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GUILFORD PLANNING
AND ZONING COMMISSION

ZONING
Chapter 273
Town
of
GUILFORD

**GENERAL
CODE
PUBLISHERS**

www.generalcode.com
72 Hinchey Road
Rochester, New York 14624
May 2003

Revised to July 25, 2003

Approved; May 5, 2004
Effective Date; May 14, 2004

At its regular meeting on May 5, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend § 273-1. Purpose. by adding the following paragraph;

"The Commission will consider historic resources in evaluating applications before it as described in the 2002 Plan of Conservation and Development. To carry out this purpose, the Commission is authorized to consult with the Town of Guilford Historic District Commission as to the best way to preserve the Town's historic resources. ."

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on May 14, 2004.

273:6.2

Amendment - 05.05.04 - 273-1 "historic resources"
(05/14/04)

Approved; January 19, 2005
Effective Date; January 28, 2005

GUILFORD TOWN HALL
05 JAN 26 AM 11:28

At its regular meeting on January 19, 2005 the Guilford Planning and Zoning Commission approved the following amendments to the Zoning Code and the Zoning Map:

Amendment to the Zoning Map: **Adopt digital version of the Zoning Map of The Town of Guilford.** "Zoning Map, Town of Guilford, State of Connecticut, dated "Effective January 28, 2005."

Amend § 273-5. The boundaries of the districts specified in §273-4 are hereby established as shown on a map entitled "Zoning Map of the Town of Guilford, Connecticut, adopted effective *January 28, 2005* including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these regulations and is hereafter referred to as the "Zoning Map."⁴

These amendments are approved based upon a finding that they conform with the 2002 Plan of Conservation and Development. The amendment is effective on January 28, 2005.

273: 15.1

Amendment - 01.19.05 - 273-5 "Digital Zoning Map"
(01/21/05)

Approved; September 17, 2003
Effective Date; September 26, 2003

GUILFORD TOWN HALL
03 SEP 25 PM 3:45

At its regular meeting on September 17, 2003 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

§ 273-16, Table 2A, item # 5, revise to read;
"Adult and child day-care facilities."

273:22.1

(9/17/03)

Approved; February 16, 2005
Effective Date; February 25, 2005

At its regular meeting on February 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Revise § 273-19 Apartment accessory to single-family dwelling, A. General to read as follows;

" A. General. The following shall apply to the provision of an apartment dwelling unit (see 273-2B for the definition of "dwelling unit") accessory to a single-family dwelling by special permit in the R-1, R-3, R-4, R-5, R-6, R-7, and R-8 Districts. Accessory apartments may be located within the dwelling unit or an addition thereto, or may be located in a detached accessory building **or an addition thereto**. Accessory apartments are allowed in order to provide a housing type that is more affordable than the single-family home."

"B. Conditions. The following conditions shall be met;

(1) **For applications for an apartment in a single-family dwelling**, the single-family dwelling unit shall have existed for a period of a least five years prior to application for the apartment dwelling unit, as evidenced by the issuance of a certificate of occupancy for the dwelling or a date when the completed dwelling was on the Grand List of the Town.

(1a) For applications for an apartment in a detached accessory building, the accessory building shall have existed for a period of a least ten years prior to application for the apartment dwelling unit, as evidenced by a date when the building was on the Grand List of the Town, or other evidence of date of construction acceptable to the Commission.

(6) The apartment dwelling unit has a minimum floor area of 400 sq. ft. and a maximum area of 1000 sq. ft. For the purposes of this Section, floor area shall be measured as the interior spaces to be used for the dwelling unit. Basements accessible from the interior of the accessory apartment shall be counted toward the maximum floor area allowed. Additions encompassing exterior spaces such as decks and balconies shall be shown on the special permit application.

(11) For apartments proposed in detached accessory buildings, the resulting building shall maintain, to the maximum extent possible, the appearance of the original building. Said buildings shall look like an accessory building such as a garage, barn, carriage house or shed and not have the appearance of a single family dwelling."

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on February 25, 2005.

273: 26.1

Approved; March 3, 2004
Effective Date; March 12, 2004

GUILFORD TOWN HALL
03 MAR 10 11 3:30

At its regular meeting on March 3, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend § 273-19. Apartment accessory to single-family dwelling; add to B. (3) the following:

Either the single-family dwelling or the apartment dwelling unit is occupied by an owner of the premises. ***For the purposes of this section, a dwelling unit shall be considered occupied by the owner when the unit is his/her exclusive residence for at least (9) months of the year.*** This provision shall not apply to a not-for-profit corporation exempt under Section 501(c)(3) of the Internal Revenue Code.

This amendment is approved based upon a finding that it conforms with the Plan of Conservation and Development 2002. This amendment is effective on March 12, 2004.

273:27.1

Amendment - 03.03.04 - 273-19 B. (3) Accessory Apartment/Owner Occupancy
(03/10/04)

Approved: February 16, 2005
Effective Date: February 25, 2005

At its regular meeting on February 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Add to 273-20, Table 2B, Permitted Uses in Commercial, Marine Recreation and Industrial Districts, a new use as follows;

49. *Facilities for "Motor Vehicles in Livery Service" as defined in C.G.S. Chapter 244b, Sec. 13b-101, with not more than 10 such vehicles on the lot. Said vehicles shall be garaged indoors. No outdoor vehicle washing, or major vehicle maintenance and repair is permitted. Said use shall be by Special Permit and must be served by a collector road or state highway as defined in 273.28. This use is to be allowed (**SP**) in the I-2 zone.

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on February 25, 2005.

273: 40.1

Amendment - 02.16.05 - 273-20 "Livery Service"
(02/28/05)

Approved; February 16, 2005
Effective Date; February 25, 2005

At its regular meeting on February 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend 273.22. Additional use requirements and standards. B. to read as follows;

- " B. Rooms-to-let. Rooms-to-let in a dwelling unit, as defined in § 273-2, is an additional use for which a certificate of zoning compliance *Special Permit in conformance with Article X* is required."

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on February 25, 2005.

273: 42.2

Amendment - 02.16.05 - 273-22 B "Rooms-to-let"
(02/28/05)

Approved; September 21, 2005
Effective Date; September 30, 2005

At its regular meeting on September 21, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendment to Zoning Code
Re: Stormwater Management

Add a new Section 273-23.1 as follows:

273-23.1 Stormwater Management

Stormwater Management Plans shall be prepared for any Site Plan, Coastal Site Plan (CAM) or Special Permit Application in accordance with 273-75. F. (3) of this Code. Furthermore, for an Application for Certificate of Zoning Compliance (Building Permit) for any new single family dwelling, the Town Engineer, or the Environmental Planner may require that a Stormwater Management Plan be prepared, all or in part, as required by 273-75.F. (3) when he/she has determined that the development if the single family dwelling may have an adverse impact on stormwater quality.

273:44.1

(Amendment SWM zoning 09.21.05)

Approved; September 17, 2003
Effective Date; September 26, 2003

GUILFORD TOWN HALL

03 SEP 25 PM 3:45

At its regular meeting on September 17, 2003 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

§ 273-26 B, Accessory Structures, revise to read;

"A detached accessory structure in excess of 200 square feet or greater than 10 feet in height shall meet the setback requirements for the principal structure on the lot. Swimming pools, tennis courts and other sports courts shall also meet the principal building setback requirements. Terraces, patios and parking areas, when constructed two feet or more above existing grade shall meet the setback requirements for residential accessory buildings."

273:48.1

9/17/03)

05 AUG -9 PM 3: 10

Approved; August 3, 2005
Effective Date; August 12, 2005

At its regular meeting on August 3, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Zoning Code Regarding Outside Display of Merchandise

Amend 273-47 E. to read; "The total days of said display shall not exceed three days at any one time not more than eight days in any one calendar year."

273:57.1

(Amendment - 8.03.05 273-47 E Sidewalk sale)

Approved; February 16, 2005
Effective Date; February 25, 2005

At its regular meeting on February 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Delete § 273-60 M. Temporary signs, political.

~~M. Temporary signs, political. In addition to the requirements of Subsection I, signs shall also conform to the following standards:~~

- ~~(1) Political signs advertising candidates for elected office or promoting positions on ballot issues shall not exceed four square feet in area, shall not extend more than five feet above ground level and shall not exceed four feet in any one dimension. Said signs shall not be erected more than 14 days prior to the election and shall be removed within two days following the election. No more than two signs per lot shall be allowed.~~

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development. The amendment is effective on February 25, 2005.

273: 68.1

Amendment - 02.16.05 - Delete 273-60 M "Temporary signs, political"
(02/28/05)

GUILFORD TOWN HALL
06 AUG 11 PM 1:40

Approved: August 2, 2006
Effective Date: August 11, 2006

At its regular meeting on August 2, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend § 273-61.F. Nonconforming uses. "In no case shall the total sign area on a lot exceed the total area allowed in a ***the most restrictive commercial*** zone where the use would be conforming."

(Delete "a"; Add "the most restrictive commercial")

273:69.1

(Amendment -08.02.06 – 273-61 F Non-conformg)

Approved; September 21, 2005
Effective Date; September 30, 2005

At its regular meeting on September 21, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendment to Zoning Code
Re: Stormwater Management

Add (3) to 273-75. F. Drainage., the following;

"3. Stormwater Management Plans. (the Plan)

1. Purpose and Authority. Increased development without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries, and other waters of the State of Connecticut and the Town. These water resources are valuable natural, economic, recreational, cultural and aesthetic resources. The protection and preservation of these waters is in the public interest and is essential to the health, welfare and safety of the citizens of the Town. It is therefore, the purpose of this section to protect and preserve the waters within the Town of Guilford from non-point sources of pollution through the proper management of storm water flows and minimization of pollutants as defined by the "2004 Connecticut Stormwater Quality Manual" prepared by the Connecticut Department of Environmental Protection, as it may be amended, (hereafter referred to as the CT Stormwater Quality Manual).
 - a. The intent of the Regulations is to set forth Stormwater Management Plan requirements, including design practices and technical standards, to be incorporated in the planning, design, construction and maintenance of development proposals, redevelopment proposals and other activities that change the land's surface and alter hydrologic conditions resulting in pollution and adverse impacts to the surface water, groundwater and other natural resources of the Town of Guilford.

273:78.1

- b. The provisions of this ordinance are pursuant to Connecticut State Statutes 7-148 [c] (8) (A), 8-2(a), 8-25, and 22a-36 to 22a-45 inclusive and 8-2(b) and shall apply to all development occurring within the incorporated area of the Town of Guilford, Connecticut. The application of this ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute.

2. Applicability

No person shall submit a Site Plan application, Special Permit or Coastal Site Plan (CAM) application without including a Stormwater Management Plan that will control or manage runoff from the land, except as provided within this section. The stormwater management plan must be designed consistent with the CT Stormwater Quality Manual.

3. Exemptions

- a. Upon written request, the Commission may grant an exemption from this section, when the development proposal, redevelopment proposal or other activity will disturb less than a total of one (1) acre of land surface area.

No exemption shall be approved that would cause an adverse impact on the health, safety and welfare of the community or the surface water, groundwater and other natural resources of the Town of Guilford. The Applicant shall demonstrate to the satisfaction of the Commission that approval of an exemption will meet this standard. Due to the critical sensitivity of the environmental resources to development of the area within the Coastal Boundary as defined in CGS Section 22a-94, the effect on these resources must be paramount. *No exemption will be considered for any application or permit in this area.*

- b. Activities defined as agricultural land uses under the Connecticut State Statutes shall be exempt from these Regulations.

4. Contents of Stormwater Management Plans. Stormwater Management Plans shall include a narrative of the objectives of the Plan including the impacts resulting from the proposal or activity and a description of the practices, techniques, structures and facilities proposed to mitigate such impacts. The Plan shall provide the following information and be prepared by an engineer licensed to practice in the State of Connecticut:
- a. Soil characteristics based on site testing.
 - b. Location of the closest surface water bodies and wetlands to which drainage might be directed, and the depth to groundwater. In the case of tidal waters, provide the mean high water and high tide elevations. Identification of Flood Hazard Boundaries as represented on Guilford's Flood Insurance Rate Map (FIRM).
 - c. A description of design methodologies and computer models used, and hydrologic, hydraulic, sizing and water quality design computations for all practices and techniques, and structures and facilities. In general, this information should be submitted in accordance with the hydrologic and hydraulic design and analysis documentation requirements of the Connecticut Department of Transportation Drainage Manual. The design of all stormwater treatment practices shall be in accordance with the recommendations of the CT Stormwater Quality Manual.
 - d. Drawings including plan views, profiles, sections, and typical details of all storm water management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design; details of construction and/or installation, dimensions and materials including planting and landscape plans and details associated with stormwater management system components.
 - e. Structural design, geotechnical design and supporting information, as required by the Town Engineer for certain stormwater management system components including, storm sewers,

channels, outlet protection measures, culverts, bridges, dams, spillways, outlet works, retention or detention measures, and other structures.

- f. Location of all easements stating the specific responsibilities of the grantor and grantee as the access and maintenance of the stormwater system.
- g. Proposed maintenance and operation manual or schedule for any Best Management Practices (BMP) devices used to prevent pollution or treat stormwater.

Upon written request of the applicant, the Commission may waive any part of this required information upon a finding that such information is not necessary to make a determination of the Plan's compliance with the Standards and Criteria for Decision.

- 5. Standards and Criteria for Decision. No stormwater management plan may be approved without a finding that the plan is consistent with the CT Stormwater Quality Manual and the following criteria;
 - a) Design and planning for site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible, as determined by the Town Engineer in accordance with the CT Stormwater Quality Manual.
 - b) Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination. Methods include but are not limited to sweeping of pavements, especially in the early spring, the use of sediment basins prior to infiltration and encouragement of sheet flow to filter strips. Snow removal should be placed on a site that will not cause pollution as defined in this section.
 - c) All stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.

- d) All Stormwater management systems shall be designed to collect, retain and treat the first inch of rain on-site, so as to trap floating material, oil and litter. On-site storage methods include but are not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention basins.
- e) Stormwater runoff rates and volumes shall be controlled by slowing runoff velocities and infiltration. BMP methods for controlling runoff and infiltration shall be in accordance with the CT Stormwater Quality Manual. Stormwater Management plans must demonstrate as close to a zero increase in runoff for a two year design storm compared to pre-development conditions as is practicably possible based on site soil conditions.
- f) All Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of total suspended solids from the site on an average annual basis.

6. Construction

Upon approval of the Site Plan application but prior to the commencement of any work, the applicant shall execute an agreement and file a bond with the Planning & Zoning Commission to guarantee completion and maintenance of the work required by the approved Stormwater Management Plan within a period as determined by the Commission. A construction cost estimate shall be prepared by the design engineer and approved by the Town Engineer to establish the amount of the bond. Bonds shall be released upon satisfactory completion of the approved facilities and the submittal of an "As-built drawing" of the completed system. Five percent of the total bond will be retained for the purposes of maintenance and unforeseen deficiencies. This amount will not be released until 1 year after approval of the completed work required and the satisfactory completion of 1 reporting cycle. As-built drawings are to be prepared in accordance with the requirements of Chapter 272, Subdivision of Land 272-28.

7. Maintenance Covenants

Upon approval of the application but prior to commencement of any work, the applicant shall file Covenants on the Land Records committing current and future landowners to ongoing maintenance of the approved stormwater treatment facilities. At a minimum the following should be included in the covenants.

1. Provisions for yearly inspection and maintenance of the facilities.
2. Submittal of yearly reports to the Town Engineer documenting inspection dates, observations and actions.
3. Granting of **permission** to Town personnel **to enter the property** for "inspection" purposes. The covenant shall also provide that, if after notice by Town to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 6 months, the Town may undertake steps to have all work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes.

Approved; March 15, 2006
Effective Date; March 24, 2006

At its regular meeting on March 15, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article IX, Site Plan Review, § 273-75 M. Landscaping. (2).

Add **SC** to the zone districts.

- M. (2) "In any C, I, PV, T5, SC, or MU/C Zone district, the area required for setback from a residential district boundary line shall be suitably landscaped with evergreen shrubs or trees, or such evergreens in combination with embankment, fences and/or wall, so as to provide a transition from such districts to the residential district."

273:79.1

Approved: July 20, 2004
Effective Date: August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Proposed Amendments to the Zoning Code Regarding Development
Program Areas A and B**

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . . , and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
5. Amend 273-100. Special permit for planned residential development, D. as follows; "D. PRD Application, Zone R-8. Zone R-8 is established under these regulations in recognition of the lack of community services, severe limitations for land development and presence of important conservation resources. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in the R-8 Zone."
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:120.1

Approved; March 15, 2006
Effective Date; March 24, 2006

At its regular meeting on March 15, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article XII, § 273-86. Retail sale of alcoholic beverages.

as follows;

Amend B. (3) by adding: PV, TS, SC, PV2, TS2 and SCW Zone Districts to list of Zone Districts in which retail package stores are allowed.

B. (3) "In any district except the C-1, C-2, C-3, C-4, PV, PV2, SC, SCW, TS and TS2 Districts."

273:93.1

(Amendment -03.15.06 – Alcoholic Beverage)

Approved; September 17, 2003
Effective Date; September 26, 2003

GUILFORD TOWN HALL

03 SEP 25 PM 3:45

At its regular meeting on September 17, 2003 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

§ 273-96, replace D. Approval and issuance (1) (a):

" An 'as-built' plan to Class A-2 standards certified by a Connecticut Licensed Surveyor of the completed project in sufficient detail to indicate compliance with the zoning code, subdivision code, site plan or special permit.."

Delete D. (1) (b).

F. Appeals, revise to read:

" Any appeal from a decision of the Zoning Enforcement Officer pursuant to this Section shall be made in accordance with state statutes."

273: 106.1

9/17/03)

Approved; January 7, 2004
Effective Date; January 16, 2004

04 JAN -9 01 3:47

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Revise § 273-96. B. to read

"Fee. A fee set by the Board of Selectmen shall be required" (Amended 01-07-04)

Revise § 273-96. D. (2) to read

"Upon receipt of Subsection D. (1) (a) above, the Zoning Enforcement Officer shall issue a certificate of zoning compliance." (Amended 01-07-04)

These amendments are approved based upon a finding that they conform with the Plan of Conservation and Development 2002. These amendments are effective on January 16, 2004.

273:106.2

Amendment - 01.07.04 - 273-96.B & D (2)
(01/07/04)

Approved: July 20, 2004
Effective Date: August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendments to the Zoning Code Regarding Development Program Areas A and B

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . ., and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
5. Amend 273-100. Special permit for planned residential development, D. as follows; "D. PRD Application, Zone R-8. Zone R-8 is established under these regulations in recognition of the lack of community services, severe limitations for land development and presence of important conservation resources. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in the R-8 Zone."
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:126.1

Approved: July 20, 2004
Effective Date: August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Proposed Amendment to the Zoning Code Regarding Development
Program Areas A and B**

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . . , and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
 - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
 - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:128.1

Approved; January 7, 2004
Effective Date; January 16, 2004

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Revise Article XIX Design Review, § 273-134, Membership

Add after ...shall serve staggered two year terms

“, and may be reappointed for an additional two year term. The Chairman shall serve a one year term and may be reappointed for an additional one year term.”

Revise Article XIX Design Review, 273-134 Membership;

change second sentence to read;

“The Committee shall have a minimum of five members and not more than ten members, plus three alternates”

These amendments are approved based upon a finding that they conform with the Plan of Conservation and Development 2002. These amendments are effective on January 16, 2004.

273:143.1

Approved; October 6, 2004
Effective Date; October 15, 2004

At its regular meeting on October 6, 2004 the Guilford Planning and Zoning Commission *deleted* the following amendment to the Zoning Code:

Deleted § 273-131. Nonconforming Buildings.

~~No building, existing as of the effective date of this regulation, which is nonconforming with respect to maximum building size, maximum coverage, or maximum floor area may expand except by special permit, and no such expansion shall exceed 5% of the total floor area of the building.~~

This amendment is approved based upon a finding that it conforms with the 2002 Plan of Conservation and Development and is consistent with the purposes and intent of the Shopping Center Zone District. This amendment is effective on October 15, 2004.

273:143.2

Approved; August 2, 2006
Effective Date; August 11, 2006

At its regular meeting on August 2, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article XXI Mixed Use/Conservation 1 Zone as follows;

a. **Amend 273-182 (7)** by deleting the last sentence

~~Within the MU/C1 Zone not more than 25% of the land area in the zone district may be developed for this use.~~

b. **Amend 273-183 E.** Total floor area; by changing to "**20%**".

E. Total floor area: 15%.

273:147.1 & 273:149.1

(Amendment -08.02.06 - MU/C1 20%)

Approved; April 19, 2006
Effective Date; April 28, 2006

At its regular meeting on April 19, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend Article XXIII, Transition and Service District 2 (TS2), 273-193.

Permitted uses. A. by adding the following;

- "(22) Research facilities and laboratories by Special Permit.
- (23) Light manufacturing and product assembly by Special Permit.
- (24) Material, product, and vehicle storage areas when accessory to a permitted use and when contained in a building. The washing of said vehicles on site is prohibited.
- (25) Landscape contractors including storage of equipment, vehicles and materials contained in a building. The washing of said vehicles and equipment on site is prohibited.
- (26) Arts and Crafts Studios including painters, photographers, sculptors, jewelers and makers of other crafts."

273:153.1

Approved; November 16, 2005
Effective Date; November 28, 2005

05 NOV 22 PM 3:49

At its regular meeting on November 16, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amendment to the Zoning Code Regarding Open Space Subdivisions

Add the following;

Article XXVII Open Space Subdivisions

In accordance with the procedures and requirements hereinafter specified, the Commission may approve a Special Permit for an Open Space Subdivision. A Special Permit for an Open Space Subdivision authorizes an application for Subdivision in accordance with the Subdivision Code based on the plan approved pursuant to this Section.

273-213 Purpose

The purpose of this section is to provide a more flexible method for the development of subdivisions in order to preserve substantial areas of open space and protect important natural and historic resources as identified in the Plan of Conservation and Development, Growth Management Strategies, and the Plan for Open Space and Municipal Lands.

273-214 Applicability

Open Space Subdivision applications are permitted in any R-5, R-6, R-7, or R-8 Zone District.

273-215 Procedure

An Open Space Subdivision Special Permit application shall be prepared in a form determined by the Commission and accompanied by six copies of a plan with sufficient information to, in the judgment of the Commission determine the merits of the Open Space plan concept. The plan shall generally conform with Article III (272-23) of the Subdivision Code, shall contain the following specific information, and conform with the following requirements;

- The plan shall have a minimum scale of one inch equal to 100 feet.
- The boundary map of the property shall meet the standards of an A-2 survey.
- Any inland wetland boundaries as defined by Guilford's Inland Wetlands Regulations shall be shown and approved by the Inland Wetlands Commission.

GUILFORD TOWN HALL
06 JAN 19 PM 4:05

Approved; January 18, 2006
Effective Date; January 27, 2006

At its regular meeting on January 18, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend 273-218 "Option A; Two Plan Approach" to add the following:

"The Commission may request such additional information as it deem necessary to determine the feasibility of the lot layout of the conventional subdivision. If the standard subdivision plan involves land regulated as an inland wetlands or watercourse, preliminary plans shall be submitted by the applicant to the Inland Wetlands Commission for its report, no later than the day the application is filed with the Planning and Zoning Commission. In preparing its report, the Inland Wetlands Commission may comment on the feasibility of the lot layout of the standard subdivision in relation to its impact on wetlands and watercourses. The Inland Wetlands Commission may also comment on the suitability of the proposed open space subdivision."

273:162.1

(Amendment -01.18.06 - Drive-Thru)

- Contour intervals shall be a minimum of two feet and be based on aerial or field survey.
- Any open space proposed shall show the relationship of the proposed open space to other open space located on adjacent or nearby property.
- For the purpose of assessing lot feasibility in the open space plan, actual field testing including at least two deep test pits and at least one percolation test in both the primary and reserve septic system areas of each lot shall be provided.

273-216 Public Hearing and Notification Requirements

A Public Hearing shall be held in accordance with Connecticut law and this Code. In addition, the applicant shall provide notice of the public hearing to adjoining property owners at least 14 days prior to the hearing and provide the Commission with evidence that such notice was provided.

273-217 Criteria for Approval

The Commission may approve an Open Space Subdivision Special Permit application when the Commission finds that there will be a significant community benefit resulting from the open space subdivision, such as finding that the open space preserved will;

- Protect important natural resources.
- Protect scenic resources.
- Contribute to an overall open space system for the neighborhood or Town and will not result in small or fragmented open space parcels that do not provide community benefits.
- Preserve areas along Town or State roads that will protect rural appearance or character.
- Contribute to establishment of an open space corridor or greenway or interconnection of existing open spaces.
- Provide for public access to other open space.
- Provide for potential recreation areas.

273-218 Methods for Determining Maximum Number of Lots in an Open Space Subdivision

Two alternative methods for establishing the maximum number of lots in an Open Space Subdivision are available to the applicant. The method for making this determination is the choice of the applicant.

Option A: Two Plan Approach

The maximum number of lots is determined by the preparation of a standard subdivision plan by the applicant. The standard plan shall be prepared in accordance with the design standards of the Subdivision Code based on the zoning standards prescribed in the Zoning Code for the Zone District in which the property is located. The feasibility of each lot in this standard plan shall be based on actual field testing, including a least one deep test pit and one percolation test per lot. The location of the open space required by the Subdivision Code shall be shown on the plan.

[AMENDED: 1-12-2006] 2nd pt added see p. 273:162.

Option B; Density Multiplier Approach

The maximum number of lots is determined according to the following;

Maximum Residential Density. No Open Space Subdivision proposed using this approach shall exceed either the following maximum number of lots per acre of total area or the following maximum number of lots per acre of developable area as defined below whichever is less and any calculation resulting in a fractional remainder will be rounded down to the next lower whole number;

District	Total Area	Developable Area
R-5	0.50	0.70
R-6	0.35	0.50
R-7	0.25	0.35
R-8	0.15	0.20

For purposes of this Section, "Developable Area" is defined as land on a parcel proposed as an Open Space Subdivision exclusive of;

- Inland wetland or watercourse areas as defined by the Inland Wetlands and Watercourses Regulations of the Town of Guilford.
- Areas within the "A", "AE", or "V" flood zone as depicted on the Flood Hazard Boundary Map or the Flood Insurance Rate Map.
- Naturally occurring slopes of land in excess of 25 percent (10 feet vertical in less than 40 feet horizontal).
- Areas subject to easements or permanent restrictions that prohibit building or development.

273-219 Standards for Open Space Subdivisions

Open Space Subdivisions shall conform with the following criteria:

Open Space Open Space Subdivisions shall preserve at least the following amount of open space (see § 272-41 for definitions of open space)

Zone District	Minimum Open Space Requirement
R-5	20%
R-6	30%
R-7	40%
R-8	50%

Area and Bulk Standards: All lots shall meet the following minimum standards;

[AMENDED 08-02-06] per § 273:163.1

In an Open Space Subdivision, the Commission will modify one or more of the following requirements on a lot(s) within the proposed Open Space Subdivision by up to the same percentage that open space is preserved in the parcel in excess of the minimum open space requirement for a conventional subdivision (see § 272-41). For example, if 50% of the parcel is preserved as open space and the minimum open space requirement is 15%, a requirement may be modified by up to 35%.

Approved; August 2, 2006
Effective Date; August 11, 2006

At its regular meeting on August 2, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend § 273-219. Area and Bulk Standards. Delete current section and replace with new section;

Replace Area and Bulk Standards with the following:

“Area and Bulk Standards All lots shall meet the following minimum standards;

In an Open Space Subdivision, no lot shall be smaller than 20,000 sq. ft. or 40,000 sq. ft. in the R-8 Zone.

Regarding other area and bulk standards, the Commission may modify one or more of the following requirements on a lot(s) within the proposed Open Space Subdivision by up to the same percentage that open space is preserved in the parcel in excess of the minimum open space requirement for a conventional subdivision (see 272-41). For example, if 50% of the parcel is preserved as open space and the minimum open space requirement is 10%, a requirement may be modified by up to 40%.

- a. The minimum lot width may be decreased provided that, in no event, shall a lot have less than 80 feet of frontage. However, a limited number of interior lots may be permitted by the Commission when conditions so merit.
- b. The lot shape requirement may be decreased provided that in no event shall a lot have a square of less than 80 feet on each side.
- c. The maximum lot coverage may be increased provided that in no event shall a lot have more than 25% lot coverage.
- d. The maximum total floor area may be increased provided that in no event shall a lot have more than 80% total floor area.
- e. The minimum setback and yard dimensions may be reduced provided that in no event shall a lot have a setback of less than 15 feet except for residential accessory structures less than 200 sq. ft. and less than 10 ft. in height which shall have minimum setback of not less than 10 ft.

Such modifications shall not be granted to lots fronting on an existing Town Road or State highway unless the Commission finds that creating lots along the exiting frontage will not adversely affect community character or important community resources.”

273:163.1

- a. The minimum lot area requirement may be decreased provided that, in no event shall a lot have less than 50% of the minimum lot size for the zone except that a lot in the R-8 district shall not have less than 40,000 square feet.
- b. The minimum lot width may be decreased provided that, in no event, shall a lot have less than 80 feet of frontage. However, a limited number of interior lots may be permitted by the Commission when conditions so merit.
- c. The lot shape requirement may be decreased provided that in no event shall a lot have a square of less than 80 feet on each side.
- d. The maximum lot coverage may be increased provided that in no event shall a lot have more than 25% lot coverage.
- e. The maximum total floor area may be increased provided that in no event shall a lot have more than 80% total floor area.
- f. The minimum setback and yard dimensions may be reduced provided that in no event shall a lot have a setback of less than 15 feet except for residential accessory structures less than 200 sq. ft. which shall have a minimum setback of not less than 10 ft.

Such modifications shall not be granted to lots fronting on an existing Town Road or State highway unless the Commission finds that creating lots along the existing frontage will not adversely affect community character or important community resources.

Lot Feasibility The feasibility of each lot in a proposed open space subdivision shall be based on actual field testing, including a least two deep test pits and at least one percolation test in both the primary and reserve septic system areas per lot.

(Amendment - 11.16.05 Open Space Special Permit)

* AMENDED

11-02-05 APA MAP - LEVEL A
(PINEWOOD WELL) ADOPTED
01-18-06 APA TEXT ADOPTED
FINAL EFFECTIVE DATE 4-21-06

EFFECTIVE
11-11-05
01-27-06

Chapter 273

ZONING

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- * § 273-1. Purpose. 5/5/04
- § 273-2. Word usage; definitions.
- § 273-3. Conformity with regulations required.

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- § 273-4. Classes of districts.
- * § 273-5. Zoning Map. 1/19/05
- § 273-6. Floodplain District.
- § 273-7. Water Supply District.
- § 273-8. Development program areas.
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- § 273-10. (Reserved)
- § 273-11. Maximum area of office space.
- § 273-11.1. Motor vehicle fuel sales.

ARTICLE III Nonconformities

- § 273-12. Intent.
- § 273-13. Nonconforming uses.
- § 273-14. Nonconforming buildings and structures.
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- * § 273-16. Residential districts. ITEMS 9/19/03
- § 273-17. Summer Cottage (RS-1) District.

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* § 273-19. Apartment accessory to single-family dwelling. 3/3/04 +

* § 273-20. Commercial, marine recreation and industrial districts. 2/16/05
#48
#49
11-6-02 + 2-16-05

§ 273-21. Commercial Design (C-D) District.

* § 273-22. Additional use requirements and standards. Rooms to let
2-16-05

§ 273-23. Conversions in Guilford Town Center District.

273-23.1 SWM - S/F DWELLING 9-21-05

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§ 273-24. Applicability of Table 3.

§ 273-25. Lot area, shape and frontage.

* § 273-26. Setbacks for fences and accessory structures. 9/17/03

§ 273-27. Setbacks from property line.

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§ 273-31. Exceptions to height requirements.

§ 273-32. Lot frontage on culs-de-sac.

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§ 273-35. Setbacks from coastal resources.

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- § 273-36. Accessory structures.
- § 273-37. Additional lot coverage for certain structures.
- § 273-38. Residential accessory uses, buildings and structures.
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- § 273-44. Affordable housing densities.
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- § 273-50. Spaces to be provided; existing uses; maintenance of spaces.
- § 273-51. Parking space standards.
- § 273-52. Classification of uses.
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- § 273-59. Sign permit; specifications.
- * § 273-60. Standards for all districts. *2-16-05 TEMP. POLITICAL signs*
- * § 273-61. Residential districts. *(F) NON CONFORMING USES 8-02-06*
- § 273-62. Marine recreation, commercial and industrial districts.
- § 273-63. Shopping centers.
- § 273-64. Multiple-tenancy commercial buildings.
- § 273-65. Directory of nonconforming signs.

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- § 273-66. Special permit required.
- § 273-67. Exceptions.
- § 273-68. Conditions for approval.
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- § 273-73. Conformance required.
- § 273-74. Purpose.
- * § 273-75. General standards.
 - ADD (3) to F. SWM DRAINAGE *9-21-05*
 - M.(2) ADD "SC" - LANDSCAPING *3-15-06*

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- § 273-76. Special standards.
- § 273-77. Nonconformities.
- § 273-78. Procedures.

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- § 273-79. General provisions.
- § 273-80. Standards.
- § 273-81. Additional requirements.

(PRD)

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- 4 § 273-83. Criteria for special permit. 7-20-05
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- ★ § 273-86. Retail sale of alcoholic beverages. 03-15-06
- § 273-87. Water supply storage towers.
- § 273-88. Windmills.
- § 273-89. Floodplain District.
- § 273-90. Water Supply District.
- § 273-91. Coastal site plan review requirements under Public Act No. 79-535.
- REPLACED § 273-92. Groundwater Protection District. 7/7/04
- § 273-93. (Reserved)
- § 273-94. Bed-and-breakfasts.
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- * § 273-96. Certificate of zoning compliance. A-2 SURVEY 1/7/04
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- § 273-112. Purpose.
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- § 273-114. Area, location and bulk standards.
- § 273-115. Sign requirements. = C-1
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HDC

- § 273-137. Purpose.
- § 273-138. Procedures.
- § 273-139. (Reserved)
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- § 273-142. (Reserved)
- § 273-143. (Reserved)
- § 273-144. (Reserved)
- § 273-145. (Reserved)
- § 273-146. (Reserved)
- § 273-147. (Reserved)
- § 273-148. (Reserved)
- § 273-149. (Reserved)
- § 273-150. (Reserved)
- § 273-151. (Reserved)
- § 273-152. (Reserved)
- § 273-153. (Reserved)
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- § 273-155. (Reserved)
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- § 273-119. Purpose.
- § 273-120. Permitted uses.
- § 273-121. Area, location and bulk standards.
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ARTICLE XVIII
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- § 273-126. Purpose.
- § 273-127. Permitted uses.
- § 273-128. Area, location and bulk standards.
- § 273-129. Sign requirements.
- § 273-130. Parking standards.
- ~~LETED~~ § 273-131. Nonconforming buildings. 1/6/04
- § 273-132. Special permit criteria.

ARTICLE XIX
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- § 273-133. Purpose.
- * § 273-134. Membership. 1/7/04
- § 273-135. Procedures.
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DRC

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- § 273-170. (Reserved)
- § 273-171. (Reserved)
- § 273-172. (Reserved)
- § 273-173. (Reserved)
- § 273-174. (Reserved)
- § 273-175. (Reserved)
- § 273-176. (Reserved)
- § 273-177. (Reserved)
- § 273-178. (Reserved)
- § 273-179. (Reserved)
- § 273-180. (Reserved)

ARTICLE XXI

Mixed Use/Conservation 1 Zone District
(MU/C1)

- § 273-181. Purpose.
- * § 273-182. Permitted uses. (7) 8-02-06
- * § 273-183. Area, location and bulk standards. (E) 8-02-06 (200/2)
- § 273-184. Sign requirements.
- § 273-185. Parking standards.

ARTICLE XXII

Mixed Use/Conservation 2 Zone District
(MU/C2)

- § 273-186. Purpose.
- § 273-187. Permitted uses.
- § 273-188. Area, location and bulk standards.
- § 273-189. Requirements for mixed use development.
- § 273-190. Sign requirements.
- § 273-191. Parking standards.

ARTICLE XXIII

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- § 273-192. Purpose.
- * § 273-193. Permitted uses.
ADDED USES 22, 23, 24, 25 + 26
(04-19-06)

- § 273-194. Area, location and bulk standards.
- § 273-195. Sign requirements.
- § 273-196. Parking standards.
- § 273-197. Nonconforming buildings.

ARTICLE XXIV

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- § 273-198. Purpose.
- § 273-199. Permitted uses.
- § 273-200. Area, location and bulk standards.
- § 273-201. Sign requirements.
- § 273-202. Parking standards.

ARTICLE XXV

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- § 273-203. Purpose.
- § 273-204. Permitted uses.
- § 273-205. Area, location and bulk standards.
- § 273-206. Sign requirements.
- § 273-207. Parking standards.

ARTICLE XXVI

C-4 West (C-4W)

- § 273-208. Purpose.
- § 273-209. Permitted uses.
- § 273-210. Area, location and bulk standards.
- § 273-211. Sign requirements.
- § 273-212. Parking standards.

Table 3 - Area, Location and Bulk Standards

ARTICLE XXVII

(OSSD) (OPEN SPACE SUBDIVISIONS)

- 273-213 to 219
- * 273-218 ADDED IWC Referral to OSSD/SP (01-18-06)
- 273:5
- * 273-219 AMENDED AREA + BULK STANDARDS 8-02-06

ADDED (11-16-05)

05-15-2003

[HISTORY: Adopted by the Planning and Zoning Commission of the Town of Guilford 2-22-1969, as amended through 5-4-1994. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- | | |
|---|---|
| Violation of zoning regulations – See Ch. 1, Art. II. | Historic District – See Ch. 187. |
| Boards, commissions and committees – See Ch. 9. | Sewers – See Ch. 228. |
| Building Construction – See Ch. 148. | Inland wetlands and watercourses – See Ch. 271. |
| Fees – See Ch. 166, Art II. | Signs – See Ch. 272, Art. IV. |
| Flood damage prevention – See Ch. 174. | Subdivision of land – See Ch. 272. |
| Fuel storage tanks – See Ch. 181. | |
-

**ARTICLE I
General Provisions**

✦ § 273-1. Purpose.

It is the purpose of these regulations to promote the health, safety and general welfare of the community; to encourage the most appropriate use of the land; to lessen congestion in the streets; to avoid undue concentration of the population; to make adequate provision for public utilities and facilities; to provide adequate light, air and recreation facilities; to secure safety from fire, panic, flood and other dangers; to maintain or improve the quality of the environment of the community; and to conserve property values in the Town of Guilford.

[Added and ¶ 5-5-2004] see page 273:6.2

§ 273-2. Word usage; definitions.

- A. General. The words used in these regulations shall have the meaning commonly attributed to them. Doubts as to their precise meaning, application or interpretation shall be determined by the Commission, in accordance with the purpose and intent of these regulations, where the context so permits. Words in the present tense include the future. and the singular number includes the plural and vice-versa.
- B. As used in these regulations, the following terms shall have the meanings indicated:

ARCHITECTURAL PRESENTATIONS – Drawings and specifications, when required by these regulations, shall be prepared by a registered architect or registered engineer when such a professional is required by state law for the design of a structure because of its use, size or capacity. In other cases, said documents may be prepared by a designer or other qualified person in sufficient detail to meet the intent of these regulations.

BUILDING – A structure which is completely enclosed by a roof and by exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure and which is intended to be stationary on a lot or lots and used or intended to be used for the shelter, support or enclosure of persons, animals or property of any kind. [AMENDED July 16, 2003]

BUILDING, ACCESSORY – A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a

principal building devoted or intended to be devoted to an accessory use is not an accessory building.

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

COMMISSION — The Guilford Planning and Zoning Commission or its lawful successor by whatever title designated.

COMMUNICATION TOWER — A structure to be erected and used for the receipt, relay or transmission of communications signals, built as a freestanding structure, which may include a control building required for the facility.

COVERAGE — The sum of the horizontal area of the ground floor of a building or other structure, measured from the exterior faces of the exterior walls on the outside edge of the structure or from the outside edge of any structure without walls, excluding overhangs of three feet or less.

DWELLING — A building designed as a residence for occupancy by one or more families.

DWELLING, MULTIPLE — A residential structure containing three or more independent dwelling units, each with independent outside access by common hallway, stairs and/or outside door, and separate facilities that are used or intended to be used for living, sleeping and cooking.

DWELLING, SINGLE-FAMILY — A dwelling having only one dwelling unit from ground to roof and having independent outside access.

DWELLING, TWO-FAMILY — A residential structure containing two independent dwelling units, each with independent outside access by common hallway, stairs and/or outside door, and separate facilities that are used or intended to be used for living, sleeping and cooking.

DWELLING UNIT — Any room or group of rooms located within a building devoted to residential use and forming a single, habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

FACILITIES OF PHILANTHROPIC, CHARITABLE, AGRICULTURAL, HISTORICAL AND CULTURAL INSTITUTIONS OR SOCIETIES NOT CONDUCTED AS A BUSINESS OR FOR PROFIT — Facilities shall include structures necessary to the purposes and programs of the nonprofit organization, including dwellings maintained by such institutions or societies as part of their charitable activities, with no more than one dwelling per lot.

FAMILY — One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.¹

FARM — A lot or lots of contiguous land containing at least three acres on which the land and buildings are devoted to farming and such other uses as are accessory thereto.

FARMING — The cultivation of land for the growing of vegetables, grains, grasses, trees, herbs or fruit or horticulture or the raising of livestock, farm animals (except pigs

1. Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

and fur-bearing animals), fish, birds or bees or the producing of milk, commercial floriculture or other similar pursuits, excluding commercial kennels.

FLOOR AREA – The sum of the gross horizontal areas of the several stories of a building or other structure, measured from the exterior faces of the exterior walls or from the center line of party walls, excluding garages, terraces, bay windows, utility rooms for heating apparatus, earth-floor cellars, attics, open porches, unheated enclosed porches and other horizontal areas not accessible by a permanent inside stairway.

HAZARDOUS MATERIAL – Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town. This shall include any substance deemed a hazardous waste under Section 3001 of the Resource Conservation and Recovery Act of 1976, 40 CFR Part 261, or contained on the list of 129 priority pollutants of the United States Environmental Protection Agency.

HEIGHT – The height of a building or other structure shall be measured from the average natural ground level within 10 feet of the building or other structure to the maximum height of any part of the structure (see § 273-31). “Natural ground level” is defined as the existing ground level prior to any site preparation, grading or filling of the lot.

HOME HANDICRAFT INDUSTRY – An occupation or art requiring skillful use of the hands in the production of articles (such as pottery, furniture repair, weaving, cooking, etc.), which articles are not mass-produced, carried on in a dwelling occupied by a person or persons directly involved in the production and/or sale of such work, and the production of which does not adversely affect the character of the neighborhood, create undue traffic or constitute a normal retail operation. [AMENDED July 16, 2003]

HOTEL – A building providing lodging for transient persons, with or without a common eating facility and/or other public facilities so designed that normal access is through a public entrance and lobby.

LOADING SPACE – An area at least 480 square feet in size, having such shape, vertical clearance, access and slope so as to accommodate one cargo-carrying motor vehicle having an overall length of 40 feet.

LOT –

- (1) A parcel of land which is owned separately from any adjoining land as evidenced by deed or deeds recorded in the land records of the Town of Guilford. Land bisected by a private easement or right-of-way may be combined to form a single lot; or
- (2) A parcel of land meeting the requirements of these regulations and shown on a map filed in the land records of the Town of Guilford.

LOT AREA AND SHAPE – The area of a horizontal plane bounded by the front, side and rear lot lines. In determining compliance with minimum lot area and shape requirements of these regulations, the following are applicable:

- (1) Land subject to easements for drainage facilities or public utilities, other than overhead electric power transmission lines, may be included.
- (2) No street, highway, easement for vehicular access or private right-of-way for vehicles may be included.
- (3) Each lot shall contain an area of contiguous land, exclusive of wetlands and watercourses, that equals the lot area requirement of the district or 40,000 square feet, whichever is less; provided, however, that wetlands and watercourses may be used to comply with that portion of a minimum lot area requirement in excess of 40,000 square feet.

LOT AREA PER DWELLING UNIT – The amount of lot area, whether occupied by structures or not, that exists for each dwelling unit located on the lot.

LOT LINE – Any boundary line of a lot.

LOT LINE, REAR – Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line and except that in the case of a corner lot, only one lot line shall be considered a rear property line.

LOT LINE, SIDE – Any lot line which is not a street line or a rear lot line.

MOBILE HOME – A vehicular portable structure built to be moved on wheels and designed for living accommodations of a permanent nature and shall be so considered whether or not it is actually on wheels.

MOTEL – A building providing lodging for transient persons, without individual cooking or eating facilities and intended, designed and used for transients, generally with access to the rooms directly from the out-of-doors. "Motel" shall also include "motor hotel" and may include a common eating facility and/or other public facilities, such as meeting rooms.

MOTEL, HOUSEKEEPING – A building or portion of a building providing lodging for transient persons, with limited individual cooking or eating facilities and intended, designed and used for transients requiring more luxurious accommodation than permitted under the definition "motel." Access to each suite will generally be directly from the out-of-doors, and kitchen facilities shall be limited to two surface burners, a refrigerator not over 6.5 cubic feet and a single-bowl sink. Other uses defined under "motel" are included herein also.

MOTOR VEHICLE – As defined in Section 14-1 of the Connecticut General Statutes.

NONCONFORMITY – A nonconforming use, lot, building or other structure is one which existed lawfully, whether by variance or otherwise, on the date these regulations or any amendment hereto became effective and which fails to conform to one or more of the provisions of these regulations or such amendment hereto. No conforming use.

MOTOR VEHICLES – Good condition is defined as having all doors, including the hood and trunk, intact and with no broken or missing windows. [AMENDED July 16, 2003]

lot, building or other structure shall be deemed to have existed on the effective date of these regulations unless it can be proven that it was actually in being on such a date or that a building permit had been issued and actual construction had lawfully begun prior to that date. "Actual construction" is hereby defined as the placing of construction materials in a permanent position in accordance with the plans for the building or other structure, with the intent to complete the construction in an expeditious manner.

- (1) **NONCONFORMING USE** — The use of a lot or a building or structure on a lot, which use is not permitted by these regulations for the district in which it is located.
- (2) **NONCONFORMING LOT** — A lot which does not comply with the area, shape, frontage or locational provisions of these regulations for the district in which it is located.
- (3) **NONCONFORMING BUILDING OR STRUCTURE** — A building or other structure which contains a permitted use but does not meet the setback, side yard, rear yard, height, coverage, floor area, projection or stories requirements of these regulations for the district in which it is located.

OFFICE — A building, room or series of rooms in which the affairs of a business, profession, group or governmental unit are carried on.

PARKING SPACE — An area at least 180 square feet in size, having a minimum length of 20 feet and having such shape, vertical clearance, access and slope so as to accommodate one motor vehicle. When a parking area is designed for a use requiring site plan approval, a variety of parking spaces for larger vehicles and handicapped may be required in accordance with all applicable regulations for the proposed use.

PERSONAL SERVICE ESTABLISHMENT — A business where services are provided to persons by licensed practitioners, such as barbers, hairdressers and beauty shops.

PROJECTION — Any structure attached to a principal or accessory building and extending beyond the face of a building foundation wall, including roofs, cornices, chimneys, bay windows, shading devices, areaways, balconies, fire escapes, outside stairways, steps and open porches.

RECEIPT — In all matters wherein a formal application, request or appeal must be submitted to the Commission or to the Zoning Board of Appeals, the date of receipt of such application, request or appeal by such Commission or Board shall be the date of the next regularly scheduled meeting of such Commission or Board immediately following the date of application, request or appeal at which such application, request or appeal is officially received by such Commission or Board or 35 days from the date of application, request or appeal, whichever is sooner.

RECREATION VEHICLE — A portable vehicle built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreation and vacation uses and which shall have a body width not exceeding eight feet. It shall be eligible to be registered, licensed and insured for general use on the highways. The term shall include a travel trailer, pickup camper, motorized camper or tent trailer.

ROOMS-TO-LET – The letting of rooms in a dwelling in which lodging facilities are supplied for hire over an extended period of time, which facilities do not include the provision of cooking facilities for such rooms but may include table board or sharing of cooking facilities of the dwelling.

SEASONAL – Affected by or depending on a time or part of the year during which the specified activity or use occurs.

SETBACK – The distance that buildings and/or other structures are set back from front, rear or side property lines are required by these regulations.

SHOPPING CENTER – A group of stores, not necessarily all attached, but planned, built or utilized as a common facility on one lot with stores, financial institutions, restaurants or personal service establishments and with common off-street parking and loading facilities, the total building floor area of which is not less than 10,000 square feet and in which no individual establishment is over 10,000 square feet in floor area.

SHOPPING CENTER, COMMUNITY – A group of stores, not necessarily all attached, but planned, built or utilized as a unit on one lot and consisting of two supermarkets, a supermarket and a department store or two department stores, each with a total floor area in excess of 10,000 square feet, with additional stores, financial institutions, restaurants or personal service establishments, not to exceed a total of 150,000 square feet of building area, along with common off-street parking and loading facilities.

SHOPPING CENTER, NEIGHBORHOOD – A group of stores, not necessarily all attached, but planned, built or utilized as a unit on one lot and consisting of one supermarket or one department store, each with a total floor area in excess of 10,000 square feet, with additional stores, financial institutions, restaurants or personal service establishments, not to exceed a total of 60,000 square feet of building area, along with common off-street parking and loading facilities.

SIGN – Any billboard illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, printed, supported or attached, which advertises, announces, directs, identifies, publicizes, notices or warns, when located out of doors and is visible from any street or from any lot other than the lot on which it is located. The term “sign” shall also include any continuous striplighting. Any such billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device may be double-facing, except that if the two faces are at any point more than two feet from one another, they shall be considered as two signs. [AMENDED May 07, 2003]

SIGN, DIRECTLY ILLUMINATED – A sign designed to give forth artificial light, directly or through transparent or translucent material, from a source of light within such sign, including but not limited to neon and exposed-lamp signs. (See also “sign.”)

SIGN, INDIRECTLY ILLUMINATED – A sign illuminated with a light so shielded that no rays from it are visible elsewhere than on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

STORY – That portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not designed or arranged for human occupancy shall not be considered a story. When the ceiling of a basement or cellar is five feet or more above the average ground level within 10 feet of the building or other structure, the basement or cellar shall be considered a story.

STREET – Any town A-1, A-2 or B-1 road (as defined in the latest approved road classification list) or state highway, except a limited access state highway, or any street shown on a final record subdivision map approved by the Commission and filed in the land records of the Town of Guilford. In Commercial Districts 2, 3 and 4, industrial districts and the Marine Recreation District, “street” shall also mean any private right-of-way or easement of access 50 feet or more in width. [AMENDED July 16, 2003]

STREET LINE – The right-of-way easement or taking line of any street, except limited-access state highways, or of any easement of access or private right-of-way 25 feet or more in width.

STRUCTURE – Anything constructed or erected, including a building, which has a permanent location on a lot or lots or anything attached to something having a permanent location on the ground, excluding sidewalks, parking areas, driveways and patios on existing natural ground level but including tennis courts and swimming pools. Decks constructed at two feet or less above natural grade and without fences or railings are not considered structures when calculating lot coverage under Table 3.²

STRUCTURE, ACCESSORY – A structure located on the same lot as a principal building or structure and devoted or intended to be devoted to an accessory use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

USE – Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE, ACCESSORY – A use of a lot, building or other structure which is subordinate to and customarily incidental to the principal use of such lot, building or other structure.

USE, PRINCIPAL – The main use of a lot, building or other structure.

WATERCOURSES – Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are regulated under Chapter 271, Inland Wetlands and Watercourses.

WETLANDS – Tidal wetlands, as defined and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, and inland wetlands which consist of any of the soil types designated as “poorly drained,” “very poorly drained,” “alluvial” and “floodplain” by the National Cooperative Soil Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture and regulated under Chapter 271, Inland Wetlands and Watercourses.³

2. Editor's Note: Table 3 is included at the end of this chapter.

3. Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

- C. Planned residential development (PRD) definitions. (See Article XI and §§ 273-100 and 273-101.)

ACTUAL CONSTRUCTION — The placing of construction materials in a permanent position in or on the land in accordance with the plans for the building or other structure under an authorized building permit, with the intent to complete the construction in an expeditious manner.

APPLICANT — The legal or beneficial owner or owners of the land or the holder of an option or contract to purchase the land, which land is proposed to be included in a planned residential development (PRD).

ASSOCIATION — The automatic and mandatory membership association of owners and/or tenants within the PRD area as an incorporated, nonprofit organization operating under recorded agreements for the sharing of responsibility and expenses in maintaining the common property or other activities of the organization within the PRD.

BEDROOM — Any room in a dwelling unit designed, intended, furnished or occupied for sleeping quarters.

DRIVEWAY — A private access roadway to sections of a PRD, which roadway is to be privately constructed, maintained and serviced by an association or owner and which shall not be dedicated or accepted as a Town road.

OPEN SPACE — A parcel or area of land, an area of water or a combination of land and water which is designed and intended for the use and enjoyment of residents of the PRD or of the general public. Open space may contain such auxiliary structures and improvements as are necessary to or desirable for the proper use and maintenance of the open space and as approved by the Commission.

PLAN OF DEVELOPMENT — The Comprehensive Plan of Development and Conservation of the Town of Guilford, Connecticut, as adopted by the Commission, as it may be amended from time to time.

PREDOMINANTLY UNDEVELOPED LAND — Land not more than 10% of the area of which is developed with structures or is in intensive use (other than agricultural) at the time of the PRD application under § 273-100B.

PUBLIC WATER SUPPLY — A water supply system owned and operated by a water company regulated by the Public Utilities Commission and designed as a Class A utility under the Public Utilities Commission Uniform System of Accounts.

SECTION — A defined area or portion of a PRD that is proposed for development during one period of time and is generally in conformance with the overall schematic plans for the PRD tract.

STEEP SLOPES — A significant area of steep slopes has a grade of more than 25% and a horizontal width of 50 feet or more measured 90° to the contours at an interval not exceeding two feet.

§ 273-3. Conformity with regulations required.

Within the Town of Guilford, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations. No lot or land shall be subdivided, conveyed or encumbered so as to:

- A. Make said lot or land nonconforming (or increase an existing nonconformity);
- B. Make any use, building or other structure nonconforming or more nonconforming;
- C. Reduce any setback, yard, court, open space or off-street parking or loading space to less than is required by these regulations; or
- D. Make any nonconforming setback, yard, court, open space or off-street parking or loading space more nonconforming.

**ARTICLE II
Districts**

§ 273-4. Classes of districts. [Amended 10-7-1998; 12-11-2000]

For the purpose of these regulations, the Town of Guilford is hereby divided into the following classes of districts:

Map Code	District
R-1	Residential R-1 District
R-2	Residential R-2 District
R-3	Residential R-3 District
R-4	Residential R-4 District
R-5	Residential R-5 District
R-6	Residential R-6 District
R-7	Residential R-7 District
R-8	Residential R-8 District
RS-1	Summer Cottage District
C-1	Village Commercial District 1
C-2	Commercial District 2
C-3	Highway Commercial District 3
C-4	General Commercial District 4
C-2M	Commercial District 2 — Marine
C-D	Commercial Design District
PV	Post Road Village Zone District
TS	Transition and Service Zone District
SC	Shopping Center Zone District
MR-1	Marine Recreation District

Map Code	District
I-1	Industrial District 1
I-2	Industrial District 2
FPD	Floodplain District
WS	Water Supply District
A	Development Program Area A
B	Development Program Area B
GTC	Guilford Town Center District
GW	Groundwater Protection District
WEDOZ	Westside Economic Development Overlay Zone

§ 273-5. Zoning Map. *ADOPTED DIGITAL VERSION OF ZONING MAP*

The boundaries of the districts specified in § 273-4 are hereby established as shown on a map entitled "Zoning Map of the Town of Guilford, Connecticut, adopted effective February 28, 1969, Guilford Planning Commission, February 1969," including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these regulations and is hereafter referred to as the "Zoning Map."⁴

[AMENDED 1-19-05] see page 273:15.1

- A. Interpretation of Map. Where a question arises as to exact boundaries of a district, the Commission shall, by resolution, determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the expressed intent and purpose of these regulations.
- B. Extension of use. Where the boundary of a district divides a lot existing on the effective date of these regulations or on the effective date of any amendment of these regulations establishing such boundary, the Commission may grant a special permit to authorize a use of land, buildings and other structures permitted in one district which is not permitted in the other district to be extended into the other district for a distance of not more than 20 feet, in accordance with the provisions of Article X and § 273-99.
- C. Lots in two or more residential districts. Where the boundary of a district divides a lot existing on the effective date of these regulations or on the effective date of any amendment of these regulations establishing such boundary into two or more residential districts, the requirements of the district in which the greatest portion of the lot falls shall control. **[Amended 10-7-1998]**
- D. Supplementary description of boundaries of RS-1 District. This district is bounded on the north for 2,000 feet by a line 200 feet north of and parallel to the center line of Pump Lane and for 700 feet by a line 200 feet north of and parallel to the Shell Beach Road center line, on the west by a line perpendicular to Shell Beach Road, on the east by a line perpendicular to the center line of Pump Lane and on the south by Long Island Sound (but excluding Walden or Joshua Point) and shall include also that land 250 feet on

⁴ Editor's Note: The Zoning Map is on file in the offices of the Town Clerk and the Planning and Zoning Commission.

either side of the center line of Corn Crib Hill for a distance of 1,150 feet from its intersection with Pump Lane.

§ 273-6. Floodplain District.

The Floodplain District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Floodplain District and the requirements applicable therein are as specified in § 273-89.

§ 273-7. Water Supply District.

The Water Supply District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Water Supply District and the requirements applicable therein are as specified in § 273-90.

§ 273-8. Development program areas.

The Town of Guilford is hereby divided into Development Program Area A and Development Program Area B, which areas are classes of districts in addition to and overlapping one or more of the other districts. Development Program Areas A and B are established as follows:

- A. Development Program Area A consists of the central part of the Town south of Route 80, including Guilford Town Center, and developed shore areas where the primary road system is already in place, public and other community facilities are located and a public water supply system exists and is capable of extension. Area A defines a section of the Town where other districts and zoning requirements are established to receive typical residential subdivision activity and planned residential development, as soil and other land limitations allow.
- B. Development Program Area B consists of that portion of Guilford north of Route 80 and sections on the east and southwest side of the Town which are substantially or partially undeveloped, include important conservation resources, lack public water supply and a network of suitable feeder roads and have soils and/or steep slopes that present severe limitations for land development, including sewage disposal. Area B defines a section of the Town where other districts and zoning requirements are established to avoid random scattering of typical residential subdivisions and to authorize development, including planned residential development, only to an extent unlikely to damage conservation resources or necessitate extension of community services.

§ 273-9. Guilford Town Center District.

The Guilford Town Center District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of this district, which are identical with the boundaries of Guilford Town Center on the National Register of Historic Places, encompass the location of early settlement of Guilford and a major area of buildings and sites of historic significance. The Guilford Town Center District delineates the area of the town where uses permitted only by special permit or site plan review requirements are subject to additional standards (see also § 273-76 and § 273-80. F.) designed to assure compatibility of use, building and site development with historic features. [AMENDED July 16, 2003]

~~standards designed to assure compatibility of use, building and site development with historic features.~~

§ 273-10. (Reserved) ⁵ [Added 12-17-2001]

§ 273-11. Maximum area of office space. ⁶

Within the area encompassed by the following zone districts, there shall be no more than 650,000 square feet of office space constructed after the effective date of this amendment: MU/C1, MU/C2, MU/C3, TS2, PV2, C-4 West, and SCW.

§ 273-11.1. Motor vehicle fuel sales. [Added 12-17-2001]

Within the area encompassed by the following zone districts, there shall be no more, than one motor vehicle fuel sales facility: TS2 and PV2.

**ARTICLE III
Nonconformities**

§ 273-12. Intent. [Amended 10-7-1998]

It is the intent of these regulations that nonconformities are not to be expanded, that they should be reduced to conformity as quickly as the fair interest of the parties permits and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the issuance of a variance for any other use, lot, building or other structure. Nothing in these regulations shall be deemed to prohibit ordinary repair and maintenance of any nonconforming building or other structure or reconstruction thereof necessitated by fire or other casualty or replacement of existing materials or work ordered by the Building Official, Fire Marshal or Director of Health to protect the public health or safety, provided that such work does not increase nonconformity.

§ 273-13. Nonconforming uses.

A nonconforming use of land, buildings and other structures may be continued in accordance with the following provisions and limitations:

- A. No nonconforming use of a lot shall be enlarged, extended or altered and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered if the result would be an increase in nonconformity. No nonconforming use of a building or other structure shall be extended to occupy a lot or lots outside such building or other structure or space in another building or other structure.

5. Editor's Note: Former § 273-10, Traffic Management District, was repealed 12-11-2000.

6. Editor's Note: Former § 273-11, Westside Economic Development Overlay Zone, referencing § 273-93, was repealed 12-17-2001.

- B. Except as provided in Subsection A, no nonconforming use of a lot or lots shall be moved to another part of a lot or outside the lot; no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming; and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity.
- C. No nonconforming use of land, buildings or other structures shall be changed to any use which is substantially different in nature or purpose from the existing nonconforming use, except to a use which is permitted by right in the district in which the land, building or other structure is located, unless a special permit is granted by the Commission pursuant to Article X and § 273-99 and upon the further finding that the new use will have no greater injurious impact upon the surrounding area than the existing use.
- D. Where any change is proposed to be made to a use which is permitted in any district by special permit, such change may only be made by means of a special permit granted pursuant to Article X and § 273-99.
- E. No nonconforming use of land, buildings or other structures which is changed to conform or to more nearly conform to these regulations shall thereafter be changed to a more nonconforming use.
- F. No nonconforming use of land, buildings or other structures which shall have been discontinued shall thereafter be resumed. In determining whether a nonconforming use has been discontinued, any one of the following items shall constitute prima facie evidence of discontinuance:
- (1) Any positive act indicating intent to discontinue.
 - (2) Any conscious failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances.
 - (3) In the case of a structure or a structure and land in combination, cessation of the nonconforming use for 12 consecutive months or for a total of 18 months during any three-year period.
 - (4) In the case of a lot only, cessation of the nonconforming use for 90 consecutive days or for a total of six months during any one-year period.
 - (5) Substitution of a conforming use.
- G. All nonconformities shall conform in all other respects to the requirements of the districts in which they are located.

§ 273-14. Nonconforming buildings and structures. [Amended 5-6-1998; 12-17-2001]

A nonconforming building or other structure which contains a permitted use in the district in which it is located may be continued in accordance with the following provisions and limitations, except as provided in §§ 273-117, 273-124, 273-131 and 273-197:

- A. No nonconforming building or other structure shall be enlarged, extended, constructed, reconstructed or altered if the result would be an increase in or an extension of the nonconformity. Where a building or structure is nonconforming with respect to a setback or setbacks an increase in the building's height which does not conform with the required setback shall constitute such an extension of the nonconformity.
- B. No nonconforming building or other structure shall be moved, unless the result of such moving is to reduce or eliminate its nonconformity.
- C. No nonconforming building or other structure, if once changed to conform or to more nearly conform to these regulations, shall thereafter be changed so as to be less conforming.
- D. Signs of a size or type not permitted in the district in which they are situated or which are improperly located or illuminated or nonconforming in any other way shall be considered nonconforming structures under this section, and any increase in the size or illumination of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity.

§ 273-15. Nonconforming lots.

- A. A nonconforming lot, as defined in § 273-2B, may be built upon for any purpose permitted in the district in which it is located without a variance, despite its failure to comply with the area, shape or frontage requirements of these regulations, provided that:
 - (1) The nonconformity results solely from the adoption of the regulations (including any amendments);
 - (2) The nonconformity has not been increased in degree by any act or event subsequent to the effective date of the regulation which rendered the lot nonconforming;
 - (3) Since the effective date of the regulation which rendered the lot nonconforming, no owner of the lot has simultaneously owned any adjoining land; and
 - (4) If not served by public water or sewers, the lot contains at least 10,000 square feet of nonwetland area.
- B. A nonconforming lot meeting these criteria shall be designated an eligible nonconforming lot.
 - (1) Any owner of a nonconforming lot may submit an application to the Zoning Board of Appeals, in such form as it may require, requesting that the lot be designated an eligible nonconforming lot. Upon receipt of such application, the Zoning Board of Appeals shall hold a public hearing in the same manner as is provided for applications for variances, at which hearing interested parties may submit evidence on the question of whether or not the lot meets the criteria of this section.
 - (2) If the Zoning Board of Appeals shall determine that the lot is an eligible nonconforming lot, it shall give the applicant written notice to that effect, signed

by the Chairperson of the Zoning Board of Appeals, which notice shall contain the name(s) of the present record owner(s) of the lot and the map and lot number by which the lot is identified in the records of the Town Assessor.

- (3) A determination that a lot is an eligible nonconforming lot shall be effective from the date the above notice is recorded in the land records of the Town until the happening of either of the following events:
 - (a) A reduction in the lot's size or any other increase in the degree of its nonconformity for any reason other than the adoption of more stringent zoning regulations;
 - (b) Acquisition by the owner of the lot of adjoining land which, when added to the original nonconforming lot, forms one or more lots complying with the area, shape and frontage requirements of these regulations. In such case, no portion of the lot(s) so formed shall thereafter qualify as an eligible nonconforming lot under this section, unless and until again made nonconforming by the adoption of more stringent zoning regulations; or
 - (c) Acquisition by the owner of the lot of adjoining land which, when added to the original nonconforming lot, reduces its nonconformity but does not form a lot complying with the area, shape and frontage requirements of these regulations. In such case, upon request of the owner of the parcel so formed, the Zoning Board of Appeals shall issue a notice that said parcel constitutes an eligible nonconforming lot, which notice shall state that the original determination is no longer in effect. No hearing or other formal procedure shall be required.
 - (4) No application for a certificate of zoning compliance (building permit) may be granted for a nonconforming lot until notice that it is an eligible nonconforming lot has been recorded in the land records of the town. The provisions of this subsection shall not apply to lots which have dwellings on them or were part of an approved subdivision. [AMENDED July 16, 2003]
 - (5) Nothing herein is intended or shall be construed to affect any requirement of these regulations with respect to matters other than the area, shape and frontage of nonconforming lots. An eligible nonconforming lot shall be required to comply with all other requirements of these regulations, including those set forth in Table 3,⁷ and with all other provisions of public law regarding the construction of buildings and supporting systems.
 - (6) Nothing herein is intended or shall be construed to affect or alter the provisions of the Connecticut General Statutes with respect to applications for variances.
- C. If two or more adjoining lots of record, one or more of which fails to meet the requirements of these regulations with regard to lot area, shape or frontage, and are in single ownership at any time after the application of the provisions of these regulations to such lots and if such lots taken together would form one or more lots, each meeting the requirements of these regulations with regard to lot area, shape and frontage, such lots shall no longer be considered nonconforming and must be used in compliance with the current lot area, shape and frontage requirements, irrespective of subsequent changes of ownership. [AMENDED July 16, 2003]

7. Editor's Note: Table 3 is included at the end of this chapter.

~~must be used in compliance with the lot area, shape and frontage requirements, irrespective of subsequent changes of ownership.~~

- D. Except as limited by Subsections C and G, nothing in these regulations shall prevent the construction of a building or other structure which is accessory to an existing building or other structure on a lot that does not conform to the area, shape or frontage requirements of these regulations or the enlargement, extension or structural alteration of such a building or other structure, provided that such accessory building or other structural alterations conform in all other respects to the requirements of these regulations.
- E. Lots on private roads. Nothing in these regulations shall prohibit the constructing of a single-family dwelling on a lot in an R-1 or R-2 District if such lot meets all the requirements of these regulations, except frontage on a street as defined herein, provided that the lot existed at the time of adoption of these regulations and provided that the access road is not less than 25 feet in width, with a traveled way not less than 15 feet in width, for access from a public road to the lot in question and the access road is privately or publicly maintained.
- F. Except as limited in Subsection G, nothing in these regulations shall prohibit an addition to an existing building or other structure on a nonconforming lot, provided that such addition meets, in all respects, all other requirements of these regulations. The sewage system shall be adequate to accommodate both the existing building or other structure and the proposed alteration or addition and shall be approved by the Director of Health.
- G. No accessory structure or addition to an existing building will be permitted on a lot which is less than 10,000 square feet in size, except by special permit in accordance with Article X and § 273-99 of these regulations. Where said structure or addition requires a variance from the Zoning Board of Appeals, this special permit will not, however, be required. In considering such a special permit application, the Commission shall consider the impact of the proposed structure or addition on the use, enjoyment and value of adjoining property and on the adjacent neighborhood.

ARTICLE IV Use Requirements

§ 273-16. Residential districts.

- A. General. The uses shown in Table 2A of this section shall apply to the use of land, buildings and other structures in each of the following districts:

Residential R-1 District
Residential R-2 District
Residential R-3 District
Residential R-4 District
Residential R-5 District
Residential R-6 District

Residential R-7 District
 Residential R-8 District

- B. Site plan. Prior to the approval of an application for a certificate of zoning compliance, a site plan for the lot on which it is proposed to institute a municipal use or a use requiring a special permit shall be submitted to the Commission for its approval in accordance with these regulations.
- C. Permitted uses. Lots, buildings and other structures in the residential districts shall be used only for those uses listed as permitted in Table 2A or, subject to meeting the requirements of Article VIII and § 273-98 or Article X and § 273-99, for those uses listed in said table as being allowed by special permit.
- D. Planned residential development uses. In addition to the uses set forth in Subsection C above, under stated conditions, planned residential development (PRD) allowing comparable densities and incorporating open space and community facilities is permitted by special permit in all residential districts, subject to meeting the requirements and conditions of Article XI and §§ 273-100 and 273-101.

Table 2A
Permitted Uses in Residential Districts

P — Means the use is permitted in the district
 SP — Means the use is permitted only by special permit
 * — Indicates that approval of a site plan is required

Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
1. *Buildings, uses and facilities of the Town of Guilford	P	P	P	P	P	P	P	P
2. *Buildings, uses and facilities of the State of Connecticut and federal government	SP	SP	SP	SP	SP	SP	SP	SP
3. *Cemeteries, when conducted as a business or for profit				SP	SP	SP	SP	SP
4. *Convalescent homes, hospitals and sanitariums					SP	SP	SP	SP
1-2003] 5. *Day nurseries ^{ADULT + CHILD DAY-CARE FACILITIES}	SP	SP	SP	SP	SP	SP	SP	SP
6. Dwellings, single-family, and not more than 1 such dwelling per lot [Amended 3-18-1998]	P	P	P	P	P	P	P	P
7. Dwellings containing 2 dwelling units in 1 dwelling, and not more than 1 such dwelling per lot	P							

**Table 2A
Permitted Uses in Residential Districts**

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
8. Dwellings: conversion to 2-family dwelling (see § 273-18)			SP	SP	SP	SP	SP	SP
9. Dwellings: provision of 1 apartment accessory to a single-family dwelling (see § 273-19)			SP	SP	SP	SP	SP	SP
10. Dwellings constructed and maintained by the Housing Authority of the Town of Guilford or by a not-for-profit corporation exempt under Section 501(c)(3) of the Internal Revenue Code	SP		SP	SP	SP	SP	SP	SP
11. Excavation, removal or deposit of earth, loam, topsoil, sand, gravel, clay, stone or other material	SP	SP	SP	SP	SP	SP	SP	SP
12. Rooms-to-let in a dwelling unit, subject to § 273-22	P	P	P	P	P	P	P	P
13. *General hospitals, when not conducted as a business or for profit	SP	SP	SP	SP	SP	SP		
14. Farms	P	P	P	P	P	P	P	P
15. *Museums, when not conducted as a business or for profit	SP	SP	SP	SP	SP	SP	SP	SP
16. *Facilities of philanthropic, charitable, agricultural, historical and cultural institutions or societies not conducted as a business or for profit	SP	SP	SP	SP	SP	SP	SP	SP
17. *Places of worship and public assembly, when not conducted as a business or for profit	SP	SP	SP	SP	SP	SP	SP	SP
18. *Public utility substations without service yards or outside storage of supplies	SP	SP	SP	SP	SP	SP	SP	SP

**Table 2A
Permitted Uses in Residential Districts**

P — Means the use is permitted in the district
 SP — Means the use is permitted only by special permit
 * — Indicates that approval of a site plan is required

Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
19. *Public utility water supply reservoirs, pump stations, water towers, wells and water treatment facilities	SP	SP	SP	SP	SP	SP	SP	SP
20. *Recreation facilities other than facilities of the Town of Guilford, when not conducted as a business or for profit	SP	SP	SP	SP	SP	SP	SP	SP
21. Riding academies and boarding stables, minimum of 3 acres					SP	SP	SP	SP
22. *Schools, colleges and universities, including schools for instruction in music, art, dance, drama, physical education, vocational training and instruction related to the handicapped	SP	SP	SP	SP	SP	SP	SP	SP
23. Wildlife sanctuaries and nature preserves, when not conducted as a business or for profit	P	P	P	P	P	P	P	P
24. Accessory uses, including offices and home handicraft industry	P	P	P	P	P	P	P	P
25. Planned residential development (see Article XI)	SP	SP	SP	SP	SP	SP	SP	SP

§ 273-17. Summer Cottage (RS-1) District.

- A. General. The following regulations shall apply to the use of land, buildings and other structures and to the location and bulk of buildings and other structures in the Summer Cottage (RS-1) District.
- B. Permitted uses. Land, buildings and other structures may be used for one or more of the following purposes and no other:
 - (1) Single-family detached dwellings for seasonal use only. "Seasonal use" means that overnight occupancy between December 1 of one year and March 15 of the following year shall not exceed 14 days.

(2) Single-family detached dwellings for year-round use, subject to the securing of a special permit from the Board of Appeals in accordance with its rules, bylaws and procedures upon a finding that the following standards have been met:

- (a) A delineation of a lot for the dwelling shall be shown on a survey prepared by a registered land surveyor and filed with the land records of the Town of Guilford.
- (b) The dwelling and the delineated lot on which it is situated shall conform in all respects to the requirements of the Residential R-2 District regarding lot area, lot shape, height, number of stories, setbacks, projections, lot coverage and total floor area.

(3) Farms.

(4) Accessory uses.

C. Additions and alterations. Additions and alterations may be made to existing single-family detached dwellings for seasonal use, provided that the following requirements are met:

- (1) The owners of the land must indicate, in writing, their approval.
- (2) A plot plan, drawn to a scale of 20 feet to the inch, shall be submitted to the Zoning Enforcement Officer, showing all existing and proposed buildings, structures, sewage disposal systems, wells, roads and rock outcroppings within 150 feet of the dwelling.
- (3) The house reference number relating to the Town's Street Number Map shall be shown on the aforesaid plot plan.
- (4) The sewage disposal system shall be adequate to accommodate both the existing dwelling and the proposed alteration or addition in the opinion of the Director of Health.
- (5) No new structure shall be permitted:
 - (a) Between any street or private right-of-way for vehicular use and an existing structure using said street or right-of-way as its primary access.
 - (b) Within 100 feet of the rear of an existing dwelling or within 40 feet of the side of an existing dwelling.

§ 273-18. Conversion to two-family dwelling.

A. General. The following shall apply to the conversion of a single-family dwelling to a two-family dwelling by special permit in the R-3, R-4, R-5, R-6, R-7 and R-8 Districts.

B. Conditions. The following conditions shall be met:

- (1) The dwelling structure existed on the lot as of April 30, 1940, the time of the decennial census.

- (2) One of the two dwelling units will be occupied by the owner or one or more members of the owner's family, or the owner of the property is a not-for-profit corporation, exempt under Section 501(c)(3) of the Internal Revenue Code, the purpose of which is to provide housing for low- and moderate-income households.
- (3) In the R-4, R-5, R-6 and R-7 Districts, the lot area must be equal to or greater than the minimum lot area of the district as set forth in Table 3⁸; in the R-8 District, the lot area must be equal to or greater than the minimum lot area specified in § 273-25B; and in the R-3 District, the lot must be served by a public water supply or be 30,000 square feet or larger in area, and only one two-family dwelling will be allowed per lot.
- (4) Off-street parking for a minimum of three vehicles will be provided in the drive and/or in an auxiliary garage.
- (5) Each dwelling unit shall have a minimum floor area of 750 square feet, as defined in § 273-2B in the definitions of "dwelling unit" and "floor area."

C. Special permit procedures. The provisions of § 273-99 shall be followed, except that:

- (1) In lieu of a site plan, a report in two copies by a qualified professional engineer verifying the adequacy of the proposed sewage disposal system will be required.
- (2) If no exterior changes or additions to the dwelling structure are proposed, three clear photographs of the exterior elevation will be accepted in lieu of architectural plans.
- (3) The first sentence of § 273-99E shall not apply to alterations that otherwise comply with the zoning regulations.

§ 273-19. Apartment accessory to single-family dwelling.

A. General. The following shall apply to the provision of an apartment dwelling unit (see § 273-2B for the definition of "dwelling unit") *or an addition thereto.* accessory to a single-family dwelling by special permit in the R-1, R-3, R-4, R-5, R-6, R-7 and R-8 Districts. Accessory apartments may be located within the dwelling unit or an addition thereto or may be located in a detached accessory building. Accessory apartments are allowed in detached buildings in order to provide a housing type that is more affordable than the single-family home. [Amended 1-15-1997] [Amended 2-16-2005]

B. Conditions. The following conditions shall be met:

- (1) *For applications for an apartment in a single family dwelling,* The single-family dwelling unit or accessory building existed for a period of at least five years prior to application for the apartment dwelling unit, as evidenced by the date of issuance of a certificate of occupancy for the dwelling or a date when the completed dwelling or accessory building was on the Grand List of the Town of Guilford. [Amended 5-8-1996; 3-1-2000]; 2-16-2005]

(1a) Added 2-16-2005 - see page 273:26.1

8. Editor's Note: Table 3 is included at the end of this chapter.

- (2) The apartment dwelling unit is provided with at least one outside entrance, as well as bathroom and kitchen facilities separate from the single-family dwelling.
- (3) Either the single-family dwelling or the apartment dwelling unit is occupied by an owner of the premises. ^{ADDITION 3-03-04 see p 273:27.1} This provision shall not apply to a not-for-profit corporation exempt under Section 501(c)(3) of the Internal Revenue Code.
- (4) The lot has an area equal to or greater than 40,000 square feet or the minimum lot size required by the zone district as set forth in Table 3,⁹ whichever is less, and there is only one such dwelling and accessory apartment per lot.
- (5) Off-street parking for a minimum of three vehicles is provided in the drive and/or in an accessory garage.
- (6) ~~The apartment dwelling unit has a minimum floor area (see § 273-2B for the definition of "floor area") of 400 square feet and otherwise has a floor area that does not exceed 1,000 square feet of ½ of the floor area of the single-family dwelling prior to provision of the apartment, whichever is less.~~
 [AMENDED 2-16-2005 - see page 273:26.1]
- (7) Any alterations or additions, including outside entrances, reasonably maintain the appearance of the building as a single-family dwelling and also do not result in any increase in nonconformity to these regulations.
- (8) For an accessory apartment in a detached building, said building shall comply with the setback requirements for the principal structure on the lot (see Table 3).
- (9) In the R-1 Zone District, notwithstanding other provisions of these regulations, no more than two dwelling units will be permitted on a lot. [Added 1-15-1997]
- (10) Where, in the opinion of the Commission, an accessory apartment is proposed in a structure that has historic or architectural merit or contributes to the historic character of a district or neighborhood, the Commission may require that changes made to the appearance of the building be consistent with the historic or architectural style of the building and not detract from the contribution of the building to the district or neighborhood in which it is located. In making such a determination, the Commission may consult with appropriate professionals or other experts in historic preservation or architectural design. [Added 1-15-1977]
- (11) [ADDED 2-16-2005 - see page 273:26.1]
- C. Permit procedures. The provisions of § 273-99 are applicable, except as follows:
- (1) The application for a special permit shall also be accompanied by the following:
- (a) An affidavit of ownership signed by the owner of the premises and affirming the intent of an owner to occupy either the single-family dwelling or accessory apartment.
- (b) A report prepared by and bearing the seal of a professional engineer, verifying the adequacy of the sewage disposal and water supply systems for the single-family dwelling and accessory apartment.

9. Editor's Note: Table 3 is included at the end of this chapter.

- (c) In lieu of a site plan and architectural plans, sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
- (d) A list, by name and address, of all property owners of record (according to the records of the Town Assessor) for all owners of property abutting or across the street from the applicant's lot. [Added 1-21-1998]
- (2) The Commission shall require the submission of additional information to demonstrate that proposed accessory apartments in detached buildings will be affordable as defined in Section 8-39a of the Connecticut General Statutes, including estimated construction costs, proposed rents and other pertinent financial information.
- ~~(3) When an accessory apartment is proposed in a detached building and alterations in the exterior appearance of the building are planned, the Commission shall refer the application to the Design Review Committee for advice and comments. [DELETED July 16, 2003]~~
- ~~(4) Upon receipt of a complete application, the Zoning Enforcement Officer shall, by certified mail, give notice to the owners of all lots abutting and across the street from the lot where the necessary apartment is proposed, and such notice shall specify that the application is pending and may be seen in the Planning and Zoning office and that comments on the application will be received for a period of 14 days from the date of the notice. [DELETED July 16, 2003]~~
- (3) After 14 days from the date of the notice to the adjoining neighbors, the Zoning Enforcement Officer shall file with the Commission a report concerning conformity of the accessory apartment proposal with this section and these regulations. Thereafter, the Commission shall act on the application in accordance with § 273-99 and may approve the application when the Commission determines that the apartment will not impair the residential character of the neighborhood and that the requirements of these regulations have been met. [AMENDED July 16, 2003]
- ~~D. Two year review. On or before October 1, 1994, the Commission shall review the effectiveness of this regulation in encouraging the creation of affordable housing. [DELETED July 16, 2003]~~

§ 273-20. Commercial, marine recreation and industrial districts.

- A. General. The uses shown in Table 2B of this section shall apply to the use of land, buildings and other structures in each of the following districts:

Village Commercial District 1
 Commercial District 2
 Commercial District 2 – Marine
 Highway Commercial District 3
 General Commercial District 4
 Marine Recreation District

Industrial District 1
Industrial District 2

- B. Site plan. Prior to the approval of an application for a certificate of zoning compliance, a site plan for the lot on which it is proposed to institute any nonresidential or nonfarm use shall be submitted to the Commission for its approval in accordance with these regulations.
- C. Permitted and special permit uses. Lots, buildings and other structures in the commercial, marine recreation and industrial districts shall be used only for those uses listed as permitted in Table 2B or, subject to meeting the relevant requirements of Article VIII, Article X or §§ 273-86, 273-87, 273-88, 273-98 or 273-99, for those uses listed in said table as being allowed by special permit.
- D. Trademark buildings are not permitted in any district in Guilford. A trademark building is a building which by virtue of its architectural style identifies the owner or occupant of the building. The architectural style may be trademarked or be so distinctive as to be generally associated with the particular owner or occupant. Buildings whose architecture is itself an advertising image detract from the coherent and distinctive identity of the Town of Guilford. Franchise businesses may be allowed only if their buildings are designed to harmonize with the historic and distinctive character of the Town. **[Added 11-3-1999]**

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
1. *Buildings, uses and facilities of the Town of Guilford	P	P	P	P	P	P	P	P
2. *Buildings, uses and facilities of the State of Connecticut and federal government	P	P	P	P	P	P	P	P
3. *Retail clothes cleaning and/or laundering establishments								
a. Including clothes pressing and cleaning with nonflammable liquids	P	P		P	P			
b. Self-service		P		P	P			

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

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Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
4. *Clinics, medical and dental	P	P		P	P		P	P
5. *Convalescent homes, hospitals and sanitariums	P	P		P	P			
6. Dwellings, single-family, and not more than 1 such dwelling per lot	P	P	P	P	P	P	SP ¹	SP ¹
7. *Excavation, removal or deposit of earth, loam, topsoil, sand, gravel, clay, stone or other material	SP	SP		SP	SP	SP	SP	SP
8. Farms		P		P	P	P	P	P
9. *Financial institutions	P	P		P	P		P	P
10. *Foundries casting nonferrous metals, provided that kilns or furnaces are fired by gas or electricity and excluding the use of drop hammers					P		P	P
11. Motor vehicle repair, as defined in the Connecticut General Statutes, Section 14-51. [Amended 5-22-1996]				SP	SP		SP	SP
12. *Hotels and motels				SP	SP		SP	
13. *Entertainment facilities, including movie theaters, playhouses, nightclubs and adult entertainment establishments (See § 273-80H) [Amended 11-20-1996]					SP			

**Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts**

P — Means the use is permitted in the district

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Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
14. *Manufacture, compounding, processing, packaging or treatment of foods, ice, beverages, candy, cosmetics (excluding soap manufacture), pharmaceuticals and drugs or pottery and ceramic products and assembly, treatment and/or finishing of articles made of previously prepared materials, such as wood, metals, fiber, plastics and the like					P		P	P
15. *Manufacture, processing or assembling of goods, except for the items listed in No. 14 above and excluding any private bulky-waste transfer stations and all private processing operations involving the importation of waste into Guilford							P	P
16. Marine facilities and services								
*a. Marinas, docks, wharves, slip basins or similar landing facilities for pleasure boats					P		P	

Table 2B

Permitted Uses in Commercial, Marine Recreation and Industrial Districts

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Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
*b. Docks, wharves, slip basins or similar landing facilities for vessels engaged in commercial fishery or shellfishing			P			P		
*c. The sale, repair and servicing of boats, including the dispensing of fuel and lubricants at retail but expressly excluding bulk storage of fuel			P	P	P	P		
*d. A sail loft or ships chandlery, including the retail sale of marine equipment, engines and provisions for boats			P	P	P	P		
*e. The following uses, when accessory and subordinate to a use permitted in Nos. 16a, 16b and 16c: dry storage of boats and the building and rebuilding of boats			P	P	P	P		

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

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Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
*f. Processing and treatment of shellfish, limited to depuration (expressly excluding cooking and packaging) and the temporary water storage of crustaceans			P			P		
*g. Marine research laboratories for the study of aquatic and marine environment, ecology and resources			SP		P	SP	P	P
*h. Schools, public and private, that provide marine-related education, including but not limited to sailing, navigation and piloting, boat- and sail-making and boat repair and servicing	P	P	SP	P	P	SP		

Table 2B

Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
*i. The following uses, when accessory and subordinate to a use permitted in No. 16a: a clubhouse, including sale of food and beverages, and swimming pool and other recreation facilities			SP			SP		
*j. Offices, business and professional, when subordinate to a use permitted in Nos. 16a and 16b, occupying floor area no greater than 3% of the area of the lot, exclusive of wetlands, and not adversely affecting the operation of such marine-related use						SP		
17. *Motor vehicle filling stations (provided that no portion of the lot on which it is proposed to establish such station is located within a radius of 1,500 feet of any lot on which a motor vehicle filling station exists or has been approved)								SP

Table 2B

Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
18. *Motor vehicle washing establishments				P				
19. *Offices, business and professional	P	P	P	P	P		P	P
20. *Personal service establishments	P	P		P	P			
21. *Places of worship	SP	SP	SP	SP	SP	SP	SP	SP
22. *Printing and publishing establishments								
a. Occupying not more than 5,000 square feet of floor area		P						
b. Occupying over 5,000 square feet of floor area				P	P		P	P
23. *Public utility substations without service yards or outside storage of supplies	P	P	P	P	P	P	P	P
24. *Public utility storage and maintenance facilities				P	P		P	P
25. *Railroad sidings				P	P		P	P
26. *Research laboratories					P		P	P
27. *Recreation facilities other than facilities of the Town of Guilford, including gymnasiums and physical culture establishments and studios for dance, musical and theatrical instruction	SP	SP		SP	SP		SP	SP
28. Restaurants and other food and beverage service establishments as follows:								

**Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts**

P — Means the use is permitted in the district

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Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
*a. Where customers are served food and/or beverages only when they are seated at tables or counters and at least 75% of the customer seats are located within an enclosed building, which use may include a food and beverage take-out service from within the building (excluding drive-through service), only incidental to the primary permitted use	P	P	P	P	P			
*b. Where customers are served food and/or beverages at counters located within an enclosed building, which use may include the use specified in No. 28a above								SP

Table 2B

Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
*c. When accessory to another permitted use and limited to service to employees of and visitors to the use and not open to the general public	P	P	P	P	P	P	P	P
*d. Drive-through service, when incidental to the permitted primary use specified in No. 28a (see § 273-80G)						SP		
29. *Retail sales and/or storage of:								
a. Coal and fuel oil				P	P		P	
b. Lumber and building materials, except heavy construction materials					P		P	
c. Road-building, excavation and heavy construction equipment							P	
d. New or used motor vehicles, including motorcycles, trucks, trailers or farm equipment and the rental thereof				P	P			

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
30. *Schools, colleges and universities, including day-care facilities [Amended 11-20-1996]	P	P		P	P			
31. *Shopping centers		SP			SP			
a. Community shopping centers		SP						
b. Neighborhood shopping centers		SP						
32. *Stores where goods (except the items listed in No. 29 above) are sold at retail from stock primarily stored within the confines of the principal building or buildings, but excluding shopping centers	P	P	P	P	P			
33. *Trade shops								
a. Blacksmiths, excluding the use of drop hammers					P		P	
b. Machine shops					P		P	
c. Painting shops					P		P	
d. Sheet metal shops					P		P	
e. Tire recapping shops					P		P	
f. Welding shops, excluding the use of drop hammers					P		P	
g. Woodworking and mill-work shops					P		P	SP
34. *Undertakers' establishments		P		P	P			
35. *Veterinary hospitals				P	P			

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
36. *Veterinary clinics where small animals are treated as outpatients only	P	P		P				
37. *Warehousing, except trucking terminals					P		P	P
38. *Wholesale businesses					P		P	
39. *Accessory uses, except garages for the repair, painting or upholstering of autos, trailers or farm equipment	P	P	P	P	P	P	P	P
40. *Garages for the repair, painting or upholstering of autos, trailers or farm equipment, when accessory to the principal use on the lot					P		P	P
41. *Communication and water supply storage towers							SP	SP
42. *Structures containing dwelling units, subject to requirements of § 273-49 [Amended 3-18-1998]		SP		SP				

Table 2B
Permitted Uses in Commercial, Marine Recreation and Industrial Districts

P — Means the use is permitted in the district

SP — Means the use is permitted only by special permit

* — Indicates that approval of a site plan is required

Uses	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
43. *Blending, compounding and packaging of petroleum products having a high flash point (in excess of 400° F.), where all processes are conducted at temperatures below 100° F., involve no cracking or burning and produce no exhaust of fumes or odor and no discharge of waste materials				SP				
44. *Motels, housekeeping				SP				
45. *Garden supply stores, including greenhouses				P				
46. *Filling, excavation, dredging, grading or substantial removal of trees [Added 1-7-1998]	P	P	P	P	P	P	P	P
47. *Building, and landscape contractor's facilities, including yards with vehicle and material storage [Added 1-21-1998]					P		P	P

NOTES:

1 See § 273-49I.

See § 273-80 I.

• Amend § 273-20, Table 2B to allow Dog Day Care as a Special Permit Use in Zones PV2, TS, TS2, SCW, C4W, I-1 and I-2. ^{SP SP} [ADDED 11-06-2002] — SP

48. Dog Day Care

49. MOTOR VEHICLES IN LIVERY SERVICE

§ 273-21. Commercial Design (C-D) District. [ADDED 2-16-2005 - ALL PAGE 273.40.1]

A. Purpose. The purpose of the Commercial Design District (C-D) is to encourage the most appropriate use and high quality design in existing or new commercial land development; to allow appropriate and controlled expansion of commercially zoned property; to provide limited and controlled residential units when demonstrated as desirable in the particular C-D District; and to encourage energy-efficient patterns of development. A new C-D District may be approved if it is found by the Commission that the district will

serve a recognized need in the proposed area which will be beneficial to the Town and will not be detrimental to the properties in the vicinity.

- B. Procedure. The Commercial Design District (C-D) shall be for particular commercial and limited residential uses and shall apply to a particular area of the Town, including existing commercial districts only after approval of a petition for a change of zone to the C-D Zone.
- (1) Petition. A petition for a change to C-D Zone shall be applied for or consented to, in writing, by the owners of at least 75% of the area to be included in the proposed C-D Zone. The petition shall state the uses that the zone area will be used for.
 - (2) Public hearing. The Commission shall hold a public hearing on any petition for a C-D Zone in accordance with § 273-109.
 - (3) Commission action. No such petition shall be approved unless the Commission finds that the area and the proposed uses are suitable, taking into consideration the nature and location of the area, the proposed access, the proposed architectural design and the effect of the proposed uses on adjoining properties and on traffic circulation.
 - (4) Limitation of uses. The Commission may specify which of the requested uses listed in Subsection C will be permitted in the particular C-D Zone.
 - (5) Minimum site size. The Commission may consider a petition for a change of zone to C-D only when the area to be included in the proposed C-D Zone is five acres or larger or is contiguous to an existing commercial or industrial zone.
- C. Permitted uses. Any use permitted in the C-1, C-2, C-3 or C-4 Zone District is also permitted in the C-D District in accordance with Subsection B(4).
- D. Area, location and bulk standards. The area, location and bulk standards in the C-D District shall be subject to the approval of the Commission. The standards applicable to the C-3 Zone shall serve as a guide to the applicant and the Commission in the C-D District.
- E. Sign requirements. The sign requirements applying in the C-D Zone shall be the same as those for the C-2 Zone, except for approved shopping centers, where signs shall comply with § 273-63.
- F. Site plans. No new use may be established or new structure built in a C-D District except in compliance with the site plan requirements of Article IX and § 273-97. The process for establishing a new use or structure shall occur in two steps. Step one shall be the creation of the C-D Zone in accordance with this section. Step two is the approval of a site plan.
- G. Design.
- (1) The design of all buildings and other structures to be erected, altered or reconstructed on any lot in the C-D Zone shall be subject to the approval of the Commission. The design of all buildings and other structures, including the

building materials and exterior elevations, shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve the appearance of the community and to conserve energy.

(2) Limitation of design review.

- (a) The Commission shall not design or assist in the design of any buildings or projects submitted for approval. The Commission shall restrict its considerations to a reasonable review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
- (b) Individual initiative and experimentation and conservation of energy are to be encouraged in the design.
- (c) In its review of architectural designs and site plans, the Commission shall keep in mind the need to encourage and protect small business and to consider cost factors.

H. Architectural presentation requirements. For any proposed use in any C-D Zone, the applicant shall furnish preliminary architectural drawings, in duplicate, of all proposed buildings, structures and signs. Said drawings are to consist of exterior elevations; general floor plans; at least one perspective drawing showing structures, major landscaping and adjoining structures where applicable; types of exterior materials; and the location and general design of proposed signs.

I. Change in approved use and design. After approval of a C-D Zone with specific types of approved uses, no use shall be changed to another category of permitted use, nor shall a principal structure be changed in exterior design for the approved architectural design without approval by the Commission.

J. New dwelling units. Construction of a limited number of dwelling units within certain C-D Districts may be allowed when they meet the following standards:

- (1) (Reserved)¹⁰
- (2) The C-D site area is two acres or larger.
- (3) Each dwelling unit contains no more than two bedrooms.
- (4) The maximum number of dwelling units per structure is one dwelling unit per 4,000 square feet of building floor area for other permitted uses.

10. Editor's Note: Former Subsection J(1), which provided for new dwelling units located within or attached to structures containing other permitted uses, was repealed 12-18-2002.

K. Site construction. Subsequent to the effective date of this amendment, no site construction shall occur on any lot in a C-D District prior to approval of a site plan in accordance with § 273-97 and approval of an application for a certificate of zoning compliance pursuant to an approved site plan. For the purposes of this section, site construction shall include tree removal, grading, removal of soil and other material, deposit of material and any similar activity. No C-D District may be approved for any lot where said site construction has occurred within five years prior to the proposed zone change. This prohibition shall not apply to sites where site construction has occurred

L. Change in approved use and design. After approval of a C-D Zone with specific types of approved uses, no use shall be changed to another category of permitted use, nor shall a principal structure be changed in exterior design from the approved architectural design without approval by the Commission.

[AMENDED JULY 16, 2003]

prior to the effective date of this amendment. The effective date of this amendment is May 25, 1990.

§ 273-22. Additional use requirements and standards.

A. General. Additional requirements and standards applicable to particular uses listed in Table 2A and Table 2B are specified in the subsections which follow.

B. Rooms-to-let. Rooms-to-let in a dwelling unit, as defined in § 273-2, is an additional use for which a ~~certificate of zoning compliance~~ is required. Such use shall conform to the following conditions and procedures:

[Amended 2-16-2005] see page 273:42.2

SPECIAL PERMIT in conformance with ARTICLE X

- (1) The person or persons letting the rooms shall reside in the dwelling unit.
- (2) When rooms are let, the dwelling unit shall contain a minimum floor area of 200 square feet times the total number of occupants of the dwelling unit, including in such computation the number of persons to whom rooms are let plus the number of persons in the family residing in the dwelling unit.
- (3) In any dwelling unit, rooms may be let to no more than two persons; provided, however, that subject to approval of an application for a special permit under Article X and § 273-99, up to six rooms may be let in a dwelling unit in the Residential R-1 District.
- (4) In no event shall more than two persons occupy one room.
- (5) The additional off-street parking spaces required under § 273-18 and 273-19 shall be provided.¹⁰
- (6) Each certificate of zoning compliance issued under this section shall automatically terminate when the applicant no longer resides in the dwelling unit.

§ 273-23. Conversions in Guilford Town Center District.

A. General. Within the Guilford Town Center District, as set forth in § 273-9, there are scattered older buildings which were constructed prior to adoption of these regulations; are part of the fabric and character of the district; and may be obsolete building types that by reason of large size or nature of the structure are not economically usable for a purpose permitted in the residential, commercial or industrial district where located. The purpose of this section is to establish a procedure and the criteria whereby such buildings, on a case-by-case basis, may be considered for conversion to a suitable use and be preserved and rehabilitated in a manner that supports the integrity of the Guilford Town Center District and avoids detrimental effects of building deterioration, nonuse, nuisance and danger to public safety. In accordance with the procedure and standards hereinafter specified, the Commission may grant a special permit for conversion in use and preservation and rehabilitation of an existing obsolete building in the Guilford Town Center District.

10. Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

B. Procedure.

- (1) Procedural requirements for the submission and consideration of an application for a special permit under this section are as specified in § 273-99, except that the application shall be accompanied by the following, with the additional information in the form of a report or reports, with drawings and illustrations as appropriate:
 - (a) Neighborhood evaluation. This shall include a description and evaluation of the existing uses, site development, architecture and historic buildings in the neighborhood around the lot for which the special permit is requested.
 - (b) Historic features. This shall include a description and evaluation of the character and history of existing buildings and development on such lot.
 - (c) Evidence of obsolescence. This shall include a description and evaluation of the nature and extent of the features of obsolescence applicable to existing buildings and development on such lot, including reasons why use without conversion is not feasible.
 - (d) Preservation. This shall include a description of how the conversion in use and related building and site development improvements will achieve preservation and rehabilitation that supports the integrity of the Guilford Town Center District.
- (2) Prior to action on the application, the Commission shall request an advisory opinion from the Connecticut State Historic Preservation Officer concerning the application and may seek such opinion from other agencies and organizations especially concerned with preservation of the Guilford Town District area.

C. Standards. The Commission may approve or approve with conditions a special permit under this section if it finds that all of the standards applicable to special permits under Article X, including, but not limited to, § 273-80F, have been met and that all of the following additional standards are met:

- (1) The building or major portion thereof for which conversion is requested shall have existed prior to 1920 and is an obsolete type of building for an economic use in the district where located.
- (2) Any proposed additions to or extensions of such building shall be only incidental to the intended conversion, preservation and rehabilitation and shall conform to all of the setback, height and coverage requirements of the district where located.
- (3) The use to which conversion is requested, while not restricted by this section as to type, shall have a long-term economic potential, shall assure substantial preservation and rehabilitation of the building and shall be in harmony with the neighborhood, as specified in § 273-80A.
- (4) The conversion will avoid detrimental effects of building deterioration, nonuse, nuisance and danger to public safety and is more supportive of the purpose and character of the Guilford Town Center District than demolition and removal.

273-23.1 [added 9-21-05] see p 273:44.1

ARTICLE V
Area, Location and Bulk Requirements

§ 273-24. Applicability of Table 3. ¹¹

The requirements shown in Table 3 shall apply to the lot area of land surface and to the location and bulk of buildings and other structures in the following districts, as indicated thereon:

Residential R-1 District
 Residential R-3 District
 Residential R-2 District
 Residential R-4 District
 Residential R-5 District
 Residential R-6 District
 Residential R-7 District
 Residential R-8 District
 Village Commercial District 1
 Commercial District 2
 Commercial District 2 — Marine
 Highway Commercial District 3
 General Commercial District 4
 Marine Recreation District
 Industrial District 1
 Industrial District 2

§ 273-25. Lot area, shape and frontage.

The following standards and requirements are applicable to lots, in addition to the requirements specified in Table 3:

- A. Interior lots. An existing or newly created lot having no frontage or insufficient frontage on a street may be used for the purposes and subject to the limitations set forth below, provided that it is located in an R-3, R-4, R-5, R-6, R-7 or R-8 District and the access to such lot does not create a traffic or safety hazard, nor does the location and layout of such access have a detrimental effect on property values.
- (1) When it is not part of a subdivision, a record map shall be submitted, in two blue- or black-line prints, for approval by the Commission prior to filing in the land records, which map shall be clearly and legibly drawn, preferably at a scale of one inch equals 40 feet, but in no case at a scale of less than one inch equals 60 feet, and shall show the following:

¹¹ Editor's Note: Table 3 is included at the end of this chapter.

- (a) The title, including the name of the owner, Town and state.
 - (b) The name and address of owner.
 - (c) The date, scale, north point, district, Assessor's Map and lot numbers.
 - (d) Existing and proposed property and street lines, approximate adjoining property lines and street names, the names of adjacent property owners and the area of the lot.
 - (e) Setback lines, right-of-way widths, easements, any existing monuments and Town boundary line.
 - (f) Existing watercourses, ponds, swamps, marshes, buildings and structures, stone walls or fences and ten-foot contours from the United States Geological Survey (USGS).
 - (g) The boundaries of all wetlands and watercourses.
 - (h) The location and date of at least one deep test pit and percolation test hole.
 - (i) The location map, at approximately one inch equals 1,000 feet, showing adjoining roads.
- (2) The following standards shall be met:
- (a) Dwelling for one family. The lot may be used for a single-family dwelling, the letting of rooms, an office in a dwelling and a home handicraft industry, as set forth in Table 2A (§ 273-16) and in §§ 273-22B and 273-38A and B, provided that in other than R-8 Districts such lot has an area equal to 1 1/2 times that required by these regulations in the district in which it is located. Access to interior lots shall be provided in accordance with § 272-35 of Chapter 272, Subdivision of Land. **[Amended 7-10-1996]**
 - (b) Setbacks. No building or other structure on an interior lot in a Residential R-5, R-6, R-7 or R-8 District shall be closer than 50 feet to any lot line and, in a Residential R-3 or R-4 District, closer than 30 feet to any lot line; and no building or other structure on any interior lot in a Residential R-5, R-6, R-7 or R-8 District shall be closer than 20 feet to any private vehicular right-of-way and, in a Residential R-3 or R-4 District, closer than 10 feet to any private vehicular right-of-way.
 - (c) Other requirements. In all other respects, each lot shall conform to the requirements of one district in which it is located.
 - (d) Interior lots in R-1 and R-2 Zones. Interior lots may be allowed by special permit in the R-1 and R-2 Zones when approved by the Commission in accordance with Article X and § 273-97 of these regulations. Each lot shall have an area equal to 1 1/2 times that otherwise required for the district in which it is located, and no building or other structure shall be closer than 20 feet to any lot line. **[Added 10-5-1994]**

B. Residential R-8 Districts.

- (1) Each lot in a Residential R-8 District shall have the area, shape and frontage as specified in Table 3.
- (2) Right to subdivide into R-7 lots. As of July 5, 1985, each tract of land in an R-8 District may subdivide or convey off not more than two lots meeting the R-7 District requirements, provided that:
 - (a) The remainder of such tract shall conform to the area, shape and frontage requirements of the Residential R-8 District; and
 - (b) A "tract of land," for the purpose of this section, shall be defined as an undivided parcel existing as of July 5, 1985, and such right to subdivide may not be further exercised after two such lots have been subdivided, with respect to each such tract of land.

- C. Open space reservations. The area, shape and frontage standards in Table 3 shall not apply to a parcel of land that is reserved for park, playground, conservation or other open space purposes and is either owned by the Town of Guilford, State of Connecticut or a nonprofit corporation or is shown as open space on a subdivision map or a planned residential development approved by the Commission, provided that no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered on the parcel unless the parcel has a frontage of 20 feet or more on a street or has access to a street by means of an unobstructed right-of-way not less than 20 feet in width.

§ 273-26. Setbacks for fences and accessory structures.**A. Fences.**

- (1) The setbacks required by these regulations do not apply to fences or walls six feet or less in height or to necessary retaining walls or to unroofed terraces. A fence or wall in excess of six feet may be constructed on or in the vicinity of the common property line, provided that a written statement of consent for construction of such a fence or wall is submitted to the Zoning Enforcement Officer by the adjoining property owner, specifying location and maximum height. In no case shall such a fence or wall exceed eight feet in height.
- (2) For properties along and contiguous to the waters of Long Island Sound, any fencing placed anywhere within the required backyard setback from the high tide line for the district in which the property is located shall be no more than four feet high and shall be of see-through construction. Any walls built or hedges grown within the required backyard setback from the high tide line shall be no more than 30 inches in height. A fence in excess of four feet high of nonsee-through construction, or a wall or hedge in excess of 30 inches high, may be installed within the backyard setback, provided that a written statement of consent for construction of such a fence or wall is submitted to the Zoning Enforcement Officer by the adjoining property owner(s) specifying location and maximum

height. In no case shall such a fence or wall exceed eight feet in height (see also § 273-91D). [Added 2-18-1998]

- B. Accessory structures. A detached accessory structure in excess of 200 square feet or greater than 10 feet in height shall meet the setback requirements for the principal structure on the lot. Swimming pools, however, when constructed two feet or less above existing grade, shall not be required to meet the setback requirements for the principal structure on the lot. Terraces, patios and parking areas, when constructed two feet or more above existing grade, shall also meet the setback requirements for residential accessory buildings.

Amended 9-17-03

§ 273-27. Setbacks from property line.

Any new building, addition or other structure shall be set back the required minimum distance from a rear or side property line specified in Table 3,¹² subject to the following exceptions and additional limitations:

- A. C-1, C-2 and C-2M Districts. Adjoining property owners in C-1, C-2 and C-2M Districts may, by agreement recorded in the office of the Guilford Town Clerk, eliminate any required setback from the common rear or side lot line by up to five feet on either side of such line in District C-1 or by up to six feet on each side of such line in Districts C-2 and C-2M. [Amended 2-2-2000]
- B. Marine facilities. No setback is required from navigable waters for buildings and other structures used for purposes on Line 16a through 16h of Table 2B (in § 273-20) when a site plan therefor has been approved under these regulations.
- C. Setback from railroad sidings. No setback, other than that required by a railroad, is required from a railroad siding on the side of a building or other structure where a railroad siding is located.

§ 273-28. Setbacks from street line. [Amended 5-3-2000]

- A. Street line setbacks; types of roads.

(1) Any new building, addition or other structure shall be set back the required minimum distance in feet from the established street line as shown below:

Type of Road	Street Line Setbacks Residential Districts							
	Zone District							
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
Scenic road	25	25	35	50	50	50	50	50
State highway	30	30	35	50	50	50	50	50

12. Editor's Note: Table 3 is included at the end of this chapter.

**Street Line Setbacks
Residential Districts**

Type of Road	Zone District							
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
Collector road	25	25	30	50	50	50	50	50
Other roads	15	15	20	20	25	30	30	30

**Street Line Setbacks
Commercial/Industrial Districts**

Type of Road	Zone District							
	C-1	C-2	C-2M	C-3	C-4	MR-1	I-1	I-2
State highway	75	75	75	75	75	75	75	75
Collector road	30	50	50	50	50	50	50	50
Other road	5	20	20	20	20	20	50	50

(2) List of scenic roads, collector roads and state highways.

(a) Scenic roads:

- Beaverhead Road
- Clapboard Hill Road
- County Road
- Elm Street
- Great Hill Road (from Hemlock Road to Cooks Lane)
- Moose Hill Road (from Route 146 to Peddlers Road)
- West Street

(b) Collector roads:

- Flat Meadow Road
- Goose Lane
- Little Meadow Road
- Long Hill Road
- New England Road
- North Madison Road
- Nut Plains Road
- Podunk Road (from Squaw Lane to Clapboard Hill Road)
- Soundview Road
- Squaw Lane

Stepstone Hill Road
West Lake Avenue

(c) State highways:

Route 1 (Boston Post Road)
Route 77 (Durham Road/Church Street/Whitfield Street)
Route 80
Route 146 (Leetes Island Road/Boston Street)

- B. When any building or other structure is to be constructed on a lot bounded on both sides by one or more consecutive lots with existing structures thereon, one or more of which are nonconforming as to street line setbacks, and when said structures are within 200 feet of the proposed structure, the minimum street line setback may be the required distance as set forth in Subsection A(1) above or the average setback of the adjoining structures, whichever is less.
- C. No building or other structure on any interior lot in an R-5, R-6, R-7 or R-8 District shall be any closer than 20 feet to any private vehicular right-of-way and, in an R-1, R-2, R-3 or R-4 District, closer than 10 feet to any private vehicular right-of-way.
- D. In open space subdivisions (see § 272-21 of Subdivision of Land, Code of the Town of Guilford), the street line setback shall be in accordance with the R-3 District standard unless otherwise determined by the Commission.

§ 273-29. Setbacks around Guilford Green.

Notwithstanding any other setback requirement contained in these regulations, no building or other structure which fronts the Guilford Green need observe a setback from the street line greater than the setback observed by any building or structure on any adjoining lot fronting on the Guilford Green.

§ 273-30. Additional setback in C-3 and C-4 Districts.

In C-3 and C-4 Districts, any building or other structure exceeding a height of 30 feet shall be set back one foot from any adjoining residential district boundary line, in addition to the applicable minimum setback requirement, for each foot or fraction thereof by which such building or structure exceeds 30 feet in height.

§ 273-31. Exceptions to height requirements.

The provisions of these regulations pertaining to height shall not apply to church steeples, barns and silos accessory to farms, chimneys, water towers or structures housing the elevator, heating, ventilation, air-conditioning or other similar mechanical equipment located on the roof of a building and not occupying more than 25% of the area of the roof.

§ 273-32. Lot frontage on culs-de-sac.

On permanent culs-de-sac, the lot frontage may be measured along the arc of the required setback line. Such lots need not comply with the requirements that lot frontage be a minimum of 50 feet in depth.

§ 273-33. Planned residential developments.

The provisions of these zoning regulations pertaining to lot area, bulk, type of dwelling, density, coverage and setbacks shall not apply to plans submitted under Article XI. This amendment shall apply to any PRD approved by the Commission after September 30, 1978.

§ 273-34. Satellite dish antennas.

[AMENDED JULY 16, 2003]

A satellite dish antenna shall be considered an auxiliary/accessory structure, shall meet side and rear yard setbacks of the zone in which the lot is located and shall be located on the ground at the rear of the dwelling or main structure on the lot, unless the Commission grants a special permit for an alternate location. The provisions of this subsection shall not apply to satellite dish antennas so designed and configured to be located on a residence and which such antenna is 2 feet or less in diameter.

§ 273-35. Setbacks from coastal resources.

No building or other structure and no driveway, parking area or other impervious surface shall be located within 25 feet of any of the following sensitive coastal resources (as defined by Section 22a-93 of the Connecticut General Statutes): tidal wetlands (measured from the upland boundary of tidal wetlands), tidal or coastal waters (measured from the high tide line), beaches and dunes.

§ 273-36. Accessory structures. [Amended 1-15-1997]

- A. Accessory structures in residential zones may be used for permanent year-round purposes and for human habitation only when so authorized by special permit granted by the Commission in accordance with Article X and § 273-99 of these regulations. Such uses may include studios, offices, guest accommodations and supplementary living areas and will typically include heating and toilet facilities. The creation of an accessory apartment in a detached accessory structure must be authorized pursuant to § 273-19 of these regulations. No accessory structure with a ground floor area in excess of 750 square feet will be allowed in a residential district, except by special permit in accordance with Article X and § 273-99.
- B. Where, in the opinion of the Commission, an accessory structure has historic or architectural merit or contributes to the historic character of a district or neighborhood, the Commission may require that changes made to the appearance of the building be consistent with the historic or architectural style of the building and do not detract from the contribution of the building to the district or neighborhood in which it is located. In making such a determination, the Commission may consult with appropriate professionals or other experts in historic preservation or architectural design.

§ 273-37. Additional lot coverage for certain structures.

In the R-1 and R-2 Zones, an additional 10% of lot coverage may be allowed for swimming pools, decks, tennis courts and similar structures when such additional coverage does not infringe on the primary sewage system or reserve area for said system and is authorized by special permit. In reviewing such a special permit application, the Commission shall consider the impact of the proposed construction on views from adjacent public and private property and on the use and enjoyment of said adjacent properties.

§ 273-38. Residential accessory uses, buildings and structures.

Accessory uses, buildings or structures in residential districts must be located on the same lot as the principal use and may include off-street parking spaces, private garages, boat houses, landings, docks, animal shelters, greenhouses, swimming pools, poolside shelters, terraces, tennis courts and any similar uses, buildings or structures not intended for human habitation but for the exclusive enjoyment of the occupant of the premises, his or her family and his or her guests, provided that such uses, buildings or structures meet all other pertinent requirements as set forth in these regulations.

A. Offices in a dwelling. An office in a dwelling shall conform to the following standards:

- (1) The person or persons conducting the office shall reside in the dwelling, and there shall be no more than two nonresident persons engaged in the conduct of the office.
- (2) No evidence of the office use shall be visible from outside the dwelling, except that one sign on the premises identifying the occupant and his or her business or profession and not exceeding two square feet in area shall be permitted.
- (3) The total floor area for conduct of the office shall not exceed 25% of the total floor area of the dwelling.

B. Home handicraft industry. A home handicraft industry in a dwelling shall conform to the following standards:

- (1) The person or persons conducting the industry shall reside in the dwelling, and there shall be no more than two nonresident persons engaged in the conduct of the industry.
- (2) No evidence of the industry use shall be visible from outside the dwelling, except that one sign on the premises identifying the occupant and his or her business and not exceeding two square feet in area shall be permitted.
- (3) The total floor area for conduct of the industry shall not exceed 25% of the total floor area of the dwelling.
- (4) Home handicraft may be conducted in an auxiliary building by special permit in accordance with Article VIII and § 273-99.

C. Livestock and poultry. The following species of livestock and poultry may be kept as an accessory to a residential use, provided that they are suitably and adequately confined or controlled at all times, subject to the following standards:

(1) Poultry and rabbits. Poultry and rabbits may be kept on any lot having an area of 10,000 square feet or more subject to the following restrictions:

(a) There shall be no more than 25 of either species on the premises at any one time.

(b) Their shelters and runs shall be located at least twice the distance from the street line as the required setback, shall observe all other setback requirements and at their nearest point shall be no less than 50 feet from any dwelling on any adjacent lot.

273-38. C. (2) (a) No horse, pony, burro, donkey, llama, vicuna or guanaco shall be kept on a lot containing less than 40,000 square feet; provided, however, that on any lot containing 40,000 square feet or more, one horse, pony, burro, donkey, llama, vicuna or guanaco may be kept for the first 40,000 square feet and one additional horse, pony, burro, donkey, llama, vicuna or guanaco may be kept for each additional 20,000 square feet.

[AMENDED JULY 16, 2003]

273-38. C. (b) No sheep or goat, or alpaca shall be kept on a lot containing less than 20,000 square feet; provided, however, that on any lot containing 20,000 square feet or more, an aggregate total of three sheep or goats, or alpaca may be kept for the first 20,000 square feet and an aggregate of two additional sheep or goats, or alpaca may be kept for each additional 20,000 square feet.

(c) Their shelters or barns shall be located at least twice the distance from the street line as the required setback for the principal structure on the lot and observe all other setback requirements for the principal structure on the lot and at their nearest point shall be no less than 100 feet from any dwelling on an adjacent lot.

D. Dog kennels and runs. Private, noncommercial kennels and runs housing more than three dogs shall be located not less than 100 feet from any lot line or street line.

E. Commercial catteries. Commercial catteries shall be permitted in all residential and commercial districts, provided that a special permit is granted by the Planning and Zoning Commission.

F. Parking and storage of commercial vehicles. No commercial vehicle with a capacity of more than 11/2 tons shall be kept in a residential zone, except that commercial vehicles with a capacity of more than 11/2 tons may be kept on a farm when engaged in farming activities or functions. No more than one commercial vehicle of any allowable size, when kept in a residential zone, may be parked or stored in such a manner as to be visible from any lot (other than the lot on which it is located) or from any street. The provisions of this subsection shall not apply to the parking of school buses or public utility emergency service vehicles, limited to not more than one such vehicle per lot. [Amended 12-4-1996]

G. Storage of registered recreational vehicles. Not more than one recreational vehicle shall be parked or stored on any lot in any residential zone, and any such vehicle so parked or stored shall be located so as not to obstruct sight lines on adjoining streets or substantially obstruct the view, light or air from an adjoining residential structure. Such recreational vehicle shall not be occupied while parked or stored on any lot in a residential district, except temporarily in connection with travel away from said lot.

§ 273-39. Mobile homes.

Except as hereinafter provided, no mobile home shall be parked or stored on any lot in the Town of Guilford. A mobile home may be occupied by one family only in Residential Districts R-4, R-5, R-6, R-7 and R-8, outside of any Floodplain District, for a period not to exceed two years, provided that the occupant has commenced construction of a permanent dwelling on the lot on which the mobile home is located and provided that the occupant of the mobile home is also the owner of record of the lot. Upon expiration of the two-year period or an extension not to exceed one year, which extension shall be granted by the Zoning Enforcement Officer upon a showing that the permanent dwelling would be completed within the period of extension or upon issuance of a certificate of zoning compliance for a permanent dwelling on the same lot, whichever is earlier, the mobile home shall be removed.

A. A mobile home may be utilized as:

- (1) A construction office on a construction site, provided that site plan approval has been granted by the Commission and a building permit has been issued for construction and is in effect. Said mobile office shall be immediately removed from the site upon completion of construction.
- (2) A construction office on an approved subdivision site, provided that said subdivision is actively being developed and at least one building permit is in effect. Said mobile office shall be immediately removed upon completion of construction.

B. At no time shall a mobile home office be utilized for overnight accommodations or living quarters of a permanent nature. A temporary sanitary system shall be approved by the Town Engineer and Director of Health before the unit may be used as an office.

C. [AMENDED JULY 16, 2003] SEE BELOW

§ 273-40. Farm accessory uses, buildings and structures.

All uses, buildings and structures accessory to a farm shall conform to the following specified standards:

A. Accommodations for seasonal employees. A building may be used for seasonal accommodations for seasonal farm employees when the building is located on the same lot as the farm when it is provided with adequate lavatories, showers or baths, water supply and sewage disposal facilities approved by the Director of Health of the Town of Guilford and when it has been approved for such occupancy by the Guilford Fire Marshal. No building so used shall be closer than 100 feet to any lot or street line.

§ 273-39.

[AMENDED JULY 16, 2003]

C. No trailer, mobile home, school bus, van or van body, or temporary storage container whether or not on wheels shall be used for storage or located on any residential lot, except for a limited period of time as approved by the Commission.

- B. Barns and enclosures. The barns and enclosures housing and controlling the movements of any animals (except pigs) or poultry shall be located at least twice the distance from the street line as the required setback and at their nearest point shall be no less than 100 feet from any dwelling on an adjacent lot.
- C. Produce stands. A building or other structure may be used for the sale of fruit, vegetables or other products of the farm on which it is located, provided that it is set back the required distances from all street lines and lot lines and safe and adequate vehicular access is maintained. Nonfarm products may be sold when accessory to the permitted use and when approved by the Commission in accordance with Article X and § 273-99.
- D. Pigs. A maximum of five pigs may be kept on a farm, provided that the buildings and enclosures, including fences housing such pigs, are located not less than 100 feet from any lot line or street line and not less than 300 feet from any dwelling on an adjacent lot.
- E. Sawmills. A sawmill may be established as an accessory use on any farm, provided that any such mill is operated only between the hours 7:00 a.m. and 5:00 p.m. and is located not less than 100 feet from any lot line or street line and not less than 500 feet from any dwelling on an adjacent lot, and provided further that such mill is used only to cut timber grown on such farm.

§ 273-41. Trade shops, garages and motor vehicle filling stations.

- A. All mechanical or repair operations and storage of supplies or materials and vehicles being held pending final disposition in connection with a trade shop, a garage or a motor vehicle filling station as set forth in Table 2B (§ 273-20) shall be conducted, performed or stored within a building or within a solid enclosure of masonry or lumber or a solid hedge not less than six feet in height and of materials as approved by the Commission and located back of any setback lines as established by § 273-28.
- B. Vehicles parked outside overnight, other than service or operator-owned vehicles, shall be limited to registered vehicles that are parked in designated parking areas as set forth in a site plan approved by the Commission and shall in no case be parked so as to obstruct emergency access to gasoline pumps, tanks and station facilities in case of fire or located so as to obstruct sight lines for traffic on adjoining streets or located within setback lines.

§ 273-42. Manufacture, processing or assembly of goods as an accessory use in commercial districts.

The manufacture, processing or assembling of goods is permitted in C-1, C-2 and C-3 Districts as an accessory use, provided that such manufacture, processing or assembling of goods is carried on within a closed building, does not occupy more than 1/3 of the floor area occupied by the principal use and does not involve the use of machinery or equipment requiring more than a total of five horsepower.

§ 273-43. Public access to commercial, marine recreation and industrial uses.

Public access to a parcel of land located in any commercial, marine recreation or industrial district and being used for any commercial, marine recreation or industrial purpose shall be permitted only from street frontage within the boundaries of such district or districts.

§ 273-44. Affordable housing densities.

The number of dwelling units permitted in housing constructed and maintained by the Housing Authority of the Town of Guilford (or by a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code) shall be established on an individual project basis by the Commission, taking into account the nature of the family units to be housed, the characteristics and location of the site to be utilized, the comments of the Director of Health as to sewage and the availability and quality of water and the purposes and intent of these regulations.

§ 273-45. Performance standards for nonresidential uses.

The following performance standards shall apply to all nonresidential uses of land, buildings and other structures, wherever located:

- A. Dust, dirt, fly ash and smoke. No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.
- B. Odors, gases and fumes. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
- C. Noise. With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise that is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.
- D. Wastes. No offensive or injurious wastes shall be discharged or emitted into any river, stream, storm drain, lake or pond or other body of water or onto the surface of any land so as to endanger the public health, safety or general welfare or to decrease the value or enjoyment of other property or to constitute an objectionable source of pollution.
- E. Vibration. With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.
- F. Dangerous material. No material that is dangerous due to the possibility of explosion, fire hazard or radioactivity shall be used, stored or manufactured, except in accordance with applicable codes and regulations of the Town of Guilford, the State of Connecticut, and the United States of America.

§ 273-46. Unregistered motor vehicles.

[AMENDED JULY 16, 2003]

Not more than one unregistered or unlicensed motor vehicle, not stored in an enclosed garage, in good condition shall be stored or parked on any part of any lot in any residential district. This shall not apply to farm equipment or motorized equipment necessary for the upkeep of the premises and/or not designed for use on public highways.

§ 273-47. Site maintenance; temporary display of merchandise. [Amended ~~4-7-1999~~ 7-16-2003]

§ 273-47. Site maintenance; temporary display of merchandise. No commercial truck, trailer, van or van body or temporary shelter, storage container or building shall be located on any lot for the purpose of an office or storage or processing of construction materials in connection with a construction project on the lot or the storage, sale and/or display of supplies, merchandise, equipment or refuse, except in an area, of a type, for a purpose and for a limited period of time as approved by the Commission.

~~time approved by the Commission.~~ Temporary displays of merchandise for sale on sidewalks or other areas of the site immediately adjoining a retail outlet may be approved by the Commission, provided that the following conditions are met:

- A. Notification, in writing, designating the location, date and hours for such display and the type of merchandise to be displayed shall be provided.
- B. The display does not obstruct safe pedestrian access on the sidewalk location. A minimum of 1/2 the sidewalk width shall be kept free of merchandise.
- C. All such displays will be removed to interior storage at the close of store operating hours on each day.
- D. No lighting shall be used that will be directly visible from streets, vehicular access lanes or any motor vehicle traffic circulation areas.
- * E. The total days of said display shall not exceed three days at any one time nor more than ~~(6) six~~ ^{(8) EIGHT} days in any one calendar year. [Amended 8-03-05]
- F. No equipment in motion shall be displayed, nor shall engine or motor-operated equipment be made operative while on display.
- G. Only products customarily sold at the retail outlet may be displayed.

§ 273-48. Total ground coverage in commercial districts.

In any C-2, C-3 or C-4 District, the total ground coverage by buildings and other structures, outside storage areas, paving, parking and other imperious surfaces shall not exceed 80% of the area of the lot. Storm drainage shall be discharged to vegetated surfaces, unless measures and maintenance programs are provided for control and containment of runoff from parking and other paved areas.

§ 273-49. Dwelling units in Commercial District C-2 and C-3. [Amended 3-18-1998]

Structures containing commercial use and dwelling units may be allowed by special permit in the C-2 and C-3 Districts, provided that they meet the following standards:

- A. Density.
- (1) Residential use: There shall be a minimum of 2,500 square feet of land per bedroom and per each efficiency unit within the C-2 and C-3 Districts.
 - (2) Commercial use. A minimum of 25% of the gross floor area of the structure shall be used only for retail stores, restaurants, offices or personal service establishments.
- B. Coverage by impervious surfaces. The total ground coverage by buildings and other structures, outside storage areas, paving, parking and other impervious surfaces shall not exceed 75% of the area of the lot.
- C. Minimum requirements.
- (1) Commercial use. There shall be a minimum of 3,000 square feet and a maximum of 7,500 square feet of gross commercial floor area.
- D. Dwelling types. Only efficiency, one-bedroom and two-bedroom dwelling units shall be allowed.
- E. Parking requirements. One space per dwelling unit, in addition to all spaces required for the commercial uses as set forth in Article VI, shall be required on the parcel within the C-2 and C-3 Districts.
- F. Design requirements.
- (1) A site plan meeting all the requirements of Article IX and § 273-97 shall be provided.
 - (2) No structure shall exceed two stories in height.
 - (3) Architectural drawings of the proposed buildings, prepared by a qualified professional, shall be submitted for design review by the Commission and shall include, but not be limited to:
 - (a) Basement plans (if any).
 - (b) Floor plans of each floor.
 - (c) Front, rear and side elevations.
 - (d) A sketch perspective showing building mass and its relation to any existing adjoining structures (a model showing the same may be substituted).
 - (e) General specifications as to construction materials, exterior siding, roofing and acoustical materials, where applicable.

- (4) The architectural design, general style and mass of all buildings and structures on the site shall be such as not to conflict with the design, style and mass of adjacent developed residential properties.
- G. Grading of site.
- (1) Where changes in grade are required, they shall be shown on the site plan.
 - (2) No grading shall be allowed within the site unless a special permit, including a site plan showing said grading, has been approved, except as permitted under Article VIII.
- H. Occupancy of residential units.
- (1) The Commission may require that residential dwelling units not be owner-occupied but shall be rental units only.
 - (2) The Commission may require that, prior to issuance of an application for certificate of zoning compliance, a deed restriction or other acceptable instrument preventing owner-occupancy of residential units be submitted.
- I. Residential units in industrial zones. One dwelling unit per lot will be allowed in I-1 and I-2 Zones by special permit in accordance with Article X and § 273-99 and the following criteria:
- (1) Said dwelling unit must be attached to an otherwise principally permitted use;
 - (2) Dwelling units shall not exceed 1,000 square feet; and
 - (3) Dwelling units shall not be located in an area where occupants may be subject to unreasonable risk of injury or illness owing to proximate industrial uses. The Commission shall refer all applications under this section to the Building Official, Fire Marshal, the Town Engineer and the Director of Health.

ARTICLE VI

Off-Street Parking and Loading Requirements

§ 273-50. Spaces to be provided; existing uses; maintenance of spaces.

Parking spaces and loading spaces shall be provided off the street for any use of land, buildings and other structures, in accordance with the standards hereinafter specified.

- A. Any existing use shall continue to conform to these standards to the extent that it conforms at the time of adoption of these regulations. If any existing use of land, buildings or other structures is changed to a use requiring additional off-street parking and loading spaces to comply with this article, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.
- B. Off-street parking and loading spaces required by this article shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein

required. Off-street parking may be open parking, within a garage or within a structure or any combination thereof, meeting the total requirements of the minimum standards.

§ 273-51. Parking space standards.

Off-street parking spaces shall be provided in accordance with the following minimum standards:

- A. Dwellings for one or two families: one space for each family and located on the same lot with the dwelling.
- B. Dwellings for more than two families: one and one-half spaces for each family and located on the same lot with the dwelling.
- C. Business or professional offices in a dwelling or home handicraft industries: two spaces, in addition to the spaces required by Subsections A and B, and located on the same lot with the dwelling.
- D. Places of worship or public assembly, indoor theaters and stadiums: one space for each four seats and located on a lot or lots within a radius of 500 feet from the lot line. If the building is located in a residential district, such parking spaces shall be located on the same lot with the building.
- E. Hospitals, convalescent homes, sanitariums and rooms-to-let in a dwelling: one space for each three beds and located on the same lot with the building.
- F. Retail stores, business and professional offices, post offices, financial institutions and medical and dental clinics in Village Commercial District 1: one space for each 200 square feet of total ground floor area of the building and each 400 square feet of total upper floor area and located on a lot or lots within a radius of 300 feet from a lot line. For retail stores and business and professional offices, total floor area need not include stairs, hallways, toilet facilities, space for mechanical equipment and bulk storage.
- G. Retail stores, business and professional offices, post offices, financial institutions and medical and dental clinics in other than Village Commercial District 1: one space for each 200 square feet of building coverage of the lot and the following additional spaces: one space for each 200 square feet of floor area, including basements, in excess of such ground coverage and used for the retail sale of goods on the premises and one space for each 250 square feet of floor area, including basements, in excess of such ground coverage and used for other than the retail sale of goods on the premises, but excluding basements used only for storage, supporting services and utility services that are ancillary to use on other floors of the building.
- H. Motor vehicle filling stations, garages and motor vehicle washing establishments: 10 spaces and located on the same lot with the building.
- I. Undertakers' establishments: 15 spaces and located on a lot or lots within a radius of 300 feet from a lot line.

- J. Hotels and motels: one space for each sleeping room and located on the same lot with the building.
- K. **§ 273-51. K. Restaurants in Village Commercial District 1:** two spaces for each 200 square feet of patron floor area and located on a lot or lots within a radius of 300 feet from a lot line. [AMENDED JULY 16, 2003]
- L. Restaurants in other than Village Commercial District 1: one space for every 2.5 customer seats, plus one space for every two employees employed at any one time (shift) and located on the lot or on lots within a radius of 300 feet from a lot line of the parcel on which the restaurant is located.
- § 273-51 M. Revise to read:** "Warehouses, wholesale businesses, contractors' businesses and establishments for the manufacture, processing or assembling of goods: one space for each 1 ½ employees during the largest daily work shift period and located on a lot or lots within a radius of 500 feet from a lot line. For research laboratories and office buildings: three spaces for every one thousand square feet of gross leaseable area." [AMENDED JULY 16, 2003]
- N. Marinas, docks, wharves, slip basins and landings for boats: one space for each boat berth and located on the same lot therewith.
- O. Community or neighborhood shopping centers: 5 1/2 spaces for each 1,000 square feet of leasable floor area of the total buildings and located on the same lot or lots. Leasable floor area need not include areas of stairs, hallways or toilet facilities or space for mechanical equipment or bulk storage. For parking areas of 200 car spaces or more, every other double parking aisle shall be separated by raised curbs and a sidewalk of sufficient width to provide for car overhang and pedestrian walkway. In all other double aisles where no sidewalk is required, a raised and curbed area shall be provided for planting, shrubs, trees and light standards and sufficient width to provide car overhang without damage to shrubs, trees, etc.
- P. Other uses. Sufficient parking space shall be provided in connection with any use not included in Subsections A through O to maintain the purpose and intent of this article, as determined by the Commission.

§ 273-52. Classification of uses.

Whenever two or more classifications provided in § 273-51 shall apply to a use of a lot, buildings or other structures, the standard requiring the larger number of parking spaces shall apply. Where separate parts of a building or structure are used for purposes requiring different amounts of parking space, the number of spaces shall be determined by adding the number of spaces required for the area devoted to each type of use.

§ 273-53. Joint use of parking area.

The owners or occupants of two or more separate lots may establish a joint parking area to provide the total number of required parking spaces for uses on both lots.

§ 273-54. Off-street loading space.

Any building or other structure, except a dwelling, or place of worship or public assembly or indoor theater or stadium having a gross floor area in excess of 4,000 square feet shall have one off-street loading space for each 20,000 square feet of gross floor area or fraction thereof, excluding basements. The Commission may waive all or a portion of the loading space requirements if, in its opinion, such space or spaces are not necessary to the proposed use.

§ 273-55. Construction and design standards.

- A. All off-street parking and loading spaces shall be suitably surfaced, graded, stabilized and maintained so as to cause no substantial amount of dust or stormwater flow onto any public street.
- B. Except for necessary driveway entrances and except for parking spaces provided in connection with a dwelling, offices in a dwelling, home handicraft industries and rooms-to-let in a dwelling, all off-street parking and loading spaces located within 10 feet of any public street right-of-way shall be separated from such right-of-way by a concrete curb or parking bumper or a fence or wall not less than 18 inches in height or an embankment not less than 24 inches in height in such a manner that motor vehicles will not overhang the right-of-way.
- C. Each such parking or loading space shall be provided with adequate area for approach, turning and exit of the vehicle intended to occupy that space without the need to use any part of a public right-of-way to accomplish the maneuver.
- D. The points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street.

§ 273-56. Location of facilities for nonresidential uses.

Off-street parking and loading facilities as required for nonresidential uses shall be located within the district that allows the principal use, unless an extension is granted under the provisions of § 273-5B of these regulations.

§ 273-57. Modification of standards.

The Commission, in connection with the approval of a site plan under § 273-97 of these regulations and after due notice and public hearing as required by law, may grant a special permit authorizing modification of off-street parking and/or loading standards as follows:

- A. Number. The Commission may authorize off-street parking and/or loading spaces fewer in number than specified in §§ 273-52 and 273-55 if the Commission determines that all of the following standards and conditions are met:
 - (1) The number of spaces provided that on the site plan is sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the application for a certificate of zoning compliance.

- (2) There is sufficient and suitable area on the lot to provide the full number of spaces specified in §§ 273-51 and 273-54.
- (3) The special permit shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the application, and such special permit and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

ARTICLE VII

Signs

§ 273-58. Conformance required; conflicts with other standards; signs in Historic District.

- A. No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except in accordance with this article. All signs shall conform to the standards set forth herein. In the event of conflict between this article and other sections of these zoning regulations, the standards of this article shall apply. Reference should also be made to § 273-2 for sign definitions.
- B. It is noted that within any Town of Guilford Historic District, signs must also be approved by the Historic District Commission. Copies of the Historic District Commission Rules of Procedure may be obtained from the Town Hall, Engineering and Building Department.
- C. Trademark buildings shall be considered as signs and are not allowed. A trademark building is a building which by virtue of its architectural style identifies the owner or occupant of the building. The architectural style may be trademarked or be so distinctive as to be generally associated with the particular owner or occupant. Buildings whose architecture is itself an advertising image detract from the coherent and distinctive identity of the Town of Guilford. Franchise businesses may be allowed only if their buildings are designed to harmonize with the historic and distinctive character of the Town. [Added 11-3-1999]

§ 273-59. Sign permit; specifications.

No sign may be erected as provided for in this article without a sign permit. Additional requirements, as set forth by the Commission, are indicated in the specific subsections.

- A. Sign permit. Application for a sign shall be approved by the Zoning Enforcement Officer, unless specified otherwise under specific subsections.
 - (1) The sign permit shall be in a form determined by the Commission. The fee for said sign permit shall be determined by the Commission.
 - (2) The sign permit shall be submitted in duplicate and contain the following information:

- (a) The name and address of the business, organization or enterprise.
 - (b) The name and phone number of the applicant.
 - (c) The date of submission.
 - (d) The overall sign design: type of material, lettering style, colors, dimensions and scale.
 - (e) The height above grade.
 - (f) The method of mounting (freestanding or applied to wall).
 - (g) The method of lighting (if any).
 - (h) The location of the sign.
- B. ¹³ Submission and approval time. Completed sign applications, having been submitted to the Planning and Zoning office, will be approved, approved with conditions or disapproved within the time limits set forth below: (The provisions of this subsection do not apply to site plan approvals or modifications to existing site plans.)
- (1) Five working days for sign applications requiring approval of the Zoning Enforcement Officer.
 - (2) Thirty calendar days for sign applications requiring approval of the Commission.
- C. Measurements. All dimensions for signs shall be based on measurements to the outside edge of the sign, excluding any structure necessary to support the sign. The area of signs shall be computed from either the outer dimensions of the frame or as the area of a quadrilateral, including the outer edges of all lettering, whichever is greater.
- D. Setbacks.
- (1) In residential districts, no permanent sign shall be closer than 10 feet to any street line or lot line, unless otherwise approved by the Commission.
 - (2) In the C-1, C-2, C-3, C-4, MR-1, I-1 and I-2 Districts, permanent signs shall observe all setbacks required for buildings and other structures, with the following exceptions:
 - (a) On any lot in other than the C-1 District, one permanent sign may extend to within 10 feet of any street line.
 - (b) In the C-1 District, one permanent sign may extend to the street line. Setbacks for temporary signs shall be determined by the Zoning Enforcement Officer in consideration of safety and the needs of the applicant.
- E. Merchandise display. Merchandise displayed on the exterior of a premises shall be considered a sign when it contains advertising. (Displayed merchandise, without

13. Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

advertising, may require a modification to the lot site plan. Contact the Zoning Enforcement Officer for clarification.)

- F. Signs on multiple-tenancy buildings shall be of the same general type, character and relative location so as to provide an harmonious design insofar as practicable.
- G. Further standards. In addition to the provisions of this article, the Commission shall have the right to impose further standards regarding the size, height and location of any sign in connection with the grant of a special permit. Such standards shall be established to prevent a traffic, safety, fire or other hazard, to provide adequate light and air or to prevent the deterioration of property values.
- H. Governments and governmental agencies. The requirements of these regulations shall not apply to flags or pennants placed by a government or governmental agency which flags or pennants contain the symbol, seal, or insignia of the government or governmental agency nor shall they apply to signs placed by a government or a governmental agency for traffic or similar regulatory purposes or for the purpose of providing public or legal notices or warnings. [AMENDED MAY 07, 2003]

§ 273-60. Standards for all districts.

Signs shall conform to the following standards applicable in all districts, unless specified otherwise under specific district subsections.

- A. Purposes. The purposes of these sign regulations are to:
- (1) Encourage the effective use of signs as a means of communication in the Town.
 - (2) Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth.
 - (3) Improve pedestrian and traffic safety.
 - (4) Minimize the possible adverse effect of signs on nearby public property and private property values.
 - (5) Enable the fair and consistent enforcement of these sign restrictions.
- B. Location. No sign shall be located on any roof. Any sign attached to or painted on a building shall not extend beyond the limits of the wall of the building. See also § 273-62A(5).
- C. Projecting and hanging signs. No sign shall project over any sidewalk, driveway, walkway, roadway or accessway, except those signs attached to the wall of a building. No sign, other than a directional sign, shall be located within or overhang the right-of-way of any street. Any of the foregoing signs may not project more than two feet from the building.
- D. Obstructions. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians or to obstruct any door, window, ventilation system, fire escape or exit or to cause any other hazard to the public health or safety.

- E. Light and motion. No flashing, intermittent, light-reflecting, revolving or moving signs or continuous strip lighting shall be permitted. (Examples include, but are not limited to, mirrored surfaces, neon lights, pennants, banners, balloons, and flags, except such flags as are permitted by Sections 273-59 (H) and 273-60 (F). [AMENDED MAY 07, 2003])
- F. Directional signs. Any government agency, facility, nonprofit activity or nonprofit enterprise located in the Town of Guilford may establish not more than four permanent unlighted directional signs off the lot where the agency, facility or enterprise is located. Each such directional sign shall not exceed three square feet in area, shall not exceed four feet in any dimension and shall not cause any nuisance or hazard.
- G. Warning and traffic signs. Signs intended primarily for warning or traffic control, with no advertising thereon and not exceeding three square feet in area, may be erected on the lot.
- H. Informational signs. Signs intended primarily for information, with no advertising thereon, which indicate the days and hours of operation of an establishment and do not exceed three square feet in area, may be located on the premises. (Examples include, but are not limited to, "Open," "Closed" and "Open Sundays.") The sign may be affixed to an existing sign or building or be freestanding. The area of said sign shall be included in the total signage area allotted for the establishment.
- I. Temporary signs, general. Temporary signs shall be allowed when approved by the Zoning Enforcement Officer for the purposes and under the conditions cited in the following subsections.
- (1) Requests for the use of any temporary sign shall be made in writing and include the following information:
 - (a) The name and address of the business, organization or enterprise.
 - (b) The name and phone number of the applicant and person responsible for removing said signs within the specified time limits.
 - (c) The date of submission.
 - (d) The overall sign design.
 - (e) The purpose of the event.
 - (f) The dates to be erected.
 - (g) The duration of the event.
 - (h) The location of the signs.
 - (2) The requirement for a written application may be waived at the discretion of the Zoning Enforcement Officer.
 - (3) Completed sign applications will be processed in accordance with § 273-59B.
 - (4) No fee will be charged for temporary sign permits.

- J. Temporary signs, real estate. In addition to the requirements of Subsection I, signs shall also conform to the following standards:
- (1) Individual lots. On lots that are for sale or for rent, not more than two temporary signs may be erected. These signs may advertise the land or premises and the sale or rental agent. Such signs shall be removed within 15 days after the sale or rental of such property. The foregoing signs shall not exceed the following sizes:
 - (a) A single residential lot: four square feet; an approved subdivision of three or more lots: 10 square feet; and an approved subdivision of six or more lots: 20 square feet.
 - (b) Marine recreation, commercial or industrial lots: four square feet in area per acre (or fractional acre), not exceeding 20 square feet in area in any commercial or marine recreational district or 30 square feet each in any industrial district.
 - (2) Multiple tenancy. In addition to the sign(s) permitted in Subsection J(1) above, lots containing more than one business or enterprise may have one sign, not to exceed four square feet in area, on each individual space.
 - (3) Subdivision. A sign may be erected advertising the subdivision, developer and/or realtor and shall comply with all other standards of the district within which it is located. Such sign shall be removed within 15 days of the sale or rental of the last lot or structure in the subdivision.
- K. Temporary signs, directional. In addition to the requirements of Subsection I, signs shall also conform to the following standards:
- (1) Directional signs indicating the location of private real properties or facilities for sale or rent may be erected, provided that each sign shall not exceed four square feet in area. The sign locations shall not obstruct traffic or traffic visibility and shall be maintained by the applicant for the duration of the activity. Not more than four such temporary signs shall be allowed for a single lot or facility for sale or rent or for subdivision lots or homes for sale. The Zoning Enforcement Officer shall have the right to deny such temporary signs where the location does not warrant off-site signs due to its visibility from normal highway facilities.
 - (2) Directional signs indicating the location of a facility or activity operated by a governmental agency, nonprofit organization, agricultural or forestry business for a limited time may be erected, provided that each sign shall not exceed four square feet in area. The sign shall be for a period of time not exceeding the duration of the activity within the facility and in a location approved by the Zoning Enforcement Officer. No more than four such signs for each facility or activity location shall be allowed.
- L. Temporary signs, merchandising. In addition to the requirements of Subsection I, signs shall be located on the premises and conform to the standards set forth below. A-Frame (washboard) signs shall be considered as one sign and shall be entitled to the allotted area for each side of the sign.

- (1) Signs advertising special events, such as a grand opening or special sales, shall not exceed 12 square feet in area and shall be not more than eight feet in any one dimension and shall not extend more than five feet above ground level. Said signs shall be limited to 20 days per month, per lot or single shopping center. No more than one sign may be allowed on a lot or single shopping center at any one time. Said signs shall conform to the sign design for other signs on the property with regard to materials, colors, illumination and style. [Amended 6-12-1996]
- (a) The effectiveness and impact of temporary signs developed pursuant to this Subsection L(1) shall be evaluated by the Commission on or before May, 1997.
- (b) In addition to the above, flags, pennants and banners may be allowed for grand openings or other special events when specifically approved by the Commission.
- (2) Signs advertising special events in the C-1 District shall conform to Subsection L(1) above, with the exception that a sign shall not exceed six square feet in area and not extend more than three feet above ground level.
- (3) Signs advertising seasonal sale of farm or forestry products shall be located on the lot where the product is grown. One sign not exceeding 12 square feet in area and not extending more than five feet above ground level may be erected. Said sign shall be removed at the cessation of the seasonal sale.

~~M. Temporary signs, political. In addition to the requirements of Subsection L, signs shall also conform to the following standards:~~

- ~~(1) Political signs advertising candidates for elected office or promoting positions on ballot issues shall not exceed four square feet in area, shall not extend more than five feet above ground level and shall not exceed four feet in any one dimension. Said signs shall not be erected more than 14 days prior to the election and shall be removed within two days following the election. No more than two signs per lot shall be allowed. [DELETED 2-16-2005] see page 273-68.1~~

- N. Maximum size in one dimension. No sign in any district shall exceed eight feet in any one dimension. (Other restrictions may apply.)
- O. In commercial zones, additional signs will be allowed in accordance with § 273-59A when said signs are not readily visible from any street, public property or residential zone district and when said signs do not exceed eight square feet in area. [Amended 7-20-1994]

§ 273-61. Residential districts.

In addition to the standards specified in §§ 273-59 and 273-60, all lighting of signs in residential districts shall be indirect, and signs shall conform to the following standards:

- A. Height. No portion of any sign that is not attached to a building shall be more than 10 feet above the average level of the ground within a radius of 10 feet.

- B. Occupant identification. Two signs, neither exceeding two square feet in area, identifying the occupant of the lot, except as limited by § 273-38A(2) and B(2) (only one sign under residential accessory uses), may be erected on the lot.
- C. Planned residential development (PRD). All signs shall be designated as an integral part of the PRD design concept and shall be submitted to the Commission for approval. A sign identifying the PRD may be constructed at each entrance road to a PRD lot. Each such sign shall not exceed 10 square feet in area. Commercial signs, when required for a permitted use, shall be limited to one sign for each approved retail or commercial occupant. No individual commercial sign shall exceed eight square feet in area, with an aggregate total not to exceed 40 square feet for all permitted commercial uses.
- D. Permanent subdivision signs. Identification signs may be erected and shall comply with the following standards:
- (1) On subdivisions consisting of at least five lots, one sign shall be allowed and shall not exceed 10 square feet in area.
 - (2) On subdivisions of six or more lots with more than one vehicular entrance, one additional permanent sign may be allowed, subject to the approval of the Commission.
- E. Other lots. On lots containing a farm, church, place of worship, parish hall, cemetery, museum, school, college, university, membership club, philanthropic institution, hospital, recreation facility, nature preserve, wildlife sanctuary, convalescent home, sanitarium, public utility facility or building, use or facility of the Town of Guilford, State of Connecticut or federal government, one sign not exceeding 16 square feet in area may be erected.
- F. Nonconforming uses. Where a use exists in a residential zone, which use does not comply with requirements of that zone either because it is a nonconformity or by variance, the sign area requirements of the particular use shall be determined by the Commission. The Commission shall take into consideration the type of use, location, visibility from residential uses and reasonable needs for advertising the particular use. In no case shall the total sign area on a lot exceed the total area allowed in a zone where the use would be conforming.

the most restrictive commercial

§ 273-62. Marine recreation, commercial and industrial districts.

In addition to the standards specified in §§ 273-59 and 273-60, signs shall conform to the following standards:

- A. Height and area. No portion of any sign that is not attached to a building shall be more than 20 feet above the average level of the ground within a radius of 10 feet, nor shall the area of any such sign exceed 48 square feet. The aggregate total area of all signs on any lot shall not exceed the following:
- (1) Village Commercial District 1 or Marine Recreation District: 48 square feet in area. For multiple-tenancy buildings or lots, the signage area shall be allocated as a

percentage of floor area occupied by the business or enterprise, unless approved otherwise by the Commission.

- (2) Commercial District 2: 60 square feet in area.
 - (3) Highway Commercial District 3 or General Commercial District 4: 75 square feet in area.
 - (4) Industrial district: 75 square feet in area.
 - (5) The area of any sign or signs attached to or painted on a building shall not exceed 10% of the area of the wall on which such sign or signs are attached or painted.
- B. Proximity. Signs that are not attached to a building shall not be located closer than 400 feet to any other point on the same lot on which signs that are not attached to a building are also located.

§ 273-63. Shopping centers.

In addition to the requirements and standards set forth in §§ 273-59 and 273-60, signs for all shopping centers, as defined, shall comply with the following standards:

- A. Design. All exterior signs shall be designed as an integral part of the shopping center's architectural design and shall be of the same type, character and relative location on the building so as to provide an integrated, harmonious design.
- B. Sign design plan. A sign design plan and elevations for all proposed signs, attached and freestanding, shall be submitted to the Commission, in duplicate, for review and approval, with a letter of notation on the plans indicating approval by the architect of the shopping center.
 - (1) The sign design plan shall be submitted prior to application for a sign permit or fabrication of the signs, whichever occurs first, and shall include the following:
 - (a) The sign locations, design, type of material, type of lettering style, colors, dimensions, heights above grade, method of mounting, method of lighting, position on walls or in arcades, name of shopping center and scale of drawings.
 - (b) The date of submission and the words "Approved - Guilford Planning and Zoning Commission" with a place for the date and signature of the Chairperson.
 - (2) The Commission shall approve, approve with conditions or disapprove said sign design plan and elevations within 65 days of receipt of the same. The applicant shall be so notified in writing, with the reasons stated for any disapproval.¹⁴
- C. Shopping center sign. One freestanding sign identifying only the shopping center name and tenants of the center shall be allowed along the main street frontage and may extend

14. Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

to within 10 feet of any street line. No portion of such sign shall be more than 20 feet above the average level of the ground within a radius of 10 feet, nor shall the area of any such sign exceed 60 square feet for a community shopping center or 48 square feet for other allowed shopping centers.

- D. Type. Signs shall be of individual-letter type or of signboard type, but the two types shall not be mixed on the facade of the buildings on any single shopping center.
- E. Colors and lighting. Sign colors and lighting method shall be coordinated on each shopping center and shall be shown on the sign design plan or elevations in sufficient detail to indicate the proposed final sign design.
- F. Determination of size. The total exterior sign area allowed on shopping centers shall be determined by the storefront of each individual store. (The word "store," as used herewith, shall mean a retail store, financial institution, restaurant, personal service establishment or other permitted use in the particular shopping center.) The front of a store shall be the wall of the store in which the main public entrance is located. Where a store is so designed as to have two or more public entrances, only one wall shall be designated the front by the applicant in determining the total allowed exterior signs.
- G. Area. The total exterior sign area for any individual store shall not exceed one square foot for each linear foot of storefront. The length of storefront shall be measured on a horizontal line along the front of the store between exterior intersecting walls or between the centers of intersecting party walls.
- H. Content. Signs on the exterior of stores shall be limited to one sign on each wall with a public entrance designating the proper name of each individual store. Such signs shall not include any specifications of the brand names of merchandise offered for sale or services rendered therein.
- I. Arcade signs. If a shopping center is designed with a covered walk or arcade, each store shall be allowed one additional sign, not to exceed three square feet in area, to be located only in the covered walk or arcade and generally at right angles to the front wall and not directly visible from the exterior of the arcade.
- J. Directional signs. Signs providing directions to the tenant premises may be placed within a shopping center when approved by the Commission. Such signs shall not be visible off the lot and may not exceed four square feet.

§ 273-64. Multiple-tenancy commercial buildings.

Where three or more separate commercial tenants are located in a structure or structures on one lot in an MR-1, C-2, C-3 or C-4 District, the aggregate total area of all signs allowed on the lot may be increased to one square foot per linear foot of storefront as set forth in § 273-63F, provided that:

- A. There is an approved site plan for the lot in accordance with Article IX and § 273-97.
- B. A sign design plan is submitted to and approved by the Commission in accordance with § 273-63B, except for the required architect's approval.

- C. The other requirements of this article are met.
- D. Any existing nonconforming signs are removed.

§ 273-65. Directory of nonconforming signs.

The Commission shall, by August 1, 1994, prepare a directory of presumed nonconforming signs. Said directory shall contain a photograph, a sketch with dimensions and a site location drawing. Said directory shall become, upon certification as complete by the Commission, the official record of nonconforming signage.

**ARTICLE VIII
Earth Removal Operations**

§ 273-66. Special permit required.

There shall be no excavation, removal or deposit of any earth, loam, topsoil, sand, gravel, clay, stone or other material from or on any lot except pursuant to a special permit granted by the Commission. See § 273-98 for the procedure to be followed in seeking such a special permit.

§ 273-67. Exceptions.

The provisions of this article shall not apply to the following:

- A. Excavation, removal or deposit of material reasonably necessary in connection with the bona fide construction or alteration of a building or other structure for which an application for a certificate of zoning compliance has been approved and a building permit has been issued.
- B. Bona fide landscaping operations on a lot, provided that no more than 100 cubic yards of material are to be removed off the lot in connection therewith and provided that the removal is not for the purpose of creating a pond or other body of water.
- C. The construction of improvements and the changing of contours in accordance with subdivision construction plans and grading plans approved by the Commission under the provisions of Chapter 272, Subdivision of Land.
- D. The deposit of not more than 250 cubic yards of earth, loam, topsoil, sand, gravel, clay or stone on any one lot in any one calendar year.
- E. The normal maintenance and repair of roads and driveways.
- F. The normal excavation and filling of silage, manure and similar farm materials when part of a farm agricultural operation.
- G. A sanitary landfill operation of the Town of Guilford that has been approved by the State Department of Health.

H. Stockpiling of street maintenance material required by the Town of Guilford.

§ 273-68. Conditions for approval.

Except as provided in § 273-69, all special permits for soil, gravel or stone excavation, removal or deposit shall be granted subject to the following conditions:

- A. The premises will be excavated and graded or filled and graded within the limits shown on the approved plans and in conformity with the proposed contour plan as approved by the Commission.
- B. Slopes resulting from excavation, removal or deposit will not exceed one foot of rise for three feet of horizontal distance or such lesser slope as the Commission may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation or deposit. Slopes shall be maintained during construction so as not to exceed one foot of rise for two feet of horizontal distance whenever the construction site is unattended.
- C. No fixed machinery will be erected or maintained within 200 feet of any lot line, and no stone-crushing machinery will be used, except in an industrial district.
- D. There will be no excavation or removal within 100 feet of any lot line, unless such excavation or removal would result in finished grades at or above the elevation of the adjoining street or lot.
- E. There will be no sharp declivities, slopes, pits or depressions, and proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.
- F. After excavation, removal or deposit, the lot will be cleared of debris within the time provided in the permit.
- G. In the case of excavation or removal, the top layer of soil, for a depth of at least four inches, will be set aside and retained on the lot and will be respread over the lot as work progresses, and, in the case of deposit, at least four inches of topsoil will be spread over the lot, and a suitable ground cover will be planted and grown to an erosion-resistant condition upon the completion of the work in accordance with the approved contour lines, and such work will be completed within the time provided for in the permit.
- H. The area to be excavated or filled or any portion thereof will be enclosed within a fence of such type, height and location as the Commission may specify, if deemed necessary to meet the purpose of these regulations.

§ 273-69. Alteration of conditions.

The Commission may adjust any standards or conditions provided in § 273-68 if, in its judgment, such adjustment is necessary to maintain the purpose and intent of this article.

§ 273-70. Additional conditions.

The Commission may establish such additional standards as it deems necessary to satisfy the purposes of these regulations, including but not limited to the following:

- A. Limitations on the day of the week or the hours of the day during which any work, including any blasting, may be performed on the lot.
- B. Limitations as to size and type of machinery to be used on the lot.
- C. Limitations on the place and manner of disposal of excavated material on the lot.
- D. Requirements as to the control of dust, noise and lighting.
- E. Limitations on the type of fill material permitted for deposit.

§ 273-71. Periodic reports.

The Commission may require the permittee to submit periodic reports, prepared by and bearing the seal of a registered land surveyor or professional engineer, showing the status and progress of the excavation or deposit.

§ 273-72. Maintenance of ponds.

A. When it is found necessary to maintain existing ponds, lakes or other bodies of freshwater to prevent eutrophication or to remove silting and said maintenance will not change the original basic contours, depth or periphery of the body of water, such work may be done without a special permit, provided that:

- (1) The applicant submits a written report to the Commission, stating:
 - (a) The area to be maintained.
 - (b) The reason for the maintenance.
 - (c) The total amount and type of material to be removed and where it is to be placed.
 - (d) The proposed dates of the operation.
 - (e) The name of the contractor responsible.
 - (f) The hours of operation.
- (2) The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

- (3) The Commission approves the above report and so notifies the applicant in writing.
- B. If the Commission finds that said maintenance is an earth removal operation, said work shall only be done in accordance with the requirements of this article and § 273-98 of these regulations. It is noted that pond maintenance may be subject to the jurisdiction of the Guilford Inland Wetlands Commission.

ARTICLE IX Site Plan Review

§ 273-73. Conformance required.

The use of land, buildings and other structures that is subject to approval of a site plan, including special permit uses, and the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and other structures and site development in connection with such use shall conform to the general standards and special standards hereinafter specified. The provisions of this article are in addition to other provisions of these regulations applicable in the district in which the use is to be located.

§ 273-74. Purpose.

Each use for which a site plan submission is required is a potentially significant addition to a developing or developed area of the Town and to a residential, commercial or industrial neighborhood. It is intended that the site plan for each use be prepared with due consideration for:

- A. The purpose and intent of these regulations.
- B. Coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, watercourses, buildings and other features that support the neighborhood.
- C. Protection of the public health, safety, welfare, property values and the environment.

§ 273-75. General standards.

The following general standards apply to all uses permitted in a district subject to approval of a site plan by the Commission:

- A. Plan of development. The site plan shall be in conformance with the purpose and intent of any plan of development, including any amendment, program or supplement that is part of the plan, adopted by the Commission under the provisions of Chapter 126 of the Connecticut General Statutes¹⁵ and pertaining to the area in which the use is to be located, particularly in regard to, but not limited to, the following:

15. Editor's Note: See Section 8-18 et seq. of the Connecticut General Statutes.

§ 273-75 **A. (7)** When any regrading of a portion of the site requires changes in grade of over five feet, a grading plan shall be submitted for approval by the Commission.

- (1) The provision of streets, limitations on the location and number of access driveways and provisions for traffic management.
- (2) The setback, location and bulk of buildings and structures and the appearance of buildings and structures from any street or highway or from other lots.
- (3) The preservation of natural landform features, wetlands and watercourses.
- (4) The provision, location and character of landscaping.
- (5) The location, character and intensity of outside illumination.
- (6) The extent, character, purpose and location of signs.

(7) SEE ABOVE

B. Neighborhood. The use of land, buildings and other structures, the location and bulk of buildings and other structures and site development shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

C. Access and circulation. Provision shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot. Access and circulation shall also conform to the following:

- (1) Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to minimize traffic use of local residential streets situated in or bordered by residential districts.
- (2) Where a lot has frontage on two or more streets, the entry and exit from the street shall be provided for where potential traffic congestion and hazards to traffic and pedestrians are minimized.
- (3) The street giving access to the lot shall have traffic-carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- (4) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
- (5) Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- (6) Driveways into the lot shall have proper alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the street line and travel way of the street in such a manner as to conform to the standard cross section for the street as may be specified in Chapter 241, Streets and Sidewalks, Article IV, Road Standards.

- (7) Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway connection will facilitate fire protection services, as approved by the Town Fire Marshal, and/or when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.
 - (8) There shall be no more than one driveway connection from any lot to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion, and additional driveway connections may be provided particularly for, but not limited to, large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the street line or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.
- D. Existing streets. Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks, as approved by the Commission and in accordance with the pattern of development along the street. Where necessary to provide for suitable access or for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.
- E. Parking and loading. Off-street parking and loading spaces shall be provided in accordance with the provisions of Article VI.
- F. Drainage.
- (1) Provision shall be made on the lot for the management of stormwater, including collection and disposal thereof, in accordance with the following criteria:
 - (a) To assure the usability of off-street parking and loading spaces.
 - (b) To avoid hazards to pedestrians and vehicular traffic on the lot and in any street.
 - (c) To avoid stormwater flow across sidewalks and other pedestrianways.
 - (d) To protect watercourses and wetlands from pollution, erosion and sedimentation.
 - (e) To avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels.
 - (f) To avoid downstream flooding.
 - (2) Provision shall also be made for on-site detention or recharge and for the protection or improvement of existing watercourses, channels and other drainage systems, on the lot or downstream from the lot, as needed to accept the proposed

drainage discharge, based on sound design criteria under good engineering practice and as approved by the Commission, taking into account the drainage requirements of the entire watershed in which the lot is located. Rights to drain to Town or state drainage systems or onto another lot shall be obtained by the applicant and demonstrated to the Commission.

add (3) **STORMWATER MANAGEMENT PLANS.**

see pp 273:78.1

G. Erosion and sedimentation.

- (1) A soil erosion and sediment control plan shall be submitted with any application for site plan approval when the disturbed area of such development is cumulatively more than 20,000 square feet.
- (2) Plans for soil erosion and sediment control shall be developed in accordance with these regulations, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant, if technically sound reasons are presented.
- (3) Soil erosion and sediment control plans shall be developed in accordance with the contents and procedures described in § 273-97B(6), Erosion and sediment control plan.

H. Wetlands and watercourses. Where wetlands and watercourses, including tidal wetlands, are located on or adjacent to the lot, provision shall be made for their protection, unless modification is approved by the Commission and authorized by the Inland Wetlands Commission or the state agency having jurisdiction prior to approval of the site plan.

I. Flood hazard areas. When any part of the lot is located within the Floodplain District, the requirements of § 273-89, Floodplain District, shall be met.

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

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

- (1) Proper provision shall be made for the water supply and sewage disposal requirements of the proposed use. When on-site systems are to be used, such systems shall be designed and constructed in accordance with applicable state and Town laws, and the design concept and layout shall be approved by the Town Director of Health and Town Engineer prior to approval of the site plan.
- (2) Proper provision shall be made for the collection, storage and disposal of solid and liquid wastes accumulated in connection with the proposed use and for control of