

TOWN OF MONTVILLE
ZONING REGULATIONS

Adopted: October 14, 1970

Amended: Effective May 1, 2023

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PREAMBLE

These zoning regulations (“Regulations”) are designed to further the purposes set forth in Chapter 124, Section 8-2 of the C.G.S. as may be amended from time to time, 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, including water dependent uses, as defined in Section 22a-93; and the height, size, location, brightness and illumination of advertising signs and billboards within the limits of said town; to divide said town into districts of such number, shape and area as may 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 and in consideration of the Plan of Conservation and Development and be designed to lessen congestion in the streets; secure safety from fire, panic, flood and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; to avoid undue concentration of population; protect the state’s historic, tribal, cultural and environmental resources; facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; consider the impact of permitted land uses on contiguous municipalities and on the planning region, in which the Town is located; address significant disparities in housing needs and access to educational, occupational and other opportunities; promote efficient review of proposals and applications; and affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time; and with reasonable consideration as to the physical site characteristics of the districts and their particular suitability for particular use; and with a view to encouraging the most appropriate use of land throughout said town.

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 “Town of Montville Zoning Regulations”. Originally adopted on October 14, 1970.

Adopted:	December 6, 1996	Amended:	March 20, 2012
Amended:	October 11, 1997	Amended:	March 12, 2016
Amended:	February 16, 1999	Amended:	October 16, 2016
Amended:	April 10, 1999	Amended:	March 6, 2017
Amended:	June 27, 2002	Amended:	October 15, 2018
Amended:	May 9, 2003	Amended:	May 18, 2020
Amended:	October 20, 2004	Amended:	August 16, 2021
Amended:	August 10, 2005	Amended:	September 13, 2021
Amended:	November 1, 2007	Amended:	October 18, 2021
Amended:	October 1, 2008	Amended:	November 15, 2021
Amended:	June 1, 2011		

SECTION 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.

SECTION 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.

ACTIVE ADULT HOUSING COMMUNITY: a residential housing development designed to provide housing and amenities predominantly for persons fifty-five (55) years of age or older which complies with the requirements of Section 16.12 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 one percent (1%) 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 one hundred (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.

BED and BREAKFAST: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation; may also include such accommodations such as an Airbnb.

BILLBOARD: See SIGN, ADVERTISING.

BMP: Best Management Practice.

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.

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.

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

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

COMMISSION, WETLANDS: The Inland Wetland and Watercourses 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 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; (d) a Children’s Nursing Home; and (e) 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 may be amended from time to time.

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 conjunction with the proposed or existing use of a gasoline filling station.

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 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.

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.

DEEP: Connecticut Department of Energy & 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.

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, ACCESSORY UNIT (IN-LAW APARTMENT): A dwelling unit which is interior to a single family house, or an addition to the side or rear of the house, or over a garage, which meets zoning setbacks, has a common utility meter with the single family-house and does not exceed eight hundred (800sqft). Units over garages may exceed eight hundred (800sqft), but may not exceed the garage roof line.

DWELLING, ATTACHED SINGLE-FAMILY FLATS: A building containing three (3) or more dwelling units with each dwelling unit designed separately for occupancy by a family, incorporated into a single building with internal stairways, elevators and/or corridors providing access to the dwelling units contained therein, with each such dwelling unit being located on one (1) living level within such building.

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.

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

DWELLING, SINGLE-FAMILY: A building on a lot occupied for residential purposes by a dwelling unit. May contain an accessory dwelling unit.

DWELLING, SINGLE-FAMILY ATTACHED: A combination or assemblage of dwelling units, each intended for occupancy by a family and each containing a common wall with other dwelling units contained in such combination or assemblage, each of which dwelling units shall provide finished living space on more than one (1) above-grade level.

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

DWELLING, TEMPORARY HEALTH CARE STRUCTURE: A portable residential structure intended for occupancy by an impaired person requiring caregiver assistance or occupied by the caregiver that is rendering assistance to the impaired person.

DWELLING, TWO-FAMILY (DUPLEX): 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.

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

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.

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. The sign may not project a message or symbol which projects towards or distracts a driver.

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

EXISTING MANUFACTURED HOME PARK (MHP) 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, effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK (MHP) 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).

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 C.G.S. as may be amended from time to time, who occupy a single family dwelling, but shall not include a group occupying a bed and breakfast, Airbnb, 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, or are incidental to farming or the keeping of Farm Animals.

FARM ANIMALS: Any domestic animal that is owned or raised for the production of milk, food or is used or housed primarily for work, commerce, recreation or exhibition. This includes but is not limited to cattle, oxen, horses (includes mini-horses), sheep, goats, llama, alpacas, pigs, and poultry. The keeping of over twelve (12) poultry and/or chickens (hens) shall be included in this definition. A Farm Animals shall be kept only on a Farm as defined in Section 1.3 (Farm).

FARM BUILDING: A building in which farm animals are housed or fed. No farm building or manure pile may be within one hundred fifty feet (150') of any property line.

FARM WINERY: Any place or premises at which fruit is grown and wine is manufactured, stored and sold in a manner which meets the requirements of Section 30-16a of the C.G.S. as may be amended from time to time.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

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.

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.

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 lands area from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

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.

FLOOD INSURANCE RATE MAP (FIRM): 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.

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.

FLOODPLAIN 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 presumed to be in violation until such time as that documentation is provided.

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 and 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.

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 22a-47 of the C.G.S. as maybe amended from time to time, or (d) any oil or petroleum as defined in Section 22a-448 of the C.G.S. 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.

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.

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 that meets the requirements of Section 4.11.2 of these Regulations.

HOME OFFICE: A home office for any business or commercial activity that is conducted entirely off the premises of the owner or occupant.

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.

INLAND WETLAND: A wetland as defined in Section 22a-38 of C.G.S. as may be amended from time to time.

JUNKYARD: Any place in or on which old metal, glass, paper, cordage or other waste or discarded or secondhand material, which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited. It also includes 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 secondhand 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. Additionally, it includes any place of business or storage or deposit 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 cut up the parts thereof.

KENNEL: A commercial operation, 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, and it may be subsequently divided into two or more lots, provided all such lots conform to all Regulations of the district.

LOT, CORNER: A lot or parcel of land abutting on two or more streets at their intersection. The front lot line on a corner lot shall be designated as the lot line opposite the front of the structure.

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 (R.O.W.).

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: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines of measurement shall touch, but not in front of, the building setback line required by these Regulations.

LOT, THROUGH: A through lot is a lot having frontage on two (2) streets. The front lot line on a through lot shall be designated as the lot line opposite the front of the structure.

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 feet 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 six hundred square feet (600sqft), 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, tiny houses, 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.

MANUFACTURED HOME PARK (MHP): A private development consisting of not less than ten (10) 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.

MANUFACTURED HOME PARK (MHP) OR SUBDIVISION: For floodplain management purposes as found in Section 15.2 of these Regulations, a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

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.

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.

MOBILE HOME: See: **MANUFACTURED HOME.**

MICRO-BREWERIES: A business which manufactures beer in accordance with C.G.S. Chapter 545 (Liquor Control Act) - as may be amended from time to time.

MICRO-DISTILLERIES: A business which manufactures alcoholic liquor in accordance with C.G.S. Chapter 545 (Liquor Control Act) as may be amended from time to time.

MIXED USE: The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail public, and recreation, in a compact urban form.

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.

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.

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.

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 (R.O.W.).

PERFORMANCE BOND: The term Performance Bond shall have that meaning set forth in Section 15.4 of these Regulations.

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.

PET: A domesticated animal that is customarily kept in a residential dwelling as a companion or for enjoyment and is included in one of the following groups dogs, cats, common cage birds, rodents, rabbits, ferrets, aquarium-kept fish, reptiles or amphibians. A Farm animal is not a Pet.

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.

PROPERTY BOUNDARY SURVEY: It shall be prepared, signed and sealed by a Licensed CT Land Surveyor in accordance with the Standards for Surveys and Maps in the State of Connecticut (Sections 20-300-10 and 300-10b) as may be amended from time to time.

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.

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 Public Regulatory Authority and the State of Connecticut Department of Health Services pursuant to C.G.S. Section 16-262m as may be amended from time to time.

PUBLIC WATER SUPPLY WATERSHED: The region, as determined by DEEP, which drains into a surface water supply which has been identified by the State of Connecticut as an existing or future 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 15.2 of these Regulations, a vehicle which is: (a) built on a single chassis; (b) four hundred square feet (400sqft) 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.

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

SCREEN OR SCREENING: A method of visually shielding or buffering one (1) abutting or nearby residential structure or use from a commercial use by fencing, walls, berms, or densely planted vegetation.

SENIOR HOUSING: Housing designed for, and occupied by, a person or persons sixty-two (62) years of age or older with limit of two persons per dwelling unit, and which has significant facilities and services specifically designed to meet the physical or social needs of older persons as described.

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 used as an announcement, direction, or advertisement for commercial purposes or otherwise. A sign includes a billboard, a neon tube, string of lights, digitalized/LED message 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. Signs shall 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 may be amended from time to time.

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

SIGN, BILLBOARDS: A sign, off-site commonly known as a billboard, which directs attention to a business, commodity, service, or entertainment, which location existed prior to the adoption of these Regulations.

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 square feet (2sqft) indicating the direction or route to an establishment.

SIGN, FLASHING: Any directly or indirectly illuminated sign on which the artificial light is used to warn of traffic hazards. Flashing LED lit signs for business may not be directed to distract vehicular traffic.

SIGN, ILLUMINATED: Any sign designed to give forth any artificial light including LED and LED scrolling message signs.

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 may be amended from time to time.

SPECIAL FLOOD HAZARD AREA OF (SFHA): The land in the flood plain having a one percent (1%) or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 15.2 of these Regulations. (Special Flood Hazard Area Federal Insurance Administration) requirements for the purposes of interpreting and enforcing Section 15.2 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 or 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 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.

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 October 13, 1970.

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, PRIVATE: Any road not lawfully accepted by the Town or the State of Connecticut for public vehicular use.

STREET LINE: The right-of-way (R.O.W.) 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 International Building Codes and a portion of the State Building Code State of Connecticut, as may be amended from time to time. For floodplain management purposes as found in Section 15.2 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.

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 Planning and Zoning Commission on October 10, 1970, 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 fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Shall mean for the purposes of Section 15.2 of these Regulations any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) 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 the 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.

TRAILER: A structure designed to be transported on wheels and not having motive power of its own.

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. These Regulations shall not terminate or deem abandoned a nonconforming use building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner’s intent to abandon such use, building or structure.

USE, WATER DEPENDENT: Those uses and facilities which require direct access to, or location in, marine or tidal waters, and which cannot be therefore be located inland, as further described in C.G.S. 2a-93(16), as may be amended from time to time.

U.S.G.S.: United States Geological Survey.

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.

WETLANDS: Areas defined as wetlands in Sections 22a-29 and 22a-38 of the C.G.S. as may be amended from time to time.

WIRELESS COMMUNICATION FACILITIES: The equipment involved in receiving and/or transmitting electromagnetic waves associated with wireless communication services.

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.

YARD, REQUIRED: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in these Regulations.

YARD, REQUIRED FRONT: Required unoccupied space between the building line and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REQUIRED REAR: Required unoccupied space between the building line and the rear lot line and measured perpendicular to the building closest point of the rear lot line.

YARD, REQUIRED SIDE: Required unoccupied space between the building line and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

SECTION 2: STREET CLASSIFICATIONS: Refer to: Town of Montville Road Standard and Improvement Details.

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:

<u>SYMBOL</u>	<u>TITLE</u>
WRP-160	Water Resource Protection R-160 District
R-120	Residential R-120 District
R-80	Residential R-80 District
R-40	Residential R-40 District
R-20	Residential R-20 District
R-20-M	Residential R-20-M Multifamily District
C-1	Commercial -1 (C-1) District
C-2	Commercial -2 (C-2) District
G	Government
LI	Light Industrial (LI) District
I	Industrial (I) District
OS	Open Space (OS) District
HOD	Housing Opportunity Development Zone
OZ	Overlay Zone Route 32

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.

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 referred to herein as the “**Zoning Map**”, together with everything shown thereon, is hereby made part of these 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, R.O.W. or easement, such lines shall be construed to be such district boundaries.

3.3.2 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 one hundred feet (100') beyond the district line into the remaining portion of the lot.

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.

SECTION 4: ZONING ADMINISTRATION AND PERMITTED USE 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 office 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 in accordance with Section 17 of these Regulations, except as otherwise specified in these Regulations.

4.1.2 Special Permit uses are permitted only after meeting the special provisions of Section 16 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 PERMITS

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 office 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, two-family dwellings, accessory buildings (not to exceed 1,200 sq. ft.), inground swimming pools, additions or reductions to such buildings (not to exceed 1,200 sq. ft.) on any residential lots and accessory buildings or expansions of; or additions to other existing conforming commercial and industrial uses provided that such building or expansions do not exceed one thousand square feet (1,000 sq. ft.), 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 and do not affect the number of parking spaces, stormwater flow or stormwater quality. The Enforcement Officer may require an appropriate plan prepared, signed and sealed by a licensed land surveyor or registered professional engineer to ensure 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.
- 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 and a site plan as prescribed in Section 17 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 Enforcement Officer 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 permits 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 as prescribed by Section 17 of these Regulations shall be required for all commercial and industrial uses in excess of one thousand square feet (1,000sqft).
- 4.2.7 The Enforcement Officer may approve applications for the following: Home Occupations, Filing a Trade Name, an E-Business (internet) where no physical product is manufactured in the home or any home occupation which generates no customers.

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; or 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 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 Enforcement Officer if the requirements of Section 4.3 and 4.3.1 above can be met up to one hundred eighty (180) days after issuance of the temporary Certificate of Compliance.
- 4.3.3 After the effective date of these Regulations, the 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 17 shall expire five (5) years after the date of approval if all permitted work has not been commenced. 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 C.G.S. as may be amended from time to time. All other zoning permits shall expire one (1) year after the date of approval if work has not been commenced.

4.6 ADMINISTRATION AND ENFORCEMENT

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

4.6.2 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.

4.7 PENALTIES

In accordance with Chapter 124, Section 8-12 of the C.G.S. as may be amended from time to time, 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.

4.8 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 Regulation, or statute, ordinance, covenant, or private agreement or legal relationship whichever provisions are more restrictive, or impose higher standards, shall control.

4.9 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.

4.9.1 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 maintained since the enactment of the Zoning Regulations without evidence of an intent to abandon such non-conforming use.

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

4.9.3 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.

- 4.9.4 A nonconforming use, building or structure shall not be terminated or deemed abandoned unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure.
- 4.9.5 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.
- 4.9.6 Lots for single family detached residences which meet the definition of nonconforming lot in Section 4.9.5 may be built on if the minimum applicable setbacks of the zone are met.

LOT WIDTH

MINIMUM SIDE YARD WIDTH

0 to 55 Feet	5 ft, but the sum of both yards not less than 35% of lot width
56 to 65 Feet	8 ft, but the sum of both yards not less than 33% of lot width
66 to 75 Feet	10 ft, but the sum of both yards not less than 33% of lot width
76 to 85 Feet	12.5 ft, but the sum of both yards not less than 33% of lot width
86 to 95 Feet	15 ft, but the sum of both yards not less than 33% of lot width

Lots having less than thirty feet (30') of frontage on a town accepted road must be served by a perpetual right-of-way as evidenced by deed recorded in the Town Land Records. Said right-of-way must be unobstructed and maintained so as to be accessible for emergency vehicles as approved by the Fire Marshal.

- 4.9.7 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.
- 4.9.8 For residential structures in residential zones, nothing in these Regulations shall prohibit the alteration or expansion of a non-conforming building lawfully existing prior to the effective date of these Regulations or any amendments thereto, provided the alteration or expansion does not further violate the dimensional requirements of the district in which the building is located. Vertical and lateral extensions of existing buildings shall be permitted so long as the applicable existing setback of the structure being extended is not further reduced.

4.9.9 Change in use. A nonconforming use may be changed to another non-conforming use provided that the Commission has reviewed such change and determined it more closely adheres to the intent and purposes of these Regulations. A nonconforming use may not be changed to a more intensive nonconforming use.

4.9.10 As of January 1, 2018, an existing residential lot abutting Route 32, which does not have the minimum required frontage on Route 32, may change its use to a commercial use allowed in the zone. When changing the use to a commercial use, the property owner may choose to reduce one (1) of the lot setbacks to five feet (5') and may maintain the front yard setback of original house. The purpose of this section is to encourage commercial development on Route 32.

4.9.11 No requirement contained in Section 4.9 through 4.9.10 shall supersede the provision of Section 8.26a, 8-28a, 8-29, 8-6, and 8-7 of the C.G.S. as may be amended from time to time.

4.10 GENERAL REQUIREMENTS

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

4.10.1 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.

4.10.1.A SIDEWALKS

Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located may be required by the Commission if (1) such sidewalk interconnects with existing or proposed sidewalk system on the adjacent street and (2) the project is located within 1,000 feet of an existing commercial center, school or place of public gathering. All sidewalks shall be privately owned and maintained.

4.10.2 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.

4.10.3 HEIGHT AND SETBACK EXCEPTIONS

4.10.3.1 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. Stairs and/or landings may extend up to three feet (3') into a required setback. Architectural features such as roof lines (overhangs) are exempt.

4.10.4 ACCESSORY USES

Accessory buildings and uses shall meet the following requirements:

4.10.4.1 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.

4.10.4.2 No accessory structure shall be built on a lot that does not contain a principal structure or use except for farm equipment storage.

4.10.4.3 Conex type storage boxes shall be permitted in Industrial and Commercial areas only and shall comply with the standards of Section 4.10.4.1

4.10.5 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 (1) acre. The soil erosion and sediment control plan shall be submitted pursuant to Section 15.1 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.

4.10.6 INLAND WETLANDS

If an application for a permitted use or special permit involves an activity regulated under the provisions of Chapter 440 of the C.G.S. as may be amended from time to time, the applicant shall submit an application for a permit to the Montville Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the Montville Inland Wetlands and Watercourses 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 and Watercourses Commission and if the Commission establishes terms and conditions for approval that are not consistent with the final decision of the Inland Wetlands and Watercourses Commission, the Commission shall state on the record the reasons for such terms and conditions.

4.10.7 NOTICE TO NEIGHBORING MUNICIPALITIES

The Commission shall notify the clerk of any adjoining municipality of the pendency 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 five hundred feet (500') 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.

4.10.8 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

In accordance with Section 8.25a of the C.G.S. as may be amended from time to time, any applicant proposing development providing water by means of a "water Company", as the term is defined in the C.G.S. Section 16-262m(a), as may be amended from time to time, shall provide the Zoning Enforcement Officer, prior to the issuance of any zoning permit, a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The Town shall not be considered the water company for an approval unless it consents. 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.

4.11 PERMITTED USE REGULATIONS

Determination of required permits and obtaining such permits is the responsibility of the applicant and/or property owner.

4.11.1 ABOVE-GROUND SWIMMING POOLS AND SHEDS

4.11.1.1 An above-ground swimming pool, pool pump and filter installations shall not encroach within the ten foot (10') 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.

4.11.1.2 A shed, (1-story, 324 square foot maximum) 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 ten feet (10') from any side or rear lot line.

4.11.2 HOME OCCUPATIONS PERMITS

4.11.2.1 **Definition.** A home occupation is defined as any business or commercial activity that is conducted from property that is zoned exclusively for residential use.

4.11.2.2 **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.

4.11.2.3 Conditions and Criteria.

1. Not more than twenty-five percent (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 exits 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) tavern; (4) club; (5) tattoo shop; (6) storage or repair of heavy equipment or machinery; (7) massage facility for more than one (1) person at a time.
9. Animal hospitals and veterinarians' office are restricted to R-120 and WRP-160 zones. A barber or beautician is limited to two (2) stations and the 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 two square feet (2sqft) in size.
11. Permits for Home Occupations or Home Offices shall be approved by the Enforcement Officer prior to the filing of a trade name certificate in the Office of the Town Clerk.

4.11.2.4 **Bed and Breakfast Operations as Home Occupations.**

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 by 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 and comply with the following:

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.
2. The bed and breakfast facilities shall be limited to no more than four (4) guest rooms or fifty percent (50%) 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 maximum of six hundred square feet (600sqft).
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.
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 furnishings of meals.
5. At least one (1) complete bathroom shall be dedicated to the guest room or rooms.

6. The applicant shall obtain written certification for the Local 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.
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.
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 (1) 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.
9. The length of stay shall not exceed seven (7) days per guest.

4.11.3 PARKING LOTS

The Commission may approve, subject to the requirements of Sections 17 and 18 of these Regulations, the construction of a free standing parking lot in any district zoned commercial, light industrial or industrial, associated with a permitted commercial or industrial project on a separate lot.

4.11.4 INTERIOR LOTS (REAR LOTS)

In order to permit a reasonable degree of development on parcels of land which access a street, but do not have the required minimum frontage of the Zoning District, permitted uses may be located on an interior lot if the following provisions have been met:

- 4.11.4.1 The lot must be connected by a continuous, contiguous strip of land providing vehicular access to a street. The interior lot driveway must be shared with an adjoining lot for an adequate distance so the two lots have only one (1) entrance and exit on the adjacent street. Any shared driveway for an interior lot must contain a shared driveway agreement, which must be approved by the Commission's attorney and filed on the land records if the application is approved.
- 4.11.4.2 Such strip shall be owned in a fee simple by the owner of the interior lot.

- 4.11.4.3 Such strip of land shall be at all points a minimum of twenty-five feet (25') 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.
- 4.11.4.4 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.
- 4.11.4.5 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.
- 4.11.4.6 Adequate ingress, egress and maneuvering for emergency vehicles shall be provided.
- 4.11.4.7 The map shall conform to all applicable requirements of Section 17 of these Regulations and all applicable requirements of the Town of Montville Subdivision Regulations.

4.11.5 MULTI-FAMILY DWELLINGS.

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

- 4.11.5.1 The site shall be served by public water and public sewer systems unless alternate septic is approved by local health district and/or the Connecticut Department of Health, if applicable.
- 4.11.5.2 Buildings shall be so grouped that each facade shall face its full dimension upon a street
- 4.11.5.3 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.

- 4.11.5.4 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 a minimum of twenty-two (22') feet in width and shall be constructed according with Town of Montville Road Standard and Improvement Details. All driveways, access roads, and interior circulation roads shall be privately owned and maintained. Overflow parking may be dustless, all weather surface.
- 4.11.5.5 Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located may be required by the Commission if (1) such sidewalks interconnect with existing or proposed sidewalk system on the adjacent street and (2) the project is located within 1,000 feet on an existing commercial center, school or place of public gathering. All sidewalks shall be privately owned and maintained.
- 4.11.5.6 The Commission may require a maximum of ten percent (10%) 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.
- 4.11.5.7 Utilities shall be placed underground.
- 4.11.5.8 Fire hydrants shall be installed as required by the Fire Marshal.
- 4.11.5.9 The applicant shall submit an architectural rendering of a typical building.

4.11.6 TELECOMMUNICATION TOWERS

All applications shall be approved by the Connecticut Siting Council.

4.11.7 KENNELS

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

- 4.11.7.1 The site shall contain at least five (5) acres.
- 4.11.7.2 All structures and animal enclosures shall be located no closer than one hundred feet (100') from the nearest property line.

4.11.8 KEEPING OF CHICKENS (HENS)

- 4.11.8.1 **Purpose.** This regulation provides for the keeping of chickens (hens) as an accessory use to an owner-occupied, single-family residence for non-commercial, private home use with an approved zoning permit. It is not intended to limit the keeping of poultry for agricultural uses where allowed.
- 4.11.8.2 No more than twelve (12) chickens (hens) may be kept on a property under five (5) acres, but at least .50 acre as shown on the tax assessor's records, and shall be kept in a structure/enclosure at all times. No free range chickens (hens) are allowed.
- 4.11.8.3 All manure piles must be located no closer than seventy-five feet (75') to any well. Verification must be provided by the Local Health District. The compost/manure pile must conform to the State of Connecticut's Best Management Practices for Agriculture.
- 4.11.8.4 No part of any structure or enclosure shall be located closer to the street than the rear of the primary residence and must meet the side and rear yard setbacks for the zone.
- 4.11.8.5 The structure/enclosure and all food products shall be kept as to prevent the presence of pests or predators. Any presence of pests or predators shall be considered a public health nuisance.
- 4.11.8.6 No Roosters are allowed.

4.11.9 TRAILERS

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

- 4.11.9.1 The Enforcement Officer may authorize the issuance of a zoning permit for a trailer to be used in connection with a residential reconstruction project. Such temporary permit shall not exceed one (1) year and the Enforcement Officer may authorize renewal for the permit up to six (6) month increments not to exceed twenty-four (24) months. If the trailer is to be connected to sanitary facilities, the Enforcement Officer shall not issue the permit until the Local Health District has determined that the sanitary facilities comply with the state health code.
- 4.11.9.2 The Enforcement Officer may authorize the issuance of a zoning permit for a trailer to be used in connection with a construction project. Said trailer shall be removed within thirty (30) days of project completion.

4.11.10 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:

- 4.11.10.1 Prior to applying for permit, the applicant must have received a certificate of location approval in accordance with Title 14 of the C.G.S. as may be amended from time to time; 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.
- 4.11.10.2 The site of a gasoline filling station or convenience/gasoline sales establishment shall have a frontage of at least two hundred feet (200') on a public street.
- 4.11.10.3 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 Residential 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 Residential District shall be maintained between a gasoline filling station or convenience/gasoline sales establishment and a contiguous lot in a Residential District.
- 4.11.10.4 There shall be no lighting or other illumination that will cause any glare observable within a Residential 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.

- 4.11.10.5 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.
- 4.11.10.6 The area designed 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 Site Plan.

4.11.11 EXCAVATION, PROCESSING (CRUSHING) AND QUARRYING OF EARTH MATERIALS

4.11.11.1 **Purpose.** The purpose of this section is to provide for reasonable opportunities for excavation and processing (crushing) of earth materials; minimize safety hazards which can be created by open excavations; protect groundwater, and maintain the aesthetic features of the Town. 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 (crushing) equipment are handled properly. Excavation, processing (crushing) of earth materials and quarry operations for commercial use and sale may be allowed in the Industrial and Light Industrial zones subject to the applicable sections of this regulation.

4.11.11.2 Definitions.

1. Excavation Operations, including excavation, filling, grading and regrading. The removal of native soil material from the same property and/or the stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition to create new grades.
2. Processing (Crushing) Operations, including the processing (crushing) of excavated materials, either independent of or as part of an Excavation Operation. Processing by screening, sorting, hammering, crushing and/or other forms of processing (crushing) and treatment of native soils, mulch, sand, gravel, rock, asphalt, concrete or other construction aggregate based products for sale, resale or reuse.
3. Quarry Operations. The removal of stone from a quarry, as by cutting, digging, or blasting, including excavation and processing (crushing) operations as defined in this section.

4.11.11.3 Excavation and Processing (Crushing) Operations Procedures.

1. Excavation operations involving the removal of excess materials up to five hundred (500) cubic yards in all zones may be allowed with a zoning permit approved by the Enforcement Officer after the submittal of an excavation plan in accordance with this Section 4.11.11.3.2(b) of these Regulations, as applicable.
2. Excavation operations involving the removal of excess material greater than five hundred (500) cubic yards and/or Processing (Crushing) Operations, may be allowed in Industrial, Light Industrial and Commercial zones by the Planning and Zoning Commission following approval of a site plan in accordance with Section 17 of these Regulations, as applicable, and shall comply with the additional requirements:
 - a. Operations shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. No processing (crushing) 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.
 - b. **Excavation / Processing (Crushing) Plan.** The Applicant shall submit an excavation/processing (crushing) plan prepared by a Connecticut Licensed Land Surveyor and Certified 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, site stabilization, storm water management and site reclamation. The plan shall contain a sequence narrative and the following items:
 1. Name and address of the property owner, the excavator (if different) and all abutting property owners, including those across local or state right-of-ways.
 2. Existing and proposed internal access roads, including width and surface materials.
 3. Any access road within the area of operations shall have a dustless surface, which is maintained at all times.
 4. Locations for processing (crushing) areas, excavation areas, access roads, stockpiles and equipment storage shall be selected so as to minimize adverse effects on surrounding properties. Provisions to prevent dust from blowing onto neighboring properties from site operations shall be shown on the plan.
 5. The elevation of the highest annual average ground water table within or next to the proposed excavation.

6. Test pits that extend to the seasonal high water table, ledge, or a minimum of six feet (6') 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 (3) permanent benchmark monuments shall be set outside the limits of excavation prior to the start of excavation.
7. The plan shall contain a property boundary survey and a vertical control survey with T-2/T-3 contour accuracy.
8. The area in acres to be disturbed, quantity to be removed in cubic yards, depth and slope of excavation.
9. No excavation shall be permitted within fifty feet (50') of a street line or interior property line unless the finish 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 one hundred feet (100') of a residence in a residential zone without written permission of the affected residential property owner. The maximum area allowed by the permit shall be ten (10) acres, exclusive of areas occupied by buildings and sorting areas. The maximum area allowed by permit for a working excavation area shall be five (5) acres. Each five (5) acres shall be reclaimed in accordance with the approved reclamation plan before excavation of the next five (5) acre unit may begin.
10. Where an excavation will have a depth of ten (10) or more feet and/or slopes of one to one (1:1) 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.
11. Proposed fencing, including height and materials.
12. A listing of equipment that will be used on site and locations of storage of same.
13. Location of truck and/or equipment fueling areas and spill prevention controls and plans.
14. A Soil erosion and Sediment Control Plan shall be submitted that meets the requirements of Section 4.10.5 of these Regulations.
15. The Commission may require a landscaped buffer strip along adjacent property lines. Such a strip shall consist of an inter-planting of evergreen trees, shrubs and/or opaque fencing that is suitable, in the judgement of the Commission to provide, in a reasonable time period, a visual barrier.
16. A traffic impact study if required by the Commission or the Planning Director.
17. A listing of all required municipal, state and federal permits.

- c. Permits for Excavation or Processing (crushing) operations shall not be issued for periods exceeding one (1) year for a new operation and may be renewed for periods of up to five (5) years if it can be shown that the operation is in compliance with these Regulations.
- d. Before a zoning permit for an excavation or processing (crushing) operation approved by the Commission is issued, The Applicant shall post a Performance Bond in accordance with Sections 15.4 and 17.6 of these Regulations in an amount approved by the Commission as sufficient to guarantee conformity with the applicable provisions of these Regulations.

4.11.11.4 Quarry Operations.

1. Quarry Operations may be allowed in the Industrial, Light Industrial and Commercial zones by the Planning and Zoning Commission following approval of a site plan in accordance with Section 17 and this Section 4.11.11.3.2(b) of these Regulations, as applicable.
2. In addition to a Site Plan and an Excavation Plan, the Applicant shall submit a Quarry Plan prepared by a Connecticut Licensed Land Surveyor and Certified Professional Engineer that 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 and shall include the following:
 1. Bench elevations shall be selected to minimize the production of large rocks at the highest face elevations.
 2. Details of excavation method.
 3. The competencies, duties and authority of those involved in the design of the quarry and how they fit into the management structure.
 4. 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.

4.11.11.5 Additional Requirements for Excavation, Screening and Processing (Crushing) In Residential Zones.

1. Excavation and screening and processing (crushing) of materials may be accomplished at a valid construction site as shown on a site plan approved by the Enforcement Officer and/or the Planning and Zoning Commission, in a Residential Zone when the following conditions are met:

1. The processing (crushing) equipment shall be portable and self-contained.
2. Only material excavated at the permitted construction site may be processed on site.
3. In a residential zone processing (crushing) is only allowed with a thirty (30) day temporary zoning permit.
4. Processing (crushing) excavation and screening is allowed Monday thru Friday in a Residential Zone from 8 a.m. and 5 p.m. No excavation, screening or processing (crushing) shall take place following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

4.11.11.6 Additional Requirements for Bituminous Concrete and Concrete Manufacturing Operations (Restricted To Industrial and Light Industrial Zones Only):

In addition to approval of site plan in accordance with Section 17 and this Section 4.11.11.3.2(b) of these Regulations, as applicable, the Applicant/Owner must show evidence that an air quality permit has been obtained from the DEEP as a prerequisite to obtaining a zoning permit.

4.11.12 TEMPORARY HEALTH CARE STRUCTURES

4.11.12.1 **Purpose.** This regulation provides for the placement of a portable, residential structure intended for occupancy by an impaired person requiring caregiver assistance or their caregiver, in accordance with definition Section 4.11.12.2, definition number 1, and offers an alternative for impaired residents to obtain handicapped-accessible housing on their or their caregiver's property.

4.11.12.2 **Definitions.**

1. Caregiver: means a relative, legal guardian or health care agent who is responsible for the care of a mentally or physically impaired person.
2. Mentally or Physically Impaired Person: means a person who requires assistance, as certified in writing by a physician licensed in this state, with two or more activities of daily living, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.
3. Temporary Health Care Structure: means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that

- a. Is primarily assembled at a location other than the site of installation.
 - b. Has one occupant who is the mentally or physically impaired person or caregiver.
 - c. Is not larger than five hundred gross square feet (500sqft).
 - d. Is not placed on or attached to permanent foundation
 - e. Complies with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code and Section 15.2 of these Regulations.
- 4.11.12.3 A Temporary Health Care Structure shall be allowed as an accessory use in any single-family residential zoning district, on a lot zoned for single-family detached dwellings. Such structures shall comply with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures in such zoning district.
- 4.11.12.4 Not more than one (1) Temporary Health Care Structure shall be installed on a lot zoned for a single-family detached dwelling. No signage advertising or otherwise promoting the existence of the Temporary Health Care Structure shall be permitted either on the exterior of the structure or elsewhere on the lot.
- 4.11.12.5 No person shall install a Temporary Health Care Structure without first obtaining required permits, including, but not limited to, Zoning, Building, Fire Marshal, Local Health District, and Water Pollution Control Authority. The Town shall not be required to hold a public hearing on the permit applications.
- 4.11.12.6 A Temporary Health Care Structure installed pursuant to this section shall be accessible to emergency vehicles and be connected to private water or septic systems or to water, sewer and electric utilities that serve the primary residence.
- 4.11.12.7 Following the issuance of permit, the Applicant shall provide written evidence of compliance with this section, on an annual basis, as long as the Temporary Health Care Structure remains on the property. Evidence of compliance may be obtained through an inspection by the Enforcement Officer of the Temporary Health Care Structure at reasonable times convenient to the caregiver. The Enforcement Officer shall be notified within 30 days if the mentally or physically impaired person no longer resides on the property.
- 4.11.12.8 Removal. Any Temporary Health Care Structure installed pursuant to this section shall be removed no later than ninety (90) days after the mentally or physically impaired person no longer occupies the structure. Prior to issuance of a Zoning Permit, the Enforcement Officer may require a five hundred dollar (\$500) removal bond.
- 4.11.12.9 Revocation. The Town may revoke any permit issued pursuant to this section if the permit holder violates any provision of this section.

4.11.13 WORKFORCE HOUSING.

- 4.11.13.1 The following regulations are established to promote the provision of workforce housing for employees of an employer of more than 20 persons who employ temporary or seasonal employees and who are otherwise unable to find temporary housing in reasonable proximity to the place of employment.
- 4.11.13.2 All applications for Workforce Housing shall comply with the requirements of Section 17 of these Regulations.
- 4.11.13.3 An application for Workforce Housing shall include:
 - 4.11.13.3.1 An Application form as prescribed by the Commission.
 - 4.11.13.3.2 A Site Plan Review Checklist on a form prescribed by the Commission.
 - 4.11.13.3.3 A site plan which also contains all additional data and information required by Section 14.11.13 of these regulations.
 - 4.11.13.3.4 If applicable, verification from the Montville Water Pollution Control Authority that the project is authorized to interconnect to the municipal sewer system.
 - 4.11.13.3.5 If applicable, and as required by Section 10.8 of these Regulations, 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 project (if the project accommodates 25 or more residents).
- 4.11.13.4 **Development Standards.**
 - 4.11.13.4.1 Workforce housing shall be limited to the C-1 Zoning District.
 - 4.11.13.4.2 Workforce housing shall be located on a parcel within 500 feet of any portion of the parcel on which the place of employment is located.
 - 4.11.13.4.3 The length of occupancy of a seasonal employee of a workforce housing unit shall be limited to a minimum of two (2) and a maximum of six (6) months; provided, however, that a full time caretaker of the employer's facilities may occupy one unit on a full time basis.

- 4.11.13.4.4 Workforce housing shall be limited to a maximum of eight (8) residential units, with each unit containing no more than two (2) bedrooms.
- 4.11.13.4.5 Nothing herein contained shall be construed to prohibit the sale of real property constructed as workforce housing for multi-family residential purposes.

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, as defined in these Regulations
- 5.2.3 Parks and playgrounds
- 5.2.4 Government offices, libraries, schools, public safety facilities and public utilities
- 5.2.5 Seasonal roadside stands for farm produce
- 5.2.6 Accessory buildings and uses
- 5.2.7 Nursery schools and day care facilities up to six (6) children
- 5.2.8 Home occupations in accordance with Section 4.11.2 of these Regulations
- 5.2.9 Churches and other places of worship
- 5.2.10 Telecommunications tower in accordance with Section 4.11.6 of these Regulations
- 5.2.11 Excavation of earth materials in accordance with Section 4.11.11 of these Regulations
- 5.2.12 Interior lots in accordance with Section 4.11.4 of these Regulations
- 5.2.13 Kennels in accordance with Section 4.11.7 of these Regulations
- 5.2.14 Temporary gatherings such as fairs or outings.

5.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 of these Regulations.

- 5.3.1 Wineries
- 5.3.2 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and reserved open space.
- 5.3.3 Nursery school and day care facility serving more than six (6) children
- 5.3.4 Cluster development
- 5.3.5 Senior housing in accordance with Section 16.11 of these Regulations
- 5.3.6 Active adult housing community in accordance with Section 16.12 of these Regulations

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 two hundred feet (200') 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 one hundred fifty feet (150') of any property line.

5.7 MAXIMUM BUILDING HEIGHT

No residential building shall exceed thirty-five feet (35') 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 one thousand feet (1,000') of the high-water mark of a public water supply reservoir.
- f. Sewage disposal systems within one hundred feet (100') of a high water mark of a public water supply reservoir or within seventy-five feet (75') of a watercourse flowing into a reservoir.
- g. Cemeteries
- h. Sanitary landfills
- i. The location of any building within seventy-five feet (75') 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 18 of these Regulations.

5.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 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. New cemeteries shall contain a minimum of five (5) acres

5.A.2.3 Parks and playgrounds

5.A.2.4 Government offices, libraries, schools, public safety facilities and public utilities

5.A.2.5 Accessory buildings and uses

5.A.2.6 Home occupations in accordance with Section 4.11.2 of these Regulations

5.A.2.7 Interior lots in accordance with Section 4.11.4 of these Regulations

5.A.2.8 Telecommunication tower in accordance with 4.11.6 of these Regulations

5.A.3 SPECIAL PERMITS: NONE

5.A.4 MINIMUM LOT SIZE

The minimum lot size in this zone shall be four (4) acres (174,240SF)

5.A.5 MINIMUM LOT FRONTAGE

Each residential lot in this district shall have at least one hundred fifty feet (150') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

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 residential building shall exceed thirty-five feet (35') in height.

5.A.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by Montville Inland Wetlands and Watercourses Commission and meet the requirements of 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 provision of Section 18 of these Regulations.

5.A.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 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 as defined in these Regulations
- 6.2.3 Parks and playgrounds
- 6.2.4 Government offices, libraries, schools, public safety facilities and public utilities
- 6.2.5 Seasonal roadside stands for farm produce.
- 6.2.6 Nursery schools and day care facilities up to six (6) children
- 6.2.7 Accessory buildings and uses
- 6.2.8 Home occupations in accordance with Section 4.11.2 of these Regulations
- 6.2.9 Interior lots in accordance with Section 4.11.4 of these Regulations
- 6.2.10 Temporary gatherings such as fairs or outings.
- 6.2.11 Kennel in accordance with Section 4.11.7 of these Regulations
- 6.2.12 Telecommunication tower in accordance with Section 4.11.6 of these Regulations
- 6.2.13 Churches and other places of worship
- 6.2.14 Excavation of earth materials in accordance with Section 4.11.11 of these Regulations
- 6.2.15 Cemeteries. New cemeteries shall contain a minimum of five (5) acres
- 6.2.16 Water Dependent Uses

6.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provision of Section 16 of these Regulations.

- 6.3.1 Winery
- 6.3.2 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and golf courses
- 6.3.3 Nursery school and day care facility serving more than six (6) children
- 6.3.4 Cluster development
- 6.3.5 Manufactured Home Park in accordance with Section 16.9 of these Regulations, but only if the project site interconnects to the Montville municipal sewer system and obtains a potable water supply from a municipal or community water system.
- 6.3.6 Active adult housing community in accordance with Section 16.12 of these Regulations
- 6.3.7 Senior housing in accordance with Section 16.11 of these Regulations

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 two hundred feet (200') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

6.6 MINIMUM SETBACKS

- 6.6.1 FRONT YARD 60 FEET
- 6.6.2 SIDE YARD 25 FEET
- 6.6.3 REAR YARD 60 FEET
- 6.6.4 No farm building or manure pit may be located within one hundred fifty feet (150') of any property line.

6.7 MAXIMUM BUILDING HEIGHT

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

6.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

6.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provision of Section 18 of these Regulations.

6.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 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 as defined in these Regulations
- 7.2.3 Parks and playgrounds
- 7.2.4 Government offices, libraries, schools, public safety facilities and public utilities
- 7.2.5 Nursery school and day care facility serving up to six (6) children
- 7.2.6 Seasonal roadside stands for farm produce
- 7.2.7 Accessory buildings and uses
- 7.2.8 Home occupations in accordance with Section 4.11.2 of these Regulations.
- 7.2.9 Interior lots in accordance with Section 4.11.4 of these Regulations
- 7.2.10 Temporary gatherings such as fairs or outings
- 7.2.11 Water dependent uses
- 7.2.12 Kennels in accordance with Section 4.11.7 of these Regulations
- 7.2.13 Churches and other places of worship
- 7.2.14 Excavation of earth materials in accordance with Section 4.11.11 of these Regulations
- 7.2.15 Cemeteries. New cemeteries shall contain a minimum of five (5) acres
- 7.2.16 Telecommunication tower in accordance with Section 4.11.6 of these Regulations

7.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 of these Regulations.

7.3.1 Winery

7.3.2 Recreational camps and other large scale uses such as riding academies, stables sportsmen's clubs and golf courses.

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

7.3.4 Cluster development

7.3.5 Senior housing in accordance with Section 16.11 of these Regulations

7.3.6 Active adult housing community in accordance with Section 16.12 of these Regulations

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 one hundred eighty feet (180') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

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 one hundred fifty feet (150') of any property line.

7.7 MAXIMUM BUILDING HEIGHT

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

7.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

7.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

7.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

SECTION 8: R-40 DISTRICT

8.1 PURPOSE

The areas provide an opportunity for medium to high density residential development. These areas generally contain good building land 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 Two-family dwelling
- 8.2.3 Farm as defined in these Regulations
- 8.2.4 Seasonal roadside stands for farm product
- 8.2.5 Parks and playgrounds
- 8.2.6 Governmental offices, libraries, schools, public safety facilities and public utilities
- 8.2.7 Accessory buildings and uses
- 8.2.8 Nursery school and day care facility serving up to six (6) children
- 8.2.9 Home occupations in accordance with Section 4.11.2 of these Regulations
- 8.2.10 Telecommunication tower in accordance with Section 4.11.6 of these Regulations
- 8.2.11 Interior lots in accordance with Section 4.11.4 of these Regulations
- 8.2.12 Temporary gatherings such as fairs or outings
- 8.2.13 Cemeteries. New Cemeteries shall contain a minimum of five (5) acres
- 8.2.14 Churches and other places of worship
- 8.2.15 Senior housing in accordance with Section 16.11 of these Regulations
- 8.2.16 Active adult housing community in accordance with Section 16.12 of these Regulations
- 8.2.17 Multi – family dwelling
- 8.2.18 Water Dependent Uses

8.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 of these Regulations.

8.3.1 Nursery School and day care facility serving more than six (6) children

8.3.2 Cluster development

8.3.3 Manufactured Home Park in accordance with Section 16.9 of these Regulations, but only if the project site interconnects to the Montville municipal sewer system and obtains a potable water supply from a municipal or community water system.

8.4 MINIMUM LOT SIZE

The minimum lot size in this district is 40,000 square feet. Cluster Developments shall conform to the provisions of Section 16.10 of these Regulations. For senior housing developments, the minimum lot area shall be 4,000 square feet per dwelling unit.

8.5 MINIMUM LOT FRONTAGE

Each residential lot shall have at least one hundred fifty feet (150') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

8.6 MINIMUM SETBACKS

8.6.1 FRONT YARD 40 FEET MULTI-FAMILY 40 FEET

8.6.2 SIDE YARD 15 FEET MULTI-FAMILY 20 FEET

8.6.3 REAR YARD 40 FEET MULTI-FAMILY 40 FEET

8.6.4 No farm building or manure pit may be located within one hundred fifty feet (150')

8.7 MAXIMUM BUILDING HEIGHT

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

8.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

8.9 OFF STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

8.10 SIGNS

All signs in this district shall conform to the provision of Section 19 of these Regulations.

SECTION 9: R-20 DISTRICT

9.1 PURPOSE

These areas comprise most of 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 his district:

- 9.2.1 Single-family dwelling
- 9.2.2 Two-family dwellings
- 9.2.3 Parks and playgrounds
- 9.2.4 Governmental offices, libraries, schools, public safety facilities and public utilities
- 9.2.5 Accessory buildings and uses
- 9.2.6 Nursery school and day care facility serving up to six (6) children
- 9.2.7 Home occupations in accordance with Section 4.11.2 of these Regulations
- 9.2.8 Interior lots in accordance with Section 4.11.4 of these Regulations
- 9.2.9 Multi-family dwellings in accordance with Section 4.11.5 of these Regulations
- 9.2.10 Convalescent home
- 9.2.11 Temporary gatherings such as fairs or outings
- 9.2.12 Telecommunication tower in accordance with Section 4.11.6 of these Regulations
- 9.2.13 Churches and other places of worship
- 9.2.14 Cemeteries. New Cemeteries shall contain a minimum of five (5) acres
- 9.2.15 Senior housing in accordance with Section 16.11 of these Regulations
- 9.2.16 Active adult housing community in accordance with Section 16.12 of these Regulations

9.3 SPECIAL PERMITS

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 of these Regulations.

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

9.3.2 Cluster development

9.3.3 Manufactured home parks in accordance with Section 16.9 of these Regulations, but only if the project site interconnects to the Montville municipal sewer system and obtains a potable water supply from a municipal or community water system.

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 to the provisions of Section 16.10 of these Regulations. For senior 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 eighty feet (80') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

9.6 MINIMUM SETBACKS

9.6.1	FRONT YARD	40 FEET	MULTI-FAMILY	40 FEET
9.6.2	SIDE YARD	10 FEET	MULTI-FAMILY	20 FEET
9.6.3	REAR YARD	40 FEET	MULTI-FAMILY	40 FEET

9.7 MAXIMUM BUILDING HEIGHT

No building shall exceed forty-five feet (45') in height.

9.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

9.9 OFF-STREET PARKING

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

9.10 SIGNS

All signs in this district shall conform with the provisions of Section 19 of these Regulations.

SECTION 9A.1: HOUSING OPPORTUNITY DEVELOPMENT ZONE (HOD)

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 C.G.S. §8-30g, as may be amended from time to time, 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 these HOD Regulations, “Housing Opportunity Unit” means a housing unit within a HOD 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 SFHA as defined by the FEMA or topography greater than twenty-five percent (25%) slope in grade measured in minimum horizontal increments of twenty feet (20’).
- d. Single-Family Dwelling Flat. Single-family dwelling flat means a residential unit containing approximately eight hundred square feet (800sqft) 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) flats 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 4.10.4 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 (20%)

- 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
 - Maximum Accessory Building Height: 20 feet
 - Maximum Stories: 2

- D. Attached Dwellings on Common Interest 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: 45 feet
 - 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 Standard and Improvement Details, as the same may be amended from time to time.

9A.1.7 COMMON INTEREST OWNERSHIP REQUIREMENTS

- a. A common interest ownership association formed and governed in accordance with the C.G.S. as may be amended from time to time, 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, C.G.S. §47-20 et seq. as may be amended from time to time, 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 a 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 trees belts as described in this HOD Regulations; 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 18 of Regulations.

9A.1.10 SIGNAGE

Signage within a HOD shall comply with Section 19 of these Zoning Regulations.

9A.1.11 TRASH REMOVAL

The Conceptual and Final Plan for a HOD 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 provisions 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, Subdivision Plan, for a HOD. 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 twenty-five foot (25') wide "tree belt" in which trees are to be planted with one row of deciduous trees no more than fifty feet (50') 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 twenty-five feet (25') 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 may be constructed along interior roads and the lot frontage in conformance with the Montville Road Standard and Improvement Details, as the same may be amended from time to time. The Commission may require the construction of sidewalks along public road frontage owned by the Applicant.

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 date, including lumen output and photometric data showing cutoff 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

All electrical and telephone lines shall be located underground and in conformance with applicable Montville Road Standard and Improvement Details.

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 21 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 the C.G.S. §8-2, as may be amended from time to time, is appropriate for the site given soils types, terrain and infrastructure capacity.
- c. The Conceptual Plan(s) shall contain an overall plan showing the following:
 1. Key Map at 1" = 2,000' scale.
 2. For the parcel to be rezoned and other properties within five hundred feet (500'), 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. The existing zoning of parcel to be rezoned,
 - c. The existing zoning of adjacent land,
 - d. The Assessor's parcel numbers of the parcel to be rezoned and other properties within five hundred feet (500').
 3. Five hundred foot (500') 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 twenty-five percent (25%) 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 foot (5') 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 of roads.
 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 specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall, prior to the issuance of a zoning permit for such development, provide to the Commission a certified copy of a Certificate of Public Convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The Town shall not be considered the water company for an approval unless it consents. 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 customers
 - 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 C.G.S. Section 7-245, as may be amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of C.G.S. 7-246f, as may be amended from time to time, 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 C.G.S. §8-30g, §8-30g-1 et seq. of the Regulations, as may be amended from time to time, 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 from 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 judgement 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 respects 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 17 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 C.G.S. §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 C.G.S. §8-3(i) and/or C.G.S. §8-3(j), C.G.S. §8-26c and/or C.G.S. §8-26g, as may be amended from time to time, 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 C.G.S. §8-3(i) and/or §8-26c, as may be amended from time to time, 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 9.1.18 of the HOD Regulation.

9A.1.20 BONDING OF PUBLIC IMPROVEMENTS SHOWN ON FINAL PLAN & 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 17.6 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 authored by C.G.S. §8-25, as may be amended from time to time, the posting of any such bond or other financial security shall be done in accordance with the provisions contained in Section 17.6 of these Regulations.

9A.1.21 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 C.G.S. as maybe amended from time to time, including the authority under C.G.S. §8-12, as may be amended from time to time, to issue notices of violation, to impose fines, and to seek injunctive relief. In addition, the Commission may authorize the 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 9B: R-20-M

9B.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, to help address identified housing needs, to recognize existing multi-family housing developments and clusters;
- b. To encourage the construction of housing that is consistent with design and construction standards present in the surrounding community;
- c. To promote housing choice and economic diversity;
- 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 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;
- g. To promote housing near public transportation routes.

9B.2 PERMITTED USES

9B.2.1 Two-family dwellings

9B.2.2 Multi-family dwellings, including both attached single-family dwellings and attached single-family dwelling flats.

9B.2.3 Government offices, libraries, schools, public safety facilities and public utilities

9B.2.4 Nursery school and day care facilities

9B.2.5 Senior housing in accordance with Section 16.11 of these Regulations

9B.2.6 Transmission tower

9B.3 DENSITY

- a. Attached Single-family Dwellings consisting of two (2) 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 forty (40) Attached Single-family Dwelling Flats per building and Multi-family dwellings.

9B.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 4.10.4 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.
- d. Parks and Playgrounds and Community Buildings.
- e. Public utility and infrastructure uses.
- f. Water supply tanks.

9B.5 MINIMUM LOT SIZE

- a. The Minimum Lot Size shall be 20,000 square feet if the lot **IS** served by public sewer.
- b. The Minimum Lot Size shall be 40,000 square feet if the lot **IS NOT** served by public sewer.

9B.6 DENSITY, HEIGHT, AREA AND YARD REQUIREMENTS

- a. Maximum Density:
Eighteen (18) units per acre (1 unit per 2,420 square feet) of land
Total Minimum Open Space: 15%

- b. Setbacks and Height:
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 Side yard Setback: 15 feet
Minimum Rear yard Setback: 30 feet
Minimum Principal Building Separation: 30 feet
Minimum Accessory Building Separation: 10 feet
Maximum Principal Building Height: 60 feet
Maximum Accessory Building Height: 45 feet (not including utility uses)
Maximum Stories: 5
Minimum Frontage: 80 feet

9B.7 ROAD CONSTRUCTION STANDARD AND ROAD DEDICATION REQUIREMENTS

All roads within a multi-family housing project in the R-20-M Zoning District, which are proposed for dedication to the Town of Montville as municipal streets shall be constructed in conformance with the Town of Montville Road Standard and Improvement Details, as may be amended. All access drives, roads and maneuvering lanes and aisles included in a proposal for a multi-family dwelling project on any lot in the R-20-M Zoning District which are not proposed for dedication as municipal streets shall be constructed of materials required pursuant to the construction specifications and improvement details contained in the Town of Montville Road Standard and Improvement Details. However, the horizontal and vertical layout of such driveways, maneuvering aisles, roads and access ways and drainage specifications shall only be required to comply with good engineering practices and best management practices for stormwater quality and stormwater runoff management based upon the unique characteristics of each project parcel and development design. Sidewalks may be required in accordance to Section 4.10.1.A

9B.8 PARKING REQUIREMENTS

Parking shall be provided in accordance with Section 18 of these Zoning Regulations.

9B.9 SIGNAGE

Signage shall comply with Section 19 of these Zoning Regulations.

9B.10 TRASH REMOVAL

The Site Plan shall provide information about the number, location and screening of dumpsters of trash receptacles at community facilities and for servicing dwelling units.

9B.11 DELETED

9B.12 LANDSCAPING

- a. When and where appropriate, the Commission may allow existing vegetation to be used in lieu of new landscaping materials.
- b. Landscaping of buffers and perimeters shall be achieved with native plants and trees and shall achieve an aesthetic neighborhood landscape.
- c. Landscaping and buffering shall comply with the following minimum requirements:
 1. Any lot developed for multi-family residential use shall provide a landscaped buffer area alongside the rear lot lines at least ten feet (10') wide with one shade tree planted at least three inches (3") in caliper for each fifty feet (50') or part thereof of any portion of such side or rear lot line located adjacent to a building in the multi-family housing development.
 2. Shade trees shall be deciduous shade trees planted at least three inches (3") in caliper with a mature height of at least thirty-five feet (35'). In addition to the shade trees, area requiring a landscape buffer pursuant to these Regulations shall be planted with conifers planted at not less than twelve feet (12') apart and six feet (6') in height.
 3. Existing plant materials may be used to meet all or part of the landscaping and buffering requirements.

9B.13 SIDEWALKS

Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located may be required by the Commission if (1) such sidewalk interconnects with existing or proposed sidewalk system on the adjacent street and (2) the project is located within 1,000 feet of an existing commercial center, school or place of public gathering. All sidewalks shall be privately owned and maintained.

9B.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 information sufficient for the Commission to make a determination that the standards required herein are satisfied. All lighting shall conform to the Town of Montville Road Standard and Improvement Details.

9B.15 UTILITIES

- a. All utilities lines shall be located underground.
- b. 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 C.G.S. as may be amended from time to time, any development providing water by means of a “water company” as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall provide to the Commission a Certified Copy of a Certificate of Public Convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The Town shall not be considered the water company for an approval unless it consents.

No application for Site Plan approval 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.

- c. 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 (WPCA) 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 C.G.S. Section 7-245, as may be amended from time to time, a report from the WPCA indicating that all requirements of C.G.S. Statutes Section 7-246(f), as may be amended from time to time, 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.

SECTION 10: COMMERCIAL -1 (C-1) DISTRICT

10.1 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.

10.2 PERMITTED USES

The following uses shall be permitted within this district:

- 10.2.1 Activities involving the sale of goods or services carried out for profit.
- 10.2.2 Customer service establishments
- 10.2.3 Business and professional offices
- 10.2.4 Restaurants, including drive-up or drive-thru facilities used for the delivery of food or beverages
- 10.2.5 Government offices, libraries, schools, public safety facilities and public utilities
- 10.2.6 Child day care center, twelve (12) or more children
- 10.2.7 Accessory buildings and uses
- 10.2.8 Apartments located in space is not occupied by the primary commercial use on the property provided they are not at ground level
- 10.2.9 Telecommunication tower in accordance with Section 4.11.6 of these Regulations
- 10.2.10 Workforce housing in accordance with Section 4.11.13 of these Regulations

10.3 SPECIAL PERMITS

- 10.3.1 Convenience/gasoline sales establishments in accordance with Section 4.11.10 of these Regulations.

10.4 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.

10.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least eighty feet (80') of frontage on a street. The minimum frontage may be reduced to sixty feet (60') by a vote of the Commission for contiguous commercial developments that combine driveways.

10.6 MINIMUM SETBACKS

- 10.6.1 FRONT YARD 30 FEET
- 10.6.2 SIDE YARD 15 FEET
- 10.6.3 REAR YARD 30 FEET
15 FEET (Commercial to Commercial or Industrial)

10.7 MAXIMUM BUILDING HEIGHT

There is no height limitation in this zone.

10.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

10.9 OFF-STREET PARKING

Off-street parking, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

10.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

SECTION 11: COMMERCIAL-2 (C-2) DISTRICT

11.1 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.

11.2 PERMITTED USES

The following uses shall be permitted within this district:

- 11.2.1 Activities involving the sale of goods or services carried out for profit.
- 11.2.2 Hotels
- 11.2.3 Conference centers
- 11.2.4 Recreation facilities, museums
- 11.2.5 Child day care center, twelve (12) or more children
- 11.2.6 Accessory buildings and uses
- 11.2.7 Residential, apartment/condominium units may be on levels above the primary first floor retail/business/office use
- 11.2.8 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on premise tasting room, food service and gift shop
- 11.2.9 Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on premise tasting room, food service and gift shop.
- 11.2.10 Gasoline filling and repair stations
- 11.2.11 Convenience/gasoline sales establishments in accordance with Section 4.11.10 of these Regulations.
- 11.2.12 Water dependent uses
- 11.2.13 For profit, trade and technical schools and facilities of higher learning.

11.2.14 Telecommunication towers in accordance with Section 4.11.6 of these Regulations

11.3 SPECIAL PERMITS: NONE

11.4 MINIMUM LOT SIZE

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

11.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least eighty feet (80') of frontage on a street. The minimum frontage may be reduced to sixty feet (60') by vote of the Commission for contiguous commercial developments that combine driveways.

11.6 MINIMUM SETBACKS

- 11.6.1 FRONT YARD 50 FEET
- 11.6.2 SIDE YARD 30 FEET
- 11.6.3 REAR YARD 30 FEET

One side yard may be reduced to zero feet (0') 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.

11.7 MAXIMUM BUILDING HEIGHT

There is no maximum building height in this zone.

11.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

11.9 OFF-STREET PARKING

Off street parking, including shared parking lots, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

11.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations. The Commission may approve a larger sign, more signs, than permitted in said Section 19 if, in its 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: LIGHT INDUSTRIAL (LI) DISTRICT

12.1 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.

12.2 PERMITTED USES

The following uses shall be permitted within this district:

- 12.2.1 Corporate headquarters
- 12.2.2 Business, professional offices
- 12.2.3 Office buildings
- 12.2.4 Research, design and development facilities
- 12.2.5 Warehousing, wholesale businesses, interior or exterior storage
- 12.2.6 Studios for recording, television, radio, and motion pictures including transmitters, antennae, and ancillary equipment
- 12.2.7 Governmental offices, libraries, schools, public safety facilities and public utilities
- 12.2.8 Accessory buildings and uses
- 12.2.9 Other industrial uses which can be operated using on-site septic systems which have been approved by the Health District
- 12.2.10 Automobile and heavy equipment dealers
- 12.2.11 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on premise tasting room, food service and gift shop.
- 12.2.11.a Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on premise tasting room, food service and gift shop.

- 12.2.12 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)
- 12.2.13 Temporary gatherings such as fairs, outings or job marts
- 12.2.14 Ambulance facilities
- 12.2.15 Nursery school and day care facility serving more than six (6) children
- 12.2.16 Excavation and processing (crushing) operations in accordance with Section 4.11.11 of these Regulations
- 12.2.17 Bituminous concrete and concrete manufacturing operations in accordance with Section 4.11.11 of these Regulations
- 12.2.18 Telecommunication towers in accordance with Section 4.11.6 of these Regulations

12.3 SPECIAL PERMITS: NONE

12.4 MINIMUM LOT SIZE

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

12.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least one hundred feet (100') of frontage on a street

12.6 MINIMUM SETBACKS

- 12.6.1 FRONT YARD 50 FEET
- 12.6.2 SIDE YARD 30 FEET
- 12.6.3 REAR YARD 50 FEET to Residential
30 FEET to Commercial or Industrial

12.7 MAXIMUM BUILDING HEIGHT

There is no maximum building height in this zone.

12.8 ENVIRONMENTAL PROTECTION

- 12.8.1 Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the

Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

12.9 OFF-STREET PARKING

Off-street, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

12.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

SECTION 13 INDUSTRIAL (I) DISTRICT

13.1 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 resources base of the Town.

13.2 PERMITTED USES

- 13.2.1 Those fields of economic activity including forestry, fishing, hunting and trapping, mining; construction, manufacturing, transportation, communication, electric, gas, and sanitary services, wholesale trade, general business & office buildings and warehousing.
- 13.2.2 Government offices, libraries, schools, public safety facilities and public utilities.
- 13.2.3 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on premise tasting room, food service and gift shop.
- 13.2.4 Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on premise tasting room, food service and gift shop.
- 13.2.5 Temporary gatherings such as fairs, outings, job marts
- 13.2.6 Excavation and processing (crushing) operations in accordance with Section 4.11.11 of these Regulations.
- 13.2.7 Bituminous concrete and concrete manufacturing operations in accordance with Section 4.11.11 of these Regulations.
- 13.2.8 Telecommunication towers in accordance with Section 4.11.6 of these Regulations.
- 13.2.9 Shared Parking.
- 13.2.10 Water Dependent Uses

13.3 SPECIAL PERMITS: NONE

13.4. MINIMUM LOT SIZE

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

13.5 MINIMUM LOT FRONTAGE

Each lot in this district shall have at least 80 feet of frontage on a street or a fifty foot (50') wide R.O.W. said easement must be approved by the Planning and Zoning Commission.

13.6 MINIMUM SETBACKS

- 13.6.1 FRONT YARD 30 FEET
- 13.6.2 SIDE YARD 15 FEET
- 13.6.3 REAR YARD 30 FEET

13.7 MAXIMUM BUILDING HEIGHT

There is no maximum building height in this zone

13.8 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

13.9 OFF-STREET PARKING

Off-street parking, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

13.10 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

SECTION 14: GOVERNMENT (G) DISTRICT

14.1 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.

14.2 PERMITTED USES

The following uses shall be permitted within this district:

14.2.1 Government offices, libraries, schools, public safety facilities and public utilities.

14.2.2 Public works facilities and associated equipment and storage yards

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

14.2.4 Parking facilities

14.2.5 Accessory buildings and uses

14.2.6 Temporary gatherings such as fairs or community functions.

14.2.7 Telecommunication towers in accordance with Section 4.11.6 of these Regulations

14.3 SPECIAL PERMITS: NONE

14.4 MINIMUM LOT SIZE: NONE

14.5 MINIMUM FRONTAGE: NONE

14.6 MINIMUM SETBACKS: There are no minimum setbacks in this zone.

14.7 ENVIRONMENTAL PROTECTION

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

14.8 OFF STREET PARKING: No restrictions

14.9 SIGNS

All signs in this district shall conform to the provisions of Section 19 of these Regulations. Government signs are exempt from size restrictions.

SECTION 14A ROUTE 32 OVERLAY ZONE (OZ)

14A.1 PURPOSE

The intent of this Overlay Zone is to promote economic development.

14A.2 The Route 32 Overlay Zone consists of the following areas: all properties that abut Route 32 in Montville and all those parcels of land East of Route 32 and West of the Thames River, those parcels which have frontage on Route 163 East of I-395 in Montville; and all properties otherwise designed as such on the overlay insert map on the official Town of Montville Zoning Map.

14A.3 A mixture of permitted commercial uses and structures and/or residential dwelling units may be permitted in the Route 32 Overlay Zone provided that:

- a. Multifamily dwellings and apartments may be built and/or commercial structures which are allowed in any commercial zone in Montville. Multiple structures are permitted on any lot.
- b. No residential units shall be allowed in basements.
- c. Dwelling units shall have a minimum floor area of five hundred square feet (500sqft).
- d. All living units shall require two (2) parking spaces except as otherwise approved by the Commission pursuant to Section 18.2.2 of these Regulations.
- e. Plans shall be submitted in accordance with Section 17 of these Regulations.

SECTION 15 GENERAL REQUIREMENTS

15.1 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 (1) 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 may be amended from time to time. Alternative principles, methods and practices may be used with prior approval of the Commission.

- 15.1.1 The Soil Erosion and Sediment Control plan shall include the following:
 - a. Analysis & Narrative & Plan as specified in Chapter 3 of the Connecticut Guidelines for Soil Erosion and Sediment Control as may be amended from time to time.
 - b. TR-55 drainage analysis or other drainage analysis deemed acceptable by the Town Engineer may be required by the Town Planner.
- 15.1.2 After review of the Soil 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 Soil Erosion and Sediment Control Plan, as well.
- 15.1.3 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 15.4 of these Regulations.
- 15.1.4 The Designated Agent of the Commission shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Designated Agent 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 Designated Agent may require as-built plans.

15.1.5 It is the applicant's/developer's responsibility to obtain authorization under DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (construction general permit) if their project disturbs more than one (1) acre of land. A copy of the storm water pollution control plan and DEEP permit shall be filed with the Town prior to issuance of a zoning permit.

15.2 SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS

The Special Flood Hazard Areas (SFHA) identified by the FEMA in its FIS for New London County, Connecticut, dated July 18, 2011, and accompanying FIRM, dated July 11, 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 Flood Insurance Rate Map (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 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. Large 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 SFHA or uses permitted in such areas will be free from flooding and flood damages. These 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 Rate Program (NFIP). 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:

- 15.2.1 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 (1%) chance of being equaled or exceeded in any given year, also known as a “100’ year flood”) elevation date for that portion of development located within the SFHA.
- 15.2.2 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 flood proofed to or above the base flood level;
 - c. Non-residential structures may be flood proofed 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 BFE 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 (1) 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 BFE 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 BFE. 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 15.2.3 and the elevation and anchoring requirements for a manufactured home in this Section 15.2.2.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 a quick disconnect type utilities and security devices, and has no permanently attached additions.
- f. When BFE data or floodway data are not available, then the Commission shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source in order to administer the provisions of these Regulations.
- 15.2.3 Prior to issuing a zoning permit for proposed construction or development within the A or AE Zones, the Enforcement Officer or the Commission shall review plans for such construction or development and require that (a) all sites are reasonably free from flooding; (b) new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; (c) new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; (d) new construction or substantial improvement 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') at any point within the community when all anticipated development is considered cumulatively with the proposed development.

15.2.4 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 FIRM, provided they meet the standards of Section 15.2.5.

- 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.

- 15.2.5 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 FIRM 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 foot (1') at any point with the community.

- 15.2.6 The Commission shall notify, in riverine situations, adjacent communities and the State Coordinating Office, the Water Resource Unit of the Connecticut DEEP, prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Administrator.

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 15.2.2 above; and (b) review permits to assure that sites are reasonably free from flooding and require that all state and federal permits are obtained.

- 15.2.7 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 BFE and that (1) 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) dollars for one-hundred (\$100) dollars of insurance coverage; and (2) such construction below base flood level increases risks to life and property. The Community shall (1) maintain records of all appeal variance actions, including justification for their issuance and; (2) report such variances issued to the FEMA in its annual or biennial report.

- 15.2.8 C.G.S. Volume 2, Title 8, Chapter 124, Sections 8-21, as may be 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 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 BFE. 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 any 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 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.
- 15.2.9 **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 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.
- 15.2.10 **Portion of Structure in Flood Zone** - If any portion of a structure lies within the 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, deck, 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.

- 15.2.11 **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).
- 15.2.12 **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.

15.3 COASTAL AREA MANAGEMENT

- 15.3.1 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 FEMA, 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 C.G.S. as may be amended from time to time, 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.
- 15.3.2 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 C.G.S. as may be amended from time to time, and described in Section 15.3.1 of these Regulations, shall be subject to the coastal site plan review requirements and procedures in Sections 221-105 through 22a-109 of the C.G.S. as may be amended from time to time, with the exception of gardening, grazing, and harvesting of crops which shall be exempt 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, and applications:
 1. Site plans submitted to the Planning and Zoning Commission in accordance with Section 22a-109 of the C.G.S. as may be amended from time to time.
 2. Applications for special permits submitted to the Planning and Zoning Commission in accordance with Sections 8-2 of the C.G.S. as may be amended from time to time, 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 C.G.S. as may be amended from time to time, and subsection (3) of Section 20 of these Regulations.
 4. A referral of a proposed municipal project to the Planning and Zoning Commission in accordance with Section 8-24 of the C.G.S. as may be amended from time to time.

15.3.3 **Coastal Site Plan**: Except where exempted under the provisions of Section 15.3.2 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 C.G.S. as may be amended from time to time.

15.3.4 **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 15.3.2 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 C.G.S. as may be amended from time to time; (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 C.G.S, as may be amended from time to time, 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 C.G.S. as may be amended from time to time; 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.

15.3.5 **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 15.4 of these Regulations.

15.3.6 **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.

- 15.3.7 **Violations**: Any activity within the defined coastal area not exempt from coastal site plan review pursuant to Section 15.3.2 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 abetment of such nuisance.

15.4 PROJECT SECURITY

15.4.1 **Performance Bonds**

- a. For any improvement to be conveyed to the Town of Montville upon completion, a Performance Bond shall be posted by the applicant to ensure completion of all such required public improvements and utilities shown on 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 Cash 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. The cash bond shall be a passbook account with the town named as trustee. If the applicant shall fail to complete all such improvements to be conveyed or controlled by the Town 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 public improvements to be conveyed to or controlled by the Town, including storm drainage system, 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, or any other plan as approved by the Commission. In addition, the cost to install and maintain the elements of the Erosion and Sedimentation Control Plan shall be bonded. The cost of erosion and sediment control measures shall be stated separately. 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, or the installation of soil erosion and sediment controls 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 or the Site Plan approval 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. Performance Bond from a third part surety: The surety providing the performance bond needs to be authorized to do business in the State of Connecticut, must appear on the Federal Department of Treasury’s list of approved sureties and must act only within the underwriting limitation listed therein, and must have a Best’s Rating A or A- (Excellent) or better as published by the A.M. Best Company and must be approved by the Director of Finance.

15.4.2 **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, or its designated agent, shall grant any bond release requested within sixty-five (65) days of written application for release 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 provisions of these Regulations, including any required road specifications, or the plans conditions for any Final Plan approved hereunder.

15.4.3 **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 structure, including drainage system pipes, mains or conduits, curbs, gutters, sidewalks, road surfaces, land turbing and bridges which may arise during a period of one (1) year after acceptance by the Town.

15.4.4 **Certificate of Compliance**

- a. Before release of any Public Improvement bond required by this section, the applicant shall present a statement and a copy of “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 to be conveyed to or controlled by the Town of Montville including but not limited to streets, ditched, watercourses, head walls, storm drains, catch basins, manholes, sidewalks, gutters, curbs, bridges, culverts, and other structures, and improvements have been installed in the location and at the elevation of grade shown on the construction plans. Any revisions of the approved construction plan must be approved and initialed by the Commission or their agent. Such revision shall be incorporated on the “as built” construction plans.
- b. Before the issuance of any Certificate of Compliance in accordance with Section 4.3 of these Regulations, all improvements not to be conveyed to the Town of Montville, including but not limited to, storm drainage systems, 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, or any other plans as approved by the Commission or otherwise required by these Regulations, shall be completed, as certified by an as-built plan in accordance with this Section. The applicant may offer, and the Zoning Enforcement Officer may accept, a bond in accordance with this Section to guarantee completion of such improvements if, due to weather or other reasonable cause, they cannot be completed prior to occupancy; provided, however, that no such bond shall be accepted for the completion of any improvements which might affect the safety of occupants of, or visitors to, the site, or members of the general public.

SECTION 16 SPECIAL PERMIT

16.1 **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 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.

16.2 **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 16, or amend a previously granted Special Permit.

The Commission may determine that the requirement for a Special Permit is not required where it finds that: (a) One Special Permit 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 18 of these Regulations; (c) The new use shall entail no exterior change to the building or site other than signs which conform to Section 19 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 16.4 of these Regulations.

16.3 **Required Information for Special Permit** The following information shall at a minimum, be provided by an applicant for Special Permit:

a. A complete 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 twenty-four inches (24") by thirty-six inches (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, signed, and sealed by a Licensed Connecticut 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 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 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 feet (500') 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, R.O.W, or similar encumbrances which run with the land, 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 feet (100') 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 sight 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 on or near the site as defined by the Inland Wetlands and Watercourses Regulations of the Town of Montville, CT, and a statement indicating the quality thereof.
 - c. Areas having slopes in excess of twenty percent (20%).
 - d. Flood hazard areas as designated on the most current Federal FIRM 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 4.10.5 of these Regulations.
 - i. Existing contours of the land at intervals of two feet (2'), 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 volumes, if requested.
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 feet (2') 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, 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.
 - b. 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 Local Health District.
 - c. Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.
 - d. The percentage of building coverage, combined building and paved area coverage.
 - e. Phase lines, proposed future division of the property, long term lease boundaries, and the like.
 - f. 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.
 - g. The location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.
 - h. 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 18 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 from time to time 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 C.G.S. Section 7-245, as may be amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of C.G.S. Section 7-245f, as may be amended from time to time, 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 Local 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 4.10.5 of these Regulations.

e. **Protection of Surface and Ground Water Supply** Pursuant to C.G.S. Section 8-2, as may be amended from time to time, 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 Energy and 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 C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall, prior to the issuance of a zoning permit for such development, provide to the Commission a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The town shall not be considered the water company for an approval unless it consents.

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 need 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. **Determination of Required Information.** The commission may, upon the written request of the applicant or upon its own motion, determine that one or more of the required site plan elements or submission requirements set forth in Section 17 and/or Section 16.2 are not required in order to fully evaluate an application.
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 16.5 of these Regulations.

16.4 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 16. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission, 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. Section 8-7(d)(f), as may be amended from time to time, 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 feet (500') 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 submittal 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. Section 8-3i, as may be amended from time to time, in any Special Permit application for any property which is within the watershed of a water company, as defined in C.G.S. Section 25-32a, as may be amended from time to time, 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. **Submission for Review** In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees or other governmental agencies for comment and recommendations.

4. **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 C.G.S. as may be amended from time to time. 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-five (35) days following the opening thereof. Within sixty-five (65) days following the close of the said public hearing, the Commission shall act upon said application. The applicant may consent to one or more extensions of time to commence the public hearing, complete any such hearing, and make the decision, provided the total period of all such extensions do not exceed sixty-five (65) days. These time limits are in accordance with C.G.S. 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.

5. **Action** The Commission shall review the application for conformance with the criteria of this Section 16. The Commission may approve, modify and approve, or disapprove the application. If the Commission 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 16. 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 C.G.S. as maybe amended from time to time. 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.

6. **Endorsement and Filing** Within sixty-five (65) days of the Commission approval, the applicant shall submit two (2) sets of final plans 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.1.20 and 17.6 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. In accordance with (C. G. S.)Section 8-3d, no Special Permit shall be effective until a copy thereof containing a description of the premises to which it relates and specifying the nature of such Special Permit and stating the owner of record, is recorded in the land records in the Office of the Town Clerk. Boundary Survey, Lot Layout, Plan & Profile and any sheets that show public improvements shall be filed on the Land Records in the Office of the Town Clerk within ninety (90) days of the date of approval.

16.5 Criteria of 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 16, 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 the 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 Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4.9 of these Regulations.

Further, the application shall conform to the Town of Montville Subdivision Regulations; the Inland Wetlands and Watercourses Regulations of the Town of Montville, CT, as evidenced by the submission of an Inland Wetlands permit issued by the Town of Montville Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Local Health District; and all relevant provisions of the C.G.S. as may be amended from time to time, 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 right-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 sight 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, as required by the Office of the Montville Fire Marshal.
- f. **Erosion, Sediment, and Runoff Control Standards** Complies with Section 4.10.5 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 concludes 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 17.4.22 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.

16.6 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 they 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 feet (4'). 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 feet (2 ½' DBH) all evergreen trees shall have a minimum height of six feet (6') and all shrubs shall be of a size at least one third (1/3) 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. **Determination Of Required Information** The Commission may, upon the written request of the applicant, determine that one or more of the Special Permit requirements are not required in order to fully evaluate the application, provided the requirement is not required by C.G.S. as may be amended from time to time.

SPECIAL PERMIT USE

16.7 WINERY

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

- 16.7.1 The entire facility shall be located on a site containing not less than twenty-five (25) acres.
- 16.7.2 Any structure used for the retail sale or manufacture of wine shall have a setback on a minimum of one hundred fifty feet (150') from the centerline of the nearest street.
- 16.7.3 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.
- 16.7.4 Any required off-street parking shall be screened from all adjacent lots in any residential district.
- 16.7.5 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.
- 16.7.6 No structure used for the manufacturing, storage, or sale of wine shall be located within six hundred feet (600') of any school, place of worship, library, or hospital.
- 16.7.7 One sign not exceeding sixteen square feet (16') in area shall be permitted at each entrance from a public street.

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

16.8 RECREATIONAL CAMPS

An applicant proposing to establish or expand a Recreational Camp shall comply with the provisions of Section 16 of these Regulations and the following additional requirements:

- 16.8.1 The site shall contain a minimum of forty (40) acres.
- 16.8.2 The maximum number of campsites per acre shall average ten (10). Sites shall generally be rectangular in shape. Each individual campsite for accommodation of recreational vehicles shall contain a minimum of twenty-five hundred square feet (2,500sqft). Tent sites may contain a minimum of sixteen hundred square feet (1600sqft). Minimum campsite widths shall be fifty feet (50') and forty feet (40') respectively. All sites shall have direct access only to interior circulation roads and shall be provided with a minimum of fifteen feet (15') of frontage thereon. All sites shall have permanently posted, chronological lot or site numbers.
- 16.8.3 A landscaped screen and buffer strip a minimum of fifty feet (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.
- 16.8.4 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 ten percent (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 fifteen feet (15') for one-way traffic and twenty-four feet (24') for two way traffic. All interior roads, access ways and travel ways 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 twenty feet (20') in length shall have a minimum internal radius of sixty feet (60'). Dead end roads in excess of one hundred feet (100') shall be provided with turnarounds containing internal radii of sixty feet (60'), unless exclusively reserved for tent sites.

- 16.8.5 Maximum length of recreational vehicles which are not self-transporting shall be thirty-six feet (36') and maximum width of all recreational vehicles when in transit shall be eight foot six inches (8'6"). All requirements of the Public Health Code of Connecticut, as may be amended from time to time, shall be complied with.
- 16.8.6 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.
- 16.8.7 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.
- 16.8.8 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 one hundred feet (100') of any property line.
- 16.8.9 A sign not more than twelve square feet (12sqft) in area shall be permitted at the entrance to a Recreational Camp. Maximum height shall be eight feet (8'). Such sign shall be a minimum of ten (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 two and a half feet (2.5') in height and three square feet (3sqft) in area.
- 16.8.10 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 one hundred feet (100') of each individual site. Dumpsters shall be effectively screened and enclosed.
- 16.8.11 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 six hundred square feet (600sqft) of floor space.
- 16.8.12 Each Recreational Camp shall provide a minimum of fifteen percent (15%) of the gross land area of the camp for one (1) 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.
- 16.8.13 The Plan must be approved by Building Official and Fire Marshal prior to submission to Planning and Zoning Commission.

- 16.8.14 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 4.9.
- 16.8.15 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.

16.9 MANUFACTURED HOME PARK (MHP)

The purpose of the manufactured home subdivision is to allow for single family manufactured home dwellings to be located on ten thousand square foot (10,000sqft) lots or a 10,000 lease area. Manufactured home parks must be serviced by public water and sewer. MHP 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.

- 16.9.1 MHP's may be permitted in R-20, R-40, R-80 and R-120 districts.
- 16.9.2 The minimum land area required for a MHP is twenty (20) acres.
- 16.9.3 Each dwelling unit shall have a minimum of ten thousand square feet (10,000sqft) of land area. The Commission may require a maximum of fifteen percent (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.
- 16.9.4 Internal park roads may be reduced to a width of twenty-two feet (22'). Sidewalks maybe required in accordance with Section 4.10.1.A 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 of 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.

- 16.9.5 Lot/Lease area: ten thousand square feet (10,000sqft).
- 16.9.6 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 forty-five feet (45') and the central angle of the curve of such road is not less than one hundred eighty degrees (180°).
- 16.9.7 Side yard setback: Fifteen feet (15') minimum
- 16.9.8 Building Separation: Thirty feet (30') minimum between buildings
- 16.9.9 Rear yard setback: Twenty-five feet (25') minimum
- 16.9.10 Front yard setback: The minimum average of all front yards shall be twenty-five feet (25') with no front yard of any MHP lot or lease area being less than fifteen feet (15'). Front yard setbacks shall be staggered to provide a maximum variety in the size of such yards.
- 16.9.11 All utilities shall be placed underground. Suitable landscaping as determined by the Commission shall be provided. All refuse areas shall be screened.
- 16.9.12 The minimum floor area of a manufactured home shall not be less than six hundred square feet (600sqft).
- 16.9.13 If a solid concrete or masonry perimeter foundation is not used, exterior wall covering material shall extend to the ground.
- 16.9.14 The main roof shall have sloping lines with a minimum of 1:6 slope.
- 16.9.15 All foundation, slab, and tie downs must comply with the most recent edition of the BOCA, FEMA and HUD codes.

16.10 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 of 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.

16.10.1 FINAL PLAN

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

- Comply with Section 17 of these Regulations
- A copy of the homeowners association's proposed restrictive covenants for the common open space land.

16.10.2 MINIMUM TRACT SIZE

The minimum tract size for a cluster development shall be fifteen (15) acres if public sewers are not available. The minimum tract size shall be ten (10) acres if public sewers are available. The developer may not extend an existing sewer line more than one thousand feet (1,000') unless all of the following conditions are found to exist:

- The Town has received an order signed by the Commissioner of DEEP to construct public sewers which will service the tract or terminate within one thousand feet (1,000') 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 ninety percent (90%).

16.10.3 Cluster development is permitted in all residential zones.

16.10.4 MINIMUM LOT SIZE

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

- The minimum lot size shall be eighty thousand square (80,000sqft) feet 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 (1") per minute

- A soil percolation rate slower than one inch (1”) per thirty (30) minutes
- A maximum ground water level less than three feet (3’) below ground surface
- Ledge rock less than five feet (5’) below ground surface
- Soils with slopes exceeding twenty-five percent (25%)
- 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 fifty feet (50’) 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 (50) gallons per minute, or within five hundred feet (500’) of land owned by a public water supply utility and approved for a future well site by the Commissioner of Public Health
- If none of the above conditions are found to exist, the minimum lot sizes shall be as follows:

ZONING DISTRICT REQUIRED LOT AREA

WRP-160	80,000 SQ. FT.
R-120	80,000 SQ. FT.
R-80	40,000 SQ. FT.
R-40	20,000 SQ. FT.
R-20	10,000 SQ. FT.

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

16.10.5 DENSITY

The overall density may not exceed the maximum density allowed in the applicable district unless the developer submits a proposal in conformance with Section 16.10.10 of these Regulations.

16.10.6 BULK REQUIREMENTS

Frontage, side yards, front yards, and rear yards may be reduced by twenty-five percent (25%) (See requirement in applicable zone.); provided, however, that lots in the R-40 zone may be developed in accordance with the following bulk requirements if served by public sewer and water: Lot frontage 80 feet, Front yard setback: 30 feet, Rear yard setback: 30 feet, Side yard setback: 10 feet. In no case shall any side yard be less than ten feet (10’). Applicable height restrictions shall remain in effect.

16.10.7 OPEN SPACE REQUIREMENTS

Not less than fifteen percent (15%) of the site shall be set aside as permanent open space. At least five percent (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 fifteen percent (15%) set aside unless they are determined to be significant by the Town of Montville Inland Wetland and Watercourses Commission.

- 16.10.8 The internal roadways may be reduced to a width of twenty-two feet (22') if the ownership of all roads, drainage, and sewage facilities remain vested with the owner or are transferred to homeowner's association.
- 16.10.9 Duplexes are permitted in developments served by public sewer and water.
- 16.10.10 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

16.11 SENIOR HOUSING

- 16.11.1 The following regulations are established to promote the development of housing for older persons (age sixty-two (62) or older) within either (1) a Common Interest Community created pursuant to the provisions of C.G.S Section 47-200 Et. Seq. or (2), as may be amended from time to time, pursuant to an arrangement (leasehold or otherwise) in which all of the land 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.
- 16.11.2 All applications for sixty-two (62) and over Age Restricted Housing Communities shall comply with the requirements of Sections 18 of these regulations. Applications may be submitted for phased developments; provided, however, that (1) a conceptual master plan for the remainder of the community is submitted as an integral component of the Site Plan application and (2) each proposed phase of the phased community can be constructed, operated and maintained without the development of any subsequent phase.
- 16.11.3 An application for a sixty-two (62) and over Age Restricted Housing Community shall include:
 - 16.11.3.1 An application form as prescribed by the Commission.
 - 16.11.3.2 A site plan which also contains all additional data and information Required by Section 16.11 of these Regulations.
 - 16.11.3.3 A Drainage Report and Drainage Area Map prepared and certified by a licensed professional engineer.
 - 16.11.3.4 A draft of all covenants and restrictions applicable to the 62 and over Age Restricted Housing Community. These covenants must provide assurances that the restrictions shall remain in place until a different use is approved for the whole property by the Planning and Zoning Commission.
 - 16.11.3.5 Typical front, side and rear elevations of structures to be erected

in the 62 and over Age Restricted Housing Community.

16.11.3.6 If the 62 and over Age Restricted Housing Community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project.

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

16.11.3.8 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.

16.11.4 Development Standards

16.11.4.1 Internal community roads shall be owned and maintained by the Property 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 C.G.S. as may be amended from time to time. Internal community roads shall be a minimum of twenty-two feet (22') 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.

16.11.4.2 The Property shall be served by public water and sewer.

16.11.5 The minimum lot frontage for Community shall be fifty feet (50') on a public street.

16.11.6 The minimum lot size for a sixty-two (62) and over Age Restricted Housing Community shall be 1 acre.

16.11.7 The maximum density for a sixty-two (62) and over Age Restricted Housing Community shall be eight (8) dwelling units per acre.

16.11.8 The minimum habitable floor area shall be five hundred square feet (500sqft).

16.11.9 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.
4. Community maintenance building.

5. Shared parking facilities located within one hundred feet (100') of the Unit served.
 6. Other similar accessory uses acceptable to the Commission.
- 16.11.10 Each building in a group shall not be closer than twenty-five feet (25') from any other building in the group measured in a straight line between the nearest parts of the building.
 - 16.11.11 Each sixty-two (62) and over 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 (1) two thousand square feet (2,000sqft) or (2) ten square feet (10sqft) for each unit in the community.
 - 16.11.12 All utilities shall be underground.
 - 16.11.13 Community Entry Requirements.
 1. Each Unit must be occupied by at least one Resident who is sixty-two (62) years of age or over.
 2. No Unit shall be occupied by any individuals who have not attained the age of sixty-two (62) 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.

16.12 ACTIVE ADULT HOUSING COMMUNITY

- 16.12.1 The following regulations are established to promote the development of housing for older persons (age fifty-five (55) or older) within either (1) a Common Interest Community created pursuant to the provisions of C.G.S. Section 47-200 Et. Seq. or (2), as may be amended from time to time, 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.
- 16.12.2 All applications for Active Adult Housing Communities shall comply with the requirements of Sections 16 and 17 of these Regulations. Applications may be submitted for phased developments; provided, however, that (1) a conceptual

master plan for the remainder of the community is submitted as an integral component of the Special Permit Application and (2) each proposed phase of the phased community can be constructed, operated and maintained without the development of any subsequent phase.

16.12.3 An application for an Active Adult Housing Community shall include:

16.12.3.1 An application form as prescribed by the Commission.

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

16.12.3.3 A Site Plan which also contains all additional data and information required by Section 16.12 of these Regulations.

16.12.3.4 A Drainage Report and Drainage Area map prepared and certified by a licensed professional engineer.

16.12.3.5 A draft of all covenants and restrictions applicable to the Active Adult Housing Community shall be filed in the land records after final approval.

16.12.3.6 Typical front, side and rear elevations of structures to be erected in the Active Adult Housing Community.

16.12.3.7 If the Active Adult Housing Community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project.

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

16.12.3.9 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.

16.13. Development Standards

16.13.1 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 C.G.S. as may be amended from time to time. Internal community roads shall be a minimum of twenty-two feet (22') 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 the Town Engineer.

- 16.13.2 The Community Development be served by public water and sewer.
- 16.13.3 The minimum lot frontage for an Active Adult Housing Community shall be two hundred feet (200') on a public street.
- 16.13.4 The minimum lot size for an Active Adult Housing Community shall be five (5) acres.
- 16.13.5 The maximum density for an Active Adult Housing Community shall be six (6) dwelling units per acre.
- 16.13.6 There shall be no more than six (6) dwelling units per building in an Active Adult Housing Community.
- 16.13.7 The minimum habitable floor area of each dwelling unit shall comply with the State Building Code, State of Connecticut, as may be amended from time to time.
- 16.13.8 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.
 4. Community maintenance building.
 5. Shared parking facilities located within one hundred feet (100') of the Unit served.
 6. Other similar accessory uses acceptable to the Commission.
- 16.13.9 Each building in a group shall not be closer than twenty-five feet (25') from any other building in the group measured in a straight line between the nearest parts of the building.
- 16.13.10 Each Active Adult Housing community which contains in excess of thirty (30) housing units shall provide an office on-site and may provide a community/recreational building for the exclusive benefit of community residents.
- 16.13.11 All utilities shall be underground.

SECTION 17 SITE PLANS

17.1 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.

17.2 PROCEDURE

A site plan shall be submitted for any application to the Planning & Zoning Commission.

- 17.2.1 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 the applicant may consent to one or more extensions of time to make the decision provided the total period of all extensions does not exceed sixty-five (65) days.
- 17.2.2 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.
- 17.2.3 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.
- 17.2.4 A site plan shall be prepared by either an architect, professional engineer and/or land surveyor licensed and registered to practice in Connecticut. 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. 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.

17.2.5 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.

17.2.6 A location map at a scale of one inch (1") equals one thousand feet (1,000') shall be submitted showing the subject property, streets, lot lines, and zoning district boundaries within one thousand feet (1,000') of the subject property. If space permits, the location map may be included as an insert on the site plan as required in Section 17.4. An 8 ½" X 11" photocopy of a USGS Quad Map with the project site outlined must accompany the site plan.

17.3 GIS

17.3.1 Digital data for Special Permits and Resubdivisions/Subdivisions shall be provided to the Planning Office after the recording of the final mylars on the land records. For Site Plans, the data shall be provided to the office after all signatures have been obtained by the appropriate authorities and prior to the issuance of a Zoning Permit.

17.3.2 The Digital Data shall include:

- a. One (1) PDF copy of the project
- b. Copy of the project in ArcView (GIS) format or AutoCAD
 - i. Shapefile (.shp)
 - ii. Geodatabase (.mdb)
 - iii. Export file (.e00)
 - iv. AutoCAD.dwg

17.3.3 Having all features in a single AutoCAD layer or GIS file will not be accepted. For example, there must be separate layers/files for text, buildings, roads, wetlands, etc.

17.3.4 All data represented in a digitally submitted AutoCAD or GIS drawing must be registered to the CT State Plane Coordinate System Using NAD 1983 datum.

17.3.5 Data can be submitted to the Planning Office via a flash-drive or CD.

17.4 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:

17.4.1 The name and address of the applicant and owner of record.

- 17.4.2 North arrow, scale, date of the drawing or its revision and the name(s) and seal(s) of those persons preparing the site plan.
- 17.4.3 Property boundaries, dimensions and area in acres and square feet and all existing monuments, pipe markers, and other physical evidence concerning property boundaries.
- 17.4.4 Zoning districts and dimensions of all yards as required by these Regulations. This information will be shown in both mapped and tabular forms.
- 17.4.5 Existing and proposed contour lines at five foot (5') intervals. The Town Planner or Town Engineer may require a two foot (2') contour interval in order to clearly show topography and drainage.
- 17.4.6 Location, width, and purpose of all existing and proposed easements and right-of-way on the property.
- 17.4.7 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.
- 17.4.8 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 one hundred feet (100') of the property lot lines.
- 17.4.9 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.
- 17.4.10 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.
- 17.4.11 Location, size, and arrangement of all pedestrian walkways and sidewalks.
- 17.4.12 Location, layout, type, and size of buffer or landscape area, plant materials, fencing, screening devices, or other materials proposed for use.
- 17.4.13 Location, size, height, lighting, and orientation of all signs.
- 17.4.14 Location, size, height and orientation of all outdoor lighting facilities.

- 17.4.15 The stormwater drainage system, including the location and evaluations of all existing and proposed street drainage facilities within one hundred feet (100') 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 from time to time.
- 17.4.16 Location, size, and type of all water and fire protection facilities.
- 17.4.17 Location, size, and type of all sewerage disposal facilities.
- 17.4.18 Building elevations or preliminary architectural drawings showing the general type of building proposed for construction.
- 17.4.19 In cases where the applicant intends to develop in stages, an overall site and staging plan shall be required.
- 17.4.20 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.
- 17.4.21 All signature blocks must be located in lower right corner.
- 17.4.22 **Certificate of Public Convenience and Necessity**
In accordance with Section 4.10.8 of these Regulations
- 17.4.23 **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 C.G.S. Section 7-245 as may be amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of C.G.S. Section 7-246 as may be amended from time to time have been satisfied shall be provided.
- 17.4.24 An Erosion and Sediment Control Plan designed in accordance with Section 15.1 of these Regulations.

17.4.25 **Special Requirements for Uses in Public Drinking Water Supply Watersheds**

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 DEEP.
2. 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 DETERMINATION OF APPLICABILITY

The Commission may determine that one (1) or more of the site plan ingredient requirements of Section 17.4 is not necessary or required to reach a decision on the application. A determination of applicability of the applicable section(s) must be requested in writing by the applicant.

17.6 SITE PLAN REVIEWING 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:

- 17.6.1 Any proposed structures and uses shall be designed and located on the property so that there will be adequate access for emergency vehicles.
- 17.6.2 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.
- 17.6.3 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.

- 17.6.4 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.
- 17.6.5 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.
- 17.6.6 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.
- 17.6.7 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.
- 17.6.8 The proposed site plan should be in general conformance with the intent of the Montville Plan of Conservation and Development.
- 17.6.9 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.
- 17.6.10 The Commission may require a bond estimate as part of the submission of a site plan application, which estimate shall separately state the cost for public improvements to be conveyed to or controlled by the Town; and erosion and sedimentation control measures. All aspects of bond posting, release, and administration shall be governed by Section 15.4 of these Regulations.

SECTION 18 OFF-STREET PARKING REGULATIONS

18.1 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 17 of these Regulations has been approved by the Commission.

An 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.

The Commission shall review the location of access drives across a public right-of-way proposed as part of a site plan. The applicant shall be responsible for obtaining an encroachment review from the DPW and/or State of CT DOT. Applicant shall be responsible for obtaining a traffic review from the State of CT Office of State Traffic Authority (OSTA) as required.

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.

18.2 PARKING SPACE DIMENSIONS

18.2.1 A parking space shall have a minimum rectangular dimension sufficient to provide one hundred eighty square feet (180sqft) of parking area exclusive of driveways and shall be permanently reserved for the temporary parking of one (1) automobile. The length of any parking space shall be at least eighteen feet (18') and the width at least nine feet (9') as marked on an axis parallel with the vehicle after it is parked. The dimension of the parking spaces shall be consistent for all contiguous spaces and shall provide for the most efficient design for vehicular and pedestrian circulation.

18.2.2 The Commission shall accept parking or landscape plans; 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 Director of Planning.
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 the short term requirements as designated on the Plan, except that no less than fifty percent (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 on 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 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 Commission's findings and owner shall construct the required spaces within six (6) months of such notification.

18.3 PARKING REQUIREMENTS

A Parking plan may be submitted by a Connecticut Licensed Professional engineer which has been reviewed and approved by the Town Engineer and the Director of Planning in lieu of parking requirements listed in Section 18.3.

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:

18.3.1 For One-Family or Two-Family Dwelling Units: Two (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:

18.3.2 For Multi-Family Dwellings

Parking Requirements – less than twenty-five (25) Units

- 1 spaces for each efficiency unit
- 2 spaces for each one (1) bedroom unit
- 2 ½ spaces for each unit with two (2) or more bedrooms
- A car garage assigned to or combined in ownership with a dwelling unit may be counted as one (1) parking space.
- A driveway, with a minimum dimension of 10' X 20' which leads to a garage assigned to or combined with a dwelling unit may be counted as one (1) parking space.
- Three (3) guest parking spaces shall be provided for every ten (10) units.

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 the Commission determines that the plan meets the requirements of Section 18.2.2 of these Regulations.

- 18.3.3 For Business or Professional Office or Governmental Office Space: One (1) space for each two hundred fifty square feet (250sqft) of gross floor space.
- 18.3.4 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. Provisions 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 ten feet (10') wide and twenty feet (20') 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 three (3) stacking spaces.
 - Bank: A minimum of five (5) stacking spaces.
 - Car Wash: A minimum of five (5) stacking spaces and two (2) stacking spaces at car wash bay exit.
 - Restaurant Fast Food: A minimum of five (5) stacking spaces.
- 18.3.5 For Retail Stores less than twenty thousand square feet (20,000sqft) of gross floor area, Personal Service Shops, Repair Shops and similar Commercial Uses: One (1) space for each two hundred fifty feet square feet (250sqft) of gross floor area. For Retail stores or similar uses greater than twenty thousand square feet (20,000sqft), the applicant shall submit a parking plan designed by a Connecticut Licensed Professional engineer.
- 18.3.6 Retail – Convenience Store Gas Sales: Five (5) parking spaces per one thousand (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 one (1) space for each three (3) interior on-site seats. There shall be one (1) space for each two (2) employees. There shall be one (1) 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 three (3) per one thousand gross square feet (1,000sqft) of floor area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

- 18.3.7 For Furniture, Machinery, Equipment, Automobile and Boat Sales and / or Service Establishments: One (1) space for each four hundred square feet (400sqft) of gross floor area, and one (1) space for each eight hundred square feet (800sqft) of outdoor sales and/or displayed area.
- 18.3.8 For Restaurants, Night Clubs, Bars and Lounges: One (1) space for each three (3) persons who may legally occupy the facility where allowable occupancy is determined in accordance with Section 18.4.4 and three (3) spaces for Pick-Up Service.
- 18.3.9 For Fast-Food Restaurants or Other Food Service Establishments Where Customers are served by primarily counter service: One (1) space for every three (3) permanent seats and one (1) space for each nine (9) square feet of public floor area not devoted to permanent seating facilities, excluding restrooms. Where any drive-in service window is established provisions shall be made to park at least five (5) waiting automobiles between the street line and the drive-in window being approached, with provisions also made to park at least one (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.
- 18.3.10 For Theaters, Grandstands and Stadiums, Auditoriums or Meeting Rooms and Similar Places of Public Assembly: One (1) space for every three (3) seats if permanent seating is provided, or one (1) space for each twenty-one (21) square feet of public area for areas not served by permanent seating.
- 18.3.11 For Hotels, Motels, Lodging, or Boarding Houses: One (1) space for each room, plus spaces as required for other related uses, plus one (1) space for each two (2) employees.
- 18.3.12 Hospitals: One (1) space for each bed plus one (1) space for each two (2) employees on the single largest shift.
- 18.3.13 Nursing and/or Convalescent Homes: One (1) space for each three (3) patient accommodations plus one (1) space for each two (2) employees in the single largest shift.
- 18.3.14 For Industrial Plants, Wholesale Establishments, Warehouses and Similar Buildings: One (1) space for each one thousand square feet (1,000sqft) of floor area or one (1) space for each three (3) persons normally employed, whichever is greater.

- 18.3.15 Buildings Occupied by a Government Unit or religious Institution: One (1) parking space for each three (3) persons for which seating accommodations are provided, plus parking as required for related uses as specified herein.
- 18.3.16 Private Clubs, Fraternities, Sororities, Country Clubs, or Other Similar Organizations: One (1) space for each two (2) 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 one (1) space per sleeping room, or if dormitory accommodations are provided, at one (1) space for each two (2) beds. In those cases where golf courses are involved, parking shall be provided for at least one hundred (100) cars, and where tennis facilities are involved, parking shall be provided for at least four (4) cars per court.
- 18.3.17 Commercial Recreational Facility: One (1) space for three (3) users who could be utilizing the premises at any one single time plus one (1) space for each three (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.
- 18.3.18 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 Transmissions Overhaul Shops Excluding Convenience Store Gas Sales: Five (5) spaces plus two (2) spaces for each service stall, plus two (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 ten (10) waiting positions for each bay between the street line and such bay for cars approaching, and at a least two (2) waiting positions for cars leaving such bays.
- 18.3.19 Medical or Dental Offices: One (1) space for each one hundred fifty square feet (150sqft) of gross floor area.

18.4 INTERPRETATION OF OFF-STREET PARKING

- 18.4.1 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.
- 18.4.2 Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

- 18.4.3 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. For uses not specified, the Applicant must supply the industry or business standard or a plan signed and sealed by a Licensed Professional Engineer certifying sufficient parking.
- 18.4.4 In those instances where the parking requirements 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 whichever is more restrictive.

18.5 LOCATION OF REQUIRED PARKING SPACES

Required parking facilities shall be located on the same lot as the dwelling unit, building, or on the 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 approve parking on a noncontiguous lot if the Applicant supplies sufficient evidence that the lot is under the control of the Applicant/Owner by way of easement, lease or ownership. It shall be the Applicant/Owner responsibility to maintain easement, lease or ownership to run concurrent with the approved project.

18.6 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 feet (24')
- 45° parking – thirteen feet (13')
- 60° parking – eighteen feet (18')
- 30° parking – eleven feet (11')

18.7 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.

18.8 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 areas and any public street or public right-of-way shall be finished with bituminous concrete or concrete which shall conform with the Town of Montville Road Standard and Improvement Details as may be amended from time to time.

- 18.8.1 The entrances and exits to all parking areas shall be clearly marked. Access drives for one way traffic shall have minimum width of fourteen feet (14') where one way traffic is anticipated and a minimum width of twenty-four feet (24') traffic is anticipated.
- 18.8.2 All parking spaces in parking areas of more than fifteen (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 forty feet (40') 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 five feet (5') further than the last parking space to allow movement of a vehicle in and out of a parking space.
- 18.8.3 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 twenty feet (20') distance from any residential property or residential district and at least seventy-five feet (75') distance from any street intersection, except entrance and exit onto a collector or arterial street which shall be one hundred fifty feet (150') from any intersection and where traffic circulation would be improved by having entrances and exits directly opposite to existing curb cuts or roads.
- 18.8.4 Driveways in commercial and industrial districts shall not be more than thirty feet (30') wide at the right-of-way line and fifty five feet (55') 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 (1) driveway where the property has two hundred feet (200') of frontage or less, and additional driveways only when permitted and approved by the Commission on the site plan.

- 18.8.5 The grade for access drives shall conform to the Town of Montville Road Standard and Improvement Details as may be amended from time to time. Any variation shall be approved by the Town Engineer.
- 18.8.6 Where a lot has frontage on two (2) 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.
- 18.8.7 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.
- 18.8.8 When necessary to safeguard against hazards to traffic and pedestrians and / or avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways, and traffic controls within the streets.
- 18.8.9 Where topographic and other conditions are reasonably useable 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.
- 18.8.10 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.

18.9 PEDESTRIAN SAFETY

Off-street parking spaces shall be suitably separated from the building shall conform to the Town of Montville Road Standard and Improvement Details as may be amended from time to time.

18.10 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.

18.11 CURBING REQUIREMENTS

Appropriate provisions 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.

18.12 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.

18.13 MARKING

All required parking spaces and fire lanes, except spaces required for one (1) family or two (2) 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 insure efficient traffic flow within all parking lots and between any such lot and the public street or right-of-way serving such lot.

18.14 LIGHTING

Adequate lighting shall be provided in all lots of more than fifteen (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 luminaires shall be installed where commercial or industrial uses abut 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.

18.15 HANDICAPPED PARKING SPACES

Handicapped parking spaces and location and arrangement of handicapped parking spaces and building approaches shall be provided for in accordance with the provisions of the 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.

18.16 LANDSCAPING OF PARKING LOTS

All parking lots shall be landscaped in accordance with the following requirements:

18.16.1 Parking Lots

Every parking lot which contains eighty thousand (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 ten percent (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. All interior landscaping, including parking islands shall be located so as to provide both aesthetic value and orderly traffic flow and shall be integrated with the overall stormwater management plan within the subject site.

18.16.2 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 six feet (6') 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 19 SIGNS

GENERAL REQUIREMENTS

The following requirements apply to signs throughout all zoning districts.

- 19.1.1 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.
- 19.1.2 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.
- 19.1.3 No sign or part thereof shall be located within a town or state right-of-way nor shall contain mechanical moving, or revolving parts. No sign shall be equipped with flashing lights.

- 19.1.4 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 needed during construction projects or emergencies.
- 19.1.5 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. Election signs are not regulated.
- 19.1.6 A zoning permit shall be obtained for any sign, 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.
- 19.1.7 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.

19.2 SIGNS IN A RESIDENTIAL DISTRICT

The following signs are allowed in residential districts:

- 19.2.1 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 (1) sign for home occupation not exceeding two (2) square feet. Except on arterial and collector roads which may be enlarged to a maximum of fifteen (15) square feet with Commission approval with a rendering of the sign on a site plan.
- 19.2.2 One (1) sign identifying an approved special permit, not exceeding thirty-two square feet (32sqft), or as otherwise provided in these Regulations.
- 19.2.3 One (1) temporary sign not over six square feet (6sqft) 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.
- 19.2.4 One (1) sign for bed and breakfast establishment not exceeding six square feet (6sqft). The sign may not be internally lighted.

19.3 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following requirements apply to signs in commercial and industrial districts:

- 19.3.1 Building mounted signage: Each (C-1) commercial and (LI, I) industrial use shall not exceed one and one half square feet (1½sqft) of sign for each lineal foot of building frontage or portion of building frontage occupied by such business or industry. The C-2 zoned use shall be allowed two and one half square feet (2½sqft) 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 (1) business enterprise, or any exterior building walls not directly visible from a public street. The Commission may approve alternate signage as shown on a site plan.
- 19.3.2 Temporary signs, not over thirty-two square feet (32sqft) 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.
- 19.3.3 Freestanding, ground-mounted signs shall not exceed a height of twenty feet (20') above the surface on the ground on which they are located. The Commission may approve alternate signage as shown on a site plan.
- 19.3.4 No sign shall be located closer than ten feet (10') from any property line, excluding public safety signs.
- 19.3.5 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 20 ZONING BOARD OF APPEALS (ZBA)

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the C.G.S. Sections 8-5 to 8-7, as may be amended from time to time.

20.1 POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties:

- 20.1.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by Zoning Enforcement Officer or other official charged with the enforcement of these Regulations.
- 20.1.2 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public

health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

- 20.1.3 To approve the location of motor vehicles dealers and repair stations, in accordance with the C.G.S. as may be amended from time to time.

20.2 PUBLIC HEARINGS

Public hearings shall be held by the Zoning Board of Appeals on all applications for appeals or variances. Notices of such hearings shall be published at least twice in newspapers having a substantial circulation in the Town of Montville, the first no more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days prior to such hearing.

20.3 APPEALS

Any person claiming to be aggrieved by any ruling made by the Zoning Enforcement Officer or other official charged with the enforcement of these Regulations may appeal to the Zoning Board of Appeals. Such appeal shall be filed within 15 days after the date of which such ruling was officially given, using a form provided by the Board, which specifies the grounds for such appeal and includes such other information as may be required. The Board may modify such order, decision or requirement appealed from it and it shall have the powers of the authority from whose decision such appeal shall have been taken, but only in so far as to enforce these Regulations when an error has occurred.

20.4 VARIANCES

- 20.4.1 The Zoning Board of Appeals shall have power to vary the strict application of any of the requirements of these Regulations for which strict application would result in exceptional difficulty or unusual hardship, but not economic hardship, that would deprive the owner of reasonable use of the land or building involved, but in no other cases. The findings of the Zoning Board of Appeals must be stated in the written record of the hearing.
- 20.4.2 Applications for variances shall be submitted on a form provided by the Board indicating the property in question, the Section or Sections of the Zoning Regulations that are requested to be varied, the reason for the requested variance(s) and the nature of the unusual hardship or exceptional difficulty existing with regard to the property involved. All variance requests shall be accompanied by a list of all adjacent property owners of record of all boundaries of the subject property and a plan, prepared by a Licensed Land Surveyor, showing the existing and proposed conditions of the property.

- 20.4.3 Notice to Abutting Property Owners. The Applicant shall, not less than ten (10) days prior to the date of the variance hearing, send notices to all abutting property owners. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least five (5) days prior to the hearing.
- 20.4.4 Notice to Contiguous Municipalities of Variance Applications. Whenever the Zoning Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within five hundred (500') of a contiguous municipality, the Board shall, within seven (7) days after actual receipt of the application, notify the clerk of such municipality.

20.5 MOTOR VEHICLE DEALERS AND REPAIR STATIONS

The Zoning Board of Appeals may approve certificates for the location of motor vehicle dealerships or the repairing of motor vehicles as specified in C.G.S Section 14-54, as may be amended from time to time, in zoning districts as allowed by these Regulations. In addition, such dealership or repairing certificates shall be approved by the Fire Marshal and Building Official.

20.6 VOTES

As specified in C.G.S. Section 8-7, as may be amended from time to time, the concurring vote of four (4) members of the Zoning Board of Appeals is necessary: (1) to reverse any order, requirement or decision of the official charged with the enforcement of the zoning regulations; (2) to decide in favor of an applicant any matter upon which the board is required to pass under any bylaw, ordinance, rule or regulation; or (3) to vary the application of the zoning regulations.

SECTION 21 AMENDMENTS

- 21.1 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 C.G.S. as may be amended from time to time. If a protest against a proposed change is filed with the Commission at or before the hearing, signed by the Owners of twenty percent (20%) or more of the area of lots included in such proposed change or of the lots within five hundred feet (500') in all directions of the property included in the proposed change, such change shall not be adopted except by vote of two thirds (2/3) 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.

- 21.2 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.

SECTION 21A MORATORIUM

21A.1 PURPOSE

This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations by moratorium pursuant to Section 8-2 of the Connecticut General Statutes and/or to opt-out of certain provisions of public acts and the Connecticut General Statutes.

21A.2 CANNABIS MORATORIUM

The Connecticut General Assembly has passed legislation that legalizes adult use of cannabis in the State of Connecticut. The Connecticut General Statutes Chapter 420h, §21a-420 to 21a-429 contains provisions allowing municipalities to prohibit or place reasonable restrictions on cannabis establishments.

This temporary and limited-term moratorium has been adopted to provide the Montville Planning & Zoning Commission with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare and/or to consider a ban on cannabis establishments.

1. DEFINITIONS

a. Cannabis. Marijuana as defined in Section 21a-240 of the Connecticut General Statutes.

b. Cannabis Establishment. A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager. Each one of these cannabis establishments has the same definition as set forth in Connecticut General Statutes Section 21A-420(1).

2. **Applicability.** During this temporary moratorium, new cannabis establishments/uses shall be prohibited in the Town of Montville and any application shall be denied by the Zoning Commission or Zoning Enforcement Officer to establish a new cannabis establishment/use.
3. **Effective Date/Term.** This temporary and limited moratorium shall become effective on May 1, 2023 and shall remain in effect for six months until November 1, 2023.

SECTION 22 SEPARABILITY AND EFFECTIVE DATE

22.1 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.

22.2 EFFECTIVE DATE

These Regulations amend and superseded 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 May 18, 2020.

Appendix A

Date	Title	Action/Section
November 4, 1971		
		Amend Sections -3.11, 5.32
		Add to 3.11 Column 3 #14-16
June 2, 1972		
		Amend Section 3.11 Column 8 Commercial (2b) & (2c)
July 20, 1973		
		Amend Section 5.32
		Add to Definitions-Kennel Boarding
		Add to 3.11 column 3 RA-120 #14
		Add 4.32(g) Boarding Kennel
December 20, 1973		
		Add to Definitions – Game Farm
		Add to 3.11 column 3 RA-120 #15
		Add 4.32(h) Game Farm
February 22, 1974		
		Add to 3.11 column 3 RA-120 –Nursery School/Day Care Center
		Add 4.32(i) Nursery School
January 1, 1975		
		Add to 3.11 to M –Thoroughbred and Harness Racing Facility
		Add 4.32(j) Thoroughbred and Harness Racing Facility
		Amend Section 4.401,8.12
May 23, 1975		
		Add to 3.11 #19 RA-120 Housing For Elderly
		Add 4.32(k) Housing For Elderly
April 6, 1976		
		Add to Definitions- Heliport Private
		Add to 3.11 #20 RA-120 Private Heliport
		Add 4.32(l) Private Heliport
December 1, 197??		
		Add to 3.11 Column 3 #7 RA-120
		Add 3.11 Column 2 #7 RA-120
July 1980		
		Amend Section 4.47
July 15, 1980		
		Add to Definitions – Baseflood, Development, Special Flood Hazard Area, Substantial Improvement, Floodway, Flood Insurance Rate Map

July 24, 1981		
		Amend Section 4.61
July 198?????		
		Delete Section 5.71
		Add 4.9 (Coastal Area Management)
June 14, 1983		
		Amend Section 7.32
		Delete Section 7.34
		Add Sections 10.22-10.23
August 24, 1983		
		Amend Section- 7.32
		Add Sections – 7.34, 10.22, 10.23
September 1983		
		Add to Definition- Community Residence
		Add to 3.11 Community Residences
October 11, 1983		
		Add to Definitions – Marina, Boat Livery
		Amend Section 2.1
		Add Coastal Industrial (CI)
		Delete marina and Boating Facility SP in RA-120,RA-40, R-40,RA-20, C, M and parking requirements
		Add CI to 3.12 table
June 15, 1986		
		Amend 3.12 Column 11 to 35 ft. building height
February 1, 1987		
		Add to Definitions – Gasoline Filling Station/Convenience /Gasoline Sales Establishment
June 25, 1991		
	Appeals and Variances	Amended – 22.2
January 1, 1994		
	LI District	Amended –13.3.9
	Special Permits	Amended – 17.8.A.4
October 1,1994		
	Home Occupation Permits	Amended -4.6.2.3(11)
	Special Permits	Amended – 17.15.10
	Signs	Amended- 20.2.6
May 13, 1996		
	Definition	Amended- Dwelling, Two Family
	Other Permits	Amended 4.6.1
	R-120 District	Amended- 6.8
	LI District	Amended – 13.8
	I District	Amended – 14.8

June 13, 1996		
	Other Permits	Amended-4.36.3
	R-80 District	Amended -7.8
	R-40 District	Amended- 8.8
	R-20 District	Amended-9.8
	Off Street Parking	Amended – 19.5
October 11, 1997		
	Street Classification	Amended- Arterials, Collector Streets
	Establishment of Districts	Deleted – TC,NC,C,CI
	Districts on Zoning Map	Deleted- 3.3.2, 3.3.3 ,3.3.5
	Classification of Uses	Amended- 4.2.2
	WRP-160 District	Deleted- 5.2.5
	R-120 District	Deleted- 6.2.6, 6.3.3
	R-80 District	Deleted – 7.27, 7.3.3
	R-40 District	Deleted – 8.2.7, 8.3.8
	R-20 District	Deleted – 9.25, 9.3.11
	TC District	Deleted-10
	C1 District	Deleted-10.A.2.9, 10.A.3.2
	C1 District	Amended -10.A.6.3
	NC District	Deleted-11
	C-2 District	Deleted – 11.A.2.12, 11.A.3.4
	C-2 District	Amended – 11.A.6.3
	C District	Deleted-12
	C-3 District	Deleted – 12.A.2.12
	LI District	Deleted – 13.2.9, 13.2.11,13.3.4, 13.3.6
	LI District	Amended – 13.2.14, 13.6
	I District	Deleted – 14.2.11, 14.3.2, 14.3.4,14.3.6
	CI District	Deleted - 15
	GOV District	Deleted – 15.A.2.5,15.A.3.5
	Coastal Area Management	Deleted – 16.8, 16.9, 16.11
	Special Permits	Amended – 17.11.5, 17.13.2
October 11, 1997		
	Special Permits	Deleted – TC (17.11.6), Game Farms (17.12), 17.13.3, 17.16
	Site Plans	Amended – 18.3.10
	Signs	Amended – 20.1.4, 20.1.5, 20.1.10, 20.2.1, 20.2.6, 20.3.1, 20.3.3, 20.3.4,
	Signs	Deleted – 20.2.4, 20.2.5
	Open Space	Amended
	Amendments	Amended – 23.2
February 16,1999		
	Definition	Amended- Antenna, Co-Location, Tower, Wireless Communication Services,
	Other Permits	Amended -4.6.4.2(4)
	Special Permits	Amended – 17.17.12
April 10, 1999		
	R-120 District	Amended- 6.3.14

	R-80 District	Amended 7.3.14
June 27, 2002		
	Off Street Parking	Amended – 19.3.4
May 9, 2003		
	Definition	Amended-Age Restricted Housing Community
	R-40 District	Amended 8.3.12
	Special Permits	Amended – 17.18.4
March 27, 2004		
	R-120 District	Amended 6.3.15
October 20, 2004		
	C-2 District	Amended- 11.A.6
	C-3 District	Amended- 12.A.6.4
August 10, 2005		
	Interior Lots	Deleted-4.15
October 1, 2008		
	Special Permits	Deleted – 17.9.2, 17.9.4, 17.9.5
	Off Street Parking	Deleted – 19.3.22,19.4.6, 19.8.6
November 11, 2007		
	Definition	Deleted- Boarding House, Game Farm, Heliport Private, Lot Corner
	Definition	Amended- Electronic Sign, Open Space
	HOD Zone	Added -9A
	Town Center	Deleted -10
November 11, 2007		
	C District	Deleted (12)
	Neighborhood Commercial	Deleted (11)
	Coastal Industrial District	Deleted (15)
	Game Farms	Deleted(17.12)
	Traffic Control	Deleted (Appendix A)
	Legal Requirements	Deleted (Appendix B)
	Erosion and Sediment Control Worksheets	Deleted (Appendix C)
	HOD Zone	Added-9A
June 1, 2011		
	Definition	Amended- Base Flood, Base Flood Elevation, Basement, Cost, Development, Existing Manufactured Home Park of Subdivision, Expansion To An Existing Manufactured Home Park or Subdivision, Federal Emergency Management Agency, Finished Living Space, Flood or Flooding, Flood Hazard Variance, Flood Insurance Rate Map, Flood Insurance Study, Functionally Dependent Use or Facility, Historic Structure, Manufactured Home Park, Manufactured Home Park or Subdivision, Market Value,

		Mean Sea Level, Recreational Vehicle, Start of Construction, Structure, Substantial Damage, Violation, Water Surface Elevation
	Special Flood Hazard Area	Amended
December 15, 2011		
	Definition	Amended-Final Plan, Lot Width, Performance Bond
December 15, 2011		
	Definition	Amended-Public Improvements
	Project Security	Amended-16.12
	Non- Conforming Lots and Uses and Structures	Amended -4.13.6
	HOD Zone	Amended- 9A.1.21
	C-1 District	Amended-10.A.2.4
	C-2 District	Amended – 11.A.2.4
	General Requirements	Amended – 16.3.3
	Coastal Area Management	Amended – 16.5.5, 16.12
March 20, 2012		
	C-2 District	Amended -11.A.2.13
March 12, 2016		
	Definition	Amended- Dwelling, Attached Single Family Flats, Dwelling, Single Family Attached
	Establishment of Districts	Added R-20-M
	R-20-M	Added
October 16, 2016		
	Definition	Added-Micro-Breweries, Micro-Distilleries
	Definition	Amended- New Manufactured Home Park or Subdivision
	C-2 District	Added -11.A.2.14.a, 11.A.2.14.b
	C-3 District	Added– 12.A.2.13a, 12.A.2.13b
	C-3 District	Deleted – 12.A.3
	LI District	Added – 13.2.15, 13.2.15b
	I District	Added – 14.2.12a, 14.2.12b
March 6, 2017		
	Definitions	Amended- Farm Animals
	Classification of Uses	Added Keeping of Hens -4.15
	R-120 District	Added Manufactured Home Park -6.3.16
	R-20-M District	Added -9B
	Manufactured Home Park	Amended-17.10
	R-120 District	Amended-6.3.16
	Special Permits	Amended - 17.10.1

October 15, 2018		
		All references to amendments and deletions from previous years have been removed from body and added to Appendix A. Sections with changes, deletions and amendments also reflect new numbering.
	Section 1.3-Definitions	
		Added- Bed and Breakfast, Commission, Wetlands, Dwelling, Accessory Unit (In Law Apt), Dwelling, Seasonal, Dwelling, Temporary Health Care Structure, Floodplain Violation, Home Office, Kennel, Lot- Corner, Mixed Use, Senior Housing, Sign, Billboards, Sign-Illuminated, Street-Private, Use, Water Dependent.
		Amended- Age Restricted Housing, Bulk-Non-Conforming, Convenience/Gasoline Sales Establishment, DEP, Electronic Sign, Family, Farm, Farm Building, Home Occupation, Hotel, Junk Yard, Lot, Lot-Through, Lot Width, Manufactured Home, Manufactured Home Park, Manufactured Home Park or Subdivision, Performance Bond, Property Boundary Survey, Public Water Supply, Recreational Vehicle, Screen or Screening, Sign, Special Flood Hazard Area, Start of Construction, Street, Structure, Subdivision, Substantial Improvement, Trailer, Use- Non-Conforming, Yard-Required, Yard-Required Front, Yard-Required Rear, Yard-Required Side
		Deleted- Co-Location, County Soil and Water Conservation District, Elderly Housing, Game Farm, Heliport Private, Kennel-Boarding, Marina, Professional Business Park/Business Park, Public Garage, Rooming or Lodging House, Seasonal Dwelling, Sign-Advertising, Sign-Directly Illuminated, Sign- Indirectly Illuminated, Sign-Temporary, Violation, Watershed
	Section 2- Street Classifications	
		Deletions and Amended

	Section 3- Establishment of Districts, District Boundaries and Scope of Controls	
		Added -3.1 OZ –Overlay Zone Route 32
		Deleted - 3.1(C3)
		Amended - 3.2
	Section 4.1- Classification of Uses	
		Section 4 Title Changed from Classification of Uses to Zoning Administration and Permitted Use Regulations
		Amended - 4.1
		Amended - 4.2.2, 4.2.3, 4.2.6
		Added - 4.2.7
		Amended - 4.3, 4.3.2, 4.3.3
		Section 4.6 Title Changed from Other Permits to Administration and Enforcement (Formerly Section 4.7)
		Amended - 4.6, 4.6.1, 4.6.2
		Section 4.7 Title Changed from Administration and Enforcement to Penalties (Formerly Section 4.11)
		Amended - 4.7
		Section 4.8 Title Changed from Soil Erosion and Sediment Control Plan to Interpretation of Regulations (Formerly Section 4.12)
		Section 4.9 Title Changed from Inland Wetlands to Non-Conforming Lots and Uses, and Structures (Formerly Section 4.13)
		Amended - 4.9.1,4.9.2, 4.9.4, 4.9.6, 4.9.7,
		Added - 4.9.8, 4.9.9, 4.9.10
		Deleted – 4.13.8
		Section 4.10 Title Changed from Notice to Neighboring Municipalities to General Requirements (Formerly Section 16)
		Section 4.10.1- Municipal Uses and Buildings (Formerly Section 16.2)
		Added - Section 4.10.1.A Sidewalks
		Section 4.10.2- Lot Frontage Reductions (Formerly Section 16.6)
		Section 4.10.3- Height and Setback Exceptions (Formerly Section 16.7)- Amended

		Section 4.10.4- Accessory Uses (Formerly Section 16.10)
		Amended -Section 4.10.4.2
		Section 4.10.5- Soil and Erosion Control Plan (Formerly Section 4.8)- Amended
		Section 4.10.6- Inland Wetlands (Formerly Section 4.9)- Amended
		Section 4.10.7- Notice to Neighboring Municipalities (Formerly Section 4.10)- Amended
		Section 4.10.8- Certificate of Public Convenience and Necessity (Formerly Section 4.6.5)- Amended
		Section 4.11 Title Change from Penalties to Permitted Use Regulations
		Section 4.11.1- Above Ground Pools and Sheds (Formerly Section 4.6.1)
		Amended - 4.11.1.1,
		Added - 4.11.1.2
		Section 4.11.2- Home Occupation Permits (Formerly Section 4.6.2)
		Amended - 4.11.2.1, 4.11.2.3(8), 4.11.2.3(11)
		Section 4.11.2.4- Bed and Breakfast Facilities as a Home Occupation (Formerly Section 17.15)- Amended
		Deleted Former Section 17.15.10
		Section 4.11.3- Parking Lots (Formerly Section 4.6.3)- Amended
		Section 4.11.4- Interior Lots (Rear Lots) (Formerly Section 17.20)- Amended
		Deleted -4.13.7, 4.13.8
		Deleted - Former Sections – 17.20.1, 17.20.9
		Section 4.11.5- Multi-Family Dwellings (Formerly Section 17.9)
		Amended - 4.11.5.1, 4.11.5.4, 4.11.5.5, 4.11.5.6, 4.11.5.9
		Deleted - Former Sections-17.9.12, 17.9.13
		Section 4.11.6- Telecommunication Towers (Formerly Section 17.17)- Amended
		Deleted - Former Sections- 17.17.1- 17.17.12
		Section 4.11.7- Kennels (Formerly Section 17.13)- Amended
		Section 4.11.8- Keeping of Hens (Formerly Section 4.15)

		Section 4.11.9- Trailers (Formerly Section 4.14)- Amended
		Added- 4.11.9.1-4.11.9.2,
		Deleted Former Sections-4.14.1-14.4.4
		Section 4.11.10- Gasoline Filling Stations and Convenience/Gasoline Sales(Formerly Section 17.6A)
		Amended- 4.11.10.1,4.11.10.2
		Deleted Former Section- 17.6.A.2
		Section 4.11.11 – Excavation, Processing (Crushing) and Quarrying of Earth Materials (Former Section 17.8)- Deletions and Amended
		Section 4.11.12- Temporary Health Care Structures – Added
	Section 5 –WRP-160 District	
		Amended- 5.2.2, 5.2.4 was 5.3.1, 5.2.8.
		Added- 5.2.9 (Churches), 5.2.10 (Telecommunication Towers),5.2.11 (Excavation),5.2.12 (Interior Lots),5.2.13 (Kennels was 5.3.2),5.2.14 (Temp Gatherings) was 5.35, 5.3.5 (Senior Housing), 5.3.6(Age Restricted Housing)
		Former Sections 5.2.10, 5.3.1, 5.3.7 now included in 5.2.4. Former Section 5.3.2 now 5.2.13, Former Section 5.3.5 now 5.2.14, Former Section 5.3.6 now 5.2.9, Former Section 5.3.10 now 5.2.11, Former Section 5.3.11 now 5.2.10
		Deleted- Former 5.3.1,5.3.2, 5.3.5, 5.3.6,5.3.7,5.3.8(Community Center),5.3.10, 5.3.11, 5.3.13
	Section 5A- OS District	
		Amended- 5.A.2.2, 5.A.2.4, 5.A.2.6, 5.A.3, 5.A.4, 5.A.5, 5.A.7
		Added- 5.A.2.7 (Interior Lots), 5.A.2.8 (Telecommunication Towers)
		Deleted- Former Sections- 5.A.3.1, 5.A.3.2, 5.A.4.1, 5.A.4.2, 5.A.4.3
	Section 6- R- 120 District	
		Amended- 6.2.2, 6.2.4, 6.2.8, 6.2.11, 6.5,
		Former Sections 6.2.4 and 6.2.5 combined into 6.2.4

		Added- 6.2.9 (Interior Lots), 6.2.10 (Temp Gatherings), 6.2.11 (Kennels), 6.2.12 (Telecommunication Towers), 6.2.13 (Churches), 6.2.14 (Excavation), 6.2.15 (Cemeteries), 6.2.16 (Water Dependent Uses)
		Former Section 6.3.1 now 6.2.11, Former Section 6.3.2 now 6.3.1, Former Section 6.3.5 now 6.2.10, Former Section 6.3.7 now 6.2.4, Former Section 6.3.10 now 6.2.14, Former Section 6.3.12 now 6.2.12, Former Section 6.3.14 now 6.2.16
		Added- 6.3.5 (Manufactured Home Park), 6.3.6 (Active adult housing community), 6.3.7 (Senior housing)
		Deleted- Former 6.3.8 (Community Center), 6.3.14 (Water Dependent Uses)
	Section 7 R-80 District	
		Amended- 7.2.2, 7.2.4, 7.2.8, 7.2.12, 7.2.15, 7.5, 7.8,
		Former Sections 7.2.4 and 7.2.5 combined into 7.2.4
		Added- 7.2.9 (Interior Lots), 7.2.10 (Temp Gatherings), 7.2.11 (Water Dependent Uses), 7.2.12 (Kennels), 7.2.14 (Excavation), 7.2.15 (Cemeteries), 7.2.16 (Telecommunication Towers), 7.3.5 (Senior Housing Community)
		Former Section 7.3.1 now 7.2.12, Former Section 7.3.5 now 7.2.10, Former Section 7.3.6 now 7.2.13, Former Section 7.3.6 now 7.2.13, Former Section 7.3.10 now 7.2.14, Former Section 7.3.11 now 7.2.15, Former Section 7.3.12 now 7.2.16, Former Section 7.3.14 now 7.2.11,
		Deleted- Former 7.3.8 (Community Center)
	Section 8 R-40 District	
		Amended- 8.1, 8.2.3, 8.2.9, 8.3.3, 8.5, 8.6, 8.8
		Former Section 8.2.4 and 8.2.5 combined into 8.2.6
		Added- 8.2.10 (Telecommunication Towers), 8.2.11 (Interior Lots), 8.2.15 (Senior Housing Community), 8.2.16 (Active adult housing community), 8.2.17

		(Multi-family), 8.2.18 (Water Dependent Uses)
		Former Section 8.3.3 now 8.2.12, Former Section 8.3.4 now 8.2.14, Former Section 8.3.5 now 8.2.6, Former Section 8.3.7 now 8.3.1, Former Section 8.3.9 now 8.2.13, Former Section 8.3.11 now 8.2.2
		Deleted- Former 8.3.2 (Elderly Housing Dev), Former 8.3.6 (Community Center)
		Sections 8.6.1 and 8.6.3 changed to 40 Feet
	Section 9- R-20 District	
		Amended- 9.2.7, 9.2.9, 9.2.10 9.2.14, 9.5, 9.8
		Former Sections 9.2.3 and 9.2.4 combined into 9.2.4
		Added- 9.2.2 (Two Family Dwelling), 9.2.8 (Interior Lots), 9.2.9 (Multifamily Dwellings), 9.2.10 (Convalescent Home), 9.2.11 (Temporary Gatherings), 9.2.12 (Towers), 9.2.13 (Church), 9.2.14 (Cemeteries), 9.2.15 (Senior Housing), 9.2.16 (Active adult housing community), 9.3.3 (Manufactured home parks)
		Former Section 9.3.2 now 9.2.9, Former Section 9.3.5 now 9.2.10, Former Section 9.3.6 now 9.2.11, Former Section 9.3.7 now 9.2.13, Former Section 9.3.8 now 9.2.4, Former Section 9.3.12 now 9.2.14, Former Section 9.3.13 now 9.2.2
		Deleted- Formers 9.3.3 (Elderly Housing Dev), 9.3.9 (Community Center)
		Section 9.6.1 Front yard changed for multi-family from 50 ft. to 40 ft.
		Section 9.6.2 Side yards changed from 15 ft. to 10 ft. and for multi-family from 40 ft. to 20 ft.
		Section 9.7 Height changed from 35 ft. to 45 ft.
	Section 9A.1- HOD Zone	
		Amended- 9A.1.5(c)-(Maximum Principle Building Height)
		Amended- 9A.1.5(d)-(Maximum Principle Building Height) changed from 40ft to 45ft-

		Amended- 9A.1.6, 9.A.1.13, 9A.1.16(c)(b), 9A.1.16(d)(15), 9.A.1.16(f)
		Deleted- 9A.1.4.c
	Section 9B- R-20-M	
		Amended- 9B.2.3, 9B.3(a), 9B.7, 9B.13, 9B.14, 9B.15(a), 9B.15(c), 9.B.15(b)
		Former 9B.2.4 and 9B.2.5 combined into 9B.2.3
		Added- 9B.2.6 (Transmission Tower)
		Section 9B.6(b) –Maximum Accessory Building Height changed from 20 ft. to 45 ft.
		Added- Section 9B.6(6) Minimum Frontage
	Section 10- TC District	
		Deleted- Section
	Section 10- C-1 District	
		Section Number change from 10.A to 10
		Amended- 10.2.1, 10.3.1, 10.7
		Former Sections 10A.2.5 and 10.A.2.6 combined into 10.2.5
		Former 10.A.3.3 now 10.2.8
		Section 10.5 Frontage changed from 150 ft. to 80 ft
		Section 10.5 Minimum reduced changed from 100 ft. to 60 ft. for contiguous developments
		Added- 10.2.9(Telecommunication Tower)
	Section 11- NC District	
		Section- Deleted
	Section 11- C-2 District	
		Section Number change from 11.A to 11
		Amended- 11.2.1, 11.2.4, 11.2.7, 11.3, 11.6, 11.7, 11.10
		Former Sections 11.A.2.1 and 11.A.2.2 combined into 11.2.1
		Deleted- 11.A.2.5 (Parking Lots and Garages), 11.A.2.9 (Public Utility Substation)
		Added- 11.2.10 (Gasoline Filling and Repair Stations), 11.2.11

		(Convenience/Gasoline), 11.2.12 (Water Dependent Uses), 11.2.13(For Profit Trade/tech schools), 11.2.14 (Telecommunications Tower)
		Former Section 11.A.2.14.a now 11.2.8, Former Section 11.A.2.14.b now 11.2.9, Former Section 11.A.3.1 now 11.2.10, Former Section 11.A.3.2 now 11.2.11, Former Section 11.A.3.3 now 11.2.12
		Section 11.4 changed from 80,000 sq. ft. to 40,000 sq. ft. minimum lot size
		Section 11.5 change from 200 ft. to 80 ft. for frontage and from 100 ft. to 60 ft. for contiguous developments
		Section 11.6.3 (Rear Yard) Setback from 50 ft. to 30 ft.
		Section 11.6.3 (Rear Yard) – Deleted 15 ft. for Commercial to Commercial or Industrial
	Section 12- C District	
		Deleted
	Section 12- LI District	
		Number changed from Section 13 to 12
		Amended- 12.1, 12.2.5, 12.2.16, 12.3, 12.8,13.8.1
		Former Sections 13.2.7 and 13.2.8 combined into 12.2.7
		Added- 12.2.12 (Indoor Rec, etc.), 12.2.13 (Temporary Gatherings), 12.2.14 (Ambulance), 12.2.15 (Nursery Schools), 12.2.16 (Excavation), 12.2.17(Bituminous Concrete), 12.2.18 (Telecommunications Tower)
		Deleted- 13.2.14 (Lumber yards),13.3.1(Trade/Tech Schools)
		Former Section 13.2.10 now 12.2.8, Former Section 13.2.13 now 12.2.10, Former Section 13.2.15 now 12.2.11, Former Section 13.2.15b now 12.2.11a Former Section 13.3.2 now 12.2.12, Former Section 13.3.3 now 12.2.13, Former Section 13.3.5 now 12.2.14, Former Section 13.3.7 now 12.2.15, Former Section 13.3.8 now 12.2.16, Former Section 13.3.9 now 12.2.17

		Section 12.4. Changed from 80,000 sq. ft. to 40,000 sq. ft. minimum lot size
		Section 12.5 Changed from 200 ft. to 100 ft. Minimum frontage
		Section 12.7 Changed from 50ft to None maximum building height
	Section 13-Industrial District	
		Section Number changed from 14 to 13
		Amended- 13.2.1, 13.3, 13.8
		Former 14.2.9 and 14.2.10 combined into 13.2.2
		Former Sections 14.2.2-14.2.8 combined into 13.2.1
		Added- 13.2.5 (Temporary Gatherings), 13.2.6 (Excavation), 13.2.7 (Bituminous Concrete), 13.2.8 (Telecommunication Towers), 13.2.9 (Shared Parking), 13.2.10 (Water Dependent Uses)
		Deleted- Former Section 14.3.1 (trade/tech schools), 14.3.7 (Nursery Schools), 14.8.1
		Former Section 14.2.12.a now 13.2.3, Former Section 14.2.12.b now 13.2.4, Former Section 14.3.3 now 13.2.5, Former Section 14.3.5 now 13.2.2, Former Section 14.3.8 now 13.2.6
		Section 13.5 changed from 150 ft. to 80 ft. minimum frontage
		Section 13.7 changed from 50 ft. to none maximum building height
	Section 15- CI District	
		Deleted
	Section 14- GOV District	
		Section changed from 15.A to 14
		Amended- 14.3, 14.5, 14.6, 14.7, 14.8, 14.9
		Added- 14.2.1(Government offices/public utilities, etc.),14.2.4 (Parking facilities), 14.2.7 (Telecommunication Towers)
		Former 15.A.3.1-15.A.3.3 now 14.2.1, Former 15.A.3.4 now 14.2.4
		Section 14.4 change from 20,000 sq. ft. to none minimum lot size

		Section 14.6 change from 100 ft. to none minimum lot frontage
	Section 14A (OZ)	
		Added
	Section 15-General Requirements	
		Section Changed from 16 to 15
		Former Section 16.1 now 4.10
		Former Section 16.2 now 4.10.1
		Former Section 16.3 now 15.1 Amended Former Section 16.3.2 now 15.1.2 Amended , Former Section 16.3.3 now 15.1.3 Amended , Former Section 16.3.4 now 15.1.4 Amended
		Amended 15.2.1, 15.4.1, 15.4.1.a,15.4.4
		Added- 15.1.4, 15.1.5
		Former Section 16.4 now 15.2
		Former 16.5 now 15.3 Amended
		Former Section 16.6 now 4.10.2
		Former Section 16.7 now 4.10.3 Amended
		Former Section 16.10 now 4.10.4 Amended
		Former Section 16.12 now 15.4- Amended 15.4.1(a),15.4.1(c)
		Deleted- Former 16.12.1(c)2-4, Former 16.12.3,16.12.44
	Section 16- Special Permit	
		Section Changed from 17 to 16
		Amended- 16.1, 16.3(f), 16.3(g), 16.3(i)4, 16.3.4(b), 16.3.4(k), 16.4(c)2, 16.5(e), 16.6.(c), 16.8.13, 16.9.1, 16.9.4,16.9.6, 16.9.7, 16.9.11, 16.10.1, 16.10.5, 16.10.8, 16.12.3.5, 16.13.4, 16.13.5, 16.13.6, 16.13.7, 16.13.10
		Added- Section- 16.9.8,16.11.1
		Deleted- Former Sections 17.3(c)(3), 17.4(k), 17.10.14, 17.10.15, 17.10.16, 17.11.1, 17.11.2, 17.11.3, 17.11.12, 17.11.13, 17.18.14
		Former Section 17.6.A (Gasoline) now 4.11.10
		Former Section 17.7 (Recreational Camps) now 16.8

		Former Section 17.8 (Excavation) now 4.11.11
		Former Section 17.8.A (Concrete) combined into 4.11.11
		Former Section 17.9 (Multi-Family) now 4.11.5
		Former Section 17.10 (Manufactured Home Park) now 16.9
		Former Section 17.10.7 now 16.9.7 Amended Former Section 17.10.8 now 16.9.9
		Former Section 17.11 (Cluster) now 16.10
		Former Section 17.13 (Kennels) now 4.11.7
		Former Section 17.14 (Elderly Housing) now 16.11(Senior Housing)
		Former Section 17.15 (Bed & Breakfast) now 4.11.2.4
		Former Section 17.17 (Towers) now 4.11.6
		Former Section 17.18 (Active Adult) now 16.12
		Former Section 17.20 (Interior Lots) now 4.11.4
	Section 17- Site Plans	
		Section Changed from 18 to 17
		Amended- Sections – 17.2,17.2.4, 17.4.21, 17.4.22, 17.4.23, 17.5, 17.6.10
		Added Sections – 17.3(GIS), 17.4.24-17.4.25
	Section 18 –Off Street Parking	
		Section Changed from 19 to 18
		Amended- 18.4.3, 18.4.4
		Amended- Sections- 18.1, 18.2.2, 18.3, 18.3.1,18.3.2, 18.3.3, 18.3.4,18.3.5, 18.3.9, 18.4.3, 18.5, 18.7, 18.8, 18.8.5, 18.9, 18.15, 18.16
		Former Section 19.16 now 18.15 Amended
		Deleted- Former Sections – 19.2.2, 19.3.9, 19.3.13, 19.3.14, 19.3.15, 19.3.16, 19.4.4, 19.4.6, 19.8.6, 19.15, 19.17.1, 19.17.2, 19.17.3

	Section 19- Signs	
		Section Changed from 20 to 19
		Amended- Sections – 19.1.3, 19.3.4, 19.3.5, 19.1.6, 19.2.4, 19.3.1, 19.3.3, 19.3.4
		Deleted- Former Sections – 20.1.1, 20.1.5, 20.1.10
	Section 21- Open Space	
		Deleted
	Section 20 -ZBA	
		Section Changed from 22 to 20
		Section 20 Title Changed from Appeals and Variances to Zoning Board of Appeals
		Whole Section Amended
		Deleted- Former Section 22.1, 22.2
		Added- Sections – 20.1 (Powers and Duties), 20.2 (Public Hearings), 20.3 (Appeals), 20.4 (Variances), 20.5 (Motor Vehicle Dealers), 20.6 (Votes)
	Section 21- Amendments	
		Section Changed from 23 to 21
	Section 22- Separability and Effective Date	
		Section Changed from 24 to 22
	Appendix D	
		Deleted
	Appendix A	
		Added
May 18, 2020	Section 4	Added: Section 4.11.13 (Workforce Housing)
	Section 10	Added: Section 10.2.10 (Workforce Housing)
August 16, 2021	Section 14A	Amended: Section 14A.3(d)
September 13, 2021	Section 1.3	Amended: Farm Animals Added: Pets
	Section 4.2	Amended: Section 4.2.2
	Section 4.10.4	Added: Section 4.10.4.3 (Conex Type Storage Boxes)
	Section 4.11.8	Amended: Title Amended: Section 4.11.8.1 Amended: Section 4.11.8.2

	Section 8.6	Added: Section 8.6.1, 8.6.2, 8.6.3 (Multi-Family Minimum Setbacks)
	Section 9B.3	Delete: Section 9B.3 (b)
	Section 9B.11	Delete: Section 9B.11
October 18, 2021	Preamble	Amended
November 15, 2021	Section 16.10	Amended: Section 16.10.6
May 1, 2023	Section 21A	Added: Section 21A (Moratorium)