

- (xi) outside storage areas and screening
- (xii) water course
- (xiii) storm drainage
- (xiv) sewage disposal facilities
- (xv) water supply facilities
- (xvi) landscaping (including the location and type of trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed).
- (xvii) elevations of buildings, structures and signs
- (xviii) proposed use(s) of land and/or building(s)

5.63 The Commission may waive by resolution any item of the required submission under Section 5.62 if it finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such additional information as it may deem necessary in order to determine compliance with these Regulations.

ARTICLE VI. REQUIRED OFF-STREET PARKING AND LOADING FACILITIES

6.31 Applicable to All Uses. Accessory off-street parking spaces, open or enclosed shall be provided for any lot for any use specified in Use Table, Column 6. Any land which is developed as a unit under single ownership and control with uses subject to Regulations of Use Table, Column 6 shall be considered a single lot for the purpose of such Regulations.

6.32 Areas counted as Parking Spaces. Areas which may be counted as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or a driveway, except that a driveway within a required front yard of a single-family residence may count as one parking space except on a corner lot as provided in Section 5.112 and 5.22.

6.33 Location of Required Accessory Parking Facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere within 500' of such lot.

6.34 Size of Spaces. 300 square feet shall be considered one parking space, to provide room for standing area and aisles for maneuvering. Entrance and exit roadways shall not be counted as parking space except for single-family residences.

6.35 Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one 10 foot lane for parking areas with 5 to 20 spaces, and at least two 10 foot lanes for parking areas with over 20 spaces.

6.36 Drainage and Surfacing. All open parking spaces shall be properly drained and all such areas shall be provided with a dustless surface.

6.37 Joint Facilities. Required parking spaces, open or enclosed, may be provided in spaces designated to serve jointly two or more establishments whether or not located on the same lot, provided that the number of maximum required spaces in such joint facilities shall not be less than the total required for each such establishment at the required time.

6.4 REQUIRED OFF-STREET LOADING BERTH

6.41 Where Required. Accessory Off-street Loading Berth shall be provided for any lot for any use specified in Use Table, Column 7. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of such requirements.

6.42 Size, Location and Access. Each required loading berth shall be at least 12 feet wide, 50 feet long, and 14' - 6" high, and may be located either within a building or in open space but not within required off-street parking spaces or accessory drives thereto. Unobstructed access, at least ten feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in the following Section.

6.43 Joint Facilities. Required loading berths, open or enclosed may be provided in space designated to serve jointly two or more adjacent establishments, provided the number of required berths in such joint facilities shall be not less than the total required for each such establishment.

6.5 ADDITIONAL REGULATIONS FOR BOTH REQUIRED ACCESSORY PARKING SPACES AND LOADING BERTHS

6.51 Access near Street Corners. No entrance or exit for any accessory off-street parking area with over 10 parking spaces or any loading berth shall be located within 50 feet of the intersection of any two street lines.

6.52 Screening and Floodlighting. Any part of any off-street parking area with 10 or more spaces, and any loading berths, located in or within 50 feet of any R district, shall have a screen between the same and all lots within such R district, including those, if any, located across a street. If floodlighting is used, it shall be arranged so as to eliminate the glare of lights towards nearby residential lots.

ARTICLE VII. NON-CONFORMING USE AND NON-CONFORMING BULK REGULATIONS

7.1 APPLICABILITY

7.11 This article applies only to those uses in existence on the effective date of these Regulations. Except as otherwise expressly provided in Section 7.3 and Section 4.47 (Flooding) the lawful use of any premises existing on the effective date of these Regulations may be continued although neither such use nor the bulk of the same conforms to the Regulations. The effective date of these Regulations as referred to in this Article shall also include the effective date of any subsequent amendment to these Regulations which may cause any use to become non-conforming subject to the Regulations therein.

7.2 BUILDINGS WITH NON-CONFORMING BULK

7.21 Normal maintenance and repair, structural alteration, and moving, reconstruction, or enlargement of a structure with non-conforming bulk is permitted if the same does not increase the degree of or create any non-conforming bulk in such structure.

7.3 NON-CONFORMING USE

7.31 Repair and Alteration. Normal maintenance and repair of and incidental alteration in a building occupied by a non-conforming use is permitted.

7.32 Change of Use. Any non-conforming use may be changed to another non-conforming use, provided the degree of non-conformity is not intensified or may be changed to any conforming use. A new certificate of use and compliance shall be applied for and obtained for any change of a non-conforming use to another non-conforming use or the change from a non-conforming use to a conforming use.

7.33 Discontinuance. Any non-conforming use which has been discontinued for more than one year shall be presumed to be discontinued of such non-conforming use, and intent to resume activity shall not affect the provisions of Sections 7.31 and 7.32.

7.34 Extension and Enlargement. An existing non-conforming use, except as otherwise noted, may be extended by 50% in its original floor area or of its original land area occupancy by special permit with the approval of the Zoning and Planning Commission after a public hearing.

7.35 Damage and Destruction. Any non-conforming building or structure which is destroyed or damaged by fire or casualty may be reconstructed and structurally altered provided the degree of non-conformity is not increased.

7.36 Existing Uses. Existing uses shall not be required to reconstruct or rearrange their facilities to provide compliance with these Regulations unless the same can be accomplished without undue cost (relative to the scale of operations concerned) as determined by the Commission, or unless such reconstruction or rearrangement is required through some regulation other than these Regulations.

ARTICLE VIII. ADMINISTRATIVE PROVISIONS: INTERPRETATIONS, ENFORCEMENT,
AND ZONING BOARD OF APPEALS

3.1 INTERPRETATION OF REGULATIONS

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

3.2 ENFORCEMENT

3.21 These Regulations shall be administered by the Commission or its appointed agent. A zoning permit shall be applied for before any construction or use is commenced and shall be issued if the provisions of these Regulations are complied with. The method of issuing permits shall be determined by the Commission. Forms for such application shall be furnished by the Commission. In addition to the foregoing the Commission or its appointed agent shall have the power to:

- (1) Check any building, place, premises or use as to its compliance with these Regulations.
- (2) Issue or renew a permit if the provisions of these Regulations are complied with.
- (3) Charge a fee for the issuance or renewal of a permit which shall be based on the following:
 - (a) \$3.00 for the construction of any accessory building or addition to or exterior alteration of any existing building.

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(b) \$10.00 for the construction of a new industrial, commercial, or residential structure.

(c) \$25.00 for the issuance or renewal of a special permit.

8.211 Such fees when collected by the appointed agent, shall be remitted to the Treasurer of the Town of Montville. Said fees shall include the cost of the certificate of use and compliance. In the enforcement of these Regulations a zoning permit may be combined with a building permit and a certificate of use and compliance with a certificate of occupancy without in any way affecting the fee to be charged for each permit or certificate.

8.212 Unless provided otherwise by these Regulations a zoning permit issued shall be valid for a period of one year from the date of issuance. Such permit must be renewed if the facility for which the permit has been issued is not completed within that year. Such renewal shall be obtained before the expiration date of the initial permit and a permit for one additional year shall be granted by the Commission or its appointed agent at a fee of \$2.00.

8.22 Requirements to Obtain a Permit. No building, structure or sign may be erected, altered or changed in use and no land use may be commenced or changed except agricultural activity unless a permit therefor has been applied for and has been granted by the Commission or its appointed agent. All applications for a permit or a special permit shall be accompanied by the following:

- (1) Plot plan in duplicate, drawn by a Connecticut licensed land surveyor to a scale of at least 1" = 40' showing dimensions, radii and angles of lot, size, elevations and locations of driveway(s) building(s) and accessory building(s) built or to be built, the location of sanitary facilities and water supply, and any other information as required by the Commission and as may be necessary to determine and provide for the enforcement of these Regulations.
- (2) Any changes of the information required in Section 8.22(1) must be reported to the Commission or its appointed agent immediately and no work may be undertaken involving such change or changes unless written permission is first obtained from the Commission or its appointed agent upon submission of a revised application showing in detail the changes requested.

- (3) The filing of plans required in (1) above may be modified or waived when the proposed work is of simple construction, or repairs, provided the scope of the work is adequately described in the application.

3.221 Special Permits. On the application for a permit or a certificate of use and compliance, the Commission is hereby authorized to issue a Special Permit for any use listed in Section 3.11, Use Table, Column 3 or elsewhere in these Regulations subject to the special requirements and conditions therein and in Section 4.32. Every Special Permit shall conform to all Special Findings relating thereto that are specified in Section 4.31 and elsewhere in these Regulations. The Commission may also require, as a condition of issuance of any Special Permit for a specific period of time, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by the Commission. In granting a Special Permit, or a renewal or extension thereof the Commission shall in all cases file a written report setting forth the applicable requirements and conditions and Special Findings and the reasons for granting such permit, renewal, or extension.

3.222 Certificate of Use and Compliance. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Use and Compliance shall have been issued by the Commission or its appointed agent, stating that the building and proposed use complies with the provisions of these Regulations:

- (1) All certificates of use and compliance shall be applied for co-incident with the application for a building permit or a zoning permit as the case may be but prior to actual issuance of such certificate the owner shall furnish the Commission with two copies of the plot plan as specified in Section 3.22(1) and certified as substantially correct by a Connecticut licensed land surveyor.
- (2) The Commission or its appointed agent shall maintain a record of all permits and certificates and a copy shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or use at a fee of \$2.00.
- (3) No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of use and compliance.

8.223 Permit and Certificate of Use and Compliance for a use subject to Performance Standard Procedure. Application. An application for a zoning permit and certificate of use and compliance for a use subject to Performance Standards shall be referred to the Commission in duplicate on a form prescribed by the Commission; the applicant shall also submit in duplicate a plan of the proposed construction, and an affidavit by the applicant acknowledging his understanding of the applicable Performance Standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it.

8.3 ZONING BOARD OF APPEALS

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

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these Regulations;
- (2) To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of these Regulations;
- (3) To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured;
- (4) To hear and decide on applications as required by state statute.

When an appeal is before the Zoning Board of Appeals for its consideration pursuant to the provisions of these Regulations notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before such hearing.

8.4 PENALTIES FOR VIOLATIONS

8.41 In accordance with Chapter 124, Section 8-12 of the Connecticut General Statutes any person, firm or corporation, violating any of the provisions of these Regulations, shall for each violation upon conviction thereof, pay a penalty of not less than ten (10) nor more than one hundred (100) dollars, for each day that such violation shall continue; but if the offense be willful, the person convicted thereof shall be fined not less than one hundred (100) nor more than two hundred and fifty (250) dollars for each day that such violation shall continue, or imprisoned not more than ten (10) days, for each day such violation shall continue, or both.

The Zoning and Planning Commission shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the zoning regulations.

ARTICLE IX. SEPARABILITY AND EFFECTIVE DATE

9.1 SEPARABILITY

9.11 If any Section, Clause, Provision, or portion of these Regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect or impair any other section, clause, provision or portion of the Regulations.

9.2 EFFECTIVE DATE

9.21 The zoning regulations shall not become effective until a hearing has been held in compliance with Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut and adoption by the Zoning and Planning Commission. The effective date of these Regulations shall be after publication of notice of such adoption as provided in Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut.

10.1 INITIATION

10.11 On its initiative or on receipt of a written application to amend any portion of these Regulations, the Zoning and Planning Commission may amend the regulations or change the boundaries of the zones herein established after public hearing in accordance with Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut.

10.2 NOTICE

10.21 Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town of Montville, at least twice, at intervals of not less than two days, the first time not more than fifteen days nor less than ten days and the last not less than two days before such hearing, and a copy of such proposed regulations or boundary shall be filed in the office of the Town Clerk for public inspection at least ten days before such hearing.

10.3 PROTEST

10.31 If a protest is filed at such hearing with the Zoning and Planning Commission against such change, signed by owners of 20% or more of the area of lots included in such proposed change, or of the lots within 500 feet in all direction of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all members of the Zoning and Planning Commission.

10.4 APPLICATIONS

10.41 Any person, firm or corporation who are property owners or residents in the Town of Montville, Connecticut may make written application for amendment of these Regulations signed by the applicant. A plan giving proposed boundaries must accompany each application for a change of zoning boundaries.

10.5 FEE

10.51 A fee of \$25.00 shall be charged for each application to the Zoning and Planning Commission for a change of these Regulations or boundaries and this must be paid at the time of the signing of the application.

10.6 REAPPLICATION

10.61 In the event of the rejection by the Zoning and Planning Commission of the application, or if the application is withdrawn by the applicant, such application shall not again be made within a period of one year from the date of rejection or withdrawal unless the Zoning and Planning Commission finds a material change in the situation justifies a hearing in the interest of the public as well as the applicant.