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AT MONTVILLE, CONN.

Jane H. Squires
TOWN CLERK

ZONING REGULATIONS FOR THE TOWN OF MONTVILLE, CONNECTICUT

DATED: July 1970

EFFECTIVE DATE: October 14, 1970, 12:00 noon

ZONING REGULATIONS FOR THE TOWN OF MONTVILLE

Regulations determining the location, use of buildings and structures and the use of land in the Town of Montville, County of New London, State of Connecticut, and for said purpose dividing the Town into Districts.

TOWN OF MONTVILLE

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ARTICLE I. PREAMBLE, ENACTING CLAUSE AND SHORT TITLE, DEFINITIONS

1.0 PREAMBLE

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

All references to the Connecticut General Statutes refer to the revision of 1950, as amended.

1.1 ENACTING CLAUSE, SHORT TITLE

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

1.2 DEFINITIONS

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

1.21 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".

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

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.

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.

BILLBOARD. See SIGN, ADVERTISING.

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 floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, and length of building in a row.

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

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

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

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

CONVALESCENT HOME. The term shall include a) Home for the Aged; b) a Rest Home with Nursing Supervision; c) a Chronic and Convalescent Home; d) a Chronic and Convalescent Home with authorization to care for persons suffering from harmless chronic mental unsoundness; e) a Children's Nursing Home and f) a Children's Nursing Home with authorization to care for persons suffering from harmless chronic mental unsoundness. Above terms are as defined in the "Public Health Code of the State of Connecticut, June 1969".

DUSTLESS SURFACE. Dustless surface shall mean adequately covered with screenings, stone, gravel, concrete, asphalt, or bituminous products, or adequately treated with oil, calcium chloride, or similar dust-inhibiting substances.

DWELLING UNIT. A building, or part thereof, containing complete housekeeping facilities for one family.

FAMILY. One person or more persons who live together and maintain a common household, related by blood, marriage, or adoption. A family may also include domestic help and gratuitous guests.

FARM. A farm shall be construed to mean at least five acres of land with buildings which are mainly used for and incidental to farming.

FLOOR AREA - GROSS. The sum of the gross area (horizontal) of every floor of a building measured from the exterior faces of the walls or from the center line of party or common walls separating two buildings, including (a) basement space; (b) attic space whether or not a floor has been laid, over which there is structural headroom of 7 - 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 - 1/2 feet; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed over space such as a garage or carport for off-street parking accessory to a single-family or two-family dwelling not located in a cellar. However, floor area does not include: (a) cellar space (except that cellar space used for a retail sales use shall be included for the purpose of calculating requirements of such use for accessory off-street parking spaces and accessory off-street loading berths); (b) elevator and stair bulkheads, accessory water tanks and cooling towers; and (c) terraces, unroofed open porches and steps.

FLOOR AREA, LIVABLE. The floor area of a residence which is adequately protected by heat and assured of the availability of light and ventilation. It may include finished basement or attic space, enclosed porches. However, livable floor area does not include garage space, a cellar, terraces, unroofed open porches and steps.

FLOOR AREA RATIO. The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.

GARDEN APARTMENT. A building formed by four or more attached dwelling units which has no main central hallway and rises no more than two stories above the ground level.

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.

HOME OCCUPATION. A profession or other occupation, not otherwise permitted in the district, which is carried on as an accessory use on a residential lot, by one or more members of the family residing on the premises, and which in R districts conforms to the following additional regulations: (a) the profession or other occupations shall be carried on wholly within a completely enclosed building; (b) not more than 1/2 the floor area of the principal building, or an equivalent elsewhere, is so used; (c) not more than two persons outside the family shall be employed in such home occupation; and (d) provided there is no display or advertising except for a professional name plate not exceeding 144 square inches in area. A home occupation includes but is not limited to: studio, dressmaking; teacher; or professional office or studio of a physician, author, artist, musician, lawyer, engineer, architect, real estate agent, accountant, or consultant; but does not include animal hospital, automotive repair service, barber shop, beauty parlor, restaurant, tearoom or tavern.

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 building which has a common entrance or entrances and contains living and sleeping accommodations for hire for 10 or more persons.

INDUSTRIAL. See MANUFACTURING.

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

of the metal for scrap and where it is intended to burn material which are parts of motor vehicles or to cut up parts thereof.

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

LOT, CORNER. A corner lot is a lot whose street lot lines have an interior angle of less than 135 degrees at the intersection of the two lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

LOT FRONTAGE. The horizontal distance measured along full length of the front lot line.

LOT LINE. A boundary line of a lot.

LOT LINE, FRONT. A front lot line is the line of a street on which abuts a lot.

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, THROUGH. A through lot is a lot, other than a corner lot, having frontage on two streets.

LOT WIDTH. The average distance between side lot lines measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street.

MANUFACTURING. Any process whereby the nature, size, or shape of articles is changed, or where articles are assembled or packaged in quantity.

MOBILE HOME. See TRAILER.

MOTEL. A building or a group of buildings in connected units designed as individual

living and sleeping quarters with individual entrances, for hire. A motel includes every type of similar establishment designated as auto court, tourist cabin, etc.

NON-BUILDING USE. A principal use of land to which the buildings on the lot, if any, are accessory, such a trailer park, junk yard, public parking lot, or an open storage yard for materials.

NON-CONFORMING BULK. See BULK, NON-CONFORMING.

NON-CONFORMING USE. See USE, NON-CONFORMING.

PARKING, OFF STREET. Parking space as required for specific uses which is located off a public right-of-way.

PERFORMANCE STANDARDS. Standards specified by the Commission or referred to in these regulations.

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

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

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.

RECREATIONAL VEHICLE. A vehicle commonly referred to as a camper, trailer bus, boat trailer, motor bus used for recreational purposes by a family.

R DISTRICT. All residential areas in the town including categories such as: RA-20, R-40, RA-40 or RA-120.

RESIDENCE. One or more dwelling units for permanent occupancy.

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

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

RESIDENCE, SINGLE-FAMILY ATTACHED. A single-family residence having one or two party walls on side lot lines.

RESIDENCE, MULTI-FAMILY. A building or part thereof containing three or more dwelling units.

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

SIGN. Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, flag, insignia, device or representation which is in the nature of, or which is used as, an announcement, direction, or advertisement, for commercial purposes or otherwise. A sign includes a billboard and a neon tube, string of lights, or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

SIGN, ADVERTISING. A sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

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

SIGN, BUSINESS. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same lot where such sign is displayed. A "for sale" or "to let" sign related to the lot on which it is displayed shall be deemed a business sign.

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

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

SIGN, FLASHING. Any directly or indirectly illuminated sign on which the artificial light is not maintained stationary, and constant in intensity and color, at all times when in use.

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

STREET. Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Zoning and Planning Commission, or (b) on a subdivision duly filed and recorded in the office of the Town Clerk of the Town of Montville prior to September 1962, provided such street shall have been suitably improved to the satisfaction of the Zoning and Planning Commission after September 1962.

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

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

STRUCTURE. Anything constructed or erected, including a building which has a permanent location on the ground or anything attached to something having a permanent location on the ground but excluding fences, flagpoles or ornamental wells.

SUBDIVISION. The division of a tract or parcel of land into three or more parts or lots for the purpose whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision.

TOURIST HOME. A dwelling unit in which sleeping accommodations for more than three and less than ten persons are hired out for transient occupancy.

TRAILER RECREATIONAL. See RECREATIONAL VEHICLE.

TRAILER, TRAILER COACH OR MOBILE HOME. Any vehicle which is used as sleeping or living quarters, which is or may be mounted on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached.

TRAILER, INDIVIDUAL. Any trailer which is the only one on a lot or parcel of land.

TRAILER PERMITTEE. Shall be deemed to be any person, firm or corporation receiving a permit to conduct or maintain a trailer park.

TRAILER SPACE. Shall be deemed to be that section of ground in a trailer park used or designed for use as a location for a single automobile and trailer, trailer coach or mobile home.

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

USE, NON-CONFORMING. A 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. Any use which is permitted in a district by a valid variance or special permit shall be considered a conforming use.

YARD, REQUIRED. Open and unobstructed ground area of the lot extending inward from a lot line for the distance specified in the regulations for the district in which the lot is located.

YARD, REQUIRED FRONT. A required yard extending along the full length of the front lot line between the two side lot lines.

YARD, REQUIRED REAR. A required yard extending along the full length of the rear lot line between the two side lot lines.

YARD, REQUIRED SIDE. A required yard extending along a side lot line from the required front yard (or from the required lot line if there is no required front yard) to the required rear yard (or the required rear lot line if there is no required rear yard),

1.3 STREET CLASSIFICATION

For the purpose of providing for the development of a system of major streets and highways in the Town and for the future improvement, reconstruction and necessary widening of all streets and highways, each road in the Town is hereby designated by one of the following street classifications:

- A. Connecticut Turnpike and Route 2A
- B. Flanders Road, Fort Shantok Road, Hartford - New London Turnpike, Norwich - New London Turnpike, Route 32 and Route 163.
- C. Chapel Hill Road, Chesterfield Road, Old Colchester Road, Fellows Road, Fire Street, Fitch Hill Road, Forsyth Road, Grassy Hill Road, Jerome Road, Lynch Hill Road, Massapeag Road, Moxley Hill Road, Oxoboxo Brook Road, Raymond Hill Road (between Route 32 and 163)
- D. Cherry Lane, Gallivan Lane, Gay Hill Road, Lathrop Road.
- E. All other roads in Town.

ARTICLE II. ESTABLISHMENT OF DISTRICTS, ZONING MAP, DISTRICT BOUNDARIES AND SCOPE OF CONTROLS

2.1 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 its title:

SYMBOL	TITLE
RA-120	Residence A-120 District
RA-40	Residence A-40 District
R-40	Residence 40 District
RA-20	Residence A-20 District
C	Commercial District
M	Manufacturing District

Each such district may be designated on the Zoning Map referred to in Section 2.2, in the Use and Bulk Tables in Section 3.1 and elsewhere in the text of these regulations by its symbol only.

2.2 ZONING MAP

2.21 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 2.3. Such map bearing the same date as these regulations, referred to herein as the "Zoning Map", together with everything shown thereon, is hereby made part of the regulations. An original of the Zoning Map and any amendments thereof shall be maintained on public display in the office of the Town Clerk.

2.3 DISTRICT BOUNDARIES ON ZONING MAP

2.31 Along Rights-of-Way. Where a district boundary is shown following a street, a public right-of-way or a railroad, the boundary is respectively the center line of such street, or public right-of-way, or a line located midway between the main tracks of said railroad, and such boundary shall be deemed to be changed automatically whenever the center line of such street, or public right-of-way is changed or said

main railroad tracks are changed, if the new center line is no further from the old center line than 50 feet at any point.

2.32 Map Dimensions. Where a dimension is indicated on the Zoning Map such dimension shall control. However, in the absence of a specific dimension being indicated on the Zoning Map, the dimension shall be determined by using the map scale.

2.33 Physical Markers. Where a street, highway, railroad or other physical monument or marker on the ground by which a boundary is determined varies from that as shown on the Zoning Map, the on-the-ground physical monument or marker shall control.

2.4 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, and every change in bulk, shall conform to the use and bulk regulations of these Regulations. All new buildings, and all newly developed land and non-building uses, may be used for any purpose permitted or required by the regulations of the appropriate district. All existing non-conforming uses and non-conforming bulk may continue subject to the regulations in Article VII and Article IV, Section 4.47 (Flooding).

ARTICLE III. TABLES OF GENERAL REGULATIONS FOR EACH DISTRICT

3.1 USE AND BULK TABLES

The general regulations affecting the use of buildings and land and the bulk arrangement of buildings and of materials and equipment occupying land in connection with the non-building use thereof, for each of the districts established by Article II, are hereby established as set forth in this section.

3.11 Use Table. The accompanying table, entitled "Section 3.11, Table of General Use Regulations", shall be deemed to be part of this Section and is referred to herein as "Use Table".

3.12 Bulk Table. The accompanying table, entitled "Section 3.12, Table of General Bulk Regulations" shall be deemed to be part of this Section and is referred to herein as "Bulk Table".

3.2 RULES FOR USING THE USE AND BULK TABLES

3.21 Sequence of districts. The sequence of the Use and Bulk Tables reads from the top down, district by district. A previous district is a district listed earlier in such sequence. A subsequent district is a district later in such sequence. A use listed for the first time in such sequence in the Use Table as being permitted in or excluded from any particular district is deemed to be excluded from all previous districts, unless otherwise expressly permitted.

3.22 Where a given use is permitted in a previous district, all the use and bulk regulations applicable to such use district are equally applicable to such use in a subsequent district where such use is permitted, except as expressly modified in the Use or Bulk regulations for such subsequent district.

3.23 Use Permitted. Uses of land and buildings permitted in a zoning district in Montville shall be only those indicated in Section 3.11 entitled "Table of General Use Regulations", and all other uses are hereby prohibited unless specifically permitted elsewhere in these regulations.

SECTION 3.11

TABLE OF GENERAL USE REGULATIONS

1	2	3	4	5	6	7	8
District	Uses Permitted By Right	Uses by Special Permit (Subject to Section 4.31 and 4.32)	General Accessory Uses	Signs	Minimum Required Accessory Off-street Parking Spaces (Sub- ject to Article VI)	Minimum Re- quired Off- Street Loading (Subj. to Article VI)	Additional Use Regulations (For All Non-conforming Uses, See Article VII)
	RESIDENCE RA-120 DISTRICT						
RA-120	1. Single-family Detached 2. Agricultural Operations. Provided no stable or manure pit is within 200 ft. of any lot line. A) Keeping breeding & raising of cattle (including dairies) sheep, chicken goats, & horses, & rental of horses on lots of 5 acres or more. However, keeping, breeding & raising of pigs, rabbits, foxes, rodents primates & any other fur-bearing animals for any commercial or laboratory use is not permitted.	1. Buildings or open stands for display and sale of agricultural products grown primarily on the premises, provided such building is 30 feet from any lot line. Buildings for processing or storing of agricultural products grown on premises. A waiver of the 30 ft. requirement may be granted in the case of temporary stands provided off-street parking is available. 2. Fire & Police Stations. 3. Golf courses. 4. Reservoirs, Radio, Television & Water Towers. 5. Recreational Facilities incidental to schools and churches.	1. Accommodation for servants. 2. Private Greenhouses Barns, Silos Swimming Pools and Tennis Courts 3. Keeping Domestic Animals & 4-H Projects 4. Home Occupations as defined in Sec. 1.2 5. Garages and Tool Sheds. 6. The screened outdoor storage of recreational vehicle(s) or boat(s) in a rear yard	1. For any residence or home occupation, if any, on the premises, one name plate & one home occupation sign, & not in excess of 144 square inches. 2. A sign not more than 5 sq. ft. in area when placed in connection with the sale, rental construction or improvement of the premises, & for no other purpose, save signs designating the occupant & signs such as "No Trespassing",	For At least one parking space for each 1. Residences 1/2 dwelling unit plus. 2 spaces for an accessory home occupation or principal agricultural use. 2. Buildings or open stands for display agricultural products 5 ft. of front wall of such building or stand. 3. Churches, public Buildings 200 sq. ft. of floor area but not less than 1 space for each 5 seats provided,	1. For a public facility, or school with floor area of 10,000 sq. ft., 1 berth, for each additional sq. ft. or fraction thereof, 1 additional berth.	1. In addition to the particular requirements for any use listed in col. 4, the Planning & Zoning Commission where reasonable and appropriate, may require adequate fences and other safety devices and adequate screening and landscaping.

SECTION 3.11

TABLE OF GENERAL USE REGULATIONS

1	2	3	4	5	6	7	8
District	Uses Permitted By Right	Uses by Special Permit (Subject to Section 4.31 and 4.32)	General Accessory Uses	Signs	Minimum Required Accessory Off-street Parking Spaces (Sub- ject to Article VI)	Minimum Re- quired Off- street Loading (Subject to Article VI)	Additional Use Regulations (For all non-conforming uses, see Article VII)
RA-120 (cont.)	3. Parks & Play- grounds. 4. Public utility sub-stations in harmony with the character of the neighborhood & subject to per- formance stan- dards Sec. 4.1 5. Railroads & Public Utility Rights-of-Way 6. Schools, Public Buildings.	6. Temporary build- ings accessory to construction work. 7. Sand & Gravel Pits subject to per- formance standards procedure Sec. 4.1 and 4.32 8. Churches & similar places of worship 9. Community Centers, Libraries. 10. Cemeteries 11. Recr. Camps sub- j. to Sec. 4.32(D) 12. Conv. Hospitals subj. to Sec. 4.32(F) 13. Marina & Boating Facility		"No Dump- ing" & the like, not to exceed 5 sq. ft. in area & without indi- vidual illumi- nation.	4. Schools 12 seats or students. 5. Golf courses or country clubs. 2 members or accommoda- tions such as lockers. 6. Telephone Exchan- ges, Substations 2 employees or 300 sq. ft. of floor area, whichever is less. 7. Marina & Boating Facility 2 members or accommodations such as lockers or mooring spaces whichever is greater.		
RA-40	RESIDENCE A-40 DISTRICT						
	Same	as	RA-120				
R-40	RESIDENCE 40 DISTRICT						
	1. Same as RA-120	1. Same as RA-120 2. Garden Apartments, Condominiums on lots of 10 acres or more 3. Trailer Park	Same	as	RA-120		
RA-20	RESIDENCE A-20 DISTRICT						
	Same	as	RA-120				

SECTION 3.11

TABLE OF GENERAL USE REGULATIONS

1	2	3	4	5	6	7	8
District	Uses Permitted By Right	Uses by Special Permit (Subject to Section 4.31 and 4.32)	General Accessory Uses	Signs	Minimum Required Accessory Off-street Parking Spaces (Sub- ject to Article VI)	Minimum Re- quired Off- street Loading (Subject to Article VI)	Additional Use Regulations (For all non-conforming Uses, See Article VII)
C	COMMERCIAL DISTRICT						
	1. Same as RA-120 except new residences. 2. Boarding or Rooming Houses, Tourist Homes. 3. Offices 4. Retail, Drug, Dry Goods & Variety, Food Hardware, Stationery, Tobacco, Newsstands, Pickup & Delivery Stores for Dry Cleaning, Laundry. Shoe Repair 5. Fire & Police Stations, Post Offices 6. Banks 7. Clothing Stores 8. Home Appliance Stores. 9. Jewelry Stores 10. Beauty Parlor 11. Barbers	1. Same as RA-120 2. Any other similar type of commercial facility	1. Storage of Goods Accessory to uses permitted. 2. Accessory Production subject to Column 8	1. Signs on the exterior wall of a building shall not exceed one sq. ft. of area for each ft. of building frontage. 2. A sign attached to a building shall not project more than 1 ft. from the building wall when building bounds front lot line. No sign shall project into or over a street.	1. Same as RA-120 2. Theaters 5 seats 3. Undertakers 2 employees 5 spaces for each chapel 4. Restaurant 5 seats 5. Offices and Retail thereof used. & Service establishments 300 sq. ft. of floor area in such use.	1. Same as RA-120 2. For buildings with offices & retail establishments 2 berths for 8,000-25,000 sq. ft. of floor area & 1 additional berth for each 25,000 sq. ft. of floor space or fraction 3. For undertakers 1 berth for each chapel (size of berth min. 10 x 20 ft, 7 1/2 ft. high.	1. A Filling Station located within 25 ft. of an R district shall be screened along any lot line within 25 ft. of such boundary; Flood-lighting shall be arranged so as to eliminate the glare of lights toward such district boundary. 2. All accessory production & servicing of goods, & all commercial printing shops & personal service shops shall conform to the following regulations: A) All such goods shall be sold to customers on the premises.

SECTION 3.11

TABLE OF GENERAL USE REGULATIONS

1	2	3	4	5	6	7	8
District	Uses Permitted By Right	Uses by Special Permit (Subject to Section 4.31 and 4.32)	General Accessory Uses	Signs	Minimum Required Accessory Off-street Parking Spaces (Sub- ject to Article VI)	Minimum Re- quired Off- street Loading (Subject to Article VI)	Additional Use Regulations (For all non-conforming Uses, See Article VII)
C (Cont.)	12. Personal Ser- vice Stores 13. Photographic Studios 14. Restaurants 15. Bookstore 16. Upholsterer 17. Commercial Printing 18. Theaters exc- ept Drive-in 19. Public Park- ing Lots 20. Hotels 21. Public gar- ages						B) The floor area used for such pro- duction & servic- ing shall be limited to 10% of the floor area of the establish- ment or 3,000 sq. ft. whichever is greater. C) Not more than 5 employees shall be engaged in such production or ser- vicing. D) Only electrical- ly driven machinery shall be used.
M	GENERAL MANUFACTURING DISTRICT 1. Same as C 2. All manufac- turing uses (ex- cept those prohi- bited in Section 4.4) subject to performance standards Sec. 4.1 3. Dry Cleaning, Rug Cleaning,	1. Same as C except con- valescent homes, schools, churches & similar places of worship, community center, library. [REDACTED]		1. Same as C	1. Same as C 2. Manufacturing 750 sq. ft. of gross floor area or 3 employees whichever is greater.	1. Same as C	1. All open storage yards shall be sc- reened from adja- cent lots & streets

SECTION 3.11

TABLE OF GENERAL USE REGULATIONS

1	2	3	4	5	6	7	8
District	Uses Permitted By Right	Uses by Special Permit (Subject to Section 4.31 and 4.32)	General Accessory Uses	Signs	Minimum Required Accessory Off-street Parking Spaces (Sub- ject to Article VI)	Minimum Re- quired Off- street Loading (Subject to Article VI)	Additional Use Regulations (For all non-conforming uses, See Article VII)
M (cont.)	Laundry Plants subject to perfor- mance standards in Sec. 4.1 4. Bus, truck, railroad, freight terminals, major public utility transformers. 5. Bulk storage of fuel oil, bottled gas & other open storage yards. 6. Coal yards 7. The uses set forth in Sec. 4.4 are not permitted. 8. Animal Hospital						

SECTION 3.12

TABLE OF GENERAL BULK REGULATIONS

1	2	3	4	5	6	7	8	9	10	11
District Group	For Uses Listed Below	The Following Bulk Regulations Apply								
	Uses herein referred to in abbreviated form refer to the uses listed in detail in Use Table, Cols. 2 and 3.	Maximum Floor Area Ratio	Minimum Lot Area in Square Ft.	Minimum Lot Frontage and Lot Width in Ft. /4	Minimum Required Front Yard Depth in Ft. /3	Minimum Required Side Yard Width in Ft.	Total Width Required Side Yards in Ft.	Required Rear Yard Depth in Ft.	Maximum Building Height in Ft. for Buildings /1	
		In Feet								
RA-120	A Single-Family Detached	0.15	120,000	200	50	25	50	50	30	
RA-40	B Single-Family Detached	0.15	40,000	150	50	15	30	50	30	
R-40	C Single-Family Detached	0.15	40,000	150	50	15	30	50	30	
	D Garden Apartments, Condominiums	0.20	10,000 per dwell. unit	300	200	200	400	200	30	
RA-20	E Single-Family Detached	0.15	20,000	125	40	15	30	50	30	
	F Garden Apartments, Condominiums	0.20	10,000 per dwell. unit	300	200	200	400	200	30	
C	All Uses Permitted in RA-120 & Boarding & Rooming Houses	Subject to Regulations for Appropriate Group in RA-120								
	H Motels subj. to Sec. 4.7	0.25	80,000	50	75	30	60	30% of Depth	30	
	I All other uses permitted in C	0.30		100	30	10	30	25% of Depth	40	
M	All uses permitted in C	Subject to Regulations for Appropriate Group in C								
	K All other uses permitted in M	1.00		1/2	30	15	30	25% of Depth	50	

- /1 Height limitations may be modified by the Commission in the case of utilities, radio transmitters or civil defense installations.
- /2 In an M district no lot shall be used unless it has a frontage of at least 100 feet on a street or has a right-of-way 50 feet in width to a street, said right-of-way having been approved by the Zoning and Planning Commission, as being of suitable location and grade.
- /3 All required front yard depths in substantially built up areas may be reduced with the approval of the Zoning and Planning Commission to the existing set back.
- /4 In the case of dead-end streets in residential areas, the minimum lot frontage at the end of such street may be reduced with the approval of the Zoning and Planning Commission without however in any way affecting the other requirements stipulated in Section 3.11 and 3.12.

3.121 The minimum floor area of any single-family dwelling shall be not less than 900 square feet of livable floor area, excluding basement area, porches whether screened or glassed-in and garages. The Board of Appeals may permit the conversion of a single-family dwelling to a two-family dwelling subject to the following conditions:

- a. The single-family dwelling shall have been constructed before 1940.
- b. The lot shall contain not less than 20,000 sq. ft. per family.
- c. Sewage disposal and water supply facilities shall have been approved in writing by the Health Officer.
- d. The livable floor area of each apartment shall be not less than 900 square feet for the first unit and 500 square feet for the second unit.
- e. Off-street parking requirements are met.
- f. No structural alterations are made to the exterior of the building which shall detract from its present residential characteristics.
- g. No stairs above the first floor shall be added outside the existing exterior walls except at the rear wall of the building, and on a corner lot any new stairs shall be added within the existing walls of the building, or added in the form of a wing that will not detract from the building's present residential characteristics.

ARTICLE IV. OTHER REGULATIONS

4.1 PERFORMANCE STANDARDS

4.11 **Applicable to all Non-Residential Uses.** No land or building shall be used or occupied for non-residential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable, fire, explosive, radioactive, or other hazard, noise or vibration; smoke, dust, odor, or other form of air pollution; excessive light, heat, cold, dampness, movement of air; electrical or other disturbances; excessive glare; liquid or solid refuse or wastes or conditions conducive to the breeding of rodents or insects; or other substance, condition, or elements (all referred to herein as "Dangerous or Objectionable Elements"), in a manner or amounts as to adversely affect the surrounding area, provided that any non-residential use except those expressly prohibited by these regulations in Section 4.4 may be undertaken and maintained if it conforms to the district regulations, and the regulations of this Section 4.1 referred to herein as "Performance Standards" limiting Dangerous and Objectionable Elements at the point of determination of their existence as provided in this Section.

4.12 **Continued Enforcement Provisions.** Whether or not compliance with Performance Standards in Section 8.223 in obtaining a permit or certificate of use and compliance is required for any particular use, initial and continued compliance with Performance Standards is required of every new non-residential use or change in such use in all districts.

4.13 **Non-Conforming Uses.** No use established before the effective date of these regulations and non-conforming as to Performance Standards shall be required to conform herewith.

4.14 **Restrictions on Creation of Dangerous and Objectionable Elements.** Every use subject to Performance Standards shall conform to the restrictions set forth in Section 4.15, 4.16, 4.17.

4.15 **Measurement at the Point of Emission.** The existence of the following Dangerous and Objectionable Elements shall be determined at the location of the use creating same or at any point beyond, and these shall be limited as follows:

4.151 Fire and Explosion Hazards. All activities and all storage of inflammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire - prevention equipment and devices.

4.152 Radioactivity. No activities which emit dangerous radioactivity at any point are permitted.

4.153 Smoke. No emission at any point, from any chimney or otherwise of visible grey smoke of a shade darker than No. 1 on the Ringelman Smoke Chart as published by the U.S. Bureau of Mines is permitted.

4.154 Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause excessive soiling at any point is permitted.

4.155 Liquid or solid wastes. No discharge at any point into any private sewage disposal system or stream, or into the ground of materials in such a way or of such nature or temperature as can contaminate any water supply, or otherwise cause the emission of Dangerous or Objectionable Elements shall be permitted, except in accord with standards approved by the State Department of Health or State Water Resources Commission or both. An accumulation of solid wastes conducive to the breeding of rodents or insects shall not be permitted.

4.16 Measurements at the Lot Line. The existence of the following Dangerous and Objectionable Elements shall be determined at the lot line of the use creating the same or at any point beyond said lot line and the following standards shall apply:

4.161 Vibration. The safe standards developed by the U.S. Bureau of Mines recommended in Table 7, U.S. Bureau of Mines Bulletin No. 442 or any revisions thereof shall be used.

4.17 Odors. The standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", Copyright 1951 by the Manufacturing Chemist's Association, Inc., Washington, D.C. or any revision thereof shall be used.

4.2 REGULATIONS FOR SIGNS AND ARTIFICIAL LIGHTS

4.21 General Control over Signs. No sign or billboard, advertising display or structure, poster, or device shall be erected, displayed or used except as expressly permitted in these regulations, and except such State, County and Town signs and traffic signals as are installed for public purposes.

4.22 Prohibited Signs. Any sign, artificial light or reflecting device connected or used with a sign or otherwise located or displayed where such light competes for the attention of the driver of a mechanical vehicle, or may be mistaken for a traffic signal is prohibited.

4.23 Light Pollution. All signs shall be non-animated, non-flashing and may be illuminated only by incandescent or fluorescent lamps so directed that they do not glare into the street or any adjoining property.

4.3 SPECIAL PERMIT USE - SPECIAL FINDINGS, AND ADDITIONAL REQUIREMENTS AND CONDITIONS FOR CERTAIN USES

4.31 Special Findings. Before granting a Special Permit under Section 8.221 for any use in Use Table Col. 3, the Zoning and Planning Commission shall make the following Special Findings (as well as any additional Special Findings set forth for any specific use in the Use Table):

That the proposed use as described and represented by the applicant (1) will be appropriately located with respect to transportation, water supply, waste disposal, fire and public protection, and other public facilities; (2) will not cause undue traffic congestion or create a traffic hazard; (3) will not create at any point of determination set forth in Section 4.15, 4.16, 4.17 any more Dangerous and Objectionable Elements referred to in 4.11 than is characteristic for the uses expressly permitted as of right in the same district; (4) will not adversely affect the character of, or property values in, the area; (5) will not otherwise impair public health, safety, morals, convenience, comfort, prosperity, and other aspects of the general welfare of the Town; and (6) will comply with all other Regulations applicable to such use.

4.32 Additional Requirements and Conditions for Certain Special Permit Uses. The Zoning and Planning Commission, subject to making the Special Findings in Section 4.31 may grant a Special Permit for any uses in this Section provided the additional special requirements and conditions for each use set forth in the lettered subsection below are complied with, and a proposed plan showing the size and location of the lot, the design and location of the proposed facilities (including access drives), screening, and streets within 1,000 feet, and a detailed description thereof, are submitted in accordance with rules prescribed by the Commission.

4.32 (A) THE PRESERVATION OF NATURAL FEATURES AND RESOURCES, SAND PITS, GRAVEL PITS, REMOVAL OF TOPSOIL, EXCAVATION OPERATIONS AND LANDFILL (In Any District)

I. Removal by Permit Only. The removal of sod, loam, soil, clay, sand, gravel or stone from any land is hereby prohibited except by permit of limited duration from the Commission and issued under such conditions as said Commission may impose to prevent damage to adjoining property and to protect the health, safety, convenience and welfare of the community. Such conditions may include, among others:

- (i) the submission of a reference map at a scale of 1" = 200' showing the area proposed for excavation, property lines and the names of adjoining property owners and the tie-in to the nearest street intersection;
- (ii) The submission of a map of the premises and surrounding area within 100' to a scale of 1" = 40' showing the existing and proposed contour lines of the before and after topography at intervals of not more than two (2) feet, said map to be prepared by a professional engineer or licensed land surveyor, registered in the State of Connecticut;
- (iii) provision of temporary and permanent drainage of the site;
- (iv) limitation of excavation to vertical cuts which are not to exceed ten (10) feet at any time. No excavation shall be permitted within thirty (30) feet of any existing or approved street except to conform to the approximate street grade. No excavation shall be permitted within thirty (30) feet of any interior property line;
- (v) if the proposed method of soil erosion control is by revegetation, the specifications for work shall provide that any layer over the area to be excavated shall be set aside and retained on the premises in sufficient quantity to be respread over all surfaces which will remain exposed, except rock, to a depth of at least four (4) inches, with topsoil added if necessary to make up the deficiency. The specifications shall also provide that at the completion of respreading of topsoil it shall be immediately harrowed or raked to establish a seed bed and shall be seeded and reseeded as necessary with grass, permanent pasture mixture or other approved fast growing vegetation, repeated if necessary until the area is stabilized;

- (vi) finished slopes of an excavation shall not exceed 1:1-1/2 (vertical to horizontal) in undisturbed earth, 1:2 in earth fill, and 4:1 in rock;
- (vii) the proposed excavation and removal shall not result in the creation of any sharp pots, depressions, soil erosion, depressed land values, drainage and sewerage problems or other conditions which would impair the use of the property in accordance with the Zoning Regulations, and further provided that such excavation or removal will be in harmony with the general purpose and intent of the Zoning Regulations.

II. Processing of Excavated Material. The sifting, washing, crushing or other forms of processing and treatment of earth products shall be permitted in a Manufacturing District only.

III. Hours of Operation. In R districts or within 1,000 feet thereof, there shall be no operation between 7 p.m. and 7 a.m. nor on Sundays or legal holidays, except in an emergency which involves the public welfare.

IV. Fence Requirements. Where an excavation will have a depth of ten (10) feet or more and create a slope of more than 1 in 2, there shall be a substantial fence enclosing the excavation at least six (6) feet in height with suitable gates. Such fence shall be located fifty (50) feet or more from the edge of the excavation. All screens shall be maintained in good condition at all times and may have normal entrances and exits. All operations shall be screened if located near residential areas or highways.

V. Access Roads. The portion of access road within the area of operations shall be provided with a dustless surface which shall be maintained in good condition at all times.

VI. Foundations and Approved Subdivision Roads. These regulations shall be deemed not to prohibit the removal of sod, loam, soil, clay, sand, gravel or stone necessary to be excavated from the foundation location of buildings or other allowable structures for which construction is to be undertaken in compliance with an approved building permit, or to be excavated from the locations of streets in accordance with

the lines, grades and profiles on plans approved by the Commission. Nor shall these Regulations be deemed to prohibit the transferral of sod, soil, clay, sand, gravel or stone from one part of a lot, tract or parcel of land to another part of the same lot, tract or parcel of land in the same ownership.

VII. Fees. All applications for a soil removal permit shall be signed by the owner and the operator, if any, of the property and accompanied by a fee of ten (10) dollars if the area of excavation or fill is less than one (1) acre and fifty (50) dollars if the area of excavation or fill is larger than one (1) acre in the form of a check payable to the Treasurer, Town of Montville and shall follow substantially the standard procedures of plans required for a proposed subdivision and as described more fully in the Standards for Subdivision Development for the Town of Montville.

VIII. Compliance of Existing Excavations with Regulations. After passage of these Regulations, no person, firm or corporation shall establish, maintain, conduct or operate any excavation in the Town of Montville without having first obtained a permit. Excavation or Filling Operations in existence on the effective date of these Regulations shall have ninety (90) days from the effective date of these Regulations within which to apply and obtain a permit in compliance with the provisions of these Regulations.

IX. Performance Bond. Before the issuance of any Special Permit the owner and the operator, if any, of the land on which such excavation is to be conducted as principals execute a bond in triplicate in an amount sufficient in the opinion of the Commission and approved as to form by Town Counsel to secure the rehabilitation of the site in accordance with a plan specified above. The amount of such bond may be reduced when in the opinion of the Commission and after public hearing and due notice, a lower amount will be sufficient to accomplish this purpose. In the event the owner and operator does not fulfill the conditions of the bond, the Town shall, after notice to the owner and operator and their bonding company and upon their failure to comply with the terms of the permit, proceed to rehabilitate the premises in accordance with the plan described above, either with its own forces or by contract, and shall charge the costs to the owner and operator or the bonding company or surety company.

X. Landfill Operations. A landfill operation shall comply with all the pertinent provisions as specified for an Excavation Operation. Any deposit of fly ash shall be permitted only if a plan of deposit stabilization including mixture with soil and revegetation is submitted with the application.

XI. Modification under Special Circumstances. The Zoning and Planning Commission may, upon formal application, when, in its judgment the public convenience and welfare will not be adversely affected and appropriate use of the adjoining property will not be substantially injured, authorize a modification of the standards specified in Section 4.32(A), Subsection I (ii), I (iv), I (v), Subsection IV.

4.32 (B) Use Creating Major Traffic. To assure maximum safety and convenience to the public, facilities which provide parking spaces for more than ten (10) vehicles shall be reviewed and approved by the Commission before a permit is issued for construction or use. A plan at a scale of 1" = 40', showing the proposed facility including parking spaces, circulation aisles, screening and other pertinent features shall be submitted with the application for a permit.

4.32 (C) Garden Apartments or Condominiums. A Garden Apartment or Condominium facility may be erected only in compliance with the provisions of these Regulations. Uses permitted in a Garden Apartment or Condominium facility:

- (a) Garden Apartments or Condominiums
- (b) Uses accessory to the use provided under Subsection (a) shall be limited to the following:
 - (i) Garages for the storage of motor vehicles;
 - (ii) Off-street parking facilities;
 - (iii) Maintenance and utility shops for the upkeep and repair of buildings, structures and equipment on the site;
 - (iv) Central heating and air-conditioning plants;
 - (v) Power substations;
 - (vi) Facilities for the storage of water or for the collection of sanitary waste;
 - (vii) A building for the storage of documents, records and other personal property used in conjunction with a bona fide housing for the elderly facility for the exclusive use of the occupants of such facility;

- (viii) Communication facilities;
- (ix) In conjunction with a bona fide housing for the elderly facility; clinics, dining facilities, utility service store, and recreational facilities, none of which shall be maintained or designed for or used by the general public but shall be used only by those actually living in a housing for the elderly facility. All accessory uses under this subsection shall be designed and planned as an integral part of the housing for the elderly, shall be located on the same site therewith and shall be set forth and shown on the application for a zoning permit; and
- (x) Recreation facilities limited to the use of individuals living on the premises subject to the approval of the Commission.

I. Uses Specifically Forbidden in a Garden Apartment or Condominium facilities. The following uses are specifically forbidden:

- (i) Radio and television or water towers, unless specifically granted by the Commission in the zoning permit after a finding by the Commission that they will be in harmony with the overall layout of the particular development and adjacent property and that they will not interfere with the health or safety of the general public;
- (ii) The dissemination of noise, vibration, odor, dust, gas or fumes or atmospheric pollution of any kind observable or otherwise detectable beyond the boundaries of the site;
- (iii) Any use which may be hazardous by reason of the possibility of fire, explosion, nuclear radiation or other hazard;
- (iv) Any use of equipment causing interference with radio or television reception outside of the development; and
- (v) The sale or division of any portion of the land for which a Garden Apartment or Condominium zoning permit has been issued which results in the ground area or recreation area being reduced in size below the area called for in the zoning permit.

II. Information Required in Application for Zoning Permit. Each application for a zoning permit under the provisions of this section shall include the following information or statements:

- (i) All information which may be required under this section;
- (ii) Preliminary site plans at a scale and form and manner as specified in the Standards for Subdivision Development for the Town of Montville, elevations and renderings and any other information which may be required by the Commission in order to ascertain whether or not the provisions of these Regulations will be complied with or provided for and will continue to be complied with or provided for;
- (iii) The method of trash storage and garbage collection; all containers shall be screened and be made an integral part of the landscape;
- (iv) The information required in Section 8.22(1) of these Regulations; and
- (v) The boundary location and legal description of all areas to be set aside for park and recreation activities. At least 15% of the net area of the proposed facility shall be set aside for park and recreation area.

III. Issuance of Zoning Permit. No zoning permit shall be issued under the provisions of this section until the Commission shall have made specific findings which shall be recorded in the minutes of the Commission to consist of the following:

- (i) Whether or not it has found the necessity of imposing additional requirements and conditions and their nature, it being understood that the Commission may impose additional requirements, conditions or safeguards as a prerequisite to the issuance of a zoning permit, if it shall find that such are necessary in order that the spirit of this section may be observed and public safety and welfare secured;
- (ii) All necessary maps, architectural and engineering drawings, and other papers required of the applicant have been filed with the Commission;

- (iii) That the Commission is satisfied that the applicant has the ability and bona fide intention to comply with all of the terms and conditions and plans and specifications for the construction of the facility, including the provisions of and payment for off-site facilities which may be required; and
- (iv) That the location and size of the site, the nature and intensity of the proposed development and use and the location of the site with respect to public highways giving access to it shall be such that the development and use will be in harmony with the appropriate and orderly development of the neighborhood in which the facility is being located and the location, nature and height of buildings, walls and fences and the location of recreational and parking areas will be such that the development and use will not hinder or discourage the appropriate development and use of adjoining lands and buildings.

IV. Validity of Permits. Zoning permits issued under the terms and provisions of this section shall be subject to the following terms and conditions:

- (i) A zoning permit issued for a Garden Apartment or Condominium facility shall be valid for two years from the date of issuance. Such permit must be renewed if the facility for which the permit has been issued is not completed within two years. Such renewal request shall be submitted in writing and shall be obtained before the expiration date of the initial permit and a permit for one additional year may be granted by the Commission. After a zoning permit has been issued, work thereunder shall be commenced within six (6) months from the date of issuance and, if work thereunder is not commenced within said six months and thereunder diligently pursued, the Commission shall have the right to revoke the permit. In such event, the Garden Apartment or Condominium permit which shall have been granted by the Commission shall no longer be effective.
- (ii) The Commission or its duly authorized agent shall have the authority at all reasonable times after the issuance of the permit

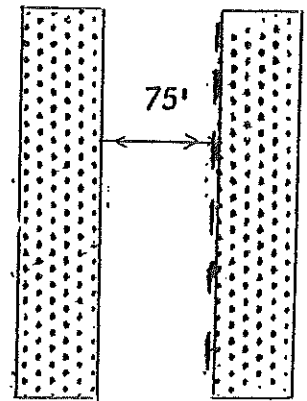
to inspect the Garden Apartment or Condominium facility for which the permit was issued for the purpose of ascertaining that all of the requirements relative thereto, including requirements which shall continue after construction has been completed, have been and are being complied with; and, in the event that such inspection shall disclose any non-compliance which is not properly cured, the Commission, in addition to all other rights and remedies available to it, shall have the right to revoke the permit; and

- (iii) No new or changed use of a Garden Apartment or Condominium facility not disclosed or set forth in the application therefor shall be made until a new application has been made to the Commission for a new zoning permit, a public hearing has been held thereon in accordance with the provisions of these Regulations and the Commission shall find that such new or changed use shall be in full compliance with these Regulations.

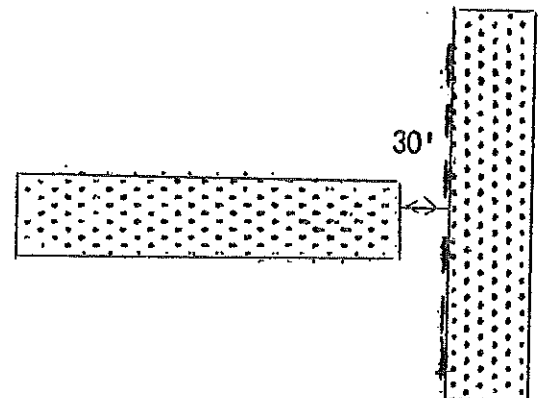
V. Specific Standards and Requirements for the issuance of a Permit. No zoning permit shall be issued under the provisions of this section for the construction, alteration or use of any building or land in a Garden Apartment or Condominium facility unless the following requirements shall be complied with, it being understood that any off-street work which may be required under this section, in addition to on-site work, shall be paid in full by the developer.

- | | | |
|------|--|---|
| (i) | Area, Width and Frontage of Lot and other Bulk Regulations | As specified in Section 3.11 or 3.12 of these Regulations |
| (ii) | Density of Development | At least 10,000 square feet of lot area per dwelling unit. Each Garden Apartment or Condominium structure shall contain at least four and not more than sixteen dwelling units and the distance between each structure shall be as specified in the diagrams below: |

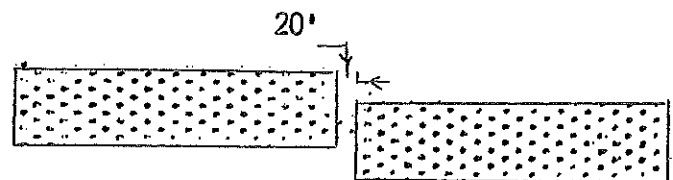
- (a) Between two facing walls, each of which contains a window or windows: 75 feet.



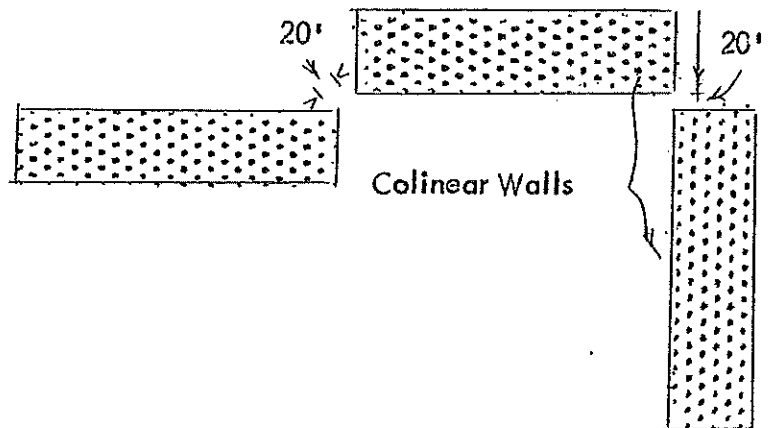
- (b) Between two facing walls, only one of which contains a window or windows: 30 feet



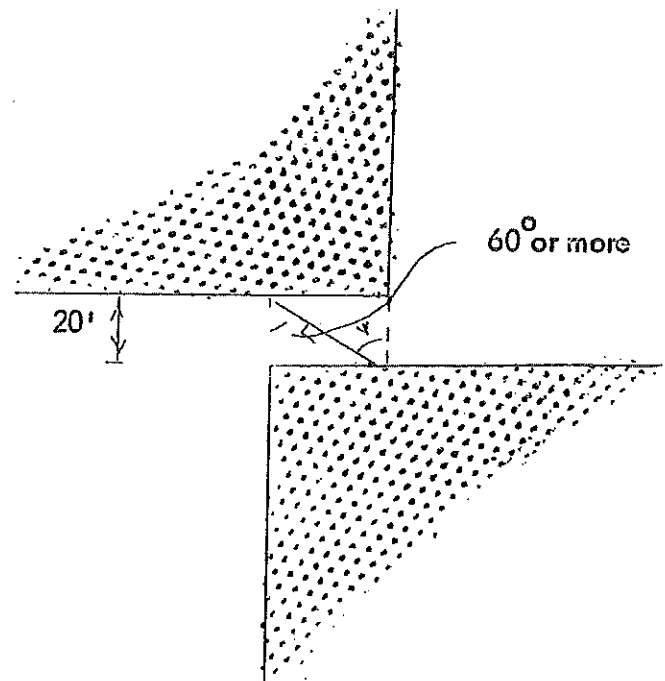
- (c) Between two facing walls, neither of which contains a window or windows: 20 feet.



- (d) Between corners of two buildings where no exterior walls of one building lies such that it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from colinear exterior walls: 20'



- (e) Between vertical portions of two facing walls, neither of which vertical portions contains a window or windows, where no window directly faces on opposite wall, and no portion of a window on one facing wall is visible from any portion of a window on the other facing wall at an angle of less than 60° from perpendicular: 20'



- (iii) Maximum Height 30 feet on any one side above the ground level on such side measured from the lowest point on such side. Such maximum height shall include parapets.
- (iv) Parapets Parapets shall be provided in all instances where the same are necessary to hide any large ventilators, water tanks or duct work system located on the main roof area.
- (v) Parking Areas Unenclosed off-street parking facilities shall have a dustless surface, shall be set back a minimum of 25 feet from any residential structure and 75 feet from any boundary lines of abutting properties, abutting properties to be construed to include public highways. Off-street parking areas must be permanently improved and suitably drained and permanently screened with dense planting of evergreens of a height not less than six feet or other screening satisfactory to the Commission. The distance between any entrance to a building and the farthest off-street parking space assigned to a particular Garden Apartment or Condominium unit shall at no time be greater than the shortest distance from the street or access and service driveway to such entrance. No entrance to a Garden Apartment or Condominium dwelling shall be farther than 200 feet from any street, access drive, service driveway or off-street parking area. Basement parking shall not be permitted.
- (vi) Driveways Access and service driveways shall be of sound construction, shall be laid out in such a manner that connections with the street, streets or highways on which the facility has frontage shall be so located and designed as to avoid unsafe conditions or traffic congestion or hazards. No driveway into or onto the property shall be less than 75 feet from any side or rear property line. If, in the opinion of the Commission, traffic lights on the abutting public highway or street, directional signals or other traffic

regulatory facilities or methods are necessary, the same shall be provided at the cost of the developer. If the proposed facility is abutting a State Highway, coordination with the State Highway Department with respect to traffic access shall be required. Storm drainage facilities shall be constructed in full compliance with the Standards for Subdivision Development for the Town of Montville. There shall be at least two entrances and two exits for each Garden Apartment or Condominium facility to provide service in an emergency.

(vii) Lighting

There shall be no lighting or other illumination that will cause any glare observable within a residence district. All exterior lighting shall be of such design and location that the light source can not be seen beyond the boundaries of the site on which the facility is located.

(viii) Fire Hydrants

Fire hydrants shall be installed and no proposed dwelling unit shall be at a distance greater than 500 feet from any such fire hydrant. The location and adequacy of pressure of fire hydrants shall be approved by the Fire Marshal.

(ix) Site Plan and Improvements

The site plan shall be prepared to scale by a professional engineer and/or land surveyor licensed to practice in the State of Connecticut, shall show the proposed facility including vehicular and pedestrian traffic circulation, the location of main and accessory buildings, the location & spaces of off-street and covered parking spaces and shall be subject to all applicable requirements as specified in the Standards for Subdivision Development for the Town of Montville.

(x) Accessory Buildings

All accessory buildings shall have the same architectural character as the main building and shall comply with all setback requirements applicable to main buildings.

(xi) Minimum floor area for Garden or Condominium apartment unit

The minimum floor area for any apartment in a Garden Apartment or Condominium development shall be not less than 600 square feet and no apartment or portion

of an apartment shall be located in the basement of a Garden Apartment or Condominium structure.

(xii) Sidewalks

Sidewalks abutting any street, access and service driveway on which the facility is located shall be provided, unless, in the opinion of the Commission, the same are not required.

(xiii) Signs

Directional signs may be permitted as approved by the Commission. Not more than one (1) single sign and not to exceed twenty-five (25) sq. ft. may be displayed at each entrance to a Garden Apartment or Condominium facility indicating the name of the Garden Apartment or Condominium facility.

(xiv) Landscaping and Screening

The site plan shall show the method and arrangement for the landscaping of the Garden Apartment or Condominium facility and the screening of abutting properties.

(xv) Swimming Pools and Other Recreational Facilities

Swimming pools where provided and other recreational facilities shall be as centrally located as possible, protected with a suitable and safe fence, at least 75 feet from any building and shall not be located within any of the required yards of the proposed facility. The central location of the recreation facility may be modified with the approval of the Commission if topography and other layout consideration warrant such a proposal.

(xvi) Utilities

Information submitted with the application and site plan shall show:

- a. A plan of the water mains and their tie-in into a public water supply system;
- b. A plan of the sewer mains and their tie-in into a public sewer system;
- c. Agreements satisfactory to the Commission that service for items (a) and (b) above will be furnished to the facility at the time of opening of the facility for occupancy.

4.32 (D) Recreational Camps. Recreational camps may be instituted and operated only in compliance with these Regulations.

- (i) No recreational camp ground shall be located on a site less than 40 acres in size and there shall be no more than nine (9) tent or trailer sites provided per acre. All recreational camp grounds shall have a frontage of not less 300 feet on a highway. Access to the camp ground shall not be provided from roads in a Residence District not satisfactory to handle the traffic, in the opinion of the Commission.
- (ii) No recreational camp sites, trailer sites, sanitary facilities, recreational facilities, or buildings other than dwellings occupied by the owners or caretakers may be located within 300 feet of the front property line.
- (iii) All parking shall be off-street and at least two spaces shall be provided for each camping or trailer site to serve the maximum number of vehicles at that site.
- (iv) A single sign not to exceed 24 square feet in area shall be permitted at the entrance to a recreational camp and may be lighted provided there are no flashing, moving or rotating lights.
- (v) Site plans for all recreational camp grounds shall be filed in compliance with Section 8.2 of these Regulations and shall be approved by the Commission before any recreational camp facility may be developed, enlarged or relocated.
- (vi) Sanitary facilities shall be provided in accordance with the requirements of the Public Health Code of the State of Connecticut. Wash house and/or comfort station shall be centrally located to serve the camping sites, and shall be well lighted at night. All washhouses and/or toilet buildings shall utilize a flush system with underground subsurface disposal of all wastes. At least one (1) toilet facility for each sex shall be provided for each ten (10) camping sites. Each individual camping site shall contain not less than 5,000 square feet. The minimum width of individual camping or trailer site shall be fifty (50) feet, and no camping site shall be less than fifty (50) feet from any building or structure. Each camping site shall be defined with a permanent marker designating its lot number. Individual camp sites shall not be located closer than 100 feet from any property line unless the property line abuts a body of water, ledge, or other natural barrier. Trees, shrubs, and/or fences may be required by the Commission to protect the view of nearby and adjacent properties.

- (vii) Recreational camping grounds may be used year round for the accommodation of travel, vacation, and recreational camping equipment and vehicles currently registered. No recreational campground shall accommodate or rent space to a vehicle wider than eight (8) feet or longer than twenty-eight (28) feet unless said vehicle is self-propelled. No recreational camp ground may accommodate or rent space to anyone for more than 105 days in any calendar year.
- (viii) All roads shall be provided with a dustless surface and shall be graded and drained. The minimum width of camp roads shall be 12 feet for one-way and 22 feet for two-way travel.
- (ix) Fly-tight metal garbage containers with close fitting covers shall be provided within 100 feet of each individual camping site. All containers shall be screened and all garbage placed in these containers shall be promptly and properly disposed of by the owner or his authorized agent in a manner approved by the Health Officer.
- (x) Each recreational camping ground must provide a recreation area equal to not less than 15% of gross site area of the camp ground. Each recreation area shall contain open space and shall provide woods and/or playground and recreation facilities, such as swings, see-saws, baseball fields, horse-shoe areas, etc.,
- (xi) Records of occupancy must be maintained by the operator of the Recreational Camp Grounds for inspection by the Commission, its agent or other officials of the Town.
- (xii) A permit shall be obtained and renewed annually.
- (xiii) A recreational vehicle may be parked on a residential lot in compliance with these regulations but may not be used for human occupancy.

4.32(E) TRAILERS

1. Issuance of Permit.

A. **Issuance of Permits:** No person, firm or corporation shall establish, maintain, conduct or operate any trailer park within the limits of the Town of Montville without having first obtained a permit. All trailer parks in existence upon the effective date of these Regulations or any amendments thereof shall within 60 days thereafter obtain such permit, and shall comply with the requirements of these Regulations, except that the Commission shall, upon application of a park operator, waive all "Requirements" in Section 11 of these Regulations except Subsections A(2,3,4), E,F,G,H,I,J,L,M,N, O,P and Q. Any increase of number of trailer spaces in existing trailer parks shall not be granted such waiver.

B. **Procedure:** 1) Application to conduct or maintain a trailer park shall be made on a blank form furnished for that purpose by the Commission. The applicant shall file with his application proof of ownership of the premises or of a lease or written permission of the owner thereof, together with a complete site plan, drawn to a scale of 1" = 40' by a licensed engineer or land surveyor, showing the proposed trailer park, the location and dimensions of the trailer spaces, the location of streets, the location of water supply, the location of septic tanks and seepage fields, landscaping, screening, grading and any other information pertinent to these Regulations and the location of the service building or buildings.

2) No application shall be approved until the following steps have been completed:

- a) Approval of the site plan by the Commission.
- b) Approval as to sanitary facilities by the Health Officer of the Town of Montville or his designated agent; approval of roads, drainage and layout by the Board of Selectmen and the Zoning and Planning Commission; approval of fire safety arrangements by the Fire Marshal. The Commission, with the Health Officer, the Board of Selectmen and/or Fire Marshal if necessary, may, if deemed necessary, hold a public hearing upon such application.
- c) Upon determination that the proposed trailer park would meet all the requirements of these Regulations if constructed according to the plan, the hereinbefore named officers shall give conditional approval to the application together with a written statement to the applicant to proceed with site improvements.

- d) Upon completion of site improvements, inspection by the hereinbefore named officers, and their determination that all requirements of these Regulations have been met, said officers shall give final approval to the application and shall certify in writing to the Commission that the requirements of these Regulations have been met.
- e) An operator's permit shall be issued by the Zoning and Planning Commission.

C. A permit obtained from the Commission shall be for the calendar year or any part thereof, ending December 31 of each calendar year. Renewal permits shall be obtained during the month of December for the next following year.

D. The permittee shall pay to the Commission the fee of \$10.00 for each trailer or mobile unit located on said premises, for a permit to operate a trailer park.

E. Posting of Permit. The permit which shall be issued pursuant to the provisions of these Regulations shall be at all times posted in a conspicuous place on the premises at which any trailer park is operated.

II. REQUIREMENTS

A. Limitations

- 1) A site proposed for a trailer park shall be at least 10 acres. No trailer for residential occupancy or trailer park shall be permitted within 300 yards of a church, school, public library, fire station, theater, or other place of public assembly.
- 2) No person, firm or corporation permitted to operate a trailer park shall allow the parking of trailers in excess of the numbers specified in the application and permit under which the trailer park is operated, until space and sanitary facilities approved by the Health Officer are provided.
- 3) The permittee shall not admit trailers to trailer parks nor permit the parking of trailers if the population per trailer jeopardizes public health, in the opinion of the Health Officer.
- 4) No trailer shall be permitted to be occupied as a dwelling unless it is equipped with running water and sanitary facilities, bath and toilet.

- B. Trailer Space: No trailer space shall be:
- 1) Parked within 30 feet of any trailer space boundary line.
 - 2) Parked on any trailer space less than 10,000 square feet in area.
- C. Roads: All trailer spaces shall be grouped in blocks abutting roads which shall be at least 50' wide and shall conform in all respects to town specifications required for roads in subdivisions. All trailer park roads shall be open to duly authorized officers and officials of the Town or State on official business. The maximum speed on all roads in trailer parks shall be ten (10) miles per hour.
- D. Parking: Off-street parking shall be provided in the amount of at least 600 sq. ft. per trailer space. The space may be provided anywhere off the travelled portion of roads within the trailer park.
- E. Lighting: Street lights of not less than 2,500 lumens each shall be installed not more than 300 feet apart.
- F. Grading and Drainage: The Park shall be located on a site graded to insure drainage of surface water, sub-surface water, and sewerage, and freedom from stagnant pools.
- 1) Provision shall be made to dispose of surface water which now drains naturally into the park from adjoining properties, with proper allowance for the increased flow due to future developments.
 - 2) A complete storm drainage system shall be installed, including headwalls, piping, catch basins and man-holes with outfall to a natural water course or existing storm drainage system.
- G. Water Supply: Information submitted with the application and site plan shall show:
- a. A plan of the water mains and their tie-in into a public water supply system;
 - b. Agreement satisfactory to the Commission that service for item (a) will be furnished to the trailer park at the time of opening of the park for occupancy
- H. Sewage Disposal: Information submitted with the application and site plan shall show:

- a. A plan of the sewer mains and their tie-in into a public sewer system;
 - b. Agreement satisfactory to the Commission that service for item (a) will be furnished to the trailer park at the time of opening of the park for occupancy.
- I. Refuse Disposal: The storage, collection and disposal of refuse in the trailer park shall be so arranged and managed by the permittee as to create no health hazards, rodent harborage, insect-breeding areas, accidental hazards or air pollution. A plan showing the method and location of refuse collection shall be submitted with the application. All containers shall be screened and be made an integral part of the landscape.
- J. Electricity: Each trailer shall be provided with an electrical outlet fed by underground wires, separately metered. All electrical work shall be in conformity with the National Fire Protection Association National Electrical Code, Pamphlet No. 150, edition of 1952, as amended.
- K. Fire Protection: Fire extinguishers and fire hydrants including adequacy of pressure shall be provided as required by the Fire Marshal. No open fires shall be permitted except in specified areas provided by the Fire Marshal.
- L. Service Building: Each trailer park shall be equipped with one or more service buildings containing therein at least one flush-toilet for each sex, one lavatory for each sex and suitable laundry facilities, and may contain indoor recreation space for the exclusive use of occupants of the trailer park.
- M. Recreation Area: 15% of the net land area of a proposed trailer park shall be set aside for outdoor recreation and said areas shall be indicated on the site plan.
- N. Communicable Diseases: Every owner, operator, attendant or other person operating a trailer park shall notify the Health Officer immediately of any suspected communicable or contagious disease within the trailer park.
- O. Signs: Directional signs may be permitted as approved by the Commission. Not more than one (1) single sign and not to exceed twenty-five (25) sq. ft. may be displayed at each entrance to a Trailer Park indicating the name of the park.
- P. Registration: Each permittee shall keep a written record which shall contain the date of arrival, state and license number of automobile and trailer; make, year, serial number and length of trailer; and name of occupant.
- Q. Taxation: Each permittee shall keep a written record which shall contain taxation information. Said record shall be filed with the Board of Assessors of

the Town of Montville, under oath, between the first and thirty-first day of October each year, giving the state and license number of each motor vehicle and each trailer, and the make, year, serial number and length of each trailer parked and registered at the trailer park on the first day of October of that year. The permittee shall require that a trailer owner whose trailer was parked in his trailer park on October 1 next preceding shall present a receipted tax bill before leaving the park.

- R. Posting of Regulations. Each permittee operating a trailer park shall cause a legible copy of these Regulations to be posted and kept posted at all times in a conspicuous place at such park.
- S. Certificate of Use and Compliance. Whether located in a trailer park or a single trailer on a single lot, it shall be unlawful to use or permit the use of any trailer, hereinafter located in the Town of Montville, until a Certificate of Use and Compliance shall have been issued showing that such trailer is in conformity with the provisions of these Regulations. A Certificate of Use and Compliance shall be issued by the Commission, or its appointed agent, upon the satisfactory compliance with the provisions of these Regulations.

III. INDIVIDUAL TRAILERS

- A. The owner of an individual trailer shall be granted a temporary permit for one month. The Commission may also authorize the issuance of a temporary permit for a single trailer used in connection with a construction job only, requiring the use of such temporary facility. Such temporary permit shall not be granted for a period to exceed six months. The permit, whether issued for one or six months period shall be granted only upon satisfaction of the requirements of Section 4.32, Subsection A(1,3,4), B(1), C (with the exception of the water storage requirement), H and I of these Regulations.
- B. The fee for a one month permit for an individual trailer shall be five (5) dollars and for a six months permit shall be ten (10) dollars.
- C. On or after the effective date of these Regulations, no single trailer shall be permitted in the Town except upon the temporary basis as hereinbefore written, provided, that any owner of a trailer being used for dwelling purposes under a lawfully issued permit on the effective date of these Regulations, shall renew said permit within sixty (60) days after the effective date of these Regulations to maintain said trailer as then located, for further periods of one (1) year each, upon paying an annual license fee of ten (10) dollars and presenting a certificate signed by the Health Officer of the Town of Montville, or his duly authorized agent, certifying that all applicable sanitary and sewage disposal requirements have been satisfied by the applicant for the renewal permit.

4.32(F) Convalescent Home and Hospitals. An applicant proposing to establish a new or expand an existing convalescent home or hospital shall comply with the provisions of these regulations including the following special requirements:

- (1) A plan in compliance with Section 5.6 of these Regulations.
- (2) Buffer Areas.
 - (i) There shall be an effective buffer for screening headlight glare in all instances where a convalescent home or hospital is adjacent to a residential district.
 - (ii) Such buffer may be an earthen berm, evergreen screening or wooden fencing depending upon the uniqueness of the property and the characteristics of the adjacent property.
 - (iii) Evergreen buffers shall be planted sufficiently close and be large enough when planted to effectively screen automobile headlights.

(3) Minimum Site Area and Yards.

- (i) There shall be the following minimum area requirements:

In Residence Districts ~ 10 acres

In C Districts ~ 1 acre

There shall be a minimum of 1,500 sq. ft. for each patient and employee to be housed in the convalescent home or hospital.

- (ii) The following minimum yards shall be a requirement:

Yard	C	RESIDENCE DISTRICTS
Front Yard	30 ft.	200 ft.
Side Yard	20 ft.	200 ft.
Rear Yard	20 ft.	200 ft.

(4) Signs

- (i)** The location of signs shall be clearly marked on the site plan
- (ii)** The overall dimension of all signs shall be shown. One sign not exceeding 32 square feet in area, not flashing and not lighted by exposed light sources, announcing the name of the convalescent home, may be permitted at each entrance from a public street.
- (iii)** The height of the top of the sign shall be indicated.
- (iv)** The type of sign lighting shall be indicated on the site plan.

(5) Certification

- (i)** All proposed new or the extension of existing convalescent homes or hospitals shall comply with existing state and local codes applying to convalescent homes or hospitals. Certification that the proposed facility complies with prerequisite codes shall be submitted by the applicant to the Commission with the application for the construction or expansion of such a facility over the signature of the official in charge of the enforcement of an applicable code and/or regulations.

4.4 PROHIBITED USES

The uses which are listed in this Section are prohibited in the Town.

4.401 Any activities dealing with commercial automobile race tracks, stock car race tracks, drag strips and all activities dealing with racing in the Town of Montville.

4.41 Manufacturing uses involving primary production of the following products from raw materials:

Asphalt, cement, charcoal, and fuel briquetting.

Chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn, hydrochloric, nitric, phosphoric, picric, and sulphuric acids.

Coal, coke and tar products, including gas manufacturing; explosives, fertilizer, gelatin, glue and size, animal.

Linoleum and oil cloth; matches, paint, varnishes, and turpentine. Rubber (natural and synthetical); soaps, including fat rendering; starch.

4.42 The following manufacturing processes: nitrating of cotton or other materials; milling or processing of flour, food, or grain, reduction, refining petroleum products; such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones;

4.43 Operations involving stock yards and slaughter houses, slag piles, and keeping, breeding, and raising of foxes, mink, pigs, or primates for commercial or laboratory purposes.

4.44 Storage of explosives, except under license from the appropriate Governmental Agency.

4.45 Bulk or wholesale storage of gasoline above ground.

4.46 Junkyards; dumps except those operated by the Town.

4.47 Land which is subject to flooding or land which the Health Officer certifies as unfit for human habitation for health reasons shall not be built upon but repairs may be made to buildings existing on the effective date of these regulations. All uses existing on land which is subject to flooding shall be subject to the provisions for non-conforming uses in Article VII.

4.6 SALE OF ALCOHOLIC BEVERAGES

4.61 Except as provided in subsection 4.62 hereof, no building or premises shall hereafter be used and no building shall be erected or altered which is arranged, intended or designed to be used for the retail sale or consumption of alcohol, spirits, wines, beer or alcoholic liquor or any other beverage requiring a permit under the State Liquor Control Act of the State of Connecticut if the entrance of said building or premises is within 750 feet of a public or private school, public places of worship, hospitals and libraries.

4.62 The restrictions of subsection 4.61 hereof, shall not apply to retail sales authorized by said Liquor Control Act under a grocery store beer permit, special club permits for picnics and temporary permits for outings, picnics, or special gatherings.

4.63 For the purpose of these regulations, all restaurant liquor permits as defined by the State Liquor Control Act of the State of Connecticut shall be construed as like permits within the meaning of subsection 4.61 above.

4.7 MOTELS - Permitted in a C District

4.71 Motel Requirements. All motel plans shall be subject to the following provisions which shall be shown on a plan and documentation submitted to the Commission.

4.711 Each motel may contain an apartment of adequate living space for a resident manager.

4.712 The size of the lot on which a motel is to be erected shall be in compliance with the standards specified in Section 3.12, Table of General Bulk Regulations. The number of units permitted on a lot shall be as follows: 2,500 sq. ft. of lot area per unit if units are on one floor; 1,500 sq. ft. of lot area per unit if units are on two floors. The minimum livable floor area per unit shall be 275 sq. ft. or, alternately, 225 sq. ft. for 50% of the units provided the remaining 50% contain a minimum of 325 sq. ft. per unit.

4.72 Motel Location and Site Plan Approval. A permit for a motel (or for a motel addition) shall be issued only after approval in writing by the Commission, with or without any special conditions, of the motel location and site plan specified in such approval.

4.73 The Commission will study each motel location and site plan relative to the prospective motel operator and occupants, of neighboring owners and other users of the adjoining streets, and of the town generally. Among other things the Commission will consider:

- (i) Traffic safety and ease of access at street or highway entrances and exits of motel driveways, taking account of grades, sight distance between such driveway entrances or exits and the nearest street or highway intersections.
- (ii) Safety and adequacy on site of motel driveway layout, of parking and loading areas for motel patrons and for routine emergency service vehicles such as electricity, telephone, laundry, rubbish removal, fire and police cars or trucks.
- (iii) Safe and adequate means of sewage, garbage, and rubbish disposal; water supply and fire fighting equipment while awaiting the Fire Department; heating and ventilating. All garbage containers shall be screened and be made an integral part of the landscape.
- (iv) Assurance of positive storm water drainage from all driveways, parking, loading areas, building layout to protect motel bedroom windows from constant night invasion by automobile headlight beams or glare from illuminated signs or driveway lights.
- (v) Landscaping, fencing of swimming pools.

4.8 GASOLINE FILLING STATIONS - Permitted in a C District.

4.81 The use of a gasoline filling station shall be subject to the approval of the Zoning Board of Appeals and be limited to the retail sale of motor fuels, lubricants and other motor vehicle supplies and parts, the accessory parking and storage of motor vehicles as hereinafter limited, and minor repairs and service activities.

4.82 Not more than one motor vehicle for every 1,000 square feet of lot area shall be stored outside at any time, and there shall be no outdoor storage of partially dismantled or wrecked motor vehicles. The Board of Appeals may also limit the amount of overnight parking and require suitable fencing to protect surrounding properties.

4.83 The site of a gasoline filling station shall have a frontage of at least 200 feet on a public street and shall have a depth of at least 150 feet. Gasoline stations

designed to serve trucks larger than five (5) ton capacity shall have a lot width of at least 300 feet.

4.34 Fuel pumps shall be set back from the street/^{line} at least twenty-five (25) feet. All other buildings and structures, except underground storage tanks, shall be set back at least twenty-five (25) feet from the street line, ten (10) feet from each side line, and twenty (20) feet from the rear lot line, unless larger front or side yards are required in Section 3.12. All buildings and structures shall be set back at least fifty (50) feet from the side line of a contiguous lot in a Residence District. A suitably landscaped area at least ten (10) feet wide or a six (6) feet high, stockade type, wooden fence, with finished side facing any Residence District shall be maintained between a gasoline station and a contiguous lot in a Residence District.

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

ARTICLE V. OTHER BULK REGULATIONS

The Bulk Regulations in the Bulk Table shall be supplemented by and subject to the additional regulations and exceptions set forth in this Article.

5.11 Additional Required Yard Regulations.

5.111 Required Front Yards. All required front yard depths in Bulk Table Column 7 shall be computed as the distance specified in said column 7 plus a distance measured from the center line of the street as specified below for each street classification and as established for each street in Section 1.3:

Street Classification in Section 1.3	Distance of Designated Street Line from Street Center Line
A.	150 ft.
B.	50 ft.
C.	40 ft.
D.	30 ft.
E.	25 ft.

5.112 Corner Lots. On a corner lot each line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate on the plot plan, which of the remaining two required yards shall be the required side yard and the required rear yard.

5.12 Lots Divided by District Boundary. If any lot is divided by a district boundary, the part of such lot within each district shall be regulated by all the Bulk Regulations of that district, except that the maximum floor area and maximum number of dwellings shall be equal to the sum of the floor areas and dwelling units respectively permitted on each part of the lot.

5.21 Small Lots for Single-Family Detached Residences. A lot either owned individually and separately and separated from any adjoining tract of land on the effective date of these Regulations or located in and part of a subdivision plan which has been given final approval by the Zoning and Planning Commission prior to such date, which has a total area or lot frontage less than the minimum required in the Bulk Table, may be used for a single-family detached residence, provided such lot shall conform to the Use Regulations and all other Bulk Regulations applicable to a particular lot size as stated in Section 3.12 or the Table below:

FRONTAGE	MINIMUM SIDE YARD WIDTH
Less than 55 feet	5 feet, but the sum of both yards not less than 35% of lot width
55 feet and over, but less than 65 feet	8 feet, but the sum of both yards not less than 33.5% of lot width
65 feet and over, but less than 75 feet	10 feet, but the sum of both yards not less than 33.5% of lot width.

Lots subject to the provisions of Section 5.21 which have an in between dimension as their lot frontage, shall comply with the appropriate standard prescribed for the nearest applicable listed standard in Section 3.12. Lots subject to the provisions of Section 5.21 shall not be built upon unless the Health Officer shall certify in writing to the Zoning Agent as to the adequacy and safety of the sewage disposal system and water supply.

5.211 Reduction of Lot Area. No lot area shall be so reduced or so created that the minimum area, width and other dimensions of the lot or any of the yards or open spaces shall be smaller than prescribed by these Regulations.

5.212 The various minimum lot sizes stated in these Regulations may be increased by the Zoning and Planning Commission if sub-soil conditions and topography require such increase to protect the public health and welfare.

5.22 Visibility. No hedge, fence (except transparent fence in which the solid area is no more than 5% of the total area of the fence), or wall over two feet high and no accessory off-street parking space shall be located in a required front yard of a corner lot within 50 feet of the corner.

5.221 Location of Loading Berth. No accessory off-street loading berth whether open or enclosed shall be located within a required front yard.

5.3 Swimming Pools. Structural swimming pools for the personal use of a family resident on the premises are permitted as an accessory use to a residence provided:

5.31 that the pool shall be safeguarded by means of a suitable fence or other device;

5.32 that the pool is not closer to any side, rear or front lot line than required by Section 5.12, columns 7, 8 and 10.

5.4 Dog Kennels. The Board of Appeals may permit, as an accessory to a residence use on a site at least one acre in area, a private, non-profit dog kennel for four or more dogs, but excluding boarding or training kennels operated for business purposes. Such private kennels shall be located in the rear yard at least 75 feet from all property lines, and shall be suitably fenced and landscaped. Use of the kennel shall be limited to one dog for every 5,000 square feet of lot area. No special permit is required for the keeping of less than four dogs.

5.5 Cluster Design.

5.51 The purpose of this section is to provide a method of development for land, to permit a variety of lot sizes for one family detached dwellings in RA-20, R-40, RA-40 and RA-120 districts without an increase in the density of population or development; furthermore to consider the protection of surrounding properties, persons and neighborhood values; to provide for future park and/or recreation areas; to insure proper surface drainage, flood control and soil conservation; to promote the preservation and protection of existing trees, ground cover, topsoil, streams, rock outcroppings and scenic and historical sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

5.52 Upon application of the owner of land or his duly authorized agent, the Commission may, in appropriate cases and subject to appropriate conditions and safeguards, prescribed by it, grant a special permit for the cluster development of single-family detached residences in RA-20, R-40, RA-40 and RA-120 districts subject to and upon the following conditions:

5.521 development standards specified in Section 5.12 "Table of General Bulk Regulations" may not be reduced by more than 20%;

5.522 the tract shall be in single ownership or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment and implementation of an overall cluster zoning plan for the entire tract from the time of application and continuing thereafter;

- 5.523 the tract shall be at least 25 acres in size;
- 5.524 the total number of proposed residences shall not exceed the number of single family detached residences which could be developed under the development standards specified for the district in which the tract is located;
- 5.525 a plan shall be presented for the entire tract in compliance with the Standards for Subdivision Development and any and all other applicable ordinances, regulations and requirements of the Town of Montville including, but not limited to the showing of the location of all existing and proposed buildings, the slopes, grades and contours, the natural features intended to be preserved, areas to be set aside for conservation, park or recreation and improvements thereof and a landscaping plan for the entire development of all of the aforementioned including the elevation of buildings, shall be in harmony with the character of the area;
- 5.526 the proposed layout shall be in accordance with the Plan of Development for the Town;
- 5.527 land shall be set aside for conservation, park and/or recreation purposes the total area of which shall not be less than 20% of the total net acreage, net acreage being defined as the area of the tract to be developed, less any land area required to be set aside for new public street(s);
- 5.528 the area proposed to be developed under the cluster zoning provisions is presently or shall be served, as evidenced by a letter of intent from the Sewer Authority, by public sewer mains and by public water ~~cs~~ evidenced by a letter from the Southeastern Connecticut Water Authority. The foregoing requirement may be waived by the Commission if the proposed cluster development is located in a RA-120 District.
- 5.529 all utilities shall be placed underground unless this requirement is waived by the Zoning and Planning Commission;
- 5.530 the balance of the land not contained in the building lots shall be of such condition, location(s), size and shape so as to be readily useable for conservation, park or recreation. Such land shall, at the discretion of the Zoning and Planning Commission, be
- 5.531(a) held in such type of legal entity as the Commission may deem appropriate. The developer shall submit a suitable

legal instrument which, to the satisfaction of the Commission will assure that such land will continue to be used for conservation, park or recreation in perpetuity. Such developer shall also provide for the adequate maintenance of such area set aside for conservation, park or recreation. The developer shall also make provision for saving the Town of Montville harmless from any legal liability of any nature whatsoever including, but not limited to accident or occurrence. Such developer shall also provide for the insertion in all deeds, in a form approved by the Commission, any and all safeguards and conditions suitable to carry out the purposes contained in these Regulations. Such legal instruments shall also provide that the Town of Montville, its agents, servants and employees, may, without liability, enter upon such land held for conservation, park or recreation and remove or cause to be removed, any thing or object which may be deemed to be a nuisance or in the nature of a nuisance. Such legal instrument shall also contain a provision that no structure may be erected on said conservation, park or recreation land except that which is approved by the Commission. The legal instrument shall also contain a provision that such area set aside for conservation, park or recreation shall always remain and be under the supervision of the Zoning and Planning Commission and no change shall be made in the use thereof without first having obtained approval from the Commission. Owners of land contiguous to the cluster development may be included and become part of such legal entity owning the conservation, park and recreation area, provided, that approval from the Zoning and Planning Commission and approval by the owners of the legal entity owning such land has been obtained; or

5.531(b) deeded to the Town;

5.532 land dedicated for such conservation, park or recreation area shall be strategically located with respect to the lots to be served, suitable for the use(s) intended and accessible for pedestrian and vehicular traffic from a public right of way at least 20' wide.

5.533 assuance shall be given to the Town of Montville, in a manner satisfactory to the Zoning and Planning Commission, that the developer

of the proposed cluster development shall begin operations within twelve (12) months from the date of approval and continue thereafter until finally completed and approved;

- 5.534 a bond shall be posted to cover the costs of development and assure compliance with such terms and conditions as the Commission may prescribe under the terms of these Regulations and as provided in the Standards for Subdivision Development, as amended.

5.6 Plan Submission Requirements for Commercial, Industrial and Institutional Uses.

- 5.61 Statement of Use. A written statement describing the proposed use or expansion of existing use in sufficient detail to determine compliance with the permitted use provisions of these Regulations shall be submitted with the application.
- 5.62 All plans shall be prepared to a scale of not less than 1" = 20' or more than 1" = 100', shall be clearly dimensioned and labelled and show existing and proposed:
- (i) contours - existing and/or proposed
 - (ii) property lines including total square footage
 - (iii) buildings including square footage - existing and/or proposed
 - (iv) signs (including directional signs)
 - (v) structures including square footage - existing and/or proposed
 - (vi) outdoor illumination by type and location - existing and/or proposed
 - (vii) streets
 - (viii) driveways into the premises including any existing other driveways located within 100' of the proposed driveway
 - (ix) easements
 - (x) the number of off-street parking and loading spaces, delineated and dimensioned