become null and void unless an extension of time is applied for by the applicant and granted by the Planning Commission or, for administrative site plans, by the Director of Planning and Development or designee. (Eff: 1/1/02)

E. Modifications

Application for site plan modifications or changes to an approved site plan shall be made to the Director of Planning and Development or designee in the same manner as the original application. (Eff: 5/1/03)

F. Certificate of Site Plan Compliance (Eff: 3/7/88)

No Certificate of Occupancy or other, final approval may be issued until the applicant has received a Certificate of Site Plan Compliance from the Planning Department. When minor site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Site Plan Compliance may be issued for a period not to exceed 180

days, providing satisfactory surety shall be posted with the Town of Groton in an amount sufficient to complete the site work. Upon receipt of a request for Certificate of Site Plan Compliance by the Planning Department, members of the Staff Review Team (Building Official, Ledge Light Health District, Public Works Department, Fire Marshal, and Utilities) will 1) be notified of the request; 2) be given the opportunity to review those site development items which fall within their purview; and 3) make a report to the Planning Department of the site's acceptability and compliance. Improvements which have not been made will be noted and bond estimates made where appropriate. The Planning Department will notify the applicant of the results of these reviews. The Planning Department will notify the Building Official when a Certificate of Site Plan Compliance or a conditional Certificate of Site Plan Compliance is issued and its conditions. A request for Certificate of Site Plan Compliance from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other, final approval is requested from the Building Official. Upon written request of the applicant and satisfactory completion of the site work, the Planning Commission or its designee shall release any surety posted under this provision. (Eff: 1/1/02)

The Planning Commission shall require in certain cases that "as-built" plans, prepared by a professional engineer registered in the State of Connecticut, be submitted at the time of request for Certificate of Site Plan Compliance. "As-builts" shall be required as follows:

1. As a condition of site plan approval where it is determined that the development proposed is of such a scale and/or peculiar nature as to merit it, or where the size of the site in relation to the proposed development would justify the need for verification that structures have been placed accurately.
2. Where there may be several modifications to an already approved site plan requiring Planning Commission approval, in lieu of requiring the recording of each modified plan in Land Records.

3. Where there is a disagreement between an applicant and the Planning Department concerning conformance with an approved plan at the time a request is made for a Certificate of Site Plan Compliance.

All "as-built" plans shall be accompanied by a statement certifying that the site work has been completed in accordance with the most recently approved site plan.

8.4-4 Contents of Site Plan

For all uses requiring site plan approval, a site plan application shall include the following information:

A. General Information

1. Name and address of the applicant and current owner as listed on the Town's tax rolls. (Eff: 1/1/02)
2. Date, north arrow, and numerical and graphical scale on each map.
3. A written description of the proposed use or uses and type of work proposed. (Eff: 1/1/02)
4. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area and floor area ratio, parking spaces, existing and proposed impervious cover, landscaping, and open spaces as they relate to the requirements of the Zoning Regulations. (Eff: 1/1/02)
5. The property address and/or parcel identification number. (Eff: 1/1/02)

B. Location Map (Eff: 5/1/99)

Applications shall include an accurate scale location map as depicted on the Zoning Map and shall be submitted showing the subject property and all property and streets within 1000 feet of any part of the subject property, and the following information:

1. All lots and lot lines.
2. All zoning district boundaries.
3. All existing streets and roads.

C. Site Plan

The site plan shall include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut. All plans shall be

prepared, signed, and sealed by a Connecticut registered engineer, architect, or landscape architect whichever is appropriate. All plans shall be prepared at a scale of one inch equals 20 feet or, at the discretion of the Planning Director, any other appropriate scale. The plans shall illustrate the proposed development of the property and shall include the following information:

1. The Property

- a) The boundaries of the property.
- b) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property.
- c) Existing and proposed contours with intervals of two feet, referred to USGS MSL datum.
- d) Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and where appropriate, the mean high water line, the wetlands boundary, the flood hazard area, and the channel encroachment line.

2. Buildings and Uses

- a) Location, design, and height of all existing and proposed buildings, signs, fences, and walls.
- b) Location of all existing and proposed uses and facilities not requiring a building such as tennis courts, light standards, tanks, transformers and dumpsters.

3. Parking, Loading and Circulation

- a) Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.

- b) Location, arrangement, and dimensions of loading and unloading areas.

- c) Location and dimensions of pedestrian walkways, entrances, exits and walks.

4. Open Space and Landscaping

- a) Size, arrangement, uses, and dimensions of open space on the site.
- b) Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.
- c) Location of existing trees with a trunk caliper of more than 6 inches except in densely wooded areas where the foliage line shall be indicated.

5. Signs and Lighting

- a) Location, size, height, orientation and plans of all signs.
- b) Location, size, height, orientation and design of any outdoor lighting.

6. Utilities

Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities.

7. Hazardous Materials and Wastes

The following shall apply to all lots within the commercial and industrial districts within the Town of Groton:

The applicant shall identify any hazardous materials and wastes to be associated with the proposed occupancy and use of the property. Hazardous

materials and wastes are included in the EPA's list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act, Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the applicant shall present evidence that all applicable permits and approvals from Federal, State, or local authorities have been or are in the process of being obtained. The applicant shall demonstrate that the hazardous materials or wastes shall be contained or managed in such a manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment significantly.

At a minimum, the following information shall be presented at the time of application:

- a) The amount and composition of any hazardous materials that will be handled, stored, generated, treated, or disposed of on the property.
- b) Provisions for treatment, storage, and/or disposal of any hazardous materials.
- c) Distance of nearest sensitive natural resource such as surface water bodies, wetlands, and aquifer areas.
- d) Expected types and amount of discharge to sewers, to the ground, and to surface water.
- e) Provisions for stormwater runoff controls which will minimize suspended solids.
- f) Location of loading and unloading docks.
- g) Provision for containment of any spills.

- h) Location and description of outside storage areas and types of materials to be stored.

D. Staging Plan

In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development shall be submitted.

E. Architectural Plans

For informational purposes only, the applicant shall submit preliminary architectural drawings showing all proposed buildings and structures, at a minimum scale of 1 inch equals 8 feet, illustrating all exterior wall elevations, indicating floor heights, fenestration, roof top mechanical equipment and building materials, and if applicable, building floor plan(s) indicating usage, circulation, and square footage.

F. Other Information

Any other information deemed by the Planning Commission to be necessary to determine conformity with the intent of these regulations.

8.4-5 Site Plan Objectives

In reviewing a site plan application, the Planning Commission shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

A. Town Plan(s)

That the proposed site plan shall be in general conformance with the intent of the Town Plan of Conservation and Development of the Town of Groton; however, the Plan of Conservation and Development shall not take precedence over

specific provisions of the Zoning Regulations of the Town of Groton. (Eff: 5/1/03)

B. Public Safety

That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

C. Traffic Access

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

D. Circulation and Parking

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

E. Landscaping and Screening

That the general landscaping of the site complies with the purpose and intent of Section 7.4 of these regulations; that existing trees are preserved to the maximum extent possible; and that parking and service areas are suitably screened during all seasons of the year from the view of adjacent residential districts, and public rights-of-way.

F. Lighting

That glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

G. Public Health

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water, or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

H. Environmental Features

That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and preserve scenic views or historically significant features.

I. Neighborhood Character

That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure.

8.5 Zoning Board of Appeals

8.5-1 Members

In accordance with the provisions of the General Statutes of the State of Connecticut, the Zoning Board of Appeals shall consist of 5 electors who shall not be members of the Zoning Commission. They shall be appointed for terms of 5 years, so arranged that the term of not more than one member shall expire in any one year.

8.5-2 Officers

The Board of Appeals shall elect from its membership a chairman, vice-chairman and secretary, each to serve for a term of one year and subject to reelection. The chairman or, in his absence, the vice-chairman, shall have power to administer oaths and compel the attendance of witnesses.

8.5-3 Rules of Procedure

The Board shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these regulations. These shall include, among other things, regulations relating to notices for public hearings, fees to be charged for all applications filed with the Board, forms to be used in the submission of applications, times when hearings shall be held, procedures for the conduct of public hearings, regulations regarding notices for public hearings and the form of written report of findings of the Board.

8.5-4 Meetings

The Board shall meet at the call of the chairman and at such other times as the Board may determine. All meetings of the Board of Appeals shall be open to the public. Records of the Board may be examined in the offices of the Board at any reasonable time.

8.5-5 Minutes and Findings

The Board shall keep minutes of its proceedings, recording the action of the Board and the vote of each member upon each action or, if absent or failing to vote, indicating such fact. It shall also keep

records of its examinations and other official action, all of which shall be filed promptly in the office of the Board and shall be open to public examination. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken, whether it be in favor of the granting of an application or petition or against the granting of such application or petition. Findings shall be complete, detailed, and in specific terms, setting forth the reasons for the decision, and shall go beyond such generalities as "in the interest of public health, safety and the general welfare...". In every instance, a statement of the hardship upon which such action is based shall appear in the minutes.

8.5-6 Assistance from Other Officials

The Board may call upon any other Town department or agency for assistance in the performance of its duties and it shall be the duty of such other departments or agencies to render such assistance to the Board as may be reasonably required.

8.5-7 Referrals (Eff: 9/1/89)

All proposed variances shall be referred to the Planning Commission at least ten days prior to the date assigned for a public hearing on that request. The Planning Commission or its staff may submit an advisory opinion on such referrals prior to the public hearing, and the findings of the Planning Commission or its staff shall be read into the record of the public hearing. The failure of the Planning Commission or its staff to submit a report to the Zoning Board of Appeals shall not prevent the Zoning Board of Appeals from reaching a decision on any matter before it.

8.5-8 Powers of the Board

The Zoning Board of Appeals shall have the following powers:

A. Appeals

To hear and decide appeals made by any person or persons severally or jointly aggrieved by any order, requirement, or decision of an administrative official in the enforcement of these regulations. The Board may reverse or affirm, wholly or

partly, or may modify the order, requirement or decision appealed from, and shall make such order, requirement or decision as in its opinion ought to be made in the premises, and shall have the powers of the officer from whose order, requirement, or decision the appeal was taken, provided the concurring vote of four members shall be necessary to reverse or modify the order, requirement, or decision appealed from. (Eff: 2/1/98)

B. VariANCES

Grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness, shape or substandard size of specific parcels of property, the strict application of these regulations or amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such relief or variance can be granted without substantial impairment of the intent, purpose, and integrity of these regulations and of the Plan of Conservation and Development for the Town of Groton. (Eff: 5/1/03)

Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Board of Appeals that all of the following conditions exist:

1. That if the owner complied with the provisions of these regulations, he would not be able to make any reasonable use of his property.
2. That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same district.
3. That the hardship was not the result of the applicant's own action.
4. That the hardship is not merely financial or pecuniary.

The concurring vote of four members shall be necessary to vary the application of the Zoning Regulations. (Eff: 2/1/98)

C. Certificates of Approval of Location

Issue certificates of approval of location for dealers' and repairers' licenses as provided for by sections 14-51, 14-54, and 14-55 of the Connecticut General Statutes (CGS), and for gasoline and motor oil sales as provided for by CGS section 14-321. No such certificate shall be issued until the application has been approved and such location has been found suitable for the business intended, with due consideration to its location in reference to schools, churches, theaters, traffic conditions, width of highway, and effect on public travel. The concurring vote of three members shall be necessary to issue a certificate. (Eff: 1/1/02)

8.5-9 Applications

Every application for a variance, an interpretation of a ruling of the Zoning Official, or a certificate of approval of location shall be submitted to the Board of Appeals on a form established for that purpose and shall include such supporting information as is indicated on the form. (Eff: 1/1/02)

8.5-10 Hearings

The Board of Appeals shall hold a public hearing on all applications for an appeal and/or variance in accordance with the General Statutes of the State of Connecticut. At such hearing, any party may appear in person and may be represented by agent or attorney. Upon the filing of an application to reverse a decision of the Zoning Official or the filing of an application for a variance upon forms to be provided by the Board of Appeals, a date shall be set for a public hearing, and due notice thereof shall be given to the parties. Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town of Groton in accordance with the General Statutes of the State of Connecticut. The applicant shall present proof to the Board prior to the start of the public hearing or at the start of a continued hearing, if continued for the purpose of receiving proof of the notice described herein, that notice has been deposited at least 10 days, but not more than 30 days in advance of the date of the advertised hearing in a Post Office regularly maintained by the U.S. Government, directed to each of

the current owners of lots located within 150 feet from the boundaries of the subject properties, as such owners and addresses appear on the CAMA database maintained by the Groton Assessor. (Eff: 12/1/93; Eff: 2/16/01)

Whenever the Zoning Board of Appeals has before it for consideration an application for a variance in the use of property, any portion of which lies within 500 feet of a contiguous municipality, such Board shall, at least one week prior to the hearing thereon, notify the Clerk of such municipality, in writing, of the fact of such application and of the date fixed by it for such hearing.

When considering an application for a certificate of approval of location, the Board shall provide notice of and conduct a hearing on the application in accordance with the General Statutes of the State of Connecticut. The Board may waive the required hearing in cases in which approval was previously granted for the location or where a previously approved location for a business is to be enlarged to include adjoining property. (New Eff: 1/1/02)

8.5-11 Decision of the Board

The Board of Appeals shall render its decision on such an appeal within 65 days after the hearing.

The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

Decisions of the Board shall take effect upon filing a copy thereof in the Office of the Town Clerk and in the Land Records. Any person who appeals to the Board shall be notified of the Board's decision on his appeal by certified mail within 15 days after such decision is rendered. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the Town of Groton within 15 days after such decision has been rendered. (Eff: 12/1/93; Eff: 1/1/02)

8.6 Non-Conforming Uses, Buildings, and Lots

8.6-1 General Declaration

A non-conforming use, building, or lot shall be subject to the following regulations.

A. Continuance

Notwithstanding any other provision of these regulations, a non-conforming use, building, or lot, as defined herein, may be continued, except as otherwise specified in this section.

B. Ownership

Nothing in these regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession, or right of possession of property, except as otherwise provided herein.

C. Certificate of Zoning Compliance

No non-conforming use, building, or lot shall be constructed, reconstructed, enlarged, extended, altered, moved, changed, maintained, restored, or replaced unless a Certificate of Zoning Compliance has been issued by the Zoning Official, stating that such use, building, or lot is an existing legal non-conforming use, building, or lot and/or that such construction, reconstruction, enlargement, extension, alteration, movement, change, maintenance, restoration, or replacement is in compliance with the applicable provisions of these regulations.

D. Reversion

No non-conforming use, building, or lot shall, if once changed to a conforming use, building or lot, revert or change back again into a non-conforming use, building or lot.

8.6-2 Non-Conforming Uses

A. Enlargement, Extension, or Alteration

No non-conforming use of land shall be enlarged, extended, changed, or altered, and no structure or part thereof devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, or structurally altered, except in changing the use to one which is permitted in the zoning district in which such use is located. No non-conforming use of a structure shall be extended to occupy land outside such structure or space in another structure.

B. Movement

No non-conforming use of land shall be moved to another part of a lot or outside the lot, and no non-conforming use of a structure shall be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming. No structure containing a non-conforming use shall be moved, unless the result of any such moving is to end the non-conforming use.

C. Abandonment

Any non-conforming use which has been abandoned shall not thereafter be reestablished. Any structure or land, or structure and land in combination which was formerly devoted to a non-conforming use which has been abandoned, shall not again be devoted to any use other than those uses which are allowable in the zoning district in which it is located.

The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by an intent not to reestablish such use. Any one of the following shall constitute prima-facie evidence of intent-to-abandon:

1. Any failure to take all necessary steps to resume the non-conforming use with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease; OR

2. In the case of a non-conforming use of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 6 consecutive months, or for a total of 18 months during any three-year period;
OR
3. In the case of land only, discontinuance of the non-conforming use for 30 consecutive days, or for a total of 3 months, during a one-year period.

8.6-3 Change in Use

The Zoning Commission, by special permit, may allow a change from one non-conforming use to another non-conforming use if the proposed use is similar to the existing use, and will have less of an impact upon the surrounding area than the existing use, and the required parking and loading spaces will not increase.

8.6-4 Non-Conforming Buildings

A. Enlargement, Extension, or Alteration

No non-conforming building or structure may be enlarged, extended, or altered if such enlargement, extension, or alteration increases the degree to which the building or structure does not conform to any particular requirement of the zoning regulations. This in no way allows new construction to conform to existing non-conformities.

B. Restoration

If any structure shall be destroyed by any means to an extent of more than 50% of the fair market value of the structure, excluding the foundation, as determined by the Zoning Official, no repairs or reconstruction shall be made unless every portion of such structure and the use thereof is made to conform to all the regulations of the district, except as stated herein. Nothing in these regulations shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the

control of the owner to an extent of 50% or less of the fair market value of the structure, provided that the restoration of such structure and its use shall in no way increase any former non-conformity, and further provided that the restoration of such structure is started within six months of such destruction and is completed within two years following such destruction.

C. Maintenance

Nothing in these regulations shall be deemed to prohibit any work required by the codes and ordinances of the Town or ordered by any Town official charged with protecting the public health, safety, or welfare, if such work does not enlarge or extend a non-conforming use or otherwise increase any non-conformity, in order to assure that structures will be maintained in a safe and sanitary condition.

D. Construction in Progress

Nothing in these regulations shall require any change in the plans, construction, or designated use of any building or part thereof, as approved in a Building and Zoning Permit, the construction of which shall be lawfully in progress at the time of promulgation of these regulations, provided such construction shall be completed within one year of the date of these regulations.

8.6-5 Non-Conforming Lots

A permit may be issued for a permitted use on a lot which does not meet the standards for lot area and/or width of the particular district in which the lot is located, if:

- A. The lot was of legal size on the date it was created as a lot.
- B. The owner of such lot owns no adjacent land available for combination with the lot to decrease or eliminate the non-conformity.
- C. The present owner or any prior owner did not illegally create this non-conforming lot.

- D. All yard, coverage, and other zoning requirements can be met; however, in those instances where the lot area or shape prevent conformance with one or more yard requirements, the requirement for that yard shall be the same as the most restrictive district to which the lot area most nearly conforms.
- E. The owner or his agent presents satisfactory evidence of compliance with this section.

SECTION 9

SEPARABILITY, REPEALER, AND VALIDITY

9.1 Separability

It is hereby declared to be the Legislative intent that:

9.1-1 If a court of competent jurisdiction finds any provisions of these regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

9.1-2 If a court of competent jurisdiction finds the application of any provision or provisions of these regulations to any zoning lot, building, or structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other person, property, or situations shall not be affected.

9.1-3 While any provision or provisions of these regulations or application of any provision or provisions of these regulations to any zoning lot, building, or structure is before a court of competent jurisdiction, all other provisions of these regulations and all other applications of the provisions of these regulations to other zoning lots, buildings, or structures shall continue to be separately and fully effective.

9.2 Repealer

The provisions of the zoning regulations of the Town of Groton, as adopted June 21, 1957 and subsequently amended, are repealed as of the effective date of these zoning regulations, except that all terms and conditions attached to special exceptions, site plans, and variances shall remain in effect.

9.3 Effective Date

The effective date of these regulations shall be November 2, 1987.

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