

APPENDIX A - ZONING^[1]

Footnotes:

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Editor's note— Printed herein are the zoning regulations of the Town as amended and adopted by the Planning and Zoning Commission, effective January 1, 2015. Amendments to the zoning regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original text. Prior to amendment, the zoning regulations derived from provisions adopted August 10, 2000, effective August 17, 2000. See the Code Comparative Table for complete derivation. Misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system for expression of numbers in text as appears in the Code of Ordinances has been used. Material inserted in brackets has been added for purposes of clarity.

Charter reference— Planning and zoning commission, § 10.11; zoning board of appeals, § 10.20.

Cross reference— Administration, Ch. 2; buildings and building regulations, Ch. 4; housing, Ch. 9; planning, Ch. 13; streets, sidewalks and other public places, Ch. 14; utilities, Ch. 17; subdivisions, App. B.

1.0. - Purpose and authority.

- a) As authorized by the Charter of the Town of Seymour and Chapter 124, Conn. General Statutes, Revision of 1958, as amended, the Seymour Planning and Zoning Commission hereby establishes a comprehensive zoning plan for the Town of Seymour as set forth in the following text and accompanying zoning map which shall be known as the Zoning Regulations of the Town of Seymour.
- b) It is the purpose of these regulations to:
 - Promote the health, safety and general welfare of the community.
 - Lessen congestion in the streets.
 - Secure safety from fire, flood, panic and other dangers.
 - Prevent the overcrowding of land and avoid undue concentration of population.
 - Facilitate adequate provision of transportation, water, sewerage, schools, parks, open space and other public improvements.
 - Provide adequate light and air.
 - Preserve the value of land and buildings.
 - Encourage the most appropriate use of land throughout the Town.

2.0. - Application of regulations.

- a) *Town Property Exempt.* Pursuant to Section 13.1, Code of Ordinances, Town of Seymour, properties owned by the Town of Seymour or any of its agencies or authorities and used for a municipal purpose are exempt from the application of the zoning regulations.
- b) *All Other Property to Conform.* No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or manner except in conformity with these regulations, and after having obtained a zoning permit as prescribed in Section 20 of these regulations.

- c) *Establishment of Lots.* All lots (established after the effective date of these regulations) shall conform to the lot size, area and all other requirements contained herein.
- d) *Lots of Record.* The lot size, area, and other requirements except setbacks, contained herein shall not apply to a lot of record provided that all of the following apply:
1. Such lot is currently in clearly separate ownership from any abutting property.
 2. Such lot was in clearly separate ownership from any abutting property prior to the enactment of the zoning regulation that made it nonconforming.
 3. There is no manner in which such lot may be combined with abutting property in the same ownership to form either a conforming lot or a lot that is more in conformity with these regulations.
 4. There is no physical evidence of intent to consolidate.
- e) *Approved and Recorded Subdivisions.* Lot size, area, setback and other dimensional requirements of these regulations shall not apply to undeveloped lots in duly approved and recorded subdivisions. The initial construction on such lots shall conform to the lot size, area, setback and other dimensional requirements of the zoning regulations in effect at the time the subdivision was approved. Any subsequent construction shall conform to these regulations.

3.0. - Zoning districts and map.

- a) The Town of Seymour is hereby divided into the following zoning districts:

Residential Districts:	
Residence	R-65
Residence	R-40
Residence	R-18
Multi-Family Residential	MF
Planned Development District	PDD
Commercial Districts:	
Central Commercial	CBD-1
General Commercial	C-2
Recreational Commercial	RC-3
Industrial Districts:	
Limited Industrial	LI-1

General Industrial	GI-2
Aquifer Protection District	AQ

The boundaries of these districts are shown on the map (or set of maps) entitled "Official Zoning Districts, Town of Seymour." This map is incorporated into these regulations as if fully set forth herein.

- b) The Office Development District, Flood Plain District and the Aquifer Protection District are overlay districts established pursuant to Section 16 (FP), Section 17 (ODD) and Section 21 (AQ) of these regulations. Land within the FP and AQ Districts is subject to the requirements of these districts as stated in Section 16 (FP) and Section 21 (AQ) as well as the requirements of the underlying zoning district.
- c) The Mixed Use District is a floating zone that may be established within the LI-1, GI-2, C-2, RC-3 and CBD-1 Zoning District. Requirements are contained in Section 23.0.
- d) Except for the AQ and FP Districts, zoning district boundaries shall be interpreted to follow property lines unless located by dimension from a street or other recognizable feature on the zoning map. If there is a difference between a property line shown on the zoning map and a property line identified by survey, the survey shall govern.
- e) Where a zoning district boundary divides a parcel, a use allowed in one zoning district may be permitted in the adjoining zoning district with the approval of the Planning and Zoning Commission. Such encroachment shall in no instance occupy an area of more than 20,000 square feet.
- f) The Aquifer Protection District (AQ) represents land within an "aquifer protection area" as defined in Section 22a-354h, C.G.S., and any extensions of such land duly approved by the Commissioner of Environmental Protection or his or her agent.

4.0. - Definitions.

Words contained in these regulations shall have the usual dictionary definition except for those terms specifically defined below.

Affordable Housing. Housing which is occupied by persons and families whose yearly income does not exceed 80 percent of the median income for the area, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development, and for whom the cost of housing does not exceed 30 percent of the person or family's income.

For rental units the cost of housing includes rent, heat, utilities and any common charges for which the tenant is responsible. For ownership, the cost of housing includes mortgage payments, taxes, insurance, heat, utilities and any common charges in the case of common interest ownership.

Accessory Building. A building detached from an located on the same lot as the principal building and used for a purpose customarily incidental, subordinate or in support of the principal building.

Accessory Use. A use customarily incidental and subordinate to the principal use conducted on the same lot, whether conducted in an accessory building or structure or in the open.

Area of Special Flood Hazard. Land designated as Zone A or Zone A1 through A30 on the Flood Insurance Rate Maps, Town of Seymour, as may be prepared or amended from time to time by the National Flood Insurance Program.

Basement. A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

Billboard. A sign that directs attention to an activity conducted in a location apart from the lot on which the sign is located.

Building. A structure enclosed within exterior walls, built, erected or framed of component structural parts, designed for the housing, shelter, enclosure and support of persons, animals or property of any kind.

Clean Fill. Natural soil, rock, brick, ceramics and concrete that are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard. Clean fill shall not include any bulky, solid or special waste as defined by Section 22a-209, C.G.S., as amended.

Congregate or Assisted Living Facility. A residential facility for the elderly or infirm offering a combination of supporting, on-site services such as communal dining, housekeeping assistance and nursing or medical care.

Day Care—Child Day Care Center. A facility providing supplementary care to more than 12 unrelated or related children outside their own home.

Family Day Care Home. A private family home caring for not more than six children as further defined in Section 19a-77(3), C.G.S.

Group Day Care Home. A dwelling that provides day care services to at least seven and not more than 12 related or unrelated children.

Dwelling. A building that is designed and used for residential purposes only, and contains one or more dwelling units.

Dwelling Unit. One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family.

Dwelling, Single-Family. A dwelling that contains one dwelling unit only.

Dwelling, Two-Family. A dwelling containing two dwelling units, which has not received special permit approval for an in-law or accessory apartment.

Dwelling, Three-Family. A dwelling that is not either a town house or a garden apartment and contains three dwelling units.

Dwelling, Four-Family. A dwelling that is not either a town house or a garden apartment and contains four dwelling units.

Earthen Material. Earth, loam, topsoil, sand, gravel, clay or stone.

Family. One or more persons occupying a dwelling unit and living together as a single housekeeping unit. A family shall include no more than two persons unrelated by blood, marriage or adoption.

Farming. The production and primary processing of agricultural and forestry products, including livestock and poultry on a tract of at least five acres, but excluding the keeping of fur bearing animals other than cats and rabbits. The seasonal retail sale of products produced on the premises is permitted as an accessory use.

Garden Apartment. A dwelling comprised of individual dwelling units each having either direct access to outdoors or interior access to a central hallway system. No more than one unit may be built on top of another unit.

Greenhouse. A structure devoted to the production of plants on a tract of three acres or more including the seasonal retail sale of products produced on the premises.

Height of Building. The vertical distance measured between the average level at which the finished grade meets the walls and a point mid-way between the highest and the lowest point of the roof.

Home Occupation. An accessory use to a detached single-family dwelling carried out by members of the family living in the dwelling and no more than two additional persons. The home occupation is to be clearly incidental and secondary to the use of the dwelling for dwelling purposes, shall not change the

exterior appearance of the dwelling and shall be limited to an area equal to 25 percent of the ground floor living area. The home occupation shall generate no more than 20 vehicle trips per day.

The above definition shall be interpreted to specifically include the following uses:

- a) Family day care.
- b) Telephone answering service.
- c) Secretarial services.
- d) Custom dressmaking.
- e) Barbering, provided that a member of the resident family only conducts the activity who shall be duly licensed by the State of Connecticut. A copy of such license shall be given to the Zoning Enforcement Officer on request.

The above definition shall be interpreted to specifically exclude the following uses:

- a) Sale of fabricated articles.
- b) Storage of products or stock in trade.
- c) Hairdressing.
- d) Retail or wholesale trade.
- e) The keeping of birds or animals used in the production of any consumable or marketable product for commercial purposes.

There shall be no external evidence of any home occupation other than the permitted identification sign.

Intermediate Processing Center. An operation conducted entirely within a building that is limited to the receipt and separation of recyclable materials. No processing other than separation and minor compaction shall take place on site, nor is material to be stored for an extended period. No such center located in a commercial district shall include a building having an area of more than 20,000 square feet. There shall be no limitation on building size in an industrial building.

Lot. A parcel of land occupied or intended to be occupied by a principal building or buildings, accessory buildings and uses together with such yards and open spaces required by these regulations.

Lot, Corner. A lot having frontage on more than one public street.

Lot, Interior. A lot that does not have the standard required lot frontage, but contains an exclusive accessway to a public road and is located behind one or more lots having the standard required frontage. The accessway shall be in the same ownership as the balance of the lot and shall not be an easement or right-of-way.

Lot Coverage. The ratio of the total lot area to the area occupied by principal and accessory buildings expressed as a percentage.

Lot Frontage. The total distance a lot abuts a street line.

Lot of Record. A lot that can be found in the land records of the Town of Seymour.

Lot Square. A square that is totally contained within the boundaries of a lot, with some portion of the square located within the required front yard.

Lot Width. The distance between the side lot lines measured along a line at a distance from the front lot line equal to the front yard depth.

Mobile Home. A structure transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.

Storage Container. A pre-built structure, sometimes known as an overseas container, designed for transporting goods by truck, rail or ship, but sometimes used for storage on a lot.

Structure. Anything constructed or erected having a location on the ground or attached to structure having a location on the ground.

Street Line. The street or highway right-of-way line or in the case of a private road, the edge of the traveled way.

Street, Public. For purposes of these regulations, a street shown on an approved and recorded subdivision plan for which required surety has been posted shall be considered as a public street.

Town House. A residential building containing individual dwelling units separated by fire walls and each having private direct exterior access. No unit may be built on top of another unit.

Yards. An open space extending along the entire length of a street line, side lot line or rear lot line. Yards may be occupied by fencing, landscaping and certain structures as permitted by these regulations. The front yard is the yard between the street line and the lot width measurement line. The rear yard and side yards are as defined below for a corner lot.

Yards, Corner Lot. The yard parallel to the longer axis of the principal building shall be considered as the front yard. The yard opposite the front yard is the rear yard. The other yards are side yards except that the required setback from each street line shall be met.

5.0. - Permitted uses.

5.1 Interpretation of Table of Permitted Uses.

- a) Individual uses are allowed or prohibited by these regulations as specified in the Table of Permitted Uses, Section 5.2. Uses are allowed or prohibited in respective zoning districts in accordance with the following symbols:

Y— Allowed following a review of the zoning permit application by the Zoning Enforcement Officer, Town Planner or Town Engineer as required, and a finding of compliance with these regulations. This is considered as administrative approval.

C— In general these uses are allowed by administrative approval as noted above. A very few require approval by the Planning and Zoning Commission. "C" uses are subject to certain special conditions. The number following the "C" in the Table refers to these special conditions that are set forth in Section 5.3.

E— This is a special use classification applied to certain carefully selected uses that have existed for many years as nonconforming uses and have not caused any problems. Lawfully existing uses designated as "E" are declared to be permitted uses in their respective districts; however, no new uses are to be established in new locations. Any changes to an "E" use require review and approval by the Planning and Zoning Commission. Such changes are to conform to all of the requirements for such use.

YS— Allowed by administrative approval if the development does not involve construction of a new building, or involves the construction of a new building having a floor area of 2,000 square feet or less. Developments involving construction of a new building having a floor area of more than 2,000 square feet require approval by the Planning and Zoning Commission as specified below.

S— Allowed after site plan approval by the Planning and Zoning Commission, subject to the requirements of Section 9 of these regulations and any other applicable requirements.

P— Allowed by special permit approved by the Planning and Zoning Commission subject to any specific standards specified for the use in Section 5.4 and any other applicable requirements in these regulations. The number following the "P" in the Table refers to the special conditions in Section 5.4.

Z— Allowed by special permit granted by the Zoning Board of Appeals. N- Use is not permitted.

b) *Uses Not Listed in Table.* If a use not listed in the table of permitted uses is found to be substantially similar in character to a listed use, such use may be permitted in the same zoning district and under the same conditions as the listed use. The Zoning Enforcement Officer shall refer all such determinations to the Planning and Zoning Commission. The Planning and Zoning Commission shall consider at least the following factors in making its determination:

- 1) Location requirements of the requested use.
- 2) Volume and nature of vehicular and pedestrian traffic generated by the requested use.
- 3) Effects of requested use on adjoining properties compared with effects of other uses permitted in the same zoning district.
- 4) Compatibility of requested use with other uses permitted in the same zoning district.

The table of permitted uses is based in part on the Standard Industrial Classification Manual (SIC). This classification may be used by the Commission to assist in determining similarity of use.

c) *Prohibited Uses.* Any use not specifically listed in the table of permitted uses or determined to be substantially similar in character is prohibited. The following uses are expressly prohibited and are not to be considered as substantially similar to any listed use: Landfill, Mobile Home Park, Massage Parlor, Manufacture, storage or disposal of radioactive substances, Tire recapping, Manufacture or distillation of coal or petroleum products including asphalt plants, Commercial incineration.

d) Office Development District/Planned Development District. Uses permitted in the Office Development District are listed in Section 17 and uses permitted in the Planned Development District are listed in Section 18.

5.2 Table of Permitted Uses.

RESIDENTIAL USES	R-65	R-40	R-18	MF	CBD	C-29	RC-3	LI-1	GI-2
Single-Family Dwellings	Y	Y	Y	C1	E	E	Y	E	E
Two-Family Dwellings	N	E	C2	C1	E	E	E	E	E
Three- & Four-family Dwellings	N	N	P1	P1	E	E	E	E	E
Town Houses	N	N	N	P2	N	N	N	N	N
Garden Apartments	N	N	N	P2	N	N	N	N	N
Convalescent, Nursing and Rest Homes	N	N	N	P2	N	N	N	N	N
Apartments/Commercial	N	N	N	N	S	S	N	N	N
Rooming Houses	N	N	N	N	E	E	E	N	N

Hotels and Motels	N	N	N	N	Y	Y/S	Y/S	N	N
Mobile Homes/Trailers	C29	C29	C29	N	N	N	C29	C29	C29

COMMERCIAL USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Wholesale Trade	N	N	N	N	Y	YS	C30	S	S
Warehousing & Distribution	N	N	N	N	E	E	E	N	N
Fuel & Heating Oil Bulk Storage	N	N	N	N	N	N	N	N	YS
Retail Trade									
Supermarkets	N	N	N	N	Y	YS	N	N	N
Automotive Sales/ Service	N	N	N	N	P3	P3	N	N	N
Bars, Taverns, Cafes	N	N	N	N	Y	YS	N	N	N
Restaurants	N	N	N	N	Y	YS	YS	C3	C3
Fast Food Outlets	N	N	N	N	Y	P4	P4	N	N
Package Stores	N	N	N	N	Y	YS	YS	N	N
Convenience Stores	N	N	E	N	Y	YS	YS	N	N
Heating Fuel Dealers	N	N	N	N	C4	C4	C4	C4	YS
Outdoor Living Products	N	N	N	N	Y	YS	C31	N	N
Other Retail Business	N	N	N	N	Y	YS	E	C5	C5
Banks & Financial Offices	N	N	N	N	Y	YS	C6	C6	C6

Building Materials, Hardware, Landscaping, Garden & Stone Products	N	N	N	N	S	S	N	S	S
Personal Services									
Places of Religious Worship	P5	P5	P5	N	Y	P5	N	N	N
Cemeteries	P14	P14	P14	N	N	E	N	N	N
Funeral Homes	N	N	E	N	Y	Y	N	N	N
Gyms, Fitness Centers	N	N	N	C8	Y	YS	YS	C8	C8
Other Personal Services	N	N	N	N	Y	YS	YS	N	N
Business Services									
Commercial Art, Signs	N	N	N	N	Y	YS	N	YS	YS
Building Maintenance and Landscaping Services	N	N	N	N	Y	YS	N	YS	YS
Farm & Heavy Equipment Sales & Service	N	N	N	N	N	S	N	S	S
Computer Services	N	N	N	N	Y	YS	N	S	S
Other Business Services	N	N	N	N	Y	YS	N	S	S
Contract Construction Services	N	N	N	N	C9	YS	N	P	S
Automotive Services									
Automotive Repair	N	N	N	N	C10	C10	C10	N	C10
Automotive and Trailer Rental	N	N	N	N	C11	YS	C11	N	S
Auto Body Repair/Painting	N	N	N	N	N	C10	E	E	C10
Automotive Specialty Installation	N	N	N	N	N	C12	C12	N	C12
Auto Junk & Salvage Yards	N	N	N	N	N	E	N	E	E

Automatic Car Wash	N	N	N	N	N	P6	N	P6	P6
Misc. Repair Services	N	N	N	N	C13	C13	N	YS	YS
Other Services									
Hospitals	N	N	N	N	S	S	N	S	S
Outpatient Health Clinics	N	N	N	N	S	S	S	S	S
Veterinary Hospitals	N	N	N	N	Y	YS	YS	YS	YS
Canine Grooming, Training and Related Services	N	N	N	N	Y	YS	YS	YS	YS
Private Schools (Business, Vocational Art, etc.)	N	N	N	N	Y	YS	N	P5	P5
Dance/Martial Arts Schools	N	N	N	N	Y	YS	YS	N	N
Social Service Agencies	N	N	N	N	Y	YS	N	N	N
Child & Adult Day Care	C14	C14	C14	C14	Y	YS	YS	YS	YS
Welding, Machine Shops	N	N	E	N	N	P15	P15	YS	YS
Self-Service Storage	N	N	N	N	N	S	N	S	YS
Business, Professional, Civic & Fraternal Organizations	N	E	E	N	Y	YS	YS	N	YS

MANUFACTURING USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Food and Beverages	N	N	N	N	N	N	N	YS	YS
Paper & Allied Products	N	N	N	N	N	E	N	YS	YS
Printing & Publishing	N	N	N	N	Y	YS	N	YS	YS

Chemicals & Allied Products	N	N	N	N	N	N	N	P7	P7
Pharmaceutical Products	N	N	N	N	N	N	N	S	S
Primary Metals	N	N	N	N	N	N	N	N	P7
Dry Concrete Batch Plant	N	N	N	N	N	N	N	P18	N
Manufacture, Fabrication or Assembly of Products	N	N	N	N	N	E	N	S	S

RESOURCE PRODUCTION AND EXTRACTION	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Forestry	C7	C7	C7	N	N	N	N	N	C7
Farming, General	C15	C15	C15	N	N	N	C15	N	C15
Animal Husbandry	Y	Y	Y	N	N	N	Y	N	N
Horticultural Specialties	C16	C16	C16	N	Y	Y	C16	N	N
Dairies	N	E	E	N	N	N	N	S	S
Mining & Processing of Earthen Material	N	N	N	N	N	N	E	Z	Z
Earth Removal	Z	Z	Z	N	N	Z	Z	Z	Z

CULTURAL/ ENTERTAINMENT & RECREATIONAL	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Museums/Historical Societies	N	N	E	N	Y	YS	YS	N	N
Historic Sites	Y	Y	Y	Y	Y	Y	Y	Y	Y
Art Galleries & Studios	N	N	N	N	Y	Y	Y	N	N

Distribution Lines; Pipes	Y	Y	Y	Y	Y	Y	Y	Y	Y
Buildings & Structures	C21	C21	C21	C21	C21	C21	C21	C21	C21
Wireless Communication Towers	N	N	N	N	N	P17	N	P17	P17
Trucking & Courier Terminals	N	N	E	N	S	S	N	S	S
Passenger Terminals	N	N	N	N	Y	YS	N	S	S
Intermediate Processing Center	N	N	N	N	N	P12	N	P12	P12

SIGNS	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
For Sale or Rent	Y	Y	Y	Y	Y	Y	Y	Y	Y
Political	Y	Y	Y	Y	Y	Y	Y	Y	Y
Directional	C22	C22	C22	C22	C22	C22	C22	C22	C22
Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y
On-Site Advertising and/or Identification	C23	C23	C23	C23	Y	Y	Y	Y	Y
Billboards	N	N	N	N	E	E	N	N	N

HOME OCCUPATIONS	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
Customary as Defined in Sec. 4	Y	Y	Y	Y	N	Y	Y	Y	Y
Home Kennels	C24	C24	C24	C24	N	C24	C24	C24	C24
Mail Order Business	C25	C25	C25	C25	Y	Y	C25	C25	C25

Artists, Craftsmen and Home Products	C26	C26	C26	C26	Y	Y	Y	C26	C26
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ACCESSORY USES	R-65	R-40	R-18	MF	CBD	C-2	RC-3	LI-1	GI-2
In-Law or Accessory Apt.	C32	C32	C32	C32	N	N	C32	N	N
Customary Accessory Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pets and Other Animals	C27	C27	C27	C27	C27	C27	C27	C27	C27
Swimming Pools	C28	C28	C28	C28	C28	C28	C28	C28	C28

5.3 Required Conditions for Uses Designated With a "C" in the Table of Permitted Uses.

C1— Detached single- and two-family dwellings on individual lots, including interior lots are permitted subject to all of the lot size, area, setback and other requirements of the R-18 District.

Detached single-family dwellings on land in common interest ownership are permitted subject to the following:

1. Special Permit approval by the Planning and Zoning Commission is required subject to Sections 10.0 and 10.1.4 of these regulations.
2. The number of dwellings containing three bedrooms shall not exceed 50 percent of the total number of all units in the project.
3. No dwelling shall contain more than three bedrooms.

C2— Two-family dwellings must have a separate entrance for each dwelling unit and a minimum lot area, as defined in these regulations, of at least 20,000 square feet.

C3— Establishment shall be designed and intended to serve the daytime, working population and conduct its heaviest volume of business during the morning and noontime hours.

C4— Use is limited to office, garage, maintenance and similar activities. Bulk storage of fuel oil is prohibited.

C5— Permitted only as an accessory use, selling products produced or assembled on the premises.

C6— Limited to branch offices devoted principally to direct customer service.

C7— Operation is to be under the supervision of a Connecticut Certified Forester CS. Allowed only as an accessory use, serving residents, guests or employees.

C9— Use limited to administrative or office functions. There shall be no storage, maintenance or rental of heavy equipment.

- C10— Approval of location by the Zoning Board of Appeals is required as specified in Section 19. If the location is so approved, the site plan shall be referred to the Planning and Zoning Commission for approval.
- C11— Use limited to rental of passenger vehicles, motor homes, all-terrain vehicles, motorcycles and the like. Rental of heavy trucks or heavy construction equipment is prohibited.
- C12— Installation and repair of specialized automotive and marine glass, vinyl, fiberglass, electrical and electronic accessories is allowed. General automotive repair, sales, auto body repair and painting are prohibited. All work areas and storage of boats or vehicles under repair shall be within a building.
- C13— Includes repair of items such as appliances, electronic equipment, furniture, shoes, clocks and the like. Any welding is allowed only as a purely incidental operation. Work shall be done entirely within a building.
- C14— Allowed only as an accessory use to a church or other such permitted use in the R-40 and R-15 Districts, and as an accessory use to a planned development serving the residents of the development.
- C15— Farming shall not include the commercially organized slaughtering of fowl or livestock having no relationship to the farm itself, except for operations existing as of Sept 1, 1991. All buildings or structures for the keeping and feeding of livestock, and the open or covered storage of manure, fertilizer, lime, herbicides, pesticides and the like shall be at least 100 feet from any lot line or residential structure.
- C16— Includes nurseries, green houses, truck gardens and similar uses on a tract of at least three acres, and the incidental sale of products grown on the premises. Activities such as parking and display of products and all structures shall be located beyond the building setback lines.
- C17— Permitted as an accessory use only, serving the residents of the development or their guests.
- C18— Permitted in residential districts only as accessory to a non-profit organization and on the same parcel therewith. Permitted on any parcel in a commercial or industrial district, provided that no structure is erected within 50 feet of any lot line. Duration shall be no longer than seven days in any district.
- C19— Permitted as an accessory use.
- C20— Garages and/or surface parking are allowed in all zoning districts as an accessory use. In residential districts, the number of vehicles parked on the premises shall bear a reasonable relationship to the number of occupants. The Zoning Officer may use the motor vehicle assessment list as a basis for determining if an excessive number of vehicles are parked on the premises. The storage of more than one inoperable motor vehicle, or parts of motor vehicles which collectively equal more than one vehicle, is not considered as accessory to a dwelling and is not permitted. Parking lots and garages are allowed as a principal use in any commercial or industrial district subject to site plan approval by the Planning and Zoning Commission. In the R-15 District, parking lots or garages on separate parcels are allowed as special permit uses, granted by the Planning and Zoning Commission if associated with a permitted use such as a church or funeral home. The parking or storage of commercial vehicles such as heavy trucks, construction equipment and the like is not considered as accessory to a dwelling and is not permitted. The parking of a single truck or other vehicle used by the occupant as transportation to a work site would be permitted.
- C21— Public service facilities as described in Section 16-235, C.G.S. are allowed subject to site plan approval by the Planning and Zoning Commission.
- C22— If located within a public right-of-way, the applicant shall show that the Department of Public Works has approved the request. No sign that interferes with sight lines or effects public safety will be permitted.

- C23— Allowed only as shown on a site plan or special permit application approved by the Planning and Zoning Commission or Zoning Board of Appeals.
- C24— The breeding of dogs for the purpose of show, sports or sale is allowed. No kennel, dog run or other structure shall be allowed beyond the building setback lines. Not more than two dogs shall be kept for breeding purposes if the parcel has an area of less than 80,000 square feet. The boarding or grooming of dogs not owned by residents of the premises is prohibited.
- C25— A limited operation is allowed in a residential district, which operation shall not include the storage of inventory or sale of products on the premises. In general, the operation shall be limited to placement of individual orders, reception of the order by mail or courier service and delivery of the order to the final customer. The operation shall conform to the general definition of a home occupation.
- C26— The preparation and sale of products customarily produced in the home or garden such as home baking, preserves, produce, needlework and the like is allowed provided such products are created or grown entirely on the premises. The workshop of an artist or craftsman engaged in painting, ceramics, woodworking, glass working, sculpture and the like is permitted. No such workshop shall be located in an accessory building.
- C27— Customary household pets are allowed in any dwelling unit. Livestock or fowl raised purely for profit are not considered as accessory to a dwelling and are allowed on a farm only. The keeping of a very limited number of livestock, fowl, rabbits or pigeons for personal use, enjoyment or consumption may be considered as accessory to a dwelling provided that such animals are kept in a sanitary and non-offensive manner, considering the number of animals, size of the lot and proximity of adjacent residences.
- C28— Allowed following approval of location by the Building Inspector. The Building Inspector may permit swimming pools in a required side or rear yard.
- C29— Mobile homes are allowed only as temporary living quarters following damage to a dwelling by fire or other casualty on the same parcel as such damaged dwelling. The Building Inspector shall approve utility connections. The period of occupancy shall not exceed one year. The storage of camping trailers, recreational vehicles and the like is considered as an accessory use to one- or two-family dwellings.
- Such use is expressly limited to storage and does not include occupancy while on the same lot.
- C30— Permitted in the RC-J District, subject to the following conditions:
- a) The parcel shall have an area of at least 80,000 square feet and frontage on Roosevelt Drive.
 - b) Vehicular access shall be from Roosevelt Drive only.
 - c) The building setback line shall be at least 75 feet from any property line in a residential district.
 - d) Site plan approval by the Planning and Zoning Commission as per Section 9 of these regulations shall be required.
- C31— This use is more specifically described as business selling outdoor/recreational products and landscaping/gardening products as well as prefabricated structures such as gazebos, sheds, barns, arbors, windmills, playhouses and the like. In the RC-J District the parcel shall have a minimum lot area of 40,000 square feet and shall have frontage on Roosevelt Drive. Site plan approval by the Planning and Zoning Commission as per Section 9 of these regulations shall be required.
- C32— The Zoning Enforcement Officer is authorized to allow an in-law or accessory apartment in the R-18, R-40 and R-65 Zoning Districts and in detached single-family dwellings in the MF and RC-J Districts in accordance with the requirements stated below as well as the requirements of other applicable sections of these regulations.

An in-law or accessory apartment is defined as a group of rooms containing at least a kitchen, bedroom and three fixture bathroom located within and clearly subordinate to a detached single-family dwelling.

An in-law or accessory apartment shall meet the following standards:

1. Shall be located only in a detached, single-family dwelling on an individual lot. No accessory or in-law apartment shall be located in any building that is detached from the principal building. There shall be only one accessory or in-law apartment per building lot.
2. One of the dwelling units shall be occupied by either an individual age 65 or older or by a family with one or more members age 65 or older, both dwelling units shall be occupied by members of the same family, all related by blood, marriage or adoption. Notwithstanding the foregoing, one of the units may be occupied by a handicapped person.
3. The accessory apartment shall occupy not more than 30 percent of the total gross living area of the host dwelling plus the apartment.
4. Exterior alterations shall be so integrated with the original building so that the appearance of a single-family dwelling is maintained. Additions shall not cause the building to exceed two habitable stories. A side or rear entrance to the apartment is preferred, but if the entrance is in the front it shall be clearly incidental and secondary to the main entrance.
5. The applicant shall demonstrate that the site has space to accommodate four off-street parking spaces.
6. Home occupations shall not be allowed in dwellings containing an in-law apartment.

The application shall include a letter stating who will occupy the apartment, an A-2 survey of the property showing at least the building, driveway and parking area. A floor plan of the apartment shall be submitted as well as a plan showing the location of the apartment within the host dwelling. Architectural elevations of new buildings or additions shall be submitted. If applicable, the applicant shall provide evidence the Valley Health District is aware of the proposal. The applicant shall provide evidence that he has notified abutting owners that an application for an in-law apartment has been submitted.

A notice of approval shall be filed on the land records by the Zoning Officer or Town Planner. This notice shall state that approval is for an in-law apartment to be occupied only in accordance with these regulations, and that neither the current owner nor a subsequent owner may rent the apartment for income purposes.

5.4 Required Conditions for Special Permit Uses. All special permit uses shall be subject to the requirements of Section 10.0 and other applicable requirements of these regulations. In addition, the following specific requirements shall apply to special permit uses as designated by the number following the "P."

P1— Three- and four[-family] dwellings in the R-15 District shall meet the requirements of Section 10.3. Three- and four-family dwellings in the MF District shall meet the requirements of Section 10.1.

P2— Subject to the requirements specified in Section 10.1.

P3— Approval of location by the Zoning Board of Appeals is required. See Section 19.2.1.

P4— All driveways shall meet the following standards:

- a) They shall be located at least 250 feet from any signalized intersection.
- b) Not more than one driveway shall be located on a parcel having 150 feet of total road frontage or less.
- c) A two-way driveway shall have a curb radius of at least 30 feet and a width of at least 24 feet.

- d) A one way driveway shall have curb radius of at least 30 feet for right turns and at least a five-foot radius on the opposite curb. The width shall be at least 20 feet.
- e) Driveways shall intersect the street line at an angle of 90 degrees. Driveways shall slope upwards from the gutter line on a straight slope of approximately two percent for at least 25 feet.

P5— Principal building shall be set back at least 75 feet from any property line in a residential district. The driveway standards of P4 above shall apply.

P6— Subject to the following conditions:

- a) The operation shall be fully automatic and conducted entirely within a building, fully enclosed.
- b) Ancillary uses such as vacuum cleaning services and gasoline sales may be permitted following a finding that such uses will not cause congestion. Gasoline sales require approval of location by the Zoning Board of Appeals.
- c) An on-site staking area shall be provided which provides space for a tandem line up of at least ten vehicles.
- d) The entire use area shall be paved with a bituminous surface and provided with curbs to control run off. Grade shall be no more than five percent or less than two percent. Surface runoff shall be directed to drains on the lot and shall not be permitted to flow onto adjacent streets or property.
- e) All wash and rinse waters shall be reclaimed by an automatic system. Detergents used shall be non-toxic. The method of disposing on any wastewater or residue shall be fully described and approved by either the Valley Health District or the Seymour Water Pollution Control Authority.

P7— Use is prohibited within the primary recharge area of a stratified drift aquifer used as a public water supply. The use is permitted in other locations subject to the following conditions as well as other applicable provisions of these regulations:

- a) Manufacture, processing or storage of chemicals or other hazardous materials shall take place entirely within a building.
- b) No floor drains from areas where chemicals are used, manufactured or stored shall be connected to dry wells or other subsurface leaching structures.
- c) Outdoor unprotected storage tanks, containers or drums containing chemicals, chemical waste or other hazardous substances are prohibited. Interior storage areas shall have an impervious floor as well as a spill containment area.
- d) Loading or transfer activities for hazardous chemicals or substances shall be conducted on an impervious surface that is roofed and protected by a dike.

P8— The following special requirements shall apply:

- a) Minimum lot area shall be 50 acres for a 9-hole course and 100 acres for an 18-hole course.
- b) Club facilities such as restaurant and pro shop shall be at least 200 feet from any lot line in a residential district.
- c) There shall be no outdoor lighting on the course. Play shall be limited to daylight hours.
- d) Tees and greens shall be located at least 50 feet from any property line in a residential district.

P9— Minimum lot area shall be ten acres. Buildings for the keeping of horses, riding stables, and the open or covered storage of manure shall be at least 100 feet from any lot line in a residential district.

- P10— Firearms ranges shall be indoors only.
- P11— As part of the site plan, the applicant shall provide a detailed plan for any outdoor lighting that shows that there will be no annoyance to any residential property in the vicinity.
- P12— As defined in Section 4.0.
- P13— Repealed 10-1-05.
- P14— Land used for burial plots shall be underlain by soils that are characterized by the Soil Survey for New Haven County, Conn. Prepared by the USDA Soil Conservation Service as moderately well drained to excessively drained and having a depth to water table of at least six feet. No burials shall be allowed within 75 feet of any wetland or watercourse. Buildings shall be set back at least 75 feet from any property line in a residential district. The internal roadway system shall have bituminous pavement and provided with storm drainage. Curb to curb width shall be at least 24 feet for two-way traffic and at least 15 feet for one-way traffic.
- P15— Location is restricted to those portions of the C-2 District that contain heavy commercial land uses such as warehousing, contractors, automotive uses and the like. This use is not allowed in those parts of the C-2 with mixed commercial/residential uses or where the predominant use is retail trade and personal services such as a shopping center. In the RC-3 District, location is restricted to an existing building that is or has been used for a commercial purpose.
- P16— Permitted as specified in Section 17.0.
- P17— The distance between a tower and any property line shall be at least equal to the height of the tower.
- P18— Minimum lot size shall be 30 acres. A new source permit from Conn. DEP is required.

6.0. - Table of dimensional requirements.

	R-65	R-40	R-18	RC-3	CBD-1	C-2	LI-1	GI-2
Minimum Lot Area, sq. ft.	65,000	40,000	18,000	40,000	10,000	40,000	85,000	85,000
Minimum Lot Frontage, ft.	175	150	120	150	60	150	150	150
Minimum Lot Width, ft.	175	150	120	150	60	150	150	150
Minimum Lot Square, ft.	150	150	120	150	NR	NR	NR	NR
Minimum Front Yard, ft.	70	50	25	50	NR	50	75	75
Minimum Side Yard, ft.	35	25	15	25	5	25	25	25
Minimum Rear Yard, ft.	40	30	30	30	5	30	75	75
Maximum Lot Coverage, %	15	15	15	25	NR	25	35	35

Maximum Building Height, ft.	35	35	35	40	65	40	45	50
Principal Buildings/Lot	1	1	1	1/NR	NR	NR	NR	NR

NOTES:

1. 1/NR denotes one principal residential building per lot, but no restrictions if lot used for commercial purposes only. NR denotes no restrictions.
2. Planned Development District—Refer to Section 18 for development standards.
3. MF Multi-Family District—Refer to Section 10.1 for development standards.
4. Office Development District—Refer to Section 17 for development standards.
5. R-18 District—A two-family dwelling shall have a minimum lot area of at least 20,000 square feet. Restrictions contained in Sections 7.2 and 7.3 shall apply. Requirements for three- and four-family dwellings are given in Section 10.3.
6. Minimum lot area—Refer to Sections 7.2 and 7.3 for exclusions to area calculations.
7. Interior lots—Refer to Section 7.10 for requirements for interior lots.
8. Building Height—Maximum building height does not apply to chimneys, church steeples, silos, towers, antennas and similar structures and projections which may be erected to the height required to accomplish their intended purpose without endangering adjacent property of the safety of the public in general.

7.0. - General provisions.

7.1 Application of General Provisions. The provisions of this Section 7 shall apply to all property in all zoning districts, unless expressly noted otherwise. If this section conflicts with a more definitive requirement for a specific use found elsewhere in these regulations, such more definitive requirement shall apply.

7.2 Calculation of Minimum Lot Area. The following shall not be included in calculation of minimum lot area for residential uses as required by these regulations:

- a) The area of any utility or drainage easement, except that such easements located within wetlands and required yards may be included. Only one-half of the area of any conservation easement may be included in calculating minimum lot area.
- b) The area of any right-of-way.
- c) Seventy-five percent of the area classified as a wetland by a certified soil scientist.

7.3 Wetland/Non-Wetland/Slope Requirements.

- a) Building lots in each of the following residential zoning districts shall be underlain by contiguous non-wetland soils as specified below.

R-18 District—An area of at least 11,250 square feet that will accommodate a rectangle 70 feet by 95 feet.

R-40 District—An area of at least 30,000 square feet that will accommodate a rectangle 100 feet by 185 feet.

R-65 District—An area of at least 48,750 square feet that will accommodate a rectangle 100 feet by 185 feet.

MF District—Individual lots containing single- or two-family dwellings shall meet the requirements of the R-18 District stated above.

- b) Building lots in each of the following zoning districts shall contain a contiguous area having a pre-development slope of 25 percent or less and located within the building setback lines as follows:

R-18 District—At least 6,000 square feet.

R-40 District—At least 15,000 square feet.

R-65 District—At least 25,000 square feet.

MF District—Individual lots containing single- and two-family dwellings shall meet the R-18 standards stated above.

7.4 Accessory Buildings. The following shall apply to the R-18, R-40, R-65, and single- or two-family dwellings in the MF District:

- a) There shall be no more than three accessory buildings of any type per lot. Accessory buildings of any type are prohibited in the required front yard. Accessory buildings shall meet the building setback requirements of their respective districts except small buildings as stated in Section 7.14.1.
- b) The total floor area of all buildings accessory to a single-family dwelling shall not exceed 1,150 square feet.
- c) Portable structures consisting of a frame with a fabric cover shall be at least ten feet from a side or rear lot line. No such structures shall be permitted in the required front yard.
- d) Storage containers are allowed on a temporary basis only for a period of three months, except that this period may be extended for an additional three months for cause. Only one extension is permitted.

7.5 Corner Lots.

- a) The owner has the option of selecting the location of the front and rear yards and one of the side yards through his choice of building orientation. In a subdivision, the designer may designate side and rear yards. In all cases, the required setback from each street shall be maintained. Refer to the definition on yards in corner lots in Section 4.
- b) All corner lots shall be subject to a triangular sight line easement within which nothing may be permitted to obstruct vision at any point between a height of 2.5 feet and ten feet above the centerline grade of the intersecting streets. This easement shall be bounded on two sides by a line 50 feet in length measured from the point of intersection of the two street lines, and on the third side by a straight line connecting the two ends of the 50-foot lines.

7.6 Drainage.

- a) Definitions. For purposes of this section, "drainage facilities" are defined as structures intended to convey rain, ground or surface water, including but not limited to roof drains, under drains, relief drains, interceptor drains, storm drainage pipes and drainage swales. Wetlands and watercourses are each as defined in Section 22a-38 C.G.S.
- b) No land shall be graded in such a manner as to divert, concentrate or direct natural sheet flow on to an adjacent street or property. If the natural flow of ground or surface water is altered by grading or construction, proper drainage facilities shall be provided so that there is no increase in run off on to adjacent properties.

- c) Outlets from drainage facilities shall meet one of the following conditions:
 - 1. Be connected to the Town storm drainage system in a manner approved by the Town Engineer.
 - 2. Be discharged into a wetland or watercourse.
 - 3. Be located sufficiently distant from a public street or adjacent property so that outflow is dispersed and there is no concentrated discharge of water leaving the property. Outlet protection such as riprap pads or level spreaders may be required.
- d) Detention basins that collect water from public streets shall not be allowed on lots in private ownership.

7.7 Driveways.

- a) *Number of Driveways.* The number of driveways per lot shall be based on lot frontage as follows:
 - 125 feet of frontage or less—One driveway;
 - 126 feet to 250 feet of frontage—Two driveways;
 - 251 feet to 500 feet—Three driveways;
 - More than 500 feet—Four driveways.
- b) *Corner Lots.* Driveways on corner lots shall be located at least 80 feet from the intersection of the street lines. If a lot does not have enough frontage to meet this requirement or if there are physical constraints to driveway location, the driveway shall be located as far from the intersection as practical.
- c) *Setbacks.* Driveways shall be set back at least five feet from a side or rear lot line. Driveways on the same lot shall be separated by at least 20 feet at the curb line. Driveways shall be located and aligned so that the apron does not extend beyond the extension of the side lot line.
- d) *Aprons.* That portion of the driveway between the curb and the street line and within the Town right-of-way shall be paved in accordance with Town standards.
- e) *Grade.* The grade between the curb and the street line shall slope upwards at about five percent for the first ten feet. The grade on the remainder of an unpaved driveway shall not exceed 12 percent. A paved driveway may be up to 17 percent after the first ten feet. Vertical alignment shall be sufficiently flat to prevent the undercarriage of a vehicle from striking the ground.
- f) *Interior Lot Driveways.* Driveways shall have either a paved or gravel surface at least 15 feet in width within the area of the 25-foot accessway and at least 12 feet in other locations. Grade shall not exceed ten percent. Driveways shall be at least 2.5 feet from the side lot lines within the 25-foot accessway.
- g) *Sight Distance.* In general, all driveways shall have a sight distance of at least 220 feet in both directions. If these requirements cannot be met because of site conditions or road geometry, the driveway shall be located on that part of the lot that provides the best sight distance. Sight distance shall be based on an eye and object height of 3.5 feet.
- h) *Entrance.* Driveways shall intersect with the street at an angle of 90 degrees if possible, but in no instance less than 60 degrees measured at its most acute point. The curb radius of a private driveway for a dwelling shall be at least five feet. The curb radius of commercial and industrial driveways shall be designed to accommodate the type of vehicles expected to use the driveway. Driveways to retail centers containing 50,000 square feet or more of floor area shall have a curb radius of at least 25 feet.
- i) *Vertical Clearance.* All driveways shall have a vertical clearance between the ground and any overhead obstruction of at least 12 feet for their entire length.

- j) *Turnarounds.* Interior lot driveways and all other driveways more than 200 feet in length shall have a turnaround at the end of the driveway. The turnaround shall have one dimension of at least 35 feet.
- k) *Drainage.* Driveways shall be designed and located to avoid the concentration and direct discharge of storm water on to an adjacent property or street. Curbing may be required to control the discharge of storm water.
- l) The driveway to a detached, single-family dwelling shall be located on the same lot therewith for its entire length.
- m) Turns shall have a minimum radius of 25 feet at the inside curb.
- n) Driveways on lots other than interior lots shall have a minimum width of 12 feet.

7.8 Fences and Walls.

- a) Fences and walls in residential zoning districts shall be a maximum of four feet in height in the area between the front setback line and the street(s), and a maximum of six feet in height on the remainder of the lot.
- b) Fences and walls in commercial or industrial zoning districts shall be a maximum of eight feet in height.
- c) The sight line easement specified in Section 7.5 b) applies to fences and walls.
- d) No fence or wall, including a retaining wall, shall be located in such a manner as to reduce sight distance along a public street to a distance of less than 220 feet.
- e) Retaining walls may be erected to the height required to accomplish their intended purpose. The Town Engineer may require that a retaining wall over four feet in height be designed by a professional engineer.
- f) There are no specific setback requirements for fences or walls; however, they should be located so that repair or maintenance may be done without encroaching upon adjacent property.

7.9 Horses.

- a) The keeping or boarding of horses or other equines is permitted as an accessory use to a detached single-family dwelling. The minimum required lot area shall be 80,000 square feet for the first animal and 20,000 square feet for each animal thereafter. The maximum number of animals permitted shall be five. Minimum required lot area shall be gross area and may include wetlands, steep slopes, easements or rights-of-way.
- b) Buildings used for housing of animals and the open or covered storage of manure shall be at least 100 feet from any lot line or residential building. Outdoor riding areas, which may be fenced, shall not be required to meet this setback.

7.10 Interior Lots.

- a) Interior lots shall be permitted in the R-65, R-40, and R-18 Zoning Districts. Interior lots for detached single- or two-family dwellings are allowed in the MF District subject to all of the standards for the R-18 District.
- b) Each lot shall have its own accessway to a public street. The accessway shall be at least 25 feet in width and be in the same ownership as the lot served. The accessway shall not be a right-of-way or easement.
- c) All standards listed in Section 6 shall apply to interior lots. The area of the accessway shall not be included in calculating minimum lot area in addition to land cited in Section 7.2. The wetland/slope standards of Section 7.3 apply to interior lots.
- d) Accessways to interior lots on the same side of the street shall be separated by a distance of at least three times the minimum lot frontage for the applicable zoning district.

e) The front, side and rear building setback lines on interior lots shall each be as follows:

R-18: 55 feet.

R-40: 65 feet.

R-65: 75 feet.

MF: 55 feet (single- and two-family dwellings on individual lots).

f) The area within the building setback lines shall accommodate at least a 60-foot square.

7.11 Outdoor Lighting. All outdoor lighting shall be shielded so that the source of illumination is not directly visible from any street or adjoining property. The circle of illumination cast by the lighting device shall be confined essentially to the lot.

7.12 Outside Storage/Display. Outside storage of materials, equipment or inventory for commercial or industrial uses shall not be allowed in the required front yard or in any side or rear yard which abuts a residential zoning district. Such storage shall be in an area specifically designed for this purpose and defined by such means as an opaque fence, embankment or plantings.

The display of merchandise offered for retail sale is allowed to occupy up to one-half of the front yard of any parcel in a commercial zoning district.

7.13 In general the finished slope of any area excavated, filled or re-graded shall not exceed one foot vertical for each two feet horizontal. Slopes may exceed such slope in rock cuts or other areas after review of the proposed plans by the Town Engineer and a finding that the slope will be stable. There shall be no grading, excavation or filling within five feet of any property line except that grading across property lines may be permitted as part of subdivision approval, and retaining walls may be constructed where needed. No land shall be re-graded to direct the flow of surface water towards a street or adjoining property unless proper provision has been made for the disposition of such water.

7.14 Yard Occupancy.

7.14.1 Except as specifically provided below no required front, side or rear yard may be occupied by a principal or accessory building. No more than two accessory buildings having a total floor area of 200 square feet or less, and a height of not more than 8.5 feet, are allowed in a required side or rear yard, but in no instance shall be less than ten feet from the property line. Architectural projections of the principal building such as decks, overhangs, bay windows, stairs, porches, chimneys and the like may encroach upon any required yard by a distance of up to four feet. Handicapped ramps may be located as required.

7.14.2 Yards may be occupied by driveways, fences, retaining walls, parking, stairways, landscaping and similar features as may be elsewhere permitted in these regulations. On residential property, yards may also be occupied by certain accessory structures such as picnic tables, play equipment, dog pens and the like that are customarily associated with a dwelling.

7.15 Parcels in Adjacent Towns. A zoning permit may be issued for a parcel having land partially in Seymour and partially in an adjacent municipality provided that the total parcel area meets all of the requirements of the zoning district in Seymour in which it is located, vehicular access to the parcel is from Seymour and the principal building is located in Seymour.

8.0. - "Of right" uses (Y or C).

8.1 Uses designated as Y or C in Section 5.1.1 are allowed in their respective zoning districts following a review of the zoning application by the Zoning Enforcement Officer assisted by the Town Planner and Town Engineer as required and a finding of compliance with these regulations. A very few of these uses require site plan approval by the Planning and Zoning Commission. All such uses are subject to all of the applicable requirements of these regulations. The applicant should pay particular reference to the dimensional requirements in Section 6, general provisions in Section 7, and any special conditions listed in Section 5.3.

8.2 The application for a zoning permit shall be as established by the Planning and Zoning Commission and shall contain at least a statement of use and a plot plan of sufficient detail to demonstrate full compliance with these regulations. The application for approval of those uses requiring site plan approval by the Planning and Zoning Commission shall be as specified in Section 9 of these regulations. No application will be accepted and placed on the Commission's agenda for consideration unless it is complete in all respects.

9.0. - Site plan review (YS) (S).

9.1 Uses allowed after site plan review are permitted either after administrative review or after review by the Planning and Zoning Commission depending upon the scale of the development as specified in Section 5.1 a). Uses permitted by administrative approval are subject to the same general requirements as stated in Section 8.1 above. Uses requiring approval from the Planning and Zoning Commission are subject to these same general requirements as well as the requirements of Section 9.3.

9.2 The zoning application for a use allowed by administrative approval shall contain sufficient information to demonstrate compliance with these regulations and may require generalized floor plans for the purpose of calculating parking requirements, building elevations and topographic data. The plot plan shall be prepared to meet the standards of a Class D map, at least. The zoning application for a use designated as S shall be as specified in Section 9.3.

9.3 Site plans (S).

9.3.1 *Intent and Purpose.* It is the intent of this section to allow certain uses following review and approval of a detailed site plan by the Planning and Zoning Commission. The purpose of a detailed site plan is to show that the proposed development can be adequately accommodated on the site and integrated with the immediate neighborhood considering the following factors:

- a) Physical site conditions such as size and area, topography, wetlands and subsoil characteristics.
- b) Site access including access for emergency services.
- c) The location, size and design of buildings and structures.
- d) The intensity and character of the operation.

9.3.2 *Application.* An application for site plan approval shall consist of an application form as established by the Commission, architectural elevations and generalized floor plans for all buildings, a plot plan and an A-2 survey of existing conditions. The application form shall include a detailed statement of use. Building elevations shall be of sufficient detail so that the appearance of the building is clearly shown. Floor plans shall be of sufficient detail to allow calculation of parking and loading requirements. No application will be accepted and placed on the Commission's agenda for consideration unless it is complete in all respects.

9.3.3 *Plot Plan.* The plot plan shall be prepared at a scale not to exceed one inch to 40 feet and shall show lot lines, existing and proposed contours at two-foot intervals, existing and proposed buildings and structures, wetlands as determined by a soils scientist or a statement from a soil scientist that there are no wetlands on the parcel, circulation and parking, storm drainage, water supply and sanitary sewers, retaining walls, storage areas, outdoor lighting, signs, landscaping and construction details as needed. Erosion and sedimentation control measures shall be shown on the plot plan or on a separate sheet. The site shall be outlined on a vicinity or locus map. The plot plan shall be prepared by a registered land surveyor to the standards of a Class A-2 survey. Storm drainage, retaining walls and similar improvements shall be prepared by a licensed engineer.

9.3.4 *Standards.* Site plans shall meet all of the general standards for the zoning district in which they are located as well as the specific standards set forth below. If there is a conflict, the more specific standard shall apply.

- a) *Landscaping.* All areas not covered by either a principal or accessory building or pavement shall either be left in its natural undisturbed state or shall have a ground cover of grass or plantings sufficient to prevent wind or water erosion and present a pleasing appearance.
- b) *Yards and Buffers.* The side yard in any parcel in an industrial zone that abuts a residential zone shall have a width of at least 75 feet. Any required side or rear yard in a commercial or industrial zone adjacent to a residential zone shall contain a landscaped buffer area at least 15 feet in width. Such buffer shall be planted with a mixture of deciduous or evergreen trees or left in its natural state in order to provide a reasonably opaque barrier. On smaller parcels where it is not practical to provide such buffer, the Commission may approve an opaque fence having a height of at least eight feet.
- c) *Storm Water.* Proper provision for storm water is required. On-site detention shall be required only if the increase in storm water runoff cannot be accommodated by the storm drainage system either as it exists or may be improved by the applicant, or if such increase cannot be accommodated by an existing wetland or watercourse without causing downstream flooding or damage.
- d) *Grading.* The final grade shall not exceed a slope of one foot vertical distance for each two feet of horizontal distance. If bedrock is encountered, vertical or near vertical cuts are allowed provided they are located at least 50 feet from any property line, from any building or from any portion of the site used for parking or vehicular access. A chain link fence at least six feet high shall protect the top of any such cut that exceeds a height of ten feet.
- e) *Utility Structures.* Detached utility structures such as dumpsters, air conditioning units, transformers and the like shall be enclosed by buildings, embankments, fences, walls or plantings.
- f) *Parking.* Parking layout and requirements shall be as specified in Section 14. There shall be no parking within 25 feet of the street line in any commercial or industrial district except in the discretion of the Commission where such parking can be safely accessed and is in conformance with other parking in the zone. Site plans for nonresidential use shall have no parking within 50 feet of the side or rear lot line of any parcel in a residential district. The above setbacks do not apply to driveways or accessways.

9.3.5 *Wetlands.* If an application includes an activity regulated by the Seymour Inland Wetland Commission, an application shall be submitted to the Wetlands Commission either prior to or on the same day that the site plan application is submitted to the Planning and Zoning Commission. No decision on the site plan application shall be made until the Wetlands Commission has submitted a report of its decision.

9.3.6 *Performance Bond.*

9.3.6.1 The Commission may require a performance bond or other surety as a condition of approval of any site plan submitted in accordance with this section as well as any site plan submitted with a special permit application. Surety shall be in a form approved by Town Counsel and in an amount approved by the Town Engineer.

9.3.6.2 Surety shall be in an amount sufficient to meet the cost of any or all of the following:

- a) Erosion and sedimentation control measures.
- b) Excavation, grading, filling and slope stabilization.
- c) Off-site improvements having a direct relationship to the proposed development which may be either shown on the site plan or required by the Commission.
- d) On-site improvements, except buildings, required by the zoning regulations to support the proposed principal use.
- e) On-site improvements which if not completed would have an adverse effect on adjacent property or public safety.

9.3.6.3 The site plan shall contain a notation stating the time period within which site improvements are to be completed. The Commission may grant one or more extensions of this period; however, the total period shall not exceed the statutory limit.

9.3.6.4 No zoning permit shall be issued nor shall any construction be started until any required surety has been posted. Surety shall be released by the Commission upon a finding that as built plans show substantial compliance with the approved site plan.

9.3.6.5 If bonded improvements are not completed within the specified time period or any extensions thereof, the Commission may call the bond or other surety and cause improvements to be completed to the extent necessary to assure substantial compliance with the approved site plan.

10.0. - Special permits (P) (Z).

Special permits may be granted by the Planning and Zoning Commission or the Zoning Board of Appeals for those uses designated as P or Z in Section 5.2.

No special permit shall be approved unless the approving authority finds that the use will not be detrimental to the public health, safety, convenience or property values, and that the use will be in conformity with the comprehensive zoning plan for the municipality.

The following factors shall be considered when making these findings:

- a) The suitability of the site for the intended use considering its size, area, shape, topography, subsoil conditions and presence of wetlands and watercourses.
- b) The ability of the adjacent roadway system to accommodate existing traffic and any increase in traffic generated by the proposed use.
- c) The availability and adequacy of supporting municipal services such as police and fire protection, water and sewer, storm drainage, sanitation services and the like.

All special permit uses are declared to possess such special characteristics that each shall be considered as an individual case. The approving authority may impose additional requirements if the review of the application has shown that additional requirements are needed to protect the public health, safety, convenience or property values.

Additional requirements, conditions and safeguards shall include but not be limited to greater setbacks, additional landscaping or screening, additional parking, limitations on building height or bulk, a lesser number of occupants, storm drainage, a modification of the exterior appearance of any structure if needed to ensure neighborhood compatibility or reasonable limitations on hours of operation.

All special permit applications shall include a site plan as specified in Section 9 of these regulations and all special permit applications shall require a public hearing as required by Statute. No application will be accepted and placed on the Commission's agenda for consideration until it is complete in all respects.

All special permits shall be subject to the requirements of this Section 10.0, any special requirements set forth in Section 5.4 as applicable and any other general requirements as set forth in the body of these regulations. Requirements for Garden Apartments, Town Houses, Elderly Housing, In-Law Apartments, Three- and Four-family Dwellings, Cluster Subdivisions and Earth Removal Operations are contained in their respective sections. If there is a conflict between a requirement in these specific sections and a requirement in the general body of the regulations, the requirement in the specific section shall apply.

10.1 Garden Apartments. Town Houses and Specialized Housing for the Elderly.

10.1.1 *Garden Apartments.* Town houses and specialized housing for the elderly are allowed by special permit granted by the Planning and Zoning Commission, as specified by Section 5.2, subject to the provisions of this section as well as all other applicable provisions of these regulations. Where there is a conflict, this section shall prevail.

10.1.2 *Application.* The application shall include a site plan application and supporting plans and data as specified in Section 9 of these regulations. In addition a statement shall be submitted

giving the area of wetlands as determined by a soil scientist, lot coverage of principal and accessory buildings, and lot coverage of impervious surfaces. Plans and profiles of interior roadways shall be submitted if the development includes more than two principal buildings. A traffic analysis may be required. No application shall be accepted and placed on the Commission's agenda for consideration unless it is complete in all respects.

10.1.3 *Development Standards—Garden Apartments.*

- a) *Site Requirements.*
 1. Each dwelling unit shall be served by the municipal sanitary sewer system and a public water supply system.
 2. Developments containing 24 or more dwelling units shall have at least two connections to a public road. One connection shall have a pavement width of at least 24 feet and a lot area width of at least 50 feet. The second connection may be for emergency vehicles only. Developments of less than 24 units shall have at least one connection that meets the 24-foot/50-foot standard described above.
 3. Parcels shall have a minimum lot area of two acres and such size and shape that a 200-foot square will fit totally within its boundaries.
- b) *Density.* The parcel shall have a minimum lot area of 16,000 square feet for each dwelling unit. Lot area restrictions stated in Section 7.2 shall apply.
- c) *Lot Coverage.* Total lot coverage of buildings and impervious surface shall not exceed 18 percent of gross parcel area.
- d) *Buildings and Outdoor Private Space.* There shall be no limit to the number of principal buildings. Buildings shall have no more than two habitable stories, excluding basements and garages. Each dwelling unit shall have at least 168 square feet of private outdoor space in the form of a porch, deck, patio, balcony or similar feature.
- e) *Yards and Setbacks.* Principal buildings shall be set back at least 50 feet from each other or from any internal roadway. The width of front, side and rear yards shall be at least 2.5 times that required for the adjoining property or in the case of the front yard the property on the opposite side of the street if such adjoining property is in the R-18, R-10 or R-65 District. In other locations the front yard shall be 60 feet, the rear yard shall be 75 feet and the side yards shall be 35 feet. Side and rear yards that abut property in the R-18, R-40 or R-65 Districts shall contain a landscaped or natural buffer area at least 20 feet in width. The buffer shall provide a reasonably opaque barrier to a height of at least six feet. The front yard shall be suitably landscaped to present a pleasing appearance from the street.
- f) *Interior Roadways.* Interior roadways shall meet the construction standards for town roads as specified in the subdivision regulations. Roadways shall have an unobstructed, paved travel lane at least 12 feet in width for each direction of travel. Horizontal and vertical alignment shall be based on design speed and sound engineering practice. In no event shall the horizontal curve radius at the centerline be less than 35 feet. Maximum grade shall be 12 percent, except that grades of up to 14 percent may be permitted for distances of less than 100 feet. The roadway system shall be designed to provide access to each structure for emergency service vehicles. Interior roadways shall remain private in perpetuity, and all Town road maintenance services including plowing shall stop at the property line.
- g) *Parking.* There shall be no parallel parking permitted on internal roadways. Parking lots shall be located at least 20 feet from any property line. The required parking for each building shall be located within 200 feet of the building served and connected thereto by a paved walk way at least 4 feet in width. The walkway shall be illuminated throughout its entire length. The requirements of Section 14 of these regulations shall apply.
- h) *Utilities.* Utility lines and wires shall be underground. Streetlights may be required at the project entrance, at intersections of internal roadways and at entrances to parking areas.

At least one fire hydrant shall be located within 100 feet of each residential structure, and there shall be at least one fire hydrant for each 20 dwelling units.

- i) *Signs.* One freestanding sign, having an area not to exceed 50 square feet identifying the development is permitted. There may be one sign per building, not to exceed an area of 10 square feet except that a sign identifying a community building may be up to 30 square feet. Street name and directional signs are allowed as needed.
- j) *Open Space.* At least 30 percent of the area used for the purpose of calculating permitted density shall be reserved as common space. Open space shall be designated on the site plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.

10.1.4 *Development Standards, Town Houses.*

- a) *Site Requirements.* Each dwelling unit shall be connected to the municipal sanitary sewer system and a public water supply. The site shall have at least one connection to a public road, such connection having a minimum pavement width of 24 feet and minimum property width of 50 feet. Developments containing more than 24 dwelling units shall have at least two such connections.
- b) *Density.* The parcel shall contain at least 12,000 square feet of lot area for each dwelling unit. The area of the internal roadway system shall be deducted for purposes of calculating permitted units. Lot area restrictions stated in Section 7.2 shall apply.
- c) *Lot Coverage.* The requirements of Section 10.1.3 c) shall govern.
- d) *Buildings and Private Outdoor Space.* There shall be no limit to the number of principal buildings. No building shall contain more than four dwelling units, except that up to six units per building are allowed if the exterior walls of each dwelling unit are offset from those of the adjacent dwelling unit by at least five feet. Each dwelling unit shall have at least 400 square feet of private outdoor space delineated by a fence, wall, plantings or similar method.
- e) *Yards and Setbacks.* Principal and accessory buildings shall be at least 30 feet from each other and at least 25 feet from an internal roadway. Front, side and rear yards shall be as specified in Section 10.1.3 e). A buffer as specified in this same Section shall be provided.
- f) *Internal Roadways.* Internal roadways shall be as specified in Section 10.1.3 f).
- g) *Parking.* Parking shall be as stated in Section 10.1.3 g), except that at least one covered parking space shall be assigned to each dwelling unit.
- h) *Utilities.* Utilities shall be as stated in Section 10.1.3 h).
- i) *Signs.* Permitted as stated in Section 10.1.3 i).
- j) *Open Space.* Requirements of Section 10.1.3 j) shall apply.

10.1.5 *Development Standards—Specialized Housing for the Elderly.*

- a) *Site Requirements.* All principal building shall be connected to the municipal sanitary sewer system and a public water supply. Parcels shall have a minimum lot area of two acres and be of such size and shape that a 200-foot square will fit totally within its boundaries. Nursing or convalescent homes having a capacity of more than 50 beds, and congregate living facilities having a capacity of more than 24 dwelling units, shall have a principal connection to a public road as well as a hard surfaced accessway for emergency vehicles. The principal connection shall have a pavement width of at least 24 feet.
- b) *Density.* The parcel shall contain at least 1,250 square feet of lot area for each bed in a nursing or convalescent home, and at least 8,000 square feet of lot area for each dwelling unit in a congregate living facility. Lot area restrictions for calculating density stated in Section 7.2 shall apply.

- c) *Lot Coverage.* The requirements of Section 10.1.3 c) shall apply.
- d) *Buildings.* A nursing or convalescent home shall have a capacity of not more than 130 beds. No single buildings containing congregate living units shall contain more than 24 such units. Buildings shall have no more than three usable stories, excluding basements and garages. Buildings shall not exceed a height of 35 feet except that building height may be up to 40 feet if justified by special architectural considerations.
- e) *Yards and Setbacks.* The requirements of Section 10.1.3 e) shall apply.
- f) *Internal Roadways.* If required, the provisions of Section 10.1.3 f) shall apply.
- g) *Parking.* The requirements of Section 10.1.3 g) shall apply, except that the required number of spaces shall be as follows. Convalescent or nursing homes shall have one space for each person employed at any one time plus one space for each four beds. If community meeting rooms, day care or other such services are provided, additional parking shall be required as specified in Section 14.3. Congregate housing facilities shall provide 1.25 spaces for each dwelling unit plus one space for each person employed at any one time.
- h) *Utilities.* The requirements of Section 10.1.3 h) shall apply to congregate living projects including more than two principal buildings.
- i) *Signs.* One sign identifying the project and having an area of no more than 50 square feet is permitted. This may be either free standing or attached to the building. Building identification, street name and directional signs are permitted as needed.
- j) *Supporting Services.* Congregate housing facilities shall contain formal areas suitable for social and leisure time activities. The plan shall also include physical facilities for supportive services such as common dining, housekeeping, laundry and medical care.
- k) *Open Space.* Requirements of Section 10.1.3 j) shall apply.
- l) Pursuant to Section 8-2i, C.G.S., the Planning and Zoning Commission may, upon a finding of compliance with Section 10.0, adjust the development standards for a congregate, independent or assisted living facility under the ownership and control of the Seymour Housing Authority as follows:
 1. Lot coverage for principal and accessory buildings may be up to 35 percent. Total lot coverage (buildings plus impervious surface) may be up to 50 percent.
 2. Lot area per dwelling unit may be reduced to 3,000 square feet for parcels larger than 2.5 acres and to 1,850 square feet for parcels 2.5 acres or less.
 3. The total number of dwelling units or beds, or combination thereof, in a single building may be increased to up to 80.
 4. Open space may be reduced to 20 percent of the parcel area.
 5. Parking may be reduced to one space per two units.
 6. Minimum lot size, shape and setback requirements may be reduced by up to 20 percent.
 7. For parcels of 2.5 acres or less, the setback requirements shall be that of the adjoining zone, provided the building height does not exceed that of the adjoining zone. For all other parcels the setback requirements of Section 10.1.3 e) may be reduced by 20 percent.

10.1.6 *Phased Developments.*

- a) The Commission may approve a composite development plan allowing a parcel to be developed in two or more phases. Approval of a composite development plan shall represent the Commission's endorsement of the applicant's long term plan for the entire

tract, but shall not be construed as approval of any individual phase. Each individual phase shall require special permit approval.

- b) A composite development plan shall be drawn at a scale suitable for the degree of detail to be shown and shall show the location of principal and accessory buildings, number of dwelling units, layout of circulation and parking, proposed grading, accessory uses, limits of individual phases and anticipated construction timetable. Any community service or recreational areas or facilities shown of the plan shall be considered as an essential part thereof.
- c) Each phase shall be capable of independent existence without the approval of subsequent phases. Each subsequent special permit application shall faithfully implement the composite development plan. Substantial differences, including failure to include community service or recreational areas, shall be cause to reject the special permit application.
- d) A composite development plan may be submitted at the same time as a special permit application for the first phase, but shall be considered and acted upon as a separate application.
- e) The construction timetable submitted by the applicant shall be diligently pursued. Delays of five years or more shall be cause for the Commission to reconsider its approval of any phase on the approved composite plan that has not been started.
- f) A special permit for any subsequent phase shall not be approved until all community service facilities, recreation facilities and off-site improvements included in any approved phase have been completed.
- g) Approval of a composite development plan shall not prevent the Planning and Zoning Commission from amending the zoning regulations and map in the usual manner. A special permit application for any phase shown on an approved composite development plan shall conform to such regulations as amended.

10.2 Accessory or In-law Apartments. Repealed 10-1-05. Refer to Section 5 for requirements for In-Law Apartments.

10.3 Three- and Four-family Dwellings.

- a) *Authorization.* The Planning and Zoning Commission is hereby authorized to grant a special permit for three- and four-family dwellings in the R18 Zoning District in accordance with the requirements of this section and all other applicable requirements of these regulations.
- b) *Location.* Three- and four-family dwellings shall be located exclusively in areas containing similar mixed housing types and prohibited from areas containing detached single-family dwellings only. Duly approved Subdivisions where the prevailing lot area is 15,000 square feet, among other areas, shall be considered as areas containing single-family dwellings only.
- c) *Density.* New construction shall require at least 10,000 square feet of lot area per unit. Conversions of existing structures shall require at least 8,000 square feet of lot area per unit. If building additions are proposed, the requirements for new construction shall apply to the entire project. Land area identified as wetlands, land area having a slope of more than 20 percent and the area of any easements or rights-of-way shall be deducted from total parcel area for purposes of calculating permitted density.
- d) *Parking.* There shall be at least two off-street parking spaces per dwelling unit. Each space shall have direct access to a driveway or maneuvering lane. Tandem arrangements are prohibited. No parking is permitted in the required front yard. Parking areas and driveways shall be paved with bituminous concrete.
- e) *Usable Outdoor Space.* There shall be at least 500 square feet of usable outdoor space per dwelling unit. A deck, patio or balcony may be used to meet a portion of this requirement. The

area of the required front yard shall not be considered as usable outdoor space, nor shall any other area that is clearly unsuited for this purpose because of location or character.

- f) *Yards, Setbacks and Screening.* New construction or additions to existing structures shall have a side yard and rear yard at least equal to the highest point of the principal building or shall meet the requirements of the R-18 District, whichever is greater. Screening or buffer strips consisting of opaque fencing or plantings to a height of at least six feet shall be provided along any side or rear lot line common to a lot containing a single-family dwelling.
- g) *Utilities.* Each dwelling unit shall be served by a public water supply system and connected to the municipal sanitary sewer system.
- h) *Affordability.* Dwellings constructed or altered under the provisions of this section shall contain affordable units. A three-family dwelling shall contain at least one affordable unit. A four-family dwelling shall contain at least two affordable units. Affordability shall be assured by an agreement between the Town and the property owner which agreement shall be filed on the land records and binding on all subsequent owners for a period of 30 years.
- i) *Application.* Application shall be made on a form provided by the Commission accompanied by the established fee. A site plan prepared to the standards of an A-2 survey shall be submitted showing at least property lines, principal and accessory buildings, driveways and parking areas, designated open space, landscaping and screening, proposed grading and location of wetlands and watercourses. Density calculations as specified in Section 10.3 c) above and a map showing existing land use in the immediate area shall be submitted. Architectural elevations of new buildings or additions to existing buildings are required.
- j) No application will be accepted and placed on the Commission's agenda for consideration until it is complete in all respects.
- k) *Renovation of Existing Building.* The less restrictive density requirement of 5,500 square feet per unit shall apply. Other requirements of this Section 10.1.3, including road connections, open space, habitable stories, lot coverage, parking and setbacks, may be modified by the Planning and Zoning Commission if existing conditions related to the building or site prevent full compliance. Compliance shall be as complete as existing conditions will allow.

11.0. - Nonconforming uses.

11.1 Definition. A nonconforming use is a lawfully existing use of land or buildings which does not conform to one or more of the use requirements set forth in Section 5 of these regulations. Such use must have legally existed prior to the effective date of the regulation that caused it to be nonconforming. Such use shall have been actual and generally known in the neighborhood and not merely contemplated.

A nonconforming sign is a legally existing sign that does not conform to the requirements of Section 13 of these regulations.

11.2 A nonconforming use may be repaired, renovated or upgraded. A nonconforming use may be intensified due to a normal increase in business or other related activity.

A nonconforming sign may be repaired, reconstructed or have a change in copy. There shall be no changes to height, size or location.

11.3 A nonconforming use may not be expanded into any portion of a building constructed after such use became nonconforming or into any portion of a building not originally designed or intended for occupancy by such use.

11.4 A nonconforming use may not be extended into any land not occupied by such use at the time it became nonconforming, except that such use may be extended throughout a lot of record if there is substantial evidence that such lot was intended to be occupied by the nonconforming use only.

11.5 A nonconforming use may be changed to a conforming use. A nonconforming use may be changed to another nonconforming use following a finding by the Planning and Zoning Commission that the new use has either the same or a lesser degree of nonconformity. In making such determination, the

Commission shall consider similarity of use as specified in Section 5.1 b), potential off-site effects, and the classification of uses as set forth in the Table of Permitted Uses. The Commission may impose reasonable conditions or limitations to assure the same or a lesser degree of nonconformity.

11.6 A nonconforming use shall be considered as abandoned and may not be reestablished if such use has been voluntarily discontinued by the owner as evidenced by any positive act indicating such discontinuance.

11.7 Any nonconforming use that has been damaged by fire or other casualty may be restored to its prior condition with respect to height, size, bulk or area, but may not be extended or expanded.

12.0. - Earth removal, filling and regrading.

12.1 General. Except for those activities excluded in Section 12.2 below, the excavation, filling or regrading of earthen material on any lot in any zoning district shall require a special permit granted by the Zoning Board of Appeals subject to the requirements of this section.

12.2 Exclusions. The following activities involving excavation, filling or regrading of earthen materials are exempt from the specific requirements of this section, but may be subject to requirements contained elsewhere in these regulations:

- a) Activities involving 50 cubic yards of material or less are allowed on any lot for any purpose without zoning approval.
- b) Activities involving more than 50 cubic yards and up to 400 cubic yards of material require a zoning permit issued by the Zoning Enforcement Officer. Activities involving more than 400 cubic yards must conform to the requirements of this section.
- c) Activities required for the construction of foundations, driveways, septic systems and lot regrading associated with building construction for which a building permit has been issued involving no more than 1,200 cubic yards of material.
- d) Activities associated with land preparation for agricultural use involving no more than 2,000 cubic yards of material.
- e) Activities shown on a grading plan submitted with a site plan, special permit or subdivision application and approved by the Planning and Zoning Commission. In the case of a site plan or special permit, the Commission may require an as built progress plan after one year to determine that sufficient progress has been made. The Commission shall require surety for restoration of the entire site.
- f) Activities associated with the repair or alteration of an existing roadway or parking lot, or the installation and repair of public utility lines.
- g) Activities associated with the dredging, filling or alteration of a watercourse or water body provided that the Seymour Inland Wetlands Commission has approved such activities.

12.3 Application for Earthen Material Removal, Filling or Regrading.

12.3.1 *Site Plan Requirements.*

- a) The site plan shall be prepared at a preferred scale of one inch to 40 feet. The plan shall meet the standards of a Class A-2 survey and be prepared by a registered land surveyor. A professional engineer shall design storm water drainage, retaining walls and similar improvements.
- b) The site plan shall show as much of the following information as is applicable to or reasonably required by the proposed activity: property lines, existing and proposed structures, existing and proposed contours at two-foot intervals, grading limits, location and results of soil borings, location of wetlands and watercourses, stormwater drainage facilities, access or haul roads, areas for storage of equipment, fuel or other hazardous materials, and the location of any rock crusher or other processing machinery.

- c) The site plan shall include notations giving the following information: types of equipment to be used, estimates of the amount of material to be removed, hours of operation and acknowledgement that any blasting will conform to the Town's blasting ordinance.
- d) An erosion control plan as specified in these regulations shall be submitted either as a separate sheet or on the site plan.

12.3.2 *Standards.*

- a) Not more than five acres shall be disturbed at any one time. In general, the area of active excavation shall be no more than two acres, with the balance of the disturbed area to be used for ancillary operations such as stockpiling, storage of machinery, haul roads and the like.
- b) The access road shall be paved for a distance of at least 25 feet from a public road. There shall be the usual construction entrance at the end of the pavement.
- c) There shall be no excavation within 50 feet of any adjoining property line.
- d) The permit holder shall ensure that vehicles transporting earthen materials to and from the site are securely loaded to prevent spillage.
- e) Drainage facilities shall be provided to control the discharge of storm water on to adjacent property or streets. On-site detention may be required.
- f) The storage of hazardous materials and the fueling of vehicles shall take place on an impervious surface protected by a dike to contain spillage.
- g) The maximum hours of operation shall be from 7:00 a.m. to 5:00 p.m. on weekdays and from 8:00 a.m. to 12:00 noon on Saturday. There shall be no activity on Sundays or legal holidays.
- h) Any form of processing of materials such as rock crushing, screening or sifting is permitted only in an industrial or commercial zoning district. Processing machinery shall be located at least 300 feet from any property line. Acoustical and dust control measures shall be provided.

12.3.3 *Restoration.*

- a) No area of more than two acres shall remain in an undisturbed state for more than one year after excavation and/or filling to final grade has been completed as shown on the application. Restoration shall be started within this one-year period.
- b) Disturbed areas shall be evenly graded to a slope not exceeding one-foot vertical rise to each two feet of horizontal distance. This slope may be modified where exposed bedrock or other natural conditions make a steeper slope unavoidable, provided that the resulting slope is stable and safe.
- c) Disturbed areas shall be covered with a suitable planting media and seeded with a perennial grass. The area shall be maintained by the permit holder until the vegetative cover is established and there is no danger of erosion by wind or water. The entire area shall be free from debris and loose boulders.
- d) Restoration of the entire permit area shall have been either completed or started within one year after establishment of final grade. The performance bond required below shall not be released until the Board of Appeals has ruled that restoration is satisfactory.

12.4 Performance Bond. A performance bond shall be provided by the applicant in favor of the Town of Seymour. The bond shall be in an amount recommended by the Town Engineer and in a form acceptable to Town Counsel. The bond shall provide for site stabilization, restoration, erosion control and the completion of any other improvements required for public convenience and safety

12.5 Application. Application for a special permit for earth removal shall be made, advertised and processed in the same manner as any other application to the Zoning Board of Appeals, except that the

Board will make a good faith effort to notify abutting property owners of the public hearing on the initial application.

12.6 Duration of Permit/Renewal. A permit issued pursuant to this section shall be valid for a period of one year from the date of approval, and may be renewed for subsequent periods of one year. A public hearing shall be held on an application for renewal. An application for renewal shall include an updated site plan and a statement of the volume of material removed during the past year. An application for renewal shall be approved, provided that the Board finds that work done during the preceding year was in compliance with the permit.

13.0. - Signs.

13.1 General. It is the intent of this section to regulate the height and size and location of all signs in the Town of Seymour, and the character of such signs to the extent necessary to protect the public safety convenience and continuity. No sign shall be erected, moved or altered without first having obtained a zoning permit, except for those signs exempt from zoning approval as specified in this section. Signs not expressly permitted by this section are prohibited.

13.2 Definitions.

- a) *Sign*. Any object, device or display which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. A sign does not include any flag, pennant or insignia of any governmental unit, or any traffic or similar regulatory device or legal notice of any governmental unit.
- b) *Area of sign*. The entire visible face of a sign, which may consist of more than one side, including the advertising surface and any framing, trim or molding, but not including the supporting structure.
- c) *Detached sign*. A sign that is supported by beams or poles resting on the ground and is not attached to any building or structure.
- d) *Attached sign*. A sign that is attached directly to or projects from the wall of a building.
- e) *Banner*. A sign of a temporary nature made of a material such as cloth, vinyl, cardboard and the like.
- f) *Roof sign*. A sign that is attached to any part of the roof of a building.
- g) *Sandwich sign*. A portable, two sided sign, commonly shaped like an "A," resting on the ground and having a height of not more than 45 inches and a width of not more than 25 inches.

13.3 Prohibited Signs. The following signs are prohibited:

- a) Billboards and all other signs that do not identify advertise or otherwise directly relate to the property on which they are located, except for existing billboards as specified in Section 5.2. This section is further intended to prohibit such signs within a Town or State right-of-way or other Town of State property.
- b) *Hazardous Signs*. Signs that are either within or hang over a public or private street or right-of-way, including a sidewalk; that are located within ten feet of a street line in such a manner as to interfere with vehicular sight distance; that are otherwise located or maintained in a condition that is a hazard to pedestrians or vehicles.
- c) *Roof Signs*. Signs that are attached to the roof of a building except as may be allowed by special permit.
- d) *Animated Signs*. Signs that are flashing, revolving, oscillating, pulsating or otherwise animated. Standard time and temperature signs are permitted as well as electronic signs provided the changing display of an electronic sign remains for a period of at least five minutes.

- e) *Improperly Lighted Signs.* Signs that cast unshielded light directly upon an adjacent street or property.
- f) *Excessive Height.* Detached signs shall not exceed a height of 24 feet.
- g) [*Portable Sandwich Signs.*] Portable sandwich signs are prohibited; except in the CBD-1 District if they are located directly in front of the business served. Sandwich signs shall be removed during non-business hours and shall not interfere with vehicular sight lines or block pedestrian traffic.

13.4 Exempt Signs. The following signs are permitted in any zoning district and do not require a permit except as noted:

- a) Traffic control, street name or directional signs within a public or private right-of-way or on private property. Such signs shall be of a standard size and design. (See C22, Section 53.)
- b) Regulatory signs such as No Hunting or No Trespassing, and the like.
- c) Signs bearing the name and address of the property owner.
- d) Political signs to be removed immediately after the election.
- e) Contractor's Signs. One sign per contractor identifying the person or firm currently constructing or repairing a building, not to exceed 16 square feet.
- f) Temporary signs for public service, charity or similar events provided they are displayed for no more than 30 days prior to the event and removed within seven days after the event. Such signs shall pertain only to the event and shall contain no commercial message.
- g) For Sale or Rent Signs. One sign not to exceed six square feet advertising the sale or rental of land or buildings, provided it is located on the same premises or on private property with the consent of the owner.
- h) Subdivision Signs. Signs advertising or identifying lots for sale in an approved subdivision, limited to one sign per subdivision not to exceed 32 square feet. Signs identifying each lot by developer's lot number are also permitted.
- i) Repair and Maintenance. Operations that do not change the height, size, location or basic character of a sign including change of copy do not require zoning approval, but may require a building permit.
- j) Temporary banners provided they are approved by the Zoning Enforcement Officer and displayed for no more than 30 days.

13.5 Residential Districts. The following signs are permitted upon receipt of a zoning permit:

- a) *Home Occupation Signs.* Such sign shall be for the sole purpose of identifying a home occupation. It shall bear no advertising and not exceed an area of 2½ square feet.
- b) *Special Permit/Site Plan.* Signs associated with any use allowed by special permit or site plan approval are permitted. The location, number and size requirements for commercial/industrial districts as set forth below shall apply.

13.6 Commercial/Industrial Districts.

- a) Signs identifying and/or advertising for the principal use or uses on the lot are permitted. One detached sign for each building is permitted. The area of such sign shall be no more than 7.5 percent of the area of the front façade of the building, but shall not exceed 100 square feet. One attached sign for each business, service or tenant is allowed. A second such sign is permitted if the building fronts on or is clearly visible from a second street. The area of such sign shall not be greater than 7.5 percent of the area of the wall to which it is attached. Subordinate signs such as directory signs or entry signs are permitted provided that they are shown on a site plan approved by the Planning and Zoning Commission and are not otherwise prohibited in these regulations.

- b) No detached sign shall be located in a required side or rear yard that is adjacent to a residential zoning district.
- c) Banners or temporary signs of paper, cardboard, cloth or similar material advertising goods sold or services rendered are allowed in commercial or industrial districts without a zoning permit if they are located inside a building. If such signs are located outside a building, they are allowed for a period not to exceed 14 days if associated with a grand opening or similar event. A zoning permit is required for such exterior signs.
- d) Portable sandwich signs provided they are located directly in front of the business served and are removed during non-business hours and located so they do not block vehicular sight lines nor interfere with pedestrian traffic.

13.7 Nonconforming Signs. Signs lawfully existing at the time of enactment of this section and not conforming to its provisions shall be considered as nonconforming signs. A nonconforming sign shall not be changed as to height, size, location or basic character except in conformance with this section.

13.8 Special Permit Signs. Signs that do not meet the requirements of this section may be permitted by special permit granted by the Planning and Zoning Commission upon a finding that:

- a) The number, size, height and character of the requested sign(s) bear a reasonable relationship to the scale and characteristics of the associated use.
- b) The location does not present a hazard to public safety.
- c) The sign(s) do not cause an annoyance or nuisance to surrounding property.
- d) The resulting signage is not considered excessive or unattractive according to standards reasonably acceptable to the community.
- e) The resulting signage demonstrates compatibility, continuity and uniformity with existing signage in the vicinity.

13.9 Penalties. A person, firm or corporation violating the provisions of this section shall be subject to the fines established by Ordinance #2001(c), An Ordinance Establishing Procedures and Fines for Zoning Violations.

14.0. - Off-street parking and loading.

Off-street parking and loading for all uses shall be provided as specified in this section.

14.1 Design Standards.

- a) *Size.* Each individual parking space shall be at least nine feet by 18 feet.
- b) *Accessways.* Each parking space shall have direct access to a driveway or maneuvering lane. Accessways or driveways having no adjacent parking shall be at least 12 feet in width for each direction of traffic. The width of accessways having adjacent parking shall be at least 24 feet for 90 degree parking, 18 feet for 60 degree parking and 13 feet for 45 degree parking. Access to 60 degree and 45 degree parking shall be one-way.
- c) *Turning Radius.* Parking lots shall be designed to accommodate passenger vehicles. The turning radius of all driveways and maneuvering lanes shall be at least 24 feet.
- d) *Grade.* Driveways or accessways to parking areas for nonresidential uses, and parking areas for multifamily development, shall have a grade of ten percent or less. All parking areas for nonresidential uses, and for multifamily developments, having a capacity of more than five vehicles shall have a grade of five percent or less.
- e) *Traffic Islands.* Parking lots with four or more rows of parking shall contain islands to direct and control circulation.

14.2 Other Standards.

- a) *Paving/Drainage.* All parking lots having a capacity of more than eight spaces shall have a bituminous surface or an alternative, properly bound all weather surface acceptable to the Planning and Zoning Commission. Storm water shall not be permitted to drain on to adjacent property.
- b) *Lighting.* The circle of illumination of any outdoor lighting shall be confined to the parking area. Lights shall be shielded or directed so that the source of light is not directly visible from the street or surrounding property.
- c) *Marking.* Parking spaces in all lots except for dwellings of four families or less shall be marked with paint or otherwise individually delineated.
- d) *Buffer.* Parking lots in commercial or industrial districts that abut property in a residential district shall contain a suitable buffer of fencing, landscaping or other means to provide a reasonably opaque barrier at least eight feet high along the property line.
- e) *Use.* Parking lots shall be used for the short-term parking of vehicles of occupants, employees and patrons of the principal use. Storage of unused motor vehicles, trailers, boats, inventory, equipment and the like is prohibited.

14.3 Number of Spaces Required.

- a) *Dwellings.* Two spaces per dwelling unit.
- b) *Retail, Personal Services and Office.* 5.5 spaces per 1,000 square feet of floor space in actual use for the purpose. Storage areas, hallways, stairs and the like shall not be included for the purpose of calculating parking requirements.
- c) *Manufacturing.* One space for each 500 square feet of floor area.
- d) *Warehouse, Distribution, Wholesale and the Like.* One space for each 1,500 square feet of floor area.
- e) *Uses Having Fixed Seats.* One space for each four seats. This requirement may be based upon expected percent of occupancy rather than total seats if the applicant can supply reliable supporting data.
- f) *Eating/Drinking Places.* One space for each 75 feet of floor area used for eating or drinking. Area of kitchen, storage and the like shall be excluded for purposes of calculating parking requirements. Establishment involving mostly take out service shall provide at least five parking spaces per 1,000 square feet of gross floor area used for preparation and service of products.
- g) *Hotels/Motels.* One space for each guest unit.
- h) *Automotive Services.* One space for each employee plus one space of each service bay.
- i) *Business and Other Services.* One space for each employee plus visitor spaces.
- j) *Cultural, Entertainment and Recreational Uses.* One space for each four seats or service units. This may be based upon anticipated occupancy if reliable supporting data is provided, subject to the approval of the Zoning Officer.
- k) *Uses Not Specified.* As determined by the applicant based on an analysis of parking needs as related to the scale of the operation subject to the approval of the Zoning Officer. The Zoning Officer's decision may be appealed to the Planning and Zoning Commission.

14.4 Calculation of Parking Requirements. Parking requirements may be calculated based on gross floor area of the building as required for the principal use, or based on the sum of the floor area devoted to each function making up the principal use. For example, a building may contain special areas for such functions as office, retail sales, customer service, storage, warehouse or fabrication. The applicant may, with the approval of the Zoning Enforcement Officer calculate total parking requirements as the sum of the requirements for each function.

14.5 Joint Use. Properties containing multiple uses, under the same ownership or control may share parking for up to on half of the total required spaces upon a finding by the Planning and Zoning Commission that peak parking demand for the individual uses takes place at a different time.

14.6 Loading Space.

- a) One loading space shall be provided for each use requiring the delivery of goods by the truckload and having a floor area of 10,000 square feet or less. One additional loading space shall be provided for each additional 20,000 square feet of floor area, up to a maximum of four loading spaces.
- b) Loading spaces shall be at least ten feet by 40 feet. The turning radius of access lanes shall be designed to accommodate the types of vehicles to be used, but shall be at least 40 feet.
- c) Loading spaces shall not be used for any other purpose.

14.7 CBD-1 Exemption. The replacement of an existing use in an existing building in the CBD-1 Zoning District with another use having the same or a lesser parking requirement is exempt from providing new parking. Existing or new buildings within 300 feet of a municipal lot may include available space in such lots in meeting parking requirements with the approval of the Planning and Zoning Commission. The Planning and Zoning Commission may reduce the parking requirements for apartments for the elderly either owned or managed by the Seymour Housing Authority in the CBD-1 District to one space per apartment unit.

15.0. - Soil erosion and sediment control regulations.

15.1 Definitions.

- a) *Development*. Any activity on improved or unimproved real estate that removes or destroys its natural cover leaving the land subject to accelerated erosion.
- b) *Erosion*. The detachment and moving of soil or rock fragments by water, wind, ice or gravity.
- c) *Soil Erosion and Sediment Control Plan*. A scheme that minimizes soil erosion and sedimentation resulting from development, including, but not limited to, a narrative and map.

15.2 Application of Regulations.

- a) A soil erosion and sedimentation control plan shall be submitted with any development application when the disturbed area of such development is cumulatively more than one-half acre, as determined by the Zoning Enforcement Officer.
- b) A soil erosion and sedimentation control plan for a single-family dwelling that is not part of a subdivision is not required. A standard construction entrance and a filter fence and/or hay bales down slope from any disturbed area is required for all new construction.
- c) Stockpiling of earthen materials on any lot for any purpose shall be protected by a filter fence and/or hay bales.

15.3 Content of Soil Erosion and Sediment Control Plan.

- a) In general, a plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the site based on the best available technology. Such technology can be found in the Connecticut Guidelines for Soil Erosion and Sediment Control, latest edition. Alternative methods may be used if approved by the Planning and Zoning Commission or the Zoning Board of Appeals.
- b) The plan shall include but not be limited to a narrative and a site plan. The narrative shall include a description of the development; the schedule for grading and construction activities to include start and completion dates, sequence of grading and construction activities, sequence for installation of erosion control measures, and sequence for final site stabilization; and the design criteria, construction details, installation procedures, and operations and maintenance procedures for erosion control and storm water management facilities.

- c) The site plan shall be prepared by a professional engineer and/or land surveyor at a sufficient scale to show property lines, existing and proposed contours, wetlands, watercourses, existing and proposed structures, and the location and design details for all proposed erosion control and storm water management facilities

15.4 Standards. In general a soil erosion control plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and sedimentation. The minimum standards for individual erosion control measures shall be as specified in the latest edition of Connecticut Guidelines for Soil Erosion and Sediment Control. Determination of peak flow rates and volumes of runoff shall be taken from this same publication. The Planning and Zoning Commission or the Zoning Board of Appeals for sound technical reasons may grant exceptions from the standards of the Connecticut Guidelines.

15.5 Approval Conditions. The Planning and Zoning Commission or the Zoning Board of Appeals may require surety for the installation and maintenance of erosion control and/or storm water control measures shown on an erosion control plan. The Commission or Board may require periodic inspections of the development by itself or its agent to assure compliance with the plan, or the Commission or Board may require that the applicant perform periodic inspections and report the results.

16.0. - Flood Plain District.

16.1 Delineation. In general, the Flood Plain District includes all land subject to the 100-year flood that is or may be designated as Flood Zone A or any of its subcategories as shown on the Flood Insurance Rate Maps, Town of Seymour, prepared by the National Flood Insurance Program. The stream profiles shown in the latest Flood Insurance Study for the Town of Seymour together with the actual ground elevation as determined by a registered land surveyor shall control in determining the exact location of the boundaries of the Flood Plain District.

16.2 Standards.

- a) Standards for residential and nonresidential construction taking place within the Flood Plain District shall be as specified in Section 7-41 and Section 7-42, Flood Damage Prevention Ordinance, Town of Seymour.
- b) No construction, renovation, excavation, grading, filling or other activity shall result in an increase in the 100-year flood elevation at any point along the watercourse of more than one foot.
- c) Enclosed areas below the base flood elevation shall be used only for parking, building access or limited storage.

16.3 Application.

- a) An application for a zoning permit, site plan or special permit approval shall be submitted as required for the type of use as specified in Section 5. All applications including applications for administrative approval shall include a site plan prepared by a registered land surveyor that shows the limits of the Flood Plain District, basement and first floor elevations of existing or proposed buildings, and the elevation of the grade immediately adjacent to all buildings.
- b) If floodproof construction is required, the site plan shall contain a notation that certification by a registered architect or engineer that the design meets the floodproofing standards specified in Section 7-42 of the Flood Damage Prevention Ordinance shall be submitted to the Building Inspector.
- c) If there are to be enclosed areas below the base flood elevation, the site plan shall contain a notation that such areas will be designed to equalize hydrostatic pressure as specified in Section 7-42, Flood Damage Prevention Ordinance.
- d) All site plans shall contain a certification by a professional engineer that the plan will not result in an increase of more than one foot in the base flood elevation at any point along the watercourse. If any development is to be within a floodway, such certification shall state that the

development will not result in any increase in the base flood elevation at any point along the watercourse.

16.4 Approval. An application shall be approved by the Zoning Officer, Planning and Zoning Commission or Zoning Board of Appeals as the case may be upon a finding of compliance with this section and the requirements of the underlying zoning district.

16.5 Exemptions. The following are exempt from the provisions of this Section 16, but not the requirements of the underlying zoning district:

- a) Repairs or alterations of existing structures, the cost of which does not exceed 50 percent of the market value of the structure.
- b) Repairs necessary to correct a code violation.
- c) Alterations to an historic structure as defined in the Flood Damage Prevention Ordinance.

17.0. - Office Development District.

17.0[1] Purpose and Content.

- a) The purpose of this district is to allow the conversion of existing buildings and the construction of new buildings for use as business and professional offices under carefully controlled conditions. It is the finding of the Planning and Zoning Commission that such offices can co-exist in harmony with residential uses in selected areas and with proper conditions and safeguards.
- b) The Planning and Zoning Commission is hereby authorized to permit business and professional offices as a special permit use within an area designated as an office development district and constructed in accordance with an approved office development district plan.
- c) This section delineates the areas within which office development districts may be established by amendment to the zoning map, sets forth conditions and requirements for the approval of an office development district plan, states the procedures for applications for designation and plan approval and establishes methods of enforcement.

17.1 Definitions.

- a) *Office Development District.* An overlay district within which property may be developed or used either in accordance with the requirements of the underlying zoning district or in accordance with an approved office development district plan.
- b) *Office Development District Plan.* A plan prepared at a preferred scale of one inch equals 40 feet showing property lines, existing and proposed buildings and structures, floor plans, architectural elevations, and existing or proposed uses for each floor. The plan shall also show driveways, parking, fencing, landscaping, signs, lighting, utility areas, and proposed grading. A complete description of the proposed use shall be submitted to include the nature of the office, number of employees, hours of operation, delivery requirements and equipment or machines to be used.
- c) *Business and Professional Office.* Offices of persons engaged in business or the professions, including but not limited to medical and dental services; finance, insurance and real estate services; engineering, surveying, architectural and related services; computer software services; and other activities similar in nature to the foregoing. A business and professional office shall not include fabrication or assembly of goods for sale or distribution, retail sale or rental of items or the storage of vehicles or equipment intended primarily for off-site use.

17.2 Designation of Office Development District.

- a) Property that may be considered for designation as an office development district shall meet all of the following requirements:
 - 1) It shall be located within the R-18 Zoning District.

- 2) It shall not be located in subdivision approved by the Planning and Zoning Commission if the subdivision included the construction of a new road.
 - 3) It shall either have frontage on a State numbered highway or have frontage on a Town road that directly feeds a State highway and be located no more than 300 feet distant from the State highway.
- b) Parcels that are presently used for business or professional offices and have valid nonconforming status are eligible for designation as an office development district in accordance with this section regardless of location.

17.3 Office Development District Plan Standards.

- a) All buildings and structures resulting from either renovation or new construction shall be architecturally compatible with the surrounding neighborhood in terms of style, size, height and bulk.
- [b) Reserved.]
- c) For new construction the gross floor area devoted to office use shall not exceed 5,000 square feet. Renovated buildings may have up to 5,500 square feet of gross floor area for office use.
- d) Off-street parking shall be provided at the rate of one space for each 200 square feet of floor area actually used for office purposes, excluding stairways, storage areas and other such areas. A lesser amount will be acceptable only if it can be clearly shown that the plan will not result in employees, visitors or patrons parking on adjacent streets.
- e) Parking shall be prohibited in the required front yard. Parking is allowed in the required side and rear yards. All parking shall be screened from adjacent residential properties by fencing or landscaping.
- f) Off-site parking is permitted if it is on property under the same ownership or control as the principal site. It shall be subject to the same location and screening requirements as on-site parking. It shall be secured against unauthorized occupancy during non-business hours.
- g) One, unlighted sign identifying the occupants of the premises is allowed. It shall have an area of 32 square feet or less.
- h) There shall be no outside storage of materials, overnight parking of non-passenger vehicles, nor any other such evidence of a nonresidential use.
- i) All of the requirements of Section 6 of these regulations shall apply as well as any other applicable requirements of these regulations. If there is a conflict, this section shall prevail.

17.4 Application Procedures and Approval.

- a) An application for designation as an office development district shall be made in the same manner as an application for a change in the zoning map. The Commission shall make a good faith effort to notify abutting property owners of the public hearings.
- b) An application for approval of an office development district plan shall be submitted at the same time as the application for designation. The application shall consist of the special permit application form as supplied by the Planning and Zoning Commission together with the office development district plan.
- c) A public hearing on the application for designation and the application for approval of the office development district plan shall be held on the same date. Notice of hearing for designation shall be as required for a zone change, and notice of hearing for plan approval shall be as required for a special permit.
- d) The Commission shall act upon the application for designation within the time limits specified for a zone change, and the application for plan approval within the time limits for a special permit. Action on both applications shall take place on the same date, except that an area must be designated as an office development district before an office development district plan may be

approved. It is expressly stated herein that the Commission shall have the same legislative discretion in acting upon an application for designation that it has in acting upon any other application for an amendment to the zoning map.

17.5 Enforcement.

- a) Before any premises is used for business or professional offices, the owner or tenant shall have received written certification from the Zoning Enforcement Officer that the project as completed is in substantial compliance with the approved office development district plan.
- b) Any substantial change in an approved office development plan made without the approval of the Planning and Zoning Commission shall render both the plan and the designation null and void. The property may then be used only in accordance with the underlying zoning district. Substantial change shall specifically include an increase of more than five percent in the area of office use, any change in the building other than a cosmetic change and any change in the site plan that would directly affect surrounding property.
- c) The Zoning Officer may issue an order for correction if the premises are not maintained in accordance with the approved plan. The order shall state the condition to be corrected, the manner of correction and the time within which correction is to be made. The Zoning Officer may modify his order if he has been shown cause why the condition cannot be corrected in the manner or time set forth or if reasonable progress has been made. Appeal of any part of the order may be made to the Zoning Board of Appeals.
- d) If the premises is sold or is occupied by a new tenant, the new owner or tenant shall obtain written certification from the Zoning Officer that the new occupancy is in substantial compliance with the approved office development district plan before the premises is so occupied. If the Zoning Officer determines that the new occupancy is substantially different, then an amended office development district plan shall be approved by the Planning and Zoning Commission in the same manner as approval of the original plan. The Zoning Officer may determine that a new occupancy having less office space is in substantial compliance.
- e) If the office use is voluntarily discontinued or abandoned by the owner, the designation as an office development district and approval of the office development district plan shall become null and void. A change to any use other than that permitted by the office development district plan shall be considered as abandonment.

18.0. - Planned Development District.

18.0[1] Intent and Purpose. It is the intent and purpose of this section to encourage innovation and flexibility in the use of the remaining large tracts of land in Seymour by allowing a mixture of residential, recreational and community uses in a single zoning district. It is the finding of the Planning and Zoning Commission that such uses can exist in harmony with each other and surrounding residential areas with adequate conditions and safeguards. With proper planning, the Planned Development District will result in a more efficient utilization of land and the preservation of greater areas of open space than what would result from conventional development.

18.1 Definitions.

- a. *Planned Residential/Recreational Community.* A development consisting of an appropriate mix of detached and attached single-family dwellings, designed and intended for occupancy by persons 55 years of age or older, together with a major open space area which may be a golf course, designed and developed as a single, coordinated project. All residential dwellings and their occupants shall comply with the requirements of the "55 or over housing exemption" as set forth by the Fair Housing Amendments Act of 1988.
- b. *Specialized Housing for the Elderly.* Housing designed and intended for occupancy exclusively for the elderly or infirm such as nursing or convalescent homes, and congregate or assisted living facilities which offer supplementary services such as independent living units, on-site medical care and common dining.

18.2 Permitted Uses.

- 1) Any use permitted in the R-40 District as specified in Section 5 of these regulations.
- 2) Planned Residential/Recreational Community as defined in this section.
- 3) Specialized Housing for the Elderly as defined in this section.
- 4) Uses customarily incidental and subordinate to the above uses when located on the same lot. Uses accessory to a golf course shall include a clubhouse, which may contain a restaurant and banquet facility, pro shop, instruction programs, health and exercise facilities, swimming pool and tennis courts. Community buildings designed to provide for the physical or social needs of older persons are considered as accessory to a Planned Residential Community.

18.3 Development Standards.

18.3.1 *Conventional Single-Family Subdivision.* Single-family subdivisions shall be developed in accordance with the subdivision regulations of the Town of Seymour. The following shall apply:

- a) The number of lots permitted in subdivision shall be determined by dividing the adjusted tract area in square feet by 40,000. The adjusted tract area is the gross or total tract area minus the open space area required by (b) below, the area of public or private rights-of-way, the area of wetlands and the area of land having a slope of 20 percent or more that has not been designated as open space.
- b) At least 25 percent of the gross parcel area shall be dedicated as permanent open space.
- c) Individual lot size, area, setback and other requirements shall conform to the standards of the R-40 Zoning District.
- d) Cluster subdivisions as specified in Section 11 of these zoning regulations are not permitted in the Planned Development District.

18.3.2. *Planned Residential/Recreational Community.*

- a) *Required Open Space.* At least 30 percent of the total parcel area shall be reserved as permanent open space, which may be a golf course or other land which meets the definition of open space as set forth in Section 12-107b, C.G.S.
- b) *Density.* Required parcel area per dwelling unit shall be as follows:
 - 21,430 square feet for the first 25 acres or part thereof.
 - 35,700 square feet for any parcel area between 25 and 50 acres.
 - 57,100 square feet for parcel area in excess of 50 acres.

This section is intended in part to limit the development of very large parcels to a scale appropriate for the Town of Seymour. It shall not be used to allow a parcel to be divided into 25-acre portions by either a present or subsequent owner so that maximum density will result. The Commission shall consider this intent when evaluating a request for a map change to PDD. The permitted density of any parcel subsequently changed to PDD shall be based on the area of the parcel as it exists as of the effective date of this regulation. (6-1-03)

The above sliding scale of density requirements shall apply only to dwelling units containing a single master bedroom and a second subsidiary bedroom. Dwelling units containing two bedrooms of equal or nearly equal size or more than two bedrooms shall be required to have at least 57,100 square feet of parcel area regardless of total parcel area.

- c) *Buildings.* Either detached or attached single-family dwellings are permitted. No single structure shall contain more than four dwelling units, and no dwelling unit shall be located above another dwelling unit. At least 60 percent of the total number of dwelling units shall

be in detached, single-family units. No more than 25 percent of the total number of dwelling units shall be in buildings containing four dwelling units.

- d) *Buffers.* Land dedicated for open space purposes as defined in this section shall be located along the entire perimeter of the parcel area for a depth of at least 100 feet, except that the following shall apply:
1. A golf course fairway may be located within this 100-foot buffer area; however, tees, greens and any parking associated with the golf course shall be set back at least 100 feet from the perimeter of the project area wherever such perimeter abuts a residential property.
 2. The golf course clubhouse shall be set back at least 300 feet from the perimeter of the project area. Any other principal building shall be set back at least 100 feet from the perimeter of the project area.

Buffer area may be included in calculation of required open space. Landscaping as described in Section 9.3.4 b) of these regulations shall be required in the buffer area if it has been disturbed during construction.

- e) *Setbacks.* Principal and accessory buildings shall meet the following setbacks:
- Front: 30 feet from edge of roadway.
- Side: 30 feet between buildings or a distance equal to the height of the tallest building, whichever is greater.
- Rear: 60 feet between buildings.
- f) *Private yards.* Each dwelling unit shall have at least 400 contiguous square feet of private yard for its exclusive use.
- g) *Interior Roadways.* All interior roadways shall be constructed to the standards specified in Section 4.5.2, Figure 1, of the subdivision regulations, except for width of pavement and right-of-way. Roadways shall have a paved travel lane at least 12 feet in width for each direction of travel. Horizontal and vertical alignment shall be based on design speed and sound engineering practice, but in no event shall the horizontal curve radius at the centerline be less than 35 feet. The maximum road grade shall be 12 percent except that grades of up to 14 percent may be permitted for distances of 100 feet or less.
- h) *Roadway Ownership and Maintenance.* All interior roadways shall remain private in perpetuity, and town maintenance services shall stop at the perimeter boundaries of the project. The owner shall, by formal agreement with the Board of Selectmen, agree to keep all roadways open and passable at all times for town emergency services such as police, fire, and ambulance.
- i) *Utilities.* The community shall be served by the municipal sanitary sewer system and a public water supply. Electric power, telephone, and similar utility lines shall be underground.
- j) *Access.* Each group of 50 or more dwelling units shall have a secondary accessway to a town road in addition to the principal accessway. The second access may be for emergency use only.
- k) *Signs.* The following signs are permitted:
1. One freestanding sign, not to exceed 20 square feet, identifying the development at each entrance onto town roads.
 2. One sign per building, not to exceed five square feet, identifying internal community uses.

3. Golf course and clubhouse signs, not to exceed ten square feet, at internal road entrances.
4. Street name and directional signs as required. All other signs are prohibited.

18.3.3 *Specialized Housing for the Elderly.* Development standards for specialized housing for the elderly are as specified in Section 10.1.5 of these zoning regulations, except that the following open space, density and setback requirements shall apply:

- a) At least 25 percent of the total parcel area shall be dedicated as permanent open space. The density standards set forth in b) and c) below shall be based on parcel area after deducting 25 percent for required open space.
- b) At least 5,000 square feet of parcel area shall be provided for each bed in a nursing home, convalescent home or similar building.
- c) At least 12,500 square feet of lot area shall be provided for each complete dwelling unit in a congregate living, assisted living or similar facility.
- d) Principal buildings shall be set back at least 100 feet from the perimeter of the project area where such perimeter abuts a residential lot.

18.4 Application Procedures and Requirements.

18.4.1 *Planned Residential/Recreational Community.*

1. *Composite Development Plan.* A composite development plan illustrating the proposed development of the entire tract shall be submitted to the Planning and Zoning Commission for its review. The plan shall illustrate the basic elements of the development such as number and location of dwelling units, circulation and parking, golf course layout or location and character of alternate open space, location and character of community buildings and other accessory uses. The plan shall be of a sufficient scale and degree of detail for the Planning and Zoning Commission to evaluate the above elements.
2. *Supporting Plans and Studies.* The following plans and studies shall be submitted with the Composite Development Plan:
 - a) Conceptual architectural elevations and floor plans of all buildings.
 - b) A description of the home owner's association or other organization that will be responsible for providing long term maintenance of roads, maintenance of any land in common interest ownership and provision on any community facilities or services designed to meet the physical and social needs of those ages 55 or older.
 - c) Narrative describing qualification as 55 or older housing exemption under the Fair Housing Amendments Act of 1988 and age verification procedures.
 - d) An environmental impact study including such topics as the effect of the proposed development on the wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to protect surface and ground waters, to facilitate drainage and to retain nutrients and control sediment.
 - e) A traffic analysis evaluating the adequacy of existing roadways to serve the proposed development, including intersection capacity. If a drop in level of service or any other traffic problem is projected to result from the development, this report shall include a description of the manner in which this problem is to be corrected.
 - f) A phasing plan and tentative construction time table shall be submitted if the development is to be constructed in more than one phase. Phase boundaries shall be shown on the composite development plan.
3. *Action on a Composite Development Plan.* The Planning and Zoning Commission may approve, modify and approve or disapprove the Composite Development Plan. Any

approval represents the Commission's acceptance of the basic elements of the Plan, but does not constitute final zoning approval.

4. *Site Plan Approval.* An application for site plan approval of either the entire project or an individual phase as the case may be shall be submitted as specified in Section 9 of these regulations. Where there is a conflict between the requirements of Section 9 and this section, the requirements of this section shall apply. It is recognized that minor changes may be necessary following detailed project planning; however, no site plan shall be approved unless it conforms to the Composite Development Plan as approved or modified and approved with respect to its basic elements as set forth above. Site Plan approval shall represent final zoning approval.

18.4.2 *Specialized Housing: for the Elderly.* An application for site plan approval as specified in Section 9 of these regulations shall be submitted. Where there is a conflict between the requirements of Section 9 and this section, the requirements of this section shall apply.

18.4.3 Other Permitted Uses. Application procedures for other permitted uses shall be as required by the zoning and subdivision regulations.

19.0. - Zoning Board of Appeals.

19.1 Establishment. There shall be a Zoning Board of Appeals consisting of five regular members and three alternate members established pursuant to Section 8-5, C.G.S.

19.2 Powers and Duties. The Zoning Board of Appeals shall have the following powers and duties:

- a) To hear and decide upon appeals from any order, requirement or decision made by the Zoning Enforcement Officer, Assistant Zoning Enforcement Officer or Planning and Zoning Commission acting as the Zoning Enforcement Officer.
- b) To determine and vary the application of the zoning regulations in harmony with their general purpose 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 effecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of the zoning regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
- c) To hear and decide on all applications for site plan and/or special permit approval as specified in Section 5 of these regulations.
- d) To grant approval of location of a license for dealing in or repairing motor vehicles pursuant to Section 14-54 and Section 14-55, C.G.S.
- e) To grant approval of location for the sale of gasoline and associated products pursuant to Section 14-321 and Section 14-322, C.G.S.

19.3 Standards.

- a) Applications for site plan and/or special permit approval shall meet the standards specified in Sections 9 and 10 of these regulations.
- b) Applications for approval of location pursuant to Section 19.1 d) and Section 19.1 e) above require a site plan prepared by a registered land surveyor showing at least property lines, existing and proposed structures, driveways, parking and any other information that the Board may reasonably require to properly evaluate the application.
- c) Any application that proposes the establishment of a new lot of record requires an A-2 survey of each lot to be established, and a separate application for each lot. If approved, the survey of each lot shall be filed on the land records.
- d) The Board may require an A-2 survey for an application for a yard or setback variance if the exact location of a property line is critical.

- e) An application for a variance of lot size, area, width, or frontage or an application for a yard or setback variance may be granted by the Board upon a finding that the request is similar to conditions prevailing in the neighborhood and a valid hardship exists.
- f) Uses specifically prohibited by Section 5.1.3 may not be allowed by variance in any zoning district. Uses allowed in one zoning district may be permitted by variance in another zoning district upon referral of the application to the Planning and Zoning Commission and a finding by the Commission that the use change is not tantamount to a change in the zoning regulations or map, and is not contradictory to the comprehensive zoning plan.

19.4 Procedures.

- a) Applications shall be submitted on a form provided by the Board together with any required plans or documents at least 21 days before the meeting at which the application is to be considered.
- b) All applications to the Board require a public hearing. Notice and conduct of all hearings are to be as prescribed by Statute.
- c) An appeal of a decision, order or requirement as specified in Section 19.1 a) shall be made within 30 days of its receipt by filing an application to the Board on the form provided. A copy of the decision, order or requirement appealed from shall be submitted with the application. The Board may reverse or affirm, totally or partly, or may modify any such decision, order or requirement.
- d) The affirmative vote of at least four members shall be required to approve any application or appeal to come before the Board except that approval of location will require only a majority vote.
- e) All approved variances shall be filed on the land records by the applicant on a form provided by the Board before they become effective.

20.0. - Enforcement.

- a) These regulations shall be enforced by a Zoning Enforcement Officer who shall be appointed by formal vote of the Planning and Zoning Commission. The Planning and Zoning Commission may appoint an individual hired for this purpose, a qualified Town employee, or the Planning and Zoning Commission itself as the Zoning Enforcement Officer. An Assistant Zoning Enforcement Officer may be appointed as needed. The Zoning Enforcement Officer shall serve under the direction of the Planning and Zoning Commission and shall have the powers and duties specified by Sections 8-12 and 8-12a C.G.S., and by these regulations. The Zoning Enforcement Officer may be removed by the Planning and Zoning Commission for just cause.
- b) No new buildings or structures, additions to existing buildings, excavation or filling of land, or change in the use of land or buildings shall be undertaken until either a zoning permit has been issued or site plan or special permit approval has been given. Site plan and special permit approval shall be given pursuant to Section 9 and Section 10 of these regulations. The Zoning Officer may issue a zoning permit for any use allowed by administrative approval as specified in Section 5.0, except that no zoning permit may be issued for a parcel that does not have frontage on an approved Town or State road or a public street as defined herein.
- c) No certificate of occupancy required for a new building or additions or renovations to existing buildings shall be issued until it is certified in writing by the Zoning Enforcement Officer that such building, renovations or additions are in compliance with the zoning regulations. In the case of site plan or special permit approval, such certification shall state that the project as completed is in substantial compliance with the approved plan. An A-2 Survey shall be required for new buildings and substantial additions to existing buildings before a certificate of occupancy is authorized. The survey shall show all substantial improvements.
- d) The Zoning Enforcement Officer shall make an effort to investigate all complaints of violations of these regulations except that preference will be given to written, signed complaints. The Zoning

Enforcement Officer shall make a good faith effort to report all enforcement actions to the Planning and Zoning Commission. The Zoning Enforcement Officer may discuss a complaint with the Planning and Zoning Commission and receive direction from the Commission before taking an enforcement action.

- e) The Planning and Zoning Commission may adopt such forms, fees, and procedures deemed necessary to effectively and fairly enforce and administer these regulations. In the case of a site plan or special permit, the applicant may be required to pay for the cost of special studies such as traffic, geo technical engineering, drainage and the like.
- f) Any person, firm or corporation found to be in violation of these regulations shall be subject to the remedies and penalties prescribed by the Connecticut General Statutes.
- g) The plot plan submitted with an application for a zoning permit for a single- or two-family dwelling shall be an A-2 survey. The Zoning Officer may require an A-2 survey for an addition or an accessory building if there is a question of meeting required setback or lot coverage.

21.0. - Aquifer Protection District AQ.

The following shall apply immediately after the effective date of aquifer protection regulations adopted by the Aquifer Protection Agency:

If any portion of a parcel of land is located within the Aquifer Protection District, no zoning permit shall be issued for such land unless an application has been made to the Aquifer Protection Agency or its Agent, and a permit has been issued for any activity regulated by the Agency, or a finding has been made that the application does not include a regulated activity.

22.0. - Amendments.

- a) These regulations and the boundaries of the zoning districts established hereunder may be from time to time amended in accordance with the provisions of this section and the provisions of Chapter 124, C.G.S. Applications for zoning amendments shall be accompanied by a filing fee as established by the Planning and Zoning Commission.
- b) An application for a change in the text of the regulations shall include a letter of application explaining the reason for the proposed change and a copy of the proposed text amendment.
- c) An application for a change in the zoning map shall include a letter of application signed by the property owner or his authorized agent together with a map at a sufficient scale to accurately show the boundaries of the proposed zone change. Such boundaries shall either follow property lines or be referenced by dimension from a street or other identifiable point on the zoning map.
- d) An applicant for a change in the zoning map shall either own or have a written option to purchase all of the land included in the proposed change. The Commission may accept an application that includes land not owned by the applicant if the written approval of each of the other owners is submitted. These ownership requirements shall not apply to a zone map change proposed by the Planning and Zoning Commission. If a zone map change is proposed by the Planning and Zoning Commission and does not constitute a general or town wide revision of the zoning map, the Commission will make a good faith effort to notify all of the owners of land in the proposed zone change.

23.0. - Mixed Use District MD.

23.1 Intent and Purpose. The intent of this section is to provide flexibility to traditional zoning practice. Experience has shown that some development proposals have much merit, but may not be able to conform to the letter of the zoning requirements of any zoning district. The purpose of this section is to permit such development with proper conditions and safeguards provided such proposal conforms to the Plan of Conservation and Development. An applicant shall prepare a detailed project development plan as described herein in support of a request to establish a mixed use district and demonstrate compliance with the intent and purpose of this section.

23.2 Location. The mixed use district is a floating zone that may be established within the GI-2, LI-1, C-2, RC-3 and CBD-1 Zoning Districts.

23.3 Permitted Uses.

- 1) Any use allowed in the GI-2, U-1, C-2 and CBD-1 Zoning Districts except as stated below and as qualified by Section 4.0.
- 2) Uses permitted in the MF District are allowed, except for detached single- or two-family dwellings on individual lots, provided they are combined with a nonresidential use.
- 3) The following uses are not permitted:
 - Detached single-family dwellings on individual lots.
 - Mobile Homes/Trailers.
 - Fuel and Heating Oil Bulk Storage.
 - Mining and Processing of Earthen Material.
 - Earth Removal not as a part of site preparation.
 - Those uses prohibited by Section 5.1 c).

23.4 Zoning Requirements.

1. Except for permitted uses, zoning requirements shall conform to the body of the zoning regulations, but may be modified as necessary by the project development plan.
2. The property shall be served by a public water supply.
3. Proposed uses shall reflect the comprehensive zoning plan and the manner in which the several classes of land use are distributed throughout the Town. If the project borders a residential district, the proposed uses and their location on the site shall promote an acceptable transition between potentially incompatible uses.
4. Architectural design shall be of superior quality and aesthetically pleasing. The structures and their location on the site shall blend in with the surrounding neighborhood. Building setbacks shall not deprive the surrounding properties of adequate light and air. The total floor area of all buildings shall not exceed 65 percent of total parcel area.
5. The project shall not cause undue congestion on adjacent streets or result in obvious traffic safety issues. Particular attention shall be paid to the capacity of nearby intersections.
6. The project shall not result in significant harm to the environment with respect to air quality, flooding, wetlands degradation, water quality and the like.
7. The Fire Department shall certify that adequate fire protection can be provided with respect to access to structures and building height.
8. Signage shall generally conform to the requirements of Section 13 of these regulations except such modifications as may be deemed necessary for the success of the project, shown on the site plan and in good taste as determined by the Planning and Zoning Commission during the review process.
9. Parking provided for retail use shall be at least 2.5 spaces for each 1,000 square feet or retail sales area.

23.5 Contents of Project Development Plan.

- 1) A detailed statement of all uses, including accessory uses, proposed for the project.
- 2) A plot plan as described in Section 9.3.3 of these regulations.

- 3) Preliminary architectural plans including generalized floor plans, exterior elevations and complete description of exterior finish materials.
- 4) A graphic description of all signage, such signage to be shown on the plot plan.
- 5) A complete engineering report, including but not limited to storm drainage, flood potential, grading requirements including volumes, geotechnical data as appropriate, water supply details, sanitary sewer details, analysis of septic system, landscaping, lighting and construction details.
- 6) A traffic study to include such topics as traffic volumes, pavement width, intersection capacity, safety considerations, pedestrian circulation, sight distances and any proposed street improvements.
- 7) An environmental assessment to include, at least, the effect on wetlands and watercourses, flooding potential, air quality, ground water and on wild life if appropriate.
- 8) An analysis of parking requirements.
- 9) A statement of compliance with the Plan of Conservation and Development.
- 10) The Planning and Zoning Commission may request an independent review of the technical aspects of any of the above. The applicant shall pay the cost of such review.

23.[6] Procedure for Establishing a Mixed Use District.

1. The establishment of a Mixed Use District requires a change in the zoning map and concurrent approval of the project development plan.
2. A preliminary project development plan as described in this section shall be submitted to the Planning and Zoning Commission for informal review and discussion. Following this review the applicant may submit an application for a change in the zoning map.
3. Application for a change in the zoning map shall be made in accordance with the requirements of Section 22 of these regulations, except that the project development plan shall be submitted at the same time as the zone change application. The letter of application for the zone change shall state that it is the intent that the area of the zone change if approved will be developed only in accordance with the approved or amended project development plan. The Planning and Zoning Commission shall have the same legislative discretion in acting upon a mixed use zone change that it has in acting upon any other zone change.
4. A public hearing on the zone change application shall be held in the usual manner, except that the project development plan shall be presented at the hearing to support the zone change application. Public comment on the project development plan shall be accepted at this hearing. The Commission may either close or continue the hearing at its discretion.
5. Following the public hearing, the applicant shall make any changes in the project development plan as deemed necessary. If changes are substantial the Planning and Zoning Commission may hold a new hearing or hear evidence at a continued hearing.
6. The Commission may either approve the project development plan as presented or with modifications, or it may deny it if the project development plan does not meet all of the requirements of this section.
7. The zone change application may be approved only after approval of the project development plan. The motion approving the zone change shall state that approval is given with the understanding that the area of the zone change is to be developed in full compliance with the approved project development plan, and that no certificate of occupancy will be authorized without such full compliance.
8. A zoning start permit shall be issued upon final review and approval of the site plan submitted with the project development plan together with such supporting documentation as may be required by the Commission.

9. The Commission may require surety for the completion of any off-site public improvements required by the project development plan, long-term maintenance of the septic system, or of any site improvement that would be a threat to public safety if not completed.
10. The project development plan may be amended, but such amendments shall comply with the requirements of this section. If the change is minor, it may be approved administratively. If it is a substantial change, it may be approved by the Commission. The Zoning Enforcement Officer may seek a ruling from the Commission on the question of a minor or substantial amendment.
11. If the initial development as approved is discontinued, abandoned or phased out in any manner the mixed use designation shall remain in effect, but future development shall conform to either the original project development plan or a revised project development plan as approved by the Commission.
12. The Commission shall charge a fee for an application for a mixed use district. This fee shall be based on the fee for a change in the zoning map, zone text change and site plan review.

24.0. - Validity.

If any section, paragraph, sub-section, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, sub-section, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

25.0. - Effective date.

These regulations shall become effective on August 17, 2000.

All other zoning regulations of the Town of Seymour are hereby repealed as of said effective date.