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APPENDIX

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D    Survey Standards
1.0 PREAMBLE

These zoning regulations are designed to further the purposes set forth in Chapter 124, Section 8-2 of the Connecticut General Statutes, particularly in the following ways: to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; and the height, size and location of advertising signs within the limits of said town; to divide said town into districts of such number, shape and area as may best be suited to carry out the purposes of such act; to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements, and with full consideration for the character of the districts and their particular suitability for particular use; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout said town, all in accordance with a comprehensive plan.

1.1 ENACTING CLAUSE, SHORT TITLE

The Montville Planning and Zoning Commission (The Commission), acting under authority of Chapter 124 of the General Statutes of the State of Connecticut, hereby adopts and enacts these regulations as the "Zoning Regulations of the Town of Montville".

Adopted on: December 6, 1996
Amended: October 11, 1997
Amended: February 16, 1999
Amended: April 10, 1999
Amended: June 27, 2002
Amended: May 9, 2003
Amended: October 20, 2004
Amended: August 10, 2005
Amended: November 1, 2007
Amended: October 1, 2008
Amended: June 1, 2011
Amended: December 15, 2011
Amended: March 20, 2012
1.2 GENERAL INTERPRETATION

For the purposes of these regulations certain terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

A "person" includes an individual, a corporation, a partnership, an unincorporated association; "shall" is always mandatory; a "building" includes a "structure" a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged, or designed to be used or occupied".

The "Town" is the Town of Montville in the County of New London, State of Connecticut; the "Planning and Zoning Commission" the "Zoning Board of Appeals" are respectively the Planning and Zoning Commission, the Zoning Board of Appeals of the Town.

1.3 DEFINITIONS

ACCESSORY: The term applied to a building or use which is clearly incidental or subordinate to, and customary in connection with, the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the Bulk Regulations to such building.

AGE RESTRICTED HOUSING COMMUNITY: A residential housing development designed to provide housing and amenities predominantly for persons 55 years of age or older which complies with the requirements of Section 17.18 hereof.

ANTENNA: A device used to receive and/or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel, and dish antennae.

AQUIFER: A water bearing rock formation, strata which are capable of yielding useful amounts of water.

BASE FLOOD: The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the water of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: The portion of the building that is partly underground which has more than half of its interior height measured from floor to finished ceiling above the average finished grade of the ground adjoining the building. For floodplain management purposes as found in Section 16.4 of these Regulations, a basement is any area of the building having its floor subgrade (below ground level) on all sides.
BILLBOARD: See SIGN, ADVERTISING.

BMP: Best Management Practice.

BOARDING HOUSE: DELETED 10/11/97.

BULK: The size and shape of buildings and non-building uses; and the physical relationship of their exterior walls or their location to lot lines and other buildings or other walls of the same building and all open spaces required in connection with a building. Bulk Regulations include regulations dealing with building height, lot area per dwelling unit, lot frontage, required yards, courts, usable open space, spacing between buildings on a single lot, and length of buildings in a row.

BULK, NON-CONFORMING: That part of a building or non-building use which does not conform to one or more of the applicable Bulk Regulations of these regulations, either on its effective date, or as a result of subsequent amendments thereof.

CAMP, RECREATIONAL: A site conforming to the provisions of these regulations for the location of trailers, mobile camping facilities, tents or other recreational camping facilities of a temporary and transitory nature for limited periods of time in accordance with these regulations.

CELLAR: A story having more than half of its clear unobstructed height below the average finished grade of the ground adjoining the building.

C.G.S.: Connecticut General Statutes.

CLUB: An association of persons which is the owner, lessee, or occupant of an establishment, building, or premises operated solely for a specific purpose (i.e., such as recreational, social, fraternities and sororities, religious, political, athletic, and the like) and whose activities are confined to members and guests, are not extended to the general public and include the establishment so operated. This definition shall be deemed not to include such activities which involve services customarily carried on primarily for business or gain.

CO-LOCATION: Locating wireless communications facilities of more than one provider on a single site.

** AMENDED EFFECTIVE 2/16/99

COMMERCIAL: A use facilitating the barter, sales or exchange of things of value.

COMMISSION: The Zoning and Planning (Planning and Zoning Commission) of the Town of Montville.

COMMUNITY CENTER: A meeting place used by members of a community for social, cultural, or recreational purposes.

COMMUNITY RESIDENCE: A Community Residence as defined in section 19a-507a(3) of the C. G. S. as the same may be amended from time to time.

CONVALESCENT HOME: The term shall include (a) Home for the Aged; (b) a Rest Home with Nursing Supervision; (c) a Chronic and Convalescent Home with authorization to care for persons suffering from harmless chronic mental unsoundness; (e) a Children's Nursing Home; and (f) a Children's Nursing home with authorization to care for persons suffering from harmless chronic mental unsoundness. Above items are defined in the "Public Health Code of the State of Connecticut", as amended.
CONVENIENCE/GASOLINE SALES ESTABLISHMENT: A premises at which common retail goods, including but not limited to motor fuels, lubricants, other motor vehicle supplies and parts, groceries and assorted convenience items, are made available for retail sale in or on any portion of the premises, unless otherwise specified elsewhere in these Regulations, in conjunction with the proposed or existing use of a Gasoline Filling Station, provided the gasoline portion of said use is self-service. This definition shall be deemed to prohibit auto repair work or service activities regulated by general statute to be performed at such establishments.

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds and gazebos.

** AMENDED EFFECTIVE 6/1/11

COUNTY SOIL AND WATER CONSERVATION DISTRICT (SCS): New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

DAY CARE: Daycare or Family Daycare as defined in Section 19a-77 of the C.G.S. as may be amended from time to time.

D.E.P.: Connecticut Department of Environmental Protection.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. ** AMENDED EFFECTIVE 6/1/11

D.O.T.: Connecticut Department of Transportation.

DISTURBED AREA: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING UNIT: A building, or part thereof, used by one (1) family for cooking, living and sleeping purposes.

DWELLING, SINGLE-FAMILY: A building on a lot occupied for residential purposes by one dwelling unit only.

DWELLING, SINGLE-FAMILY DETACHED: A single-family residence which is separated from lot lines or lease lines or other buildings by open space.

DWELLING, TWO-FAMILY: A building on a lot containing two (2) dwelling units each having separate utility connections, designed for occupancy by not more than two (2) families. ** AMENDED EFFECTIVE. 5/13/96
**DWELLING, MULTI-FAMILY:** A building or part thereof containing three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

**EASEMENT:** A right, created by an express or implied agreement, of one owner of land to make lawful and beneficial use of the land of another.

**ELDERLY HOUSING:** Dwelling units with an interior design and layout of buildings and units specifically suited for the needs of elderly persons, meeting Federal and State program requirements.

**ELECTRONIC SIGN:** A sign, whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

**AMENDED:** 10/11/97

**EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 2, 1980, the effective date of the floodplain management regulations adopted by the community. **AMENDED EFFECTIVE 6/1/11

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). **AMENDED EFFECTIVE 6/1/11

**FAMILY:** A single person keeping house separately or any number of individuals related by blood, marriage, civil union, or adoption, living together as a single housekeeping unit. A group of not more than five (5) unrelated persons keeping house together, shall also be considered a family for the purpose of these Regulations. This definition shall also be deemed to include community residences for the mentally handicapped, authorized by Section 8.3e of the Statutes, who occupy a single family dwelling, but shall not include a group occupying a boarding house, lodging or rooming house, a tourist home, inn, motel, or hotel, club or supervised group quarters not authorized elsewhere by law or these Regulations regardless of ownership.

**FARM:** A farm shall be construed to mean at least five (5) acres of land with buildings which are mainly used for and incidental to farming or the keeping of farm animals.

**FARM ANIMALS:** Any domestic animal maintained primarily for milk or food production or raw materials for natural fiber products including horses maintained for recreational purposes.

**FARM BUILDING:** A building in which farm animals are housed or fed.

**FARM WINERY:** Any place or premises at which grapes are grown and wine is manufactured, stored and sold in a manner which meets the requirements of Section 30-16(5) of the Connecticut General Statutes, as amended.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP). **AMENDED EFFECTIVE 6/1/11**
**FINAL PLAN:** Any plan submitted by an applicant for approval by the Commission to conduct activities under these Regulations which is finally approved by the Commission; which plan reflects all conditions or modifications of approval; which is accompanied by all deeds and other documents required by these Regulations; which has not been appealed or which appeal has been dismissed by a court of competent jurisdiction; and which plan is otherwise ready to be filed with the Montville Town Clerk and a Zoning Permit issued. **AMENDED EFFECTIVE 12/15/11**

**FINISHED LIVING SPACE:** As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.) has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. **AMENDED EFFECTIVE 6/1/11**

**FIRE LANE:** An unobstructed area which may be required by the Fire Marshal.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source. **AMENDED EFFECTIVE 6/1/11**

**FLOOD HAZARD VARIANCE:** A grant of relief by a community for the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship. **AMENDED EFFECTIVE 6/1/11**

**FLOOD INSURANCE RATE MAP:** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town. **AMENDED EFFECTIVE 6/1/11**

**FLOOD INSURANCE STUDY (FIS):** The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. **AMENDED EFFECTIVE 6/1/11**

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

**FLOOR AREA, LIVABLE:** The floor area of a residence which is adequately protected by heat and assured of availability of light and ventilation. It may include finished basement or attic space, enclosed porches.

**FUNCTIONALLY DEPENDENT USE OR FACILITY:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and the unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities. **AMENDED EFFECTIVE 6/1/11**

**GAME FARM:** DELETED 10/11/97

**GRADING:** The act of altering the ground surface to a desired grade or contour by cutting, filling, leveling, and/or smoothing.
GROUP: Two (2) or more persons, objects, or items.

HAZARDOUS MATERIAL: Means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in section 22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in section 22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in section 22a-448 of the Connecticut General Statutes. As may be amended from time to time.

HAZARDOUS WASTE: Means waste as defined in section 22a-449c-101 of the Regulations of Connecticut State Agencies. As may be amended from time to time.

HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade along the wall of a building to the highest point of such building.

HELIPORT PRIVATE: DELETED 10/11/97

HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. ** AMENDED EFFECTIVE 6/1/11

HOME OCCUPATION: A home occupation is defined as any business or commercial activity that is conducted from property that is zoned exclusively for residential use and is an owner-occupied structure.

HOSPITAL: A facility licensed by the State of Connecticut for the treatment and care of patients.

HOSPITAL, ANIMAL: A facility licensed by the State of Connecticut for the treatment and care of animals.

HOTEL: A facility offering transient lodging accommodations on a daily or weekly rate to the general public and providing additional services such as restaurants, retail shops, meeting rooms and recreational facilities. A hotel room may contain kitchen facilities. A hotel must contain a minimum of 50 rooms.

INLAND WETLAND: A wetland as defined in section 22a-38 of Connecticut General Statutes.

JUNKYARD: Any place in or on which old material, glass, paper, cordage, other discarded waste or second hand material which is not intended to be a part of a registered motor vehicle, is stored or deposited. It includes also any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or second hand material which has been a part, or intended to be a part, of any motor vehicle, the
sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposits of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of motor vehicles or to cut up parts thereof.

**KENNEL, BOARDING:** A place open and/or enclosed in which a total of four (4) or more pets limited to dogs or cats are kept for breeding, boarding, grooming, or medical attention.

**LOT:** One or more contiguous parcels of land under single ownership or control, designated by its owner, at the time of filing an application for building permit, as a tract to be used, developed, or built upon as a unit. It may or may not coincide with the deed description thereof filed for record or the boundaries of the same as shown on a map thereof filed for record or otherwise, and it may be subsequently divided into two or more lots, provided all such lots conform to all regulations of the district.

**LOT, CORNER:** DELETED 10/11/97

**LOT FRONTAGE:** The linear distance measured along full length of the front lot line. A front lot line along an expressway is not considered to be lot frontage.

**LOT, NON-CONFORMING:** A parcel of land owned individually and separately and separated from any adjoining tract of land on the effective date of these regulations which does not meet the dimensional area, width, or design requirements for the zoning district in which it is located.

**LOT LINE:** A boundary line of a lot.

**LOT LINE, FRONT:** The lot line separating a lot from a street right-of-way.

**LOT LINE, REAR:** A rear lot line is any lot line, other than another front lot line on another street, which is the farthest lot line from the street.

**LOT LINE, SIDE:** A side lot line is any lot line not a front lot line, or a rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.

**LOT WIDTH:** For purposes of Section 4.13.6 of these Regulations only, the distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines which lines of measurement shall touch, but not in front of, the building setback line required by these Regulations. AMENDED EFFECTIVE 12/15/11

**LOT, THROUGH:** A through lot is a lot having frontage on two streets.

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

**MANUFACTURED HOME:** A prefabricated or transportable single family dwelling unit, which is transported in one or more sections. A manufactured home must be not less than 22 ft. at its narrowest dimension and must be constructed in accordance with Federal Manufactured Home Construction and Safety Standards (HUD Code). The manufactured home must be suitable for year round habitation, and equipped with a means to connect to water, sanitary and electric facilities. A manufactured home must comply with all applicable flood management regulations and have a minimum floor area of 600 square feet, be built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or
transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property. ** AMENDED EFFECTIVE 6/1/11

**MANUFACTURED HOME PARK:** A private development consisting of not less than 20 acres under single ownership which is owned, operated and maintained by or through the owner and its successors. The ownership and maintenance of all roads, drainage, and sewer facilities within the park shall remain vested in the owner. ** AMENDED EFFECTIVE 6/1/11

**MANUFACTURED HOME PARK OR SUBDIVISION:** For floodplain management purposes as found in Section 16.4 of these Regulations, a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. ** AMENDED EFFECTIVE 6/1/11

**MARINA:** A boat basin offering berthing, securing, and other commonly associated services for recreational craft, including servicing of these craft, sale of marine motors, sale and brokerage of recreational craft, facilities for provision of supplies, storage, fueling, and other needs of same.

**MARKET VALUE:** As related to substantial improvement and substantial damage, the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. ** AMENDED EFFECTIVE 6/1/11

**MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced. ** AMENDED EFFECTIVE 6/1/11

**MOBILE HOME:** See MANUFACTURED HOME.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after July 2, 1980, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures. ** AMENDED EFFECTIVE 6/1/11

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 2, 1980, the effective date of the floodplain management regulation adopted by the community. ** AMENDED EFFECTIVE 6/1/11

**NON-BUILDING USE:** A principal use of land to which the buildings on the lot, if any, are accessory, including but not limited to a junkyard, public parking lot, or an open storage yard for materials.

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

**NURSERY SCHOOL:** A school for children who are not old enough to attend kindergarten.

**OPEN SPACE:** An area that is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, natural areas, decorative planting, active and passive recreation areas. ** DEFINITION NOT ZONE. ** AMENDED 10/11/97.

**PARKING, OFF-STREET:** Parking space as required for specific uses which is located off road or street and has connection to a public right-of-way.
**PERFORMANCE BOND:** The term Performance Bond shall have that meaning set forth in Section 16.12.1.c of these Regulations. **AMENDED EFFECTIVE 12/15/11**

**PERFORMANCE STANDARDS:** Standards specified by the Commission or referred to in these Regulations.

**PERSON:** Means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, federal agencies as permitted by law, or other legal entity of any kind.

**PREMISES:** A lot and all the buildings and uses thereon.

**PRINCIPAL BUILDING:** That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

**PRINCIPAL USE:** The primary purpose or function for which a premise is used, designed, or intended to be used.

**PROFESSIONAL PARK/BUSINESS PARK:** A planned coordinated development of a tract of land, or tracts of land under common ownership, with two or more separate buildings. The uses in a Professional Park may include office buildings, hotels, convention centers, and golf courses. Retail sales, such as gift shops are permitted in interior sections of buildings only. Such development shall be planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on and off site vehicular circulation, parking, utility needs, building design, orientation, and open space. Each project shall contain a minimum of 15% open space.

**PROPERTY BOUNDARY SURVEY:** A type of survey that accurately depicts property lines, boundary monumentation and existing/proposed property improvements. It shall be prepared and sealed by a Licensed CT Land Surveyor in accordance with the Standard for Surveys and Maps in the State of Connecticut (Sections 20-300-b-1 through 20 of the Regulations of State Agencies) and meet the minimum standard of “Class A-2” horizontal accuracy.

**PUBLIC GARAGE:** A building used for the storage of registered motor vehicles owned by persons other than the owner or occupants of the premises, or in which accessory repairs are made upon motor vehicles for profit, or which consists of four or more storage bays.

**PUBLIC IMPROVEMENTS:** Any improvements to existing public facilities or construction of new public facilities which are approved by the Commission as part of a Final Plan. These include but are not limited to public streets or roadways, drainage structures, utilities, and any other installations which provide a benefit to the general public or constitute required amenities on the site, such as landscaping, stormwater management systems, lighting, pedestrian walkways, and street furniture. "Public Improvements" shall not include private buildings or leasable/saleable structures. **AMENDED EFFECTIVE 12/15/11**

**PUBLIC PARKING LOT:** A lot used for the storage of motor vehicles which contains space available to the general public by the hour, day, week, month, or year.

**PUBLIC WATER SUPPLY:** Any water supply which has received a Certificate of Convenience and Necessity from the State of Connecticut Department of Public Utility Control and the State of Connecticut Department of Health Services pursuant to Connecticut General Statutes Section 16-262m.
**PUBLIC WATER SUPPLY WATERSHED:** The region which drains into a surface water supply which has been identified by the State of Connecticut as an existing or future public water supply source.

**RECREATIONAL VEHICLE:** A vehicle commonly referred to as a camper, trailer, bus, boat trailer, motor bus used for recreational purposes. For floodplain management purposes as found in Section 16.4 of these Regulations, a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. **AMENDED EFFECTIVE 6/1/11**

**ROOMING OR LODGING HOUSE:** A dwelling in which the owner resides and rents rooms or sleeping accommodations for compensation to less than ten (10) persons.

**SCHOOL OR EDUCATIONAL INSTITUTION:** A place for instruction in any branch of knowledge which has been accredited by proper authorities.

**SCREEN OR SCREENING:** Either (a) a strip at least four feet (4’) wide, densely planted (or having equivalent natural growth) with shrubs or trees at least six feet (6’) high at the time of planting and be of a type that will form year round a dense screen; or (b) an opaque wall or barrier or uniformly painted fence at least six feet (6’) high.

**SEASONAL DWELLING:** A dwelling unit in which occupancy is limited to a maximum of six (6) months in any one calendar year.

**SIGN:** Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, flag, insignia, device or representation which is in the nature of, or which is used as, an announcement, direction, or advertisement for commercial purposes or otherwise. A sign includes a billboard and a neon tube, string of lights, or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event which must be located on the same premises as the product or service offered. All signs must be in accordance with State and Local Building Codes (BOCA) as revised.

**SIGN, ADVERTISING:** A sign, excluding the type commonly known as a billboard, which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises.

**SIGN, AREA:** The area within the shortest line that can be drawn around the outside perimeter of a sign.

**SIGN, BUSINESS:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same lot where such sign is displayed.

**SIGN, DIRECTIONAL:** A sign with sign area of not over two (2) square feet indicating the direction or route to an establishment.

**SIGN, DIRECTLY ILLUMINATED:** Any sign designed to give forth any artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign.

**SIGN, FLASHING:** Any directly or indirectly illuminated sign on which the artificial light is not maintained stationary, and constant in intensity and color, at all times when in use.
SIGN, INDIRECTLY ILLUMINATED: A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding is defective, such sign shall be deemed to be a directly illuminated sign.

SIGN, TEMPORARY: A sign advertising the sale, rental, building contractor or special features of the building or lot on which they are located for short or sporadic time periods. A temporary sign shall be removed within seven (7) days after termination of such sale or special feature.

SLOPE: The degree of deviation of a surface from horizontal, measured as a percentage, as a numerical ratio, or in degrees.

SOIL: All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

SOIL EROSION: Detachment and movement of soil from the land surface by water or wind.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a plan and narrative which conform with the Connecticut Guidelines for Soil Erosion and Sediment Control 2002. As the same may be amended from time to time.

SPECIAL FLOOD HAZARD, AREA OF (SFHA): The land in the flood plain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 16.4 of these Regulations. (Special Flood Hazard Area Federal Insurance Administration) requirements for the purposes of interpreting and enforcing Section 16.4 of these Regulations.

START OF CONSTRUCTION: Start of Construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. **AMENDED EFFECTIVE 6/1/11**

STREET: Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Planning and Zoning Commission; or (b) on a map or plan duly filed and recorded in the office of the Town Clerk of the Town of Montville prior to November 1963, provided such street shall have been suitably improved to the satisfaction of the Planning and Zoning Commission after November 1963.

STREET, CENTER LINE: A line equidistant from each street line; or if no street line is established, the centerline of the existing pavement, or if the street is unpaved, the centerline of the existing traveled way.

STREET LINE: The right-of-way line of a street.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as bearing walls or any partitions, beams, or girders or any substantial change in the exterior walls or roof of a structure.
STRUCTURE: As defined in the 2003 International Building Codes and a portion of the 2005 State Building Code State of Connecticut, as amended from time to time. For floodplain management purposes as found in Section 16.4 of these Regulations, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. **AMENDED EFFECTIVE 6/1/11

SUBDIVISION: The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Montville Planning and Zoning Commission, for the purpose, whether immediate or future, sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **AMENDED EFFECTIVE 6/1/11

SUBSTANTIAL IMPROVEMENT: Shall mean for the purposes of Section 16.4 of these Regulations any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

TOWER: A structure intended to support equipment used to receive and/or transmit electromagnetic waves. Examples of towers include, but are not limited to, self-supporting lattice, guyed, and monopole. **AMENDED EFFECTIVE 2/16/99

TRAILER: A structure designed to be transported on wheels and not having motive power of its own. The trailer must be at least twelve feet wide and fifty feet long and have a total living area of at least 600 square feet. It must be so designed so as to allow connection to sanitary, water, and electric facilities and must be suitable for human habitation.

USE: The term employed to refer to any purpose for which buildings or other structures or land may be occupied.

USE, NON-CONFORMING: A previously existing use of a building or land or both, which does not conform to the applicable Use Regulations of these Regulations, either on its effective date, or as a result of subsequent amendments thereof. It may or may not involve any principal building or land use.


VIOLATION: A failure of a structure or other development to be fully compliant with the community’s floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided. **AMENDED EFFECTIVE 6/1/11
**WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. **AMENDED EFFECTIVE 6/1/11**

**WATERSHED:** See **PUBLIC WATER SUPPLY WATERSHED.**

**WETLANDS:** Areas defined as wetlands in Sections 22a-29 and 22a-38 of the Connecticut General Statutes, as amended.

**WIRELESS COMMUNICATION FACILITIES:** The equipment involved in receiving and/or transmitting electromagnetic waves associated with wireless communication services. **AMENDED EFFECTIVE 2/16/99**

**WIRELESS COMMUNICATION SERVICES:** Wireless services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio and paging. **AMENDED EFFECTIVE 2/16/99**

**YARD, REQUIRED:** Open and unobstructed minimum ground area of the lot extending inward from a lot line to any structure or building for the distance specified in the regulations for the district in which the lot is located.

**YARD, REQUIRED FRONT:** Required unoccupied space between the building line and the front lot line extending the full width of the lot.

**YARD, REQUIRED REAR:** Required unoccupied space between the rear building line and the rear lot line extending the full width of the lot.

**YARD, REQUIRED SIDE:** Required unoccupied space between the side building line and the side lot line extending from the required front yard (or from the required lot line if there is not a required front yard) to the required rear yard (or the required rear lot line if there is not a required rear yard.)
2.1 STREET CLASSIFICATIONS

For the purposes of providing for the development of a system of major streets and highways in the Town and for the future improvements, reconstruction and necessary widening of all streets and highways, each road in the Town is hereby designated by one of the following street classifications as presented in the Montville Plan of Development.

**Expressway:**

I-395 (Connecticut Turnpike) and Route 2A.

**Arterials:**

Route 163
Flanders Road (Route 161)
Old Colchester Road
Norwich-New London Turnpike (Route 32)
Hartford-New London Turnpike (Route 85)
Norwich-Salem Turnpike (Route 82)

**AMENDED: 10/11/97**

35' setback from centerline is required.

**Collector Streets:**

Black Ash Road
Chapel Hill Road
Chesterfield Road
Fire Street
Fitch Hill Road
Forsyth Road
Fort Shantok Road
Gallivan Lane
Jerome Road
Kitemaug Road
Lathrop Road
Leffingwell Road
Maple Avenue
Massapeag Road
Moxley Road
Raymond Hill Road

**AMENDED 10/11/97**

30' setback from centerline is required.

**Local Streets:**

All other roads in Montville not designed or intended to serve as an expressway, arterial, or collector street.

25' setback from centerline required.
SECTION 3. ESTABLISHMENT OF DISTRICTS, DISTRICT BOUNDARIES AND SCOPE OF CONTROLS

3.1 ESTABLISHMENT OF DISTRICTS

The Town of Montville is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite the title:

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRP-160</td>
<td>Water Resource Protection R-160 District</td>
</tr>
<tr>
<td>R-120</td>
<td>Residential R-120 District</td>
</tr>
<tr>
<td>R-80</td>
<td>Residential R-80 District</td>
</tr>
<tr>
<td>R-40</td>
<td>Residential R-40 District</td>
</tr>
<tr>
<td>R-20</td>
<td>Residential R-20 District</td>
</tr>
<tr>
<td>TC</td>
<td><strong>DELETED 10/11/97</strong></td>
</tr>
<tr>
<td>NC</td>
<td><strong>DELETED 10/11/97</strong></td>
</tr>
<tr>
<td>C</td>
<td><strong>DELETED 10/11/97</strong></td>
</tr>
<tr>
<td>C-1</td>
<td>Commercial-1 (C-1) District</td>
</tr>
<tr>
<td>C-2</td>
<td>Commercial-2 (C-2) District</td>
</tr>
<tr>
<td>C-3</td>
<td>Commercial-3 (C-3 District</td>
</tr>
<tr>
<td>G</td>
<td>Government</td>
</tr>
<tr>
<td>LI</td>
<td>Light Industrial (LI) District</td>
</tr>
<tr>
<td>I</td>
<td>Industrial (I) District</td>
</tr>
<tr>
<td>CI</td>
<td><strong>DELETED 10/11/97</strong></td>
</tr>
<tr>
<td>OS</td>
<td>Open Space (OS) District</td>
</tr>
<tr>
<td>HOD</td>
<td>Housing Opportunity Development Zone</td>
</tr>
</tbody>
</table>

Each such district may be designated on the zoning map referred to in Section 3.2 and elsewhere in the text of these Regulations by its symbol only.

**AMENDED: 10/11/97**

3.2 ZONING MAP

The areas and boundaries of such districts are hereby established (a) as shown on a map entitled "Zoning Map, Town of Montville" and (b) as specified in Section 3.3. Such map bearing the same date as these Regulations, referred to herein as the "Zoning Map", together with everything shown thereon, is hereby made part of the Regulations. A copy of the Zoning Map and any amendments thereof shall be maintained in the office of the Town Clerk and the Planning and Zoning Department.

3.3 DISTRICTS ON ZONING MAP

District boundaries and map dimensions on the zoning map shall be determined according to the following rules:

3.3.1 Where district boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such lines shall be construed to be such district boundaries.
3.3.2 DELETED 10/11/97

3.3.3 DELETED 10/11/97

3.3.4 Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of these Regulations, such lot lines shall be construed to be such boundaries.

A. Where a district boundary line divides a lot which was in single ownership at the time of adoption of these Regulations, the Planning and Zoning Commission or Enforcement Officer may permit the extension of the regulations for either portion of the lot a maximum of 100 feet beyond the district line into the remaining portion of the lot.

3.3.5 DELETED 10/11/97

3.4 SCOPE OF CONTROLS

After the effective date of these Regulations, all new construction or development, and every change, enlargement, or relocation of use, and every reconstruction or structural alteration of a building or non-building use shall conform to these Regulations.

4.1 CLASSIFICATION OF USES

Uses of land or buildings are classified and regulated by these Regulations as either PERMITTED USES or as SPECIAL PERMIT USES.

4.1.1 Permitted uses are those which are allowed by right in a zoning district. Applications for permitted uses are submitted to the Enforcement Officer or the offices of the Commission. Applications are acted upon by the Enforcement Officer or by the Planning and Zoning Commission depending upon the nature of the proposed use. Applications for permitted uses in Commercial and Industrial Zones must be accompanied by a site plan.

4.1.2 Special Permit uses are permitted only after meeting the special provisions of Section 17 of these Regulations. Applications for Special Permits are submitted to the office of the Commission and are acted upon by the Commission.

4.2 ZONING PERMIT

No building shall be erected, moved, structurally enlarged or reduced, or changed to another use and no use shall be established or changed in any area of Montville without a Zoning Permit issued in conformance with these Regulations.

4.2.1 Application for a zoning permit shall be made on a form provided for that purpose and obtainable from the Enforcement Officer or at the offices of the Commission. Any fees shall be in accordance with the schedule of fees adopted by the Town of Montville.

4.2.2 Applications for permitted single-family dwellings, accessory buildings, inground swimming pools, additions or reductions to such buildings on residential lots; accessory buildings or expansions of or additions to other existing conforming principal uses provided that such building or expansions do not exceed 1,000 square feet, and such other uses as herein prescribed by these Regulations, may be approved by the Enforcement
Officer provided they meet the requirements of these Regulations. The Enforcement Officer may require an appropriate plan prepared, signed, and sealed by a licensed land surveyor or registered professional engineer to insure compliance with these Regulations. The Enforcement Officer may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to commencement of construction.

** AMENDED: 10/11/97 **

4.2.3 Applications for all other uses and buildings shall be reviewed by the Commission and shall be submitted together with the required fee, a site plan as prescribed in Section 18 of these Regulations at least fourteen (14) days prior to a regular meeting of the Commission. The Commission shall review all such applications and site plans in accordance with these Regulations. The Commission may require that location markers for the building foundation be set by a licensed land surveyor in accordance with the site plan prior to commencement of construction.

4.2.4 A permit may not be issued for buildings or for uses of land or buildings not clearly permitted by these Regulations in the various zoning districts. In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Commission by reference to the most clearly similar use or uses permitted by these Regulations; it shall be declared that the use is similar. When the status of a use has been so determined, such determination shall thereafter have a general applicability to all uses of the same type.

4.2.5 No building permit shall be issued by the Building Official's office for a building or use subject to these Regulations without certification in writing from the Enforcement Officer that such building or use is in conformity with these Regulations or is a valid non-conforming use or building under these Regulations.

4.2.6 Site plans shall be required for all commercial and industrial non-accessory uses.

4.3 CERTIFICATE OF COMPLIANCE

It shall be unlawful for any newly erected building, or addition for which a zoning permit has been issued to be occupied or used, for any building or premises or part thereof to be converted or changed from one type of use or occupancy to another until a Certificate of Compliance has been issued by the Enforcement Officer. The Certificate of Compliance shall be issued within ten (10) days of request by the Enforcement Officer upon completion of the work if the building and use comply with these Regulations and the approved application. The Enforcement Officer may require an adequate as-built site plan to facilitate this review.

4.3.1 A Certificate of Compliance shall remain valid only so long as the building, the use thereof, or the use of the land remains in full conformity with these Regulations or of an amendment thereto.

4.3.2 A Temporary Certificate of Compliance may be issued by the Zoning Enforcement Officer if the requirements of Section 4.3 and 4.3.1 above can be met up to 150 days after issuance of the Temporary Certificate of Compliance.

4.3.3 After the effective date of these Regulations, the Zoning Enforcement Officer will issue, upon request of the owner or occupant, a Certificate of Compliance for any legal non-conforming building or use existing on the effective date of these Regulations upon provision of adequate proof of same, except where such building or use was in violation of regulations in force prior to the effective date of these amended Regulations.
4.4 RECORDING

No variance or special permit shall become effective and no subsequent permit shall be issued until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special permit, including the zoning provision which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner will pay for such recording.

4.5 EXPIRATION

All zoning permits for site plans as required in Section 18 shall expire five (5) years after the date of approval if all permitted work has not been completed. The right to construct improvements pursuant to a special permit shall expire five (5) years after the date of issuance of said permit unless specified otherwise by the Commission. The Commission may extend the time period within which to complete improvements pursuant to a special permit in accordance with Section 8-3c of the Connecticut General Statutes. All other zoning permits shall expire one (1) year after the date of approval if all permitted work has not been completed.

4.6 OTHER PERMITS

Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.

4.6.1 ABOVE-GROUND SWIMMING POOLS AND SHEDS (One (1) story, 18’ x 18’ maximum).

A swimming pool and shed, if accessory to a residential use, may be located anywhere on the premises except in a required front yard provided it shall not be located less than 10 feet from any side or rear lot line. All pump and filter installations shall not encroach within the 10 foot required setback. Any lighting used to illuminate the swimming pool area shall be so arranged so as to prevent the light from shining or reflecting on adjoining properties.

**AMENDED effective 5/13/96**

4.6.2 HOME OCCUPATION PERMITS

4.6.2.1 Definition

A home occupation is defined as any business or commercial activity that is conducted from property that is zoned exclusively for residential use and is an owner-occupied structure.

4.6.2.2 Purpose

The purpose of this section is to regulate the conduct of business in residential areas; ensure compatibility of home occupations with other uses permitted in residential districts; maintain and preserve the character of residential neighborhoods.
4.6.2.3 Conditions and criteria

1. Not more than 25% of the floor area of the principal building shall be used for a home occupation.
2. The occupation shall be carried on wholly within an enclosed building. No outside storage of material shall be permitted. Indoor storage of materials or products shall not exceed the limitations imposed by building, fire, or health codes.
3. No one other than bonafide residents of the dwelling shall be employed in the conduct of the home occupation. The applicant must show proof of residency. The property owner must sign the request for the home occupation permit.
4. There shall be no entrance or exit specifically provided in the dwelling or on the premises for the conduct of the home occupation.
5. Direct sales of products off display shelves or racks is prohibited.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by such home occupation shall be met off the street and other than in a required front yard. Deliveries from commercial suppliers shall not restrict traffic circulation.
7. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the provisions of any applicable government code. There shall be no illegal discharge of any materials, fluids, or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.
8. The following uses are specifically prohibited from being home occupations (1) vehicle repair and modification; (2) restaurant; (3) massage parlor; (4) tavern; (5) club; (6) tattoo parlor; (7) repair of heavy equipment or machinery.
9. Animal hospitals and veterinarians’ office are restricted to R-120 and WRP-160 zones. A barber or beautician is limited to 2 stations and location must be served by public water and sewer.
10. There shall be no exterior evidence that a home occupation exists on the premises other than a sign which does not exceed 2 square feet in size.
11. The initial permit shall be granted for one year at which time the applicant shall notify the abutting property owners of the intent to renew the permit.

**AMENDED EFFECTIVE OCTOBER 1, 1994**
4.6.3 PARKING LOTS

The Commission may approve, subject to the requirements of Sections 18 and 19.5 of these Regulations, the construction of a parking lot, in any zoning district, on lands which are contiguous to lands held in trust by the United States of America.

**AMENDED EFFECTIVE JULY 13, 1996

4.6.4 TELECOMMUNICATION TOWERS

4.6.4.1 PURPOSE

To regulate the location and number of telecommunication facilities, towers, and antennae; minimizing their adverse visual effect through careful design and siting; and to encourage the co-location of facilities. These regulations are consistent with the Federal Communications Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provisions of personal communication services or regulate the placement and construction of personal wireless communication facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations regarding such emissions. To encourage the use of non-residential buildings and structures, such as water storage tanks. To reduce the number of towers and/or antennae needed in the future.

4.6.4.2 PERMITTED USES

1. Wireless communication facilities are permitted in all zones.

2. Wireless communication facilities using existing structures shall be issued a zoning permit by the Zoning Officer provided a sketch plan showing the orientation of the device on the structure and a map showing coverage area and level of service ranges of the proposed facility and any adjacent facilities is provided in paper and electronic media and a report from a licensed telecommunications systems engineer showing that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with other communication services.

3. Wireless communication facilities requiring the installation of a tower or structure require a special permit in accordance with Section 17 of these regulations.

4. The commission may require the use of Sections 16-50aa of the Connecticut General Statutes in order to co-locate for wireless communication equipment providing unlicensed services.

**AMENDED EFFECTIVE 2/16/99

4.6.5 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In accordance with Section 8-25a of the Connecticut General Statutes, as amended, any development providing water by means of a “water company”, as the term is defined in
Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

4.7 ADMINISTRATION AND ENFORCEMENT

These Regulations shall be administered and enforced by the Commission or its designated agent, the Enforcement Officer, as provided in these Regulations.

4.7.1 The Commission or its designated agent may inspect any building or land at any reasonable time and order in writing any violation of these Regulations to be corrected or terminated.

4.8 SOIL EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 16.3 of these Regulations. A single-family dwelling that is not part of a subdivision of land shall be exempt from this soil erosion and sediment control plan requirement.

4.9 INLAND WETLANDS

If an application for a permitted use or special permit involves an activity regulated under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application for a permit to the Montville Inland Wetlands Commission not later than the day such application is filed with the Montville Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the Montville Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall consider the report of the Inland Wetlands Agency and if the Commission establishes terms and conditions for approval that are not consistent with the final decision of the Inland Wetlands Agency, the Commission shall state on the record the reasons for such terms and conditions.

4.10 NOTICE TO NEIGHBORING MUNICIPALITIES

The Commission shall notify the clerk of any adjoining municipality of the pendancy of any site plan or special permit concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer systems within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan.
4.11 PENALTIES

In accordance with Chapter 124, Section 8-12 of the Connecticut General Statutes, any person, firm, or corporation, violating any of the provisions of these Regulations, shall for each violation upon conviction thereof, pay a penalty of not less than ten ($10.00) nor more than one hundred ($100.00) dollars for each day that such violation shall continue; but if the offense be willful, the person convicted thereof shall be fined not less than one hundred ($100.00) nor more than two hundred fifty ($250.00) dollars for each day that such violation shall continue, or imprisoned not more than ten (10) days for each day such violation shall continue, or both. Any person, firm, or corporation who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days of such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth fails to comply with such order immediately, or continues to violate any provision of these Regulations shall be subject to a civil penalty not to exceed two thousand five hundred dollars ($2,500.00). The Planning and Zoning Commission shall have such other remedies as are provided by law to restrain, correct or abate any violation of the zoning regulations.

4.12 INTERPRETATION OF REGULATIONS

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulations, or other provisions of law, or any easement, or other private agreement or legal relationship. When these Regulations or any section thereof impose restrictions on use or dimensions different from those imposed by any other section of these Regulations, or statute, ordinance, covenant, or private agreement or legal relationship, whichever provisions are more restrictive, or impose higher standards, shall control.

4.13 NON-CONFORMING LOTS AND USES, AND STRUCTURES

A non-conforming use, lot, or structure is one which existed lawfully, whether by variance or otherwise, prior to the original date of these Regulations, or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these Regulations or any amendment thereto.

4.13.1 For the purposes of these Regulations, a non-conforming use shall be defined as a use of land and/or building which lawfully existed prior to the enactment of the Zoning Regulations or any amendment thereto, which does not comply with the uses permitted within the zoning district in which it is located and which has been continuously maintained since the enactment of the Zoning Regulations.

4.13.2 No non-conforming use of land or structure shall be enlarged, extended, expanded or altered except in changing the use to one which is permitted in the District in which the use is located.

4.13.3 When a non-conforming use has been changed to a conforming use, it shall not hereafter be changed to any use not permitted in the District in which the use is located.

4.13.4 Any non-conforming use or structure which has been abandoned shall not there-after be reestablished. The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by intent not to reestablish such use. In the case of a structure, use of land, or combination thereof, the discontinuance of the non-
conformity for twelve (12) consecutive months or for a total of eighteen (18) months during any three-year period shall constitute abandonment.

4.13.5 For the purposes of these Regulations, a non-conforming lot shall be defined as a lot which was separately owned prior to the enactment of the Zoning Regulations or any amendment thereto or which is located in and part of a subdivision plan which has been given final approval by the Planning and Zoning Commission and filed in the land records of the Town prior to the date of the Zoning Regulations. No lot may be divided or subdivided if the division or subdivision will result in the creation of a non-conforming lot.

4.13.6 Lots for single family detached residences which meet the definition of non-conforming lot in Section 4.13.5 which have a total area less than the minimum required in the district or a lot width which is less than the minimum lot frontage required in the district may be used for single family detached residences provided such lots shall conform to use regulations and all other applicable setback requirements of the district or the Table which follows: **AMENDED EFFECTIVE 12/15/11**

<table>
<thead>
<tr>
<th>LOT WIDTH</th>
<th>MINIMUM SIDE YARD WIDTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 55 feet</td>
<td>5 ft, but the sum of both yards not less than 35% of lot width</td>
</tr>
<tr>
<td>56 to 65 feet</td>
<td>8 ft, but the sum of both yards not less than 33% of lot width</td>
</tr>
<tr>
<td>66 to 75 feet</td>
<td>10 ft, but the sum of both yards not less than 33% of lot width</td>
</tr>
<tr>
<td>76 to 85 feet</td>
<td>12.5 ft, but the sum of both yards not less than 33% lot width</td>
</tr>
<tr>
<td>86 to 95 feet</td>
<td>15 ft, but the sum of both yards not less than 33% lot width</td>
</tr>
</tbody>
</table>

Lots having less than 30 ft. of frontage on a town accepted road must be served by a perpetual R.O.W. as evidenced by deed recorded in the Town Land Records. Said R.O.W. must be unobstructed and maintained so as to be accessible for emergency vehicles.

For the purposes of this table, round fractions of a foot off to the next lowest whole number.

4.13.7 In order to assure that structures containing non-conforming uses will be maintained in a safe condition for so long as such non-conforming use continues nothing in these Regulations shall be deemed to prohibit work done as ordinary maintenance, or repair or replacement of walls, ceilings, floors, fixtures, electrical or plumbing provided such work does not expand or increase the non-conformity. For residential structures, expansion, modification or alteration is permitted provided that no new non-conformity or increased encroachments into required setbacks or height limitations results, or no non-conforming use is expanded.

4.13.8 Nothing in these Regulations shall be deemed to prohibit the restoration of any non-conforming structure and its use where such structure has been destroyed by means out of control of the owner, provided the restoration of such structure and its use in no way increases any former non-conformity and provided further that restoration of such structure is begun within one year after the date of such destruction and all construction is diligently pursued to completion within two years following the date of such destruction.
4.13.9 No requirement contained in Section 4.3 thru 4.13.8 shall supersede the provision of Section 8-26a, 8-28a, 8-28b, 8-29, 8-6, and 8-7 of the Connecticut General Statutes.

4.14 TRAILERS

No trailers shall be permitted in any district except as follows:

4.14.1 At a location which has an approved trailer permit dated prior to the effective date of these Regulations, except that if a trailer is removed from the site for twelve (12) consecutive months, it may not thereafter occupy such location.

4.14.2 The Commission may approve the replacement of a trailer on a lot if the use has not been abandoned, the trailer will meet the criteria in Section 1.3 (Definition-Trailer), the location has been approved by the Uncas Health District, and the site meets the criteria in Section 4.14.1.

4.14.3 The Commission or its designated agent may approve the replacement of a trailer in a trailer park if the trailer site complies with Sections 4.14.1 and 4.14.2 of these Regulations. In addition, any new trailer site within a park must have a minimum area of 10,000 square feet. For the purpose of these Regulations, a trailer park is any lot or site on which two or more trailers are located.

4.14.4 The Commission may authorize the issuance of a temporary zoning permit for a trailer to be used in connection with a construction project. Such temporary permit shall not exceed six months. The Commission may authorize renewal of the permit in six month increments. If the trailer is to be connected to sanitary facilities, the Zoning Enforcement Officer shall not issue the permit until the Uncas Health District has determined that the sanitary facilities comply with the state health code.
SECTION 5. WATER RESOURCE PROTECTION ZONE - WRP 160 DISTRICT

5.1 PURPOSE

The Commission recognizes the direct correlation between the overall level of development that exists in a drainage basin or aquifer recharge area and water quality. The water resources protection zone is designed to protect public water supply watersheds and groundwater sources which are capable of yielding a long term water supply. The clearing of natural ground cover and the filling of wetlands should be kept to an absolute minimum in this district. Public sewers should be extended to correct existing pollution problems only, not for the purposes of accommodating new development at increased density. The intent of the district is to limit land use to low density uses.

5.2 PERMITTED USES

The following uses shall be permitted within the district:

5.2.1 Single-family dwelling
5.2.2 Farm
5.2.3 Parks and playgrounds
5.2.4 Public utility substation or equipment facility, utility R. O. W.
5.2.5 **DELETED 10/11/97**
5.2.6 Seasonal roadside stands for farm produce
5.2.7 Nursery schools and day care facilities up to six (6) children
5.2.8 Accessory buildings and uses
5.2.9 Home occupations
5.2.10 Municipal or water company owned reservoir maintenance

5.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations.

5.3.1 Governmental offices, libraries, schools, police and fire protection facilities
5.3.2 Kennels
5.3.3 Wineries
5.3.4 Recreational camps and other large scale uses such as riding academies, stables, sportmen's clubs and reserved open space.
5.3.5 Temporary gatherings such as fairs or outings
5.3.6 Churches and other places of worship

5.3.7 Ambulance facilities

5.3.8 Community centers

5.3.9 Nursery school and day care facility serving more than six (6) children

5.3.10 Excavation of earth materials (solid waste landfills are prohibited)

5.3.11 Transmission tower

5.3.12 Cluster development

5.3.13 Golf Course

5.4 MINIMUM LOT SIZE

The minimum lot size in this district is 160,000 square feet

5.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 200 feet of frontage on a street.

5.6 MINIMUM SETBACKS

5.6.1 FRONT YARD 75 feet

5.6.2 SIDE YARD 30 feet

5.6.3 REAR YARD 75 feet

5.6.4 No farm building or manure pile may be located within 150 feet of any property line.

5.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35') feet in height.

5.8 ENVIRONMENTAL PROTECTION

5.8.1 The following uses and/or activities are prohibited within this district:

   a. Underground storage tanks
   b. Salt storage
   c. Hazardous waste storage
   d. Septage lagoons
   e. The use of pesticides within 1000 feet of the highwater mark of a public water supply reservoir
   f. Sewage disposal systems within 100 feet of the high water mark of a public water supply reservoir or within 75 feet of a watercourse flowing into a reservoir
   g. Cemeteries
   h. Sanitary landfills
   i. The location of any building within 75 feet of any regulated wetland, body of water, or watercourse
5.8.2 The Commission may require special drainage facilities to insure groundwater recharge and/or non-point source pollution containment for stormwater runoff or hazardous materials spills. Land clearing activity for new construction shall be kept to the minimum necessary for building and road development. The Commission may require the submission of an environmental impact study for any special permit or subdivision activity in this district.

5.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

5.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 5.A OPEN SPACE (OS) DISTRICT

5.A.1 PURPOSE

The open space zone is designed to protect environmentally fragile areas particularly those with steep slopes. In addition it is to define areas of scenic, historical, recreational and other natural areas. The clearing of natural ground cover and the filling of wetlands should be kept to an absolute minimum in this district. Public sewers should be extended to correct existing pollution problems only, not for the purposes of accommodating new development at increased density. The intent of this district is to limit land use to low density uses.

5.A.2 PERMITTED USES

The following uses shall be permitted within this district:

5.A.2.1 Single-family dwelling
5.A.2.2 Cemeteries
5.A.2.3 Parks and playgrounds
5.A.2.4 Public utility substation or equipment facility, utility right of way, railroads
5.A.2.5 Accessory buildings and uses
5.A.2.6 Home occupations

5.A.3 SPECIAL PERMITS

5.A.3.1 Excavation of earth materials
5.A.3.2 Golf Course

5.A.4 MINIMUM LOT SIZE

5.A.4.1 Existing cemeteries (none)
5.A.4.2 New cemeteries. Five (5) acres
5.A.4.3 Single family dwellings. Four (4) acres

5.A.5 MINIMUM LOT FRONTAGE

Each residential lot in this district shall have at least 150 feet of frontage on a street.

Cemeteries are not required to have frontage

5.A.6 MINIMUM SETBACKS

| 5.A.6.1 | FRONT YARD | 50 feet |
| 5.A.6.2 | SIDE YARD | 30 feet |
| 5.A.6.3 | REAR YARD | 50 feet |
5.A.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35’) feet in height.

5.A.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

5.A.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

5.A.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 6. R-120 DISTRICT

6.1 PURPOSE

The zone is intended to provide a transition area between the higher density R-80 District and the lower density WRP-160 and OS Districts. These areas of the R-120 District are usually remote from existing or planned public water and sewer services and may present physical obstacles for development.

6.2 PERMITTED USES

The following uses shall be permitted within this district:

6.2.1 Single-family dwelling
6.2.2 Farm
6.2.3 Parks and playgrounds
6.2.4 Public utility substation or equipment facility, utility right of way, railroads
6.2.5 Governmental offices, libraries, schools, police and fire protection facilities
6.2.6 DELETED 10/11/97
6.2.7 Seasonal roadside stands for farm produce
6.2.8 Nursery schools and day care facilities up to six (6) children
6.2.9 Accessory buildings and uses
6.2.10 Home occupations

6.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations.

6.3.1 Kennel
6.3.2 Winery
6.3.3 DELETED 10/11/97
6.3.4 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and golf courses
6.3.5 Temporary gatherings such as fairs or outings
6.3.6 Churches and other places of worship
6.3.7 Ambulance facilities
6.3.8 Community Centers
6.3.9 Nursery school and day care facility serving more than six (6) children
6.3.10 Excavation of earth materials
6.3.11 Cemeteries
6.3.12 Transmission tower
6.3.13 Cluster development
6.3.14 Water dependent uses consistent with Connecticut Coastal Area Management Act.
**AMENDED EFFECTIVE 4/10/99
6.3.15 Age Restricted Housing Community
**AMENDED EFFECTIVE 3/27/04

6.4 MINIMUM LOT SIZE

The minimum lot size in this district is 120,000 square feet

6.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 200 feet of frontage on a street

6.6 MINIMUM SETBACKS

<table>
<thead>
<tr>
<th>6.6.1</th>
<th>FRONT YARD</th>
<th>60 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.6.2</td>
<td>SIDE YARD</td>
<td>25 feet</td>
</tr>
<tr>
<td>6.6.3</td>
<td>REAR YARD</td>
<td>60 feet</td>
</tr>
</tbody>
</table>
| 6.6.4  | No farm building or manure pit may be located within 150' of any property line

6.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35') feet in height

6.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

**AMENDED effective 5/13/96.

6.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

6.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 7. R-80 DISTRICT

7.1 PURPOSE

These areas contain large amounts of reasonably good building land, but are not conveniently located with respect to existing and planned utility service areas. The intent is that the density of development in these areas be low enough to permit dependence on individual wells and septic systems far into the future.

7.2 PERMITTED USES

The following uses shall be permitted within this district:

7.2.1 Single-family dwelling
7.2.2 Farm
7.2.3 Parks and playgrounds
7.2.4 Public utility substation or equipment facility, utility right-of-way, railroads
7.2.5 Governmental offices, libraries, schools, police and fire protection facilities
7.2.6 Nursery school and day care facility serving up to six (6) children
7.2.7 **DELETED 10/11/97**
7.2.8 Seasonal roadside stands for farm produce
7.2.9 Accessory buildings and uses
7.2.10 Home occupations

7.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations.

7.3.1 Kennel
7.3.2 Winery
7.3.3 **DELETED 10/11/97**
7.3.4 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and golf courses
7.3.5 Temporary gatherings such as fairs or outings
7.3.6 Churches and other places of worship
7.3.7 Ambulance facilities
7.3.8 Community Centers
7.3.9 Nursery school and day care facility serving more than six (6) students

7.3.10 Excavation of earth materials

7.3.11 Cemeteries

7.3.12 Transmission tower

7.3.13 Cluster development

7.3.14 Water dependent uses consistent with Connecticut Coastal Area Management Act

**AMENDED EFFECTIVE 4/10/99**

7.3.15 Age Restricted Housing Community

### 7.4 MINIMUM LOT SIZE

The minimum lot size in this district is 80,000 square feet

### 7.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 180 feet of frontage on a street.

### 7.6 MINIMUM SETBACKS

- **7.6.1 FRONT YARD**: 50 feet
- **7.6.2 SIDE YARD**: 20 feet
- **7.6.3 REAR YARD**: 50 feet
- **7.6.4** No farm building or manure pit may be located within 150 feet of any property line

### 7.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35’) feet in height.

### 7.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

**AMENDED effective 5/13/96.**

### 7.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

### 7.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 8. R-40 DISTRICT

8.1 PURPOSE

These areas provide an opportunity for medium density residential development. These areas generally contain good building land are generally serviceable by existing and planned public utilities. The major portion of future residential growth should be directed towards these areas.

8.2 PERMITTED USES

The following uses shall be permitted within this district:

8.2.1 Single-family dwelling
8.2.2 Farm
8.2.3 Parks and playgrounds
8.2.4 Public utility substation or equipment facility, utility right-of-way, railroads
8.2.5 Governmental offices, libraries, schools, police and fire protection facilities
8.2.6 Nursery school and day care facility serving up to six (6) children
8.2.7 **DELETED 10/11/97**
8.2.8 Seasonal roadside stands for farm produce
8.2.9 Accessory buildings and uses
8.2.10 Home occupations

8.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations.

8.3.1 Cluster Development
8.3.2 Elderly housing developments
8.3.3 Temporary gatherings such as fairs or outings
8.3.4 Churches and other places of worship
8.3.5 Ambulance facilities
8.3.6 Community centers
8.3.7 Nursery school and day care facility serving more than six (6) students
8.3.8 **DELETED 10/11/97**
8.3.9 Cemeteries

8.3.10 Manufactured home Park—must comply with Section 17.10

8.3.11 Two-family dwelling

8.3.12 Age Restricted Housing Community

**AMENDED EFFECTIVE 5/09/03**

8.4 MINIMUM LOT SIZE

The minimum lot size in this district is 40,000 square feet. Cluster Developments shall conform with the provisions of Section 17 of these Regulations. For elderly housing developments, the minimum lot area shall be 4,000 square feet per dwelling unit.

8.5 MINIMUM LOT FRONTAGE

Each lot shall have at least 150 feet of frontage on a street.

8.6 MINIMUM SETBACKS

8.6.1 FRONT YARD 50 feet
8.6.2 SIDE YARD 15 feet
8.6.3 REAR YARD 50 feet
8.6.4 No farm building or manure pit may be located within 150 feet of any property line

8.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty five (35') feet in height

8.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

AMENDED effective 5/13/96.

8.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

8.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 9 - R-20 DISTRICT

9.1 PURPOSE

These areas comprise the urban portions of Montville. In addition to being served by existing or planned public utilities, these areas are close to governmental, commercial and transportation facilities. They are also close to or include areas of existing high-density residential developments.

9.2 PERMITTED USES

The following uses shall be permitted within this district:

9.2.1 Single-family dwelling
9.2.2 Parks and playgrounds
9.2.3 Public utility substation or equipment facility, utility right-of-way, railroads
9.2.4 Governmental offices, libraries, schools, police and fire protection facilities
9.2.5 DELETED 10/11/97
9.2.6 Parking lots and garages
9.2.7 Nursery school and day care facility serving up to six (6) children
9.2.8 Accessory buildings and uses
9.2.9 Home occupation

9.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations.

9.3.1 Cluster Development
9.3.2 Multi-family dwellings
9.3.3 Elderly housing developments
9.3.4 Manufactured home parks--must comply with Section 17.10
9.3.5 Convalescent hospitals
9.3.6 Temporary gathering such as fairs or outings
9.3.7 Churches and other places of worship
9.3.8 Ambulance facilities
9.3.9 Community centers
9.3.10 Nursery school and day care facility serving more than six (6) children

9.3.11 **DELETED 10/11/97**

9.3.12 Cemeteries

9.3.13 Two-family dwellings

9.3.14 Age Restricted Housing Community

9.4 MINIMUM LOT SIZE

The minimum lot size in this district is 20,000 square feet for single-family dwellings if the lot is served by public sewers. If the lot is not served by public sewers, minimum lot size is 40,000 square feet. Cluster developments shall conform with the provisions of Section 17 of these Regulations. For elderly housing developments, the minimum lot area shall be 4,000 square feet per dwelling unit. For manufactured home parks, the minimum lot area shall be 10,000 square feet per dwelling unit. For multi-family developments, the maximum density shall be one dwelling unit per 10,000 square feet of lot area.

9.5 MINIMUM LOT FRONTAGE

Each lot shall have at least 100 feet of frontage on a street.

9.6 MINIMUM SETBACKS

<table>
<thead>
<tr>
<th>9.6.1</th>
<th>FRONT YARD</th>
<th>40 feet</th>
<th>MULTI-FAMILY</th>
<th>50 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.6.2</td>
<td>SIDE YARD</td>
<td>15 feet</td>
<td>MULTI-FAMILY</td>
<td>40 feet</td>
</tr>
<tr>
<td>9.6.3</td>
<td>REAR YARD</td>
<td>40 feet</td>
<td>MULTI-FAMILY</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

9.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35’) feet in height.

9.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the Health Code of the State of Connecticut.

**AMENDED effective 5/13/96.**

9.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

9.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations
SECTION 9A.1 – HOUSING OPPORTUNITY DEVELOPMENT ZONE
(HOD Regulation)
(Effective November 1, 2007)

9A.1.1 – Intent and Purpose

This regulation is adopted for the following purposes:

a. To allow, on a long-term basis, for the development of diverse housing types, including affordable housing to help address identified housing needs;
b. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community;
c. To promote housing choice and economic diversity, including housing for low and moderate income households;
d. To efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing substantial public and private open space and recreational areas;
e. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
f. To encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

9A.1.2 – Definitions

a. Housing Opportunity Development (“HOD”). A proposed housing development in which, for at least forty (40) years after the initial occupancy of units within the proposed development, (1) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in CGS § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than fifteen percent (15%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.
b. Housing Opportunity Unit, as used in this HOD Regulation, “Housing Opportunity Unit” means a housing unit within a Housing Opportunity Development for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%) as applicable, of the lesser of area median income for Montville or statewide median income, as determined by the U.S. Department of Housing and Urban Development.
c. Developable Land. The land area of the parcel after deducting any area defined as an inland wetland or watercourse, located within a special flood hazard area as defined by the Federal Emergency Management Agency or topography greater than 25% slope in grade measured in minimum horizontal increments of 20 feet.
d. Single-Family Dwelling Flat. Single family dwelling flat means a residential unit containing approximately 800 SF of living space on a single floor.

9A.1.3 – Primary Uses and Structures Permitted

a. Single-family detached dwellings, on either common interest ownership property or subdivided lots.

b. Attached single-family dwellings consisting of two or more residential units except that there shall be no more than eight (8) units per building and; Attached Single-family dwelling flats containing no more than twenty-two (22) flat units per building.

c. Public utility and infrastructure uses.

d. Water supply tanks.

9A.1.4 – Permitted Accessory Uses and Structures

a. On-site facilities for active and passive recreation, including community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds and picnic areas.

b. Uses or structures accessory to the primary uses to the extent permitted by and subject to the procedures, limitations and conditions of Section 16.10 of the Zoning Regulations.

c. Uses of a residence for personal business purposes to the extent permitted by and subject to the procedures, limitations and conditions of the Zoning Regulations.

9A.1.5 – Height, Area and Yard Requirements

A. Overall Housing Opportunity Development:
   Maximum Density: 14 units per acre (1 unit per 2,720 sq. ft.) of developable land
   Total Minimum Open Space: 20 percent

B. Single-Family Detached Dwellings on Subdivided Lots:
   Minimum Lot Width: 100 feet
   Minimum Lot Frontage: 100 feet
   Minimum Front Yard: 30 feet
   Minimum Side Yard: 15 feet
   Minimum Rear Yard: 30 feet
   Maximum Building Coverage: 30 percent
   Maximum Building Height: 35 feet
   Maximum Stories: 2

C. Single-Family Detached Dwellings on Common Land:
   Minimum Setback from Perimeter of HOD Zone: 30 feet
   Minimum Setback from Existing or Proposed Public Road Right-of-way: 50 feet
   Minimum Setback from Existing or Proposed Private Road: 20 feet
   Minimum Principal Building Separation: 30 feet
   Minimum Accessory Building Separation: 10 feet
   Maximum Principal Building Height: 35 feet, except that the Commission may, by a two-thirds majority vote, modify said limit
   Maximum Accessory Building Height: 20 feet
   Maximum Stories: 2
D. Attached Dwellings on Common Interests Lands:
   - Minimum Setback from Perimeter of HOD Zone when Abutting Existing Residential: 30 feet
   - Minimum Setback from Existing Public Road Right-of-way: 50 feet
   - Minimum Setback from Proposed Public Road Right-of-way: 25 feet
   - Minimum Setback from Existing or Proposed Private Road: 20 feet
   - Minimum Principal Building Separation: 30 feet
   - Minimum Accessory Building Separation: 10 feet
   - Maximum Principal Building Height: 40 feet, except that the Commission may, by a two-thirds majority vote, modify said limit
   - Maximum Accessory Building Height: 20 feet
   - Maximum Stories: 3

E. Common Interest Facilities
   - Minimum Setback from Perimeter of HOD Zone or Existing Public Road Right-of-way: 30 feet
   - Community Building/Clubhouse:
     - Maximum Height: 45 feet
     - Maximum Stories: 3

9A.1.6 – Road Construction Standards and Road Dedication Requirements

Within an HOD Zone District, all roads, whether public or private, shall be constructed in conformance with the Town of Montville Road Standards dated January, 1991, and the Town of Montville Improvement Details dated January, 1991, as the same may be amended from time to time, except that the Commission may, by a two-thirds majority vote, modify sidewalk requirements, cul-de-sac length limits, and/or road widths.

9A.1.7 – Common Interest Ownership Requirements

a. A common interest ownership association formed and governed in accordance with the Connecticut General Statutes shall be established whenever a development proposed within an HOD Zone District includes private roads, includes units on common land or attached dwellings, includes common recreation facilities, when the required open space is to be owned by a homeowner association, or when there are any other circumstances which would require common maintenance or management responsibilities (for maintenance of dwelling units not situated on subdivided lots, maintenance of infrastructure, neighborhood coordination, or other purpose)

b. When so required, all dwelling unit owners in an HOD Zone District, including the owners of single-family detached homes on subdivided lots, shall be members of the common interest ownership association.

c. An application for approval of Conceptual or Final Plans shall include, in draft form, a declaration and bylaws prepared in conformance with the Connecticut Common Interest Ownership Act, CGS § 47-200 et seq. In order to avoid fundamental differences between different components of the HOD, including affordable and non-affordable units, such common interest ownership documents shall provide for one owners association unless, for valid reason proposed by the developer, the Commission allows establishment of a master unit owners association comprising the entire HOD, as well as subsidiary association of development areas or clusters within the HOD.

d. The declaration and bylaws prepared in conformance with the Connecticut Common Interest Ownership Act shall provide that any fees set by the association shall not result in a person or family occupying a Housing Opportunity Unit having monthly expenditures for housing which will exceed the “maximum monthly payment” for an affordable unit as provided in State Statute, Regulation of Connecticut State Agencies, or the required Affordability Plan.
9A.1.8 – Open Space and Exclusive Use Area

a. Within an HOD, adequate space may be retained by the common interest ownership association subject to a conservation easement. Such areas may include, but are not limited to, areas for active or passive recreational uses; perimeter buffers or tree belts as described in this HOD Regulation; and upland regulated areas surrounding wetlands or watercourses. The Commission shall encourage the open space to be contiguous to or to interconnect existing or potential future open space. Any open space subjected to a conservation easement shall preserve it for such uses in perpetuity.

b. The common interest ownership documents for an HOD may provide for an exclusive use area for each dwelling unit located in a common interest ownership area of the HOD.

9A.1.9 – Parking Requirements

Parking shall be provided in accordance with Section 19 of Regulations.

9A.1.10 – Signage

Signage within a Housing Opportunity Development shall comply with Section 20 of these Zoning Regulations.

9A.1.11 – Trash Removal

The Conceptual and Final Plan for a Housing Opportunity Development shall provide information about the number, location and screening of dumpsters or trash receptacles at community facilities and for servicing dwelling units. For individual units, the Final Plan and, if applicable, a Subdivision Plan shall make adequate provision for trash storage and removal.

9A.1.12 – Landscaping

Landscaping of buffers and perimeters and the aesthetic quality achieved thereby shall be considered a critical part of the Conceptual and Final Plans and if applicable, a Subdivision Plan, for a Housing Opportunity Development. Such Plans, therefore, shall be prepared by a Connecticut Registered Landscape Architect, and shall provide at a minimum for the following:

a. For all dwellings except single-family detached dwellings on subdivided lots, one shade tree per unit, along with an illustration or detail of minimum foundation plantings per unit.

b. Between all proposed single-family detached dwellings on subdivided lots and fronting on an existing Town road, a minimum 25 foot wide “tree belt” in which trees are to be planted with one row of deciduous trees no more than 50 feet apart on center.

c. Between any proposed attached dwellings and any existing offsite single-family detached dwellings on subdivided lots, a landscaped or natural area, called a “perimeter buffer,” of not less than 25 feet wide containing plantings to achieve visual screening from adjacent properties.

d. When and where appropriate, the Commission may allow existing vegetation to be used in lieu of new landscaping materials.
9A.1.13 – Sidewalks and Bus Shelters

Sidewalks shall be constructed along interior roads and the lot frontage in conformance with The Town of Montville Road Standards dated January, 1991, and the Town of Montville Improvement Details dated January, 1991, as the same may be amended from time to time, except that the Commission may, by a two-thirds majority vote, modify sidewalk requirements.

The Commission shall require Transit Shelters in areas where Public Transportation exists or is projected in the Regional Transportation Plan FY 2007-2035 as may be amended from time to time.

9A.1.14 – Lighting

The site shall be illuminated in accordance with this Section. Lighting from the installation of outdoor lights and illuminated signs will be properly shielded so that lighting does not affect abutting property owners, public streets, or dwellings located on the parcel. The application shall include a lighting plan showing:

1. The location, height and type of any outdoor lighting luminaries, including building mounted;
2. The luminaire manufacturer’s specification data, including lumen about output and photometric data showing cut off angles;
3. The type of lamp: metal halide, compact fluorescent, high pressure sodium;
4. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level.

All lighting for parking and pedestrian area will be full cut-off type fixtures. Lighting for display, building and aesthetics shall be from the top and shine downward, not uplighted. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area. All building lighting for security or aesthetics will be full cut off or a fully shielded/recessed type not allowing any upward or outward distribution of light. Floodlighting is prohibited.

9A.1.15 – Utilities

a. All electrical and telephone lines shall be located underground and in conformance with applicable Town highway specifications.

9A.1.16 – Zone Change and Conceptual Plan Requirements

a. An application to establish a HOD zone requires a zone change application which will be processed in accordance with Section 23 of the Regulations.

b. In addition no zone change to HOD shall be granted without simultaneous submission and simultaneous approval of Conceptual Plans demonstrating that the area of the proposed zone change and the design of the proposed development is consistent with the purpose of the Zone and, as provided in CGS § 8-2, is appropriate for the site given soil types, terrain and infrastructure capacity.

c. The Conceptual Plan(s) shall contain an overall plan showing the following:

1. Key Map at 1” = 2000’ scale
2. For the parcel to be rezoned and other properties within 500 feet, a map at 1” = 100’ scale depicting:
a. The parcel to be rezoned to HOD with the boundaries of the property certified to a State of Connecticut A-2 Map Survey Standard,

b. Parcel to be rezoned the existing zoning of parcel to be rezoned, and

c. The existing zoning of adjacent land, and

d. The Assessor’s parcel numbers of the parcel to be rezoned and other properties within 500 feet,

3. 500 foot perimeter map, with Assessor’s parcels listed.

d. The conceptual Plan(s) shall show the following information, at a scale no greater than 1”=100’.

1. Title block, north point, scale, location map, and names of the engineer, architect, landscape architect, and/or surveyor preparing the plan.

2. Approval blocks

3. Location and extent of watercourses and waterbodies.

4. Location and extent of wetlands as defined by soil type.

5. Location and extent of floodplains.

6. Location and extent of areas with slopes of 25 percent or more.

7. Location of existing buildings and structures.

8. Location and layout of proposed property lines and building setback lines.

9. Existing and proposed roads, pedestrian walkways, driveways, loading and parking areas and spaces.

10. Conceptual building elevations and floor plans.

11. Conceptual grading plan based on five (5) foot contours from a USGS map.

12. Conceptual plan of existing and proposed storm drainage.

13. Conceptual plan of existing and proposed water supply facilities.

14. Conceptual plan of existing and proposed sewage disposal facilities.

15. Conceptual profiles for roads to be constructed to Town standards and dedicated to the Town in areas where applicable.

16. Proposed Open Space Plan identifying the areas of the development what will be preserved as open space; the areas and facilities to be used for active or passive recreation; connections to existing Town open space; and any improvements, structures, buildings or accessory uses to be located in open space.

17. A Conceptual Schedule of Construction, explaining the sequence of construction of the development areas in coordination with construction of infrastructure and recreational uses.
e. Traffic study and sight lines prepared by a licensed engineer including, if off-site traffic improvements are proposed or required, a schematic plan with existing and proposed conditions.

f. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specification, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a “water company”, as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit/Exception involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Montville Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

g. For any site which is to be served and is capable of being served by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority that it is willing to and capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Montville Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246 f have been satisfied shall be provided. For sites to be served with individual septic systems, the applicant shall provide a written report from the Town Sanitarian indicating that the site is capable of supporting the proposed development.

h. A proposed “Housing Affordability Plan” in accordance with CGS §8-30g, §8-30g-1 et seq. of the Regulations of Connecticut State agencies and the “Housing Affordability Plan Requirements” as adopted by the policy of the Commission and as the same may be amended form time to time.

9A.1.17 – Final Plan Requirements

a. The applicant shall submit a Final Plan for review and approval no later than twelve (12) months following approval of the Conceptual Plan, or, in the event of an appeal, within [same number of months] of a final judgment approving the application. Failure to file the Final Plan within the stated time period shall cause the Conceptual Plan approval to be null and void.

b. The Final Plan shall comply in all respect with the approved Conceptual Plan. Any proposed changes to the Conceptual Plan shall be processed in accordance with Section 9A.1.16 of these Regulations.

c. The Final Plan application shall be processed in accordance with Section 18 of the Zoning Regulations.

d. If applicable, a Subdivision Plan shall be processed in accordance with the requirements of the Subdivision Regulations.

e. Such Final Plan application shall include a final “Housing Affordability Plan” in accordance with CGS § 8-30g, § 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the “Housing Affordability Plan Requirements” as adopted by this policy of the Commission and as the same may be amended from time to time.
9A.1.18 – Duration of Final Approval

Following approval of a Final Plan and/or Subdivision Plan, all work associated with such approval(s) shall be completed in accordance with CGS § 8-3(i), CGS § 8-3(j), CGS § 8-26c and/or CGS § 8-26g, as applicable.

9A.1.19 – Start of Construction

An HOD may be built in phases provided each phase is consistent with the overall requirements of the HOD. In accordance with CGS § 8-3(i) and/or § 8-26c, each phase, including public improvements, shall be completed within five years of the start of construction of such phase, provided that the overall HOD shall proceed in accordance with Section 18 of the HOD Regulation.

9A.1.21 – Bonding of Public Improvements shown on Final Plan and Subdivision Plan

When a phase includes a public improvement, including a phase within a common interest community, the posting of a Performance Bond consistent with the provisions of Section 16.12 of these Regulations in an amount satisfactory to the Commission to ensure the completion of any such public improvements shall occur prior to the start of construction of that phase of the HOD or in the case of a subdivision approval, including a conditional approval as authorized by CGS 8-25 the posting of any such bond or other financial security shall be done in accordance with the provisions contained in Section 16.12 of these Regulations. AMENDED EFFECTIVE 12/15/11

9A.1.22 – Enforcement

A violation of the provisions of the approved Affordability Plan shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under CGS § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief. In addition, the Commission may authorize the Zoning Enforcement Officer to withhold Zoning Permits and/or Certificates of Zoning Compliance where the HOD is in violation of the Zoning Regulations or the approved Final or Conceptual Plan. The Commission may also, after notice to the current property owner and the opportunity to be heard, void the HOD Final Plan and/or Conceptual Plan approval.
SECTION 10. TOWN CENTER (TC) DISTRICT
DELETED 10/11/97
SECTION 10.A COMMERCIAL-1 (C-1) DISTRICT

10.A.1 PURPOSE

This zone is intended for businesses that provide day-to-day convenience goods and services to nearby residents. Activities would be limited to those sites which are compatible in scale with the intensity of development in the surrounding area. It is the intention of the Commission to require traffic access management within this District.

10.A.2 PERMITTED USES

The following uses shall be permitted within this district:

10.A.2.1 Retail stores
10.A.2.2 Customer service establishments
10.A.2.3 Business and professional offices
10.A.2.4 Restaurants, including drive-up or drive-thru facilities used for the delivery of food or beverages AMENDED EFFECTIVE 12/15/11
10.A.2.5 Post office, fire protection facilities
10.A.2.6 Public utility substation or equipment facility, utility right-of-way
10.A.2.7 Child day care center, 12 or more children
10.A.2.8 Accessory buildings and uses
10.A.2.9 DELETED 10/11/97

10.A.3 SPECIAL PERMITS

10.A.3.1 Convenience gasoline sales establishments
10.A.3.2 DELETED 10/11/97
10.A.3.3 Apartments located in space not occupied by the primary commercial use on the property provided they are not at ground level

10.A.4 MINIMUM LOT SIZE

The minimum lot size in this district is 10,000 square feet if the lot is served by public sewers. If the lot is not served by public sewers, minimum lot size is 40,000 square feet.

10.A.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 150 feet of frontage on a street. The minimum frontage may be reduced to 100 feet by a vote of the Commission for contiguous commercial developments that combine driveways.
10.A.6 MINIMUM SETBACKS

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<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Setback</th>
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<td>FRONT YARD</td>
<td>30 feet</td>
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<td>10.A.6.2</td>
<td>SIDE YARD</td>
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<td>10.A.6.3</td>
<td>REAR YARD</td>
<td>30 feet (Commercial to Residential)</td>
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<td>15 feet (Commercial to Commercial or Industrial)</td>
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**AMENDED: 10/11/97**

10.A.7 MAXIMUM BUILDING HEIGHT

No building shall exceed thirty-five (35’) feet in height. The maximum building height may be waived by a majority vote of the Commission.

10.A.8 ENVIRONMENTAL INFORMATION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

10.A.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

10.A.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 11. NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

DELETED 10/11/97
SECTION 11.A COMMERCIAL-2 (C-2) DISTRICT

11.A.1 PURPOSE

This zone allows for a full range of commercial uses. It is the intention of the Commission to require traffic access management within this District.

11.A.2 PERMITTED USES

The following uses shall be permitted within this district:

11.A.2.1 Retail stores

11.A.2.2 Customer service establishments

11.A.2.3 Business and professional offices

11.A.2.4 Restaurants and eating establishments, including fast food restaurants including drive-up or drive-thru facilities used for the delivery of food or beverages. AMENDED EFFECTIVE 12/15/11

11.A.2.5 Parking lots and garages subject to the provisions of Sections 18 and 19 of these regulations

11.A.2.6 Hotels

11.A.2.7 Conference Centers

11.A.2.8 Indoor recreation facilities, stadiums, theme park, cultural facilities

11.A.2.9 Public utility substation or equipment facility, utility right-of-way

11.A.2.10 Child day care center, 12 or more children

11.A.2.11 Accessory buildings and uses

11.A.2.12 DELETED 10/11/97

11.A.2.13 Residential, Apartment/Condominium Units on Levels Above the Primary First Floor Retail/Business/Office Use ** AMENDED EFFECTIVE 3/20/2012

11.A.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations:

11.A.3.1 Gasoline filling and repair stations

11.A.3.2 Convenience gasoline sales establishments

11.A.3.3 Water dependent uses consistent with Connecticut Coastal Area Management Act.

11.A.3.4 DELETED 10/11/97
11.A.4 MINIMUM LOT SIZE

The minimum lot size in this district is 80,000 square feet.

11.A.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 200 feet of frontage on a street. The minimum frontage may be reduced to 100 feet by vote of the Commission for contiguous commercial developments that combine driveways.

11.A.6 MINIMUM SETBACKS

| 11.A.6.1   | FRONT YARD | 50 feet |
| 11.A.6.2   | SIDE YARD  | 30 feet |
| 11.A.6.3   | REAR YARD  | 50 feet (Commercial to Residential) |
|           |            | 30 feet (Commercial to Commercial or Industrial) |

**AMENDED: 10/11/97**

One side yard may be reduced to 15 feet for contiguous commercial developments that combine driveways and share a common property line. The side yard reduction shall be adjacent to the common property line.

DELETED 10/20/04

**AMENDED 10/20/04**

One side yard may be reduced to 0 feet for contiguous commercial developments that combine driveways and share a common property line. The side yard reduction shall be adjacent to the common property line.

11.A.7 MAXIMUM BUILDING HEIGHT

No building shall exceed seventy feet (70') in height. The maximum building height may be waived by a majority vote of the Commission.

11.A.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

11.A.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

11.A.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations. The Commission may waive any provision of Section 20, where in the Commission’s opinion a larger sign, more signs, etc., would be in keeping with the scope of the project and/or would facilitate the flow of traffic by clearly marking the location of the project.
SECTION 12. GENERAL COMMERCIAL (C) DISTRICT

DELETED 10/11/97
12.A COMMERCIAL-3 (C-3) DISTRICT

12.A.1 PURPOSE

This zone allows for large scale multiple commercial uses, that would be compatible with business and tourist destinations. It is the intention of the Commission to require traffic access management within this District.

12.A.2 PERMITTED USES

The following uses shall be permitted within this district:

12.A.2.1 Professional Parks
12.A.2.2 Hotels
12.A.2.3 Convention Centers
12.A.2.4 Golf Courses
12.A.2.5 Museums and Galleries
12.A.2.6 Theme Parks
12.A.2.7 Retail Store Parks
12.A.2.8 Parking lots and garages as accessory uses (Subject to the provisions of Section 19 of these Regulations).
12.A.2.9 Public utility substation or equipment facility, utility right-of-way
12.A.2.10 Child day care center, 12 or more children
12.A.2.11 Accessory buildings and uses
12.A.2.12 **DELETED 10/11/97**

12.A.3 SPECIAL PERMITS

12.A.3.1 Shared parking lots
12.A.3.2 **DELETED 10/11/97**

12.A.4 MINIMUM LOT SIZE

The minimum lot size shall be 160,000 square feet.

12.A.5 MINIMUM LOT FRONTAGE

The minimum lot frontage shall be 200 feet.
12.A.6 MINIMUM SETBACKS

12.A.6.1 FRONT YARD 75 feet
12.A.6.2 SIDE YARD 30 feet
12.A.6.3 REAR YARD 75 feet

12.A.6.4 The minimum setback to any parcel zoned residential and containing a residential structure shall
be 300 ft. from the residential property line. The setback (buffer) area must remain undisturbed.
The Commission may require additional screening within the setback (buffer) area such as trees,
shrubs, and fences.

(ADDED)
** AMENDED 10/20/04
One side yard may be reduced to 0 feet for contiguous commercial developments that combine
driveways and share a common property line. The side yard reduction shall be adjacent to the
common property line.

12.A.7 MAXIMUM BUILDING HEIGHT

The maximum building height shall be 70 feet. The maximum building height may be waived by a
majority vote of the Commission.

12.A.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission,
or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the
health code of the State of Connecticut.

12.A.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section
19 of these Regulations.

12.A.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations. The
Commission may waive any provision of Section 20, where in the Commission’s opinion a larger sign,
more signs, etc., would be in keeping with the scope of the project and/or would facilitate the flow of traffic
by clearly marking the location of the project.
SECTION 13 LIGHT INDUSTRIAL (LI) DISTRICT

13.1 PURPOSE

These areas are intended to provide a range of industrial office and research facilities that can be located relatively close to residential uses without negative influences and which will have minimum impacts on the natural resource base of the Town.

13.2 PERMITTED USES

The following uses shall be permitted within this district:

13.2.1 Corporate headquarters
13.2.2 Business, professional offices
13.2.3 Office buildings
13.2.4 Research, design and development facilities
13.2.5 Warehousing, wholesale businesses, exterior storage
13.2.6 Studios for recording, television, radio, and motion pictures including transmitters, antennae, and ancillary equipment
13.2.7 Public utility substation or equipment facility, utility right-of-way, railroads
13.2.8 Governmental offices, libraries, police, fire and public works facilities
13.2.9 **DELETED 10/11/97**
13.2.10 Accessory buildings and uses
13.2.11 **DELETED 10/11/97**
13.2.12 Other industrial uses which can be operated using onsite septic systems which have been approved by the agent for the Director of Health**
13.2.13 Automobile and heavy equipment dealers **
13.2.14 Lumber yards **

**AMENDED: 10/11/97**

13.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 17 of these Regulations:

13.3.1 Trade and technical schools and facilities of higher learning
13.3.2 Indoor recreation and cultural facilities such as a bowling alley, tennis court, swimming pool, skating rink, art gallery, museum or theater (excluding drive-in theater)
13.3.3 Temporary gatherings such as fairs, outings or job marts
13.3.4 **DELETED 10/11/97**

13.3.5 Ambulance facilities

13.3.6 **DELETED**

13.3.7 Nursery school and day care facility serving more than six (6) children

13.3.8 Excavation or filling operations greater than 500 cubic yards

13.3.9 Bituminous concrete and concrete manufacturing operations subject to the performance standards set forth in Section 17.8.A.1-4

**AMENDED EFFECTIVE 1/1/94.**

13.4 **MINIMUM LOT SIZE**

The minimum lot size in this district is 80,000 square feet

13.5 **MINIMUM LOT FRONTAGE**

Each lot in this district shall have at least 200 feet of frontage on a street

13.6 **MINIMUM SETBACKS**

13.6.1 **FRONT YARD** 50 feet

13.6.2 **SIDE YARD** 30 feet

13.6.3 **REAR YARD** 50 feet to Residential

**AMENDED: 10/11/97**

30 feet to Commercial or Industrial**

13.7 **MAXIMUM BUILDING HEIGHT**

No building shall exceed fifty feet (50') in height. The maximum building height may be waived by a 2/3 vote of the Commission.

13.8 **ENVIRONMENTAL PROTECTION**

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

**Amended effective 5/13/96.**

13.8.1 The Commission may require the applicant to submit an environmental evaluation report for a proposed development located in an environmentally sensitive area. Evaluation reports by Commission approved independent professionals and other experts such as hydrologists, geologists, and soil scientists may be required at the expense of the applicant.
13.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

13.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 14. INDUSTRIAL (I) DISTRICT

14.1 PURPOSE

The intent of this district is to provide for a full range of industrial and manufacturing facilities which benefit the residents of Montville and have minimum impacts on the natural resource base of the Town.

14.2 PERMITTED USES

14.2.1 The manufacture, assembly, processing, fabrication, compounding, treatment, maintenance, repair or packaging of raw materials, goods, or products provided that such uses are not dangerous, injurious, or detrimental to the community by reason of noise, odor, dust, vibration, refuse matter, smoke, fire, explosion, toxic fumes, or water, air and ground pollution.

14.2.2 Printing and publishing establishments

14.2.3 Bulk storage of fuel oil, coal, bottled gas, and other open storage yards

14.2.4 Business, professional offices

14.2.5 Office buildings

14.2.6 Research, design and development facilities

14.2.7 Warehousing and wholesale businesses

14.2.8 Trucking, bus, railroad, and moving terminals or establishments

14.2.9 Public utility substation or equipment facility, utility right-of-way, railroads

14.2.10 Police, fire and public utility facilities

14.2.11 **DELETED 10/11/97**

14.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provision of Section 17 of these Regulations

14.3.1 Trade and technical schools and facilities

14.3.2 **DELETED 10/11/97**

14.3.3 Temporary gatherings such as fairs, outings, job marts

14.3.4 **DELETED 10/11/97**

14.3.5 Ambulance facilities

14.3.6 **DELETED**

14.3.7 Nursery school and day care facility serving more than six (6) children

14.3.8 Excavations or filling operations greater than 500 cubic yards
14.4 MINIMUM LOT SIZE

The minimum lot size in this district is 40,000 square feet

14.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 150 feet of frontage on a street or a fifty (50') foot wide R. O. W., said easement must be approved by the Planning and Zoning Commission.

14.6 MINIMUM SETBACKS

| 14.6.1 | FRONT YARD | 30 feet |
| 14.6.2 | SIDE YARD  | 15 feet |
| 14.6.3 | REAR YARD  | 30 feet |

14.7 MAXIMUM BUILDING HEIGHT

No building shall exceed fifty (50') feet in height. The maximum building height may be waived by a 2/3 vote of the Commission.

14.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission and meet the health code of the State of Connecticut.

Amended effective 5/13/96.

14.8.1 The Commission may require the applicant to submit an environmental evaluation report for a proposed development located in an environmentally sensitive area. Evaluation reports by Commission approved independent professionals and other experts such as hydrologists, geologist, and soil scientists may be required at the expense of the applicant.

14.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 19 of these Regulations.

14.10 SIGNS

All signs in this district shall conform with the provisions of Section 20 of these Regulations.
SECTION 15 CI DISTRICT (COASTAL INDUSTRIAL DISTRICT)

DELETED 10/11/97
SECTION 15.A GOVERNMENT (G) DISTRICT

15.A.1 PURPOSE

This zone is intended for state, local government, and utility land uses, such as schools, fire stations and municipal buildings. These uses may be site specific depending on the needs of the community.

15.A.2 PERMITTED USES

The following uses shall be permitted within this district:

15.A.2.1 Public utility substation or equipment facility, utility right-of-way and railroads.

15.A.2.2 Temporary gatherings such as fairs or community functions

15.A.2.3 Public works facilities and associated equipment and storage yards

15.A.2.4 Accessory buildings and uses

15.A.2.5 DELETED 10/11/97

15.A.3 SPECIAL PERMITS

15.A.3.1 Police, ambulance, and fire protection facilities

15.A.3.2 Community building, town hall, government offices

15.A.3.3 Schools

15.A.3.4 Parking facilities

15.A.3.5 DELETED 10/11/97

15.A.4 MINIMUM LOT SIZE

The minimum lot size in this district for occupied structures is 20,000 square feet.

15.A.5 MINIMUM LOT FRONTAGE

Each lot in this district which contains an occupied structure shall have at least 100 feet of frontage on a street.

15.A.6 MINIMUM SETBACKS

15.A.6.1 FRONT YARD 30 feet

15.A.6.2 SIDE YARD 15 feet

15.A.6.3 REAR YARD 30 feet
15.A.7 MAXIMUM BUILDING HEIGHT

No building shall exceed 70 feet in height. The maximum building height may be waived by a majority vote of the Commission.

15.A.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within the wetlands buffer, as set by the Wetlands Commission, or have any impact on the wetlands shall require approval by the Wetlands Commission. All facilities must comply with the State of Connecticut Health Code.

15.A.9 OFF STREET PARKING

Off street parking shall be provided for each lot in this district in accordance with Section 19 of these Regulations.

15.A.10 SIGNS

All signs in this district shall conform with provisions of Section 20 of these Regulations.
SECTION 16. GENERAL REQUIREMENTS

16.1 DEFINITION

The requirements in this Section apply to more than one zoning district or specific uses, regardless of where they may occur.

16.2 MULTIPLE USES AND BUILDINGS

The Commission may permit more than one principal building or use to be located and conducted on a lot under the same ownership or sponsorship for multi-family, commercial, industrial, recreational, institutional governmental, educational, and farming purposes. Such buildings or uses shall be planned as a unit, with integrated parking, access, building design and landscaping and shall meet the requirements of these Regulations.

16.3 SOIL EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater runoff on the proposed site based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

16.3.1 The Soil Erosion and Sediment Control plan shall include the following:


b. TR-55 drainage analysis or other drainage analysis deemed acceptable by the Town Engineer may be required by the Town Planner.

16.3.2 After review of the Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the soil erosion and sediment control plan complies with these Regulations. A vote of the Commission to approve a site plan shall mean certification of the erosion and sediment control plan as well. Prior to certification, any plan submitted to the Commission may be reviewed by the New London County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan by the New London County Soil and Water Conservation District.

16.3.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, must be covered by a Performance Bond or other assurance acceptable to the Commission and the Director of Finance. The Performance Bond shall comply with the requirements of Section 16.12 of these Regulations. AMENDED EFFECTIVE 12/15/11

16.3.4 The Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Commission may require the applicant to submit progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained. To facilitate this review, the Commission may require as-built plans.
16.4 SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS  
** AMENDED EFFECTIVE 6/1/11  

The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Montville, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE including areas designated as a floodway on a FIRM. SFHA are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE’s provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFE’s published in the FIS for a specific location. The FIRM and FIS are on file with the Commission.

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

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

The following requirements are intended to reduce the threat of public safety and loss of property values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Montville in the National Flood Insurance Program. In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the requirements of this subsection shall control. The following regulations apply within the SFHA:

16.4.1 All applications for zoning permits or special permits for new development (including manufactured home parks and developments) greater than fifty (50) lots or five (5) acres shall include with such applications base flood (a flood having a one percent chance of being equaled or exceeded in any given year) elevation data for that portion of development located within the SFHA.

16.4.2 The following development standards and requirements shall apply to uses permitted within designated areas of the SFHA in accordance with these Regulations:

a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level;

b. All new construction and substantial improvements to non-residential structures shall have the lowest floor (including basement) elevated or floodproofed to or above the base flood level;

c. Non-residential structures may be floodproofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required
elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Building Inspector;

d. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect to meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
2. The bottom of all openings shall be no higher than one foot (1') above grade;
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
4. Electrical, plumbing, and other utility connections are prohibited below the base flood level; and
5. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

e. All manufactured homes, including recreational vehicles placed on a site for 180 consecutive days or longer, or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. The manufactured home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored and so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the general standards of Section 16.4.3 and the elevation and anchoring requirements for a manufactured home in this Section 16.4.2 e. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

f. When base flood elevation data or floodway data are not available, then the Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of these Regulations.
improvements shall be constructed by methods and practices that minimize flood damage; (e) new or replacement water supply systems and/or sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; (f) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and (g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In AE-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one foot (1.0 ft) at any point within the community when all anticipated development is considered cumulatively with the proposed development.

16.4.4 In order to protect the public health, welfare, and safety in times of flooding, only those uses/activities listed below shall be permitted within the Floodway as designated on the Flood Insurance Rate Map, provided they meet the standards of Section 16.4.5.

a. Agricultural operations, excluding buildings and other habitable structures

b. Private and public recreational uses including golf courses, tennis courts, parks, picnic areas, and other such similar open recreational uses permitted in the underlying zone

c. Open parking areas and drives, paved or otherwise, associated with land uses adjacent to such floodway

d. Open storage yards for suitably anchored equipment and material permitted in the underlying zone, provided the stored items are not flammable or toxic, or able to contaminate public waters

e. Any other non-structural use permitted in the underlying zone

f. Open yard areas associated with land uses adjacent to such floodway

g. Utility connections and installations

h. Public utility substations, equipment facilities and appurtenances

i. Sand, gravel and earth product excavation

j. Railroad rights of way

k. Activities conducted for the specific purpose of preserving soils, vegetation, water, fish, shellfish, wildlife and other water resources.

16.4.5 Applicants for development within the SFHA shall submit with their respective permit applications assurances that the flood carrying capacity of the flood plain is maintained within any altered or relocated portion of any watercourse, and in the case of development within a designated floodway as designated on the Flood Insurance Rate Map certification, with supporting technical data, by a licensed professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments, use or activity (including fill, new construction or substantial improvements and other developments) shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.
The Commission may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other sources (in response to the municipality’s request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point with the community.

16.4.6 The Commission shall notify, in riverine situations, adjacent communities and the Water Resources Unit of the Connecticut Department of Environmental Protection prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Federal Emergency Management Agency.

For all new applications for permits within the SFHA, the Commission shall: (a) record the elevation (in relation to mean sea level) of the lowest floor (including basement) or the floodproofing level of all new or substantially improved structures, in accordance with Section 16.4.2 above; and (b) review permits to assure that sites are reasonably free from flooding and require that all state and federal permits are obtained.

16.4.7 Any applicant to whom a flood hazard variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as twenty-five ($25.00) dollars for one hundred ($100.00) dollars of insurance coverage. The Zoning Enforcement Officer shall maintain records of all appeal actions and report any variances to the Federal Emergency Management Agency in its biennial report.

16.4.8 Connecticut General Statute (CGS) Volume 2, Title 8, Chapter 124, Sections 8-2l (as amended from time to time) requires the following:

a. **Equal Conveyance**: Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

b. **Compensatory Storage**: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

16.4.9 **Aboveground Storage Tanks**: Above ground storage tanks (oil, propane, etc) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral
movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

16.4.10 **Portion of Structure in Flood Zone** – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

16.4.11 **Structures in Two Flood Zones** – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

16.4.12 **No Structures Entirely or Partially Over Water** – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

**16.5 COASTAL AREA MANAGEMENT**

16.5.1 **Definition of Coastal Area**: The coastal area is that area contained by the Coastal Boundary which shall be a continuous line delineated on the landward side by the interior elevation of the one hundred (100) year frequency coastal flood zone, as defined and determined by the Federal Emergency Management Agency, or a one thousand foot (1,000') linear setback measured from the mean high water mark in coastal waters, or a one thousand foot (1,000') linear setback measured from the inland boundary of tidal wetlands mapped under the provisions of Section 22a-20 of the Connecticut General Statutes, whichever is the farthest inland. The waterside of the coastal area shall be the Town boundary. Coastal boundary maps are on file for public inspection in the offices of the Planning and Zoning Commission and Town Clerk.

16.5.2 **Requirements and Exemptions**: All buildings, uses, and structures fully or partially within the coastal boundary as defined in Chapter 444, Section 22a-94 of the Connecticut General Statutes and described in Section 16.5.1 of these Regulations, shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes with the exception of gardening, grazing, and harvesting of crops which shall be exempted from the above requirements; however, the following activities may be exempted from the coastal site plan review requirements under the authority of subsection (b) of Section 22a-109:

a. Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds;

b. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings;

c. Construction of new or modification of existing on-premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach;
d. Construction of an individual single-family residential structure except in or within one hundred feet (100') of the following coastal resource areas: (1) tidal wetlands; (2) coastal bluffs and escarpments; and (3) beaches and dunes;

e. Activities conducted for the specific purpose of preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal and water resources;

f. Interior modifications to buildings;

g. Minor changes in use of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters;

h. The foregoing exemptions from coastal site plan review requirements apply to the following site plans, plans and applications:

1. Site plans submitted to the Planning and Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes.

2. Applications for special permits submitted to the Planning and Zoning Commission in accordance with Sections 8-2 of the Connecticut General Statutes and as required by Montville Zoning Regulations.

3. Applications for variances and particular exemptions submitted to the Zoning Board of Appeals in accordance with subsection (3) of Section 8-6 of the Connecticut General Statutes and subsection (3) of Section 8-3 of these Regulations.

4. A referral of a proposed municipal project to the Zoning and Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

16.5.3 Coastal Site Plan: Except where exempted under the provisions of Section 16.5.2 of these Regulations, in addition to meeting the other requirements of these Regulations, all applicants for zoning permits, special permits or variances relating to uses proposed for location fully or partially within the coastal area shall submit a coastal site plan which shall accomplish the following:

a. Show the location and spatial relationship of coastal resources on and contiguous to the site;

b. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;

c. Assess the capability of the resources to accommodate the proposed use;

d. Assess the suitability of the project for the proposed site;

e. Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources;

f. Demonstrate the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes.

16.5.4 Coastal Site Plan Review: In addition to any other applicable site plan review criteria prescribed by these Zoning Regulations, a Coastal Site Plan required under Section 16.5.2 of these Regulations shall be reviewed and may be modified, conditioned, or denied in accordance with the procedures and criteria listed in this section of these Zoning Regulations.
a. The Commission may, at its discretion, hold a public hearing on any coastal site plan submitted to it for review.

b. In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both the coastal resources and the future water-dependent development opportunities, the Commission shall: (1) consider the characteristics of the site, including the location and condition of any coastal resources defined in Section 22a-93 of the General Statutes; (2) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and (3) follow all applicable goals and policies stated in Section 22a-92 of the General Statutes and identifying any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning, or denying a coastal site plan on the basis of the criteria herein described, the Commission shall state in writing the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.

c. In approving any activity proposed in a coastal site plan, the Commission shall make a written finding that the proposed activity with any conditions or required modifications (1) is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes; and (2) incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

16.5.5 **Bond:** As a condition to a coastal site plan approval, the Commission may require a Performance Bond to secure compliance with any modifications, conditions, or other terms stated in its approval of the plan. The bond shall be in an amount sufficient in the opinion of the Commission and approved as to form by the Director of Finance and shall comply with Section 16.12 of these Regulations. **AMENDED EFFECTIVE 12/15/11**

16.5.6 **Time Limitations:** Whenever the approval of the coastal site plan is the only requirement to be met or remaining to be met under these Regulations for a proposed use or structure, a decision on an application for approval of such site plan shall be rendered as prescribed by law.

16.5.7 **Violations:** Any activity within the defined coastal area not exempt from coastal site plan review pursuant to Section 16.5.2 above, which occurs without having received a lawful approval from the Commission under all of the applicable procedures and criteria prescribed by these Zoning Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and a zoning violation and appropriate legal remedies will be taken by the Commission for the abatement of such nuisance.

**16.6 LOT FRONTAGE REDUCTIONS**

Minimum lot frontage requirements may be reduced to no less than fifty feet (50') for lots facing a circular turnaround at the end of a dead end street, provided that the frontage requirement is maintained at the building line.

**16.7 HEIGHT MODIFICATIONS**

In Commercial and Residential districts, maximum building heights may be exceeded for such features as steeples, cupolas, water towers, utility structures, civil defense installations, chimneys, silos and barns, and antenna structures for individual dwellings and businesses. Architectural features such as roof lines which extend beyond the vertical limit of the structure may encroach not more than two feet into the required setback area.
16.7.1 Any ground-mounted antenna shall be regarded as an accessory use; shall be erected to the rear of the principal structure; and shall meet the yard requirements of the applicable zone.

16.7.2 Not more than one (1) ground-mounted antenna shall be permitted on each lot.

The Commission by a 2/3 vote may waive a maximum building height.

16.8 DELETED

16.9 DELETED 10/11/97

16.10 ACCESSORY USES

Accessory buildings and uses shall meet the following requirements:

16.10.1 An accessory structure attached or connected to the principal structure by walls or roofs shall be considered a part of the principal structure and shall conform to the yard requirements of the district in which it is located.

16.10.2 No accessory structure shall be built on a lot that does not contain a principal structure or use.

16.11 – DELETED

16.12 PROJECT SECURITY (AMENDED EFFECTIVE 12/15/11)

16.12.1 Performance Bonds

a) A Performance Bond shall be posted by applicant to ensure completion of all required public improvements and utilities provided in the Final Plan in the event the applicant shall fail to install the same within the term of such Performance Bond or any extension thereof. A Performance Bond for erosion and sedimentation control measures shall be posted by the applicant prior to the commencement of the construction of any improvement or work on any project for which a Performance Bond is required by the Commission. The term of the Performance Bond may be extended by the Commission upon approval of a petition from the applicant to the Commission requesting an extension subject to agreement of such extension by the party issuing such bond. If the applicant shall fail to complete all improvements in accordance with these Regulations and the approved Final Plan, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Performance Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, supervision and inspection of work, legal fees, and the like.

b) In computing the amount of the Performance Bond, the Commission shall include the construction cost of the following items:

1. The construction cost of all required improvements, including storm drainage system, erosion and sedimentation control measures, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for applicant’s plan approval or depicted on the endorsed Final Plan, Plan and Profile, Erosion and Sedimentation Control Plan, or any other plan as approved by the Commission. The cost of erosion and sedimentation control measures shall be stated separately, and may be reduced by the amount of any cash bond or other performance security required by the Montville Inland Wetlands and Watercourses Commission at such time as such Performance Bond is
posted. In the case of water mains, electric lines or other utilities to be installed by a public utility, a written statement from such utility that the work will be done within the period required for other improvements in such approved Final Plan, and at no expense to the Town of Montville, will be accepted in lieu of the requirements of this Section.

2. Estimated costs shall be those that would allow for the Town advertising and awarding a contract for construction of the improvements, and for engineering review and supervision.

3. Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond may result in an adjustment as to the Bond total.

4. The total estimated cost of the Performance Bond shall also include a 10% addition to cover contingencies.

5. Where a Final Plan is to be developed in phases, the applicant may post a Performance Bond covering the costs itemized in subparagraphs (b) 1 through 4 above, related to those public improvements and utilities located within or required to serve one or more phases rather than for the entire development.

c) As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Final Plan public improvements and utilities:

1. Cash in the form of a certified check, or a passbook, assigned to the Town by assignment forms prescribed by the Commission's legal counsel. The issuing bank ("Surety") shall be one maintaining offices in New London County.

2. A Letter of Credit in favor of the Town in the form prescribed by the Commission's legal counsel. Such Letter of Credit shall be issued only by a bank or comparable lending institution maintaining offices in the State of Connecticut. The issuing bank ("Surety") shall be one maintaining offices in New London County;

3. A restrictive covenant, in a form prescribed by the Commission's legal counsel, to be filed on the land records of the Town of Montville, prohibiting conveyance of the property subject to development pursuant to the Final Plan until such time as all Public Improvements are completed in accordance with these Regulations, or until the incomplete portions of such public improvements are bonded by one of the methods in the preceding two (2) paragraphs.

4. A surety bond that meets the following requirements:

   (i) The surety issuing the bond shall be one approved by the Commission based on a list of approved surety companies that the Commission may, by resolution, approve from time to time. The Commission may by resolution, in its sole discretion, add or remove surety companies based on the performance of such companies in Montville or any other municipality. The Commission may by resolution use a list of approved surety companies published by the Connecticut Conference of Municipalities or any other State-wide organization selected by the Commission.
(ii) The surety company shall maintain permanent offices within the State of Connecticut.

(iii) The surety bond agreement shall contain the following provisions, at a minimum: (a) that payment shall be made in full within sixty-five (65) days of written demand by the Commission or its agent; and (b) that failure to make full payment within such time shall automatically and without further demand result in a penalty of one (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand; and (c) that if litigation is required to collect the said surety bond, the surety company shall pay to the Commission the costs thereof, including witness fees, court entry fees, legal fees, and any other costs and expenses of such litigation; and (d) the surety company shall agree to indemnify and hold harmless the Commission and the Town of Montville against any and all claims of damage or injury sustained upon, or as a result of, the incomplete public improvements during the period following the demand for payment on said surety bond, and for restoration of any damage or deterioration (including, but not limited to, erosion and sedimentation damages) resulting from such delay in payment; and (e) such other provisions as the Commission’s legal counsel shall require.

The above-referenced forms shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the Bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be the end of the term of the Bond or any extension thereof.

d) For all Performance Bond documents: If the applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or Letter of Credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.

e) If at any time, the bond required by this Section shall not be in effect for incomplete or unaccepted improvements, the Commission may file a caveat on the Land Records warning potential purchasers of such fact; or may void the approved Final Plan in accordance with the provisions of these Regulations; or may deny a request for a Certificate of Zoning Compliance.

16.12.2 Performance Bond Release

a) A written application for the release of any Performance Bond upon completion of all required public improvements shall include the submission of scale as-built drawings which shall include all changes in the approved Final Plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall be signed and sealed by both a Connecticut Registered Professional Engineer and a Land Surveyor licensed in the State of Connecticut. The Commission shall grant any bond release requested within sixty-five (65) days of application therefore, unless the Commission provides to the applicant a written explanation as to the additional Work that must be done before such bond shall be released.
b) Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the applicant may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission may refuse such reductions if it finds that the construction of any improvements are in violation of any provision of these Regulations, including any required road specifications, or the plans or conditions for any Final Plan approved hereunder.

16.12.3 **Agreement for Installation of Public Improvements:** For any Final Plan involving the installation of Public Improvements, the applicant shall, prior to the endorsement of the Final Plans, enter into a written agreement with the Town to install such Public Improvements, which agreement shall be in the form specified by the Commission’s legal counsel.

16.12.4 **Guarantee of Maintenance of Improved Town Roads:** Constructed or improved Town roads or streets which are called for by the approved Final Plan and accepted by the Town shall be maintained in good repair by the applicant for a period of one year from the date of such acceptance.

16.12.5 **Warranty of Improved Town Roads:** The applicant shall, when notified by the Public Works Director promptly and at its own expense, repair all defects, settlements and irregularities in the construction and operation of any improvements for an improved town road and its appurtenant structures, including drainage system pipes, mains or conduits, curbs, gutters, sidewalks, road surfaces, land turfing and bridges which may arise during a period of one year after acceptance by the Town.

16.12.6 **Certificate of Compliance:** Before release of any bond, the applicant shall present a statement and a copy of the "as built" construction plans, each signed and sealed by a professional engineer licensed to practice in the State of Connecticut, which statement shall certify that the Public Improvements, including but not limited to streets, ditches, watercourses, head walls, storm drains, sanitary sewers, catch basins manholes, sidewalks, gutters, curbs, bridges, culverts and other structures and improvements have been installed in the location and at the elevation or grade shown on the construction plans. Any revisions of the approved construction plan must be approved and initialed by the Selectmen or their agent. Such revision shall be incorporated on the "as built" construction plans.

**SECTION 17 - SPECIAL PERMIT**

17.0 **Intent.** In dividing the Town of Montville into Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. Therefore, those uses are permitted only upon the issuance of a Special Permit by the Commission. The Commission must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Permit for the proposed location.

17.1 **Special Permit.** In any instance involving a use or uses requiring a Special Permit no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit in accordance with this Section 17, or amend a previously granted Special Permit.

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit/ Exception use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission; (b) The new use will require no greater parking or loading than the original, as set forth in Section 19 of these Regulations; (c) The new use shall entail no exterior change to the building or site other than signs which conform to Section 20 of these Regulations; and (d) The new use shall have no impact on the site, the
neighborhood, or the Town which is different from the original, such impact to be measured by
the standards set forth in Section 17.4 of these Regulations.

17.2 **Required Information for Special Permit.** The following information shall, at a minimum, be
provided by any applicant for Special Permit:

a. A completed application form prescribed by the Commission, and an application fee as
prescribed by Town ordinance.

b. **Site Plan.** A site plan, composed of one (1) or more sheets none of which shall exceed
24" by 36", which shall conform to the following requirements, and contain the following
information:

1. **Property Boundary Survey.** A type of survey that accurately depicts
property lines, boundary monumentation and existing/proposed property
improvements. It shall be prepared and sealed by a Licensed CT Land
Surveyor in accordance with the Standards for Surveyors and Maps in the
State of Connecticut (Sections 20-300b-1 through 20 of the Regulations of
State Agencies) and meet the minimum standard of “Class A-2” horizontal
accuracy.

2. **Location Map.** A location map, at a scale of one inch equals one thousand
feet (1" = 1,000’), showing the location of the site in relation to existing
roads, major watercourses, and adjoining properties, and other features which
would assist the Commission/Board and the public to orient themselves to
the site and its boundaries.

3. **General Information.**

a) The name and address of the applicant, property owner of
record, the name of the development, and the names and
addresses of the owners of record of all properties
adjacent to, or across any street from, the subject
property.

b) The name, address and professional seal of each design
professional responsible for, or participating in, the design
of the site.

c) The assessor's map, block and lot numbers for the subject
property and properties within five hundred (500’) feet of
the perimeter of the site.

d) The date of the site plan, a north arrow, and the scale of
the plan.

e) A description of any existing deed restrictions, covenants,
easements, rights-of-way, or similar encumbrances which
run with the land, including the identity of the dominant
and servient estates, the volume and page of the Montville
Land Records where the same are recorded, and the date
upon which they will expire, if any.
4. **Site Features, Existing.** On the site, and within one hundred (100') feet of the perimeter of the site using existing or available information, unless otherwise required by the Commission:

   a) All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, traffic site lines, road widths, utility lines, ledge outcrops, major tree or shrub areas, and other significant features of the site, both natural and manmade.

   b) Wetlands and watercourses in or near the site as defined by the Regulations of the Montville Inland Wetlands and Watercourses Commission, and a statement indicating the quality thereof; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like).

   c) Areas having slopes in excess of twenty (20%) percent.

   d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of Montville, and the rate map designation for such areas.

   e) Existing structures and their uses, general type of construction, height, and the like.

   f) The location of all existing wells, public water supply watersheds, and other public or private water supplies, and fire protection facilities.

   g) Existing monuments, iron pins, and other boundary indicators.

   h) Erosion and Sediment Control Plan which complies with Section 16.3 of these Regulations

   i) Existing contours of the land at intervals of two (2') feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

   j) Existing roads, paths, major and unique natural, scenic, historic, and open space features of the parcel.

   k) Traffic

5. **Site Features, Proposed.** On the site, and for any area off the site where any alteration whatsoever is proposed:

   a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: Proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two (2') foot contours or less; any signs, accessory structures, fences, walls, or other similar structures; location and details for the collecting and handling of refuse; the location of gas, electric, and other utilities to be provided, and whether utility lines shall be placed above or beneath the ground.
b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.

c) The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Uncas Health District.

d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.

e) The percentage of building coverage, combined building and paved area coverage.

f) Alterations in property boundaries, easements, utilities, and the like.

g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s), paths, and similar improvements, and any tie-ins to existing Town or State facilities.

h) Phase lines, proposed future division of the property, long-term lease boundaries, and the like.

i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

j) The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including exterior elevations, building-mounted signs, drive-in windows, building or roof lighting and roof drainage/gutters.

6. Parking and Drainage

a) The site plan shall include all information necessary to establish conformance with the requirements of Section 19 of these Regulations, Off-Street Parking and Truck Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

b) The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Town Engineer to properly evaluate the storm water management plan for the site.
c) The site plan shall include provisions to retain storm water runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed in the Connecticut Storm Water Quality Manual 2004 as may be amended and by the Town Engineer.

d) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

c. **Sanitary Waste Disposal Plan.** For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Montville Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided.

For any site which is not to be served by public sanitary sewers, the applicant shall submit a sanitary waste disposal plan which shall be approved by the Uncas Health District.

d. **Soil Erosion and Sediment Control for Land Development.** Every application for Special Permit shall include an Erosion and Sedimentation Control Plan which conforms to the requirements of Section 16 of these Regulations.

e. **Protection of Surface and Ground Water Supply.** Pursuant to Connecticut General Statutes Section 8-2, as amended, every application for Special Permit, located in a Public Water Supply Watershed, shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

1) A statement describing the nature of the use of any buildings or areas of the site and their method of disposal.

2) The nature of any discharges anticipated.

3) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

4) The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

5) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

6) Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission that
he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

f. **Water Supply; Certificate for Community Wells.** The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

In accordance with Section 8-25a of the Connecticut General Statutes, as amended, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Montville Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

g. **Inland Wetlands and Watercourses.** No application for Special Permit shall be deemed complete without the submission of a copy of a report and motion for approval of an Inland Wetlands Permit from the Montville Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Montville Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

h. **Covenants and Restrictions.** The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.

i. **General Provisions.**

1) **Sufficiency of Information Presented.** Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.

2) **Additional Information.** The Commission may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to: Information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air conditioning equipment and ventilation ducts, samples of construction materials, and the like; the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal
areas, and the like; reports from its own consultants and staff, or from
government agencies.

3) **Number of Copies.** The applicant shall submit no less than nine (9)
copies of all plans, reports, and other documents enumerated above.

4) **Waivers.** The Commission may, upon the written request of the
applicant or upon its own motion, waive the submission of information
set forth in Section 18, Site Plan Requirements and Section 17.2.

5) **Signature Block.** All plans shall contain the words "Approved by the
Montville Planning and Zoning Commission", located within the lower
right corner, with a designated place for the signature of the Chairman,
Vice Chairman, or Secretary of the Commission and the date of
signing.

6) **Adequacy of Information to Establish Compliance.** All applications
shall contain sufficient information to permit the Commission to make
the findings required in Section 17.4 of these Regulations.

17.3 **Application Procedure.**

a. **Who May Apply.** The following persons may apply for a Special Permit: An owner, or all of
the joint owners, of the property upon which the use is to be located; the prospective
purchasers of such property, pursuant to a written purchase agreement, option agreement, bond
for deed, or similar document, provided, however, that the said document accompanies the
application and authorizes the prospective purchaser to apply for zoning permits from the
Town, or, in the alternative, the written consent of the owner of the fee simple interest
accompanies the application; the lessee of a leasehold interest, provided that either the written
consent of the owner of the fee simple interest accompanies the application or, in the
alternative, that a written lease, which must accompany the application, provides that the lessee
is authorized to apply for zoning permits from the Town.

b. **Informal Discussion.** Any proponent of a use permitted by Special Permit may request the
opportunity to place such proposal on the agenda of a regular or special meeting of the
Commission for the purpose of presenting preliminary plans or concepts and receiving
preliminary comments, observations, questions, or areas of concern. Neither the proponent nor
the Commission shall be in any way bound by statements made in such informal discussions,
their purpose being only to minimize delay, expense and inconvenience to the public, the
proponent, and the Commission upon the future receipt, if any, of a formal application for
Special Permit. Following any informal discussion, the Commission may suggest that the
proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies
for review and comment, or may suggest that additional information is or will be required prior
to action on a formal application for Special Permit.

c. **Submission of Application.**

1. **Complete Application.** A complete application shall consist of the
application form and fee, together with the required information set forth in
this Section 17. The date of receipt of any such application shall be the next
regularly scheduled meeting of the Commission or the Board, as the case
may be, or thirty-five (35) days following, the submission of such
application, whichever shall first occur.

2. **Notices Mandated by Statute.** In accordance with C.G.S. 8-3h, the
Commission shall notify the clerk of any adjoining municipality of the
pendency of any application concerning any Special Permit in which (1) any
portion of the property affected is within five hundred (500') feet of the
boundary of the adjoining municipality; (2) a significant portion of the traffic
to the completed project will use streets within the adjoining municipality to
enter or exit in the site; (3) a significant portion of the sewer or water
drainage from the project on the site will flow through or significantly impact
the drainage or sewerage system within the adjoining municipality; (4) water
run-off from the improved site will impact streets or other municipal or
private property with the adjoining municipality. Such notice shall be made
by certified mail and shall be mailed within seven (7) days of the receipt of
the subdivision application, and no public hearing shall be held on any
Special Permit application unless or until such notice has been received. The
adjoining municipality may, through a representative, appear and be heard at
any hearing on such application.

In accordance with C.G.S. 8-3i, in any Special Permit application for any
property which is within the watershed of a water company, as defined in
C.G.S. 16-1, the applicant shall provide written notice of the application to
the water company, provided such water company has filed a map showing
the boundaries of the watershed on the Land Records of the Town. Such
notice shall be by certified mail, return receipt requested, and shall be mailed
at the time of application. The applicant shall submit evidence of such notice
to the Commission at the time of application. Such water company may,
through a representative, appear and be heard at any hearing on such
application. The applicant shall also notify the State Director of Health.

3. Notice to Adjoining Owners. The applicant shall also notify all adjoining
landowners of record of the date, time and place of the public hearing of the
Commission at which said Special Permit is to be considered no less than ten
(10) days preceding the date of said hearing, and shall submit proof to the
Planning Office of such notification. No notice shall be required for the
continuation of a public hearing once it has been opened.

4. Submission for Review. In addition to the requirements set forth in the
preceding paragraph, the Commission/Board may, in its sole discretion,
submit any plans or other information to consultants, employees, or other
governmental agencies for comment and recommendations.

5. Time Limits. The Commission shall, within sixty-five (65) days of receipt
of any application, schedule a public hearing thereon, said public hearing to
be noticed in accordance with the requirements of the Connecticut General
Statutes. The applicant or his/her authorized representative shall attend the
public hearing, and the absence of the applicant or his/her authorized
representative shall be proper grounds for the denial of the application. Said
public hearing may be held open for no more than thirty (30) days following
the opening thereof. Within sixty-five (65) days following the close of said
public hearing, the Commission shall act upon said application. The
applicant may request an extension of any of the time limits set forth in this
paragraph for a period not to exceed the original time limit. These time
limits are in accordance with Connecticut General Statutes as of the time of
adoption of these Regulations; any subsequent amendment to such Statutes
shall control, and be used in place of the preceding, without amendment of
these Regulations.

6. Action. The Commission shall review the application for conformance with
the criteria of this Section 17. The Commission may approve, modify and
approve, or disapprove the application. If the Commission or the Board
determines that the application is incomplete, the same may be denied
without prejudice to any future complete application. If such re-application
is made within one (1) year of the denial without prejudice, the Commission
may, in its sole discretion, waive all or a part of the application fee to reflect
the cost of staff review expenses previously performed.
The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 17. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

7. **Endorsement and Filing.** Within sixty-five (65) days of the Commission approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and two (2) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 9A.1.21 and 18.5.10 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void.

17.4 **Criteria for Decision.** In reviewing an application for Special Permit, the Commission shall consider the following criteria and shall make a finding that:

a. **Complete Application.** The application shall contain all information required by this Section 17, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

b. **Compliance with Regulations.** The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4.13 of these Regulations. Further, the application shall conform to the Montville Subdivision Regulations; the Montville Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Montville Inland Wetlands
and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Uncas Health District; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

c. **Frontage Improvements.** Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

d. **Traffic Access.** All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.

e. **Emergency Access.** All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

f. **Erosion, Sediment, and Runoff Control Standards.** Complies with Section 16.3 of these Regulations

g. **Surface and Groundwater Protection.** In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission conclude that unreasonable adverse impact will result from the granting of the Special Permit.

h. **Water Supply.** No site plan depicting a development to be served by a water company, as defined hereinabove, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Montville Town Council, has been obtained in accordance with Section 18.3.23 of these Regulations.

i. **Public Health and Safety.** The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; floodproofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.
j. **Appropriateness of Use.** The proposed use shall be appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

k. **Special Requirements for Uses in Public Drinking Water Supply Water Sheds.** The following special requirements shall apply to all Special Permit uses located within the Lake Konomoc and Stony Brook Reservoir watershed:

1. All septic systems shall be designed by a Sanitary Engineer registered in the State of Connecticut, and shall include a renovation analysis demonstrating compliance with current standards adopted by the Connecticut Department of Environmental Protection.

3. No stormwater discharge from parking areas, roadways, rooftops or areas covered with similar impervious surfaces shall be deposited directly into any wetland or watercourse, nor discharged directly into the ground. Suitable surface and/or subsurface measures shall be taken to detain, filter, renovate and otherwise improve the quality of any such waters before discharge to surface or subsurface waters on or off the site. Existing wetlands may be employed for final treatment of stormwaters to the extent of their capacity to do so, but only after initial treatment by new wetlands or structural filtration methods.

17.5 **Specific Recommendations and Requirements for Sites and Buildings.** The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

a. **Site Plan.** The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along public streets may also be required and should be a minimum width of four (4') feet. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

b. **Landscaping and Screening.** All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All large
parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

c. The Commission may waive one or more of the Special Permit requirements, provided the requirement is not required by Connecticut State Statutes, if it finds that the information is not necessary to reach a decision on the application. All waivers shall be requested in writing.

SPECIAL PERMIT USES

17.6 WINERY

An applicant proposing to establish a winery shall comply with the provisions of these Regulations including the following additional requirements:

17.6.1 The entire facility shall be located on a site containing not less than twenty-five (25) acres.

17.6.2 Any structure used for the retail sale or manufacture of wine shall have a setback of a minimum of 150 feet from the centerline of the nearest street.

17.6.3 Single-family dwellings located within the facility are limited to one (1) for the owner of the property and one (1) for the superintendent or manager of the facility.

17.6.4 Any required off-street parking shall be screened from all adjacent lots in any residential district.

17.6.5 The winery shall be operated and maintained in accordance with the requirements, standards and specifications and regulations of the Connecticut Liquor Control Commission and any other applicable laws, regulations, and conditions.

17.6.6 No structure used for the manufacture, storage, or sale of wine shall be located within 600 feet of any school, place of worship, library, or hospital.

17.6.7 One (1) sign not exceeding 16 square feet in area shall be permitted at each entrance from a public street.

17.6.8 No manufacture, storage, or sale of wine shall occur until all improvements are completed according to the site plan.

17.6.A GASOLINE FILLING STATIONS AND CONVENIENCE/GASOLINE SALES ESTABLISHMENTS

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements:

17.6.A.1 Prior to applying for a special permit, the applicant must have the location approved by the Montville Zoning Board of Appeals in accordance with Title 14 of the Connecticut General Statutes; an existing gasoline filling station that has been approved previously by the Zoning Board of Appeals need not reappear before the Zoning Board of Appeals.
17.6.A.2 In the case of a gasoline filling station only, storage of not more than one (1) motor vehicle for every 1000 square feet of lot area shall be permitted at any time; the Commission may also limit the amount of overnight parking. Minor repairs and service activities shall be permitted in accordance with these Regulations at gasoline filling stations. The Commission may require suitable fencing at gasoline filling stations or convenience/gasoline sales establishments to protect the surrounding properties.

17.6.A.3 The site of a gasoline filling station or convenience gasoline sales establishment shall have a frontage of at least 200 feet on a public street and shall have a depth of at least 150 feet. Gasoline filling stations and convenience/gasoline sales establishments designed to serve trucks larger than five (5) tons capacity shall have a lot width of at least 300 feet.

17.6.A.4 Fuel pumps shall be set back from the street line a minimum of twenty-five feet (25'). All other buildings and structures, except underground storage tanks, shall be set back a minimum of twenty-five feet (25') from the street line, ten feet (10') from each side line, and twenty feet (20') from the rear lot line, unless larger front, side or rear yards are required by these Regulations. All structures shall be set back a minimum of fifty feet (50') from the side line of a contiguous lot in a Residence District. A suitably landscaped and screened area minimum of ten feet (10') wide, or six feet (6') high, stockade type, wooden fence, with finished side facing the Residence District shall be maintained between a gasoline filling station or convenience/gasoline sales establishment and a contiguous lot in a Residence District.

17.6.A.5 There shall be no lighting or other illumination that will cause any glare observable within a Residence District. All exterior lighting shall be of such design and location that the light source cannot be seen beyond the boundaries of the site on which the facility is located.

17.6.A.6 These provisions shall not be intended to prohibit the conversion of existing gasoline filling stations with non-conforming bulk or lot area to convenience/gasoline sales establishments, provided that said conversion or change of use does not increase the degree of or create a non-conforming bulk and complies with all other regulations applicable to such use.

17.6.A.7 The area designated for fuel deliveries at a gasoline filling station or convenience gasoline sales establishment shall be designed to promote safe and efficient circulation of vehicles on site. Said delivery area shall be of sufficient size to accommodate delivery trucks, and shall not be located within off-street parking spaces, or exit or entrance roadways, or driveways to the site. The type and location of the gasoline storage tank must be approved by the Fire Marshal prior to approval of the special permit.

17.7 RECREATIONAL CAMPS

An applicant proposing to establish or expand a Recreational Camp shall comply with the provisions of Section 17 and these Regulations and the following additional requirements:

17.7.1 The site shall contain a minimum of forty (40) acres

17.7.2 The maximum number of campsites per acre shall average 10. Sites shall generally be rectangular in shape. Each individual campsite for accommodation of recreational vehicles shall contain a minimum of 2500 square feet. Tent sites may contain a minimum of 1600 square feet. Minimum campsite widths shall be 50' and 40' respectively. All sites shall have direct access only to interior circulation roads and shall be provided with a minimum of 15' of frontage thereon. All sites shall have permanently posted, chronological lot or site numbers.
17.7.3 A landscaped screen and buffer strip a minimum of 50' wide shall be provided or retained along the entire perimeter of the camp property. The buffer area shall include evergreen plantings of such type, height, spacing and arrangement as, in the opinion of the Commission, will, to the extent possible soften the impact to and screen the recreational vehicles from the neighboring residential lots and uses. Non-evergreen plantings or existing landscaping may supplement evergreen plantings. Walls, ornamental fences, earthen berms or other architectural materials may also be utilized in conjunction with natural screening. The buffer shall be designed to provide a continuous screen within one (1) year of installation when viewed horizontally at grade from adjacent or contiguous properties, including those across streets, watercourses, waterbodies, and the like. In the event existing topography and/or landscaping provides adequate buffering in accordance with the intent of these regulations, the Commission may modify this requirement.

17.7.4 Access and interior circulation roads shall be provided with a suitable dustless and all-weather surface, and shall be graded, drained and properly maintained to ensure the safe and convenient passage of patron and public safety vehicles. Road grades shall not exceed 10% unless, in the opinion of the Commission, such increase in grade is necessary and will not adversely affect the public safety. Minimum width of interior roads shall be 15' for one-way traffic and 24' for two-way traffic. All interior roads, accessways and travelways shall have radii designed to accommodate and facilitate movement of vehicles and equipment on and through the site. Roads to be used by recreational vehicles over 20' in length shall have a minimum internal radius of 60'. Dead end roads in excess of 100' shall be provided with turnarounds containing internal radii of 60', unless exclusively reserved for tent sites.

17.7.5 Maximum length of recreational vehicles which are not self-transporting shall be 36' and maximum width of all recreational vehicles when in transit shall be 8'6". All requirements of the Public Health Code of Connecticut, as amended from time to time, shall be complied with.

17.7.6 Water supply and sewage disposal facilities, and restrooms shall be provided in accordance with the Public Health Code of Connecticut for campgrounds, as amended, and shall comply with any other municipal, regulatory, or statutory requirements governing development of same; however, no individual facilities shall be provided for individual camp or tent sites.

17.7.7 Recreational campground sites shall be occupied only by a recreational vehicle or tent, and not by any type of permanent dwelling unit or structure not authorized herein or elsewhere by these Regulations.

17.7.8 No camp or tent site, recreational building or facility (other than a beach area for camp patrons), or accessory building or structure shall be located within 100' of any property line.

17.7.9 A sign not more than 12 square feet in area shall be permitted at the entrance to a Recreational Camp. Maximum height shall be 8'. Such sign shall be a minimum of 10' from the street or lot boundary and shall not pose a traffic hazard. Directional signs shall be permitted within the Recreational Camp provided they are suitably located and do not exceed 2.5' in height and three (3) square feet in area.

17.7.10 The storage, collection and disposal of refuse shall be so managed as to avoid a health hazard or an odor nuisance. Adequate numbers of containers shall be provided within 100' of each individual site. Dumpsters shall be effectively screened and enclosed.

17.7.11 A single family home for the owner or manager of the Recreational Camp is permitted on site. A camp store, snack bar, communications facilities, maintenance and storage facilities, and the sale of camp supplies shall be permitted accessory uses provided each is designed and intended for, and used by, campground patrons, and same do not exceed 600 square feet of floor space.
17.7.12 Each Recreational Camp shall provide a minimum of 15% of the gross land area of the camp for open space and recreational use. Active recreational areas shall be provided as deemed proper by the Commission and shall be centrally and strategically located to the extent possible. Recreational buildings and facilities shall be located within designated open space areas unless expressly permitted elsewhere by the Commission. A recreation area shall contain facilities including, but not necessarily limited to swings, ball fields, playground apparatus and the like. A facilities plan shall be provided with the plan and be approved or modified by the Commission. Open space may remain in its natural state.

17.7.13 Provisions shall be made for fire safety in accordance with Chapters 5 and 7 of NFPA publication 501D and these Regulations as amended.

17.7.14 Although all other regulations apply in the case of new or subsequent applications, valid development sites for Recreational Camps approved by the Commission prior to the adoption of this amendment but after the inception of Zoning in Montville shall not be required to reconstruct or rearrange their existing physical facilities to provide compliance with same unless such work is required through some other statute, ordinance, covenant, regulations, agreement, or legal relationship. Non-conforming Recreational Camps existing prior to the effective date of Zoning in Montville, which have not subsequently received special permit approval, shall comply with the requirements of Section 4.13.

17.7.15 Recreational Camps shall be used for active camping between April 1 and October 31 of each calendar year. Upon the close of the camping season, all recreational vehicles shall be disconnected from utilities including, but not necessarily limited to, electric, water, sewer or sewage disposal, gas and the like and all camp permit holders and/or proprietors shall certify to the Commission's Agent and the Building Official by November 10 that such measures have been accomplished and no camping is taking or shall take place between November 1 and March 31 of the following year. Each operator of a Recreational Camp shall maintain occupancy records which must be available for inspection by the Commission or its agent. This section shall not be deemed to require removal of vehicles from the Camp or individual sites between November 1 and March 31.

17.8 EXCAVATION OF EARTH MATERIALS

The purpose of this special permit section is to provide for reasonable opportunities for excavation of earth materials; minimize safety hazards which can be created by open excavations; protect groundwater, and maintain the aesthetic features of the Town. Large deposits of sand and gravel can be valuable sources of construction materials. However, due to their permeability, once contaminants are spilled or dumped, they can quickly spread. These regulations require the use of Best Management Practices for storm water treatment, land restoration, and to ensure that fuels and lubricants used by earth moving or processing equipment are handled properly. These Regulations do not apply to site grading associated with an approved site plan for a commercial or industrial project. Excavation and processing of earth materials for commercial use and sale may be allowed by special permit in the Industrial and Light Industrial Zones. The excavation and processing of earth materials in all other Zones are subject to the applicable sections of this regulation.

An applicant proposing to establish this use in an Industrial or Light Industrial Zone shall comply with the provisions of these Regulations including the following additional requirements.

17.8.1 Excavation Plan. The Applicant shall submit an excavation plan prepared by a Connecticut licensed Professional Engineer which shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control, comprehensive site safety, erosion and sediment control and stormwater management. The plan shall contain a sequence narrative and the following items
1. Name and address of the owner, the excavator (if different) and all abutters

2. The plan shall address all applicable requirements of Section 18.3 of these regulations

3. Existing and proposed internal access roads, including width and surface materials

4. The elevation of the highest annual average ground water table within or next to the proposed excavation

5. Test pits that extend to the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location, soils data and boring logs. Test pits shall be located within the proposed excavation area. A minimum of three permanent benchmark monuments shall be set outside the limits of excavation prior to the start of excavation.

6. Proposed fencing, including height and materials

7. Plans for equipment maintenance

8. A listing of all required municipal, State, Federal permits

9. A listing of all equipment which will be used on the site

10. The area in acres to be disturbed, quantity to be removed in cubic yards, depth and slope of the excavation

11. The Commission or the Planning Director may require a traffic impact study

12. The plan shall contain a property boundary survey and a vertical control survey with T-2/T-3 contour accuracy (See Appendix “D”)

Reclamation Plan

1. The Applicant shall submit a Reclamation Plan prepared by a Connecticut licensed Professional Engineer which shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, fill material, and should address future land use consistent with the Zoning District and the Plan of Conservation and Development

2. Final topography of the area proposed for reclamation, at contour intervals of two feet or less, which shall comply with T-2/T-3 contour accuracy standards (See Appendix “D”)

3. Final surface drainage patterns, including the location and physical characteristics of all artificial and or modified drainage facilities

4. Schedule of final reclamation activities including grading, seeding, cover vegetation, maintenance and disposition of buildings and equipment
Quarry Operations

1. The Applicant shall submit a Quarry Plan prepared by a Connecticut licensed Professional Engineer which shall address the overall stability of the excavation based on the rock strengths, the jointing and discontinuities within the rock mass, failure modes, the external influences including hydrogeology, and internal stressors such as old mining, landslip, use of explosives, proximity of housing and infrastructure and equipment to be used.

2. Bench elevations shall be selected to minimize the production of large rocks at the highest face elevations

3. Details of excavation method

4. The competencies, duties and authority of those involved in the design of the quarry and how they fit into the management structure

5. Details of what must be done before the quarry ceases operations or is abandoned to ensure that it is left, in so far as is reasonably, in a safe condition.

17.8.2 No excavation shall be permitted within fifty feet (50') of a street or be located within fifty feet (50') of an interior property line unless the finished grade conforms to the street grade or will be the same as the grade of the adjoining property along the property line. No excavation shall be located within 100 feet of a residence on an adjoining property. The maximum area allowed by permit shall be ten acres, exclusive of areas occupied by buildings and sorting areas. The maximum area allowed by permit for a working excavation area shall be five acres. Each five acres shall be reclaimed in accordance with the approved reclamation plan before excavation of the next five acre unit may begin.

17.8.3 No equipment used for the processing of excavated material such as a crusher or grader shall be located closer than 500 feet to any structure used for residential purposes. The crushing of earth products for commercial sale from the property shall be permitted only in Industrial and Light Industrial Zones.

Requirements for screening and crushing in residential and commercial zones

A. Screening may be accomplished at a valid excavation site, such as the construction of a new road in a Residential and/or Commercial District when the following conditions are met:

1. The processing (screening equipment) shall be portable and self contained.

2. Only material excavated at the permitted site may be screened on site.

3. The processing (screening) activity shall take place only between 8 A. M. and 4 P. M. No processing shall be permitted on weekends or holidays.

B. The use of a portable self contained crusher may be allowed by special permit at a valid excavation site, such as the construction of a new road, for a maximum of four weeks per site each calendar year:
1. The lot size shall be a minimum of 10 acres.

2. No crushing shall be permitted from June 15 to September 15.

3. There shall be no washing of materials on site.

4. The proposal shall be found to comply with Section 17.3.

5. The processing (crushing activity) shall take place only between 8:00 A.M. and 4:00 P.M. No activity shall be permitted on weekends or legal holidays.

6. Only material excavated and unearthed at a site in accordance with a valid excavation permit shall be permitted to be processed (crushed) on said site.

17.8.4 For sites located within an Industrial of Light Industrial Zone excavations and processing shall only be conducted between the hours of 7:00 A.M. and 6:00 P.M. No excavations or processing shall take place on Sundays or on the following Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Hour and Day restrictions do not apply in the case of Municipal, State or Federal Emergencies.

17.8.5 Where an excavation will have a depth of ten or more feet and or slopes of one to one or greater, there shall be a suitable fence at least six feet (6') in height with suitable gates and such fence shall be located fifty feet (50') or more from the active edge of the excavation.

17.8.6 Excavated Topsoil and subsoil shall be stockpiled on the site. These soils may not be sold or exported from the site until a Connecticut licensed Professional Engineer has certified that the reclamation of the site is complete in accordance with the approved Reclamation Plan.

17.8.7 Before a special permit for an excavation is issued, the applicant shall post a Performance Bond in accordance with Sections 18.5.10 and 16.12 of these Regulations in an amount approved by the Commission as sufficient to guarantee conformity with the applicable provisions of these Regulations.

17.8.8 Any access road within the area of operations shall have a dustless surface which is maintained at all times. Provisions shall also be made to prevent dust from blowing onto neighboring properties from excavation operations.

17.8.9 Locations for access roads, stockpiles and equipment storage shall be selected so as to minimize effects of surrounding properties.

17.8.10 The Commission may require a landscaped buffer strip along neighboring property lines. Such a strip shall consist of an inter-planting of evergreen and deciduous trees, shrubs, and/or opaque fencing suitable, in the judgment of the Commission, to provide in a reasonable time a visual barrier.

17.8.11 A Soil Erosion and Sediment Control Plan meeting the requirements of Section 16.3 of these Regulations shall be prepared and approved.
17.8.12 Special permits for excavations shall not be issued for periods exceeding one (1) year for a new excavation and may be renewed by the Commission for a period of five (5) years if it can be shown that the operation has been conducted in compliance with the provisions of the Regulations.

17.8.A BITUMINOUS CONCRETE AND CONCRETE MANUFACTURING OPERATIONS (RESTRICTED TO I AND LI ZONES ONLY)

17.8.A.1 Any access road within the area of operations shall be paved and maintained in a dust free condition.

17.8.A.2 The hours of operation shall be between 7:00 A. M. and 6:00 P. M. No operations shall take place on State legal holidays or Sundays, except that the Planning and Zoning Commission may grant extended hours and days of operation upon the request of any permit holder for the purpose of addressing the supply requirements of a specific job.

17.8.A.3 Stock pile areas shall be shown on the site plan and be located a minimum of 100 feet from any property line or regulated wetland or watercourse.

17.8.A.4 The applicant must show evidence that an air quality permit has been obtained from the State Department of Environmental Protection as a prerequisite to obtaining a zoning permit.*** AMENDED EFFECTIVE 1/1/94.

17.9 MULTI-FAMILY DWELLINGS

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements.

17.9.1 The site shall be served by public water and public sewer systems.

17.9.2 DELETED 10/1/08

17.9.3 Buildings shall be so grouped that each facade shall face its full dimension upon a street or private road

17.9.4 DELETED 10/1/08

17.9.5 DELETED 10/1/08

17.9.6 No outside storage or clothes drying area will be provided unless it is completely screened from view from any adjoining property or street. Refuse containers shall be screened from view and provided in sufficient numbers to accommodate refuse from all residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the premises at least once each week.

17.9.7 All driveways, access roads, interior circulation roads, and parking areas shall be paved, curbed, and storm drained. Points of intersection with local streets or state highways shall be designed to provide adequate visibility along the street or highway. Any access road, driveway, or interior circulation road which is fifty feet (50') or longer measured from the point of intersection with an existing street shall be constructed according to the construction specifications of the Montville Town Road Ordinance. All driveways, access roads, and interior circulation roads shall be privately owned and maintained. All residential buildings shall be set back at least 20 feet from the edge of pavement, except for a driveway which leads to a garage and no entrance to a multi-family building shall be more than 500 feet from any parking area utilized to meet the minimum parking
requirements for that building as established by these Regulations. Interior roads may be reduced to twenty-two feet (22') with Commission approval. Overflow parking may be a dustless all weather surface. The Commission may waive curbing and storm drainage requirements if the Town Engineer reviews and approves an alternate design which improves stormwater quality.

17.9.8 Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located shall be required, unless, in the opinion of the Commission they are not necessary. All sidewalks shall be privately owned and maintained.

17.9.9 The Commission may require a maximum of fifteen percent (15%) of the total lot area set aside for permanent open space and recreation area. Active recreation areas shall be located, prepared, and equipped as determined by the Commission so as to adequately meet the needs of the occupants of the development. Required yard areas and insignificant wetlands may not be counted as open space. All dwelling units shall have at least one balcony or patio, which shall afford relative privacy by architectural articulation or in the case of patios by fencing or planting. The minimum size of these areas shall be 30 square feet.

17.9.10 Utilities shall be placed underground.

17.9.11 Fire hydrants shall be installed as required by the Fire Marshal.

17.9.12 No part of any driveway, access, or interior circulation road, parking lot shall be located closer than twenty feet from any property line. All accessory structures i.e. sheds, patios, garages, pools shall be located no closer than 20 feet from any property line.

17.9.13 Suitable landscaping, as determined by the Commission shall be provided on all lots on which a multi-family dwelling is located preserving, wherever possible, the natural landscape. The Commission may require the installation of a buffer strip to provide an effective barrier between a multi-family development and single-family residences on adjacent properties.

17.9.14 The applicant shall submit an architectural rendering of a typical unit.

17.10 MANUFACTURED HOME PARK (MHP)

The purpose of the manufactured home subdivision is to allow for single family manufactured home dwellings to be located on 10,000 square foot lots. Manufactured home parks must be serviced by public water and sewer. Manufactured home parks should afford the private sector the opportunity to make available housing stock which would be accessible to the first time home buyer, single head of household, and the retired segment of the community. A diversified type of housing within the park will be strongly encouraged by the Commission.

17.10.1 Manufactured home parks are permitted in R-20 and R-40 districts.

17.10.2 The minimum land area required for a MHP is 20 acres

17.10.3 Each dwelling unit shall have a minimum of 10,000 square feet of land area. The Commission may require a maximum of 15% of the total gross land area to be set aside for passive or active recreational use. The open space set aside may not be significant regulated wetlands. A clubhouse may be considered as active recreational use.

17.10.4 Internal park roads may be reduced to a width of 22 feet. Internal park sidewalks may be waived by the Commission. The ownership and maintenance of all roads, drainage, and sewer facilities within the park shall remain vested in the owner or owners. Water
distribution facilities may be owned and operated by the owner or a public utility. The location of all fire hydrants and emergency access must be approved by the Fire Marshal prior to the granting of a special permit. All road drainage, and sewer designs must be approved by the appropriate town agency or official. Refuse collection is the responsibility of the owner.

17.10.5 Lot area: 10,000 square feet

17.10.6 Frontage: 100' - 80' frontage shall be varied to provide for maximum variety and aesthetic appeal. Loop roads, in lieu of cul-de-sacs, may be constructed provided that the center line radius of any such road is not less than 45 feet and the central angle of the curve of such road is not less than 180 degrees. On any loop road, lot frontage can be reduced to the center line radius of the road provided that all other bulk regulations contained in Section 17.10 are complied with and both side lot lines are radial to the curve.

17.10.7 Side yard 10 ft. minimum -- total 25 ft.

17.10.8 Rear yard 25 ft.

17.10.9 Front yard: The minimum average of all front yards shall be 25 ft. with no front yard of any lot being less than 15 ft. Front yards shall be staggered to provide a maximum variety in the size of such yards.

All utilities shall be placed underground. Suitable landscaping as determined by the Commission shall be provided. All refuse areas shall be screened. Underground utilities may be waived by a 2/3 vote of the Commission.

17.10.11 The minimum floor area of a manufactured home shall not be less than 600 sq. ft.

17.10.12 If a solid concrete or masonry perimeter foundation is not used exterior wall covering material shall extend to the ground.

17.10.13 The main roof shall have sloping lines with a minimum of 1:6 slope.

17.10.14 The main roof shall be shingled.

17.10.15 The exterior wall covering materials shall look like wood and/or masonry regardless of the actual composition.

17.10.16 A variety of architectural styles and types of manufactured homes shall be encouraged.

17.10.17 All foundation, slab, and tie downs must comply with the most recent edition of the BOCA, FEMA and HUD codes.

17.11 CLUSTER DEVELOPMENTS

The Commission recognizes the concept of clustering dwelling units is neither new nor revolutionary in concept. The original New England villages were usually clustered around a village green. Today, these 17th and 18th century village homes are highly sought after not only for their antiquity but also for the amenities that their location affords. The common open space is still the hub of recreational activity, local markets and service stores are usually within walking distance, and there is generally access to public transportation and/or main arterials.

In more recent decades, communities have experienced suburban and urban sprawl, perpetuated primarily by the cookie cutter approach to subdivision development and the personal mobility which the automobile affords. Sprawl has proven to be costly to the community, the land developer, and the prospective home buyer. This regulation is designed to encourage sound land
use planning, to reduce infrastructure costs, to minimize the impact on the natural resources of the community, to preserve open space, and to promote reasonable housing costs.

17.11.1 **PLAN SUBMISSION**

An application for cluster development shall be submitted in two parts: conceptual and final.

17.11.2 **CONCEPTUAL PLAN**

A conceptual plan shall be a sketch plan which depicts the following:

- Class D survey of the entire parcel
- Proposed lot lines, lot areas, and setbacks.
- Roads
- Open space areas
- Fragile or regulated areas such as slopes in excess of 10%; areas highly susceptible to erosion; regulated wetlands; significant wooded areas; any other areas of significant natural interest
- Proposed method of sewage disposal/water supply

- Project outlined on USGS topographic map
- Statement as to proposed ownership of roads and open space
- Density calculations

17.11.3 **FINAL PLAN**

A final plan submission shall contain all of the following information:

- Comply with Section 18 of these regulations
- A copy of the homeowners association's proposed restrictive covenants for the common open space land.

17.11.4 **MINIMUM TRACT SIZE**

The minimum tract size for a cluster development shall be 15 acres if public sewers are not available. The minimum tract size shall be 10 acres if public sewers are available. The developer may not extend an existing sewer line more than 1000 ft. unless all of the following conditions are found to exist:

- The Town has received an order signed by the Commissioner of DEP to construct public sewers which will service the tract or terminate within 1000 ft. of the tract
- The area has been designated for the installation of public sewers in the Town's state approved water pollution control facilities plan
- The proposed additional peak flow will not result in average daily flows at the waste water treatment plant in excess of 90% of its existing capacity.

17.11.5 Cluster development is permitted in all residential zones.

**AMENDED: 10/11//97**
17.11.6  MINIMUM LOT SIZE

The minimum lot size in each cluster will be determined as follows:

- The minimum lot size shall be 80,000 sq. ft. for lots not served by public sewer if any of the following conditions are found to exist on the proposed lot:
  - A minimum soil percolation rate faster than one inch per minute
  - A soil percolation rate slower than one inch in thirty minutes
  - A maximum ground water level less than three feet below ground surface
  - Ledge rock less than five feet below ground surface
  - Soils with slopes exceeding twenty-five percent
  - Consisting of soil types interpreted as having severe limitations for on-site sewage disposal by the most recent edition of the National Cooperative Survey of the Soil Conservation Service
  - Designated wetlands are within 50 ft. of the proposed dwelling unit or septic system
  - If the lot is located within the drawdown area of an existing public water supply well with a withdrawal rate in excess of fifty gallons per minute, or within 500 ft. of land owned by a public water supply utility and approved for a future well site by the Commissioner of Health Services
  - If none of the above conditions are found to exist, the minimum lot sizes shall be as follows:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>REQUIRED LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRP-160</td>
<td>80,000 SQ. FT.</td>
</tr>
<tr>
<td>R-120</td>
<td>80,000 SQ. FT.</td>
</tr>
<tr>
<td>R-80</td>
<td>40,000 SQ. FT.</td>
</tr>
<tr>
<td>R-40</td>
<td>20,000 SQ. FT.</td>
</tr>
<tr>
<td>R-20</td>
<td>10,000 SQ. FT.</td>
</tr>
<tr>
<td>TC</td>
<td><strong>DELETED 10/11/97</strong></td>
</tr>
</tbody>
</table>

Lots in the R-40 zone may be reduced to 10,000 sq. ft. if served by public sewer and water

17.11.7  The overall density may not exceed the maximum density allowed in the applicable district unless the developer submits a proposal in conformance with Section 17.11.14 of these Regulations.

17.11.8  BULK REQUIREMENTS

Frontage, side yards, front yards, and rear yards may be reduced by 25%. (See requirements in applicable zone.) In no case shall any side yard be less than ten (10) ft. and no rear or front yard shall be less than twenty-five (25) ft. Applicable height restrictions shall remain in effect.

17.11.9  OPEN SPACE REQUIREMENTS

Not less than 15% of the site shall be set aside as permanent open space. At least 5% of the required open space shall be improved and usable by the homeowner's association for active recreation. Wetlands will not be considered for the 15% set aside unless they are determined to be significant by the Inland Wetlands Commission.
17.11.10 The internal roadways may be reduced to a width of 24 ft. if the ownership of all roads, drainage, and sewage facilities remain vested with the owner or are transferred to a homeowner’s association.

17.11.11 Duplexes are permitted in developments served by public sewer and water.

17.11.12 Developments which contain more than 200 acres may have a neighborhood commercial area within the project not to exceed two (2) acres in size.

17.11.13 A final site plan may not be submitted until the Commission has approved the conceptual plan. In reviewing the cluster concept plan, the Commission shall take into consideration all applicable sections of the Subdivision Regulations, public health and safety, the character of the existing neighborhood and any adverse impacts upon that neighborhood, the topography and site limitations of the tract which has been proposed for development, and the overall quality of the open space design.

17.11.14 The Commission may negotiate an overall density increase with the developer if the developer proposes to include affordable housing units within the cluster development. Affordable housing units must meet federal, state and/or regional guidelines.

17.12 GAME FARMS

DELETED 10/11/97

17.13 KENNELS

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements:

17.13.1 The site shall contain at least five (5) acres

17.13.2 All structures and animal enclosures shall be located no closer than 100 feet from the nearest property line. All structures which are intended to house dogs shall meet or exceed the Sound Transmission Class (STC) 50.

** AMENDED 10/11/97

17.13.3 DELETED 10/11/97

17.14 ELDERLY HOUSING

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements:

17.14.1 The site shall be served by public water and public sewer systems.

17.14.2 There shall be no more than sixteen (16) dwelling units per multi-family building and no building shall exceed 160’ horizontal in its greatest dimension.
17.14.3 Buildings shall be so grouped that each facade shall face in its full dimension upon a street or upon an open space which in its least dimension shall not be less than fifty feet (50').

17.14.4 Each building in a group shall not be closer than thirty feet (30') from any other building in the group in a straight line between the nearest parts of the building.

17.14.5 No outside storage or clothes drying area will be provided unless it is completely screened from view from any adjoining property or street. Refuse containers shall be screened from view and provided in sufficient numbers to accommodate refuse from all residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the premises at least once a week.

17.14.6 All driveway, access roads, interior circulation roads, and parking areas shall be paved, curbed, and storm drained. Points of intersection with local streets or state highways shall be designed to provide adequate visibility along the street or highway. Any access road, driveway, or interior circulation road shall be constructed according to the standards of the Montville Town Road Ordinance. The Commission may reduce the internal road width to 22'. All driveways, access roads, and interior circulation roads shall be privately owned and maintained. Parking areas shall be set back a minimum of fifteen feet (15') from any residential structure and no entrance to an elderly dwelling shall be more than 150 feet from any parking area. All elderly units shall be connected to parking areas and recreation facilities by paved sidewalks a minimum of four feet (4') in width.

17.14.7 No part of any driveway, access, or interior circulation road, parking lot, storage facility, improved recreation area or any other structure shall be located closer than twenty feet (20') from any property line.

17.14.8 Indoor and outdoor recreation facilities, maintenance facilities, medical and administrative offices and dining facilities are permitted provided they are intended only for the use of the elderly residents.

17.14.9 Suitable landscaping, as determined by the Commission shall be provided on all lots on which an elderly development is located preserving wherever possible the natural landscape. The Commission may require the installation of a buffer strip meeting the requirements of Section 16.8.2 and 16.8.3 of these Regulations to provide an effective barrier between an elderly development and single-family residences on adjacent properties.

17.14.10 All utilities shall be located underground. This requirement may be waived by a 2/3 vote of the Commission.

17.15 **BED AND BREAKFAST FACILITIES**

The purpose of this provision is to allow for a subordinate use of existing residential building to have guest rooms, without their own separate kitchen facilities, for overnight use of transients. It is the intent of this section to insure that bed and breakfast operations do not infringe upon the privacy, peace and tranquility of surrounding residents nor decrease the aesthetic or real value of surrounding properties.

17.15.1 The owner of the property shall reside in the principal dwelling throughout the duration of its use as a bed and breakfast. The use shall become void if the principal dwelling ceases to be owner-occupied.

17.15.2 The bed and breakfast facilities shall be limited to no more than four (4) guest rooms or fifty (50%) percent of the building’s square footage area, whichever is less. The livable floor area for the principal residential use may not be reduced below the required minimum of 600 square feet.
17.15.3 There shall be no efficiency apartment configuration and breakfast shall be the only meal provided. Breakfast is served only to overnight lodgers. There shall be no cooking facilities in guest rooms.

17.15.4 Rooms available to lodgers shall be limited to the main residential building and no accessory or other building shall be used for the renting of rooms or furnishing of meals.

17.15.5 At least one complete bathroom shall be dedicated to the guest room or rooms.

17.15.6 The applicant shall obtain written certification from the Health District that the plans for water supply and sewage disposal systems are adequate to support the intended use and that all other requirements of the Public Health Code, as they apply, can be met.

17.15.7 The applicant shall provide written confirmation from the Fire Marshal that all requirements of the State Fire Code, as they apply can be met. The applicant shall provide written confirmation from the Building Official that all requirements of the State Building Code, as they apply, can be met.

17.15.8 Parking for the bed and breakfast must be designated on the site plan. There shall be at least two (2) off-street parking spaces designated on the site plan for the owner and one additional off-street parking space for each guest room. Parking must allow for access by emergency vehicles, and no cars may be blocked in. Parking for all guests must be located behind the principal structure or screened by a combination of distance, vegetation, or fencing so as not to be seen from the street and adjacent properties.

17.15.9 The length of stay shall not exceed seven (7) days per guest.

17.15.10 Each operator shall keep a list of the names of all persons staying at the bed and breakfast operation and duration of stay. Such list shall be available for inspection by Town officials at any time.

**AMENDED EFFECTIVE 10/1/94**

17.16 **DELETED**

17.17 **TELECOMMUNICATION TOWERS, ANTENNA AND FACILITIES**

An applicant proposing to establish this use shall comply with the provisions of these regulations including the following additional requirements.

17.17.1 A map showing the coverage areas and level of service areas of the proposed telecommunications site. A map indicating the extent of the provider’s existing and planned coverage within the Town of Montville and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.

17.17.2 A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant’s proposed telecommunication system or Connecticut Siting Council Approval. Consideration of at least one alternate site must be evaluated, at similar level, than the proposed site.

17.17.3 A plan showing where and how the proposed antennae will be affixed to a particular building or structure.

17.17.4 Details on all antennae and mounting equipment including size and color.

17.17.5 Elevations of all proposed shielding and detail of material including color.
17.17.6 An elevation of all proposed equipment buildings, boxes or cabinets. Detail of all proposed fencing including color.

17.17.7 Tower base elevation and height of tower.

17.17.8 A design drawing, including cross section and elevation of all proposed towers. A description of the tower’s capacity, including the number and type of antennae it can accommodate as well as the proposed location of all mounting positions for co-located antennae and the minimum separating distances between antennae. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

17.17.9 Certification from a licensed telecommunications systems engineer indicating that the proposed telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with other communication services.

17.17.10 All proposed landscaping, if appropriate, with a list of plant materials.

17.17.11 Proposed access to the site.

17.17.12 Consideration of future use of re-use of the site, with provisions for facility removal and site restoration.

**AMENDED EFFECTIVE 2/16/99**

17.18 AGE RESTRICTED HOUSING COMMUNITY

17.18.1 The following regulations are established to promote the development of housing for older persons (age 55 or older) within either (i) a Common Interest Community created pursuant to the provisions of Connecticut General Statutes Section 47-200 Et. Seq. or (ii) pursuant to an arrangement (leasehold or otherwise) in which all of the land in the Common Interest Community is owned by a single entity responsible for the maintenance of the Community for the benefit of its Residents. The development of Communities to meet the specialized needs of this age group shall be designed in a manner which is sympathetic to the surrounding neighborhood and sensitive to the ability of the site and infrastructure to accommodate the project.

17.18.2 All applications for Age Restricted Housing Communities shall comply with the requirements of Sections 17 and 18 of these regulations. Applications may be submitted for phased developments; provided, however, that (i) a conceptual master plan for the remainder of the Community is submitted as an integral component of the Special Permit Application and (ii) each proposed phase of the phased Community can be constructed, operated and maintained without the development of any subsequent phase.

17.18.3 An application for an Age Restricted Housing Community shall include:

17.18.3.1 An application form as prescribed by the Commission.

17.18.3.2 A Site Plan Review Checklist on a form prescribed by the Commission.

17.18.3.3 A site plan which also contains all additional data and information required by Section 17.18 of these Regulations.

17.18.3.4 A Drainage Report and Drainage Area Map prepared and certified by a licensed professional engineer.
17.18.3.5 A draft of all covenants and restrictions applicable to the Age Restricted Housing Community. These covenants must provide assurances that the community entry requirements of Section 17.18.16 hereof will be adhered to.

17.18.3.6 Typical front, side and rear elevations of structures to be erected in the Age Restricted Housing Community.

17.18.3.7 If the Age Restricted Housing Community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project.

17.18.3.8 Verification from the Montville Water Pollution Control Authority that the Community is authorized to interconnect to municipal sewers.

17.18.3.9 An agreement from a municipal authority or public instrumentality formed to operate community water systems to own and operate a public water supply for the Community.

17.18.4 Development Standards

17.18.4.1 Internal community roads shall be owned and maintained by the Community Owner or an Association of Community Owners in the event that the Community is a Common Interest Community pursuant to Section 47-200 of the Connecticut General Statutes. Internal community roads shall be a minimum of 22 feet in width (or such greater width as the Commission may determine) and shall be constructed in accordance Best Management Practices for stormwater management and shall be approved by the Town Engineer.

17.18.4.2 The Community Development shall be served by public water and sewer.

17.18.5 The minimum lot frontage for an Age Restricted Housing Community shall be 200 feet on a public street.

17.18.6 The minimum lot size for an Age Restricted Housing Community shall be 10 acres.

17.18.7 The maximum density for an Age Restricted Housing Community shall be four (4) dwelling units per acre.

17.18.8 There shall be no more than four (4) dwelling units per building in an Age Restricted Housing Community.

17.18.9 The minimum habitable floor area of each dwelling unit shall comply with the 2003 International Building Codes and a portion of the 2005 State Building Code State of Connecticut, as amended from time to time.

17.18.10 The following accessory uses and buildings exclusively serving the Residents of the Community may be included with the approval of the Commission:

1. Swimming pools and tennis courts.
2. Community center.
3. Off street parking for recreational vehicles.
5. Shared parking facilities located within 100 feet of the Unit served.
6. Other similar accessory uses acceptable to the Commission.

17.18.11 Each building in a group shall not be closer than twenty-five (25') feet from any other building in the group measured in a straight line between the nearest parts of the building.
17.18.12 Each Age Restricted Housing Community which contains in excess of thirty (30) housing units shall provide a community/recreational building for the exclusive benefit of Community Residents which shall contain not less than the greater of (i) two thousand (2,000) square feet or (ii) ten (10) square feet for each Unit in the Community.

17.18.13 All utilities shall be underground.

17.18.14 Community Entry Requirements.

1. Each Unit must be occupied by at least one Resident who is 55 years of age or older.

2. No Unit shall be occupied by any individuals who have not attained the age of 18 years.

3. The Community documents shall contain covenants insuring that the community entry requirements are maintained for all Units in the Community.

4. One (1) housing unit in each Community may be occupied by an onsite manager, including such manager’s spouse and family, which do not comply with the community requirements; provided, however, that such manager is a full time owner or employee of the Community.

**AMENDED EFFECTIVE 5/09/03

17.20 INTERIOR LOTS (REAR LOTS) (Formerly Section 4.15)

In order to permit a reasonable degree of development on parcels of land which access a street, but do not have the required frontage, the Commission may approve a Special Permit for a dwelling and residential accessory uses to be located on an interior lot if the Commission determines that the following provisions have been met:

17.20.1 The lot is located in a Residential Zoning District.

17.20.2 The lot must be connected by a continuous, contiguous strip of land providing vehicular access to a street.

17.20.3 Such strip shall be owned in fee simple by the owner of the interior lot.

17.20.4 Such strip of land shall be at all points a minimum of 25 feet wide. For zoning bulk calculations only, the total lot area shall be the proposed lot lines, excluding the length and width of the access strip.

17.20.5 All interior lots shall have a lot area equal to at least 1.5 times the minimum lot area for the zoning District in which the lot is located.

17.20.6 The minimum side yard and rear yard requirements for the Zoning District in which the lot is located shall be required. The front lot line shall be measured at the point closest to the street where the lot width is equal to the minimum lot frontage for the subject zone. There shall be a minimum of 1.5 times the front yard setback required in the Zoning District from the front lot line to the principle building.

17.20.7 Adequate ingress, egress and maneuvering for emergency vehicles shall be provided.

17.20.8 The map shall conform to all applicable requirements of Section 18 of these Regulations and all applicable requirements of the Town of Montville Subdivision Regulations.
17.20.9 The Commission may approve, subject to special permit findings and Section 17.20.8 of these Regulations, an interior lot in connection with a division of property which does not constitute a subdivision or resubdivision, as defined in the Connecticut General Statutes.

SECTION 18 SITE PLANS

18.1 PURPOSE

A site plan is intended to provide the Commission with information that will enable it to determine that the proposed structures and uses shall be arranged in a manner that enhances the health, safety, and welfare of the Citizens of Montville and 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 and protect natural resources and the appearance and beauty of the community and to avoid undue traffic congestion.

18.2 PROCEDURE

A site plan shall be submitted with any application for a zoning permit involving uses other than single-and two-family dwellings and accessory buildings or expansions of or additions to such buildings provided that such building or expansion does not exceed 1,000 square feet, and excavations less than 500 cubic yards.

18.2.1 Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered by the Commission within sixty-five (65) days after the date of receipt, except that such time period may be extended for not more than two additional periods of sixty-five (65) days, each with the written consent of the applicant.

18.2.2 A decision by the Commission to deny or modify a site plan shall set forth the reasons for which such denial or modification is required to conform with these Regulations.

18.2.3 A copy of any decision by the Commission on a site plan shall be sent by certified mail to the applicant within fifteen (15) days after such decision is rendered.

18.2.4 A site plan shall be prepared by either an architect, professional engineer and/or land surveyor licensed and registered to practice in Connecticut as deemed appropriate by the Commission. The Commission shall have the right to require that a site plan be prepared by a Connecticut Licensed Professional Engineer if the proposed development will include the design of roads, storm drainage facilities, water systems and sewerage systems. If the proposed development includes wetlands, the Commission shall have the right to require that a certified soil scientist delineate the wetlands. The signed seal(s) of those who prepared the site plan shall be included on the site plan. A site plan shall contain a type of survey that accurately depicts property lines, boundary monumentation and existing/proposed property improvements. It shall be prepared and sealed by a Licensed CT Land Surveyor in accordance with the Standards for Surveys and Maps in the State of Connecticut (Sections 20-300b-1 through 20 of the Regulations of State Agencies). It shall meet the minimum standard of “Class A-2” horizontal accuracy and a Topographic Survey which depicts the configuration (relief) of the earth’s surface (ground) and the location of natural and artificial objects thereon. The topographic and Vertical Classes of Accuracy, as defined in Section 20-300b-11, shall be noted. Bench marks shall be depicted or noted on all Class T-1, T-2, and T-3 Surveys. Horizontal and Vertical Survey datum and contour interval shall be depicted or noted, if property lines depicted do not present a surveyor’s property/boundary opinion, there shall be a note clearly indicating this fact.

18.2.5 A written statement describing the proposed use or uses in sufficient detail will be submitted with each site plan to determine compliance with the permitted uses or special permits in the applicable zone.
18.2.6 A location map at a scale of one inch (1") equals 1,000 feet shall be submitted showing the subject property, streets, lot lines, and zoning district boundaries within 1,000 feet of the subject property. If space permits, the location map may be included as an insert on the site plan as required in Section 8.3. An 8½ x 11 inch photocopy of a USGS Quad Map with the project site outlined must accompany the site plan.

18.3 SITE PLAN CONTENT

A site plan drawn at a scale of one inch (1") equals forty feet (40') or such other scale as may be approved by the Town Planner shall be prepared and clearly show to the satisfaction of the Town Planner the following information:

18.3.1 The name and address of the applicant and owner of record.

18.3.2 North arrow, scale, date of the drawing or its revision and the name(s) and seal(s) of those persons preparing the site plan.

18.3.3 Property boundaries, dimensions and area in acres and square feet and all existing monuments, pipe markers, and other physical evidence concerning property boundaries.

18.3.4 Zoning districts and dimensions of all yards as required by these Regulations. This information will be shown in both mapped and tabular forms.

18.3.5 Existing and proposed contour lines at 5 ft. intervals. The Town Planner or Town Engineer may require a 2 ft. contour interval in order to clearly show topography and drainage.

18.3.6 Location, width, and purpose of all existing and proposed easements and rights-of-way on the property.

18.3.7 Location of all existing watercourses, wetlands, public water supply watershed boundaries, bedrock outcrops and, where appropriate, the mean high water line, flood hazard areas, and channel encroachment lines.

18.3.8 Location and size in square feet of all existing and proposed structures including underground storage tanks and uses on the property and the approximate locations and size of all existing structures on the abutting properties which are within 100 feet of the property lot lines.

18.3.9 Location of all storage areas for materials, supplies, products, vehicles and equipment that will not be kept inside a structure as required by these Regulations.

18.3.10 Location, size, and arrangement of all parking and loading areas including existing and proposed driveway entrances and exits. The Town Planner may require the applicant to submit a traffic evaluation or pedestrian report prepared by an engineer, licensed in the State of Connecticut, if the proposed development has the potential to impact traffic flow or significantly impact peak period traffic counts. **AMENDED: 10/11/97**

18.3.11 Location, size, and arrangement of all pedestrian walkways and sidewalks.

18.3.12 Location, layout, type, and size of buffer or landscape area, plant materials, fencing, screening devices, or other materials proposed for use.

18.3.13 Location, size, height, lighting, and orientation of all signs.

18.3.14 Location, size, height, and orientation of all outdoor lighting facilities.
18.3.15 The stormwater drainage system, including the location and elevations of all existing and proposed street drainage facilities within 100 feet of the property. The Town Planner or Town Engineer may require additional information and/or details regarding off-site drainage features affected by, or impacting upon the proposed development. Stormwater management systems shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual as may be amended.

18.3.16 Location, size, and type of all water and fire protection facilities.

18.3.17 Location size, and type of all sewerage disposal facilities.

18.3.18 Building elevations or preliminary architectural drawings showing the general type of building proposed for construction.

18.3.19 In cases where the applicant intends to develop in stages, an overall site and staging plan shall be required.

18.3.20 The Commission may require the applicant to submit an environmental evaluation report for a proposed development located in an environmentally sensitive area. Evaluation reports by independent professionals and other experts such as hydrologists, geologists and soil scientists may be required at the expense of the applicant.

18.3.21 All signature and waiver blocks must be located in lower right corner.

18.3.22 In accordance with section 8-25a of the Connecticut General Statutes, as amended, any development providing water by means of a “water company”, as the term is defined in Connecticut General Statutes Section 16-262m(a), shall provide the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution to the Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

18.3.23 Sanitary Waste Disposal Plan. For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in CGS section 7-245 as maybe amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of CGS section 7-246f as maybe amended from time to time have been satisfied shall be provided.

18.3.24 An Erosion and Sediment Control Plan designed in accordance with Section 16.3 of these regulations

**18.4 WAIVERS**

The Commission may waive one or more of the site plan ingredient requirements of Section 18.3 if it finds that the information is not necessary to reach a decision on the application. A waiver of the applicable section or sections must be requested in writing by the applicant.
18.5 SITE PLAN REVIEW AND BONDING

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

18.5.1 Any proposed structures and uses shall be designed and located on the property so that there will be adequate access for emergency vehicles.

18.5.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provisions for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

18.5.3 All proposed traffic access ways are adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street intersections, places of public assembly and other access ways; adequate in design for other similar safety considerations.

18.5.4 Adequate off-street parking and loading spaces shall be provided to prevent on-street traffic congestion and the interior circulation system shall provide safe and convenient access to all required off-street parking.

18.5.5 The general landscaping of the property shall comply with the appropriate sections of these Regulations; existing trees will be preserved to the maximum extent possible; and parking and service areas shall be suitably screened at all seasons of the year from the view of adjacent residential districts.

18.5.6 Lighting from the installation of outdoor lights and illuminated signs will be properly shielded so that such lighting does not adversely affect abutting property or public streets.

18.5.7 Development of the property should preserve to the maximum extent possible sensitive environmental land features such as areas of steep slopes, wetlands, large bedrock outcrops, scenic views and historically significant features.

18.5.8 The proposed site plan should be in general conformance with the intent of the Montville Plan of Development.

18.5.9 In those cases where a development proposal must be reviewed by other local, state, and federal agencies, the Commission will give due consideration to any report(s) presented to it by these agencies.

18.5.10 The Commission may require a bond estimate as part of the submission. Before issuance of a zoning permit the applicant shall file a Performance Bond, if required, with the Commission in a form satisfactory to the Town Attorney and consistent with the provisions of Section 16.12 of these Regulations and in an amount approved by the Commission as sufficient to guarantee completion of all site improvements, except buildings. The Performance Bond shall be issued consistent with the provisions of Section 16.12 of these Regulations. A copy of the site plan shall be part of the bond. Such bond shall not be released by the Commission until written certification has been received from the Town Planner and Zoning Officer that all of the requirements of these Regulations have been fully satisfied. To facilitate this certification, an as-built site plan shall be submitted which reflects the actual field location of all items required by these Regulations.
SECTION 19 OFF-STREET PARKING REGULATIONS

19.1 GENERAL

No building or structure shall be erected, enlarged, modified, or its use changed unless permanently maintained parking and loading spaces are provided in accordance with the provisions of these Regulations. In addition, no alterations, improvements or modifications to an existing parking lot or the establishment of a new parking area may be established until a site plan in accordance with Section 18 of these Regulations has been approved by the Commission.

Any existing parking area and appurtenances legally existing prior to the establishment of these Regulations or amendments thereto, which does not comply with the requirements of this section shall be considered a non-conforming use of land and shall be discontinued when a site plan as required in this section is approved by the Commission.

These Regulations shall also govern the location of access drives across a public right-of-way which shall comply with the requirements of this section, including the discontinuance of such existing drives which do not comply with this section. In addition, the issuance of an encroachment review response or STC review response from the State of Connecticut Department of Transportation shall not prohibit or preempt the Commission from requiring more restrictive requirements in accordance with this section of these Regulations.

It is the intent of these Regulations to allow flexibility in addressing vehicle parking, loading areas, parking lot landscape design, storm water management and to promote transit orientated development.

19.2 PARKING SPACE DIMENSIONS

19.2.1 A parking space shall have a minimum rectangular dimension sufficient to provide 180 square feet of parking area exclusive of driveways and shall be permanently reserved for the temporary parking of one automobile. The length of any parking space shall be at least 18 feet and the width at least 9 feet as marked on an axis parallel with the vehicle after it is parked. The dimensions of the parking spaces shall be consistent for all contiguous spaces and shall provide for the most efficient design for vehicular and pedestrian circulation.

19.2.2 The Commission may approve modifications to the dimensions of the parking spaces specified in Section 19.2.1 herein of these Regulations. In granting such modifications, the Commission shall give careful consideration to the proposed location of the building and uses to be serviced by the parking lot, the impact such modifications would have on traffic patterns, and the future development of adjacent property.

19.2.3 The Commission may waive any element of the parking or landscape regulations contained in Section 19 regulations, if one or more of the following criteria have been met:

1. A parking plan has been submitted by a Connecticut licensed Professional Engineer which has been reviewed and approved by the Town Engineer and the Director of Planning. The Commission may approve or modify any such plan.

2. The construction of fewer parking spaces may improve Stormwater quality while still satisfying parking demand.
3. Current parking demand will allow for the phasing of required parking spaces. The construction of the parking area and installation of the spaces may be phased according to short term requirements as designated on the Plan, except that no less than 50% of the total spaces required shall be constructed as part of the short or current requirement. The balance of spaces not constructed shall be designated as reserve spaces on the site plan and laid out an integral part of the overall parking layout, and must be located on land suitable for parking area development and either left in its natural state or suitably landscaped. Under any circumstances, the owner may construct the total number of parking spaces required as per section 19 of these regulations; or if the Commission determines that additional spaces identified as reserve spaces on the site plan may be required, the Commission shall notify the property owner concerning the Commissions findings and owner shall construct the required spaces within six months of such notification.

19.3 PARKING REQUIREMENTS

Adequate parking facilities located off the street or highway right-of-way shall be provided to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting each building or premises at any one time in accordance with the following requirements:

19.3.1 For One-Family or Two-Family Dwelling Units: 2 spaces for each family unit; driveways may be included as a required space for single-family dwellings. For permitted home occupations, spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the following.

19.3.2 For Multi-Family Dwellings

Parking Requirements—less than 25 units
- 1 1/2 spaces for each efficiency unit
- 2 spaces for each one bedroom unit
- 2 1/2 spaces for each unit with 2 or more bedrooms
- A 2 car garage assigned to or combined in ownership with a dwelling unit may be counted as 1 parking space
- A driveway, with a minimum dimension of 10 ft x 20 ft, which leads to a garage assigned to or combined with a dwelling unit may be counted as 1 parking space.
- 3 guest parking spaces shall be provided for every 10 units.

Parking Requirements—25 units or more
A Parking Plan shall be submitted by a Connecticut licensed Professional Engineer which has been reviewed and approved by the Town Engineer and the Director of Planning. The Commission may approve or modify such plan.

19.3.3 For Business or Professional Office or Governmental Office Space: 1 space for each 250 square feet of gross floor space.

19.3.3.a Retail Stores and Restaurants containing drive through facilities:
- Pick up facilities/windows which include required stacking lanes, shall be located in the rear or side yards only. Provision shall be
made to park the minimum stack of vehicles between the street line and the drive through window, with provisions also made to allow at least one exiting automobile to park between the window and the street. The space at the pick up window shall not be counted as a stacking space.
- Stacking lanes shall be a minimum of 10 feet wide and 20 feet long
- Stacking lanes shall be separate from internal aisles, which allow traffic to circulate through the site without entering the drive through lane
- Stacking lanes shall be designated and located so as to minimize traffic congestion and to promote pedestrian safety through the use of pavement markings, signs, and designated walkways
- Drug Stores: a minimum of 3 stacking spaces
- Bank: a minimum of 10 stacking spaces
- Car wash: a minimum of 5 stacking spaces and 2 stacking spaces at car wash bay exit
- Restaurant fast food: a minimum of 10 stacking spaces

19.3.4 For Retail Stores less than 20,000 square feet of gross floor area, Personal Service Shops, Repair Shops and Similar Commercial Uses: 1 space for each 250 square feet of gross floor area. For Retail stores or similar uses greater than 20,000 square feet, the applicant shall submit a parking plan designed by a Connecticut Licensed Professional Engineer. The Commission may approve or modify the plan.

AMENDED JUNE 27, 2002

19.3.4.a Retail - Convenience Store Gas Sales: 5 parking spaces per 1,000 square feet of gross floor area. The number of required spaces may be reduced by the number of fuel pumps that can be accessed at any one time. There shall be 1 space for each 3 interior on site seats. There shall be one space for each 2 employees. There shall be one space adjacent to a vacuum facility or tire air station if one is provided. In no event shall the number of required spaces be less than 3 per 1000 gross square feet of floor area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

19.3.5 For Furniture, Machinery, Equipment, Automobile and Boat Sales and/or Service Establishments: 1 space for each 400 square feet of gross floor area, and 1 space for each 800 square feet of outdoor sales and/or displayed area.

19.3.6 For Restaurants, Night Clubs, Bars and Lounges: 1 space for each 3 persons who may legally occupy the facility where allowable occupancy is determined in accordance with Section 19.4.5 and 3 spaces for Pick up Service

19.3.7 For Fast-Food Restaurants or Other Food Service Establishments Where Customers are Served by Primarily Counter Service: 1 space for every 3 permanent seats and 1 space for each 9 square feet of public floor area not devoted to permanent seating facilities, excluding restroom areas. Where any drive-in service window is established provisions shall be made to park at least 15 waiting automobiles between the street line and the drive-in window being approached, with provisions also made to park at least 1 exiting automobile between said window and the street. Such facilities shall be provided in such a way as to cause no interruption to the smooth flow of traffic within the subject site, and if more than one drive-in window is provided, the required waiting space may be reduced to 10 spaces per window.
19.3.8 **For Theaters, Grandstands and Stadiums, Auditoriums or Meeting Rooms and Similar Places of Public Assembly:** 1 space for every 3 seats if permanent seating is provided, or 1 space for each 21 square feet of public area for areas not served by permanent seating.

19.3.9 **For Libraries, Museums, and Non-Commercial Art Galleries:** 1 space for each 750 square feet of gross floor area.

19.3.10 **For Hotels, Motels, Lodging or Boarding Houses:** 1 space for each room, plus spaces as required for other related uses, plus 1 space for each 2 employees.

19.3.11 **Hospitals:** 1 space for each bed plus 1 space for each 2 employees on the single largest shift.

19.3.12 **Nursing and/or Convalescent Homes:** 1 space for each 3 patient accommodations plus 1 space for each 2 employees on the single largest shift.

19.3.13 **For Funeral Homes:** 1 space for each 50 square feet of public assembly area.

19.3.14 **For Marinas:** 1 ½ spaces for each boat slip or rental boat with additional and separate areas provided for the parking of boat trailers.

19.3.15 **Public, Parochial, or Private Schools:**

1. **Elementary and Junior High Schools:** 2 spaces for each classroom plus 1 space for every 10 fixed seats in auditoriums, gymnasiums or other places of public assembly.

2. **High Schools:** 6 spaces for each classroom, plus one space for every 10 fixed seats in auditoriums, gymnasiums, or other places of public assembly.

3. **Colleges, Universities, Business, Technical and Trade Schools:** 10 spaces for each classroom, plus 1 space for every 10 fixed seats in auditoriums, gymnasiums or other places of public assembly.

4. **Kindergartens, Child Care Centers, Nursery Schools and Similar Uses:** 2 spaces for each classroom, but not less than 6 spaces for any one building.

19.3.16 **Bowling Alleys:** 4 spaces for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.

19.3.17 **For Industrial Plants, Wholesale Establishments, Warehouses and Similar Buildings:** 1 space for each 1,000 square feet of floor area or 1 space for each three persons normally employed, whichever is greater.

19.3.18 **Buildings Occupied by a Government Unit or Religious Institution:** 1 parking space for each three persons for which seating accommodations are provided, plus parking as required for related uses as specified herein.

19.3.19 **Private Clubs, Fraternities, Sororities, Country Clubs, or Other Similar Organizations:** 1 space for each two employees, plus spaces as required herein for restaurant areas, places of assembly, etc. If sleeping accommodations are provided, parking shall be provided in addition to other requirements at a standard of 1 space per
sleeping room, or if dormitory accommodations are provided, at 1 space for each 2 beds. In those cases where golf courses are involved, parking shall be provided for at least 100 cars, and where tennis facilities are involved, parking shall be provided for at least 4 cars per court.

19.3.20 **Commercial Recreational Facility:** 1 space for 3 users who could be utilizing the premises at any one single time plus 1 space for each 3 seats provided for spectator observance of the establishment's activities. If restaurant or other commercial facilities are included in the facility, additional parking shall also be provided in accordance with the requirements for such related uses as specified herein.

19.3.21 **Automotive Services Including but not Limited to Gas Stations, Auto Dealers, Auto Accessories, Auto Repair, Auto Body and Paint Shop, Muffler Installations, Tire Shops, Engine and Transmission Overhaul Shops excluding convenience store gas sales:** 5 spaces plus 2 spaces for each service stall, plus 2 spaces for each pump. In addition, if motor vehicles are offered for sale and/or rent on the premises, one space shall be provided for each such vehicle offered for sale and/or rent. Furthermore, an attendant operated or self-service car wash shall have at least 10 waiting positions for each bay between the street line and such bay for cars approaching, and at least 2 waiting positions for cars leaving such bays.

19.3.22 **DELETED 10/1/08**

19.3.23 **Medical or Dental Offices:** 1 space for each 150 square feet of gross floor area.

**19.4 INTERPRETATION OF OFF-STREET PARKING**

19.4.1 The Parking required herein is in addition to space which is required for the storage of trucks or other vehicles used in connection with a business, commercial or industrial use.

19.4.2 Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

19.4.3 The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Commission.

19.4.4 In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately unless a waiver is approved in accordance with section 19.2.3 of these regulations.

19.4.5 In those instances where the requirements of Section 19.3.7 of the Regulations are related to the number of people using a particular building or portion thereof, the occupancy allowances published in the State Building Code or Fire Code shall govern which ever is more restrictive.

19.4.6 **DELETED**

**19.5 LOCATION OF REQUIRED PARKING SPACES**

Required parking facilities shall be located on the same lot as the dwelling unit, building, or other use which they serve except as noted in these regulations. The applicant must provide the minimum number of parking spaces required by these regulations. The Commission shall limit the number of spaces to those required by these regulations for the proposed use except as noted in these regulations. The Commission may waive this provision for residential, commercial and
industrial use, provided that the applicant demonstrates to the Commission that additional parking is required to satisfy the parking needs of the particular principal use. *** The Commission may approve, subject to Section 18 of these Regulations the construction of parking lots on lands which are contiguous to lands held in trust by the United States of America.** The Commission may approve parking on a contiguous parcel of property if sufficient evidence of an easement or lease which runs concurrent with the use is reviewed and approved by the Town Attorney. The Commission may approve parking on a non-contiguous lot if sufficient evidence of an easement of lease which runs concurrent with the use is reviewed and approved by the Town Attorney and the applicant presents contract proof to the Commission that there will be a transit link between the parking area and the development.

***AMENDED EFFECTIVE 1/1/94.
**AMENDED EFFECTIVE 7/13/96

19.6 INTERIOR DRIVES

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

90° parking - twenty-four (24) feet
45° parking - thirteen (13) feet
60° parking - eighteen (18) feet
30° parking - eleven (11) feet

19.7 SURFACE OF PARKING AREAS

All off-street parking areas shall be surfaced and maintained with a durable and dustless all-weather material as may be approved by the Commission. Parking areas shall be so graded and drained as to dispose of all surface water and proposed surfacing and drainage plans shall be submitted to and approved by the Commission. In no case shall drainage be allowed across any sidewalk areas. Furthermore, any parking area which serves more than 15 cars shall be surfaced with bituminous concrete and surface water from all such lots or concrete shall be discharged into a storm sewer wherever possible except as noted in these regulations. However, the requirements of this section shall not apply to parking provided to serve one-and two-family dwellings and farm buildings.

The Commission may allow alternative paving surfaces, and stormwater treatment designs, if approved by the Town Engineer, associated with any use if the applicant can demonstrate enhanced storm water quality or reduced storm water runoff. The Commission may approve, modify or deny any such plan.

19.8 ACCESS DRIVES AND VEHICULAR CIRCULATION

Provisions 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 to provide safe and convenient circulation in the street and upon the lot. All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion. All access driveways for parking areas and/or loading areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorists approaching such driveway from a public or private street. Furthermore, all driveways providing connection between any parking and/or loading area and any public street or public right-of-way except in the case of access drives serving one-and two-family dwellings shall be finished with bituminous concrete or concrete which shall conform with Department of Public Works Regulations.
19.8.1 The entrances and exits to all parking areas shall be clearly marked. Access drives for one-way traffic shall have a minimum width of 14 feet where one-way traffic is anticipated and a minimum width of 24 feet where two-way traffic is anticipated.

19.8.2 All parking spaces in parking areas of more than 15 cars and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility.

In addition, all parking spaces shall be entered and exited along interior drives arranged perpendicular to access drives wherever possible. No parking shall be permitted along access drives within 40 feet of the street line and at greater distances as may be required by the Commission depending on the traffic generation and parking lot size. Dead end parking aisle interior drives shall be extended 5 feet further than the last parking space to allow movement of a vehicle in and out of a parking space.

19.8.3 All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic. Each entrance and exit shall be at least 20 feet distant from any residential property or residential district and at least 75 feet distant from any street intersection, except entrance and exit onto a collector or arterial street which shall be 150 feet from any intersection and where traffic circulation would be improved by having entrances and exits directly opposite to exiting curb cuts or roads.

19.8.4 Driveways in commercial and industrial districts shall not be more than 30 feet wide at the right-of-way line and 55 feet wide at the curb line. Greater widths may be permitted where, in the opinion of the Commission, they are necessary to accommodate traffic volumes or movements, public safety requirements, or larger vehicles. Each parcel within these districts shall be entitled to one driveway where the property has 200 feet of frontage or less, and additional driveways only when permitted and approved by the Commission on the site plan.

19.8.5 The grade for access drives to small (19.17.1), and medium (19.17.2) parking lots shall not exceed 6% from the curb line to 10' within the property. In large parking lots (19.17.3) the access drives shall not exceed 3% from the curb line to 40' within the property. All other parking lot graded shall not exceed 8%. Any variation shall be approved by the Town Engineer.

19.8.6 DELETED 10/1/08

19.8.7 Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

19.8.8 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.

19.8.9 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 roads, driveways, and traffic controls within the streets.

19.8.10 Where topographic and other conditions are reasonably usable provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use, 1) when such driveway connection will facilitate fire protection services as approved by the Town Fire Marshal and/or 2) when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street.

19.8.11 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 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.

19.9 PEDESTRIAN SAFETY

Off-street parking spaces shall be suitably separated from the building in such a way as to assure safe movement of pedestrian traffic to all major entrances of the building served by any of the following means: a 6 foot wide concrete walk with an 8 inch high concrete safety curb; 8 inch high pre-cast concrete curbs in such a manner as to provide a 4 foot wide vehicle free passageway; any combination of landscaping and walkway which establishes a 4 foot wide vehicle free passageway; or by any other manner as may be approved by the Commission. However, in parking lots containing 100 or more spaces, parking shall be permitted adjacent to the sides and rear of any building only upon approval of the Commission in those cases where it is determined that such parking will not constitute a hazard to pedestrian circulation and will not interfere with any required fire lanes.

19.10 PROPERTY MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area and all required sidewalks and buffer areas in good conditions without holes and free of all dust, trash, and other debris.

19.11 CURBING REQUIREMENTS

Appropriate provision shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials. Furthermore, whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond such property lines.

19.12 FIRE LANES

No parking shall be permitted in those areas designated as fire lanes on any site plans approved under the provisions of these zoning regulations or established by the Town's Fire Marshal.

19.13 MARKING

All required parking spaces and fire lanes, except spaces required for one-family or two-family dwellings and other approved alternative parking areas, shall be marked by painted lines, maintained in good condition, curbs or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall also be used as necessary to ensure efficient traffic flow within all parking lots and between any such lot and the public street or right-of-way serving such lot.

19.14 LIGHTING

Adequate lighting shall be provided in all lots of more than 15 spaces except where the Commission may determine that such parking areas will never be used at night. Required lighting shall be arranged and installed to minimize glare on adjacent property, and adjacent streets and highways. Full cutoff luminaries shall be installed where commercial or industrial uses about Residential Districts or uses. In this instance all external lights shall be fitted with opaque shilling which shall prevent direct light emission above a horizontal plane through the luminaire’s lowest light emitting part.
19.15 TRUCK LOADING SPACE

In the case of hospitals, institutions, hotels, retail shopping facilities, restaurants, wholesale and industrial buildings, and other facilities served by regular truck traffic which are greater 20,000 square feet, 1 space shall be provided for the loading and unloading of trucks which is not less than 12 feet wide and 60 feet in length. Such truck areas shall be adjacent to the area or doors which shall be used for the loading and unloading of goods and supplies and shall not be visible from any public street or public right-of-way, and shall be located outside of any access drive or interior drive so as not to interrupt the flow of vehicles. For buildings greater than 40,000 square feet in gross floor area, loading dock spaces shall be shown in an overall parking and circulation plan, prepared by a Connecticut Licensed Professional Engineer, which may be approved, modified or denied by the Commission.

19.16 HANDICAPPED PARKING SPACES

Handicapped parking spaces shall be provided for in accordance with the provisions of CGS 19-395, Section 315.0 as contained in the Basic Building Code of the State of Connecticut. For the purposes of this section, required handicapped parking spaces shall be considered part of the parking spaces required under Section 19.3 and 19.4 of these Regulations and not in addition thereto. Location and arrangement of handicapped parking spaces and building approaches shall be provided in accordance with CGS 19-375 Section 315.4 (Parking Lots and Approaches).

19.17 LANDSCAPING OF PARKING AREAS

All parking lots shall be landscaped in accordance with the following requirements:

19.17.1 Small Parking Lots

Every parking lot which contains more than 1,000 square feet and less than 20,000 square feet of lot area, including adjacent front, side and rear yard areas shall provide:

1. A landscaped buffer strip, not less than 15 feet in width and provided with a 6-inch bituminous concrete, concrete, or granite curb, separating such parking area from every street lot line. Except as otherwise required, such buffer strip shall provide partial visual screening as defined in Section 16.8.2 of these Regulations. All freestanding signs shall be located within a portion or extension of this buffer strip.
2. A landscaped strip not less than 5 feet in width and provided with a 6 inch bituminous concrete, concrete, or granite curb along each side or rear lot line. Except as otherwise required, such landscaped strip shall provide visual screening as defined in Section 16.8 of these Regulations.

19.17.2 Medium-sized Parking Lots

Every parking lot which contains 20,000 square feet or more but less than 80,000 square feet of lot area, including adjacent front, side and rear yard shall provide:

1. Landscaped areas amounting to at least 10% of the total lot area, exclusive of building coverage. Such landscaped area may include those landscaped strips along the front, side and rear lot lines required in subsection (2) and (3) below. All interior landscaping including parking islands shall be located so as to provide both aesthetic value and orderly traffic flow within the subject site.
2. A landscaped buffer strip, not less than 15 feet in width and provided with a 6 inch bituminous concrete, concrete or granite curb, separating such parking area from every street lot line. Except as otherwise required, such buffer strip shall provide partial visual screening as defined in Section 16.8 of these Regulations. All free-standing signs shall be located within a portion or extension of this area.

3. A landscaped strip not less than 5 feet in width and provided with a 6 inch bituminous concrete or granite curb along each side or rear lot line. Except as otherwise required, such landscaped strip shall provide partial visual screening as defined in Section 16.8 of these Regulations.

19.17.3 **Large Parking Lots**

Every parking lot which contains 80,000 or more square feet of lot area, including adjacent front, side and rear yard areas shall provide:

1. Landscaped areas amounting to at least 10% of the total lot area, exclusive of building coverage. Such landscaped area may include those landscaped strips along the front, side and rear lot lines required in subsections (2) and (3) below. All interior landscaping including parking islands shall be located so as to provide both aesthetic value and orderly traffic flow within the subject site.

2. A landscaped buffer strip, not less than 20 feet in width, which shall also contain trees, and be provided with a 6 inch bituminous concrete, concrete, or granite curb, separating such parking area from every street lot line. Such buffer strip shall provide partial visual screening. All freestanding signs shall be located within a portion or extension of this area.

3. A landscaped strip which shall also contain trees and which shall be at least 20 feet in width and provided with a 6 inch bituminous concrete, concrete, or granite curb along each side or rear lot line. Such landscaped strip shall provide partial visual screening.

19.17.4 **DELETED 10/11/97**

19.17.5 **Additional Landscaping Requirements**

All planted and landscaped areas shall be maintained continuously by the owner of the property. All trees required to be planted in landscaped areas shall be at least 6 feet in height at time of planting. Those parking areas within Industrial and Commercial Districts may be required to provide complete visual screening around their perimeters in those cases where the Commission deems such screening necessary to buffer existing adjacent property uses from a proposed industrial or commercial use.

**SECTION 20 SIGNS**

**20.1 GENERAL REQUIREMENTS**

The following requirements apply to signs throughout all zoning districts in Montville.

20.1.1 No sign, billboard, advertising display or structure, poster or device shall be erected, displayed, or used except as expressly permitted in these Regulations.

20.1.2 No sign shall be designed or located in a manner that confuses or obstructs the view of traffic signs or signals nor shall an illuminated sign or lighting device be so directed or
beamed upon a public street, highway, sidewalk, or adjacent lot such that it causes glare or reflection constituting a traffic hazard or nuisance. **

20.1.3 No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

20.1.4 No sign or part thereof shall contain or consist of banners, posters, pennants, ribbon streamers, spinners, or other similar moving, fluttering, or revolving parts or devices. No sign shall be equipped with flashing lights. Sandwich type freestanding signs are prohibited. Signs may be internally lighted if specifically approved by the Commission. Electronic informational signs may be allowed with Commission approval **AMENDED: 10/11/97

20.1.5 General message signs may not be displayed for more than ten (10) days. **AMENDED: 10/11/97

20.1.6 No sign shall advertise a product, service, or activity other than that which is produced, provided, or conducted on the premises except for directional signs not more than two (2) square feet in area and conforming to the other provisions of these Regulations shall be permitted off the premises.

20.1.7 Signs of a non-commercial nature shall be allowed if erected by, or on the order of any public official in the performance of his duty, such as safety signs, danger signs, trespassing signs, memorial plaques and historical signs.

20.1.8 A zoning permit shall be obtained for any sign exceeding thirty-two (32) square feet in size, unless the design and location of such sign is shown on a site plan approved by the Commission. All signs shall be constructed of sound materials, firmly supported and maintained in good condition and repair. It is the responsibility of the applicant to check with the Building Inspector to determine if a building permit is required. Signs shall include the street number of the property.

20.1.9 A sign may be freestanding or wall-mounted. No wall-mounted sign shall project more than one foot (1') from the wall of a structure or extend above the roof line. No freestanding sign shall project into or over a street, public right-of-way, sidewalk, or driveway.

20.1.10 A religious, governmental, or institutional use shall have not more than one (1) sign stating its name, not exceeding twenty (20) square feet. Each sign shall have as a minimum the street address of the property prominently displayed. The address number shall be proportional to the sign and not to be considered in the total square footage. **AMENDED: 10/11/97

20.2 SIGNS IN A RESIDENTIAL DISTRICT

The following signs are allowed in residential districts:

20.2.1 One (1) sign giving the name and address of the property and/or the occupant. Such signs shall not exceed two (2) square feet. One sign for home occupation not exceeding two (2) square feet. Except on arterial and collector roads which may be enlarged to a maximum of 15 square feet with Commission approval with a rendering of the sign on a site plan. **AMENDED: 10/11/97

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20.2.2 One (1) sign identifying an approved special permit, not exceeding thirty-two (32) square feet, or as otherwise provided in these Regulations.

20.2.3 One (1) temporary sign not over six (6) square feet in area, and advertising the sale, rental, building contractor, or special features of a structure or lot on which they are located is allowed. Such sign shall be removed within seven (7) days after termination of such sale or special feature.

20.2.4 DELETED 10/11/97

20.2.5 DELETED 10/11/97

20.2.6 One (1) sign for bed and breakfast establishment not exceeding six (6) square feet. The sign may not be internally lighted. **AMENDED EFFECTIVE 10/1/94 Except on arterial and collector roads which may be enlarged with Commission approval with a rendering of the sign on a site plan. **AMENDED: 10/11/97

20.3 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following requirements apply to signs in commercial and industrial districts:

20.3.1 Each (C-1)** commercial and (LI, I)** industrial use shall be entitled to erect signs provided the total sign area shall not exceed one and one-half (1½) square feet of sign for each lineal foot of building frontage or portion of building frontage occupied by such business or industry. Each C-2 and C-3 zoned use shall be allowed two and one-half (2.5) square feet for each lineal foot of building frontage.** Furthermore, when a building fronts on more than one **street, only the sign area computed with regard to the building frontage along each street shall be permitted to face the respective street. For the purposes of interpreting building frontage used in this section, such shall include only that portion of the exterior building wall under direct and exclusive use by the business for which the sign is to be erected and shall not include any common passageway serving more than one business enterprise, or any exterior building walls not directly visible from a public street. These requirements may be waived by the Commission with approval of a rendering of the sign on a site plan. **AMENDED: 10/11/97

20.3.2 Temporary signs, not over thirty-two (32) square feet in area, and advertising the sale, rental, building contractor or special features of the building or lot on which they are located may be erected provided they are removed within seven (7) days after termination of such sale or special feature.

20.3.3 Freestanding, ground-mounted signs shall not exceed a height of eighteen feet (18') above the surface on the ground on which they are located. These requirements may be waived by the Commission with approval of a rendering of the sign on a site plan. **AMENDED: 10/11/97

20.3.4 No sign other than one identifying the address and occupant of a commercial or industrial use shall be located closer than ten feet (10') from any property line. Excluding public safety signs. **AMENDED: 10/11/97

20.3.5 If a commercial or industrial use is no longer conducted on the premises, all signs advertising such use shall be removed within thirty (30) days of cessation of use.

SECTION 21 OPEN SPACE

**AMENDED: 10/11/97
SECTION 22 APPEALS AND VARIANCES

22.1 APPEALS

Any person may appeal to the Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Enforcement Officer related to the enforcement of these Regulations.

22.2 VARIANCES

Any person seeking a variance from the literal enforcement of these Regulations may appeal to the Zoning Board of Appeals for a variance. Said Board, may after consideration of a variance application in accordance with Section 8-6 and 8-7 of the General Statutes, approve or deny a variance. The Zoning Board of Appeals may grant a use variance only if it specifically finds that the use will be accessory to an existing use and/or will be compatible with the existing neighborhood and will not have a negative impact on existing residential, commercial, or industrial uses. The findings of the Zoning Board of Appeals must be stated in the written record of the hearing. ***


SECTION 23 AMENDMENTS

23.1 Amendment of these Regulations, including the Zoning map, may be petitioned by any resident of Montville or person having a vested interest in property that would be affected by such amendment, or may be made by the Commission. Amendments may be adopted by a majority vote of all the members of the Commission after public notice and hearing in accordance with Section 8-3 of the General Statutes. If a protest against a proposed change is filed with the Commission at or before the hearing, signed by the owners of 20% or more of the area of lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by vote of two-thirds of all the members of the Commission. The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve (12) months.

23.2 If the amendment request is for a change in the Zoning map boundaries, the applicant shall prepare and submit with his application a plan drawn to scale showing the boundaries and owners of all properties located within the area to be rezoned and within five hundred feet (500') from the boundaries of the area to be rezoned. The applicant shall also prepare and submit a list of the names and addresses of the owners of all properties located within the area to be rezoned and within five hundred feet (500') from the boundaries of the area to be rezoned as shown on the records of the Montville Tax Assessor. The applicant shall send by Certificate of Mailing, a copy of the public hearing notice to the owners of record of such properties at least ten (10) days before the date set for the public hearing. The applicant shall present written proof of mailing to the Enforcement Officer at least five (5) days before the public hearing that this notification requirement has been met. Failure to comply with the requirements of this section shall invalidate the zoning map change procedure. The requirements of this section shall not apply to amendments initiated by the Commission.

**AMENDED: 10/11/97**
SECTION 24 SEPARABILITY AND EFFECTIVE DATE

24.1 SEPARABILITY

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

24.2 EFFECTIVE DATE

These Regulations amend and supersede Regulations adopted by the Commission in October, 1970, and subsequently amended. These regulations amend and supersede all previous regulations adopted by the Commission. These amended Regulations shall take effect December 15, 2011.
Appendix “D”
Connecticut Regulations of State Agencies

Sec. 20-300b-1. General
There are many types of surveys. Choice of a survey type is made relative to the intent and purpose for which the survey is to be used. The survey type is intended to classify these criteria. When a map is prepared, the survey type shall be stated in the title of the map and, in order to reflect the scope of service, may be clarified within the notes on the map.

Sec. 20-300b-2. Property/Boundary and Limited Property/ Boundary Surveys

(a) Property/Boundary and Limited Property/Boundary Surveys require sufficient investigation, study, field measurement and evaluation of factors affecting boundaries, real property interests and other relevant matters with respect to the subject real estate to enable the surveyor to render a professional opinion as to boundary locations and any conflicts therewith.

These surveys require the preparation of a detailed field survey and are intended to present the surveyor's property/boundary opinion. It is recognized that certain factors pertaining to boundary line determination are beyond the surveyor's purview and may require agreements between abutting property owners or action by the courts. Facts surrounding such circumstances shall be noted.

(b) Types of Property/Boundary Surveys

1) Property Survey

A Property Survey is a type of survey which depicts or notes the position of boundaries with respect to:

A. locations of all boundary monumentation found or set;
B. apparent improvements and features, including as a minimum: dwellings, barns, garages, sheds, driveways, roadways, surface utilities, visible bodies of water and swimming pools;
C. record easements and visible evidence of the use thereof;
D. record and apparent means of ingress and egress;
E. lines of occupation, including as a minimum: fences, walls, hedges and yards;
F. deed restrictions pertaining to the location of buildings or other apparent improvements;
G. unresolved conflicts with record deed descriptions and maps;
H. all apparent boundary encroachments; and
I. monumentation required to be set at all corners created by a deflection angle not less than 70 degree between two consecutive courses and at intervals not to exceed 600 feet (180 meters) along the boundaries between said corners, except where natural or man-made monumentation defines or occupies the line. Refer to Section 20-300b-14 of these regulations for a description of acceptable monuments. Except when intended for use for Subdivision or Resubdivision applications, this requirement may be waived only through written agreement between surveyor and client and with a notion on the map that all monumentation found or set has been depicted.
2) Perimeter Survey

A Perimeter Survey is a type of survey which maps a strip along the boundaries, the minimum width of which shall be 15 feet (5 meters), oriented 10 feet (3 meters) within and 5 feet (2 meters) beyond the parcel limits. The purpose of this type of survey is to document the boundary locations by depicting and noting their position with respect to:

A. locations of all boundary monumentation found or set;
B. apparent improvements and features, including as a minimum: dwellings, barns, garages, sheds, driveways, roadways, surface utilities, visible bodies of water and swimming pools;
C. record easements and visible evidence of the use thereof;
D. record and visible means of ingress and egress;
E. lines of occupation, including as a minimum: fences, walls, hedges and yards;
F. unresolved conflicts with existing deed descriptions and maps;
G. deed restrictions pertaining to the location of buildings or other apparent improvements;
H. apparent boundary encroachments; and
I. monumentation required to be set at all corners created by a deflection angle of not less than 70 degrees between two consecutive courses and at intervals not to exceed 600 feet (180 meters) along the boundaries between said corners, except where natural or man-made monumentation defines or occupies the line. Refer to Section 20-300b-14 for a description of acceptable monuments. This requirement may be waived only through written agreement between surveyor and client and with a notation on the map that all monumentation found or set has been depicted.
(c) Types of Limited Property/Boundary Surveys

1) Existing Building Location Survey

An Existing Building Location Survey is a type of survey which depicts or notes the position of all buildings on the property with respect to boundaries, record easement lines and pertinent municipal setback requirements and deed restrictions. No other improvements or features need be depicted.

2) Zoning Location Survey

A Zoning location Survey is a type of survey which depicts or notes the position of existing or proposed improvements with respect to applicable municipal setback requirements. The purpose of this type of survey is to enable determination of compliance with said requirements. Only those portions of the property pertinent to the issues being addressed must be depicted. No other improvements or features need be depicted.

3) Improvement Location Survey

An Improvement location Survey is a type of survey which depicts or notes the position, horizontally and, where required, vertically, between particular existing or proposed improvements with respect to the applicable municipal or statutory requirements. The purpose of this type of survey is to enable determination of compliance with said requirements. No other improvements or features need be depicted.

4) Subdivision or Resubdivision Map

A Subdivision or Resubdivision Map is a map of a type of survey which depicts or notes the layout of lots and the associated public or private highways, easements and lands and is intended for submission to applicable regulatory entities. This map shall conform to the requirements of a Property Surveyor be submitted along with a Property Survey. The monumentation requirements of Article III of these regulations do not apply to the Original Survey portions.

5) Easement Map

An Easement Map is a map of a type of survey which depicts and notes the position of an existing or proposed easement with respect to:

A. boundary monumentation found or set;

B. improvements and features, including as a minimum: dwellings, barns, garages, sheds, driveways, roadways, surface utilities, visible bodies of water, fences, walls, hedges, yards and swimming pools;

C. other record easements and visible evidence of the use thereof; and

D. unresolved conflicts with record deed descriptions and maps.

All visible encroachments shall be depicted or noted thereon. For boundaries intersected by the easement lines, the surveyor shall indicate the Boundary Determination Category.
6) Boundary Stake-Out

A Boundary Stake-Out is a type of survey which marks or monuments the physical position of property corners or lines. The surveyor shall issue a signed and sealed letter or sketch indicating the monuments or markers set and indicating the Boundary Determination Category used. No other features need be depicted.

(d) Additional Requirements

All survey types listed in subsections (b) and (c) of this section shall comply with the following:

1) AA, A-1 or A-2 Classes of Horizontal Accuracy as defined in subsection (b) of Section 20-300b-11 of these regulations;
2) monumentation or marker Location Requirements as defined in Section 20-300b-13 of these regulations;
3) research requirements defined in Article IV of these regulations;
4) distances along boundary or easement lines expressed to the nearest .01 of a foot (.003 meters), except where said lines are irregular and constantly changing, as along a body of water;
5) directions, defined by angles, bearings or azimuths, along boundary or easement lines expressed to the nearest 10 seconds for Class A-2 and to the nearest 1 second for Classes AA and A-1, except where said lines are irregular and constantly changing, as along a body of water;
6) curved lines defined with the central angle, radius, arc length and tangent. For curves which are not tangent to an adjoining course, the information required to reproduce them shall be indicated. Lines which are radial shall be so noted;
7) in areas where lines are irregular and constantly changing, as along a body of water, meander, tie or reference lines shall depict or note the position of points located along said lines and allow for a mathematical closure of the map;
8) adjoining properties identified by most recently published owners' names (N/F, now or formerly) or by subdivision map and lot numbers;
9) areas noted in acres (hectares) or square feet (square meters);
10) all monuments or markers set or found depicted and adequately described. When reference markers have been used, their position with respect to the boundary shall be indicated; and
11) a north arrow depicted on every sheet. The reference to grid, magnetic or north from another map, shall be noted. If magnetic, the date of the reading shall be noted.
(e) Boundary Determination Categories

The category used in determining property/boundary opinions for all survey types listed in subsections (b) and (c) of this section shall be identified within the title or notes on the map, and shall be one of the following:

1) First Survey:

A First Survey is a survey of existing property lines made when the surveyor has not found a map or other document of the subject property, such as a metes and bounds description which represents a previous surveyor's professional opinion. If the surveyor has found a prior survey, the current survey is by definition, a Resurvey.

2) Resurvey:

A Resurvey is a survey of property lines made when the surveyor has found a prior survey of the subject property. After evaluation of the prior survey, within the context of field and record information, the Resurvey is prepared. The Resurvey may or may not agree with the prior survey.

If the surveyor has found a prior survey of the subject property and, in the surveyor's professional opinion, determines it to be sufficient for reliance and update, the term Dependent Resurvey shall be used. The Dependent Resurvey places reliance on the prior survey while updating same to reflect current conditions.

3) Original Survey:

An Original Survey is a survey indicating proposed property lines or parcels of land. The Boundary Determination Category of existing boundaries shall be indicated.

Sec. 20-300b-3. Control Surveys

(a) Horizontal Control Survey

A Horizontal Control Survey is a type of survey which establishes points on a horizontal coordinate system, such as latitude and longitude, state, municipal, or arbitrary coordinates. The horizontal control net shall comply with one of the Classes of Horizontal Accuracy defined in Section 20-300b-11 of these regulations.

(b) Vertical Control Survey

A Vertical Control Survey is a type of survey which establishes bench marks in relation to an appropriate vertical datum. Vertical measurements shall comply with one of the Classes of Vertical Accuracy defined in Section 20-300b-11 of these regulations.
Sec. 20-300b-4. Topographic Survey

(a) A Topographic Survey is a type of survey which depicts the configuration (relief) of the earth's surface (ground) and the location of natural and artificial objects thereon. The Topographic and Vertical Classes of Accuracy, as defined in Section 20-300b-11 of these regulations, shall be noted. Bench marks shall be depicted or noted on all Class T-1, T-2 and T-3 Surveys. Survey datum and contour interval shall be depicted or noted.

(e) If property lines depicted do not present a surveyor's property/boundary opinion, there shall be a note clearly indicating this fact.

Sec. 20-300b-5. Right of Way Survey

(a) A Right of Way Survey is a type of survey which maps the limits of existing or proposed highways or public utility transmission easements, including the mapping of parcels to be acquired for such purpose(s), as referenced to an established baseline. The baseline to which the highway, easement or acquisition lines are referenced shall be a traverse line, project centerline or construction baseline, any of which shall be monumented or specifically tied to permanent reference markers and shall comply at a minimum with Horizontal Accuracy Class A-2 as defined in Section 20-300b-11 of these regulations and monumentation requirements defined in Article III of these regulations.

(b) Highway or easement lines may be deed, occupation, notification or acquisition lines; shall be noted accordingly; and may be monumented.

(c) The features depicted on the mapping may be the result of aerial photogrammetric or field location surveys performed for project planning purposes or may be compiled from various sources. All pertinent sources shall be noted. The method of determining the position of property lines depicted shall be noted as shall the appropriate Horizontal Accuracy Class.

Sec. 20-300b-6. General Location Survey

(a) A General Location Survey is a type of survey which roughly depicts a parcel of land and particular improvements based on record research and compilation of data supplemented by limited field measurements. The specific content is a matter to be agreed upon between the client and the surveyor and clearly noted on the map.

(b) This type of survey shall not be used to prepare property descriptions for conveyance.

(c) If property lines depicted do not present a surveyor's property/boundary opinion, there shall be a note clearly indicating this fact.

(d) Note #1 on the map shall include: "This map was prepared from record research, other maps, limited field measurements and other sources, it is not to be construed as a Property/Boundary or Limited Property/Boundary Survey and is subject to such facts as said surveys may disclose."
Sec. 20-300b-7. Data Accumulation Plan

(a) A Data Accumulation Plan is a type of plan which depicts collected and correlated data of a particular type (or types) within a given area. Data Accumulation Plans may be depicted on a previously prepared map. The horizontal or vertical accuracy classes used in the preparation shall be noted.

(c) If property lines depicted do not present a surveyor's property/boundary opinion, there shall be a note clearly indicating this fact.

Sec. 20-300b-8. Compilation Plan

(b) A Compilation Plan is a type of plan based on land record research and other sources of information which depicts the approximate size and shape of a parcel of land. This plan may be derived from records only and not as a result of a field surveyor measurements by the surveyor. The accuracy of this plan may vary with the quality of the data from which it has been compiled. All pertinent sources utilized shall be noted on the plan. Where said plan is created for a specific purpose, that purpose shall be noted.

(c) Note #1 on this plan shall include: "This plan was compiled from other maps, record research or other sources of information It is not to be construed as having been obtained as the result of a field survey, and is subject to such change as an accurate field survey may disclose."

Sec. 20-300b-9. Construction Stake-Out Services

Construction Stake-Out Services are types of surveys which control the horizontal or vertical positions of proposed improvements. No plan need be prepared; however, documentation with respect to the position of points placed shall be maintained as a permanent record.

Sec. 20-300b-10. Geographic Information System (GIS) Land Information System (LIS)

(a) Types of systems used for information data banks based on spatial requirements. Reference is made to a publication by the Federal Geodetic Control Committee titled *Multipurpose Land Information Systems. The Guide Book*.

(b) If the information in the GIS/LIS is intended to relate to the surface of the earth, a surveyor shall establish such positional relationship. The surveyor's professional judgment shall be used in determining all appropriate Classes of Accuracy.
### ARTICLE II CLASSES OF ACCURACY

Sec. 20-300b-11

(a) All surveys prepared in metric format shall use: 1 meter = 3.28083333 U.S. Survey feet

(b) Horizontal Accuracy

Each survey depicting horizontal locations shall conform to a Horizontal Accuracy Class the tolerance of which is defined as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Positional</th>
<th>Linear</th>
<th>Angular</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feet</td>
<td>Meters</td>
<td>(Use ratio for D&gt; ...)</td>
</tr>
<tr>
<td>AA</td>
<td>1:15,000</td>
<td>± 0.01'</td>
<td>± .003m [1:22,500 @ D&gt;225'(69m)]</td>
</tr>
<tr>
<td>A-1</td>
<td>1:10,000</td>
<td>± 001'</td>
<td>± 003m [1:15,000 @ D&gt; 150'(46m)]</td>
</tr>
<tr>
<td>A-2</td>
<td>1: 5,000</td>
<td>± 002'</td>
<td>± 006m [1: 7,500 @ D&gt; 150'(46m)]</td>
</tr>
<tr>
<td>B</td>
<td>1: 1,000</td>
<td>± 05'</td>
<td>± 15m [1:1,500 @ D&gt;750'(229m)]</td>
</tr>
<tr>
<td>C</td>
<td>± 2’</td>
<td>± 2'</td>
<td>± 6m</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td>compilation of existing data-NOT A FIELD SURVEY</td>
</tr>
</tbody>
</table>

Linear accuracies expressed as ± apply to distances less than (excluding) those prescribed as a ratio

(c) Vertical Accuracy

Each survey depicting vertical location shall conform to a Vertical Accuracy Class the tolerance of which is defined as follows:

<table>
<thead>
<tr>
<th>Level Loop Closure Greater Than One Mile</th>
<th>Level Loop Closure Less Than One Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class</td>
<td>Feet</td>
</tr>
<tr>
<td>V-1</td>
<td>± .02\sqrt{M}</td>
</tr>
<tr>
<td>V-2</td>
<td>± .035\sqrt{M}</td>
</tr>
<tr>
<td>V-3</td>
<td>± .05\sqrt{M}</td>
</tr>
</tbody>
</table>

M or K = The length of the level loop in miles/kilometers

N = The number of instrument setups in the level loop
(d) Topographic Survey Accuracy

Each Topographic Survey shall conform to a Topographic Accuracy Class the tolerance of which is defined as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Horizontal Position</th>
<th>Contour Interval Test</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feet</td>
<td>Meters</td>
</tr>
<tr>
<td>T-1</td>
<td>1/40 of map scale</td>
<td>1/1500 of map scale</td>
</tr>
<tr>
<td>T-2</td>
<td>1/40 of map scale</td>
<td>1/1500 of map scale</td>
</tr>
</tbody>
</table>

Classes T-1 and T-2 are to be used for ground survey procedures.

T-3  This class of topographic map applies to photogrammetric maps for which the surveyor provides the horizontal and vertical control. Refer to the "National Map Standards for Photogrammetric Mapping" for requirements.

T-D  This class of map standard applies to a topographic map compiled from various sources of information not necessarily verified by the surveyor.

In using Topographic Accuracy Class T-1 or T-2, the surveyor is expressing confidence that should a test profile be run in the field, a plotted comparison with a profile scaled from the map shall be in agreement with the above criteria and the remainder shall be within the contour interval.