CHESHIRE, CONNECTICUT

ZONING REGULATIONS

Adopted April 8, 1970
Effective April 24, 1970 – 12:01 a.m.

Section 12-7. Land use agencies' fees.

(a) The following schedule of fees shall pertain to the processing of applications by the Planning and Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands and Watercourses Commission, and the Aquifer Protection Agency:

(1) As to the Planning and Zoning Commission:

Affordable housing	$ 175.00 Special Permit $ 50.00 per unit fee $ 50.00 per each 100 linear feet of road
Cluster subdivision	$ 300.00 base fee $ 175.00 Special Permit $ 100.00 per lot $ 50.00 per each 100 linear feet of road
Certificate of location approval for motor vehicle dealer or gasoline station	$ 100.00
Earth removal, filling, and regrading	$ 500.00
Interchange zone	$ 300.00
Planned residential development (Sec. 43.1 - 43.7)	$ 300.00 base fee $ 175.00 Special Permit fee $ 50.00 per unit fee $ 50.00 per each 100 linear feet of road
Site plan—residential	$ 150.00
Site plan—Commercial/Industrial	$250.00 plus additions or new buildings of 5,000 square feet or greater shall add an additional fee of $.05 per square foot of addition or building
Special design district (S.D.D.)	$ 300.00
Special permit—residential	$ 175.00
Special permit— Commercial/Industrial	$ 300.00 plus additions or new buildings of 5,000 square feet or greater shall add an additional fee of $.05 per square foot of addition or building
Subdivision/resubdivision	$ 250.00 base fee $ 100.00 per lot $ 50.00 per each 100 linear feet of road
Temporary sign--registered	$ 15.00
Petition to amend the Subdivision Regulations	$ 500.00
Petition to amend the Zoning Map	$ 500.00
Petition to amend the Zoning Regulations	$ 500.00
Zoning permit	$ 50.00
Public hearing	$ 175.00
Public hearing continuance	$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the application.	Actual amount paid by the Town

(2) As to the Zoning Board of Appeals:

Variance--Residential	$ 75.00
Variance— Commercial/Industrial	$ 150.00
Appeal of zoning enforcement order	$ 100.00
Public hearing	$ 175.00
Public hearing continuance	$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the application.	Actual amount paid by the Town

(4) As to the Aquifer Protection Agency:

New Registration	$ 100.00
Registration for a vacant site/inactive activity	$ 100.00
Renewal of an existing registration	$ 100.00
Modification of an existing registration	$ 100.00
Add a regulated activity to a registered facility	$ 100.00
Renewal of an existing permit	$ 100.00
Modification of an existing permit	$ 100.00
Public hearing	$ 175.00
Public hearing continuance	$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the registration or permit application.	Actual amount paid by the Town

(b) Miscellaneous provisions.

Adopted April 8, 1970
Effective April 24, 1970 – 12:01 a.m.
Reprinted November 1973
Reprinted as Amended July, 1974
Reprinted as Amended November, 1974
Reprinted as Amended July, 1975
Amended September 1, 1975
Reprinted as Amended July, 1976
Effective July 30, 1976

(Section 44 was deleted in its entirety. [Sections 44.2, 44.2.1, 44.2.2, 44.2.3, entitled "Additional Planned Commercial Districts", were deleted by Commission action of June 28, 1976; effective July 1, 1976.])

Reprinted as Amended September, 1977

(Including Cluster Section, Effective October 14, 1977)

Amended, Effective October 28, 1977
Amended, Effective through January 26, 1979
Reprinted as Amended March, 1979
Amended June 29, 1979
Amended August 31, 1979
Amended September 17, 1979
Amended November 2, 1979
Amended March 28, 1980
Reprinted as Amended May, 1980
Amended August 1, 1980 (Section 43.6, Sheltered Care Facility)
Amended September 26, 1980
Amended December 19, 1980
Amended February 27, 1981
Amended June 26, 1981
Amended October 30, 1981
Reprinted as Amended November, 1981
Amended January 28, 1983
Reprinted as Amended July, 1983
Amended October 1983 (Section 47, Aquifer Protection)
Amended December 30, 1983
Amended February 3, 1984
Amended March 2, 1984
Amended June 29, 1984
Amended August 27, 1984
Amended September 1984
Amended October 1984
Amended November 1984
Amended December 1984
Amended March 1985
Amended May 1985 (Section 48, Interchange Zone Regulation)
Amended July 1985 (Section 49, Soil Erosion & Sediment Control)
Amended August 30, 1985
Amended September 27, 1985
Amended December 6, 1985
Amended May 27, 1986
Amended August 29, 1986
Amended February 27, 1987
Amended March 27, 1987

Amended December 24, 1987
Amended January 29, 1988
Amended April 25, 1988
Amended May 27, 1988

Amended September 26, 1988
Amended January 24, 1989
Amended May 22, 1989
Amended July 24, 1989
Amended September 25, 1989
Amended October 23, 1989
Reprinted as Amended November, 1989
Amended December 13, 1989
Amended May 29, 1990
Reprinted as Amended January, 1991
Amended January 28, 1991
Amended April 22, 1991
Amended November 23, 1992
Amended February 1, 1993, Effective February 5, 1993
(Adopted Section 44, Planned Residential Subdivision Development)
Amended May 28, 1993
Amended July 2, 1993
Reprinted September 1993
Amended January 24, 1994, Effective January 28, 1994
(Section 47 – Aquifer Protection)
Reprinted January 1994
Reprinted May 1994
Amended July 25, 1994, Effective July 29, 1994
Reprinted September 1994
Amended September 26, 1994, Effective September 30, 1994
Amended February 27, 1995, Effective March 3, 1995
Amended March 27, 1995, Effective March 31, 1995
Reprinted April 1995
Reprinted July 1995
Reprinted September 1995
Amended September 25, 1995, Effective September 29, 1995 at 12:01 a.m.
(Section 48 Interchange Zone)
Amended October 23, 1995, Effective October 27, 1995 at 12:01 a.m.
(Section 46 and Section 30, Schedule A, Permitted Uses 5f., In-Law Apt. Renewals)
Amended November 27, 1995, Effective December 1, 1995 at 12:01 a.m.
(Enhanced Notice Requirements. Added Section 26.)
Reprinted December 1995
Reprinted January 1996
Amended March 11, 1996, Effective March 15, 1996 at 12:01 a.m.
(Section 44A, Omnibus Affordable Housing Regulation)
Amended April 22, 1996, Effective April 26, 1996-Sec.30, Schedule A, Permitted Uses, # 21(Convalescent homes-Added Assisted Living Residential Facilities)
Amended April 22, 1996, Effective April 26, 1996,
(Section 23,“Definitions” Assisted Living Residential Facility)
Amended April 22, 1996, Effective April 26, 1996,
(Section 30, Schedule A, Permitted Uses, #73,Added Hair and Beauty Salons, Including Barber Shops)

Amended May 28, 1996, Effective June 7, 1996,
(Section 30, Schedule A, Permitted Uses, #74, Adult Entertainment Regulation and To add to Section 23 "Definitions")
Reprinted September 1996
Amended October 28, 1996, Effective November 1, 1996 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses: To add 19b- Municipal Buildings & Uses of the Town of Cheshire and other governmental uses.)
Amended November 25, 1996, Effective December 6, 1996 at 12:01 a.m.
(Section 43.7.7d-Design Standards (i) square footage)
Reprinted as Amended January 1997
Amended February 3, 1997, Effective February 7, 1997 at 12:01 a.m.
(Section 44A-Omnibus affordable Housing Regulation 44A.7.6B and
Section 30, Schedule A, Permitted Uses Paragraph 14-Child Day Care Centers & Nursery Schools)
Amended March 24, 1997, Effective March 28, 1997 at 12:01 a.m.
(Section 43.7.2 and 43.7.7d) (ii)
Reprinted May 1997
Amended June 23, 1997; Effective June 27, 1997 at 12:01 a.m. (Section 24)
Reprinted August 1997
Reprinted November 1997
Amended December 15, 1997, Effective December 19, 1997 at 12:01 a.m.
(Zone Text Change Petition-Section 30 Schedule A, #2 &3b-to delete industrial from text in #2 and delete 3b entirely)
Reprinted January 1998
Amended March 23, 1998, Effective March 27, 1998 at 12:01 a.m.
(Zone Text Change Petition-Section 30 Schedule A, #2 & 3b) and
(Section 43.7 Subparagraph 3, Assisted Personal Care Living Units) and
(Section 43.7 Subparagraph 4, Skilled Nursing Facility)
Amended April 27, 1998, Effective May 1,1998 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses: #75 Pet Grooming)
(Section 43.7.7, Design Standards, and Planned Community Designed Exclusively for Occupancy by Elderly Persons: a (i) (ii) (iii) (iv))
(Section 44.4, the first paragraph of Section 44.5, and Appendix B Affordable
Housing Restrictive Covenant.)
Amended May 26, 1998, Effective May 29, 1998
(Section 44A.10.1, General Design Standards for all Affordable Housing Developments and Section 44A.10.6, Parking)
Amended and Reprinted, May, 1998
Amended June 22, 1998, Effective June 26, 1998
(Section 42.2.1, Cluster Subdivisions and Section 42.3.9, Recreational Facilities)
Reprinted October 1998
Amended November 23,1998, Effective November 27, 1998 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses #21)
Reprinted January 1999
Amended February 22, 1999, Effective February 26, 1999 at 12:01 a.m.
Zone Map Change/Knotter Drive & Marion Road, R-40 to I-2
Reprinted September 1999
Amended December 13, 1999, Effective December 17, 1999 at 12:01 a.m.
(Section 23, Definitions and Section 33.1.12 and Section 33.4)
Reprinted January 2000
Reprinted April 2000

Amended April 24, 2000, Effective April 28, 2000 at 12:01 a.m.
(Section 42.3.6 Walkways)
Amended September 25, 2000, Effective September 29, 2000 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses 5c, [in-law apartment] and Section 35 and 36, [take out service])
Reprinted October – 2000
Amended October 23, 2000, Effective October 27, 2000 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses, to add #76 Tag Sales and its definition)
Amended October 23, 2000, Effective October 27, 2000 at 12:01 a.m.
(Zone Map Change R-40 to R-20A, 666 & 678 South Main Street)
Reprinted February 2001
Amended March 26, 2001, Effective March 30, 2001 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses, # 57 Golf Driving Ranges, add to definition)
Reprinted June 2001
Amended and adopted June 25, 2001, Effective June 29, 2001 at 12:01 a.m.
(Section 34, Signs, New Section 34 to replace existing)
Reprinted July 2001
Amended October 24, 2001, Effective November 2, 2001 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses 3B Mix of Dwelling Units & Office Units) & Zone Map Change (I-2 to R-40, 1524 Marion Road)
Amended December 12, 2001, Effective December 21, 2001 at 12:01 a.m.
(Section 40.7, As-Built Survey and Certificate of Occupancy, Special Permit)
(Section 41.4, As-Built Survey and Certificate of Occupancy, Site Plan)
Reprinted December 2001
Adopted March 25, 2002, Effective March 29, 2002 at 12:01 a.m.
(Section 43.4, Age Restricted Planned Residential Development, new definition in Section 23 and new paragraph 6C to section 30, Schedule A, Permitted Uses)
Amended March 25, 2002, Effective March 29, 2002 at 12:01 a.m.
(Section 46.1, Area of Applicability and Section 46.3, Definitions)
(Zone Map Change, R-80 to R-20, 88 Larson Avenue)
Reprinted April 2002
Reprinted June 2002
Amended June 24, 2002, Effective June 28, 2002 at 12:01 a.m.
(Zone Map Change, R-80 to R-20, 100 Larson Avenue)
Amended September 30, 2002, Effective October 4, 2002 at 12:01 a.m.
(Section 40.2.1 Site Plan, Section 40.2.2 Architectural Plans, Section 40.2.4 Fee, Section 41.2.1 Site Plan, Section 41.2.2 Architectural Plans, and
Section 41.2.4 Fee)
Amended and or Adopted October 28, 2002, Effective November 1, 2002 at 12:01 a.m.
(Section 30, Schedule A Permitted Uses, 28.A, New Section Added,
Section 30, Schedule A Permitted Uses, 35, Amended and new definition in
Section 23, Retail, and Section 43.4.1b and c, 43.4.3 a, f, h, k and o.)
Reprinted November 2002
Amended December 16, 2002, Effective December 20, 2002 at 12:01 a.m.
(Zone Map Change, R-20 to C-3, 869 West Main Street, Map 49, Portion of
Lot 72)
Amended January 27, 2003, Effective January 31, 2003 at 12:01 a.m.
(Section 34.2.C. Amended, Applicability and Permit Process-Signs)

Amended March 24, 2003, Effective March 28, 2003 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses – 39A, Commercial Recreation Facilities & 39C, Sports Training Facilities – Amended)
(Section 32.5, Visibility at Intersections – Amended, with new definitions added to Section 23 – Curb Line / Edge of Shoulder, Design Speed, Intersection, & Sight Distance)
(Section 32.6, Fences, Walls & Hedges – Amended)
(Section 47, Aquifer Regulations – Amended, New, with changes to Section 24.4, Enlargement – Amended, and Section 40.9, Extension and Expansions of Pre-Existing, Nonconforming Uses – New)
Amended and Adopted April 28, 2003, Effective May 2, 2003 at 12:01 a.m.
(Section 20.7 Moratorium of Age Restricted Planned Residential Developments)
Reprinted May 2003
Amended and Adopted May 27, 2003, Effective June 6, 2003 at 12:01 a.m.
(Section 23, Lighting Definitions), (Section 33.9 Outdoor Lighting)
(Section 40.7, As-Built Survey & Certificate of Occupancy)
(Section 41.4 As-Built Survey & Certificate of Occupancy)
Amended and Adopted June 23, 2003, Effective June 27, 2003 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses #54, Wireless Telecommunications Facilities - Amended)
(Section 80, Wireless Telecommunications Facilities – New)
Adopted July 28, 2003, Effective August 1, 2003 at 12:01 a.m.
(Zone Map Change from R-40 to R-20, Diversified Cook Hill LLC 1398 South Main Street, Map 85/Lot 97)
Reprinted October 2003
Amended and Adopted October 27, 2003, Effective October 31, 2003 at 12:01 a.m.
(Section 43.4, Age Restricted Planned Residential Development)
Amended and Adopted November 24, 2003, Effective December 5, 2003 at 12:01 a.m.
(Section 52, Zoning Permit Required)
Reprinted January 2004
Amended an Adopted March 22, 2004, (Zone Map Change from I-C to I-2, Rapoport Ventures, LLC 1718 Highland Avenue, Map 11/Lot 46)
Amended & Adopted May 24, 2004 Effective May 28, 2004 at 12:01 a.m. (Section 43.4.1 Qualifying Standards. (Part of Section 43.4 Age Restricted Planned Residential Development) Applicants David & Honey Florian
Amended June 28, 2004 Effective July 2, 2004 at 12:01 a.m. (section 32, Schedule B Dimensional Requirements)Maximum Lot Coverage in R-20A zone and amend Footnote #4
Reprinted July 2004
Amended July 26, 2004; effective July 30, 2004 at 12:01 a.m. (Section 30 Schedule A Permitted Uses and Section 23 Definitions
Amended September 27, 2004; Effective October 1, 2004 at 12:01 a.m.
(Zone Map Change from R-20 zone to Affordable Housing Development, Albert S. Prinz & Edith W. Prinz – 501 Maple Avenue, Map No. 50, Lot No. 200)
Reprinted December 2004
Amended January 24, 2005 effective January 28, 2005 at 12:01 a.m.
(Section 45A Special Adaptive Reuse Development District (S.A.R.D.D.)
Amended April 25, 2005, effective April 29, 2005 at 12:01 a.m.
(Zone Map Change from R-20 I-C Zone to an Age Restricted Development Overlay Zone, David Florian and Honey Florian – Poplar Drive, Map No. 5,Lot

Amended June 27, 2005, effective July 1, 2005 at 12:01 a.m.
(Zone Map Change from R-40 to Age Restricted Overlay Zone/Section 43
Brodach Builders Inc.- 210 Wiese Road, Map 58,Lot No.60)
Amended September 26, 2005, effective September 30, 2005 at 12:01 a.m.
(Schedule 30, Schedule A Paragraph 52)
Amended October 24, 2005, effective October 28, 2005 at 12:01 a.m.
(Zone Map Change from R-20 to R-20A Zone)
Amended November 14, 2005, effective December 2, 2005 at 12:01 a.m.
(Zone Map Change from R-20 and R-80 Zone to a Special Adaptive Development Overlay Zone, Pond View of
Cheshire, LLC, 50 Hazel Drive, Map 15/Lot 52)
Amended April 24, 2006, effective April 28, 2006 at 12:01 a.m.
(Section 52.3 Sanitary Permit)
Amended May 22, 2006, effective May 26, 2006 at 12:01 a.m.
(Section 30, Schedule 30, Schedule A, Permitted Uses, Paragraph 73, Accessory Use Tent
and New Definition: Accessory Use Tent)
Amended July 24, 2006; effective July 28, 2006 at 12:01 a.m.
(Zone Map Change from R-40 to Age Restricted Planned Residential Development)
772 South Main Street Assoc.LLC, Rear of 74 Jinny Hill Road and Rear of 802 South
Main Street, Map 78, Lots No. 114,115
Amended December 18, 2006, effective December 22, 2006 at 12:01 a.m.
(Zone Text Change to add #74 to Section 30, Schedule A Permitted Uses
Display, storage, sale of landscape materials in I-1 and I-2 zones by Special Permit
Approval
Ryan Industries dba Stone Works
Amended February 13, 2007 effective February 22, 2007 at 12:01 a.m.
(Zone Text Change to Section 34.7.C, Identification Sign: Subdivision or Planned
Residential Development)
Amended February 26, 2007 effective March 2, 2007 at 12:01 a.m.
(Zone Text Change to Section 32, Schedule B, to allow for a unified site plan on separate properties for industri
and commercial development)
Amended July 9, 2007 effective July 13, 2007 at 12:01 a.m.
Section 45 (I-C.S.D.D.) Interchange Special Development District
New Definitions – Archaeological Characteristics, Environmental Assessment, Natural
Features, Mixed-Use Development, Interchange Special Development Project
Amended January 28, 2008
(Zone Map Change from Interchange Zone to Interchange Special Development District)
Cheshire Route 10- LLC
1953 and 2037 Highland Avenue, I-691 and Dickerman Road
Assessor'sMap 3, Lot No. 51 and Assessor's Map 4, Lot Nos. 6 and 13
Amended March 10, 2008, Effective March 14, 2008 at 12:01 a.m.
(Zone Map Change from R-20 to R-20A)
2298 Waterbury Road, LLC Donald J. Ciampi, Sr. and Lucille D. Ciampi
2298 and 2278 Waterbury Road
Assessor's Map No. 14, Lots No. 27 and 28
Amended May 12, 2008, Effective May 31, 2008
(Zone Map Change from R-40 to R-20)
Tam Le
1358 South Main Street
Assessor's Map No. 85, Lot No. 98
Amended July 14, 2008 Delete, in its entirety, Section 47 Aquifer Protection Regulations
from the Cheshire Zoning Regulations.

Amended July 28, 2008, Effective August 15, 2008
(Section 30, Schedule A, Permitted Uses, Paragraph 7, Assisted living, Convalescent Homes, and the like licensed by the State of Connecticut)
Amended September 22, 2008, Effective October 11, 2008
(Section 25, Earth Removal, Filling and Regrading)
(Section 49, Soil Erosion and Sediment Control)
Amended January 12, 2009, Effective January 31, 2009 at 12:01 a.m.
(Section 43.6.7 a and b Design Standards – Sheltered Care Facility Designed Exclusively For Occupancy by Elderly Persons)
Amended March 23, 2009; Effective April 10, 2009 at 12:01 a.m.
(Zone Map Change from R-20 to Affordable Housing District (AHD)
Cheshire Housing Authority – 356 and 366 West Main Street
Assessor's Map No. 57, Lot(s) 119 and 120
Amended July 27, 2009; Effective August 14, 2009
(Zone Map Change from R-80 to R-40)
Elim Park Baptist Home to rezone from R-80 to R-40 a portion of 140 Cook Hill Road
Amended April 26, 2010; Effective May 14, 2010
(Sec. 30, Sch. A. Para 24B, 24C (Regulating Poultry)
(Technical Zone Text Changes : 24.4, Enlargement ref. to aquifer protection regulations, Section 34.10, 34.11 (Numbering) Section 40.2.1 and Section 41.2.1 (copies to be submitted), Section 46 Flood Plain Management Regulation; Section 33 – Off-Street Parking and Loading; Section 23 Definitions (Finished Space and Personal Service Businesses)
Amended May 10, 2010; Effective May 28, 2010
Section 31 Prohibited Uses with New Section 31.3 Outdoor Wood Burning Furnaces
Amended May 24, 2010; Effective June 11, 2010
Section 45B.9.1 Procedure A and B
Amended June 14, 2010; Effective July 2, 2010
Section 45B.7.2 Time Limitation
Amended September 27, 2010; Effective October 16, 2010
Section 41.5 Revisions and Section 41.6 Conditions of Approval and Extensions of Expiration Date
Amended November 22, 2010; Effective December 17, 2010
Section 46 Flood Plain Management: Section 46.1 Area of Applicability and Section 46.3 Definitions
Amended September 10, 2012; Effective September 28, 2012
Section 30, Sch. A Permitted Uses To Add Para 1B (Accessory Second Dwelling)
Amended December 10, 2012; Effective December 28, 2012.
Section 30, Sch. A Permitted Uses Para 7. Assisted living, convalescent homes and the like…to Add f.
Amended July 8, 2013, Effective July 26, 2013 Section 43.8 Planned Residential Infull Development
Amended July 8, 2013, Effective July 26, 2013 Section 30, Schedule A, Permitted Uses To add Paragraph 6G
Amended July 22, 2013, Effective August 9, 2013 Section 30, Schedule A, Permitted Uses to add Paragraph 59B, Warehousing (heights)
Amended December 9, 2013; Effective December 27, 2013 at 12:01 a.m. Section 45A.1.2 Special Adaptive Reuse Development District (S.A.R.D.D.) AND Section 45A.4 Prohibited Uses
Amended July 14, 2014; Effective August 1, 2014 at 12:01 a.m. – Section 23, (Recreation, Active, Passive) Section 30, Sch. A Item 29A and new Section 32, Schedule B, Item 7.
Amended September 8, 2014; Effective 9.26.14 at 12:01 a.m. – Section 30, Sch. A Para 36A Commercial Recreation Facilities

Amended October 26, 2015; Effective November 13, 2015 at 12:01 a.m. – To add Subsection 23C to Section 30, Sch. A Permitted Uses to allow outdoor events and activities on a working farm
Amended November 9, 2015; Effective November 27, 2015 at 12:01 a.m. – To add Section 32.7.2 to Outside Storage
Amended May 9, 2016; Effective May 27, 2016 at 12:01 a.m. – To amend Section 30, Sch. A Permitted Uses Para 40a and to add 40B. (Restaurants and other food service establishments…)
Amended April 24, 2017; Effective May 12, 2017 at 12:01 a.m. – Section 32 Building coverage in Industrial Zones, lot size in the I-2 Zone, Section 23 Definitions Low Impact Development (LID) Creation of Section 35 to regulate Building Coverage and Storm Water Management and Access Management in Industrial Zones.
Amended May 8, 2017; Effective May 8, 2017 . Section 46.1 Flood Plain Management – Area of Applicability
Amended May 22, 2017; Effective June 9, 2017 - Section 33.1.7(a) Medical offices and medical clinics, and the like; And Section 23 Finished Space
Amended July 10, 2017; Effective July 28, 2017, Section 45.7.2 Time Limitation (SDD)
Amended December 11, 2017; Effective December 29, 2017, Section 24 Nonconformities Section 24.2 Discontinuance and Section 24.7 Casualty
Amended May 14, 2018; Effective June 1, 2018 at 12:01 a.m. – Section 32, Schedule B Dimensional Requirements I-2 zone: Minimum Lot Width, Street Line Setback, Side and Rear Line Setbacks

Amended June 11, 2018; Effective June 29, 2018 at 12:01 a.m. – Section 48 and Section 45B
Amended January 14, 2019; Effective February 1, 2019 – Section 30, Schedule A Para 5 – Accessory apartment (regulation changed from In-Law apartment) and Section 23: Definitions: Add New: Barrier Free Design
Amended May 29, 2019; Effective June 21, 2019 – Section 44A Affordable Housing Development
Amended May 29, 2019; Effective June 21, 2019 – Section 45B. I-C.S.D.D.
Section 23 Definitions approved text: Interchange Special development Project: Effective June 21, 2019
Amended July 8, 2019 to add new Section 36 Highland Avenue Design District Regulations: and Section 23 Definitions: Context Sensitive Design and Narrative Approved July 8, 2019; effective July 26, 2019 at 12:01
Amended July 22, 2019; Effective August 9, 2019 – Special regulations for I-C-S.D.D. (follows Section 45B)
Amended July 22, 2019; Effective August 9, 2019 – To amend Section 43.8.2.c (Planned Infill Residential Development) Distance and height of accessory structures
Amended July 22, 2019; Effective August 9, 2019 – Section 30, Schedule A Permitted Uses Para 33.b Parking setback
Amended May 11, 2020; Effective June 5, 2020-Secton 30, Schedule A Permitted Uses (NEW) 58(a) Breweries, Wineries, distilleries and alcoholic manufacturing facilities…
Amended October 13, 2021; Effective October 31, 2021 – Section 45.2 S.D.D. Location, Section 45.5c, h and I Prohibited Uses
Amended October 25, 2021; Effective November 13, 2021 – Section 30, Sec. A Para 24C – Chickens
Amended October 25, 2021; Effective November 13, 2021 – Section 48 – Interchange Zone -Section 48.2,h, 48.4,b And repel existing Section 48.2,b),2)

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ARTICLE I
AUTHORITY AND INTENT

SECTION 10 AUTHORITY.
In accordance with the provisions of Chapter 124 of the 1958 Revision of the Connecticut General Statutes, as amended, the Planning and Zoning Commission of the Town of Cheshire hereby adopts and enacts these regulations as the Zoning Regulations of the Town of Cheshire.

SECTION 11 INTENT.
It is the Intent of these Regulations to aid in the implementation of the adopted Comprehensive Plan of Development for the Town of Cheshire. These Regulations and said plan are designed to further the purposes set forth in Chapter 124 of the Connecticut General Statutes, Revision of 1958, as amended, and for the promotion with the greatest efficiency and economy of the coordinated development of the Town and the general welfare and prosperity of its people, particularly in the following ways:

11.1 To guide the future development of the Town in accordance with a comprehensive plan, so that the Town may realize its potentialities as a desirable place in which to live and work with the best possible relationships among residential, commercial, and industrial areas within the Town, and with due consideration to (a) the particular suitability of each of these areas for various uses, and (b) existing conditions and trends in population, economic activity, land use, and building development.

11.2 To encourage an orderly pattern of residential development in the Town, in order to facilitate the adequate provision of schools and other public services on an economical basis, and to avoid the disorderly and blighting pattern of unguided development.

11.3 To provide suitable areas for desirable commercial and industrial development within the Town, and to reserve the best industrial land for industrial use, in order to promote the growth of employment conveniently located for residents of the Town, and to facilitate the adequate provision of public services on an economical basis, and to avoid the disorderly and blighting pattern of unguided development.

11.4 To help bring about the most beneficial relationship between the uses of buildings and land and the circulation of traffic through and within the Town, with particular emphasis on providing adequate, safe, and convenient access for traffic to the various uses of buildings and land throughout the Town, and on avoiding congestion in the streets and highways in the Town.

11.5 To protect the value of land and the value of buildings appropriate to the various districts established by these Regulations and to protect and improve the general visual appearance of the Town.

ARTICLE II
GENERAL PROVISIONS

SECTION 20 APPLICATION OF REGULATIONS.

The regulations set by these Regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided, and particularly:

20.1 No building, structure, or land shall hereafter be used or occupied and no building or structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

20.2 No building or other structure shall hereafter be erected or altered: (a) to exceed the height or bulk; (b) to accommodate or house a greater number of families; (c) to occupy a greater percentage of lot area; (d) to have less setback than herein required; or in any other manner contrary to the provisions of these Regulations.

20.3 No setback, or off-street parking or loading space required around or in connection with any building for the purpose of complying with these Regulations shall be included as part of a setback or off-street parking or loading space similarly required for any other building.

20.4 No setback or lot existing at the time of passage of these Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks and lots created after the effective date of these Regulations shall meet at least the minimum requirements established by these Regulations.

20.5 The Water Pollution Control Authority has determined that public sanitary sewers will not be extended into existing R-80 zones. Therefore, any use contained in these regulations in R-80 zones, requiring public sanitary sewers, cannot be approved. It is the opinion of the Cheshire Planning & Zoning Commission that sewering should take place in Primary Aquifer Recharge areas wherever possible.[1]

20.6 If an application for site plan review, for a special permit or special exception, or for subdivision or resubdivision approval involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended, the applicant shall submit an application for a permit to the Cheshire Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning & Zoning Commission. The decision of the Planning & Zoning Commission shall not be rendered on the site plan application until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision. In making its decision, the Planning & Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission.

[1] Amendment effective March 27, 1987.

20.6 cont'd.

If the time for a decision by the Planning & Zoning Commission established pursuant to the Connecticut General Statutes, as amended, would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision of the Planning & Zoning Commission shall be extended to thirty-five (35) days after the decision of the Inland Wetlands and Watercourses Commission. The provisions of this section shall not be construed to apply to any extension consented to by an applicant or petitioner.[1]

20.7 Moratorium of Age Restricted Planned Residential Developments – No Special Permit shall be accepted for consideration by the Planning and Zoning Commission in any zone for an Age Restricted Planned Residential Development under Section 43.4 of the Cheshire Zoning Regulations from the effective date of this regulation until November 2, 2003.[2]

[1] Amendment effective September 30, 1988.

[2] Amendment adopted April 28, 2003, effective May 2, 2003 at 12:01 a.m.

SECTION 21 PERFORMANCE STANDARDS.

The following performance standards shall apply to all uses of land, buildings and other structures wherever located:

21.1 Dust, Dirt, Fly Ash and Smoke: No dust, dirt, fly ash and smoke shall be emitted into the air so as to endanger the public health and safety, to impair the safety, value, and enjoyment of other property or to constitute a critical source of air pollution.

21.2 Odors, Gases and Fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air except for the odors connected with the spreading of manure or fertilizer.

21.3 Noise: With the exception of farm implements and farm animals, time signals, fire, police or ambulance sirens and the noise customarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

21.4 Wastes: No offensive wastes shall be discharged into any river, stream or storm drainage.

21.5 Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.

21.6 Danger: No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured or disposed of except in accordance with applicable codes and regulations of the Town, the State of Connecticut, and the Federal Government.

21.7 Interference: No radio frequency interference shall be transmitted outside the property where it originates.

21.8 Outside Lighting: All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property and that the illuminated areas shall be confined essentially to the property where the illumination originates.

21.9 Drainage: No structure shall be used, erected or expanded and no land shall be graded or hard surfaced unless provisions have been made for the proper disposal of drainage water, particularly from parking areas and driveways, from areas contiguous to property lines and from low areas which tend to collect water.

SECTION 22 ESTABLISHMENT OF DISTRICTS.

For purposes of these Regulations, the Town of Cheshire is hereby divided into the following zoning districts:

DISTRICT			CODE	FORMER DESIGNATION
Residential	R-80	District	R-80	R-3
Residential	R-40	District	R-40	R-2
Residential	R-20	District	R-20	R-1
Residential	R-20A	District	R-20A	
Commercial	C-1	District	C-1	
Commercial	C-2	District	C-2	
Commercial	C-3	District	C-3	
Industrial	I-1	District	I-1	
Industrial	I-2	District	I-2	

22.1 Zoning Map. The boundaries of the zoning districts indicated in Section 22 are shown on the maps entitled, "Official Zoning Map, Town of Cheshire, Connecticut". Plate numbers 101 through 139 inclusive, dated April 8, 1970, effective 12:01 A.M. April 24, 1970 and on file at the office of the Cheshire Town Clerk. The above maps and any amendments thereto are hereby made a part of these Regulations.

22.2 Interpretation of District Boundaries. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

22.2.1 Boundaries indicated as approximately following the center lines of rights-of-way shall be construed to follow such center lines;

22.2.2 Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;

22.2.3 Boundaries indicated as approximately following Town Limits shall be construed as following such limits;

22.2.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

22.2.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of the natural change in the shore line be construed as moving with the natural actual movement of the shore line; boundaries indicated as approximately following center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such natural center lines;

22.2.6 Boundaries indicated as parallel to or extensions of features indicated in paragraphs 22.2.1 through 22.2.5 above shall be so constructed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

22.2.7 Where physical or other features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs 22.2.1 through 22.2.7 above, the Planning and Zoning Commission shall interpret the district boundaries.

22.2.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of these Regulations, the Planning and Zoning Commission may permit, as a special permit, the extension of the Regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remaining portion of the lot.

22.2.9 Such lines, limits, etc. mentioned above, shall be those of record as of the effective date of these Regulations.

SECTION 23 DEFINITIONS

For the purpose of these Regulations, certain words and terms shall have the meanings as listed below. Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and Webster's Third New International Dictionary, respectively. Words in the present tense include the future, the singular includes the plural and vice-versa, and the word "person" includes a partnership or corporation.

Accessory Use Tent: A folding or similar type structure with a canvas or similar material cover.[6]

Acre: 43,560 square feet.

Adult Entertainment: [3,5]

Any exhibition of any adult-oriented motion picture, live performance, display, of dance of any type, which bas as a significant of substantial portion of such performance any actual or simulated performance of "specified sexual activities", exhibition and viewing of "specified anatomical areas", appearing unclothed, the removal of articles of clothing, or any other personal services which involve "Specified Sexual Activities" which are offered to customers.[1]

Age Restricted Planned Residential Development:

A Planned Residential Development designed to meet the needs and requirements of an active adult community, where at least one adult occupant of each dwelling unit is 55 years of age or older, and there is no permanent resident under the age of 21 years.[4]

Ambulance:

A motor vehicle specifically designed to carry patients. [2]

Ambulance Service:

An organization the purpose of which is transporting patients in ambulances for hire.

Archaeological Characteristics:

Material evidence of human activity of special historic value and/or ancient peoples found below, at, or above the surface of the ground water.[7]

Assisted Living Residential Facility:

A residential facility which provides assisted living services by a Connecticut licensed assisted living services agency in a managed residential community, as defined under regulations of the State of Connecticut Department of Public Health, including the provision of supportive services to assist those in need of assistance in the activities of daily living.[2]

Barrier Free Design: Design for those with physical or other disabilities, requiring the provision of Alternative means of access including ramps and/or lifts (elevators), or other structural modifications needed to provide equal access for those with disabilities.[8]

Base Flood Elevation:

The elevation of the 100-year flood. [5]

[1] Amendment eff. 6/7/79. [2,3] Amendment eff. 6/29/79, [4] Amendment eff. 3/29/02; [5]Amendment 4/26/81;
[6] Amendment eff. 5/26/06, [7] Amendment eff. 7/13/07; [8] Amendment eff. 2/1/19

Building:

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Building Height:

The distance measured from the mean level of ground surrounding the building to the highest point of the roof.

Building Line:

A line parallel to the street line at a distance equal to the required setback or a greater distance.

Camping Trailer:

Any structure, mounted on wheels, and designed for travel, recreational and vacation uses, and registered as a camp trailer with the Motor Vehicle Department.[1]

Campground:

Any parcel of 50 acres or more on which may be located two or more tents, camp trailers, pickup coaches, self-propelled recreational homes of a design or character suitable for seasonal or other recreational living purposes, including a day camp but not a mobile home park, boarding or rooming house, tourist home, hotel or motel. [1]

Context Sensitive Design:

Design which emphasizes the physical characteristics of a development that shows consideration and compatibility within the unique setting within which the project is to be set including consideration of the following:

1. Physical elements shall include the relationships between the buildings and proposed and existing streets, pedestrians and vehicles, and public and private spaces.
2. Transitional areas between existing neighborhoods and the proposed project area, including yards, existing or proposed buffer areas, topographic changes, and pedestrian and street linkages.
3. Site design and building forms which create a place that establishes a continuous neighborhood.
4. Includes architectural characteristics that fit and enhance the character of the local neighborhood within which they are set.
5. The design should include meaningful connections between elements within the planned community.
6. Landscaping elements that provide screening, visual contrast, protect scenic views and to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation.

1Amendment effective February 27, 1975
2Amendment effective October 14, 1977
3,4 Amendment effective July 30, 2004
[5] Amendment effective 7/26/19

Cluster Subdivision Definitions:[1]

(1) "An Undivided Interest": shall mean a fee interest in land which is free of any encumbrances whatsoever, except drainage easements and easements to regulated public and private utilities.[4]

(2) "Homeowners Association": shall mean all those persons who have purchased a lot or lots in the subdivision and who have joined together for the purpose of implementing the provisions of an agreement to own, maintain and use the open space designated in the subdivision for their joint and mutual benefit in accordance with Articles of Incorporation and deed restrictions approved by the Commission.[4]

(3)"Agricultural":shall mean the cultivation or ground and/or the harvesting of crops.[4]

(4)"Outdoor Recreation": shall mean the normal playground activities, including swimming pool and bath house, golf courses and other similar permitted uses.

Curb Line / Edge of Shoulder: The edge of the paved portion of the roadway.[2]

Customary Home Enterprise: One or more of the following:

a) The preparation and sale of those products customarily produced in the home, garden or farm, including home baking, needlework, fruits, produce and home preserves, provided such products are created entirely on the premises.

b) The preparation and sale of the products of arts and crafts, including painting and illustrating, woodcarving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, provided that such products are created entirely on the premises.

c) A private workshop accessory to the skilled trade of a resident of the dwelling, including the workshop of a plumber, electrician, carpenter, heating contractor, painter, paperhanger, watchmaker, radio and television repairman, provided that there is no sale of goods on the premises.

Design Narrative: A statement that describes the process by which the specific design choices for a particular project were arrived at, including the context of the neighborhood within which the project is proposed. The narrative should include discussion of the layout and the design of the various structures including material choices, colors, rooflines, fenestration (windows), doorway locations, elevations, and buffering choices. The narrative should also include discussion on access management, parking, and utility choices.[3]

Design Speed:

The maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern.[1]

[1] Amendment effective October 14, 1977
[2] Amendment effective March 28, 2003
[3] Amendment effective July 26, 2019

Dwelling:

A building containing one or more "dwelling units". One or more buildings may be considered to be a "dwelling" if designed for occupancy, and so occupied by one "family".

Dwelling Unit:

A building or a part of a building designed for occupancy, and so occupied, by one "family". Accommodations for transient lodging, and so occupied, in a motel or hotel shall not be considered to a "dwelling unit".

Environmental Assessment:

A report that describes the Natural Features of the site, the changes that will occur as a result of proposed activities on the site, the anticipated environmental impacts and consequences of the proposed activities, and the proposed mitigation measures to minimize undesirable impacts to the environment.[3]

Family:

One or more individuals related by blood, marriage or adoption, or not more than 3 individuals who are not so related, living together as a single housekeeping unit and using certain rooms and housekeeping unit and using certain rooms and housekeeping facilities in common.

******Deletion of Definitions of Earth Filling, Earth Regrading, and Earth Removal
Effective February 27, 1975.

Finished Space:

Gross floor area minus storage space, halls, lobbies, elevator shafts, stairs and stairwells,[5] mechanical and maintenance rooms, and lavatories.[4]

Flood or Flooding:[1]

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or run-off of surface waters from any source.[2]

Flood Insurance Rate Maps (FIRM):

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Flood Insurance Study:[1]

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodproofed: Watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

[1] Amendment effective June 26, 1981
[2] Amendment effective March 28, 2003
[3] Amendment effective July 13, 2007
[4] Amendment May 14m 2010
[5] Amendment June 9, 2017

Floodway:[1]

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Hotel: A place of lodging, providing sleeping accommodations and which may also include, as an incident thereto, restaurants, cocktail lounges, recreational facilities, meeting and banquet rooms, convention facilities, and other retail and service shops.[1 & 3]

Interchange Special Development Project:

A Mixed-Use Development proposed pursuant to Section 45B of these regulations.[4]
A development proposed pursuant to Section 45B of these regulations.[8]

Intersection:

A general area where two or more highways join or cross including the roadway and roadside facilities for traffic movements within the area.[2]

Lot: A parcel of land.

Lot of Record: A lot which was legal at the time of the adoption of these Regulations or any amendment hereto and was owned separately from any adjoining lot as evidenced by map on file with the Town Clerk and/or by the land records of the Town of Cheshire.

Lot Coverage:

The ground area enclosed by the walls of a building together with the areas of all covered porches and other roofed building

Lot Frontage:

The total distance a lot abuts a street line.

Lot Line:

A boundary line of a lot.

Lot Line, Front:

A lot line which abuts a street line or the lot line nearest a street line.

Lot Line, Rear:

The lot line which is farthest from the street.

Lot Line, Side:

A lot line not a front lot line or a rear lot line.

Lot Width:

The distance measured in a straight line, connecting the points of intersection of the building line with the side lot lines.

Low Impact Development (LID) "Low Impact Development" or "LID" means a site design strategy that maintains, mimics, or replicates pre-development hydrology through the use of numerous site design principles and small scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.[7]

Mixed-Use Development:

A development that is planned and managed as a single property with off-street parking, landscaped areas, and pedestrian plazas provided on the property as an integral part of the development, and which has two or more different uses such as but not limited to, office, retail, food service establishments, service businesses, banks, public and entertainment and, in limited and appropriate circumstances, residential, in a compact form.[5]

Motor Home:

A self-propelled vehicle which is intended or designed primarily for office work or living quarters.

Municipal Building and Uses:

Municipal office buildings, administrative headquarters, public recreation facilities, public schools, libraries, and other uses normally engaged in by municipalities.[4]

Natural Features:

Physical characteristics of the site that are not manmade including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, floodplains, wildlife, and habitat features.[2]

Patient:

An injured or ill person requiring assistance and transportation.[3]

Personal Services Businesses:

Businesses providing nonmedical related services, including beauty and barber shops, clothing rental, dry cleaning stores, self-service laundries, psychic readers, shoe repair shops, tanning salons, health and exercise facilities, pet grooming establishments, and similar uses. These uses may also include accessory retail sales of products related to the services provided.[4]

Pickup Coach:

A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.[2]

Planned Residential Development:

A residential development controlled by a single person or corporation, of a single tract of land or a number of contiguous lots, for five or more dwelling unit.

Planned Residential Development Designed Exclusively for Occupancy by the Elderly:

Shall mean developments of dwelling units

1) designed exclusively to be occupied by and to meet the specific requirements and design standards suitable for occupancy by one or more elderly persons at least one of whom is sixty-two (62) years of age or over, and

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[1] Amendment effective March 16, 1973
[2] Amendment effective February 27, 1975
[3] Amendment effective June 29, 1979
[4] Amendment effective September 17, 1979
[5] Amendment effective July 13, 2007
[6] Amendment effective May 14, 2010
[7] Amendment effective May 12, 2017

2) which conform to the requirements of State and/or Federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, his architect, and engineers that such housing conforms to the State and/or Federal Agencies' program requirements for elderly housing whether or not such housing is constructed under such program.

Private Usable Outdoor Space:

Outdoor space directly accessible by the occupants of a dwelling unit, adequately screened from adjacent spaces and common land so as to provide privacy for the users thereof.

Professional and Business Offices:

Offices of doctors, dentists, attorneys, real estate agents, insurance agents, accountants, brokers, engineers, architects, landscape architects, studios of artists, photographers, musicians, offices for data processing, telephone answering services, and the like.

Public Service Corporation Buildings and Facilities:

Privately owned buildings and facilities intended to serve the public interest but are proprietary in nature. Such uses may include, but are not limited to, community water supply wells and reservoirs, well houses, water towers, telephone and power stations.[2]

Recreation, Active: Recreational activities usually performed with others, often requiring equipment and taking place at developed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, court games, baseball, soccer and other field sports, and playground activities.[4]

Recreation, Passive: Recreational activities that do not require a developed site, generally including such activities as hiking, horseback riding, picnicking, and similar activities.[5]

Retail: Sales of goods or services (other than professional services) to the general public. This definition shall include 'wholesale membership clubs' whose membership exceeds one hundred (100) members.[3]

Self-Propelled Recreational Home:

A portable dwelling designed and constructed as an integral part of self-propelled vehicle.[1]

[1] Amendment effective February 27, 1975
[2] Amendment effective September 17, 1979
[3] Amendment effective June 29, 2001
[4] Amendment effective May 14, 2010
[5] Amendment effective August 1, 2014

Sight Distance:

The length of the roadway ahead that is visible to the driver. The available sight distance on a roadway should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.[4]

Sign: In this section, signs shall mean any billboard, illustration, insignia, lettering, picture, display banner, pennant, flag, logo, neon or electrical sign or other device however made, displayed, painted, supported or attached, intended for the purpose of advertisement, attraction of attention, identification, publicity or notice whether located outside of any building or located inside any building and designed primarily for the purpose of being visible to the public outside of the building. [1,3]

Soil Erosion and Sediment Control Regulations-Definitions:[2]

(In addition to applying to Section 49, these Definitions may also apply to other sections of the Zoning Regulations.)

Certification:

Means a signed, written approval by the Planning & Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of this regulation.

Development:

Means any construction or grading activities to improved or unimproved real estate.

Disturbed Area:

Means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion: Means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Grading:

Means any excavating, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Inspection:

Means the periodic review of sediment and erosion control measures shown on the certified plan.

Sediment:

Means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil: Means any unconsolidated mineral and organic material of any origin.

[1] Amendment effective July 1, 1977
[2] Amendment effective July 27, 1985
[3] Amendment effective June 29, 2001
[4] Amendment effective March 28, 2003

Soil Erosion and Sediment Control Plan:

Means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Specified Anatomical Areas:

The following portions of the human body if less than completely and opaquely covered: Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola. "Specified anatomical areas" also includes human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

Activities which show human genital in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.[1,3]

Street: A public or private road or right-of-way giving access to a lot.

Street, accepted public:

A street which has been accepted by the Town Council.

Street, proposed public:

A street with design approval by the Planning and Zoning Commission which is to be offered to the Town as a public street and which is either complete to Town of Cheshire Road Specifications or bonded to insure such completion.

Street, approved private:

A street with design approval by the Planning and Zoning Commission which is to remain in private or corporate ownership and which is either complete to Town of Cheshire Road Specifications or bonded to insure such completion, and further which is approved by the Town Council subject to a legal agreement concerning the owners' responsibility for maintenance of such street.

Street Line:

The right-of- way easement line or taking line of any public or private street.

Structure:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including storage trailers, greenhouses, pool, carports, membrane houses, [2]

Substantial Improvement:

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1) before the improvement or repair is started, or
2) if the structure has been damaged and is being restored, before the damage occurred

[1] Amendment effective June 7, 1996
[2] Amendment effective June 26, 1981
[3] Amendment effective July 30, 2004

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.[2]

Tag Sale:

The sale of personal property, including household items, clothing and the like, held at a "Dwelling Unit." The term shall include garage sale, yard sale, estate sale, and the like. For the purpose of this definition, personal property shall include items previously used by the person or persons of the "Dwelling Unit or the person or persons holding the "Tag Sale." Items acquired for resale are specifically excluded from this definition.[3]

Temporary Parking:

Means a permanent parking area designated for seasonal, overflow and emergency conditions for a temporary period of time not to exceed one hundred twenty (120) days in a calendar year and intended to accommodate occasional or emergency parking requirements. The term is not intended to include other non-permanent parking, which is permitted or prohibited by the Cheshire Zoning Regulations.[2]

Tent: A canvas, or other similar type material constructed folding structure that is, in some cases, small enough to be carried on a person's back yet not so large that it could not be transported in the trunk of an average automobile. It is designed for travel, recreational and vacation use.[1]

Trailer or Mobile Home: Any vehicle which is intended or designed or primarily for office work or living quarter and which is, has been, or may be mounted or moved on wheels.

1Amendment effective February 27, 1975
2Amendment effective June 26, 1981
3 Amendment effective October 27, 2000

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SECTION 24 NONCONFORMITIES:

Within the districts established by these Regulations or amendments that may later be adopted, there exist uses, structures or lots, which were lawful before these Regulations were passed or amended, but which would be noncomplying under the terms of these Regulations. Such uses, structures and lots are termed nonconformities. It is the intent of these Regulations to permit these nonconformities to continue until they are removed.

24.1 Change in Plans. To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any structure for which a required building permit has been issued prior to the effective date of adoption or amendment of those Regulations provided actual construction, which is defined as the placing of construction materials in a permanent position and fastening in a permanent manner, was begun no later than 6 months after such effective date and diligently prosecuted to completion within one year following such effective date. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such activity shall be deemed actual construction provided that work shall be carried on diligently.

24.2 Discontinuance. A nonconforming use, building or structure shall not terminate or be deem abandoned unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure. [1,3]

24.3 Repair and Maintenance. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by decree of any official charged with protecting the public safety, provided that such work does not increase the nonconformity of the structure or the nonconforming use which the structure houses. Nothing in this Section shall be deemed to prohibit work or ordinary repair and maintenance of a nonconforming structure or a structure which houses a nonconforming use or replacement of existing materials provided that such work does not increase the nonconformity of the structure or the nonconforming use which the structure houses. [2]

24.4 Enlargement. Building and uses permitted in Section 30, Schedule A, when nonconforming, may be extended or expanded on the lot occupied by such use, subject to compliance with all other applicable Regulations and particularly the maximum lot coverage, yard and height requirements, provided no such building or use existing upon the adoption of these Regulations, and any Amendment thereto, shall be expanded by more than 25% of the nonconforming floor and/or ground area. The total of all such expansions shall not exceed 25%. Such expansion shall be by Special Permit as provided in Section 40. Persons seeking the *Cheshire Aquifer Protection Regulations* must have a valid Aquifer Protection Area Registration, and shall apply for an Aquifer Protection Area permit, or modify the Aquifer Protection Area Registration in accordance with the *Cheshire Aquifer Protection Regulations.*[2]

[1] Amendment effective June 27, 1997

[2] Amendment effective May 14, 2010

[3] Amendment effective December 29, 2017

24.5 Moving. No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a structure shall be moved or extended to any other part of the structure not expressly arranged and designed for such use at the time the use became nonconforming, and no structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

24.6 Change. No nonconforming use of land or a structure or a nonconforming structure shall be changed except to a conforming use or structure, but may as a Special Permit as provided in Section 40, be changed to another nonconforming use or structure provided such use or structure is found to be more nearly conforming to these Regulations. No nonconforming use of land or a structure or nonconforming structures if once changed to conform or to more nearly conform to these Regulations as provided above, shall thereafter be changed so as to be less conforming again.

24.7 Casualty. If any nonconforming structure or any structure containing a nonconforming use shall be destroyed by fire or other casualty, such structure may be reconstructed or repaired and such use may be resumed, unless the property owner of such use or structure voluntarily terminates, abandons or discontinues such use or structure and such termination, abandonment, or discontinuance is accompanied by an intent to not reestablish such use or structure. [1],[2]

24.8 Lots of Record. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these Regulations, notwithstanding limitations imposed by other provisions of these Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that setback dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided lot for the purposes of these Regulations, and no portion of said lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these Regulations, nor shall any division of any lot be made which creates a lot with width or area below the requirement stated in these regulations.

1 **Amendment effective June 27, 1997**

2 Amendment effective December 29, 2017

24.9 Special Permit Provision. Any use existing at the time these Regulations are adopted and is permitted as a Special Permit as provided in Section 40 of these Regulations shall not be deemed a nonconforming use. This shall not apply to Section 24.4.

24.10 Municipal Uses. Any municipal use of the Town of Cheshire which arose during the period of the Town's exemption from its zoning regulations (ending with the adoption of this sub-section) and which was permitted as a special permit, as provided in Section 40 of these Regulations, shall not be deemed a nonconforming use. This shall not apply to Section 24.4.*[1]

*Section 24.4 limits expansion of nonconforming uses to 25%.

[1] Amendment effective September 17, 1979.

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SECTION 25 EARTH REMOVAL, FILLING AND REGRADING.[1]

25.1 Purpose. The purposes of this regulation among others, in excluding all earth removal, filling and regrading operations from all single family residential districts in the Town of Cheshire and regulating such operations in the commercial and industrial districts, are:

a) To protect areas against fire, explosives, toxic and noxious matter, and other hazards and against offensive noise, vibration, dust, smoke and other particulate matter, odorous matter, glare and other objectionable influence;

b) To discourage truck traffic and other traffic associated with earth removal, filling and regrading operations from proceeding through residential areas;

c) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of residential districts and to conserve the value of land and buildings.

25.2 General. No earth, including loam, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be excavated and removed from any lot located in a single-family residential district, or graded or filled or dumped on any lot in a single-family residential district, except as authorized herein.

No earth, including loam, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be excavated and removed from any lot located in a commercial or industrial district, or graded or dumped or filled on any lot located in a commercial or industrial district, except as authorized herein or as authorized under an application for a permit granted by the Commission under the provisions of this section.

25.3 Exemptions. The provisions of this section and the requirements to obtain a permit shall not apply to the following cases:

a) Necessary filling, excavation, grading or removal in direct connection with construction or alteration of a structure or septic system or other utility on a lot for which a building permit has been issued, and which involves the movement of less than one thousand (1,000) cubic yards of earthen material.[2]

b) Necessary filling, excavation, grading or removal in connection with construction or alteration on a lot in accordance with an approved subdivision or resubdivision plan.

[1] Amendment effective in its entirety on February 27, 1975.
[2] Amendment effective September 1, 1975.

25.3 Exemptions, cont'd.

c) Necessary filling, excavation, regrading or removal on a lot in any zone for bona fide agriculture, nursery or bedding plant production purposes shall be allowed in Special Permit. The movement of not more than 2,000 cubic yards of earthen material per year shall be allowed as a matter of right.

d) Necessary filling, excavation, grading or removal in connection with resurfacing of an existing roadway or parking lot.

e) Any filling, excavation, grading or removal involving the movement on any lot of no more than one hundred (100) cubic yards of earthen material.

Necessary filling, excavation, grading or removal in connection with activities of the Town of Cheshire shall be subject to a Special Permit.[5]

25.3.1 Conditional Exemption. In the case of regrading or filling as part of landscaping project on an individual residential lot when such operation is not for commercial purposes, the Planning and Zoning Commission may issue a permit to allow the regrading or filling in excess of the amount presently allowed, but not to exceed 5,000 cubic yards, provided the applicant apply to the Planning and Zoning Commission with the information customarily necessary for an Earth Filling or Regrading Permit. A public hearing will be required, as per Section 25.7, if the request is for 2,000 cubic yards or more.[6]

25.3.2 Approved Special Permits and Site Plans. When an application for necessary filling, excavation, grading or removal is made in connection with a development proposal that requires the approval of a Special Permit pursuant to Section 40 or a Site Plan pursuant to Section 41, the applicant may request, and the Commission may grant, a modification or waiver of the provisions of subsections of (3), (9) and/or (11) of Section 25.5, provided the Commission finds that such modification or waiver will not pose any unreasonable risks to public health or safety.

Except for necessary removal in connection with the installation of utilities no removal in connection with a Special Permit or Site Plan approval by the Planning & Zoning Commission shall be commenced until a building permit has been obtained for any proposed building within the proposed area of development.

Each application shall contain, in addition to the requirements of the remaining sections of this Earth Removal Regulation, a written report, by a licensed professional engineer describing in adequate detail for the Commission's proper evaluation the proposed earth removal, filling, and excavation and describing in detail the sequence and containing details of generally accepted best management practices to be followed by the applicant to provide for public safety and welfare and protection of environmentally sensitive areas of the site. The proposed earth removal, filling, regrading, and excavation shall be completed in accordance with this report.[7]

5Amendment effective September 17, 1979
6Amendment effective September 1, 1975
7Amended 9/22/08; effective 10/11/08

A copy of the application, all plans and surveys submitted with the application including the report of the licensed professional engineer shall be submitted to the South Central Connecticut Regional Water Authority by certified mail, return receipt requested, within two (2) business days after the applicant submits the application to the Cheshire Planning Department.

Periodic inspections of the site shall be performed by an independent licensed professional engineer and written reports of such inspections shall be submitted to the Planning Department describing compliance with the engineer's report approved by the Planning and Zoning Commission as well as the status, maintenance, condition, integrity, and adequacy of the sedimentation and erosion controls approved by the Planning and Zoning Commission. The written reports of the licensed professional engineer shall be submitted every thirty (30) days or within two (2) days of every rainfall event of one-half (½) inch or greater within twenty-four (24) hours. Such inspections and reports shall be at the applicant's expense and a copy of each report shall be submitted to the South Central Connecticut Regional Water Authority by certified mail, return receipt requested, within two (2) business days after the applicant submits the report to the Cheshire Planning Department.

Importing and stockpiling of material and storage of equipment which is not necessary for the completion of the project which is the subject of an approved Special Permit or Site Plan is prohibited.

In addition to any bond required for erosion and sedimentation controls, the applicant shall post, or cause to be posted, a bond, or other approved form of surety in an amount determined by the Planning Department assuring that the earth removal, filling, grading and excavation are completed in accordance with the maps and plans as well as the sequence and completion dates approved by the Commission.[1]

25.4 Application Requirements. Application for a permit under this section shall be submitted in duplicate in writing to the Commission with an application fee for Five Hundred Dollars ($500.00). The application shall be accompanied by maps and plans prepared by and bearing the seal of a land surveyor or civil engineer licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, showing the following:

1) The location and exterior limits of the area to be filled excavated or graded;

2) Property lines and streets adjoining the lot, location of buildings and structures on adjoining parcels and the names and addresses of owners of property adjoining the lot, as well as a separate sheet listing names and addresses of adjoining property owners;[1]

3) Existing and proposed contour lines on the lot to be filled, excavated or graded, coordinated to a permanent monument, drawn to a scale of not more than one hundred (100) feet to the inch and with a contour interval not exceeding two (2) feet;

1Amended 9/22/08; effective 10/11/08.

25.4 Application Requirements cont'd.

4) Existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds, swamps on and within two hundred (200) feet of the lot. If off-site information is not readily obtainable by survey, such information may be supplied from U.S.G.S. datum;

5) The location of the lot of any wooded area, rock outcrops and existing and proposed buildings and structures;

6) An estimate of the number of cubic yards of material to be filled, excavated, graded or removed and an estimate of the time necessary to complete the operation;

7) Proposed vehicular access to and from the site to the closest major state highway.[1]

8) An estimate of the number, types and hours of operation of trucks and other machinery to be used on the site, and the locations and types of any buildings, including temporary buildings to be erected;

9) Details of proposed blasting and storing of explosives;

10) Details of final grading and planting of the site to prevent erosion on the site both during the operation and at its conclusion.

25.5 Standards and Conditions. The filling, excavation, grading or removal authorized by a permit under this section shall conform to the following standards and conditions:

1) The filling, excavation, grading or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limit shown thereon;

2) No processing machinery shall be erected or maintained on the lot within two hundred (200) feet of any property or street line, and any such machinery shall be removed from the lot upon termination of the permit.
No materials shall be stockpiled outside the permit area and no equipment or structures covered by the permit shall be operated or located outside the permit area. Except in an industrial district, including the Interchange Zone, no screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises. No other machinery not required for the operation shall be stored on the site;[2]

3) At no time shall more than one undivided area exceeding five (5) acres in size be opened within the lot, it being the intent of these Regulations that the remainder of the lot shall either be undisturbed land or shall have been restored pursuant to subsection "Restoration" below;

[1] Amendment effective December 24, 1987 Amended 9/22/08; effective 10/11/08

25.5 Standards and Conditions cont'd.

4) The filling, excavation, grading or removal shall not result in sharp declivities, pits or depressions, soil erosion, improper drainage or other conditions which would impair the reasonable reuse and development of the lot or which would impair or damage the use of adjacent or neighboring lots or would cause health or sanitary hazards;

5) The work shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Friday. No work shall be permitted on legal holidays. The Commission may allow additional hours of operation.[7]

6) Proper measures shall be taken to minimize nuisance from noise and dust. The access road shall be oiled in such manner as the Zoning Enforcement Officer may direct to insure compliance with this section;

7) At all stages of the work, proper drainage shall be so arranged as to minimize traffic hazards on street and to avoid nuisance to residents of the neighborhood. In addition, the traffic pattern to and from the operation shall not create a safety or traffic hazard;

8) Such barricades or fences shall be erected as are necessary for the protection of pedestrians, vehicles, abutting properties and streets.[8]

9) No filling, excavation, grading or removal which is below the elevation of any abutting street or property line shall occur within fifty (50) feet of such line unless permitted by the Commission after a Public Hearing has been held on the application and the Commission has determined that such activity would not involve or create a substantial risk of damage to the abutting property. Where two or more adjoining lots are to be considered, the Planning and Zoning Commission may treat a joint application as one application;

10) It shall be the responsibility of the permit holder to insure that vehicles removing earthen material from the lot have their loads secured so that there will be no spillage of such material within the Town of Cheshire;

11) At all stages of the work where any excavation or fill will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal distance, there shall be a substantial fence enclosing the fill or excavation, at least six (6) feet in height with suitable gates. Such fence shall be located fifty (50) feet or more from the edge of the excavation or fill.

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[7] Amendment effective September 30, 1994.

8Amended 9/22/08; effective 10/11/08

25.6 Restoration. Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored in accordance with plans approved under Section 40 and/or 41 of these regulations, or as follows:[1]

1) Such area shall be evenly graded to slopes not exceeding one (1) foot of vertical rise to three (3) feet of horizontal distance. The required slope may be modified by the Commission where ledge rock makes steeper slopes unavoidable or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes, dikes, berms and waterways to assure adequate drainage of the area, so that stagnant pools of water will be avoided and so that the adjacent area will not be damaged;

2) All debris and all loose boulders not incorporated into the improvement of the lot shall be buried or removed from the lot;

3) A top layer of any arable soil, which shall be free of any large stones, shall be spread to a depth of not less than six (6) inches over the entire area, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger from erosion, but this provision shall not apply to the area of ponds, nor to exposed areas of ledge rock existing prior to excavation.

25.7 Procedure. Hearings by the Commission for Permits. The Commission shall, within sixty-five (65) days of receipt of a completed application for a permit for any operation involving the excavation, filling, grading or removal of two thousand (2,000) cubic yards or more of earthen material, hold a Public Hearing on such application in accordance with the provisions of the General Statutes of the State of Connecticut.

Except as specified in subsection 9 of "Standards and Conditions", a Public Hearing is not required for operations involving the excavation, filling, grading or removal of less than two thousand (2,000) cubic yards of material.

Failure to submit additional information requested by the Commission shall be grounds for disapproval of the application.

All communications between the Commission and the applicant shall be in writing, and a copy of such shall be kept on file in the Town Hall.

25.8 Regulations Regarding Permit. Any permit issued hereunder shall expire one year from the date of publication of notice of approval unless renewed by the Commission.

25.8.1 Permit Renewal. The Planning and Zoning Commission may renew its permission to carry out excavation and removal, stockpiling, regrading or filling for periods of one year without a public hearing provided the applicant submits an updated map showing existing conditions, and shows through the report of a Registered Professional Engineer or a Registered Land Surveyor, that the operation as approved and that the other applicable requirements of this section have been carried out. Notice of any application for renewal of permit shall be published as a legal notice in a newspaper having general circulation in the Town of Cheshire.

25.8.1A Extensions. The Commission may extend the one year time period for not more than thirty (30) days provided the applicant can show to the Commission that the work already completed conforms with the plan of operation as approved, and provided that the other applicable requirements of this section have been carried out.

25.8.1B Any Deviation from the plan or from these Regulations shall be cause for the Commission to revoke the permit.

25.8.2 Inspection. The Commission, or its authorized agents, shall, at all times, have access to the premises for the purpose of inspection and determination of compliance with this section; the Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or civil engineer, showing the status and progress of the work.

25.8.3 Posting of Bond. Before a permit is granted under this section, the applicant shall file with the Commission a cash or surety bond, or savings account, in form acceptable to the Commission and in such amount as the Commission deems sufficient to insure the faithful performance and completion of the work in accordance with the provisions of this section.

25.8.4 Release of Bond. Upon completion of the work authorized by a permit and the restoration of the premises pursuant to subsection "Restoration" above, the applicant may apply to the Commission for release of the cash or surety bond, or savings account filed, and if the Commission is satisfied that the work and restoration have been completed as required by the permit and these Regulations, the cash or surety bond, or savings account shall be released to the permit holder, but otherwise the cash or surety bond, or savings account shall remain in full force and effect.

25.8.5 Existing Operations. Any operation involving the filling, excavation, grading or removal of earthen material which is in existence and has an overall approval on the effective date of these Regulations or any amendment or amendments thereof shall be allowed to complete all operation in accordance with the overall approval within a reasonable period of time as determined by the Planning and Zoning Commission.

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SECTION 26 ENHANCED NOTICE REQUIREMENTS.[1]

26.1 In addition to statutory notice requirements, enhanced notice shall be provided by the applicant for public hearings to be held concerning the following applications:

a) Applications for Special Permits pursuant to Section 40 of these Regulations which propose to conduct nonresidential uses in residential districts.

b) Applications for variances pursuant to Section 60 of theses Regulations.

c) Petitions for Zoning Map changes pursuant to Section 70 of these Regulations.

26.2 Enhanced notice shall be given to the following persons or entities:

a) All owners of property which abuts any portion of the property, which is the subject of the application; and

b) All owners of property across any public or private street of the property, which is the subject of the application petition.

26.3 This enhanced notice shall be mailed to the property owners at least fifteen (15) days prior to the first date of the hearing.

26.4 The applicant or its agent shall be responsible for complying with these enhanced notice requirements and for the cost of such compliance and shall file with the Commission or Board, as applicable, at least ten (10) days before the hearing, an affidavit confirming that the notice was mailed and to whom, listing names, property addresses, and mailing addresses, if different from property addresses.

26.5 For purposes of this Section, the following terms are defined as follows:

a) **"Owner":** The owner of the real estate as set forth in the most current Assessor records or the actual owner of record if otherwise known to the applicant.

b) **"Enhanced Notice":** Enhanced notice shall be in the form of a postage prepaid letter or postcard which is addressed to the current owner. The letter or postcard shall contain (as provided by the Commission or Board) the text of the public hearing notice for the application or petition at issue and **shall specify the date, time, and place of the public hearing.**

[1] Amendment adopted November 27, 1995; effective December 1, 1995 at 12:01 a.m.

26.6 No error in the mailing of these notices and no failure of owners to receive the enhanced notice shall invalidate any action taken by the Planning and Zoning Commission or the Zoning Board of Appeals. However, the applicant's failure to comply with these enhanced notice requirements shall constitute, in the sole discretion of the Board or Commission, good and sufficient reason to deny the application or petition without prejudice to its resubmission.

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SECTION 30, SCHEDULE A. PERMITTED USES

ARTICLE III
DISTRICT REGULATIONS

SECTION 30 Permitted Uses. "Schedule A, Permitted Uses", is hereby declared to be part of these Regulations. Land and structures in a district shall be used only for one or more of the uses which are specified in Schedule A as being permitted in the district. Uses listed in Schedule A are permitted or prohibited in accordance with the following procedures:

"Y" means a use permitted as a matter of right.

"P" means a use permitted subject to obtaining a Special Permit from the Planning and Zoning Commission as provided in Section 40.

"S" means a use permitted subject to the administrative Site Plan approval by the Planning and Zoning Commission as provided in Section 41.

"N" means a use not permitted.

When located on the same lot as a dwelling unit or units and when conducted by a resident of the property, certain uses are considered accessory to the residential use and the minimum lot size shall be determined only by the residential use(s) as specified by Section 32, Schedule B, or the lot size specified in Section 30, Schedule A, whichever is greater. These uses are as follows: Section 30, Schedule A, Permitted Uses
#2,#3B,#5,#9,#10,#11,#12,#13,#14,#15,#16,#17(A&B),#18(A,B&C)#19,#22, #23(A&B),#24(A,B&C),#26,#31,#32,#46,#48,#49,#50.

Section 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
1.	Dwellings containing one dwelling unit and not more than two such dwellings per lot provided all requirements of these Regulations shall be met for each dwelling unit as though each were on an individual lot. [2]	Y	Y	Y	Y	N	N	N	N	N
1A.	Dwellings containing one (1) dwelling unit and not more than two (2) such dwellings per rear lot (as regulated by Section 5.5 of the Subdivision Regulations) providing all requirements of the regulations shall be met for each dwelling unit as though each were on an individual rear lot.[2]	P	P	P	P	N	N	N	N	N
1B.[3]	Accessory second dwelling on lots containing one (1) dwelling unit and not more than two (2) dwellings per lot, provided each dwelling meets the requirements of Section 32, Schedule B for Minimum Lot Area Square Footage Per Dwelling Unit and Minimum Setbacks from Street Line, Side Line and Rear Line for the zone in which the lot is located, and subject to the following conditions: 1. The existing lot shall not be subdivided or re-subdivided in the future without complying with all requirements of these regulations, including but not limited to the separate requirements for each dwelling relating to Minimum Lot Frontage, Minimum Lot Width and Minimum Lot Setbacks for the zone in which the lot is located. 2. Unless the requirements of Item 1 above are met, the lot and dwellings are to be held in the same ownership. 3. The accessory second dwelling shall be located to the rear or the side of the primary dwelling so as to be subordinate to the primary dwelling, and shall not exceed fifty percent (50%) of the Lot Coverage of the main dwelling and shall not exceed the height of the primary dwelling. It shall be located no less than twenty (20) feet from the primary dwelling. The applicant will demonstrate to the satisfaction of the Commission that the accessory dwelling is designed and located to be architecturally compatible with the primary dwelling and the character of the neighborhood in which it is located. 4. At least one (1) principal owner of the property shall reside in either the primary dwelling unit or the accessory dwelling unit. Said owner shall certify such residence by affidavit at the time of the initial application or change in the residency of the accessory dwelling unit and every five (5) years after the initial application	P	P	N	N	N	N	N	N	N

1 Amendment effective December 23, 1075.
2 Amendment effective October 30, 1981
3 Amendment approved September 10, 2012 eff: September 28, 2012.

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
1 B cont'd	The other dwelling shall be occupied by family members (including in-laws) of the owner(s), guests, caretakers and other domestic help employed by the owner(s). The multiple dwelling units and occupancy arrangements permitted under this section are intended to provide flexibility in living arrangements to the owner(s) of the property and their families, and are not intended to nor do they permit the renting for income purposes or other use of either dwelling unit by person(s) other than family, guests and caretakers or other domestic help employed by the owner(s). Permitted occupancy of the residences is also subject to the definition of "Family" contained in Section 23 of these Regulations. 5. All dwellings shall be in compliance with Section 52.3 requiring that each dwelling have a proper permit for sanitation.[5]									
2.	Dwellings containing one dwelling unit, and not more than one such dwelling per lot, occupied by a person, together with said person's family, who is the owner, corporate officer, manager, caretaker, or janitor of a permitted commercial[4] use on the same lot.[2,4]	Y	Y	Y	Y	Y	Y	Y	N	N [3]
3A.	Dwellings containing one or two dwelling units and not more than two dwellings per lot may be permitted in commercial zones subject to the following conditions: That the areas to be used for residential purposes shall meet all the requirements of a residence in an R-20 zone and each dwelling unit shall require 20,000 square feet exclusive from any other use or dwelling unit on the lot. [1]	N	N	N	N	P	P	P	N	N
3B.[5]	A mix of dwelling units and office units, provided that the lot size shall exceed the minimum Section 32, Schedule B, Dimensional Requirements for the office use by at least 10,000 square feet for each dwelling unit. Further, that the structure(s) on the lot shall meet the lot coverage requirements for the zone, and that the parking requirements of Section 33 of these Regulations are satisfied for each use [3] [1, 2] Amendment eff. 12/23/1975 [3] Amendment eff. 11/2/2001 [4] Amendment eff. 7/30/2004 [5] Amendment eff 9/28/2012	N	N	N	P [4]	N	N	N	N	N

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
4.	Dwellings containing two dwelling units (i.e. Duplexes), and not more than two such dwellings per lot provided all requirements of these Regulations shall be met for each dwelling as though it were on an individual lot and each dwelling unit meets the applicable minimum lot area requirements. [1,2]	P	P	P	P	N	N	N	N	N
	[1] Amendment effective 8/27/84 [2] Amendment effective 12/22/89 & 10/27/95									

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
5.[1,6]	One additional dwelling to be used as an accessory[7] apartment including kitchen facilities may be located in the dwelling even if the size of the lot is not large enough to fulfill the minimum lot area requirements for an additional dwelling unit, and subject to the following conditions: a. The additional dwelling unit is only to be occupied by family members (related by blood, marriage, or adoption to a resident of the main dwelling unit), and is not to be rented or used for income purposes. b. The accessory[7] apartment shall be directly attached to the existing dwelling or attached to the dwelling via an enclosed structure. In addition, the in-law apartment shall not exceed a maximum floor area of 950 square feet (net) excluding ramps and any other structural alterations needed to achieve barrier free design where necessary as defined within these regulations. c. The accessory[7] apartment shall have an internal access to the main dwelling unit via a connecting door.[5] d. The accessory[7] apartment shall utilize the dwelling's existing driveway and utility meters. e. Wherever possible the entrance to the accessory apartment shall be located to the side or rear of the existing dwelling and/or the proposed addition. The Commission shall consider whatever exceptions are to this requirement needed to achieve barrier free design. f. [7]Special Permits for accessory apartments shall remain valid provided that the owners of the property submit a notarized statement to the Zoning Enforcement officer once every five (5) years verifying that the accessory apartment complies with the requirements of this section. Said permit shall also remain valid when a property is transferred from one owner to another provided that the new owner also verifies to the Zoning Enforcement officer by way of an affidavit that the property remains in conformance with these regulations. g. If the Special Permit expires, the property owner shall at their own expense, remove the kitchen facilities within sixty (60) days of the expiration of the Special Permit.	P	P	P	P	P	P	P	P	P

1 Original Para. 5 deleted 4/29/76.
2 Amendment eff: September 26, 1980
3 Amendment effective 8/27/1984
4 Amendment eff. 12/22/89 & 10/27/95.
5 Amendment eff. 9/29/2000.
6 Amendment eff 7/30/2004.
7 Amendment effective 2/1/2019.

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
6A.	Planned Residential Developments provided such development is served by a public sanitary sewerage system and a public water supply system or a state-approved community water supply system, and subject to the provisions of Section 43.	P[1]	P	P	P	N	N	N	N	N
6B.[4]	Planned Residential Developments provided such development is served by a public water supply system or a state-approved community water supply system and subject to the provisions of Section 43. (was #7.)	P[2]	P	N	N	N	N	N	N	N
6C[4].	Age Restricted Planned Residential Development provided such development is served by a public sanitary sewerage system and a public water supply system and, except as modified by Section 43.4.1, subject to the provisions of Section 43.[3]	P	P	P	P	N	N	N	N	N
6D.[4]	Planned Residential Developments designed exclusively for occupancy by elderly persons provided such development is served by a public sanitary sewerage system and a public water supply system and subject to the provisions of Section 43. (6B.)	N	N	N	P	N	N	N	N	N
6E.[4]	Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons - - in accordance with the provisions of Section 43.6. (67A.)	N	P	P	P	N	N	N	N	N
6F.[4]	Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services – in accordance with the provisions of Section 43.7. (67B.)	N	P	P	P	N	N	N	N	N
6G[5]	Planned Residential Infill Development in accordance with the provisions of Section 43.8.*	N	N	N	P*	N	N	N	N	N

*Not permitted in the Special Development District (SDD)

1,2 Amendment effective July 1, 1983.
3 Amendment Adopted 3/25/02, effective 3/29/02.
4 Amendment effective July 30, 2004.
5 Amendment effective July 26, 2013

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
7.	Assisted living, convalescent homes, and the like licensed by the State of Connecticut subject to the following conditions:[1] [2] a. The facility shall be the only building on a lot of no less than 10 acres in area When located on a state highway the facility may be located on a lot of five (5) acres or more.[3] b. The facility shall meet the following dimensional requirements: Minimum setback from street line 150 ft. Minimum setback from side line 50 ft. Minimum setback from rear line 100 ft. Maximum height of structure 40 ft. Maximum lot coverage 10 % c. In addition to the above requirements, a minimum of 50% of the total area shall be landscaped or designated as open space. d. Parking in assisted living residential facilities shall be a minimum of one (1) per every three (3) dwelling units and one (1) for every employee on the largest shift. e. As part of the filing requirements for the special permit, the applicant shall submit a profile drawing to scale showing the proposed facility and its relationship to the buildings on both sides for a distance of 500'. The commission may require additional information necessary to assist them in determining the scale of the proposed structure(s) in relation to the surrounding area. This additional information may include visual representations of the project such as, but not limited to, architectural models made to scale, additional renderings, etc. f. If an existing assisted living, convalescent home or other similar use was legally established prior to April of 1996 and is located on a lot that no longer conforms to the area, setback, landscaping or open space, and coverage requirements set forth in this subsection, the Commission may, in its discretion, grant a waiver or modification of those requirements provided it finds that: 1. A planned renovation and/or expansion of said existing use cannot be reasonably developed without such waiver(s) or modification(s); and 2. The granting of such waivers or modifications will not unreasonably impact the general health, safety and welfare of the community. In no event, shall the dimensional requirements set forth within Section 32 of these regulations be waived or modified.[4]	P	P	P	P	N	N	N	N	N

[1] Amendment effective April 26, 1996.
2Amendment effective November 27, 1988
3mendment effective August 31, 1984
4 Amendment effective December 28, 2012

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
8.[2]	Facilities for the mentally disabled and/or autistic, licensed by the State of Connecticut, and subject to the following conditions: a. The facility shall be located on a lot not less than ten (10) acres in area. b. There shall not be more than thirty-six (36) individual residents on the premises at any one time. Residential dwellings shall be separate buildings containing six (6) or less residents plus the appropriate staff personnel. c. If the facility provides educational services, no more than twenty (20) additional students shall be allowed. Classrooms, recreation, administration and other similar activities may be housed in a separate building. d. All structures shall be located at least 100' from all property lines.[1]	P	P	P	P	N	N	N	N	N
9.	Trailers, motor homes, or mobile homes on the same lot with a dwelling containing one dwelling unit and subject to the following conditions: There shall be no more than one trailer, motor home, or mobile home per lot. If the trailer, motor home or mobile home is to be occupied, its sanitary facilities shall have the approval of the Town Health Officer, and it shall be occupied by only one family, at least one of whom shall be either the owner of the lot or related by blood, marriage, or legal adoption to a member of the family occupying the dwelling unit. Such dwelling unit may be one for which a building permit has been issued. The trailer, motor home, or mobile home shall be located within the applicable setbacks of that zone and shall be adequately screened from adjacent properties. d. Any approval shall be limited to a period of one year and not renewable. e. In the event of a fire or other casualty making the dwelling uninhabitable, and where immediate occupancy is necessary, a temporary permit may be issued by the Zoning Enforcement Officer until a Special Permit can be issued	P	P	P	P	P	P	P	P	P

1 Amendment effective 8/31/1984.

2 Amendment effective 11/27/1998

3 Amendment effective 7/30/2004

SECTION 30, SCHEDULE A, PERMITTED USES

	PERMITTED USES	ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
10.[3]	Camp trailer, motor homes, boats and pickup coaches, placement not more than 28 feet in length and subject to the following conditions: a. There shall be no permanent connections to utility service including electrical, heat, water, sanitary service and the like. b. Storage shall be to the rear of the dwelling or other major building, in a neat and orderly manner**,** adequately screened and where collapsible, in a collapsed state or stored in a garage**.** Storage shall be not less than 10' from any property line. c. Storage shall be limited to camp trailers, motor homes, boats and pickup coaches in a residential zone, but no more than two of the above listed items shall be stored per dwelling unit. In addition, such vehicles shall be registered in the name of and be the legal property of an occupant of the dwelling unit.[2]	Y	Y	Y	Y	Y	Y	Y	Y	Y
11.	Accessory uses customarily associated with or incidental to any permitted use in any residential zone subject to the following conditions: a. Accessory uses may include private garages for the use of the occupants of the lot. One garage space may be rented to a non-resident of the lot provided the garage space is not one of the spaces required in Section 33.1.1 and the use of the rented space meets all other requirements of the Zoning Regulations. b. Buildings and structures for recreational and homeowner association use in approved Planned Residential Developments and Cluster Subdivisions shall be considered accessory uses. c. All accessory buildings shall meet the requirements of Section 32.2.5. d. Except as provided elsewhere in these Regulations, such uses shall not include the sale of articles not made on the premises, nor a restaurant, or other food service establishment, beauty parlor or other hairdressing establishment, and the like. e. No accessory use shall change the residential character of the area.[1]	Y	Y	Y	Y	N	N	N	N	N

[1] Amendment effective September 25, 1975.
2 Amendment effective January 26, 1979.
3 Amendment effective July 30, 2004..

SECTION 30, SCHEDULE A, PERMITTED USES

	PERMITTED USES	ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
12.[4]	A temporary real estate office located on the site of a Planned Residential Development, Cluster Subdivision, Resubdivision or Rental Apartment development approved by the Planning and Zoning Commission provided: a. The temporary real estate office is exclusively for the sale or rental of units or homes on the site on which said office is located. b. The temporary real estate office shall be located in one of the homes or units in the development. c. The temporary real estate office shall be permanently removed when 90 percent of the units or homes are initially sold or rented.[1]	Y	Y	Y	Y	Y	Y	Y	Y	Y
13.	A temporary construction office provided: a. The temporary construction office shall be used exclusively for construction on the site on which it is located. b. The temporary construction office shall be located either in a model home or unit or in a movable trailer or trailers and must comply with appropriate setbacks for the zone. c. The temporary construction office shall be permanently removed upon completion of all structures on the approved section of the site of the Planned Residential Development, Cluster Subdivision, Subdivision, Resubdivision, Site Plan, Special Permit, Planned Commercial Development, approved lot or lots of record.[1]	Y	Y	Y	Y	Y	Y	Y	Y	Y
14.[4]	Tag Sales are permitted at a Dwelling Unit[2]	Y	Y	Y	Y	Y	Y	Y	Y	Y
15.[4]	The Sale and Display of Antiques.[3] "Antique" for the purpose of these regulations is defined as any work of art, piece of furniture, decorative object, and the like, created and produced at least 25 years prior to the date of sale. The sale and display of antiques are subject to the following conditions:	P	P	P	P	S	S	S	N	N

[1] Amendment effective September 1, 1975.
2 Amendment effective October 27, 2000 at 12:02 a.m.
3 Amendment effective March 31, 1995.
4 Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
15 CONT'D	1. Additional storage is permitted in an ancillary building provided it is entirely enclosed within another building. 2. There shall be no external evidence of such use other than permitted signage as provided in Section 34. 3. There shall be a minimum of five (5) parking spaces provided on the site. 4. In Residential Zones: a. Property must have frontage onto a State Highway. b. Such use must be secondary to the residential use of the entire premises and shall not occupy more than 50% of the floor area in the residence wherein located.									
16.	The sale of registered motor vehicles on a residential lot and subject to the following conditions: a. The motor vehicle for sale shall not exceed a rated capacity of two and one-half (2 ½) tons. In addition, such vehicles shall be registered in the name of and/or be the legal property of a resident of the dwelling unit. b. No more than two (2) motor vehicles shall be offered for sale or sold from any one lot in the period of one calendar year.[1]	Y	Y	Y	Y	Y	Y	Y	Y	Y
17A.[4]	Child day care center and/or nursery school which offer or provide a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week, provided the facility meets all statutes and regulations of the State of Connecticut for licensing of child day care centers.	N	N	N	P	P	P	P	P	P
17B.[2]	Group day care homes which offer or provide a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days of the week, provided the facility meets all statutes and regulations of the State of Connecticut for licensing of group day care homes.[3]	P	P	P	P	P	P	P	P	P

1 Amendment effective September 30, 1988.
2 Amendment effective May 26, 1989.
3 Amendment effective February 7, 1997.
4 Amendment effective July 30, 2004.

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-	C-1	C-2	C-3	I-1	I-2
18A.	A business or professional office when conducted on the premises entirely by mail and/or telephone and when there is no pedestrian, automobile or other vehicular traffic necessary for its conduct with the exception of normal residential traffic activity by the residents, provided the use meets all the requirements as follows: a. No persons other than family members residing on the premises, shall be engaged in the conduct of the office or enterprise . b. The office or enterprise shall not impair the residential character of the premises and neighborhood, and shall have no outside storage or display windows, nor shall there by any evidence of the operation outside the dwelling unit. c. The floor area used for the conduct of the office or enterprise shall not exceed 25 per cent of the floor area of the dwelling unit. d. The use shall not create interference with radio and television reception in the vicinity. e. No industrial manufacturing or processing equipment of any type shall be allowed.[1]	Y	Y	Y	Y	Y	Y	Y	Y	Y
18B.[3]	A professional or business office or customary home enterprise, in a dwelling unit and not in an accessory building and subject to the following conditions: a. The person or persons conducting the office or enterprise shall reside in the dwelling unit, and there shall be no more than two non-resident persons engaged in the conduct of the office or enterprise. b. The office or enterprise shall not impair the residential character of the premises and there shall be no evidence of the operation outside the dwelling unit except permitted signs. The use shall be completely enclosed in the building and shall have no outside storage or display windows. c. The floor area used for the conduct of the office or enterprise shall not exceed 25 per cent of the finished space area of the dwelling unit. d. The use shall not create interference with radio and television reception in the vicinity.[2]	P[3]	P[3]	P[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]

1,2 Amendment effective May 27, 1976.
3 Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
18B.	18 B. Continued. e. All trash generated by the business shall be disposed of separately from normal household trash by an independent hauler. No dumpster or trash receptacle for the business shall be visible from the street or abutting property owners. f. Adequate off-street parking for the residential and business use shall be provided. No business related parking is permitted on the street or lawn area.	P[1]	P[1]	P[1]	S	S	S	S	S	S
18C.[1]	In-home business for instructional classes and lessons such as, but not limited to music, arts and crafts, tutoring, dance, training and the like, in a dwelling unit and not in an accessory building, subject to the following conditions: a. The person or persons conducting the enterprise shall reside in the dwelling unit, and there shall be no more than two non-resident persons engaged in the conduct of the enterprise. b. The business shall not impair the residential character of the premises and there shall be no evidence of the operation outside the dwelling unit except permitted signs. The use shall be completely enclosed in the building and shall have no outside storage or display windows. c. The business shall not generate traffic which is substantially greater than normal traffic usage for that area. d. The business shall not create offensive noise, odors, or other objectionable conditions which might adversely affect the residential character of the surrounding area. e. The floor area used for the conduct of the business shall not exceed 25 per cent of the finished space area of the dwelling unit. f. The use shall not create interference with radio and television reception in the vicinity. g. All trash generated by the business shall be disposed of separately from normal household trash by an independent hauler. No dumpster or trash receptacle for the business shall be visible from the street or abutting property owners. h. Adequate off-street parking for the residential and business use shall be provided. No business related parking is permitted on the street or lawn area.	P[1]	P[1]	P[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]

[1] Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

	PERMITTED USES	ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
19.	Bed and Breakfast.[3] [2]The letting of rooms and/or furnishing of board in a dwelling unit to a total of not more than ten persons, subject to the following conditions: a. The person or persons letting the rooms shall reside in the dwelling unit. b. The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling unit. c. No accessory building shall be used for letting of rooms or furnishing of board. d. Such use shall not be combined with a commercial or industrial use on a lot except as provided in paragraph 2 of this section.	P	P	P	P	P	P	P	P	P
20.	Campgrounds operated and owned privately subject to the Following conditions: a. The site shall have a minimum of 50 acres. b. No campground shall exceed 100 campsites maximum. c. Access shall be directly from a state highway within the Town of Cheshire and there shall be two separate access points, one for entrance and one for exit, separated by a minimum of 500 feet for the purposes of safety. d. Access roads at the entrance shall be paved to Town Standards for quality and shall be minimum of 22 feet wide. e. The check-in station or office shall be at least 500 feet from the entrance intersection and shall have adequate paved parking to avoid congestion. (1 space for each employee and a minimum of 5 visitor's spaces.) f. Interior circulation shall be by one-way system where feasible. Such one-way roads shall be 12 feet wide and shall be oiled. g. No campsite shall be closer to the state highway than 500 feet nor closer than 300 feet from any other property line. h. There shall be no more than four campsites per acre. For each such developed acre, 2 undeveloped acres shall be required.[1] i. All campsites devoted to tenting shall be on well-drained gravel sites.	P	P	N	N	N	N	N	N	P

[1] Amendment effective 2/27/1975.
2 Amendment effective 1/29/1988.
3. Amendment effective 7/30/2004.

	SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
20. Cont'd	j. Tenting areas shall be protected from vehicular traffic. k. Rubbish shall be collected daily from all campsites. l. Potable water supply and sanitary facilities shall meet State Health requirements. In addition, all toilets shall be flush-type. m. Water retention ponds and other precautions for fire protection shall be developed as per request of Town of Cheshire Fire marshal. n. There shall be a 14-day maximum occupancy limit during any 90-day period.	P	P	N	N	N	N	N	N	P
21.	Housing subject to state and local provisions for migrant (temporary) farm labor, on the farm where they are primarily employed.	Y	Y	Y	Y	Y	Y	Y	Y	Y
22.	Farms, Truck Gardens, Nurseries. a. All structures in excess of 144 square feet (including greenhouses) are subject to Section 32 Schedule B Dimensional Requirements and must obtain a zoning permit.	Y	Y	Y	Y	Y	Y	Y	Y	Y
23A.[3]	Temporary stands for the display and sale of farm and truck garden and forestry produce grown exclusively on the premises provided there is only one such stand on the premises and that such stand does not exceed 100 square feet in area.	Y	Y	Y	Y	Y	Y	Y	Y	Y
23b.	Stands for the display and sale of farm and truck garden and Forestry produce, of which a major portion thereof was raised or Produced on that bona fide farm, or orchard, provided it is on an Active farm and there is only one such stand on that farm.[1] Related Agricultural products may be sold provided the sale of such Products is secondary to the operation of the business.[2]	S	S	S	S	S	S	S	S	S
23c.[4]	Outdoor events and activities that are part of a working farm operation's total offerings and are subject to the following conditions and standards. Working Farms shall be classified for property tax assessment as farm or forest use by the Tax Assessor, and shall have been classified as such for five years, and shall currently engage in agricultural activities. The working farm hosting events shall be a minimum of 25 contiguous acres in	P	P	N	N	N	N	N	P	P

1. Amendment effective 5/1/1975.
2. Amendment effective 5/27/1976.
3. Amendment effective 7/30/2004.
4. Amendment effective 11/13/2015.

	SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
23C Cont'd	common ownership or leasehold, and have access from an arterial or collector street as defined by the CT Department of Transportation's Functional Road Classification. Such uses are limited to fee-based outdoor recreation and event hosting, such as banquets, weddings, private parties, horse shows, farm-to-table, or similar events. These events may take place outdoors; in a temporary enclosure, such as a tent. If temporary structures are used for event hosting, they shall be removed during the off-season. Event hosting season shall begin on May 1 and end on October 30. Event Standards 1. The outdoor event area shall be a minimum of two hundred (200) feet from any off-site residence and seventy-five (75) feet from any property boundary. 2. The maximum number of attendees permitted for any event shall be 400 if it can be demonstrated that site conditions, parking availability, impacts on Town infrastructure and neighborhood properties, and public health and safety considerations can be accommodated. There shall be no more than three events per week. Large gatherings may require the presence of an onsite representative of the Fire Department at the cost of the property owner or event sponsor. 3. The site plan shall show adequate emergency vehicle access to all assembly areas. 4. The site plan must be approved by the Police and Fire Departments. 5. Tents and membrane structures shall comply with the State of Connecticut tent and membrane structures codes and all related regulations. 6. All electrical wiring will need to be approved by the Building Department. 7. Site inspections will be conducted at the discretion of the Fire Chief/Marshal to ensure public safety and code compliance. 8. Adequate off-street parking must be provided for each event. The parking area does not have to be paved or improved, but must be accessible to and useable in all weather conditions for visiting vehicles.	**P**	**P**	**N**	**N**	**N**	**N**	**N**	**P**	**P**

1	SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
23C Cont'd	9. Adequate sanitary facilities for the size of the event must be provided and removed from the site in a timely manner, and must comply with state and local health codes. 10. Food services must comply with State and local health codes. 11. Outside lighting shall comply with Section 21 of the Zoning Regulations. 12. Music/entertainment is permitted subject to State sound regulations. No outdoor music shall be played before 10:00 A.M. or after 10:00 P.M. Monday through Saturday or before 11:00 A.M and after 9:30 P.M. on Sunday. 13. Per Section 41 of these Regulations, a site plan of the areas of the farm to be used to host events shall be provided with the site plan approval application. The site plan shall display sufficient information to determine compliance with all the standards of this section, and therefore, may include only a reasonable portion of the property that will be used for event hosting. The site plan shall demonstrate adequate distance from property boundaries, the general event location, event site access and egress, parking, sanitary facilities, lighting, and pedestrian paths between these areas. A Special Permit issued pursuant to Section 40 of these regulations is required for a working farm to offer events and activities pursuant to this subsection. When acting on the application for a Special Permit, the Planning and Zoning Commission may vary the event standards in this subsection, including, but not limited to, the required setbacks, maximum number of attendees, hours when music may be played, and number of events per week, and limit the type of event or activity permitted, if the Planning and Zoning Commission determines that such variance or limitation is reasonably necessary to ensure public safety or welfare. Following Special Permit approval under this Section, each working farm shall annually provide the Planning and Zoning Department with a list of scheduled events including the dates, number of persons expected, and nature of the event, for the event season prior to May 1st. The applicant shall not have to receive annual Special Permit approval, provided the approved site plan for event hosting remains in effect. Special Permits granted under this section shall be for two years initially. Multiple extensions may also be granted for a period of five years each. Approvals for these extensions may be applied for in the second year of the initial permit and the fourth year of any extension. In the case that an extension is not granted, owners of the permit shall be able to complete all of the events shown on the list through October 30 of the calendar year within which the permit will expire.	**P**	**P**	**N**	**N**	**N**	**N**	**N**	**P**	**P**

	SECTION 30, SCHEDULE A	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
	PERMITTED USES									
24A.[1]	Horses, Ponies, and Other Equine Animals, subject to the following: a. The lot shall contain a minimum of two (2) acres for the first animal and an additional ½ acre for each animal thereafter. b. A stall or other space in a suitable weather tight permanent shelter shall be provided for each animal. c. Any building used for housing of animals, feed or water trough, or storage area for manure shall be located not less than 100 feet from any property line.	Y	Y	Y	**Y**	Y	Y	Y	Y	Y
24B.[1]	Livestock, Cattle, and Other Farm Animals, (excluding equine and poultry), subject to the following: a. The lot shall contain a minimum of three (3) acres. b. Shelter must be provided to adequately house all animals kept on the lot. c. Any building used for the housing of animals, feed or water trough or storage area for manure shall be located not less than 100 feet from each property line.	Y	Y	Y	**Y**	Y	Y	Y	Y	Y
24C.[2,3]	Chickens as an accessory use on properties used for residential purposes, subject to the following: a. The lot shall contain a minimum of 20,000 sq. feet. b. No more than 12 chickens shall be kept on the lot. c. Roosters, peacocks, and male turkeys are prohibited on lots less than three (3) acres. d. More than 12 chickens require three (3) acres. e. All chickens must be kept in a building or enclosure located in a side or rear yard and no less than 5 feet from any lot line and at least 75 feet from any neighboring residences.[3]	Y	Y	Y	**Y**	Y	Y	Y	Y	Y
24D[1]	Horses or ponies for hire, riding academies or boarding stables for five or more animals located on a lot or not less than 15 acres provided that any building (other than a dwelling) and riding ring shall be located at least 300 feet from any lot line.	P	P	P	**N**[1]	N	N	N	P	S

[1] Amendment effective July 30, 2004.
2Amendment effective May 14, 2010
[3]Amendment effective November 13, 2021

PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
25.	Commercial and Boarding Kennels and Veterinary Hospitals subject to the following conditions: a. No dogs shall be housed or exercised in outside kennels or runs. b. All buildings in which dogs are housed or exercised shall be of solid construction of either masonry or framed with insulation and shall have finished interior walls. c. Exercise runs shall have finished masonry floor with covered drains, and shall be separated by solid partitions of at least 4 feet in height. d. All external doors shall be of solid core construction. e. Kennel rooms and exercise runs shall be provided with forced air ventilation and shall have no open windows. f. All ceilings shall be insulated and finished with sound absorbent materials. g. In residential zones, the facility shall be on a lot with a minimum area of 5 acres and any building housing animals shall be at least 150 feet from any property line. In industrial zones, the facility shall be on a lot with a minimum area of 100,000 square feet, a minimum lot width of 250 feet and subject to the frontage setback, height and lot width of 250 feet and subject to the frontage setback, height and lot coverage requirements of the !-2 zone.	P	P	P	N	N	N	N	P	S
26.	Pet Grooming[1] * When in industrial zones shall not be constructed or located within 1,000' of an existing or proposed pet groomer. a. Distance shall be measured between the nearest adjacent sides of the existing and proposed pet groomers. b. No dogs shall be housed outside. c. Parking requirements shall be according to Section 33.1.7 Standards.	N	N	N	P	P	P	P	P *	P *

1 Amendment effective May 1, 1998 at 12:01 a.m.

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
27.	Buildings and facilities used primarily for the following uses: Churches and places of worship; parish halls, schools, colleges, universities, museums; general hospitals (excluding correctional institutions and hospitals for the insane); cemeteries, educational, religious, philanthropic, scientific, literary, historical, and charitable institutions, agricultural and horticultural societies, if such uses are conducted by a non-profit organization and not and not as a business or for profit, provided that accessory use of such buildings and facilities for profit or not for profit shall be allowed if such use is in connection with a federally, State or municipality funded program for the elderly intended to promote the public health, welfare, safety or education.	P	P	P	P	P	P	P	P	P
28A.	Public Service Corporation building and facilities, all with no Outside service yard or outside storage of supplies	P	P	P	P	P	P	P	Y [4]	Y [4]
28B	Public Service Corporation buildings and facilities with outside service yard or outside storage of supplies.	N	N	N	N	N	N	N	S	P
28C	Public Service Corporation buildings and facilities of which the above ground portion does not exceed 100 square feet in area or 10 feet in height: a. The facility shall be located on a lot or easement of not less than 400 sq. ft. b. Minimum setback from street line shall be 10 feet. c. Minimum setback from side line and rear line shall be 5 feet. d. Sufficient landscaping and screening shall be provided to insure that the facility is in harmony with the zone and the surrounding neighborhood. e. All utility wire from adjacent poles to the facility shall be underground. [3,4]									

1 Amendment effective October 30, 1975.

2 Amendment effective September 17, 1979.

3Amendment effective August 30, 1985.

4 Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
29A.	Municipal Buildings and Uses of the Town of Cheshire and other governmental uses. All such uses shall be subject to the Dimensional Requirements set forth in Section 32 of these regulations, except as may be noted therein.[1,4]	P	P	P	P	P	P	P	P	P
29B.	Uses otherwise permitted in Section 30, Schedule A., PERMITTED USES, the operation of which is conducted by private enterprise or a non-profit entity, is directly related to a municipal, governmental, or educational use, and is to be operated on property owned by the Town of Cheshire subject to approval by the Town Council of the Town of Cheshire. Nothing contained herein shall preclude the utilization of the facility for the approved use by private or non-profit entities in conjunction with or in addition to the utilization of the approved facility by the Town of Cheshire.[2]	P	P	P	P	P	P	P	P	P
30.	Parks and playgrounds, historic landmarks, and the like, operated by a private or governmental unit or a community association.	P	P	P	P	P	P	P	P	P
31.	Carnivals or fairs sponsored by a local nonprofit organization, subject to the following conditions: a. The facility shall be on a lot having a minimum area of 3 acres. b. There shall be provision for adequate parking within 500 feet of the facility. c. All structures shall be a minimum of 150 feet from any lot line. d. Direct access shall be on lands adjacent to State Highway Routes 10 or 70. e. Signage must comply with Section 34, Sighs. f. There shall be no more than one special permit issued to an organization during any one calendar year. The duration shall be for no more than 10 consecutive calendar days. g. Subsequent yearly events sponsored by the same organization and located on the same site may be approved administratively by the Planning Staff.	N	P	P	P	P	P	P	P	P

1 Amendment effective September 17, 1979.

2Amendment effective November 1, 1996.

3 Amendment effective July 30, 2004

4 Amendment effective August 1, 2014.

PERMITTED USES		ZONING DISTRICTS								
		R-	R-40	R-20	R-	C-1	C-2	C-3	I-1	I-2
32[2].	Temporary fairs, bazaars and sales conducted by local non-profit organizations held on the premises, (the majority of which are owned by the sponsoring organization), subject to the following conditions: a. Duration shall not be more than 10 consecutive calendar days during any one calendar year. b. There shall be provision for adequate parking within 500 feet of the facility. c. Signage must comply with Section 34, Signs.	Y	Y	Y	Y	Y	Y	Y	Y	Y
33.[2]	Clubs for golf, tennis, swimming and similar facilities. a. Golf facilities shall be located on a lot of not less than 50 acres or, if in combination with tennis, swimming, or similar facilities, not less than 60 acres. Tennis, swimming and similar facilities alone shall be located on a lot of not less than 10 acres. b. Unless located in an I-1, or I-2 zone, all club facilities, including club house, pro shop, restaurant, bar, locker rooms, or recreation hall shall be located not less than 200 feet from any property line and parking area and accessory buildings shall be located not less than 20[3] feet with adequate screening to include fencing and densely planted vegetation to obscure the parking and automobile lights from any property line. If any of the above are located in an I-1 or I-2 zone, the normal dimensional requirements set forth in Section 32, Schedule B, shall apply, as well as the normal parking setback requirements for Industrial zones as set forth in Section 33.1 and parking requirements set forth in Section 33.1.7.[1] c. The furnishing of meals, refreshments, beverages and entertainment shall be incidental to the conduct of the facility, and provided that three-quarters of the customers' seats are located within an enclosed building of the facility. There shall be no living accommodations except for employees of the club. d. Golf facilities shall be so designated and located that there is no hazard to persons or property off the premises. All tees shall be located no less than 50 feet from any property line. There shall be no artificial lighting on the course itself and no play permitted after darkness.	P	P	P	N	N	N	N	P	P

1 Amendment effective April 17, 1972.
2 Amendment effective July 30, 2004.
3 Amendment effective August 9, 2019.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
34.	Golf Driving Ranges. Golf Driving Ranges must be located on lots at least 7 ½ acres and shall have direct access on lands adjacent to State Highway Routes 10 or 70.[2]	N 4	N 4	N 4	N 4	P	P	P	P	P
35.	Clubhouses for non-profit, fraternal, community service and/or veteran's organizations with or without liquor permit. Parking requirements shall be in accordance with Section 33.1.2.[1]	N	N	N	N	N	P	P	N	N
36A.	Commercial recreation facilities provided the use is located primarily within an enclosed building. Any outdoor recreation facilities shall be secondary to the primary indoor use and shall not be permitted on any lot with frontage on Route 10 or direct access to Route 10.[3]	N	N	N	N	N	N	P	P	P 6
36B.	Indoor ice skating facilities provided the use is located entirely within an enclosed building or buildings when requirements of the facility and the provisions of these regulations require a lot of not less than 120,000 square feet in area.[3]	N	N	N	N	N	N	S	P *	S
36C.	Sports training facility with related commercial recreation facilities provided the use is located primarily within an enclosed building. Said facility may include related outdoor facilities that are secondary to the primary sports training use. Such facilities with related outdoor use, however, shall not be permitted on any lot with frontage on Route 10 or direct access to Route 10.[4]	N	N	N	N	N	N	P	P	P
37.	Health and Exercise Facilities[5]	N	N	N	P	S	S	S	P	S

(30-23)

[1] Amendment effective November 29, 1072
[2] Amendment effective March 30, 2001.
[3.] Amendment effective March 28, 2003.
[4] Amendment effective July 29, 1994.
[5] Amendment effective April 29, 1988.
6 Amendment effective September 26, 2014.

	SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES	**R-80**	**R-40**	**R-20**	**R-20A**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**
38.	a. Businesses where goods are sold or service is rendered primarily at retail and that have not more than 50,000 sq. ft. of gross floor area per building. The gross floor area of the total of all retail buildings sharing a common parking area shall not exceed 120,000 sq. ft., but not more than one building in excess of 30,000 sq. ft.[2]	N	N	N	N	N	S	S	N	N
	b. Such uses may include a take-out service incidental to the primary permitted use where customers are served in motor vehicles.	N	N	N	N	N	P	P	N	N
39.	Businesses where goods are sold or service is rendered which have a maximum of 2000 square feet of gross floor area per whole structure.	N	N	N	N	S	S	S	N	N
40.	a. Restaurants and other food service establishments, with or without a liquor permit, provided at least three quarters of the customer seats are located within an enclosed building. <u>Except as set forth below in Paragraph 40.b[4].</u> restaurants and other food service establishments when in industrial zones shall not be constructed or located within 2,000 feet of any existing or approved restaurants. Distances shall be measured between the nearest point of the nearest adjacent sides of the existing and proposed restaurants. [1 3 4]	N	N	N	N	S	S	S	P	P
	Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles.[3]	N	N	N	N	P	P	P	P	P
	b. Restaurants and other food service establishments, with or without a liquor permit, provided at least three quarters of the customer seats are located within an enclosed building. Restaurants and other food service establishments when in industrial zones and located on a Lot having access to and frontage on Highland Avenue (Connecticut Route 10) at an intersection or driveway controlled by a traffic control signal as defined in Connecticut General Statutes Section 14-297(8).[4] There may be no more than one (1) such restaurant at each intersection or driveway controlled by a traffic control signal.[4]	N	N	N	N	S	S	S	P	P
	Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles.[3 4]	N	N	N	N	P	P	P	P	P

1 Amendment effective March 2, 1979. 2 Amendment effective November 1, 2002
3 Amendment effective September 30, 2004. 4 Amendment effective May 27, 2016

SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES		**R-80**	**R-40**	**R-20**	**R-20A**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**
41.	Ice cream parlors, where ice cream, soda and related products are the only items sold provided customers are served only when inside the building, provided there are a minimum of ten seats located inside the building for use by customers. Parking shall conform to Paragraph 33.1.7 of these Regulations.[2]	N	N	N	N	S	S	S	N	N
42.	Gasoline stations and/or Motor Vehicle Repairers subject to the following conditions and certifications as required by the <u>Connecticut General Statutes</u> as amended**.** a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 30,000 square feet. b. Gas stations with full repairer's license shall be permitted provided such use be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 40,000 square feet. b. All gasoline pump islands shall be located at least 25 feet from all lot lines. c. No curb-cut shall be greater than 30 feet in width and no part of any curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing. d. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275-gallon tank. g. Any above ground tanks or bulk storage of chemicals shall be covered and have a minimum of 110% containment. Weekly inspections shall be made and reports maintained on site. h. All accessory equipment or merchandise displayed outside shall be no more than 10 feet from the building with the exception that such merchandise and accessory equipment shall be permitted to be displayed on the pump island. i. After the effective date of this amendment to this section and these regulations, no retail or wholesale gasoline station shall be constructed or located within fifteen hundred feet (1,500) of an existing gasoline filling station (retail or wholesale).[1]	N	N	N	N	N	P *	P *	P +	N
.										

[1] Amendment effective March 12, 1971. [2]Amendment effective July 22, 1976
*Amendment effective June 8, 1990. +Amendment effective December 30, 1983

SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
42A.	Gasoline Stations with Convenience Store.[3] Gasoline stations may include not more than a total of 1,500 sq. ft. of gross floor area, the use of which is for the sale of goods (excluding beer and alcohol), primarily at retail, provided the site includes the required parking for both uses (pursuant to Sec. 33). No consumption of food on site is permitted under this section.	N	N	N	N	N	P	P	N	N
43.	Motor vehicle dealers (which can have repairer's licenses by State Statutes) subject to the following conditions and certification as required by the Connecticut General Statutes as amended.[1] a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of 40,000 square feet. b. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275 gallon tank. c. Any above ground tanks or bulk storage of chemicals shall be covered and have a minimum of 110% containment. Weekly inspections shall be made and reports maintained on site. d. Outside accessory equipment or structures shall be located at least 25 feet from all lot lines. e. No curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing.	N	N	N	N	N	N	p *	P +	p *
44.	Automatic Car Washing and Cleaning Establishments. An establishment equipped to wash automobiles, pick-up trucks, and small vans. The car wash shall be fully automatic enabling the driver to remain in the vehicle as it is washed. It shall be in a completely enclosed building.[2]	N	N	N	N	N	P[2]	P	P +	N

[1] Amendment eff. March 12, 1971, [2] Amendment eff. February 27, 1987, [3]Amendment eff. Nov. 1, 2002.

	SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES	R- 80	R- -40	R -20	R-20A	C – 1	C – 2	C – 3	I – 2 – I -	I – 2
45.	Boat dealers, to include sales and service of boats, motors, boat trailers and related accessories, subject to the following conditions: a. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275 gallon tank. b. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of 40,000 square feet. c. No curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing.[3]	N	N	N	N	N	N	P	P	P
46.	Hair and Beauty Salons[2] (including barber shops) * Parking requirements shall be according to Section 33.1.7 standards.	N	N	N	P	P	P	P	P *	P *
47.	Hotels, motels, tourist court and the like, designed primarily for transient guests and subject to the following conditions: a. The Facility shall be located on a lot of not less than 120,000 s.f. in area and there shall be not less than 4,000 s.f. of land area for each guest unit on the premises and not less than 20,000 s.f. of land area for each guest unit equipped with kitchen facilities. b. The facility shall be served by a public water supply system or a state-approved community water supply system. c. The front and rear setbacks shall not be less than 100 feet and side line setbacks not less than 50 feet. d. No more than 20 percent of the units shall have kitchen facilities. e. This section shall not be held to permit trailer parks or camps.	N	N	N	N	N	N	P	N	P
48.	Banks and Other Financial Institutions.	N	N	N	P	S	S	S	P	S
49.	Professional Offices.	N	N	N	P	S	S	S	P	S
50.	Medical and/or dental clinics and laboratories**.**	N	N	N	P	S	S	S	P	S

+ Amendment effective December 30, 1983.
3 Amendment effective December 19, 1986.

*Amendment effective June 8, 1990.

[1]Amendment effective May 2, 1980. [2] Amendment effective April 26, 1996. [3] Amendment eff. 12/19/86.

	SECTION 30, SCHEDULE A, PERMITTED USES **PERMITTED USES**	**R-80**	**R-40**	**R-20**	**R-20A**	**C-1**	**C-2**	**C-3**	**I-1**	**I-2**
51.	Privately owned and managed ambulance services certified as required by the Connecticut General Statutes as amended.[31] (Original Paragraph 25 Restaurants, deleted by Commission Action on 2/26/79)									
52.	Undertaker's establishments on a lot of at least 40,000 sq. ft. in area subject to the following conditions:[3] a. The lot shall have at least 150 feet of frontage on the street. b. Parking shall be in the rear of the principal building. c. Vehicular access shall be at least 20 feet from any side or rear line.	N	N	N	P	S	S	S	N	N
53.	Research Laboratories.	N	N	N	N	N	N	N	P *	S
54.	Wireless Telecommunications Facilities – In accordance with Section 80; Permitted in all zones by Special Permit except in the Interchange Zone (IC) where it would be permitted on an existing structure by Special Permit approval.[4]	P	P	P	P	P	P	P	P	P
55.	Radio and television-broadcasting studios excluding transmitting and receiving towers in excess of 35 feet above the ground.	N	N	N	N	N	S	S	P *	S
56.	Printing and publishing establishments occupying not more than 2,500 square feet of floor area.	N	N	N	N	N	S [5]	S	P *	S
57.	Printing and publishing establishments.	N	N	N	N	N	N	N	P *	S
58.	The manufacture, processing, assembling of goods and storage incidental to the primary use.[1]	N	N	N	N	N	N	N	P *	S
58(a)[2]	Breweries, wineries, and distilleries and other alcoholic manufacturing facilities as licensed by the State of Connecticut. Such facilities may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests. The distance requirements of Section 40 (a) of Section 30 shall not apply to such facilities.	N	N	N	N	N	S	S	P	S

*Amendment effective Dec. 30, 1983.
[1] Amendment effective September 1, 1975.
[2] Amendment effective June 5, 2020.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
59.	A. Warehousing, wholesale business and wholesale business warehousing.	N	N	N	N	N	N	P	P *	S
	B.[3] Warehousing, wholesale business and wholesale business warehousing with building heights that may be increased to a maximum of one hundred (100) feet, where due to industry developments and advancements, operations require greater building heights than otherwise allowed and the applicant demonstrates, pursuant to Section 40, Special Permits of these Regulations, that the proposed building height, design and building materials are appropriate in relation to the neighboring areas in which it is located. All setback requirements shall be increased by two (2) feet for each one (1) foot of height over fifty (50) feet for that portion of the structure that exceeds fifty (50) feet in height up to sixty-five (65) feet of structure height and shall be increased by one (1) foot for each one (1) foot of height over sixty-five (65) feet for that portion of the structure that exceeds sixty-five (65) feet in height. Additionally, the following restrictions shall apply: 1. There shall be no facilities or spaces designated for human occupancy above sixty-five (65) feet in height. 2. There shall be no roof-mounted equipment other than that needed for maintenance of the building and life-safety codes. 3. There shall be no third-party antennae or telecommunications equipment extending above the top of the roofline. 4. There shall be no exterior lighting above sixty-five (65) feet other than that which may be required for maintenance. All lighting shall have full cutoff fixtures. 5. Building exteriors shall avoid reflective surfaces and shall include textured materials and color changes to provide visual variety and eliminate glare.6. There shall be two (2) means of escape from all areas that may require maintenance above sixty-five (65) feet. 7. At least one means of fire department aerial access meeting the approval of the Fire Chief will be required.	N	N	N	N	N	N	N	P *	P
60A	Contractor's warehousing and storage yards.[1]	N	N	N	N	N	N	N	P	S
60B.	Excavation and paving contractors and associated equipment storage yards.[2]	N	N	N	N	N	N	N	P *	S

1 46 renumbered to 46A, effective September 1, 1975
2 Amendment effective September 1, 1975
3 Amendment effective 8/9/13

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
61.	Lumber and building materials business and storage yards.	N	N	N	N	N	N	N	P *	S
62.	Freight and materials trucking businesses, and freight trans-shipment facilities.[1]	N	N	N	N	N	N	N	P *	S
63.	Machine shops**,** painting, woodworking, sheet metal, blacksmiths, welding, and tire recapping**.**	N	N	N	N	N	N	N	P *	S
64A.	Commercial storage and sale of fuel and bottled gas. Total above ground tank capacity shall not be more than 50,000 gallons and no above ground tank shall be closer than 40 feet to any building.	N	N	N	N	N	N	P	P *	S
64B.	Commercial storage and sale of bulk liquid oxygen for home health care and similar uses shall require administrative approval by the Cheshire Fire Marshall. [3]	N	N	N	N	N	N	N	Y	Y
65A.	Bulk storage of cement and concrete mixing plants.	N	N	N	N	N	N	N	N	S
65B.	Bulk storage of petroleum and petroleum products and bituminous paving mixing plants.[4]	N	N	N	N	N	N	N	N	P
66.	Laundry, cleaning and dyeing plants.	N	N	N	N	N	N	N	P	P
67.	Plants, other than bona fide farms, for the processing and distribution of milk and edible dairy products and/or the packaging and distribution of beverages.	N	N	N	N	N	N	N	P *	S
68.	Heliports and storage facilities for helicopters, subject to the following: Heliports must be located on lots of at least 10 acres and no portion of the landing area may be closer than 300 feet from the nearest property line. All heliports shall meet the standards and conditions set by the State of Connecticut, Department of Aeronautics.[2]	N	N	N	N	N	N	N	P	P

1 Amendment effective 9/1/1975.

2 Amendment effective December 24. 1987.

3 Amendment effective May 28, 1993.

4 Amendment eff. Sept. 1, 1975.

* Amendment effective 12/30/1983.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
69.	Earth removal and filling in accordance with Section 25.[2]	N	N	N	N	P	P	P	P	P
70.	Screening, sifting, washing, crushing bulk storage of, and other forms of processing of sand, stone, gravel, and the like.[1]	N	N	N	N	N	N	N	P	P
71.	Refuse Transfer and Recycling Centers. Refuse contractors within enclosed buildings which shall include facilities for the transfer and sorting of refuse for the recycling of same providing that adequate buffer areas are provided between the structure and adjoining properties, and adequate on site measures shall be taken to prevent the activity from in any way affecting the adjoining properties. Nothing herein shall be construed to prevent on site storage in no more than two covered roll off containers which shall be located immediately adjacent to the facility subject, however, to the provisions relating to outside storage as set forth in Sections 32.7 and 32.7.1 of these regulations.[3]	N	N	N	N	N	N	N	N	P
72. .	ADULT ENTERTAINMENT [4] Businesses providing adult entertainment shall not be located within 500 feet of any other such business nor within 2,000 feet of any public or private school or day care center, church, synagogue, or other similar place of worship: public park, playground, or other recreational facility where large numbers of minors regularly congregate: library: funeral home: or residentially zoned or residentially used property. The distance shall be measured in a straight line from the nearest edge of the building or zoning district boundary line, as applicable.	N	N	N	N	N	N	N	P	P

1 Amendment effective September 1, 1975.

2. Amendment effective February 27, 1975.

3 Amendment effective August 31, 1979.

4 Amendment effective June 7, 1996.

SECTION 30, SCHEDULE A, PERMITTED USES PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
73.	[1]**Accessory Use Tent** on properties having a validly existing use permitted pursuant to Section 30, Schedule A, PERMITTED USES, paragraphs 58 and 59 of these Regulations, subject to the following conditions: a) The Accessory Use Tent shall e limited to functions for employees of the occupant of the properties upon which it is to be placed and demonstration of the products or services of the occupant of the properties upon which it is to be placed; b) The Accessory Use Ten shall not remain standing for any period in excess of one hundred eighty (180) days in the period from April through November 30. The accessory use tent shall not be permitted from December 1 through March 31. c) There shall be no retail sales or retail sales promotions in the Accessory Use Tent. d) Except in conjunction with the uses in paragraph (a) above, there shall be no warehousing or storage of goods or equipment in the Accessory Use Tent; and e) The Accessory Use Tent shall comply with all the requirements of Section 32, Schedule B Dimensional Requirements, and Section 33, Parking, for the Zone in which it is located, and shall not exceed 25,000 square feet.	N	N	N	N	N	N	N	P	P
74.[2]	Display, storage and sale of landscape materials Including but not limited to stone, mulch, topsoil, retaining wall systems, sheds, gazebos and other such decorative landscape structures and/or lawn ornaments subject to the following conditions: a) All parking of heavy equipment and machinery not registered for daily use shall be stored inside or screened from view from the street. b) There shall be no fuel storage or maintenance of heavy equipment, machinery or vehicles on site.	N	N	N	N	N	N	N	P	P

1 Amendment effective May 26, 2006 at 12:01 a.m.
[2] Amendment adopted December 18, 2006, effective December 22, 2006 at 12:01 a.m.

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SECTION 31 PROHIBITED USES.

It is intended that any use not included in Schedule A as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be complete, are specifically prohibited.

31.1 Amusement parks, motor vehicle race tracks, drive-in theaters, junk yards, motor vehicle junk yards, motor vehicle junk businesses and mobile home parks.

31.2 Ammonia, chlorine or bleaching powder manufacture; industrial processes utilizing the combustion of soft coal; blast furnaces; board, steam and drop hammers; creosote treatment and manufacture; petrochemical manufacture; distillation of coal, petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatin manufacture; grain drying; commercial incineration; reduction, storage or dumping* of slaughter house refuse, garbage, dead animals or offal, radioactive materials or wastes; raw hides or skin storage, cleaning, curing or tanning; soap manufacture from animal fats; sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric acid manufacture or any similar use.

31.3 Outdoor wood burning furnaces. These are defined as a free-standing outdoor structure that houses a wood-burning furnace that contains a smoke stack and is used to provide heat or hot water to a building, structure, swimming pool or hot tub through liquid or other means. Outdoor wood-burning furnace does not include a fire pit, wood-fired barbecue, or similar outdoor recreational uses.[1]

*Shall not apply to municipal dumping.

[1] Amendment approved 5/10/10; effective 5/28/10 at 12:01 a.m.

SECTION 32 DIMENSIONAL REQUIREMENTS.

"Schedule B, Dimensional Requirements" are hereby declared to be part of these Regulations.

32.1 Lot Area, Width and Frontage. Except as provided elsewhere in these regulations, each lot shall have the minimum area, width and frontage as specified in Schedule B.

32.2 Setbacks. No structure shall extend within less than the minimum distances of any street line, side line, rear line or residential district boundary line as specified in Schedule B, or in Section 42 in the case of cluster subdivision, except as follows:

32.2.1 Signs. As specified in Section 34.2, permitted signs may extend within lesser distances of a street or other line.[1]

32.2.2 Projections. Belt courses, canopies, cornices, eaves, marquees, pilasters and similar architectural features may project three feet into the area required for setback from a street or other line.

32.2.3 Narrow Streets. In residential and commercial districts, the required setback from a street line of a street located in a right-of-way of less than 50 feet in width shall be increased by one-half the difference between 50 feet and the actual traveled portion of the street. In industrial districts, the required setback from a street line of a street located in a right-of-way of less than 60 feet in width shall be increased by one-half the difference between 60 feet and the actual traveled portion of the street.

32.2.4 Farm Stands. Permitted farm stands as specified in Section 30 may extend to within 25 feet of any street line, but shall not extend to within 40 feet of any side line.

32.2.5 Accessory Building. Detached accessory buildings may extend to within five (5) feet of any side or rear property line but must comply with the following: they shall not exceed twelve (12) feet in height and must not exceed 144 sq. feet. They may not be used for human habitation, or for the sheltering of motor vehicles, or for the housing of animals or poultry. Bus shelters may abut any front or street line. All other accessory buildings larger than the above said dimensions must comply with building setback regulations.[2] [3]

32.2.6 Lots Adjacent to a Railroad. In the case of that portion of lot in a commercial or industrial district where contiguous to a railroad right-of-way, no setback from such a contiguous side or rear lot line shall be required.

[1] Amendment effective September 26, 1974.
[2] Amendment effective July 28, 1989.
[3] Amendment effective December 4, 1992.

32.2.7 Satellite Dishes. The setback from the rear or side property lines shall be no less than the overall height of the satellite dish but in no case shall be less than 15 feet from the side or rear property lines. No satellite dish shall be located in the front yard. [1]

32.2.8 Outdoor Lighting. Outdoor lighting facilities may extend to within ten (10) feet of any street line.

32.2.8.1 Outdoor lighting facilities intended for the illumination of athletic playing fields shall not exceed a maximum height of ninety (90) feet. Such lighting shall not extend to within thirty (30) feet of any property line. Light poles exceeding sixty (60) feet in height shall not be operative Sunday through Thursday after 9:15 p.m. and shall not be operative after 11:30 p.m. on Friday and Saturday.[2]

32.2.9 Swimming Pools. A swimming pool is a structure and shall comply with all setback requirements. Such setbacks shall be measured from its water retaining wall in the case of in-ground pools or from the outer edge of the above-ground structure.[3]

32.2.10 Other. Athletic equipment and flagpoles, not greater than fourteen (14) feet in height, may extend to within five (5) feet of any side or rear line, or twenty-five (25) feet of the front line.

32.3 Height. No structure shall exceed the maximum height as specified in Schedule B except that such regulations shall not apply to spires, belfries, cupolas, flagpoles, water tanks, ventilators, farm silos, elevator penthouses, chimneys or other appurtenances usually required to be above the roof level and not intended for human occupancy provided such structures are incidental to a permitted use located on the same property.

32.4 Coverage. The aggregate lot coverage of all structures on any lot shall not exceed the percentage of the lot area as specified in Schedule B.

32.5 Visibility at Intersections. [4]
On a corner lot, nothing shall be erected, placed, planted, sloped, bermed or allowed to grow in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. In addition, on all corner lots, a sight line easement shall be granted to the Town of Cheshire and shall stipulate that nothing shall be erected, placed, planted or allowed to grow or overhang in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. The curb line/edge of shoulder of said corner lot and a line connecting a point on the curb line/edge of shoulder of the side street shall bind the easement. The distances shall be determined with reference to the State of Connecticut Department of Transportation Guidelines for Highway Design. (See Table 32.5.A, Intersection

[1] Amendment effective December 4, 1992.
[2] Amendment effective September 29, 1989.
[3] Amendment effective March 5, 1971.
[4] Amendment effective March 8, 1985. Amendment Amended March 24, 2003; effective March 28, 2003 at 12:01 a.m.

INTERSECTION SIGHT DISTANCE CRITERIA

Application	Design Speed (mph)	X= Width of Opposing Lanes				
		≤ 22’	34’	46’	58’	70’
Desirable ISD (To the Left & Right)	15	120	170	200	230	250
	20	170	230	265	295	320
	25	235	305	350	385	415
	30	310	390	440	480	515
	35	405	500	555	600	640
	40	505	615	670	720	765
	45	635	755	820	875	925
	50	770	900	970	1030	1080
	55	935	1080	1155	1220	1275
	60	1100	1255	1340	1405	1465
Minimum ISD (To the Right)	15	115	140	160	175	190
	20	155	185	210	235	255
	25	195	230	265	290	320
	30	230	280	320	350	375
	35	285	380	425	460	490
	40	365	470	525	565	600
	45	455	575	635	680	720
	50	565	700	765	815	860
	55	690	835	910	965	1015
	60	835	995	1075	1135	1190
Minimum ISD (To the Left)	15	105	120	130	140	150
	20	140	160	170	190	200
	25	175	200	215	235	250
	30	210	240	255	285	300
	35	285	285	300	330	350

	40	**365**	**365**	**365**	**375**	**400**
	45	**455**	**455**	**455**	**455**	**455**
	50	**565**	**565**	**565**	**565**	**565**
	55	**690**	**690**	**690**	**690**	**690**
	60	**835**	**835**	**835**	**835**	**835**

Insert Figure 32.5.B
INTERSECTION SIGHT DISTANCE
32.5 Visibility at Intersections cont'd.
Sight Distance Criteria, and Figure 32.5.B Intersection Sight Distance "ISD"). Unless existing conditions create a hardship, the desirable ISD shall be used, and in no case shall the ISD be less than the minimum in the table.

Should the easement area not be entirely on the property of the landowner, he/she shall grant said easement on that portion that he/she controls. In addition, lots shall be sloped and graded to comply with the foregoing. The foregoing shall also apply to Section 40, 41, 42, 43 and 45 of these regulations.

32.6 Fences, Walls and Hedges. Nothing shall be erected, placed, planted, sloped, bermed or allowed to grow in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. Visibility shall be determined with reference to the State of Connecticut Department of Transportation Guidelines for Highway Design. (See Table 32.5.A, Intersection Sight Distance Criteria, and Figure 32.5.B Intersection Sight Distance "ISD"). Unless existing conditions create a hardship, the desirable ISD shall be used, and in no case shall the ISD be less than the minimum in the table. Fences shall not be over eight (8) feet in height anywhere on the property.[1]

32.7 Outside Storage. Outside storage (including storage of merchandise, supplies, machinery and other materials and the outside manufacture, processing or assembling of good but excluding areas for parking of registered motor vehicles in daily use) shall be limited as follows:

32.7.1 In commercial and industrial districts, outside storage areas shall not extend into the area required for setback from a street line or residential district boundary line and shall not extend to within 20 feet of any other line and shall be enclosed by buildings, fences, walls, embankments, or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.

[1] Amendment effective December 4, 1992. Amendment Amended March 24, 2003; effective March 28, 2003 at 12:01 a.m.
[2] Amendment amended 11.9.15; effective 11.27.15.

32.7.2 Provided the outside storage area meets the other requirements of this Section 32.7, by Special Permit an outside storage area may extend to within ten (10) feet of a property line other than a street line or residential district boundary line where the Commission determines that the location of the outside storage area is appropriate and does not pose a threat to the public health, welfare or safety.[2]

32.8 Site Development. Site development in other than residential districts shall be as follows:

32.8.1 Off –Street Parking and Loading. All off-street parking and loading shall conform to the standards specified in Section 33.
32.8.2 Driveways. There shall be no more than one driveway entering any lot from any one street if such has a frontage of less than 100 feet. For other lots, there shall be no more than two driveways entering from any one street except that there may be one additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall not exceed 35 feet in width at the street line unless greater width is required by the State of Connecticut. Driveways shall intersect with the street line at an angle of about 90 degrees.

32.8.2 Driveways cont'd.
Prior to the issuance of Certificate of Occupancy, all driveways shall have curb cuts and depressed curbs where cubing exists and shall have paved
aprons in all cases. The use of concrete and/or bituminous concrete shall be as stipulated in any Planning and Zoning Commission approval. If such approval does not exist, it shall be determined by the Town Engineer.
All construction shall conform to the Town of Cheshire Construction
Specifications.[1]

All sidewalk and driveway repairs and replacements shall be of the same material as approved by the Planning and Zoning Commission on the original subdivision approval. Sidewalks and driveways which were not approved as part of an original subdivision shall be as determined by the Town Engineer.[2]

32.8.3 Landscaping. All areas not used for structures, off-street parking and loading, outside storage and vehicular and pedestrian ways, shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscape development features and suitably maintained. Landscaping shall be in accordance with Section 33.8, Landscaping Design Standards. Along and adjacent to any residential district boundary line, there shall be a screen consisting of existing vegetation, evergreen plantings, or wooden fencing depending on the uniqueness of the property, of sufficient density and height to effectively screen the commercial or industrial use from the adjacent residential district.[3]

32.9 Access Restrictions. Access restrictions shall be as follows:[4]

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[1],[2] Amendment effective September 27, 1985.
[3] Amendment effective March 2, 1984.
[4],[5] Amendment effective September 1, 1975.

32.9.1 Structures To Have Access. Every building hereafter erected or moved shall be on a lot with frontage on an accepted public street, a proposed public street or an approved private street or shall have an unobstructed easement of access not less than 50 feet in width to an accepted public street provided no more than three principal buildings shall use such easements.[5]

32.9.2 Access Restrictions in Residential Zones. No residentially zoned land shall be used for access to a use permitted only in a commercial or industrial zone.[6]

32.9.3 Handicapped Access Ramps. Handicapped access ramps shall conform to the following:

32.9.3a Private Sector Handicapped Access Ramps. Private sector handicapped access ramps may extend to within five feet of the property line, and may be covered.

32.9.3b Public Sector Handicapped Access Ramps. Public sector handicapped access ramps may extend to within five feet of the property line, may be covered, and must conform to the guidelines of the American National Standard Institute, (ANSI), 1986 edition.[1]

32.10 Restoration of Public Improvements.[2] No Certificate of Occupancy shall be issued for any lot or site on an accepted Town road or for any lot in a subdivision where the Performance Bond and Maintenance Bond have been released, or is in litigation, until it has been certified by the Town Engineer that all public improvements have been restored to his satisfaction. Such public improvements shall include, but not be limited to, pavement, curbing, storm drainage facilities, sidewalks, driveway aprons and lawn areas. In those cases where seasonal conditions prevent immediate repair or installation of public facilities, prior to the issuance of a Certificate of Occupancy, the owner shall be required to post a Performance or Maintenance Bond. The amount of such bond shall be set by the Town Engineer. If, after due notice, the improvements which the bond covers have not been fully completed within the time limit established by the Town Engineer, or if there are deficiencies in the quality of the work, the Town will proceed with completion of the bonded improvements. The bond shall be satisfactory to the Town Attorney, and shall be in the form of the pledge of a passbook savings account, of an irrevocable letter of credit, or a cash deposit with the Town of Cheshire.

[6] Amendment effective September 1, 1975.
[1] Amendment effective October 2, 1992.
[2] Amendment effective August 31, 1984.

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SECTION 32, SCHEDULE B

DIMENSIONAL REQUIREMENTS

ZONE	R-80	R-40	R-20	R-20A**	C-1	C-2	C-3	I-1	I-2
Minimum Lot Area-Sq. Ft.	80,000	40,000	20,000	20,000	20,000	20,000	20,000	40,000[6]	40,000[6]
Minimum Lot Width	200’	200’	100’	100’	100’	100’	100’	200’	200’[7]
Minimum Lot Frontage	50’	50’	50’	50’	50’	50’	50’	60’	60’
Minimum Setback From Street Line	40’	40’	40’	40’	40’	50’	50’	50’	50’[7]
Minimum Setback From Side Line	40’	30’	12’	12’	15’	15’	15’	30’	30’[7]
Minimum Setback From Rear Line	40’	40’	30’	30’	40’	40’	40’	40’	40’[7]
Minimum Setback From Res. Dist. Boundary Line	----------	----------	----------	----------	40’	40’	40’	50’	50’
Maximum Height Of Structure	40’	40’	40’	40’	40’	40’	40’	50’*	50’*
Maximum Lot Coverage	10%	10%	15%	35%*	20%	20%	20%	35%[6]	35%[6]
Minimum Lot Area Per dwelling Unit	80,000	40,000	20,000	20,000	20,000	20,000	20,000	20,000	40,000

See additional information on next page

SECTION 32 SCHEDULE B DIMENSIONAL REQUIREMENTS
FOOTNOTES

1. Dwelling constructed after the effective date of these Regulations under paragraphs 1 through 4 of Section 30, Schedule A, containing less than two garage spaces per unit, shall increase the appropriate setback requirement, as determined by the Zoning Enforcement Officer, by a minimum of 11 feet for each garage space less than 2 per unit.

*2. Maximum height of structure may be up to 65 feet but only if all setback requirements are increased by 2 feet for each 1 foot of structure height over 50 feet.

3.[1] On a corner lot, or a lot fronting on more than one street, setback requirements from both street lines shall be maintained. The owner shall designate one line, not a street line, to be the rear line. This line shall be the line opposite the front door, if practical. Once such line is designated, it shall thereafter be the rear line and shall not be changed. The remaining line shall be considered a side line, and shall meet the applicable side line setback requirements for that zone.

**4.[2] Parking shall be located in the rear of the building wherever possible and the building shall be residential in character.

Single family residences in the R-20A zone shall not exceed 15% lot coverage.

5.[3] The easement line of an "unobstructed easement of access" shall not be considered a "street line" for purposes of this section.

6.[4] The Planning and Zoning Commission may modify the requirements of Section 32, Schedule B and Section 33 in whole or in part where a proposed industrial or commercial development involves multiple properties and is to be maintained as a single project. Any such modification shall only be granted by Special Permit in accordance with Section 40 of these regulations. The modifications under this paragraph may include the following:

a. Waiving the setback requirements ***between*** the properties;
b. Treating the entire site as a unit in determining minimum lot area, width or frontage, maximum lot coverage and the parking requirements of Section 33.

This paragraph does not permit the waiving of maximum structure heights <u>or maximum lot coverage</u>, nor the setback requirements for the entire <u>perimeter of the site treated as a unit.</u>

In considering such change, the Commission shall be guided by the following:
a.Traffic circulation and access management including the location amount and access to parking, traffic load or possible circulation problems on existing streets.
b.The height and floor area of buildings in relation to other structures in the vicinity.
c.The location of main and accessory buildings in relation to one another.
d.Location of signs and lighting, loading zones, and landscaping.
e.Safeguards to protect adjacent property and the neighborhood in general from detriment.
7. [5] The height for active municipal recreational facilities may be increased to a maximum of 60 feet, provided there are 2 feet of additional setback for every 1 foot of additional height. Any such modification shall only be granted by Special Permit in accordance with Section 40 of these regulations.
8.[6] Minimum Lot Area-Sq. I-2 zone and Maximum lot coverage in Industrial I-1 and I-2 zones.
9.[7]Minimum Lot Width, Street Line Setback and Side and Rear Line Setbacks in I-2 zone.

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[1] Amendment effective August 31, 1979.
[2] Amendment effective September 27, 1985.
[3] Amendment effective January 27, 1989.
[4] Amendment effective March 2, 2007
[5] Amendment effective August 1, 2014.
[6] Amendment effective May 12, 2017.
[7] Amendment effective June 1, 2018

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SECTION 33 OFF-STREET PARKING AND LOADING.

It is the intent of this Section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with the standards hereinafter specified. Any off-street parking and loading provision existing shall conform to these standards to the extent that they conform at the time of adoptions of these Regulations. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.

33.1 Parking Space Standards. Notwithstanding other requirements of these Regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Except for one and two-family dwellings, no parking or access thereto shall be located less than twenty feet from any street line or residential district boundary line, and ten feet from any other property line.

33.1.1 Dwellings: two spaces for each dwelling unit and located on the same lot with the dwelling.

33.1.2 Churches, places of worship, theaters, assembly halls or stadia and the like: one space for each three legal occupants and located on the same lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility. If the facility is located in a residential zone, such spaces shall be on the same lot as the facility or on a contiguous lot.

33.1.3 Hospitals and convalescent homes: for hospitals, 2 spaces per bed and for convalescent homes, 1 space for 3 beds all located on the same lot with the facility.

33.1.4 Hotels, motels, tourist courts, rooms to let in a dwelling, and the like: one space for each guest unit plus one space for each two persons regularly employed; and located on the same lot with the facility. One additional space shall be provided for each guest unit having kitchen facilities.

33.1.5 Restaurants and food service establishments: one space for each 75 square feet of customer space plus one space for each 100 square feet of other floor area and located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.

33.1.6 Gasoline stations, boat dealers and motor vehicle dealers and repairers, establishments for auto washing and cleaning and the like: ten spaces, and located on the same lot as the facility.[1]

[1] Amendment effective May 27, 1988.

33.1.7 Business and professional offices, financial institutions: one space per 200 square feet of finished space.

33.1.7 (a) Medical offices and medical clinics, and the like: one space per 200[3] square feet of finished space.

33.1.7 (b) Retail uses: one space per 250 square feet of finished space.

33.1.7 (c) Personal services businesses and commercial recreational: one space per 150 square feet of finished space.

Parking for all of the above shall be located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.[2]

33.1.8 Farm stands as permitted under Section 30, Paragraph 23A: one space for each five linear feet of frontage of such stand and located on the same lot with the stand. Farm stands as permitted under Section 30, paragraph 23B: one space for each three linear feet of frontage of such stand and located on the same lot with the stand.

33.1.9 Undertaker's establishments: 40 spaces plus ten spaces for each chapel or parlor in excess of one, all located on the same lot with the building or on another lot, any part of which is within 300 feet in a direct line from the building.

33.1.10 Warehouses, wholesale businesses, trucking terminals, contractor's businesses, research laboratories, establishments for the manufacture, processing or assembling of goods; printing and publishing establishment; painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops; laundry, cleaning and dyeing plants and the like: one space for each one and one-half employees during the largest daily work shift period, and located on the same lot with the facility or on another lot, any part of which is within 500 feet in a direct line from the facility.

33.1.11 Customary Home Enterprises: one space per non-resident employee and located to the side or rear of the principal building.

33.1.12 Temporary Parking: Temporary parking is authorized in connection with any use listed in Paragraphs 33.1.1 through 33.1.11 above and for other uses not listed above as may be approved by the Planning and Zoning Commission under 33.1.13, subject to obtaining a Special Permit pursuant to Section 40 Special Permits of the Cheshire Zoning Regulations.[1]

33.1.13 Parking. Other Uses: Sufficient off-street parking spaces shall be provided in connection with any use not listed in Paragraphs 33.1.1 through 33.1.11 and shall be approved as adequate by the Planning and Zoning Commission to preserve the purpose and intent of this Section.

[1] Amendment effective December 17, 1999.
2Amendment April 26, 2010; effective May 14, 2010 at 12:01 a.m. [3] Amendment effective June 9, 2017

33.2 Loading Space Standards. Each hospital, hotel, motel, retail store, restaurant, warehouse, wholesale business, trucking terminal, contractor's business, research laboratories and establishment for the manufacture, processing or assembling of goods, printing and publishing establishments, painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops, and laundry cleaning and dyeing plants, having a ground floor area inexcess of 4,000 square feet, shall have one off-street loading space for each 20,000 square feet of gross floor area or fraction thereof, excluding basements. No loading space or access thereto shall be located less than 20 feet from any property line, street line, or residential boundary line.

33.3 Design Standards. All off-street parking and loading areas shall meet the following minimum design standards:

33.3.1 Each parking space shall constitute an area with a minimum width of nine (9) and a minimum length of eighteen (18) feet. Parking spaces located in underground garages, buildings, or above ground garages may be reduced where necessary to allow for column spacing to a width of no less than eight (8) feet when adjacent to a structural column.[4] Each loading space shall constitute an area with a minimum length of fifty (50) feet and a minimum vertical clearance of fifteen (15) feet. Where a parking lot contains more than twenty (20) car spaces, the applicant may provide up to 40% of his total parking in small car spaces, subject to the approval by the Planning and Zoning Commission. A small car space shall not be less than nine (9) feet in width and sixteen (16) feet in length. The small car spaces shall be laid out in a group and marked on site. Travel aisles between all[4] parking spaces shall have a minimum width of twenty-four (24) feet. The applicant shall be encouraged to utilize the difference in area between each small car space and standard parking space for additional landscaping on the site.[1] [2]

33.3.1.1 For those uses with low vehicle turnover rates, such as Office Parks and certain Professional Businesses, the Commission may allow the construction of all or a portion of parking areas with parking spaces constituting a minimum width of nine (9) feet and minimum length of eighteen (18) feet.[3]

33.3.2 Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of up to twenty (20) feet without need to use any part of a public street right-of-way. Each loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrians and vehicular traffic. No off-street loading space shall be designed or arranged in a manner that vehicles must use any part of a public street right-of-way to back into such space, nor shall it be designed in such a way to necessitate backing into a public street right-of-way.

[1] Amendment effective March 2, 1984.
[2], [3] Amendment effective June 8, 1990.
4 Amendment April 26, 2010; effective May 14, 2010

33.3.3 Parking areas shall be divided into areas containing not more than sixty (60) automobiles, by permanent barriers, landscaped strips or raised walks.

33.3.4 Any lighting used to illuminate any required off-street parking or

loading shall be confined essentially to the property where it originates. The maximum height of such lighting shall be fourteen (14) feet in residential districts and twenty-five (25) feet in all other districts.

33.3.5 Except when in connection with those uses permitted under Paragraph 22, 24A and 24B, Section 30, Schedule A, there shall not be more than one commercial vehicle parked or stored on any lot in a residential zone. Such vehicle shall not exceed a rated capacity of two and one half tons.[1]

33.3.6 Handicapped Parking. Parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.[2]

33.3.7 Dead end parking bays shall be avoided, but where it is demonstrated to the satisfaction of the Commission that they are necessary shall be provided with a back around or backup area at least 9 feet in depth and 18 feet in width. Said area shall be striped to indicate that no parking is permitted therein.[4]

33.4 Construction and Maintenance.[4] Except as provided below for temporary parking, all off-street parking and loading areas shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent or greater than 3 percent. Except as provided below for temporary parking, all parking areas for more than ten automobiles and access hereto shall be surfaced with asphalt, asphaltic concrete or portland cement concrete and shall be defined by portland cement concrete, granite or bituminous concrete (asphalt) curbs and all parking spaces shall be defined with lines.

Temporary parking may be surfaced with permeable paving blocks capable of supporting the weight of motor vehicles for which the temporary parking is intended. Except to the extent required by the Planning and Zoning Commission, temporary parking is not required to meet the requirements for design standards, Paragraph 33.3 or landscaping design standards, Paragraph 33.8.[3]

Parking lots proposed for more than twenty cars (20) shall include a maintenance plan describing how the lot and landscaping will be maintained including snow plowing and stockpiling, irrigation, and the cleaning and maintenance of the storm water management system.[4]

33.5 Joint and Shared Use.[4] Joint parking areas and loading spaces may be established by the owners of separate contiguous lots and/or projects with mixed uses in order to provide the total number of off-street parking and loading required. In such case, the 10-foot requirement specified in Section 33.1 may be waived for the common property line. The interconnection of adjoining parking areas shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts, and/or signalized access. Shared parking shall also be permitted when:

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[1] Amendment effective August 28, 1975.

[2] Amendment effective March 2, 1984.

[3] Amendment effective December 17, 1999.

4Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

a. the parking facilities provided on the site(s) are interconnected with adjacent facilities to create a functional parking arrangement,
b. appropriate access and parking easements are executed between the adjacent properties providing for joint access and parking in perpetuity, or the site is developed as a unified site plan in accordance with Section 32, Schedule B, 6 of these regulations, and
c. it has been demonstrated to the satisfaction of the Commission that the parking needs of the joint users on the site(s) occur at different hours of the day or that adequate parking will be available.[3]

33.6 Delayed Construction of Parking Spaces.[2]

33.6.1 The Commission may allow the delayed construction of parking spaces if it determines that:

1) The particular use and intensity of use will probably not require all of the required parking spaces, and/or

2) The delayed construction will not cause substantial inconvenience to the patrons or impair the safety of the public.

33.6.2 The Commission may allow for the delayed construction of up to 50% of the parking spaces required by these regulations provided:

1) All required parking must be shown on the plans and be in conformance with these regulations.

2) The spaces for which delayed installation is desired and/or approved shall be so specified.

3) The applicant/owner/developer of the project must agree to install the required parking spaces at such time as the Commission determines that the installation is appropriate.

4) If the Commission determines that installation of all of the parking spaces is appropriate, then the applicant/owner/developer must complete the installation within 90 days of notification. Failure to install said spaces shall be considered a violation of the Zoning Regulations.

33.7 Large Parking Areas. [1] In situations where more than 200 parking spaces are required for a single use or more than 300 parking spaces are required for a combination of uses on one property, then the total number of required parking spaces as specified by Section 33.1 of these regulations shall be reduced by 10%.

[1] Amendment effective August 28, 1975.
[2] Amendment effective June 26, 1981
3Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

33.8 Landscaping Design Standards. [1] The following standards are intended to enhance the appearance of the Town, to reduce air pollution and excessive heat produced by large expanses of paving. Landscaping plans should fulfill specific functions including, but not limited to creating shade around buildings and in parking areas, visual and auditory screening, and site beauty and enhancement:[2]

33.8.1 Parking lots shall be designed to avoid creating large expanses of paving. Parking areas must be landscaped in the interior and perimeter areas of the site. End of row parking shall be protected from turning movements of other vehicles by the provision of landscaped areas[1,2]

33.8.2 Parking lots for more than twenty (20) cars shall contain interior landscaped areas equal to at least 10 % of the gross parking lot area. One (1) shade tree not less than two (2) inches in caliper shall be planted within the interior landscaped areas for each five (5) parking spaces or fraction thereof. For parking lots over 100 parking spaces, the following standard shall apply: One (1) shade tree not less than two (2) inches in caliper shall be planted within the landscaped areas for each ten (10) parking spaces or fraction thereof. Trees shall be planted to increase shade coverage over paved surfaces and pedestrian areas and adjacent to structures to shield them from direct sun in the summer. Trees should be planted in groups wherever possible according to specific site conditions.[1,2]

33.8.3 All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles and snow plowing.

33.8.4 Trees used in parking lots shall be selected from the preferred planting list prepared by the Town Beautification Committee or similar species. Existing native and non-native trees with significant aesthetic or scenic value should be preserved where said preservation does not impair the orderly development of the site. [1,2]

33.8.5 The landscaped areas shall be designed and located to minimize unattractiveness and to reduce the dominance of parking lots as site features.[2]

1Amendment effective March 2, 1984
2Amendment effective May 14, 2010

33.8.6 Landscaping elements shall not restrict vehicle sightline or block site lighting in a manner that creates unsafe lighting levels in vehicle and pedestrian spaces.[2]

33.8.7 Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in condition that does not fulfill the intent of these regulations shall be replaced by the proper property owner during the next planting season for the particular plant material.

33.8.8 Parking lots should be designed with landscape elements capable of storm water absorption, infiltration, and treatment including, but not limited to depressed island, elimination of curbing where appropriate, and similar design features.[2]

33.8.9 Wherever possible, there shall be a spatial separation or landscape barrier between parking areas and buildings. Parking areas adjacent to residential uses shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night by the movement of vehicles.[2]

33.9 Outdoor Lighting.[1] The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward and adjacent illumination and to reduce glare. The use of luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private. Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of Cheshire.

A. Lighting Plan.
Outside lighting plan shall be submitted as part of any retail, commercial or industrial site plan or residential, retail, commercial or industrial special permit application, unless waived by the Planning and Zoning Commission, and shall be accompanied by a lighting plan showing:

1. The location, height and type of outdoor lighting luminaries, including building mounted;

2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;

3. The type of lamp (metal halide, compact fluorescent, high pressure sodium);

4. A written summary detailing the impact of lighting upon both the designated area(s) and adjacent properties.

5. The Commission may require an isodiagram showing the intensity of illumination expressed in footcandles at ground level.

[1] Amendment Adopted May 27, 2003; effective June 6, 2003 at 12:01 a.m.
2Amendment effective May 14, 2010

B. General Requirements:

1. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed. (see Appendix A & B)

2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.

3. Lighting for display, building and aesthetics shall be from the top and shine downward, not uplighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.

4. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.

5. Floodlighting is prohibited except as permitted in the zoning regulations, Section 34, Signs.

6. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.

7. Gasoline Stations shall observe and not exceed the maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix B). All area lighting will be full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface.

8. All parking area lighting shall be full cut-off fixtures.

9. Soft, transitional light levels shall be consistent from area to area. A minimal contrast between light sources shall be observed, i.e. lit areas and dark surroundings.

10. Lighting designed to highlight flagpoles shall be low level and targeted directly at the flag.

11. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination. As outlined in Section 33.3.4, the maximum height of such lighting shall be fourteen (14) feet in a residential districts and twenty-five (25) feet in all other districts.

12. Exemptions: Traditional seasonal lighting (i.e. holiday lights and decorations) and temporary lighting used by police, fire, emergency and repair services are exempt from these regulations.

C. Considerations:

Upon application review by the Planning and Zoning Commission, the following exceptions may be considered:

1. Where a proposed change to an existing non-conforming lighting installation is less than 25% of the current use.

2. Where special lighting is indicated for historic buildings.

3. Where ornamental uplighting of sculpture, buildings or landscape features will enhance the character of the area and will not create burden onto adjoining properties.

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

	Basic	Enhanced Security
Minimum Horizontal Illuminance lux	2	5
Minimum Horizontal Illuminance fc	0.2	0.5
Uniform Ratio, Maximum to Minimum	20:1	15:1
Minimum Vertical Illuminance lux	1	2.5
Minimum Vertical Illuminance fc	0.1	0.25

Source – IESNA RP 20-98

Appendix B

Service Station or Gas Pump Area Average Illuminance Levels

Area Description	Average Illuminance of Described Area (lux / footcandles)
Approach with Dark Surroundings	15/1.5
Driveway with Dark Surroundings	15.1.5
Pump Island Area with Dark Surroundings,	50/5
Building Facades with Dark Surroundings	20/2
Service Areas with Dark Surroundings	20/2
Landscape Highlights with Dark Surroundings	10/1
Approach with Light Surroundings	20/2
Driveway with Light Surroundings	20/2
Pump Island Area with Light Surroundings	100/10
Building Facades with Light Surroundings	30/3
Service Areas with Light Surroundings	30/3
Landscape Highlights with Light Surroundings	20/2

Source - IESNA RP-33-99

The following Diagrams A&B are examples of recommended lighting fixture styles are to be used with Section 33.9 Outdoor Lighting Regulations and Appendices A & B for specific lighting levels.

ATTENTION: SEE PRINT COPY FOR DIAGRAMS A & B

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34.1 **Purposes and Intent** The purposes of these sign regulations are:

1. To encourage the effective use of signs as a means of communication in the Town.

[1] Amendment Adopted June 25, 2001; Effective June 29, 2001 at 12:01 a.m.

2. To maintain and enhance the aesthetic environment and historical character within the Town by encouraging a level of visual quality and professional sign design compatible with the architecture and the surroundings.

3. To enhance the economy and the business and industry of the Town by promoting reasonable, orderly and effective display of signs.

4. To improve pedestrian and traffic safety by avoiding signs that impair sight lines and distract motorists.

5. To maintain property values and prevent visual clutter.

Anyone planning a sign shall consider:

1. The character and design of the proposed sign itself, as well as its effects on the character of the surrounding area.

2. How the sign will be read and whether the size, location, configuration and character are appropriate to its intended audience.

3. Whether the sign structure, that is the physical means of supporting the sign, could be made an integral part of the sign rather than a separate and distracting element.

4. The advantages of coordinated signage. See Section 34.15 of these regulations.

5. Contacting the Zoning office for further information regarding these regulations. Applicants may also wish to contact a private firm or organization engaged in sign/graphic design for advice or assistance.

34.2 <u>Applicability and Permit Process</u>

A. Signs may be erected, placed, established, painted, created, or maintained in the Town only in conformance with these regulations.

B. No sign requiring a permit under the provisions of these regulations shall be placed, constructed, erected or modified unless a sign permit is obtained. Sign permit applications are available at the Zoning Office. Completed applications shall be submitted to the Zoning Office and shall be accompanied by such fee as is set forth in the Land Use Agencies Fee Schedules in Code of Ordinances of Town of Cheshire.

C. The Zoning Office shall forward a sign permit application, including applications for Master Signage or Coordinated Signage Plans as specified in Sections 34.14 and 34.15, to the Beautification Committee or a subcommittee thereof for an advisory opinion. The Beautification

Committee or its subcommittee shall consider the following standards in rendering its opinion: [1]

1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

2. Signs should display simple and clear messages and symbols which should be legible by pedestrians and slow moving vehicles within a reasonable distance. Except as otherwise provided hereunder, a sign shall be limited to not more than the display of the name of the business establishment, a symbol, logo or drawing, and the service provided by the business.

3. To maintain simplicity and clarity of signs no sign should feature more than 3 different colors including trim, framing, supports and braces. Sign colors should harmonize with the exterior colors, including trim, of the building to which the sign is attached. In the case of a freestanding sign, the colors on such sign should be compatible with the colors of the building to which the sign principally relates. The letter faces of an individual letter sign should be kept in one single color.

4. Lettering on a sign should be limited to a maximum of two different type styles. The lettering and the design of a sign should complement the architecture of the building to which the sign is attached. In the case of a freestanding sign its design should be compatible to the building to which the sign principally relates.

D. Routine maintenance or changing the parts or copy of a sign does not require a permit provided that the maintenance or change of parts or copy do not alter the surface area or otherwise render the sign nonconforming.

34.3 Definitions and Interpretations

Signs shall be classified by their function or purpose, or by their structural type. Within either of these categories, signs may be classified as either permanent, i.e. intended to remain for an indefinite period of time or temporary, i.e. intended for a short, usually fixed duration.

A. Functional Types of Signs. The definitions below define signs by their purpose or function.

[1] Amendment Amended January 27, 2003, effective January 31, 2003 at 12:01 a.m.

Advertising Sign - A sign identifying a special, unique, or limited activity, service, product or sale.

2. **Agricultural Sign (Temporary)** - A temporary sign advertising seasonally grown products, which is displayed only during the season when such sale is occurring.

3. **Area Identification Sign** - A sign used to identify a common area containing a group of structures, or a single structure on a minimum site of two (2) acres, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.

4. **Billboard** - An off-site advertising sign, not including permitted agricultural signs.

5. **Business Sign** - A sign which directs attention to a business, profession, activity, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.

6. **Construction/Home Improvement Sign** - A temporary sign identifying the parties involved in the permitted construction or home improvement activity on that site.

7. **Development Sign** - A temporary sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential use. Such sign may identify the parties involved in the development or construction.

8. **Directory Sign** - A sign which indicates names and/or location of the occupants of the premises on which the sign is located but containing no advertising material of any kind.

9. **Directory/Directional Sign** - A freestanding sign listing the names of businesses and a directional indication of their location on properties with two (2) or more businesses or professional buildings. No advertising material is allowed.

10. **Grand Opening Sign** - A temporary sign announcing a new business or change of ownership.

11. **Identification Sign** - A sign of an identification or informational nature located on the premises showing one of the following: the name of a subdivision; the name of a school park, church or other public or quasi public facility; a professional or firm name plate; or the name of a farm; the name of the person, firm or corporation occupying the premises; or the name and address of a building or the management thereof.

12. **Incidental Sign** - A sign, generally informational, that has a purpose secondary to the use of the building lot on which it is located, such as "No Trespassing", "No Dumping", "No Parking", "Entrance", "Loading Only", "Telephone", and other similar directives, but containing no advertising.

13. **Off Site Directional Sign** - A permanent or temporary sign which directs attention to a public service, business, or seasonally grown agricultural products existing elsewhere than upon the same lot where the sign is displayed.

14. **Open House Real Estate Sign** - A temporary sign designating directions to an open house, and/or the name of the real estate agency or individual holding the open house.

15. **Political/Public Issue Sign** - A temporary sign announcing political parties, political candidates seeking public office and/or expressing an opinion on political or public issues.

16. **Real Estate Sign** - A temporary sign indicating the offering for sale, rental, or lease of the premises on which the sign is located.

17. **Special Event Sign** - A temporary sign announcing a campaign, drive, activity or event of a civic, philanthropic, educational, not-for-profit or religious organization.

B. **Structural Types of Signs**. The definitions below define signs by their type of style or construction. See Exhibit B for examples of such signs.

1. **Attached Sign** - See Wall Sign.

2. **Awning or Canopy Sign** - Any sign that is painted on or applied to an awning or canopy. An awning is a structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building. A canopy is a structure other than an awning which is designed to provide protective cover over a door, entrance, window or outdoor service area and may be made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.

3. **Banner** - A sign consisting of light weight, flexible material which is supported by a frame, rope, wires, or other anchoring devices which may or may not include copy, logo, or graphic material. Flags, as defined below shall not be considered banners.

4. **Beacon** - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same building lot as the light source; also any light with one or more beams that rotate or move.

5. **Bulletin Board** - A sign of permanent character, including a freestanding sign, but with removable letters, words, logo or numerals.

6. **Changeable Copy Sign** - A sign or a portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the configuration of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be not considered either a changeable copy or flashing sign for purposes of these regulations.

7. **Double Faced Sign** - A sign with two (2) faces which are back to back.

8. **Flag** - A piece of fabric or other material of distinct design that is used as a symbol of a nation, state, town, agency, school, or business and which is displayed by hanging free from a staff or halyard.

9. **Flashing Sign** - Any moving illuminated sign affected by intermittent lighting. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be not considered a flashing sign.

10. **Freestanding Sign** - A sign and supporting structure which is secured in the ground and independent of any building, or other support.

11. **Illuminated Sign** - A sign in which an artificial source of light is used either internally or externally in connection with the display of such sign.

12. **Multi-faced Sign** - A sign with two (2) or more faces, including a double-faced sign.

13. **Pennant** - Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

14. **Portable Sign** - Any sign not permanently attached to the ground or to another fixed or unmovable structure. Examples include signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

15. **Projecting Sign** - A sign which is affixed to a building or wall and extends beyond the line of such building or wall by more than twelve inches.

16. **Roof Sign** - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

17. **Sandwich Board Sign** - A freestanding transportable A-frame double-faced sign.

18. **Wall Sign** - Any sign attached parallel to, but within twelve (12) inches of a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which sign displays only one sign surface. For the purposes of these regulations any sign display surface that is affixed against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or building canopy shall be considered a wall sign.

19. **Window Sign** - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

34.4 General Requirements

34.4.1 Measurement of Sign Area

A. The area of a sign face is the area of the smallest rectangle, triangle, or circle that encompasses all lettering, wording, design or symbols together with any background if such background is designed as an integral part of and obviously related to the display surface of the sign. Such area shall include any framed or outlined area, but shall not include (1) any structural elements lying outside the limits of such sign and (2) in the case of individual letters mounted on a wall surface, that part of the wall surface beyond the limits of all the letters defined by the smallest rectangle, triangle or circle.

B. The sign area for a sign with more than one face shall equal the total of the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, the sign area shall equal the area of one of the faces.

34.4.2 Height

A. Freestanding Signs

In residential districts, no freestanding sign shall exceed a height of six (6) feet as measured from the natural grade to the highest point of the structure. In a nonresidential district, no freestanding sign shall exceed a height of ten (10) feet from natural grade except as described in sections 34.11A and 34.13.

B. Attached Signs

Attached signs shall not project above the high point of the roof of the building or more than four feet above the wall of the building, whichever is higher.

34.4.3 Setbacks

All signs must be set back no less than ten (10) feet from the street line or property line. If the configuration of the road subsequently changes, the sign shall be moved to conform with these setback requirements. This distance may be increased if the Cheshire Traffic Authority determines that a sign's placement presents a sight line or traffic safety problem.

34.4.4 Obstructions

No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system, or fire escape exit or to cause any other hazard to public health and safety.

34.5 Design, Construction and Maintenance

Signs shall be designed to harmonize with existing building and development and the design shall take account of any recommendations of the Beautification Committee. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure. All signs shall be maintained in good structural condition and in compliance with all building and electrical codes.

34.6 Signs Allowed in All Districts*

A. The following signs are allowed without a permit:

1. Construction/home improvement sign: One (1) non-illuminated sign on the lot where the work is being performed, not to exceed

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*A chart summarizing allowed sign types, maximum area, permit and illumination requirements for all zoning districts is set forth at Exhibit A. In the case of any conflict between the chart contained at Exhibit A and the text of these regulations, the text shall control.

8.5 square feet. Construction/home improvement signs may be erected and maintained for a period not to exceed fourteen (14) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development. The sign may be either a freestanding or a sandwich board style. Sandwich board signs shall be properly secured, i.e. weighted or anchored.

2. Incidental Signs: One or more non-illuminated signs, not to exceed two (2) square feet per sign. These signs may be attached or freestanding.

3. Real estate signs: One freestanding sign per lot. Where a lot abuts two (2) or more streets, an additional sign oriented to each abutting street shall be allowed. No sign shall exceed 8.5 square feet in Residential Districts, 32 square feet in Commercial and Industrial Districts, or 40 square feet in the Interchange zone.

4. Open house real estate signs: Up to eight non-illuminated signs, each sign limited to four (4) square feet. The signs shall be installed no earlier than 10:00 a.m. and removed immediately after the open house is terminated. Sign(s) may be either freestanding or of a sandwich board style. Sandwich board signs must be properly secured, i.e. weighted down or anchored.

5. Political/Public issue signs:

   a. One (1) or more signs per lot, the total aggregate signage per lot not to exceed 8.5 square feet in R-80, R-40, R-20 and R-20A Districts, and 32 square feet in C-1, C-2, C-3, I-1, and I-2 and Interchange Districts.

   b. Regardless of district one thirty-two (32) square foot freestanding sign and wall signs covering the front or entrance wall shall be allowed for one (1) town-wide headquarters per political party.

   c. The responsibility for removal of signs shall lie with the individual or individuals posting said sign or signs.

   d. Signs concerning an election shall be removed within seven (7) days after the election.

   e. Political/public issue signs may not be illuminated.

   f. Signs must be set back at least 10 feet from the street line.

6. Special event signs:

a. One freestanding sign not to exceed thirty-two (32) square feet or two freestanding signs each not to exceed sixteen (16) square feet.

b. The sign(s) shall be erected and displayed for a period not to exceed twenty-one (21) days prior to the date of the campaign, drive, activity or event advertised is scheduled to occur and shall be removed within three days after the conclusion of such campaign, drive activity or event

c. The sign(s) may be illuminated.

d. Organizations may also display a banner at the site of the event for the duration of the event but in no event shall a banner be displayed for more than twenty-one (21) days prior to the event and shall be removed within three (3) days following the event.

e. Special event signs must be registered with the Zoning Office prior to the event.

7. Agricultural Business Signs: See Section 34.12.

B. The following signs are allowed subject to obtaining a sign permit:

1. Development sign: One (1) freestanding sign not exceed thirty-two (32) square feet. The permit for such sign must be renewed annually. The sign shall be removed prior to the issuance of the last certificate of occupancy or within seven (7) years of the issuance of the initial building permit, whichever comes first. This sign shall not be illuminated.

2. Off Site Directional signs: For municipal and non profit institutions as enumerated in Section 30, Schedule A, No. 17 and 19, up to two (2) non-illuminated signs per institution, each sign not to exceed six (6) inches by thirty-six (36) inches in size. The Zoning Enforcement Officer in collaboration with the Cheshire Traffic Authority may limit this number or alter the location because of public safety concerns.

34.7 Signs Allowed in Residential Districts

The following signs are permitted in residential districts R-80, R-40, R-20, in addition to those allowed under Section 34.6.

A. Identification Sign: Dwellings Containing One Dwelling Unit: One non-illuminated sign per dwelling unit, either freestanding or attached, not to exceed (3) square feet. No permit is required.

B. Identification Sign: Dwellings Containing Multiple Dwelling Units: One (1) sign per lot, attached or freestanding, not to exceed six (6) square feet. No permit is required. The sign may be illuminated.

C. Identification Sign: Subdivision or Planned Residential Development: For a subdivision or planned residential development located on ten or more acres with no fewer than ten (10) units, one freestanding sign is allowed by permit. In the event of more than one (1) major entrance to the subdivision or development, one (1) sign for each entrance (maximum of two (2) signs) is allowed. The total area of the sign(s) shall not exceed twenty-four (24) square feet. The sign may be externally illuminated.

D. Identification Sign: Home occupation/profession: One (1) sign per dwelling unit and no more than one freestanding sign per lot, indicating only names of persons and their professions or customary home occupations, with a maximum sign area of three (3) square feet. The sign may be attached, projecting or freestanding and requires a sign permit. The sign may be illuminated during hours of operation.

E. Identification Sign: Municipal/Civic/Nonprofit Institutions: For facilities requiring a special permit as enumerated in Section 30, Schedule A, Nos. 17, 19, 21, 21A and 22 of these Regulations, one (1) freestanding sign for each major entrance (maximum of two (2) signs), and one attached sign. Total area of the freestanding signs shall not exceed twenty-four (24) square feet. The attached sign shall not exceed five (5) percent of the face of the building. A permit is required.

F. Business sign: For any non-residential use permitted in a residential district, not enumerated above, one sign, except for lots with frontage on two (2) streets, a sign fronting each street is allowed. The maximum sign area is three (3) square feet per sign, except that if the property has frontage on a state highway, the maximum area shall be six (6) square feet. Sign(s) may be attached, projecting or freestanding. A permit is required.

34.8 Signs Allowed in R-20A District

The following signs are allowed in the R-20A District in addition to those allowed under Section 34.6. All signs listed below may be illuminated during hours of operation and require a permit.

A. Identification Sign: Municipal/Civic/Nonprofit Institutions: Signs as described in Section 34.7E are allowed in R-20A zone.

B. One business, directory, home occupation or identification sign, either attached or freestanding. The area of the attached sign shall not exceed five (5) percent of the wall of the building to which it is attached. The area of a freestanding sign shall not exceed twenty-four (24) square feet except that on lots of 40,000 square feet or more, the area shall not exceed thirty-two (32) square feet. On lots with frontage on two (2) streets a freestanding sign fronting each street is allowed provided that the total area of the two signs may not exceed twenty-four (24) square feet for lots under 40,000 square feet or thirty-two (32) square feet for lots of 40,000 square feet or greater.

C. On multi-tenanted buildings used for non-residential purposes, additional wall signs are allowed as follows:

(1) A four (4) square foot sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances.

(2) An eight (8) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.

D. One (1) freestanding directory/directional sign is allowed on properties with businesses located in two or more buildings. This sign shall be in addition to such other signs allowed on the lot. Such signs cannot be located closer than fifty (50) feet from the traveled portion of the road fronting the property. The sign area shall not exceed thirty-two (32) square feet.

E. Projecting sign(s) are allowed in those situations where either freestanding or attached wall signs are not feasible because of the size or shape of the lot or the situation of the buildings on the lot. Projecting signs may not exceed six (6) square feet.

34.9 Signs Allowed in C-1, C-2, C-3 Commercial Districts

The following signs are allowed in C-1, C-2, and C-3 commercial districts, in addition to those set forth in section 34.6. The following signs may be illuminated and require a permit unless otherwise noted:

A. Freestanding Signs: One (1) freestanding sign per lot, which may be either a business, area identification or directory sign. Such sign shall not exceed thirty-two (32) square feet. An additional sign or increased signage area shall be available under the following circumstances:

1. On lots with vehicle access from two streets, one freestanding sign up to thirty-two (32) square feet is allowed at the main entrance and a sign up to sixteen (16) square feet is allowed at the secondary entrance.

2. On multi tenant lots of four (4) or more acres, fronting on Route 10, one freestanding sign is allowed up to sixty-four (64) square feet. If such lot has a separate entrance on another street, an additional sign up to thirty-two (32) square feet is allowed at the secondary entrance.

- Additional signage is allowed for changeable copy sign as per subsection C below.

Owners of multi tenanted lots may wish to refer to the coordinated signage section (34.15) for opportunities to increase sign area.

B. Wall Signs: One wall sign, which may be either a business, directory or identification sign, is allowed for each principal building. The sign area may not exceed five (5) percent of the wall of the building on which it is attached. Additional wall signs or signage are allowed under the following circumstances:

1. When a building has vehicle access from two (2) or more streets an additional wall sign oriented to each abutting street is allowed.

2. On multi-tenanted buildings:

(1) In lieu of one wall sign not exceeding 5% of the wall, each tenant may install a individual wall sign not exceeding five percent of his/her proportionate share of the wall on which the sign is attached, provided all such signs are of uniform design and construction.

(2) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances, provided all such signs are of uniform design and construction.

(3) An eight (8) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.

- Additional signage is allowed for changeable copy signs as per subsection C below.

In lieu of a wall sign, an awning or canopy sign over a door entrance or window is allowed. Such sign may include only the business name and/or address. The sign shall not exceed fifty percent of the vertical face of the awning or canopy to which it is attached.

C. A changeable copy sign may be a part of the sign's design or be added to a wall or freestanding sign as described in sections A and B above. An additional sign area of up to ten (10) square feet will be allowed.

The inclusion of a changeable copy feature into a sign precludes the use of on-site temporary advertising signs as described in subsection J below. See Exhibit C for examples of changeable copy signs.

D. Projecting sign(s) are allowed in those situations where either freestanding or wall signs are not feasible because of the size or shape of the lot or the situation of the buildings on the lot. Projecting signs may not exceed eight (8) square feet.

E. Window signs are allowed without permit. No more than fifty percent (50%) of total window or door area may be covered. Flashing, revolving or moving lights are not permitted.

F. One (1) freestanding directory/directional sign is allowed on properties with businesses located in two (2) or more buildings. Such signs shall not be located closer than fifty (50) feet from the traveled portion of the road fronting the property. The sign area shall not exceed thirty-two (32) square feet.

G. Off site directional signs. For those businesses which are not located on Routes 10, 68, or 70, one non-illuminated off-site directional sign may be allowed at the appropriate intersection of Routes 10, 68 or 70. If only one business requires a directional sign, that sign may be no larger than six (6) inches by thirty-six (36) inches. At those intersections where more than one business requires listing, the listings will be coordinated on one sign and the overall dimension of that sign will be in direct proportion to the number of businesses listed. The individual listing of each business will not exceed six inches by thirty-six (36) inches. In no event will the overall size of the sign exceed thirty-two (32) square feet. Off-site directional signs may be double faced but may not exceed ten (10) feet in height. Cost of the sign listings and maintenance will be the responsibility of the businesses utilizing the off-site directional sign. See Exhibits D and E for examples of off-site directional signs.

H. For automobile service station and repair signs, see Section 34.13.

I. For agricultural business signs, see Section 34.12.

The following temporary signs do not require a sign permit but must be registered with the zoning enforcement officer prior to their erection.

J. Temporary advertising signs, either attached or freestanding, are allowed up to six (6) times per calendar year for a period not to exceed fourteen (14) days per occasion. Temporary advertising signs shall be subject to the following requirements:

1. Zoning Officer must be notified prior to the placement of a temporary advertising sign.

2. Signs must be professionally prepared.

3. Only one (1) sign per business may be displayed at any one time.

4. Signs must be located upon the lot where the special, unique or limited activity, service or sale is to take place.

5. Sign may be displayed for up to fourteen (14) days per occasion and must be removed within forty-eight (48) hours of the last day. A minimum of fourteen (14) days must elapse before that business may again display a temporary advertising sign.

6. Freestanding signs must be constructed of rigid material and may not exceed 8.5 square feet in size.

7. Wall mounted banners must be constructed of fabric or plastic material and their size may be no more than ten (10) percent of the total area of the building unit to which they are attached.

8. Signs may not be illuminated.

Businesses that frequently have special activities or sales may wish to consider utilizing a permanent changeable copy sign instead of temporary signs and thereby gain an additional ten square feet of signage to their permanent freestanding sign plus greater flexibility in presenting messages for a longer duration. (See section 34.9 C above.)

K. Grand opening signs are permitted for new businesses as a one-time occurrence and may be displayed for a period not to exceed thirty (30) days. One (1) wall mounted banner and one freestanding sign may be displayed. Wall mounted banners shall be constructed of fabric or plastic material and their size may not be more than 10% of the building wall of the specific unit to which they are attached. A freestanding sign shall not exceed 8.5 square feet.

34.10 Signs Allowed in I-1 and I-2 Industrial Districts

The following signs are permitted in I-1 and I-2 industrial districts, in addition to those allowed in Section 34.6. The following signs may be illuminated and require a permit:

A. The following signs are allowed on single or multi tenanted lots of three (3) acres or less:

1. One freestanding sign which may be either a business, area identification or directory sign not exceeding thirty-two (32) square feet. On lots with vehicle access from two (2) streets, one (1) freestanding sign up to thirty-two (32) square feet is allowed at the main entrance and a sign up to sixteen (16) square feet is allowed at the secondary entrance.

2. One (1) wall sign per principal building which may be either a business, area identification or directory sign. Such sign may not exceed five (5) percent of the wall to which it is attached. When a principal building is devoted to two (2) or more permitted uses, the operator of each use may install a wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached. A building which has vehicle access from two (2) or more streets may have an additional wall sign oriented to each such street, not exceeding five (5) percent of each wall to which it is attached.

B. The following signs are allowed on single or multi tenanted lots of larger than three (3) acres:

1. One freestanding sign which may be either a business, area identification or directory sign not exceeding thirty-two (32) square feet for single tenanted lots and sixty-four (64) square feet for multi tenanted lot(s). On single tenanted lots with vehicle access from two (2) streets a sixteen (16) square foot freestanding sign is allowed at the secondary entrance. On multi tenanted lots with vehicle access from two (2) streets a thirty-two (32) square foot sign is allowed at the secondary entrance.

2. One (1) wall sign per principal building which may be either a business, area identification or directory sign. Such sign may not exceed five (5) percent of the wall to which it is attached. When a principal building is devoted to two (2) or more permitted uses the operator of each use may install a wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached. A building which has vehicle access from two (2) or more streets may have an additional wall sign oriented to each such street, not exceeding five (5) percent of each wall to which it is attached.

C. Additional Wall Signs are allowed as follows:

1. For those industrial lots bordering I-691 or I-84, one additional wall sign is allowed for walls facing the highway. Such sign shall not exceed five (5) percent of the building to which it is attached.

2. On multi-tenanted buildings:

(1) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances, provided all such signs are of uniform design and construction.

(2) A sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry. The above signs may be illuminated.

D. One (1) freestanding directory/directional sign is allowed on lots with businesses located in two (2) or more buildings. Such sign shall be set back at least the minimum distance required for the front yard setback for buildings. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed thirty-two (32) square feet.

E. Off -Site directional signs: Signs as described in Section 34.9G[1] are allowed in the I-1 and I-2 districts.

F. For agricultural business signs, see Section 34.12.

G. For gasoline station and motor vehicle signs, see Section 34.13.

34.11 Signs Allowed in the Interchange Zone

The following signs are allowed in the Interchange Zone, in addition to those allowed under Section 34.6.

The following signs may be illuminated and are allowed by permit, except if otherwise noted:

A. One freestanding sign which may be either a business, area identification or directory sign, not exceeding either of the following dimensions: (1) sixty-four (64) square feet in area, up to fifteen (15) feet in height, and set back twenty (20) feet back from the street line; or (2) one hundred (100) square feet in area, up to thirty (30) feet in height and set back at least fifty (50) feet from the street line.

B. Wall Signs are allowed as follows:

1. One wall sign per principal building, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.

2. Additional wall signs or signage are allowed under the following circumstances:
   a. When a principal building is devoted to two (2) or more permitted uses the occupant of each may install a separate wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached.

[1] Amendment effective May 14, 2010

b. For those lots bordering I-691 or I-84 one additional wall sign is allowed for walls facing the highway. Such signs shall not exceed five (5) percent of the building wall to which it is attached.

c. For multi-tenanted buildings:

(1) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances.

(2) A sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.

C. One freestanding directory/directional sign is allowed on properties with businesses located in two or more buildings. Such signs shall be set back at least the minimum distance as the front yard set back for buildings. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed 32 square feet.

D. Off -Site directional signs: Signs described in Section 34.9G [1]are allowed in the Interchange Zone.

The following temporary sign is allowed subject to permit:

E. One (1) freestanding identification sign listing the name of future tenants, responsible agent or realtor and the identification of the complex. The sign may remain until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or the tenant(s) are occupying said building(s), whichever occurs first. The sign may not exceed a maximum of forty (40) square feet, and may not be illuminated.

34.12 Agricultural Business Signs

The following types of signs are allowed for agricultural businesses, specified in Section 30, Schedule A, No. 13, 15 and16 of these Regulations.

A. Identification Signs are allowed by permit as follows:

1. R-20, R-40, and R-80 Districts: One sign, attached or freestanding. The area of an attached wall sign shall not exceed five (5) percent of the face of the wall to which it is attached. A freestanding sign may not exceed twenty-four (24) square feet. Signs in these zones may be illuminated during business hours.

2. R-20A, C-1, C-2, C-3, I-1, I-2 and Interchange districts: One (1) attached sign and one (1) freestanding sign. The freestanding sign may not exceed thirty-two (32) square feet and the attached

[1] Amendment effective May 14, 2010.

sign may not exceed five (5) percent of the wall to which it is attached. Freestanding and attached wall signs in these zones may be illuminated.

B. Changeable Copy Sign. Agricultural businesses intermittently selling seasonal products may elect to have the freestanding sign designed as a changeable copy sign and thereby gain an additional ten (10) square feet for a total of thirty-four (34) square feet in the R-20, R-40, and R-80 districts or forty-two (42) square feet in the R-20A, C-1, C-2, C-3, I-1, I-2 and Interchange districts. In making this election, however, the business is precluded from utilizing a temporary agricultural sign as described in C below. See Exhibit C for an example of a changeable copy sign.

C. Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be professionally prepared and shall be located on the premises of the agricultural business. An attached sign may not be more than 5% of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 8.5 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways.

D. Off Site Directional Signs, intended to aid drivers travelling to agricultural businesses selling seasonally grown products, are allowed without permit, subject to the following:

1. Signs must be professionally prepared.

2. Signs shall not exceed 8.5 square feet and may not be illuminated.

3. Signs shall be allowed only for the purpose of identifying seasonally grown agricultural products for sale on the premises and must be removed at the end of the season.

4. No more than three signs shall be allowed per agricultural business.

5. Only one sign per business is allowed at any one location.

34.13 <u>Gasoline Station and Motor Vehicle Dealer Signs</u>

In those districts where gasoline stations or motor vehicle dealers are permitted, the underlying requirements of the district shall apply but shall be modified as follows:

a. The maximum height for any freestanding sign shall be 20 feet.

b. Each garage or service bay shall be allowed one wall mounted sign not larger than 10 square feet in height consisting of words like “washing”, “lubrication”, “repair”.

c. Signs and insignias on gas pumps such as brand name and price information are allowed not exceeding 2.5 square feet per side which is attached to the pump. Signs required by law are exempt from these computations.

d. A product pricing sign may be attached to a permitted freestanding sign. Said pricing sign shall not exceed 16 square feet, which shall be exempt from the sign area computation.

34.14 <u>Master Signage Plan</u>

Master Signage Plans will be required for all site plan and special permit applications under Sections 40 and 41 of the Cheshire Zoning Regulations in order to ensure compliance with these regulations. A Master Signage Plan shall contain the following:

1. An accurate plot plan of the lot, at such scale as the Planning Office may reasonably require.

2. Location of buildings, parking lots, driveways and landscape areas on such lot.

3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this regulation.

4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs such as "Entrance," "No Parking," etc. need not be shown.

The master signage plan shall be reviewed by the Planning & Zoning Commission except that the Planning & Zoning Commission may delegate the right to approve, modify or disapprove such plans to the Zoning Enforcement Officer.

34.15 Coordinated Signage Plan

In conjunction with any site plan or special permit application, the owner of a multi-tenanted lot may apply to the Planning and Zoning Commission for a coordinated signage plan which conforms to this section. A 25% increase in the allowed sign area for freestanding and/or walls sign may be allowed if the Commission finds that (1) such coordinated signage plan is consistent with the purpose of this section and these regulations; and (2) such signage program

would result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this Section. The Coordinated Signage Plan shall contain all the information required for a master signage plan and also specify standards for consistency among all signs on the lot affected by the plan with regard to:

1. Color scheme
2. Lettering or graphic style
3. Lighting
4. Location of each sign on the buildings
5. Location of freestanding signs
6. Material
7. Sign proportions

The Coordinated Signage Plan for a multi-tenanted lot shall limit the number of freestanding signs to a total of one sign for each street having a separate entrance. If any new or amended Coordinated Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing all signs not conforming to these regulations into conformance within one year of the date of approval of the Coordinated Signage Plan. Any modification of an approved Coordinated Signage Plan shall require Approval from the Planning & Zoning Commission. The Commission shall be authorized to reduce the total signage if it finds that such modifications fail to conform with this section.

34.16 Signs Prohibited Under These Regulations

All signs not expressly permitted under these regulations or exempt from regulation hereunder are prohibited. Such prohibited signs include but are not limited to:

Signs painted on any wall surface; beacons; pennants (except when used in conjunction with grand openings); inflatable signs and tethered balloons; billboards; illuminated tubing or strings of lights which outline roof lines, doors, windows, wall edges or illuminating rows of vehicles when used for advertising purposes; signs imitating traffic signals or signs, or obscuring traffic signals or signs; signs placed on trees, rocks or utility poles; searchlights; signs placed on public or private property without prior approval; flashing signs; roof signs, portable signs when used as permanent signs; and signs painted on or attached to a vehicle or trailer which is used for advertising as opposed to transportation, provided that this section shall not prohibit signage on a vehicle or trailer, the primary use of which is transportation.

34.17 Nonconforming Signs

Any sign that is lawfully existing or under construction on the effective date of these regulations which does not conform to one or more provisions of these sign regulations shall be deemed a nonconforming sign subject to Section 24 of these regulations, and shall also comply with the following:

1. Maintenance of legal nonconforming signs, including changing of copy, necessary nonstructural repairs and incidental alterations which do not change, extend or expand the nonconforming features of the sign, is allowed. No change, extension or expansion shall be made to a legal nonconforming sign unless the change, extension or expansion will result in the elimination or reduction of the nonconforming features of the sign.
2. In those situations where a Coordinated Signage Plan is submitted, all nonconforming signs on the property will be brought into conformance within one year of the date of approval of the Coordinated Signage Plan.

34.18 Signs Exempt under These Regulations

The following signs shall be exempt from these regulations:

1. Any public notice or warning by a valid applicable federal, state or local law, regulation or ordinance.

2. Memorial signs, memorial plaques or tablets or other remembrances of persons or events that are noncommercial in nature.

3. Flags as described in 34.3 except that no more than one flag that is used as a symbol of a business shall be allowed per lot.

4. Signs advertising garage or yard sales provided that no sign shall exceed six (6) square feet in sign area. Such signs may be erected the day before the sale and must be removed at the conclusion of the sale.

5. Bulletin boards on the premises of churches, religious institutions and municipal buildings provided no such bulletin board shall exceed 24 feet.

6. Holiday lights and decorations with no commercial message.

7. Internal signs: signs contained solely within a building for internal use and not for attracting attention from the outside.

8. One Community Bulletin Board controlled by the Town of Cheshire for the purpose of advertising community events which are sponsored by any non-profit organization open to the general public.

34.19 <u>Fees</u>

Each application for a sign permit or approval of a Master or Coordinated Signage Plan shall be accompanied by the applicable fees which shall be established by the Town of Cheshire Code of Ordinances.

34.20 <u>Violations</u>

Any of the following shall be a violation of this regulation and shall be subject to the enforcement remedies and penalties provided by the Town of Cheshire Zoning Regulations and by state law:

1. To install, create, erect or maintain any sign requiring a permit without such permit.

2. To install, create, erect or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which the sign is located.

3. To fail to remove any sign that is installed, created, erected or maintained in violation of this regulation or for which the sign permit has lapsed; or

4. To continue any such violation. Each such day of continued violation shall be considered a separate violation when applying the enforcement remedies and penalties.

Any sign placed on or within Town property or on a Town or State Right of Way without a permit may be removed by the Zoning Enforcement Officer without notice. The Zoning Enforcement Officer shall require the repair or removal of any sign or sign structure which has been destroyed or has deteriorated to the point of becoming a hazard to public health and safety. Such sign or sign structure may be restored to its original condition in accordance with these regulations or must be removed within a time frame established by the Zoning Enforcement Officer or three months, whichever is shorter. In establishing a time frame of less than three months, the Zoning Enforcement Officer will be guided by the threat of imminent danger of personal injury or property damage to the public.

EXHIBIT A

SUMMARY OF SIGNAGE REQUIREMENT
SIGNS ALLOWED IN ALL ZONING DISTRICTS

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	Permit **Required**	**Maximum # of Signs Allowed**	Maximum **Area (sq.ft.) Allowed**	**Lighting Allowed**
A. Construction/Home Improvement (freestanding or sandwich board)	No	1	8.5	No
B. Incidental signs	No	[see section 34.6 A.2]	2 per sign	No
C. Real Estate (freestanding)	No	[2 if frontage on separate streets]	8.5 (residential) 32 (commercial and industrial) 40 (interchange)	No
D. Open House Real Estate (freestanding or sandwich board)	No	8	4	No
E. Political/Public Issue	No	[see section 34.6 A.5]	8.5 (residential) & 32 (nonresidential)	No
F. Special Event (freestanding and attached)	No*	1 if 32 sq. ft. 2 if 16 sq. ft.	16 or 32	Yes
G. Development (freestanding)	Yes	1	32	No
H. Off-site Directional (municipal/nonprofit uses)	Yes	2	1.5	No
I. Agricultural Business Signs	See 34.12	See 34.12	See 34.12	See 34.12

*[Must be registered with Zoning Dept.]

SIGNS ALLOWED IN RESIDENTIAL ZONES R-20, R-40, R-80

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	Permit **Required**	Maximum # of **Signs Allowed**	Maximum **Area (sq.ft.) Allowed**	Lighting **Allowed**
A. Identification: Single Dwelling (attached or freestanding)	No	1	3	No
B. Identification: Multiple Dwelling (attached or freestanding)	No	1	6	Yes
C. Identification: Subdivision or PRD (freestanding)	Yes	1 [2 if more than one entrance]	24	Yes
D. Identification: Home Occupation/ Profession (attached or freestanding)	Yes	1	3	Yes
E. Identification: Municipal/Civic/ Nonprofit (attached and freestanding)	Yes	2 [3 on lots fronting 2 streets]	24 [5% of building face if attached]	Yes
F. Business (attached or freestanding)	Yes	1 [2 if frontage on 2 streets]	3 (Town Roads) or 6 (State Highway)	Yes

SIGNS ALLOWED IN RESIDENTIAL ZONE R-20A

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	**Permit Required**	Maximum # of **Signs Allowed**	Maximum **Area (sq.ft.) Allowed**	Lighting **Allowed**
A. Identification: Municipal/Civic/ Nonprofit (freestanding and attached)	Yes	2 [3 on lots fronting 2 streets]	24 [5% of building face if attached]	Yes
B. Business, Directory, Home occupation, or Identification (freestanding or attached)	Yes	1 [2 on lots fronting 2 streets]	24 (under 40,000 square feet) or 32 (lots 40,000 square feet or over) [5% of building face if attached]	Yes
C. Additional Wall Sign for multi-tenanted buildings	Yes	See 34.8 (C) for separate and/or common entry	4 (separate entrances) 8 (common entrance)	Yes
D. Directory/Directional (Freestanding on lots with businesses in two or more buildings)	Yes	1	32	Yes
E. Projecting (in lieu of Freestanding or wall)	Yes	1 See section 34.8 (E)	6	Yes

SIGNS ALLOWED IN COMMERCIAL ZONES C-1, C-2, C-3

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

TYPE	PERMIT REQUIRED	MAXIMUM AREA (SQ.FT.) ALLOWED	MAXIMUM # OF SIGNS ALLOWED	LIGHTING ALLOWED
A. Freestanding	Yes	32 sq. feet with additional signage allowed as per 34.9A and 34.9C	1 (See Sec. 34.9A) for additional signage	Yes
B. Wall or Canopy	Yes	5% of face of building or face to which attached or 50% of vertical face of awning/canopy	1 (see 34.9B for additional signage for multi-tenanted building or for buildings with multiple frontage)	Yes
C. Changeable copy (attached to building or freestanding sign)	Yes	Additional 10 sq. ft.	1	Yes
D. Projecting (in lieu of freestanding or wall)	Yes	1 per occupancy [See 34.9 (D)]	8	Yes
E. Window (see definition)	No	50% of window area must be clear	__	Yes; No flashing, moving or revolving lights
F. Directory/directional (freestanding)	Yes	32 sq. ft. (for multiple businesses)	1	Yes
G. Off- site Directional (Restricted Area)	Yes	32 sq. ft. (1.5 feet per business)	1	No
H. Temporary Advertising (attached or freestanding)	No. Must be registered with Zoning Dept.	10% of building wall if attached, 8.5 sq. ft. if freestanding	1	No
		(34-26)		

I. Grand Opening (attached and freestanding)	No. Must be registered with Zoning Dept.	10% of building for attached; 8.5 sq. ft. for freestanding	2	No

SIGNS ALLOWED IN INDUSTRIAL ZONES I-1 & I-2

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

TYPE, LOT SIZE AND LOCATION	PERMIT REQUIRED	MAXIMUM AREA (SQ.FT.) & NUMBER ALLOWED	LIGHTING ALLOWED
A. Wall and Freestanding: Single or multi tenanted lot size, 3 acres or less.	Yes	One freestanding sign (32 square feet). One wall sign (5% of wall). Additional wall sign if vehicle access from more than one street.	Yes
B. Wall and Freestanding: Single or multi tenanted lot larger than 3 acres.	Yes	One freestanding sign (32 or 64 square feet). One wall sign (5% of wall). Additional wall sign if vehicle access from more than one street. See 34.10.	Yes
C-1. Additional wall sign for lot bordering I-691 & I-84.	Yes	One attached wall sign not exceeding 5% of building wall facing the highway.	Yes
C-2. Additional wall sign on buildings with more than one use or occupancy.	Yes	4 square feet (separate entrance) or 16 square feet (common entrance) (see 34.10(c)(2))	Yes
D. Directory/Directional (Freestanding on lots with multiple buildings and occupancies)	Yes	One freestanding 32 square feet	Yes
E. Off-site Directional (Restricted Area)	Yes	32 square feet (1.5 feet per business)	1

SIGNS ALLOWED IN COMMERCIAL ZONES C-1, C-2, C-3

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

TYPE	PERMIT REQUIRED	MAXIMUM AREA (SQ. FT.) ALLOWED	MAXIMUM # OF SIGNS ALLOWED	LIGHTING ALLOWED
A. Freestanding	Yes	64 or 100 sq. ft. [See 34.11 (A)]	One	Yes
B-1. Wall sign	Yes	5% of wall to which attached [See 34.11(B-1)]	One	Yes
B-2. Additional wall sign for lots bordering I-691 and I-84	Yes	5% of wall to which attached [See 34.11(B)(2)(b)]	One	Yes
B-3. Additional wall sign on buildings with more than one occupancy	Yes	4 sq. ft. (separate entrance) or 16 sq. ft. (common entrance) [See 34.11(b)(2)(c)]	See 34.11(B)(2)(c)	Yes
C. Directory/ Directional (Freestanding on lots with multiple buildings and occupancies)	Yes	32 square feet [See 34.11 (C)]	One	Yes
D. Freestanding future tenant identification sign	Yes	40	One	No

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Section 35 Industrial Zone Design Considerations[1]

The Industrial Zones are intended to provide for a wide range of office, industrial, distribution, research and other related uses in well-designed buildings and attractively landscaped sites to promote and maintain a well-balanced land use pattern in accordance with the Cheshire Plan of Conservation and Development; and to provide employment and support Cheshire's economic base.

35.1 Building Coverage and Stormwater Management: Building coverage in the Industrial zones is increased to 35 percent (see Section 32, Schedule B). All proposed Site Plan or Special Permit applications for expansion and/or new development shall include a Low Impact Development Plan as defined in Section 23 (Definitions) of these Regulations that consists of the following elements:

1. A statement of goals related to reducing and managing the increased volume and quality of storm water generated from the additional impervious surface associated with the development.
2. An identification and description of the measures included in such plan, and how these measures are appropriate for the site conditions.
3. Compliance with the Storm Drainage Design criteria established by the Cheshire Engineering Department revised through April 14, 2014 and the CT DEEP 2004 Storm Water Quality Manual, both as may be amended, with said compliance to be confirmed by the Cheshire Town Engineer or his designee.

35.2 Access Management Requirements: When properties within the Industrial districts are proposed for subdivision or for development with more than one principal use and structure, applicants shall provide an overall layout plan that includes an access management plan that provides for minimizing of the overall number of curb cuts onto the frontage road, especially Highland Avenue. Applicants are encouraged to provide for shared parking and joint use of driveways to achieve this.

[1] Amendment effective May 12, 2017.

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Section 36: Highland Avenue Design District Regulations [1]

1. **36.1 Statement of Intent:** The purpose of this Section is to encourage the master planning of sites to create well designed, sustainable proposals of commercial uses including retail and mixed commercial use projects within the Highland Avenue Design Overlay District as discussed and shown in the 2016 Cheshire Plan of Conservation and Development as amended. Central design characteristics of these projects include the architectural design of the structures, the buffers and transition elements between the project, Highland Avenue and the existing neighborhoods, as well as entry elements and key visual points around the perimeter of the project. It is recognized that site conditions vary; however, innovative design should be demonstrated whenever possible in all aspects of projects including motor vehicle access, storm water management, landscaping, and building design. Projects must include safe and comfortable pedestrian elements and include accessible design features throughout.

2. **36.2 Procedure for Creating a Project:** An individual Design District project may be created through the following process:
   - **A.** Applicants shall first develop a Master Plan with Special Regulations and obtain a preliminary review by town staff including Planning, Engineering, Police and Fire departments and any other relevant agencies.
   - **B.** Applicants are encouraged to submit the Master Plan and draft Special Regulations to the Planning and Zoning Commission for a non-binding review authorized under Connecticut General Statutes Section 7-159b as may be amended. The Master Plan should include a design narrative describing how this plan satisfies goals set forth within these regulations and the 2016 Cheshire Plan of Conservation and Development (as amended) and the Special Regulations shall detail the differences between the proposed standards and those required in the underlying zone and any other sections of the Zoning Regulations.
   - **C.** Design Districts may then be established by approval of the Master Plan and Special Regulations as a zone map change application in accordance with Article VII, Section 70 of the Cheshire Zoning Regulations.
   - **D.** Changes to the Master Plan would be subject to the discretion of the Commission as to whether they would be significant and require a public hearing.
   - **E.** All applicants are encouraged to meet with neighbors and abutters before coming to the Commission for the preliminary review to inform and to listen to their concerns as part of the design process. The preliminary materials should include a written "neighborhood outreach" narrative describing these meetings and how the design was influenced as a result of these meetings.

3. **36.3 Permitted Uses Within the Design District:** Design District projects shall consist of commercial and/or mixed use development and/or mixed use buildings as defined within Section 23 under Mixed Use Development of these regulations

4. with the exception that residential uses are excluded. Uses may include retail, service, banks, medical and/or professional offices, active or passive recreational, health and exercise facilities, hair and beauty salons, restaurants, microbreweries, wine and/or spirits making, and similar uses. Uses that are already permitted within the underlying zone are also permitted.

5. **Master Plan Elements:** All projects proposed under these regulations Master Plan should include the following elements:

- **A.** Continuous pedestrian linkage throughout the project. Parking areas should not impair pedestrian elements.
- **B.** Shared parking among all uses.
- **C.** Minimum parking requirements that match expected demand. Impervious surfaces should be reduced wherever possible.
- **D.** Transit access elements wherever practical including a designated bus stop and passenger shelter.
- **E.** All buffer and landscape elements shall be located on the properties included in the development project.
- **F.** The use of pervious surfaces is encouraged wherever practical to minimize hard surfaces.
- **G.** A narrative describing how the proposal represents context sensitive design as defined within Section 23 of these regulations.
- **H.** Include linkage elements with existing neighborhoods where appropriate.
- **I.** Building forms that support the proposed uses.

6. **Minimum Design Standards:** All projects proposed under these regulations shall meet the following minimum standards:

- **A.** Minimum lot size shall be 120,000 square feet.
- **B.** Maximum building coverage shall be 35 percent.
- **C.** Smaller contiguous parcels which share a common boundary may be added to the original three acre parcel subject to review by the Commission as an amendment to the Master Plan in accordance with Section 36.2 of these regulations. The development of these parcels shall share access and pedestrian linkage with the original parcels.
- **D.** All lighting shall be shielded in accordance with Section 33.9 of these regulations.
- **E.** Applicants are encouraged to develop and provide a unified sign plan to promote harmonious signage for present and future tenants by specifying consistent placement, size, color, lettering style, and/or materials for the entire project.
- **F.** The main entrance of buildings must face the public or private street upon which they front and be clearly articulated through the use of architectural detailing.
- **G.** Doorways, windows and other openings in the façade should be proportioned to reflect pedestrian scale and movement and to encourage interest at street level.
- **H.** Loading areas and refuse receptacles shall be located to the rear of buildings.

I. Parking areas shall not be the dominant feature along existing and proposed streets and should be located to the rear of principal buildings.

J. Blank walls or roof planes should be avoided.

K. Landscaped buffers should be provided along street frontages and perimeter areas. These buffers should include trees to provide some visual interruption of the developed areas within the site.

L. The Highland Avenue District Projects will be served by public water and public sewer and all utilities will be underground.

7. **Standards and Findings:** The Commission may approve a zone change to a Highland Avenue Design District provided that, in its judgement, the applicant has met the following standards:

A. The special regulations as well as the proposed development are consistent with the intent of this Highland Avenue Design District regulation, the Cheshire Plan of Conservation and Development.

B. Utilities and/or services as presently existing or to be provided by the applicant will not be overburdened due to the increase in population or activity caused by the new development.

C. The report from the Fire Marshal, Town Engineer, and Traffic Authority does not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided.

D. The internal circulation system encourages and protects pedestrian use and discourages motor vehicle conflicts.

E. Separation of vehicular and pedestrian traffic is maintained wherever possible.

F. Adequate on-site parking is provided.

G. Increased storm water run-off will be minimized wherever possible.

H. The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and the Highland Avenue corridor and would show design merit.

I. The perimeter edge of the proposed development relates to the character of the Highland Avenue corridor with respect to such things as scale, setback and the like.

J. Landscaping, lighting, graphics and any street furniture have been coordinated to create a pleasing public environment.

K. The project plan includes pedestrian elements that are usable, beneficial and can logically be connected to any future or existing walkways on adjacent properties or public streets.

L. Any open space land set aside or established pursuant to the proposed master plan shall be held in ownership and maintained by the applicant or owners of the proposed project.

M. There is reasonable assurance that the developer has the financial and organizational capability to complete the project.

N. Phases of development as submitted are capable of independent existence within the standards of this section without development of existing phases.

[1] Approved 7/8/19; effective 7/26/19

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ARTICLE IV
SUPPLEMENTARY REGULATIONS

SECTION 40 SPECIAL PERMITS.
In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant a Special Permit for the establishment of one or more of the uses for which a Special Permit must be secured from such Commission as required by Section 30 and other sections of these Regulations. All requirements of this Section are in addition to other requirements applicable in the district in which the Special Permit use is to be located. Prior to approval of any application for a Zoning Permit for a Special Permit use, approval must be given by the Planning and Zoning Commission as provided in this Section.

40.1 Intent. While these Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these Regulations, such uses and features shall be treated as a Special Permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to other requirements of these Regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case.

40.2 Application. All applications for Special Permits shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission and shall be accompanied by the following:

> **40.2.1 Site Plan.** A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor's records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 6[3] copies shall be submitted.[1]

[1] Amendment effective June 26, 1975. Amended, effective October 4, 2002 at 12:01 a.m.

40.2.2 Architectural Plans. Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; 6[3] copies shall be submitted.[2]

40.2.3 Sanitation Certificate/Letter of Feasibility. A Sanitation Certificate endorsed by Chesprocott Health District or a Letter of Feasibility from the Water Pollution Control Authority.

40.2.4 Fee. An application fee must be submitted to the Planning Office when filing an application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal.[1]

40.2.5 For Special Permit applications which propose to conduct nonresidential uses in residential districts, enhanced notice of the public hearing shall be given as required by Section 26 of these Regulations.[2]

40.2.6 Other The Planning and Zoning Commission may by resolution waive the submission of all or part of the information required under Paragraph 40.2.1 and 40.2.2 if it finds that the information is not necessary in order to decide on the application.

40.3 Procedure. Applications for Special Permit uses shall be filed in the office of the Town Planner at least seven (7) days prior to a regular meeting of the Planning and Zoning Commission to give staff adequate time for application review and placement on the agenda.

The Commission shall receive and accept said application, if complete, in accordance with Section 8-7d of the Connecticut General Statutes, as amended, and shall hold a public hearing regarding any special permit, render a decision, and give legal notice in accordance with the requirements of Section 8-3c of the Connecticut General Statures as amended.

40.4 Planning and Zoning Commission Responsibilities[3] Special Permits shall be granted only where the Planning and Zoning Commission finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare. Public uses of land may be given special privilege over private uses of land when there is a clear necessity for said public facilities. The Commission shall take into account, where appropriate:

40.4.1 The size and intensity of the proposed use.

40.4.2 The proximity of the same or similar use which would unduly

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[2] Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.,

[3] Amendment effective May 14, 2010.

[1] Amendment effective September 17, 1979. Amended, effective October 4, 2002 at 12:01 a.m.

[2] Amendment effective December 1, 1995.

[3] Amendment effective January 27, 1989.

concentrate types of uses in a particular zone or vicinity in a zone. (district).The nature of the proposed site, including its size and shape and other topographical features.

40.4.3 The nature of the proposed site, including its size and shape and other topographical features.

40.4.4 The location, height, arrangement, design and nature of any existing and/or proposed building and appurtenance.

40.4.5 The number, location and arrangement of off-street parking and loading spaces and the nature of vehicular and pedestrian access to the site so as to avoid undue hazards to traffic and traffic congestion on any street.

40.4.6 The capacity of adjacent and feeder streets to accommodate peak traffic loads and traffic hazards that may be created or aggravated by the proposed use and the resulting traffic patterns created or burdened by the use.

40.4.7 The nature of the surrounding area and the extent to which the proposed use and its features and appearance will be in harmony with the surrounding area, including the effect upon property values in the neighborhood.

40.4.8 Fire, police and ambulance protection access needs of the neighborhood as well as of the Town as a whole.

40.4.9 Water supply, sewage disposal facilities and drainage and erosion control.

40.4.10 The proximity of dwellings, emergency facilities, churches, schools, public buildings and other places of public gatherings.

40.4.11 The effect of the proposed use on the purpose and intent of these regulations (Comprehensive Plan) and the Plan of Development of the Town.

40.5 Additional Conditions and Safeguards. In granting any Special Permit, the Planning and Zoning Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to, the following:

40.5.1 Requirement of setbacks greater than the minimum required by these Regulations;

40.5.2 Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Planning and Zoning Commission;

40.5 3 Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area;

40.5.4 Limitation of size, number of occupants, methods or time of operation, or extent of facilities;

40.5.5 Regulation of number, design, and location of access drives or other traffic features including pedestrian ways;

40.5.6 Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations;

40.5.7 Regulation of the number, type and location of outdoor lighting facilities;

40.5.8 Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Planning and Zoning Commission and may be made additional requirements and conditions of the permit when granted.

40.6 Condition of Approval. Any person, firm or corporation having obtained approval of a Special Permit application under this section shall complete all work and comply with all conditions of approval within five years after said approval. In the event all such work and all conditions are not completed within said time, the approval granted shall become null and void unless a request for a revision is submitted and approved as provided for in Section 40.8. The Planning and Zoning Commission may file a statement to that effect upon the land records if it deems necessary in its best interest.

The Commission may require that on certain projects the applicant or his agent shall report to the Commission on an annual basis. Such report shall be made in person at a public meeting and shall include information on the progress of the project, possible changes and an estimated completion date.[1, 3]

[1, 2] Amendments effective April 29, 1976.
[3] Amendment effective February 8, 1991.
[4] Amended December 12, 2001; effective December 21, 2001 at 12:01 a.m.

40.6.1 Approval of an application for a Special Permit under this Section shall be conditioned upon the applicant's filing of the Special Permit approval on the Cheshire Land Records as per the requirements of Public Act 75-317. Said filing must take place within 30 days of the approval. [2]

40.7 As-Built Survey and Certificate of Occupancy. [4] Prior to the issuance of a Certificate of Occupancy, an as-built plot plan (A-2 survey) shall be filed with the Building Department for all new commercial and industrial buildings and additions.

The as-built plot plan shall include the following:

All buildings and setbacks from the property lines, corner lot pins and street monuments, first floor elevations of structures, wetland boundaries and acreage, wetland non-encroachment boundary as determined by the IWWC, 100 year flood plain and flood plain elevations as designated by FEMA, easements and right of ways, utility locations, driveway aprons and all paved driving surfaces, lot coverage for buildings, and lot coverage for all impervious surfaces.[5]

The survey shall meet the standards set forth in Regulations of Connecticut State Agencies, Section 20-300b-2.

Proper map size and scale should be used to accurately depict the required information. Map size should not exceed 11" x 17" and scale should not be less than 1"=50' unless the property size makes these restrictions inappropriate.

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may recommend issuance of the Certificate of Occupancy on the condition that all provisions of the plan are completed within a specified time period as determined by the Zoning Enforcement Officer.

40.8 Revisions. Any revision of an approved Special Permit application and/or any reconstruction, enlargement, extension, moving or structural alteration of an approved Special Permit use or any building or structure in connection therewith shall be submitted to the Planning and Zoning Commission for approval. The Planning and Zoning Commission may approve any revision without public hearing unless it deems such revision to be a substantial and material change to

[5] Amended May 27, 2003; effective June 6, 2003 at 12:01 a.m.

the previously approved Special Permit use or application in which event it shall require submission of a Special Permit application as for the original application.[1]

40.9 Extensions and Expansions of Pre-Existing, Nonconforming Uses. As provided in Section 24.4 of these Regulations, any person seeking to extend or expand a nonconforming use that is listed as a prohibited use in Section 47.5(C) of these Regulations shall apply for an Aquifer Protection Overlay Zone Permit (as provided in Section 47.4.1(G) and Section 47.8.2 of these Regulations) instead of a Special Permit pursuant to this Section 40.[2]

SECTION 41 SITE PLAN APPROVAL.

The following regulations shall apply to the submission and administrative approval of site plans as required by Section 30 of these Regulations.

41.1 Intent. It is the intent of this Section to provide for administrative site plan review and approval for the following purposes:

41.1.1 To determine compliance with all appropriate regulations.

41.1.2 To regulate vehicular and pedestrian access to the property in such a manner as to avoid undue hazards and undue traffic congestion of any public or private street.

41.1.3 To determine whether or not the proposed use will be of such a character as to harmonize with the neighborhood, will accomplish, where applicable, a transition in character between areas of unlike character, will protect property values and preserve and enhance the appearance and beauty of the community;

41.1.4 To determine whether or not suitable provision has been made for water supply and sewage disposal in accordance with applicable standards of the Town Health Officer, the Connecticut State Health Department and the Connecticut State Water Resources Commission.

41.1.5 To determine whether or not off-street parking and loading will be suitably designed, paved and drained in such a manner as to promote traffic safety and to protect public health.

41.1.6 To determine that potential nuisance, including outdoor lighting, will be minimized.

41.2 Application. Prior to approval of any application for a zoning permit for a use for which a site plan must be approved as specified in Section 30, application

[1] Amendment effective February 8. 1991.
[2] Amendment Adopted March 24, 2003; effective March 28, 2003 at 12:01 a.m.

for approval of a site plan shall be submitted to the Planning and Zoning Commission on forms provided by that Commission and shall be accompanied by the following:

41.2.1 Site Plan. A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor's records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 6[2] copies shall be submitted.

41.2.2 Architectural Plans. Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; 6 copies shall be submitted.[1]

41.2.3 Sanitation Certificate/Letter of Feasibility. A Sanitation Certificate endorsed by Chesprocott Health District or a Letter of Feasibility from the Water Pollution Control Authority.

41.2.4 Fee. An application fee must be submitted to the Planning Office when filing an application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal.[2]

41.2.5 Other. The Planning and Zoning Commission may by resolution waive the submission of all or part of the information required under Paragraphs 41.2.1 and 41.2.2.

41.3 Procedure. [3] Application shall be received only at a regular meeting of the Planning and Zoning Commission but must be filed in Planning Office at least seven days prior to such meeting for review and placement on the agenda. The Planning and Zoning Commission shall approve, approve subject to modification, or disapprove the application within 65 days after the application has been received at a regular meeting and determined to be complete. Failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within 30 days after the expiration of the 65-day period for

[1] Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.
[2] Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.
[3] Amendment effective June 30, 1978.

action. An extension of the 65-day period for action may be had with the written consent of the applicant. The grounds for disapproval of an application shall be stated by the Planning and Zoning Commission in its records.

41.4 As-Built Survey and Certificate of Occupancy.[4] Prior to the issuance of a Certificate of Occupancy, an as-built plot plan (A-2 survey) shall be filed with the Building Department for all new commercial and industrial buildings and additions.

The as-built plot plan shall include the following:

> All buildings and setbacks from the property lines, corner lot pins and street monuments, first floor elevation of structures, wetland boundaries and acreage, wetland non-encroachment boundary as determined by the IWWC, 100 year flood plain and flood plain elevation as designated by FEMA easements and right of ways, utility locations, driveway aprons and all paved driving surfaces, lot coverage for buildings, and lot coverage for all impervious surfaces.[5]

The survey shall meet the standards set forth in Regulations of Connecticut State Agencies, Section 20-300b-2.

Proper map size and scale should be used to accurately depict the required information. Map size should not exceed 11" x 17" and scale should not be less than 1"=50' unless the property size makes these restrictions inappropriate.

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the site plan as approved by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the site plan before the building is complete, the Zoning Enforcement Officer may recommend issuance of the Certificate of Occupancy on the condition that all provisions of the plan are completed within a specified time period as determined by the Zoning Enforcement Officer.[1,2]

41.5 Revisions. [3] Any substantial revision of an approved Site Plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved Site Plan use or any building or structure in connection therewith shall require submission of a Site Plan application as for the original application.

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[4] Amended December 12, 2001, effective December 21, 2001 at 12:01 a.m.
[5] Amended May 27, 2003, effective June 6, 2003 at 12:01 a.m.
[1,2] Amended effective April 29, 1976, amended effective February 8, 1991
3 Amended effective October 16, 2010

41.6 Conditions of Approval and Extensions of Expiration Date.[3] Excluding certain large-scale projects described below, any person, firm or corporation having obtained approval of a Site Plan application under this section shall complete all work and comply with all conditions of approval of said Site Plan approval within five years after said approval, except that any Site Plan approved during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. The Commission may grant one or more extensions of time to complete all or part of the work in connection with such Site Plan, provided no approval, including all extensions, shall be valid for more than eleven years from the date the Site Plan was approved.

For large-scale residential, commercial, industrial or retail projects as described in Connecticut General Statutes 8-3, the commission shall set a deadline for completion of all work in connection with such Site Plan in accordance therewith but in no event shall such date be later than ten years after the date of approval of the Site Plan.

In the event all such work and/or conditions are not completed by the appropriate deadline, the approval granted shall become null and void.

41.7 Change of Use. For any property where a Site Plan has already been approved and the occupancy changes so that the new occupancy falls under a different paragraph of Section 30, Schedule A, Permitted Uses, from that use that was previously approved, a new Site Plan application shall be necessary. Such Site Plan shall be reviewed by the Town Planner, and the Town Planner shall be allowed to approve administratively such change:

1) if there is no additional exterior construction except for signs on the previously approved property, and

2) if the parking requirements for the new use are the same or less than the previous use.

Such approval by the Town Planner shall allow occupancy by the new use immediately. Such action shall be reviewed and, if in accordance with the Zoning Regulations, shall be ratified by the Commission at their next scheduled meeting. Any approval by the Town Planner shall state that it is subject to review by the Planning and Zoning Commission.

In the case of any change as described above where either additional parking or any exterior structural alterations, additions or renovations are involved, a Site Plan shall be submitted to the Planning and Zoning Commission as per the normal procedure under section 41.[1]

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[1] Amendment effective October 27, 1978.

SECTION 42 CLUSTER SUBDIVISIONS.

It is the intent of this section to provide an opportunity for flexibility through the option of Cluster Subdivision by permitting a reduction in the minimum lot size normally required in a residential zone provided that the total number of lots in such subdivision is not greater than is otherwise permitted by these Regulations, as stated in Paragraph 42.2.7 below, and benefits derived are greater than in conventional development. All Cluster Subdivisions shall be considered subdivisions and subject to the Subdivision and Other Land Use Regulations of the Town of Cheshire. They shall also be considered special permit uses subject to the requirements of Section 40 of the Zoning Regulations, Cheshire, Connecticut, in addition to any other requirements as may be stated within this section. Cluster Subdivisions shall be designed as a coordinated entity to promote the health and general welfare of the proposed community by providing for more efficient allocation and maintenance of common usable space.

The Commission may require the applicant to adhere to the conventional development requirements of Section 32, Schedule B, and all other applicable planning and zoning regulations for the zone if, in the judgement of the Planning and Zoning Commission, the lot layout, use and provision of the proposed open space does not provide significant benefit to the proposed community and/or the Town of Cheshire beyond that which would normally be derived from conventional development.

42.1 Application. Any application to the Planning and Zoning Commission for the subdivision of land located entirely within a residential zone or residential zones may be considered a Cluster Subdivision by the Planning and Zoning Commission subject to the following conditions:

42.1.1 Form of Submission. All applications for Cluster Subdivisions shall be submitted on Special Permit -Cluster Subdivisions forms provided by the Commission and shall include such maps and other information as may be required for a complete review of the application including, but not limited to, the requirements of Sections 3.1.1, 4.1, 4.2, 4.3, and 4.4 of the Subdivision and Other Land Use Regulations, Town of Cheshire, and the requirements of Section 40.2.1of the Zoning Regulations, as well as other requirements of this section. In addition to all requirements of Section 3.1.1 of the Subdivision and Other Land Use Regulations of the Town of Cheshire, the application shall include two (2) copies of a site plan map showing the area in which all foundations and structures are to be erected, landscaping and all other project improvements, including but not limited to sidewalks, walkways, recreation improvements, street furniture and lighting. The applicant shall also submit as part of the application a preliminary conventional subdivision plan at not greater than 1'=100'. The conventional plan shall provide sufficient detail to measure for fulfillment of requirements and which will clearly present to the Commission the difference in the two proposals.[1]

[1] Amended December 17, 1984; effective December 21, 1984.

42.1.2 Procedure. Complete Cluster Subdivision applications shall be filed in the office of the Town Planner a minimum of seven (7) days prior to a regularly scheduled monthly meeting of the Planning and Zoning Commission, and such application shall be complete at the time of

42.1.2 cont'd.

filing. It is recommended that the applicant informally discuss his application with the planning commission staff prior to submission of the formal application. The applicant may request an informal meeting with the Planning and Zoning Commission prior to formal submission.

42.1.3 Fee. A check made payable to the Collector, Town of Cheshire, Connecticut, in the amount of $75.00 shall be the special permit fee and shall be submitted in addition to the required subdivision filing fee as required in Section 3.1.3 of the Subdivision and Other Land Use Regulations, Town of Cheshire.

42.2 Qualifying Standards. No tract of land shall be considered for a Cluster Subdivision unless it meets the following minimum qualifying standards:

42.2.1 The tract shall consist of a single parcel of land or a number of contiguous parcels under one ownership or control having a total gross* area suitable for the construction of a minimum of 20 units in the zone in which it is located. Each Cluster Subdivision, except as hereinafter provided, shall contain at least one contiguous parcel of open space as provided for in Section 42.2.4 hereof. Each Cluster Subdivision shall have at least one open space parcel with a minimum area of 160,000 square feet, with the size of the open space parcel or parcels in the proposed Cluster Subdivision to be commensurate with the size of the Cluster Subdivision. Cluster Subdivisions may be approved on smaller tracts only if they adjoin and can be integrated into an existing or approved Cluster Subdivision. (*Total gross area defined in Section 42.2.7 of these Regulations.) [1],[2]

42.2.2 Cluster Subdivisions in R-20A, R-20 and R-40 zones shall be served by a public water supply system or a state-approved community water supply system and a public sanitary sewage disposal system. Cluster Subdivisions in R-80 zones, not in Primary Aquifer Recharge areas, will only be approved with on-site sanitary sewage systems and public water supply.[3]

42.2.3 All utilities shall be underground.

[1] Adopted December 17, 1984; effective December 21, 1987.
[2] Adopted June 22, 1998; effective June 26, 1998.
[3] Adopted February 23, 1987; effective February 27, 1987.

42.2.4 The land not allocated to building lots and streets shall be permanently preserved as open space and the Commission may require the open space to be transferred to an association of homeowner. If the Commission requires that the open space be transferred to an association of homeowners, the owner of each lot in the subdivision shall own an undivided interest in the open space proportionate to the total number of lots in the subdivision. Each homeowner and/or the association shall be liable for all necessary maintenance costs of the open space. Maintenance costs incurred by the Town because of default on the part of the

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42.2.4 cont'd.

homeowner and/or the association shall be a lien on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are liened and foreclosed. Open space transferred to an association of homeowners shall be transferred in accordance with the standards established by the commission to include, but not limited to, the following:

a) Creation of the homeowners association before any lots are sold;

b) Mandatory membership by the original homeowner and any subsequent buyer;

c) Powers to assess and collect from each homeowner a fair share of the associated costs;

a) Restrictions on the use and development of such open space;

b) Responsibility for providing adequate maintenance;

c) Approval of articles of incorporation and deed restrictions by the Town Attorney.

42.2.4A. In specific cases, the Commission may require the open space, or a portion of the same, to be conveyed to the Town of Cheshire, if accepted by the Town, or to a land conservation trust, if accepted by the Trust, or to such other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Commission.

42.2.5 An area shall be provided suitable for a two (2) car garage for each dwelling unit, and shall be shown on the site plan. The area for such garage if not built shall nonetheless still be computed as part of the coverage in figuring ground coverage compliance. Driveways or other areas shall be constructed to provide an additional two and one-half

parking spaces for guests, visitors, or families with more than two cars. These spaces shall be required to prevent the necessity of on-street parking and may be located so as to be usable by several dwelling units.

42.2.6 Location of Dwelling Unit. The location of all individual dwelling units as proposed and their relationships to all abutting, proposed or existing units shall be shown on the application site plan and shall become a part of the special permit site plan requirements. The applicant may show a rectangle or square if the exact configuration of the house has not been determined. However, any construction on any lot shown in such manner shall not extend in any direction beyond the area included in the square or rectangle. Said square or rectangle shall be realistic in size and amount of area contained within in relation to the rest of the lot.

42.2.7 Number of Building Lots.[1] The maximum number of building lots to be approved in Cluster Subdivisions shall be determined in the following manner:

R-80 Zone	-	Total gross area-10% for roads divided by 87,120 sq. ft. equals maximum number of building lots allowed. Any fraction that results shall be rounded down to the nearest whole lot.
R-40 Zone	-	Total gross area-10% for roads divided by 43,560 sq. ft. equals maximum number of building lots allowed. Any fraction that results shall be rounded down to the nearest whole lot.
R-20 And Zones R-20A	-	Total gross area-10% for roads divided by 21,780 sq. ft. equals maximum number of building lots allowed. Any fraction that results shall be rounded down to the nearest whole lot.

NOTE: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

[1] Amended December 17, 1984; effective December 21 1984.

In addition only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

1) Slopes in excess of 25%.

2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soil scientist in the field.

3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

42.3 Design Standards.

42.3.1 Vehicular/Pedestrian Separation. Vehicular/pedestrian separation by grade separation, underpasses or other design methods shall be an important consideration to be encouraged in any Cluster Subdivision design.

42.3.2 Vehicular Access. Vehicular access to at least 90% of all dwelling units and garages shall be from loop drives or permanent cul-de-sacs and not from through or collector roads, be they public or private.

42.3.3 Direct Access to Walkways. Direct access to walkways leading to the open space, or to the open space itself, from all lots is extremely important.

42.3.4 Private Street Systems. Private street systems may be approved provided the Town is assured that the system's maintenance will be adequately provided for over time without the assistance or involvement of the Town. To assure a clear understanding of this arrangement, each deed of each homeowner shall have a clause stating the Town shall not be responsible for maintenance or improvements in the private street system. In the case of such private street systems, street widths, curbing and drainage standards may be modified.

42.3.5 Public Street System. All streets shall be designed in accordance with Section 6.5.2 of the Cheshire Subdivision and Other Land Use Regulations.[1]

42.3.6 Walkways. Walkways may be required in addition to sidewalks to provide adequate pedestrian circulation to open space and recreation areas.[2]

[1] Amendment effective August 30, 1985.
[2] Amend April 24, 2000; effective April 28,2000 at 12:01 a.m.

42.3.7 Cul-de-sacs. Cul-de-sacs may end in hammerheads or circles.

42.3.8 Details. The developer shall be responsible for the design of all street signs, street furniture and other detailing except that traffic control signs and devices shall not be in conflict with the type required by the Federal, State of local traffic control legislation.

42.3.9 Recreational Facilities. The developer shall present a plan for recreation facilities sufficient to meet at least a portion of the needs of the development-the amount of recreation facilities shall be reasonable in proportion to the size of the development. Such plans shall be developed to provide for passive recreational use of the open space areas for the residents of the Cluster Subdivision while endeavoring to leave the open space areas in their natural state, so as not to adversely impact the environment and to provide for preservation of the habitat residing on the land in its natural state. Such plans shall be approved as a requirement of Cluster Subdivision approval. All recreation facilities shall be completed or bonded for completion prior to the issuance of any zoning permits for the Cluster Subdivision.[3]

42.3.10 Use of Open Space Land. The open space land preserved under a cluster subdivision plan shall be used only for the following purposes:

a) Parks, playgrounds or other outdoor recreation areas and facilities;

b) Protection of natural streams, ponds or water supply;

c) Conservation of soils, wetlands or marshes;

d) Protection of natural drainage systems or assurances of safety from flooding;

e) Preservation of sites or areas of scenic beauty or historic interest;

f) Conservation of forests, wildlife, agricultural and other natural resources; or

g) Recreation buildings, pools, tennis courts, bus shelters, and other such common use facilities or structures as may be approved by the Commission. The Commission may require setbacks greater or less than those required by these regulations, depending upon the nature and purpose of the common use facility and the topography of the open space land and the surrounding area.[1]

[3] Amended June 22, 1998; effective June 26, 1998 at 12:01 a.m.
[1] Amendment effective July 28, 1989.

42.3.11 No building or other structure shall be established in connection with any of the purposes set forth herein unless a special permit therefor is secured from the Planning and Zoning Commission, in accordance with the provisions of Section 40, as consistent with and in support of the approved open space purpose. All structures and improvements shall be completed or bonded for a completion prior to the issuance of any zoning permits for the cluster subdivision.

42.3.12 Develop in Sections. The developer may under paragraph 13.1 of the Subdivision and Other Land Use Regulations develop in sections, provided an overall plan has been approved. Such sections may contain a minimum of 25 dwelling units but must include that portion of open space as per requirements.

42.3.13 Landscaping. It is the intent of the Commission to encourage the developer to preserve the natural vegetation of the site wherever practical. Therefore, existing vegetation (generalized) shall be shown on the site plan with an indication of general areas to be disturbed. The developer shall stabilize and landscape disturbed areas, to prevent erosion and shall plant around dwelling foundations as design indicates.

Where new plants are to be a part of the subdivision, they shall be shown by size, type, number and location on the site plan except that foundation plantings may be shown for the entire subdivision as a "typical" drawing.

To facilitate snow removal, shrubs or street plantings shall not be allowed closer than a minimum of four feet from the edge of street pavement or curb in the case of a street with curbs.

42.3.14 Varing the Appearance and Setbacks. It is the intent of this section to encourage the developer to vary the appearance and setbacks of the dwelling to provide the greatest utilization of the lot and at the same time impart individuality.

42.3.15 Storage of Camp Trailers, Motor Homes, Pickup Coaches, Other Recreational Vehicles and/or Boats. The storage of camp trailers, motor homes, pickup coaches, other recreational vehicles and/or boats in a Cluster Subdivision shall comply with all requirements of Section 30, Schedule A, Paragraph 9, with the exception that Paragraph B is superseded by the following requirements:

Areas may be set aside for the storage of residents' camp trailers, motor homes, pickup coaches, other recreational vehicles and/or boats. Such areas shall be at least a minimum of 100 feet from any residential lot or property line and may be fenced or appropriately secured.

42.4 Approval Limitation. A Cluster Subdivision approval shall be an approval for a five (5) year period as per Section 8-26C of the General Statutes of Connecticut, as may be amended, and such special permit granted as part of the approval shall be for a concurrent five (5) year period.

42.5 Dimensional Requirements for Cluster Subdivisions.[1],[2] In the case of any Cluster Subdivision, all building lots shall satisfy the minimum requirements as listed below:

	ZONES		
	R-20 R-20A	R-40	R-80
Min. lot area (sq. ft.)	16,000	25,000	40,000
Min. lot width	110’	140’	200’
Min lot frontage	50’	50’	50’
Min. setback – street line*	30’	35’	40’
Min. setback – side line**	20’	25’	30’
Min. setback – rear line***	30’	30’	40’
Min. lot coverage	20%	15%	10%
Max. building height	40’	40’	40’

Footnotes:

* The minimum setback for garages from the street line shall be 20 feet.

** Dwellings constructed after the effective date of these Regulations under Paragraphs 1 through 4 of Section 30, Schedule A, containing less than

two garage spaces per unit, shall increase the appropriate setback requirement as determined by the Zoning Enforcement Officer, by a minimum of 11 feet for each garage space less than 2 per unit.

*** Where lots abut land not included in the application, the dwelling on such abutting lot shall be set back from such property line or lines, or street, a minimum of at least the required distance for the zone as required in Section 32, Schedule B, Dimensional Requirements.

This section shall come under the requirements of the following sections in regard to dimensional requirements as well: Sections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5,32.6.

Additions: After Cluster Subdivision approval, additions to any completed dwelling showing coverage on the ground exceeding the areas shown on the site plan shall be required to meet all requirements for Section 32, Schedule B, but

[1] Adopted December 17, 1984; effective December 21 1984.
[2] Adopted January 23, 1989; effective January 27, 1989. See footnotes #5, Sec. 32, Schedule B, Dimensional Requirement Footnotes.

may as a modification of the original Cluster Subdivision, be given administrative approval by the Town Planner or Zoning Enforcement Officer closer than allowed in Section 32, Schedule B, but not closer than allowed in Dimensional Requirements for Cluster Subdivision as stated in this section.[1]

42.6 Approval Criteria. The following is a list of criteria, which will be used, in addition to the design criteria and other requirements of this Section 42, to assist the Commission in determining whether benefits are sufficiently greater than conventional development to allow a cluster, and whether all the requirements have been met:

a) Application meets all the requirements of this section and other pertinent sections of the Subdivision and Other Land Use Regulations, and the Zoning Regulations of the Town of Cheshire, Connecticut.

b) Application has fulfilled the intent of this section as stated and implied.

c) Applicant has provided adequately for the maintenance of private improvements and open space.

d) Open space and proposed use of open space is significant and beneficial.

e) Benefits from the open space in this development are or will be valuable to the Town or residents of the development to the extent to warrant a cluster rather than conventional development.

f) Where applicable, open space preserved shall include an important natural or historic feature.

g) The proposed recreation facilities are significant and beneficial.

h) In the opinion of the Commission, on-site traffic and circulation patterns do not create undue increased traffic safety hazards or congestion based on information from the Town Engineer and the local traffic authority.

i) The approval of this development will not unduly increase existing traffic or create safety hazards or further congest critical areas external to the site.

[1] Amendment effective July 2, 1993.

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SECTION 43 PLANNED RESIDENTIAL DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of larger areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient allocation and maintenance of common usable open space for recreation and/or conservation.

43.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Development unless it meets the following minimum qualifying standards.

43.1.1 The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.

43.1.2 The tract shall be located within one or more of the zones indicated in Section 30, Schedule A.

However, access to same may be over land in a zone not listed in Section 30, Schedule A, provided that the tract meets the 50' minimum frontage requirements of Section 43.1.3.[1]

43.1.3 The tract shall have frontage on one or more of the following state or town roads or parts thereof: State Highway 10 north of King Road; State Highway 70 between Marion Road and Wiese Road; Country Club Road; Higgins Road east of Oak Avenue; Jarvis Street; Oak Avenue; Peck Lane between Sheridan Drive and Jarvis Street; Weeks Road.[2,3] In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

Nothing herein shall be construed to require that access be to any of the above-named roads, provided that the tract has frontage on any one of the above-named roads.[4]

43.2 Procedure.[5] An application for a Planned Residential Development use for a tract of land that meets the standards set forth in Subsection 43.1 must be approved as a Special Permit pursuant to Section 40 of these Regulations. Thereafter, parts or phases of the approved tract may be approved for development by filing Site Plan applications therefor to be processed by the Commission pursuant to Section 41 of the Regulations.

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[1],[4] Amendment effective October 26, 1984.
[2] Amendment effective June 29, 1984; deleted by action of PZC on April 25, 1988.
[3] Amendment effective April 29, 1988.
[5] Amendment effective January 28, 1983.

43.2 Procedure cont'd.

An application for approval of a Planned Residential Development use shall be filed with the Commission as required by Subsections 40.2 and 40.3, by this Section, and by Subsection 41.2 with respect to that part or phase proposed for immediate development.

In addition to the requirements of Subsection 40.2, the applicant shall submit a written report prepared by a professional engineer addressing the general characteristics of the surface water anticipated from the proposed development, and proposing the means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic. The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its responsibilities under Subsections 40.4, 40.5 and 41.6.

The application shall include the following maps (four copies of each):

a) An overall site plan of the entire tract of a scale of not less than 100 feet to the inch containing all the information required by paragraph 40.2.1.

b) A detailed site plan, of that part or phase of the entire tract, which is proposed for immediate development.

Both Site Plans shall be prepared by a licensed professional engineer or a registered landscape architect.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meet the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Subsection 40.5. The provisions of Subsection 40.6 shall apply only to each part or phase approved pursuant to a Site Plan application for such part or phase filed pursuant to this Subsection; it being the intent of this Subsection to allow the entire tract to develop in parts or phases.

The Commission shall review all Site Plan applications for parts or phases of the entire tract, whether filed with the Special Permit application or thereafter, pursuant to the procedure described in Section 41, and shall

approve any such application as it finds meeting the approved Special Permit for the development of the entire tract and the requirements of Section 41, either as submitted or modified. Each phase shall be such that it is complete and can stand alone as a fully finished development if

subsequent phases are not completed. Work and disturbed areas are to be limited to the approved phase or phases.

The approval of a Site Plan application for a part or phase of the entire tract shall be further conditioned upon the filing of a bond by the applicant, with surety, to assure completion of the common improvements, shown on the approved Site Plan, within two years after publication of notice of approval. Any approved Site Plan shall be subject to the provisions of Subsections 41.5 and 41.6.

Upon completion of the common improvements to the satisfaction of the Commission, the Commission shall release said bond; provided, however, that the applicant shall provide the Commission with a Maintenance Bond, until such time a the Commission shall determine that maintenance of the common improvements has been assumed by a fully organized and functioning homeowners association which has demonstrated ability to assume this responsibility, or an association of unit owners. Common improvements shall mean roadways, walkways, street lighting, storm and sanitary sewer facilities, and any other physical improvements on the premises not proposed for fee ownership by subsequent purchasers. Maintenance of common improvements shall be clearly outlined to all prospective owners.

43.3 Design Standards.[1] The following standards shall apply to the design and development of Planned Residential Developments:

43.3.1 The maximum number of dwelling units shall be determined as follows:

R-80 Zone	-	Total gross area-10% for roads divided by 87,120 sq. ft. = maximum number of dwelling units allowed. Any fraction that results shall be rounded down to the nearest whole lot.
R-40 Zone	-	Total gross area-10% for roads divided by 43,560 sq. ft. = maximum number of dwelling units allowed.

[1] Amendment effective August 31, 1984.

Any fraction that results shall be rounded down to the nearest whole lot.

R-20 Zone R-20A Zone	-	Total gross area – 10% for roads divided by 21,780 sq. ft. = maximum number of dwelling units allowed. Any fraction that results shall be rounded down to the nearest whole lot.

Note: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

1) Slopes in excess of 25%.

2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soils scientist in the field.

3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

43.3.2 No dwelling shall contain more than ten dwelling units.

43.3.3 No dwelling shall extend within less than 150 feet of any street line or 50 feet of any other property line.

43.3.4 No dwelling shall extend within less than 20 feet of any other dwelling except that where any facing walls contain a window or windows, such distance shall be increased by one foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window to the wall facing it.

43.3.5 At least 50 percent of the dwelling units in all phases (See Sec. 43.2) shall be provided with its own separate entrance directly from the outside and all dwelling units shall be provided with private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.

43.3.6 Each dwelling shall be served by an approved private street designed so as to discourage through traffic. Such street shall not extend within less than 30 feet of any dwelling.

43.3.7 Parking shall be provided in accordance with the requirements of Section 33; however, no open parking shall extend within less than 20 feet of any dwelling.

43.3.8 All utilities shall be underground.

43.3.9 No dwelling shall exceed a length of 200 feet and no exterior wall of any dwelling shall exceed 50 feet in length, in an unbroken plan without an offset of at least 10 feet.

43.3.10 All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the corporation and/or conservation and shall be permanently reserved by on of the following means:

a) Deeded to the Town, with appropriate restrictions concerning the future use of the land.

b) Held in corporate ownership by the occupants of the dwelling units within the development and such other nearby residents who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the development and shall be so stipulated, together with the beneficial right to the use of the common land, by the members of the corporation, in their deed or lease, as the case may be.

c) Held in ownership by the developer subject to a legal agreement with the Town regarding the developer's responsibility for maintenance of the common land.

d) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission and the Town Council.

e) A combination of the above.

43.4 Age Restricted Planned Residential Development.[1] The purpose of this section of the regulations is to provide for the construction of alternative housing types to meet the

[1] Amendment Adopted March 25, 2002, effective March 29, 2002 at 12:01 a.m.
Amendment Amended October 27, 2003, effective October 31, 2003 at 12:01 a.m.

needs of those age 55 and older while recognizing that such housing has less impact than other higher density housing. Provision of age restricted housing with special design features is in keeping with the goals and objectives of the Town of Cheshire Plan of Development and Conservation to provide ". . . a balance and variety of housing types and styles, offering a wide choice to the prospective resident, and accommodating the needs of various income levels." (pg. 9) for diverse housing options recognizing the unique and special needs of the elderly in Cheshire." A further purpose is to promote benefit to the general community by encouraging "the preservation … of lands necessary for the recreational and open space needs of the town…."

43.4.1 Qualifying Standards. No tract of land shall be considered for an Age Restricted Planned Residential Development unless it meets the following minimum qualifying standards.

a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than *(10) acres.*

b) The tract shall be located in an R-20A, R-20, R-40, or R-80 zone.

c) The land shall be in an Age Restricted (AR) Overlay Zone as specified below in Section 43.4.2.

d) The tract shall be served by public water and public [4]sanitary sewer of parcel is located in an R-20A, R-20, or R-40 zone,[2] except that if the parcel is located in an R-40 zone only, it may be serviced by individual on-site sewage disposal systems, provided the following conditions exist: (1) the site is not located in a public water supply watershed and consists of sandy soils having a percolation rate faster than 20 minutes per inch: (2) the ground water level is greater than 8 feet below the ground surface; (3) there is no ledge rock within 20 feet of the ground surface; (4) the applicant establishes that the use of the individual on site sewage disposal systems does not pose a reasonable ground for concern for pollution or harm to public health or safety, to any public water supply, watershed or aquifer, or to the environment.

e) If the tract is to be serviced by individual on-site sewage disposal systems, the following additional conditions shall apply: (1) the total impervious surfaces of the development, as hereinafter defined, shall not exceed twenty-five (25%) percent; (2) each living unit's water usage shall be individually metered; (3) on-site sewage disposal systems shall be maintained by the Community Association; (4) the Community Association shall hire a consulting engineer to assure proper operation and maintenance of the septic systems and educating residents regarding the

[4] Amendment Adopted March 25, 2002, effective March 29, 2002 at 12:01 a.am.
Amendment Amended October 27, 2003, effective October 31, 2003 at 12:01 a.m.
[2] Amendment May 24, 2004, effective May 28, 2004 AT 12:01 a.m.

proper use of the septic systems; (5) such consulting engineer shall adhere to the management guidelines of "Management Model 4" as published in the Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems; and (6) the term "impervious surface" as used herein shall be defined as hard surface area which either prevents or retards the entry of water into the soil mantle at a rate lower than that present under natural conditions prior to development, and/or hard surface area which causes water to run off the surface in greater quantities and at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving gravel roads, packed earthen materials, and oiled macadam, clay or paved tennis courts or other surfaces which similarly impede the natural infiltra-tration of surface and stormwater runoff. The impervious surface area is the total of all impervious surfaces on a given lot expressed in square feet.

43.4.2 Establishment The establishment of an AR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the provisions of Section 70 and Section 26 of the Cheshire Zoning Regulations shall apply. An AR Overlay Zone shall be established only in conjunction with approval of a Preliminary Development Plan for the entire Parcel by the Planning and Zoning Commission. The purpose of the Preliminary Development Plan shall be to indicate the general intent and arrangement of the proposed development. Any land on which is located an Age Restricted Planned Residential Development that was approved prior to this amendment to the Zoning Regulations is located shall, upon the effective date of this amendment, automatically become an AR Overlay Zone and shall be deemed to comply with the provisions of this Section 43.4, and shall not be considered nonconforming because it does not comply with Section 43.4.1 Qualifying Standards and/or Section 43.4.8 Design standards of these regulations. The establishment of an AR Overlay Zone with respect to any land shall not preclude the land from being put to other uses permitted in the underlying zone in the event the plans to develop an ARPRD are formally abandoned or the use of the land as an ARPRD is completely discontinued.

A. Zone Change and Preliminary Development Plan Applications
Completed applications for zone change and for Preliminary Development Plan approval, with the required fee, shall be submitted to the Commission accompanied by ten (10) copies of the Preliminary Development Plan meeting the requirements of Section 43.4.3. together with a statement of maximum proposed density and the calculation thereof in compliance with Section 43.4.8.

B. Public Hearing

After receipt of completed applications for zone change and for Preliminary Development Plan approval and required application fees, the Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the zone change and Preliminary Development Plan within the time limits provided in Sections 8-3 and 8-7d of the Connecticut General Statutes. When acting on any application for zone change as set forth herein, the Commission shall be deemed to act in its legislative capacity. A PDP approval shall be considered by the commission and approved, approved with modifications, or denied, as if it were a special permit.

43.4.3 Preliminary Development Plan Submission Ten copies of the Preliminary Development Plan (PDP) shall be submitted to the Planning and Zoning Commission along with the PDP application. Such application shall include a clear statement explaining how the proposed zone change and ARPRD meet the purposes set forth in Section 43.4. An application fee must be submitted to the Planning Office when filing any application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal. The PDP plans shall include topography at two-foot contour intervals. The Preliminary and Final development Plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or any combination of such professionals, each to limit themselves to their particular area of expertise. The PDP shall include the following:

A. The existing and proposed vehicular circulation system including major and minor thoroughfares, collector streets, local streets, parking and loading areas, and points of access to public easements and rights-of-way.

B. Whenever an Age Restricted Planned Residential Development proposes a greater density than possible with a conventional subdivision, the applicant shall prepare a traffic study to demonstrate that the proposed development does not result in a substantial increase in traffic volumes as compared to those of the conventional subdivision. The Planning and Zoning Commission shall have the right to waive said requirement should it feel that conditions do not warrant such a study or request that an applicant prepare a traffic study should the number of proposed dwelling units not exceed the number of dwelling units possible under a conventional subdivision.

C. The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.

D. A general landscape plan including the proposed treatment of common areas, usable open space, water courses and the treatment of the perimeter of the ARPRD including materials and techniques to be used such as living screens, berms, fences and stone walls.

E. Information on land areas adjacent to the proposed ARPRD to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.

F. Proposed types, quantities, and general location of dwelling units including square footage number of bedrooms, and densities for individual sections of phases of the development as well as for the ARPRD as a whole.

G. Examples of proposed product types for the dwelling units, typical lot and/or building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.

H. The applicant shall submit as part of the application a preliminary conventional subdivision plan at not greater than 1'=100'. The conventional plan shall provide sufficient detail to measure for fulfillment of requirements and which will clearly present to the Commission the difference in the two proposals.

I. Proposed development schedule with projected completion date(s) for the ARPRD and its individual phases.

J. Proposed number of units by bedroom count.

K. Identification of any historic structures or features on the site.

L. Preliminary grading and drainage information of the same nature and to the same extent required for a subdivision under the Commission's regulations.

M. A map showing all wetlands areas, water courses and slopes in excess of 25% together with a calculation of the maximum allowable density on the site.

N. A listing of all property owners by tax parcel number, within 500 feet of the project boundaries consistent with Section 70.1 and Section 26 of the Cheshire Zoning Regulations.

O. A summary table indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.

P. A report discussing projected demands for public water and sewer and evidence that an undue burden will not be placed on these services by the proposed development.

Q. The impact of the ARPRD on police, fire and other municipal services.

R. Provisions for and location of all housing types as specified in this regulation.

S. Any other information the Commission deems appropriate for a proper and complete review of the ARPRD.

43.4.4 Findings In approving a zone change and Preliminary or Final Development Plan submitted under this Section, the Commission shall consider whether:

A. The purposes specified in Section 43.4 have been substantially met.

B. The qualifying standards of Section 43.4.1 and the design standards of Section 43.4.8 have been met.

C. Provisions for traffic, water, sewerage, storm water and open space are adequate, do not overburden existing streets, water, sewer and storm water drainage facilities on-or off-site and do not create water problems off-site.

D. No congestion in the streets surrounding the site will result from the ARPRD and the proposed development design will not require upgrading of the street system of the Town of Cheshire. This requirement can be waived only if the Commission and the Town Council, in their sole discretion, elect to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his expense.

E. The proposed development design will not require upgrading of the existing "on" or "off" site sewer, water and similar municipal systems and drainage systems. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his expense.

F. The need exists in the community for a different type of housing unit than is allowed under the base zone.

G. The development and design of the ARPRD will not have an adverse effect on surrounding properties, will be in harmony with the neighborhood, and will not have an adverse effect on property values in the area. The proposed development will not create an undue concentration of PRD's, particularly ARPRD's.

H. The proposed development will not have a significant adverse effect on the environment and in particular wetland and watercourse areas. In making this finding the recommendations of the Inland Wetlands and Watercourses Commission regarding the development will be taken into account.

I. Where appropriate, the applicant has provided for continuing maintenance of private roads, parking areas, storm water drainage facilities, open space and other amenities not accepted by the Town of Cheshire.

43.4.5 Recording and Effective Date The approved Preliminary Development Plan shall be endorsed by the Commission and recorded in the office of the Town Clerk of the Town of Cheshire within ninety (90) days of the date of approval, unless extended by the Commission for good cause shown.

43.4.6 Final Development Plan Submission Before development can begin, a Final Development Plan must be approved by the Planning & Zoning Commission with respect to all or, if the site is to be developed in phases, that portion of the ARPRD where phase 1 is located. If the ARPRD is to be developed in phases each phase shall require a Final Development Plan. The Final Development Plan shall conform substantially to the approved PDP

including, without limitation, the vehicular and pedestrian circulation system approved in the Preliminary Development Plan and shall adhere to all area regulations adopted by the Preliminary Development Plan.

A. Final subdivision plan submission in accordance with Subdivision Regulations, if applicable.

B. Site plans meeting the standards of the Cheshire Zoning Regulations.

C. Detailed landscape and lighting plans for common areas, usable open space and perimeter areas including grading, plant materials, and method(s) of maintenance.

43.4.7 Procedure The following procedure shall be followed with respect to the Final Development Plan:

A. The Final Development Plan must be submitted within one year from the date of Preliminary Development Plan approval. Otherwise the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves an extension of up to six months. Upon such reversion, the Commission shall take action to remove the ARPRD District designation of the parcel from the zoning map. Application for a Final Development Plan may be for only part of the approved Preliminary Development Plan if the PDP as approved contemplates phases or if it is determined by the Commission that, as a result of the size of the project, it would be detrimental to the Town or neighborhood to allow development in a single phase, or it would be unreasonable to require a final application for the entire project.

B. Final application for subsequent phases of the project shall be submitted at maximum intervals of three hundred sixty-five (365) days. Upon failure to submit any such application within said time limit, the provisions of Section 43.4.7A above will apply as to such phase.

C. If the Commission determines that the Final Development Plan or any modification thereof differs significantly from the approved Final Development Plan, the Commission may treat the application for Final Development Plan approval (or any modification thereof) as an application to modify the Preliminary Development Plan. In such event, the procedures for approval of a PDP shall be followed, including the requirement that a public hearing be held, except that the Commission may, in its discretion, excuse the applicant from submitting information that the Commission deems unnecessary in light of the nature of the proposed changes to the PDP. Otherwise, the Final Development Plan shall be processed in the same manner as a site development plan approval under Section 41 of these Regulations, but subject, however, to this Section 43.4 and shall be filed after approvals in accordance with those procedures.

43.4.8 Design Standards The following standards shall apply to the design and development of an Age Restricted Planned Residential Development:

a) The maximum number of dwelling units shall be determined as follows:

R-20 Zone R-20A Zone	-	Total net area – 10% for roads divided by 21,780 sq. ft. multiplied by one and one-half (1.5) = maximum number of dwelling units allowed. Any fraction that results shall be rounded down to the nearest whole number.

R-40 Zone - Total net area- 10% for roads divided by 43,560 sq. ft. multiplied by two (2) = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole number.

R-80 Zone - Total net area – 10% for roads divided by 87,120 sq. ft. multiplied by two (2.) = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole number. Where the tract of land proposed for an Age Restricted Planned Residential Development lies within more than one of the zones set forth above, the total number of units allowed may be spread throughout the entire tract.

Definition of total net area: Net areas shall not include any ponds or other substantial bodies of water. In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total net area, except in an R-80 zone none of the land falling within the following categories shall be utilized to compute the total gross area:

1) Slopes in excess of 25%.

2) Inland Wetlands soils as delineated on the official Inland Wetlands maps of the Town of Cheshire or as delineated by a soil scientist in the field.

3) Any flood plain area as defined per Section 46.1 of the Cheshire Zoning Regulations.

b) No dwelling shall contain more than two (2) dwelling units.

c) No dwelling unit shall contain more than three (3) bedrooms at least one of which shall be located on the first floor. No more than 50% of the units shall be (3) bedroom units.

d) The Age Restricted Planned Residential Development shall conform to the requirement and standards of the United States Department of Housing and Urban Development for age restricted housing.

e) No dwelling shall extend within less than 100 feet of any street line or 25 feet of any other property line; provided however, at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements when there is an existing structure on the tract of land which the Commission determines merits saving. Where the proposed Age Restricted Planned Residential Development abuts a residential neighborhood, the Planning and Zoning Commission may require additional landscaping buffers, fencing or an increase in the set back requirements along the boundaries of the residential neighborhood.

f) No dwelling shall extend within less than 15 feet of any other dwelling except that where any facing walls contain a window or windows, such distance shall be increased to 20 feet. The distance shall be measured from the nearer window to the wall facing it. In an R-80 zone the minimum distance between any two dwelling units shall not be less than twenty-five (25) feet.

g) Each of the dwelling units shall be provided with a minimum of 600 square feet of private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.

h) Each dwelling shall be served by an approved private accessway designed so as to discourage through traffic and providing safe access. Such

accessway shall not extend within less than 15 feet of any dwelling except in an R-80 zone where no accessway shall extend closer than 25 feet of any dwelling. Where design and parking restrictions would provide for safe access for residents, visitors, fire and other emergency vehicles, the Planning and Zoning Commission, with the concurrence of the Fire Department, Traffic Authority, and Engineering Department, may approve a minimum accessway width of 27 feet.

i) Parking shall be provided in accordance with the requirements of Section 33. Additional parking areas may be required to accommodate visitor parking.

j) No single unit dwelling shall exceed a length of 66 feet and no two unit dwelling shall exceed a length of 80'. No exterior wall of any dwelling shall exceed 40 feet in length, in an unbroken plane without an offset of at least 4 feet.

k) All land not utilized for dwellings and private usable outdoor space shall be considered common land. In an R-80 zone, the minimum amount of land to be set aside as open space shall be not less than 50% of the net property area. In an R-40, R-20 or R-20A zone, the minimum amount of land to be set aside as open space shall be not less than 40% of the net property area**.** Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the corporation and/or conservation and shall be permanently reserved by one of the following means:

(i) Deeded to the Town, with appropriate restrictions concerning the future use of the land and accepted by the Town Council.

(ii) Held in corporate ownership by the owners of the dwelling units within the development. Membership in said corporation shall be mandatory for all owners of dwelling units within the development and shall be so stipulated, together with the beneficial right to the use of the common land, by the members of the corporation, in their deed or lease, as the case may be.

(iii) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission

(iv) A combination of the above.

The method of preservation shall be specified prior to final approval of the application.

A fee in lieu of some or all of the required Open Space may be approved by the Commission. The fee will be determined by the assessed value of the property.

l) No more than thirty-five percent of the lot area may be covered with impervious surfaces.

43.4.9 Additional Requirements

a) A Community Association must be established and maintained prior to the issuance of the first Certificate of Occupancy. The Community Association shall certify annually to the Zoning Enforcement Officer that the Age restricted Planned Residential Development is in compliance with the age restricted requirements of Section 43.4 of the Cheshire Zoning Regulations.

Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The first certification is required to be submitted within one (1) year from the date of issuance of the first certificate of occupancy.

b) The burden of complying with the Fair Housing Act, as amended, and regulations promulgated there under shall be on the Age Restricted Planned Residential Development owner or the association of homeowners of such development.
c) The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

   The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer. No portion of the bond shall be released until a Licensed Professional Engineer certifies to the Community Association that common area improvements covered by the bond have been completed. A copy of the certified documents shall be provided to the Planning staff who shall verify the completion of the improvements prior to the release of any portion of the bond.

43.4.10 Certificate of Occupancy

No certificate of occupancy shall be issued until the following items have been submitted to the Planning Department:

1. Verification that the Community Association has been established.

2. Copies of all bonding documents for all uncompleted common area improvements.

43.5 Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons. This subsection is intended to implement the concern of the Planning and Zoning Commission as stated in the Town Plan of Development, regarding "the welfare together with the unique and special needs of the elderly in Cheshire". In this subsection standards and procedures are provided for Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons.

The design and development of Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons is an effort to meet the special and unique needs of the elderly and to provide for their safety, health and general welfare.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to informally discuss the concept and ask any questions he may have in the interests of avoiding delays and extensive revisions after submission.

43.5.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Development Designed Exclusively for Occupancy

by Elderly Persons unless it meets the following minimum standards:

a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.

b) The tract shall be located in an R-20A zone.

c) The tract shall be served by public water and public sanitary sewer.

d) The tract shall have frontage on a state highway.

43.5.2 Classification. All Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons shall be considered Special Permits subject to the requirements and procedures of Section 40, in addition to those specified herein.

If a conflict arises between the requirements and procedures of this subsection (43.5) and Section 40, then this subsection (43.5) shall take precedence.

43.5.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven (7) days prior to such meeting for review and placement on the agenda.

43.5.4 Plan of Development. Simultaneous with the submission of the application for a Special Permit for the establishment of a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning and Zoning Commission and shall become part of the Special Permit application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed development in the Town of Cheshire along with the applicant's qualifications to assure the successful completion of such a development.

The following shall be required as part of the Plan of Development:

1) A financing plan describing the Federal or State subsidy program and the subsidizing agency, if applicable, the estimated costs of land, site development, building, operation and maintenance, an approximation of the schedule of rents, leases or sale prices, and

the number of units to be provided for occupants under HUD current rent subsidy guide lines.

2) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1”=100’ with an accompanying A-2 survey map of the entire tract.

3) Descriptive material providing information about the owner and developer, the developer’s experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, evidence of preliminary site approval under the subsidy program where applicable, the names of the architect, engineer, and landscape architect, if any, and other pertinent information.

4) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.

5) An evaluation of the probable impact of the proposed development on the Town of Cheshire’s services, facilities and environment.

6) A description of the size and availability of permanent public open space in the immediate vicinity.

7) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.

8) A certified evidence of applicant’s financial ability to complete and administer the proposed development.

43.5.5 Procedure. When the application for Special Permit for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons is accepted as a complete application at a regular monthly meeting, the Commission shall:

a) hold a Public Hearing on said application, and

b) decide upon such application, all in accordance with the provisions of Section 8-3C of The General Statutes of the State of Connecticut as amended.

43.5.6 Requirements. Requirements of a Special Permit for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.5 including the following, in addition to all requirements of Section 40 of these Regulations.

a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use and the suitability of the proposed location for the proposed use.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.5 shall be part of the Special Permit requirements.

Where the proposed construction of subsidized housing is dependent upon obtaining approval and/or a commitment of financial assistance under relevant Federal or State Housing subsidy programs, it shall be a condition of any Special Permit issued hereunder that no building permit shall be issued for any portion of the proposed development until the applicant has filed with the Planning and Zoning Commission evidence that such approval and/or commitment has been obtained.

43.5.7 Design Standards. Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons. The following standards shall apply to the design and development of Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons:

a) In a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, the maximum number of dwelling units shall be determined by dividing the total area of the tract by 2,904 square feet, and the maximum lot coverage requirements as set forth in Section 32, Schedule B, for an R-20A zone shall apply.

b) No building designed exclusively for occupancy by elderly persons shall contain more than 16 dwelling units, and the size of the individual dwelling units shall not exceed 1000 square feet for a one-bedroom or efficiency unit and 1200 square feet for a two-bedroom unit.[1]

c) No tract shall have less than 75 feet of frontage at the point where the main entrance intersects with the public highway.

[1] Amendment effective February 3, 1984.

d) No building shall extend within less than 150 feet of any street line or 50 feet of any other property line.

e) No building shall extend within less than 20 feet of any other building except that where any facing walls contain a window or windows, the required distance between buildings shall be increased by on foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window to the wall facing it.[2]

Any walls which are facing at an angle of 30°or less shall be considered facing walls. Stairwells and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.

f) Each dwelling unit shall be provided with its own separate entrance directly from the outside.

g) Not less than 1,000 square feet of permanent usable open space per dwelling unit shall be provided for outdoor activities. Not less than 60 square feet of private outdoor space immediately adjacent to each dwelling unit shall be provided. Required paved vehicular areas, wetlands, and private outdoor space shall not be considered permanent usable open space.

h) Such Planned Residential Development of the Elderly shall be served by an approved private street designed so as to discourage through traffic. Such street shall not extend within less than 30 feet of any dwelling and shall be built to Town of Cheshire standards for quality.[1]

i) One parking space shall be required for every 3 dwelling units. Parking shall be located within 200 feet from the farthest dwelling unit to be served if the average topographical grade between the parking spaces and the dwelling units is less than 5%. If the average topographical grade between the parking spaces and the dwelling units is greater then 5%, such parking shall be located within 100 feet of the farthest dwelling unit to be served. Provision shall be shown on the Project Plan of Development for additional parking for up to one space for each two dwelling units should they become necessary. All spaces to meet the requirements of Section 33.3.1. [2]

[2] Amendment effective March 28, 1980.
[1],2 Amendments effective March 28, 1980.

j) All utilities shall be underground.

k) No building shall exceed a length of 200 feet and no exterior wall of any building shall exceed 50 feet in length, in an unbroken plane, without an offset of at least 10 feet.

l) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.

m) A community space shall be required whose usable floor space is not less than 25 square feet for each dwelling unit in the development. This community space shall contain a community room suitable for large meetings with kitchen facilities suitable for group preparation of meals, a private clinic room for health and related care, an area suitable for recreation such as crafts, sewing, etc., and an area of suitable size for use as a library and/or chapel. These facilities shall be maintained and designed for use primarily by those actually living in the proposed development.

All accessory uses under this subsection shall be designed and planned as an integral part of the housing for the elderly, shall be located on the same site therewith, and shall be sit forth and shown as part of the application for Special Permit.

43.5.8 Zone Modification and Limitations. An applicant applying for a zone change to an R-20A zone and thence to Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, modifying the standards for the applicable R-20A zoning regulations, shall submit a Plan of Development and Special Permit application for the proposed Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons at the time an application if filed for said zone change.

The Plan of Development submitted for the Proposed Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons shall be deemed to conform to the requirements of those regulations for the proposed change to the applicable R-20A zone.

Such R-20A zone as modified by approval under this subsection shall be designated on the Official Zoning Map of the Town of Cheshire as a "Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons".

No other use, except the approved use, shall be allowed on the parcel of land approved for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons. Said approved use shall be developed in compliance with the Commission approval.

43.5.9 Severability. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

(Note) – In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for Planned Residential Developments is $300.00. A check to be made payable to "Collector, Town of Cheshire".

43.6 Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. This subsection is intended to implement the concern of the Planning and Zoning Commission as stated in the Town Plan of Development, regarding "the welfare, together with the unique and special needs of the elderly in Cheshire." It is also intended to provide for a working concept of community living with the advantage of medical assistance within one facility. In this subsection, standards and procedures are provided for Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons.

The design and development of Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons is an effort to meet the special and unique need of the elderly and to provide for their safety, health and general welfare. Specifically, the Sheltered Care Facility must be adjacent to and affiliated with a State licensed care facility and provide an unlicensed level of care for the elderly, the scope of which lies in between independent living and the State licensed levels of care. It is conceived as an integral aspect of a continuum of care provided by a long-term State licensed health care facility. The Sheltered Care Facility should provide:

a) each resident with at least one nutritious meal each day;

b) periodic on-going health monitoring by the Health Care's licensed nursing staff;

c) community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents;

d) a plan for transportation services if residents could not easily walk to shopping, banking, the senior center, and other community services.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to discuss the concept informally and ask any questions he or she may have in the interest of avoiding delays and excessive revisions after submission.

43.6.1 Qualifying Standards. No tract of land shall be considered for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons unless it meet the following minimum standards:

a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than 10 acres.

b) The tract shall be located within one or more of the following zones: R-20, R-20A or R-40.

c) The tract shall have frontage on one of the State highways indicated below or on a Town road feeding such a State highway, provided the access drive to the tract is within one-half mile of such State highway (measured along the center line of the Town road):

State highway 10
State highway 42
State highway 68
State highway 70

43.6.2 Classification. All Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons shall require Special Permits subject to the requirements and procedures of Section 40 in addition to those specified herein. If a conflict arises between the requirements and procedures of this subsection (43.6) and any other section of the Zoning Regulations, then this subsection (43.6) shall take precedence.

43.6.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven days prior to such meeting for review and placement on the agenda.

43.6.4 Plan of Development. Simultaneously with the submission of the application for a Special Permit for the establishment of a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning and Zoning Commission and shall become part of the Special Permit application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed development in the Town of Cheshire, along with the applicant's qualifications to assure the successful completion of such development.

The following shall be required as part of the Plan of Development:

a) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.

b) Descriptive material providing information about the owner and developer, the developer's experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, the name of the architect, engineer, and landscape architect, if any, and other pertinent information.

c) The types of services and facilities to be provided as part of the Sheltered Care Facility. The plans should include services such as: health care monitoring; meals to be served to the residents; accessibility to community services; laundry facilities; social interaction programs, etc.

d) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.

e) An evaluation of the probable impact of the proposed development on the Town of Cheshire's services, facilities and environment.

f) A description of the size and availability of permanent public open space in the immediate vicinity.

g) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.

h) A certified evidence of applicant's financial ability to complete and administer the proposed development.

43.6.5 Procedure. When the application for Special Permit for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons is accepted as a complete application at a regular monthly meeting, the Commission shall :

a) hold a public hearing on said application, and

b) decide upon such application, all in accordance with the provisions of Section 8-3C of the General Statutes of the State of Connecticut as amended.

43.6.6 Requirements. Requirements of a Special Permit for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.6, including the following, in addition to all requirements of Section 40 of these Regulations.

a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use.

b) The ability of the applicant to sustain the types and quality of services described in the application and required by this section.

c) The assurance that, if necessary, residents of the Sheltered Care Facility can and will be provided with more intense levels of care (State licensed Home for the Aged, Intermediate Care Facility, and Skilled Nursing Facility) by the applicant or an affiliated facility.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.6 shall be part of the Special Permit requirements.

43.6.7 Design Standards. Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. The following standards shall apply to the design and development of Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons:

a) In a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons, the maximum number of dwelling units shall be determined by dividing the total area of the tract by 2904 square feet, and the maximum lot coverage shall be 15% and the maximum height of structure shall be 50 feet.[2]

b) No building shall contain more than 40 dwelling units, and the size of the individual dwelling units shall not exceed an average of 1,300 [1,2] square feet/unit for each building.

c) No building shall extend within less than 150 feet of any street line or 100 feet of any other property line.

d) One parking space shall be required for every 2 dwelling units. Provisions shall be shown on the Plan of Development for additional parking for up to one space for each dwelling unit should they become necessary. All spaces shall meet the requirements of Section 33.3.

e) All utilities shall be underground. Use of alternate energy sources should be given consideration.

f) No building shall exceed a length of 500 feet and no exterior wall of any building shall exceed 50 feet in length, in an unbroken plane, without an offset of at least 5 feet.

g) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.

h) Public sewer shall be required unless Chesprocott certifies in a detailed report that a satisfactory on-site sewage disposal system can be provided and the Water Pollution Control Authority certifies that public sanitary sewers are not anticipated within a reasonable time period. In no event shall approval be granted unless either public sewer or public water is utilized.

i) The Sheltered Care Facility shall include community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents. The community area or areas shall total a minimum of 25 square feet per unit, and shall be conducive to activities, such as conversational seating, quiet areas for reading, television viewing, table games and puzzles, as well as space and equipment for other recreational and social activities.

j) The Sheltered Care Facility shall provide safe and adequate sidewalks and walkways for residents to walk to nearby shopping, banking, and other community services and facilities. The adequacy of such sidewalks, walkways and community facilities

[1] Amendment effective March 3, 1995 at 12:01 a.m.
2Amendment effective January 31, 2009 at 12:01 a.m.

shall be left to the discretion of the Planning and Zoning Commission. If such services and facilities are not within one-half mile of the Sheltered Care Facility, or if walkways and sidewalks are not available or not to be provided, or if the Planning and Zoning Commission determines that community facilities accessible by sidewalks would not be adequate to meet the needs of the residents, then the applicant shall provide for transportation services for the residents so that they cam avail themselves of necessary community services.

43.6.8 Severability. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for sheltered care facilities is $300.00. Check to be made payable to "Collector, Town of Cheshire".

43.7 Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services. This subsection is intended to implement the continuing concern of the Planning and Zoning Commission as stated in the Town Plan of Development regarding "the welfare, together with the unique and special needs of the elderly in Cheshire." It is also intended to provide for a working concept of community living with the advantage of nutritional and medical assistance within one development. This subsection is intended to recognize the current developments in housing, nutrition, and health care for the elderly. In this subsection, standards and procedures are provided for Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services (Planned Community Designed Exclusively for Occupancy by Elderly Persons).

The design and development of a Planned Community Designed Exclusively for Occupancy by Elderly Persons is a continuing effort to meet the special and unique needs of the elderly and to provide for their safety, health and general

welfare. Each Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include a combination of residential and health care units of the following types:

1) **Independent Living Units:** Completely independent living units to be developed either as rental or as "condominium" units, wherein the residents live on an independent basis, without supervision, providing their own meals.

2) **Semi-Independent Living Units:** Living units developed either as rental or as "condominium" units ~~with laundry and housekeeping service provided. At least one meal per day shall be provided and shall be included in the basic services. An additional meal shall be optional.~~ Services, including laundry, housekeeping and meals shall be available and may be obtained at the option of the occupant of the semi-independent unit.[1]

3) **Assisted Personal Care Living Units:** Living units to be developed either as rental or as "condominium" units providing for assisted living services pursuant to the Assisted Living Services Agencies regulations 19-13-D105, et. Seq. of the Regulations of Connecticut State Agencies, including the provision of supportive services to assist those in need of assistance in the activities of daily living.[2]

4) **Skilled Nursing Facility:** A state licensed care facility providing skilled care for the elderly or the assurance that, if necessary, residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons will have available such skilled care at off site facilities through arrangements made by the applicant.[1]

5) **Related Services:** A medical office providing medical care to the residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons.

In addition to the foregoing, the Planned Community Designed Exclusively for Occupancy by Elderly Persons shall provide the following:

a) Community area or areas suitably equipped to meet the social interactional, health and leisure time needs of the residents.

b) Transportation services if residents cannot easily walk to shopping, banking, the senior center, and other community services.

[1] Amendment effective March 28, 1997 at 12:01 a.m.
[2] ,3 Amendment effective March 27, 1998 at 12:01 a.m.

Each Planned Community Designed Exclusively for Occupancy by Elderly Persons may also contain facilities providing for other related services or accessory uses which the applicant shall establish are directly related to the needs of the residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons and provide for their safety, health and general welfare.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to discuss the concept informally and ask any questions he or she may have in the interest of avoiding delays and excessive revisions after submission.

43.7.1 Qualifying Standards. No tract of land shall be considered for a Planned Community Designed Exclusively for Occupancy by Elderly Persons unless it meet the following minimum, standards:

a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than 10 acres.

b) The tract shall be located within one or more of the following zones: R-20, R-20A, or R-40.

c) The tract shall have frontage on one of the State highways indicated below:

State Highway 10
State Highway 68
State Highway 70

43.7.2 Classification. All Planned Communities Designed Exclusively for Occupancy by Elderly Persons shall require Special Permits subject to the requirements and procedures of Section 40 in addition to those specified herein. If a conflict arises between the requirements and procedures of this subsection and any other section of the Zoning Regulations, then this subsection shall take precedence.

43.7.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven days prior to such meeting for review and placement on the agenda.

43.7.4 Plan of Development. Simultaneously with the submission of the application for a Special Permit for the establishment of a Planned Community Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning

and Zoning Commission and shall become part of the Special Permit Application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed development in the Town of Cheshire, along with the applicant's qualifications to assure the successful completion of such development.

The following shall be required as part of the Plan of Development:

a) A tabulation of proposed buildings and types of units by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.

b) Descriptive material providing information in narrative form about the owner and developer, the developer's experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, the name of the architect, engineer, and landscape architect, if any, and other pertinent information.

c) The types of services and facilities to be provided as part of the Planned Community Designed Exclusively for Occupancy by Elderly Persons. The plans should include services such as: health care monitoring; meals to be served to the residents; accessibility to community services; laundry facilities; social interaction programs, etc. The plans should also include a description in narrative from of the developer's program to interrelate the facilities, services and uses.

d) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.

e) An evaluation of the probable impact of the proposed development on the Town of Cheshire's services, facilities and environment.

f) A description of the size and availability of permanent public open space in the immediate vicinity.

g) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.

h) Evidence of applicant's financial ability to complete and administer the proposed development.

i) A description of the transportation plan and traffic impact study.

43.7.5 Procedure. The Commission shall:

a) hold a public hearing on said application, and

b) decide upon such application, all in accordance with the provisions of Section 8-3c of the General Statutes of the State of Connecticut as amended.

43.7.6 Requirements. Requirements of a Special Permit for a Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.7, including the following, in addition to all requirements of Section 40 of these Regulations.

a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use, and the suitability of the proposed location for the proposed use.

b) The ability of the applicant to sustain the types and quality of services described in the application and required by this section.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.7.4 shall be part of the Special Permit requirements.

43.7.7 Design Standards. Planned Community Designed Exclusively for Occupancy by Elderly Persons. The following standard shall apply to the design and development of a Planned Community Designed Exclusively for Occupancy by Elderly Persons:

a) The maximum number of the combination of all units shall be determined by allocating the total area of the tract of land in accordance with the following schedule:

i) Independent Living Units –8000[1] square feet per unit.

ii) Semi-independent Living Units - 8000[1] square feet per unit.

iii) Assisted Personal Care Living Units – 4000[1] square feet for each person accommodated or for each resident.

iv) Skilled Nursing Facility 4000[1] square feet for each person accommodated or for each resident.

b) The maximum lot coverage shall be 25%.

c) No building shall contain more than the number of units set forth in the following schedule:

i) Independent Living Units – 16 Units/Bldg.

ii) Semi-Independent Living Units – 40 Units/Bldg.

iii) Assisted Personal Care Living Units – 60 Units/Bldg.

d) The maximum size of each type of unit shall be determined in accordance with the following schedule:

i) Independent Living Units – 1000 square feet for a one-bedroom or efficiency, and

-- 1500[1] square feet for a two-bedroom unit.

ii) Semi-Independent Living Units – 1200[2] square feet per unit.

iii) Assisted Personal Care Living Units -800 square feet per unit.

e) No building shall extend within less than fifty (50) feet of any street line, side line or rear line; provided, however, that the setback from a side line or rear line may be reduced to thirty (30) feet when the buildings or structures adjacent to the setback line are residential in character, design and use.

i) No building shall exceed forty (40) feet in height, except that any building or portion of any building located more than seventy-five (75) feet from any property line may be increased to fifty (50) feet in height.

f) Parking spaces shall be provided in accordance with the following schedule:

i) Independent Living Unit- one space for every one (1) unit.

ii) Semi-Independent Living Units – one space for every one (1) unit.

iii) Assisted Personal Care Living Units – one space for every two (2) units.

iv) Skilled Nursing Facility – one space for every three (3) persons accommodated.

All spaces shall meet the requirements of Section 33.3 of these Regulations.

g) All utilities shall be underground.

i) No building containing Independent Living Units, Semi-Independent Living Units or Assisted Personal Care Living Units shall exceed a length of two hundred (200) feet, and no exterior wall of such building shall exceed fifty (50) feet in length in an unbroken plane, without an offset of at least five (5) feet. Enclosed links not containing Living Units shall not be considered a part of the building when computing the maximum length of such buildings. No building containing the Skilled Nursing Facility shall exceed a length of two hundred fifty (250) feet, and no exterior wall of such building shall exceed one hundred (100) feet in length in an unbroken plane, without an offset of at least five (5) feet.

i) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.

j) Public sanitary sewer shall be required unless a satisfactory on-site sewage disposal system meeting all the requirements of the Connecticut General Statutes and the regulations of state and Town of Cheshire agencies having jurisdiction over such facilities can be provided and the Water Pollution Control Authority certifies that public sanitary sewers are not anticipated within a reasonable time period. In no event shall approval be granted unless either public sanitary sewer or public water is utilized.

k) The Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents. The community area or areas shall total a minimum of twenty-five (25) square feet per unit, and shall be conductive to activities, such as conversational seating, quiet areas for reading,

television viewing, table games and puzzles, as well as space and equipment for other recreational and social activities. These facilities shall be maintained and designed for use primarily by those actually living in the Planned Community Designed Exclusively for Occupancy by Elderly Persons.

l) The Planned Community Designed Exclusively for Occupancy by Elderly Persons shall provide safe and adequate sidewalk and walkways for residents to walk within the development. The applicant shall provide for adequate transportation services for the residents so that they can avail themselves of necessary community services.

m) Each Independent Living Unit shall be provided with its own separate entrance directly from the outside.

c) Not less than one thousand (1,000) square feet of permanent usable open space per Independent Living Unit shall be provided for outdoor activities. Not less than one hundred (100) square feet of private outdoor space immediately adjacent to each Independent Living Unit shall be provided. Required paved vehicular areas, wetlands, and private outdoor space shall not be considered permanent usable open space.

d) Each Planned Community Designed Exclusively for Occupancy be Elderly Persons shall be served by a private street designed to discourage through traffic. Such street shall not extend within less than twenty (20) feet of any dwelling and shall be built to Town of Cheshire standards for quality.

43.7.8 Severablilty. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Planned Community Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for a Planned Community Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

43.7.9 Phases. The Planning and Zoning Commission may approve the construction of a Planned Community Designed Exclusively for

Occupancy by Elderly Persons in phases as proposed by the applicant. Each phase shall meet the minimum standards of these regulations; provided, however, that each phase shall not be required to meet the minimum land area of ten (10) acres, as long as the entire parcel subject to the application meets the ten (10) acre requirement.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services, is $300.00. Check to be made payable to "Collector, Town of Cheshire".

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SECTION 43.8 PLANNED RESIDENTIAL INFILL DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Infill Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of small areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient use of existing parcels and Town resources, but it is not intended to facilitate the conversion of non-residential uses.

43.8.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Infill Development unless it meets the following minimum qualifying standards.

43.8.1a The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than one-half (.05) acre nor more than two (2) acres, and shall be served by public water and public sanitary sewer.

43.8.l.b The tract shall be located within the R-20A zone.

43.8.1c The tract shall have frontage on State Highway 10 between North Brooksvale Road and Maple Avenue. In addition to frontage on State Highway 10 as described above, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it or that is desirable to facilitate public safety.

Nothing herein shall be construed to require that access be required from State Highway 10.

43.8.1.d Procedure. An application for a Planned Residential Infill Development use for a tract of land that meets the standards set forth in Subsection 43.8 must be approved as a Special Permit pursuant to Section 40 of these Regulations.

In addition to the requirements of Section 40, the applicant shall submit a report prepared by a professional engineer addressing the general characteristics of the surface water anticipated from the proposed development, and proposing the means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the

impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic.

The location, orientation, design scale, texture, materials, landscaping, general bulk, height and other features shall be consistent with the characteristics of the Town and neighborhood in which the proposed development is located and shall take into account, where appropriate, the nature of the surrounding area and the extent to which the proposed use and its features and appearances will be in harmony with the surrounding area, including the effect upon property values in the neighborhood.

The application shall include the following: (i) six (6) copies of an overall site plan prepared by a licensed professional engineer of the entire tract of a scale of Section 40.2.1 Site Plan, and (ii) six (6) copies of architectural drawings containing all of the information required by Section 40.2.2 Architectural Plans together with proposed textures, materials and colors of all buildings.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Section 40.5.

43.8.2 Design Standards. The following standards shall apply to the design and development of Planned Residential Infill Developments:

43.8.2.a The maximum number of dwelling units shall be determined as follows:

R-20A Zone Total gross area ÷ 4,000 sq. ft. = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the neared whole lot.

43.8.2.b No dwelling shall contain more than six (6) dwelling units.

43.8.2.c[1] No dwelling unit shall extend within less than forty (40) feet of any Street Line or fifteen (15) feet of any other property line; provided however,at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements where there is an existing structure on the tract of land which the Commission determines merits saving. Notwithstanding any other provision of these Regulations, detached accessory structures shall be located not less than five (5) feet from a side property line. Provided: 1) the side lot abuts a commercial or R-20A zone; 2) the height of the accessory structure shall not exceed 15 feet; and 3) the applicant demonstrates to the satisfaction of the Commission that the accessory structure is designed and located to be architecturally compatible with the principal structure(s) and neighborhood character. Provided adequate site lines are established a corner lot or a lot fronting on more than one (1)street. The lot shall only be required to have one (1) Street Line which shall be State Highway 10.

43.8.3.d At least 50 percent of the dwelling units shall be provided with a separate entrance directly from the outside and with private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.
43.8.3.e Parking shall be provided at a rate of two (2) spaces per dwelling unit, including garage and driveway spaces.
43.8.3.f All utilities shall be underground.
Maximum Lot Coverage shall be twenty-five percent (25%).

43.8.3.g All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, and other uses of the occupants of the dwelling units.

43.8.3.i Additional Requirements

a) Where dwelling units are to be individually owned, a community association must be established and maintained prior to the issuance of the first Certificate of Occupancy. Membership shall be mandatory for all owners of dwelling units within the development and shall be so stipulated in the declaration establishing the common ownership interest community and the deeds to the dwelling units.
b) The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

[1] Amendment approved 7/22/19; effective 8/9/19

The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer. No portion of the bond shall be released until a Licensed Professional Engineer certifies to the community association that common area improvements covered by the bond and for which a release is sought have been completed. A copy of the certified documents shall be provided to the Planning staff who shall verify the completion of the improvements prior to the release of any portion of the bond.

43.8.3.j Certificate of Occupancy.

No certificate of occupancy shall be issued until the following items have been Submitted to the Planning Department:

1. Verification that the Community Association has been established.

2. Copies of all bonding documents for all uncompleted common area improvements.[1]

[1] Effective 7/26/13

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SECTION 44 PLANNED RESIDENTIAL SUBDIVISION DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Subdivision Developments in an effort to expand the scope of land planning and development from the concept of large individual lots to the planning and development of larger areas with structures erected thereon as a coordinated entity with smaller lots and/or greater density and to provide for more efficient allocation and maintenance of common usable Open Space for recreation and/or conservation and to provide for affordable housing within the Town of Cheshire.

All Planned Residential Subdivision Developments shall be considered subdivisions and shall be subject to the Subdivision and Other Land Use Regulations of the Town of Cheshire; however, in the event that the provisions of Subdivision and Other Land Use Regulations conflict with the provisions of this Section 44, the specific provisions of this Section 44 shall control.

44.1 Qualifying Standards. No Tract of land shall be considered for a Planned Residential Subdivision Development unless it meets the following minimum qualifying standards.

44.1.1 The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.

44.1.2 The tract shall be located within one or more of the zones indicated in Section 30, Schedule A, providing that public sanitary sewers and public water are available to the site, except that no tract which lies within an R-80 zone may be developed as a Planned Residential Subdivision Development.

However, access to same may be over land in a zone not listed in Section 30, Schedule A, provided that the tract meets the 50' minimum frontage requirements of Section 44.1.3.

44.1.3 The tract shall have frontage on one or more of the following state or town roads or parts thereof:

State Highway 10 north of King Road
State Highway 70 between Marion Road and Wiese Road
Country Club Road
Higgins Road east of Oak Avenue
Jarvis Street
Oak Avenue
Peck Lane between Sheridan Drive and Jarvis Street
Weeks Road

In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

Nothing herein shall be construed to require that access be to any of the above-named roads, provided that the tract has frontage on any one of the above-named roads.

44.2 Application. An application for a Planned Residential Subdivision Development use for a tract of land that meets the standards set forth in Subsection 44.1 must be approved as a Special Permit pursuant to Section 40 of these Regulations. Thereafter, parts or phases of the approved tract may be approved for development, provided an overall plan has been approved, by filing applications therefor, to be processed by the Commission pursuant to Section 41 of these Regulations and Section 10.2 of the Subdivision and Other Land Use Regulations.

An application for approval of a Planned Residential Subdivision Development use shall be filed with the Commission as required by Subsections 40.2 and 40.3, and by this Section of these Regulations.

44.2.1 Additional Requirements. In addition to the requirements of Subsection 40.2, the applicant shall submit a written report prepared by a professional engineer addressing the general characteristics of the surface water flow and/or drainage anticipated from the proposed development, and the proposed means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic.

The application shall include the following maps (four copies of each):

a) An overall map of the entire tract of a scale of not less than 100 feet to the inch containing all the information required by paragraph 40.2.1.

b) A detailed map, of that part or phase of the entire tract, which is proposed for immediate development.

Both maps shall be prepared by a licensed professional engineer or a registered landscape architect.

The applicant may also submit such other reports as be deems to be of assistance to the Commission to enable it to perform its responsibilities under Subsections 40.4 and 40.5 of these Regulations and the Subdivision and Other Land Use Regulations.

The Commission may also request other information such as building materials and the like, as it deems necessary to assist it in performing its responsibilities under Subsections 40.4 and 40.5 of these Regulations and the Subdivision and Other Land Use Regulations, and ensuring that the entire tract is developed in a consistent, aesthetically pleasing and functionally efficient manner that is in harmony with surrounding land use and in concert with the characteristics of neighboring properties.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit, particularly Section 40. If the Commission finds the proposed use to be in accordance with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject to conditions imposed pursuant to Subsection 40.5 and the provisions of Subsection 40.6.

The Commission shall review all applications for development of parts or phases of the entire tract, whether filed with the Special Permit application or thereafter, pursuant to the procedure described in Section 41 of these Regulations, and shall approve any such application as it finds meeting the approved Special Permit for the development of the entire tract and the requirements of Section 41 of these Regulations, either as submitted or modified. Each phase shall be such that is is complete and can stand alone as a fully finished development if subsequent phases are not completed. Work and disturbed areas are to be limited to the approved phase or phases.

The approval of an application for development of a part or phase of the entire tract shall be further conditioned upon the filing of a bond by the applicant, with surety, to assure completion of the common improvements, shown on the maps, submitted in connection with the Special Permit and approval for development of a part or phase of the entire tract, and satisfaction of any conditions of approval, within five (5) years after publication of notice of approval of the Special Permit.

Upon completion of the common improvements to the satisfaction of the Commission, the Commission shall release said bond; provided, however, that the applicant shall provide the Commission with a Maintenance Bond, until such time as the Commission shall determine that maintenance of the common improvements has been assumed by a fully organized and functioning homeowner’s association which has demonstrated ability to assume this responsibility, and/or the developer has fully complied with the provisions Subsection 10.12 of the Subdivision and Other Land Use

Regulations. Common improvements shall mean roadways, walkways, street lighting, storm and sanitary sewer facilities, and any other physical improvements on the premises not proposed for fee ownership by subsequent purchasers. Maintenance of common improvements, if applicable, shall be clearly outlined in the deeds to all prospective owners.

44.3 Design Standards. The following standards shall apply to the design and development of Planned Residential Subdivision Developments. In the event that any of the following provisions of this Section conflict with the provisions the Zoning Regulations or the Subdivision Regulations, the specific provisions of this Section shall prevail.

44.3.1 The maximum number of dwelling units shall be determined as follows:

R-40 Zone	-	Total gross area – 10% for roads divided by 43,560 square feet = maximum number of dwelling units allowed. Any fraction that results shall be rounded down to the nearest whole lot.
R-20 Zone R-20A Zone	- -	Total gross area – 10% for roads divided by 21,780 square feet = maximum number of dwelling units allowed. Any fraction that results shall be rounded down to The nearest whole lot.

Note: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

1) Slopes in excess of 25%.

2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soils scientist in the field.

3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

44.3.2 No building shall contain more than one (1) dwelling unit.

44.3.3 Each dwelling unit shall be served by an approved private street or an approved public street. However, any street which services any of the dwelling units which connects two (2) existing or proposed public streets must be an approved public street constructed as set forth in Section 44.3 4 hereof. Further, any cul de sac street which is constructed to service any of the dwelling units, which has a length in excess of 600 feet, must be an approved public street constructed as set forth in Section 44.3.4 hereof.

44.3.4 If the dwelling units are served by an approved public street it shall be constructed at a width of 30 feet and conform to the town's typical roadway cross-section and shall have concrete sidewalks installed on both sides of the street and the curbing shall be concrete.

44.3.5 No cul de sac street shall be constructed which has a length in excess of 1,700 feet.

44.3.6 If the dwelling units are served by an approved private street, it shall be designed so as to discourage through traffic.

44.3.7 If the dwellings units are served by an approved private street, which is a cul de sac street which has a length of less than 600 feet, it may be constructed at a width of 26 feet, providing that it otherwise conforms to the town's typical roadway cross-section and shall have concrete sidewalks installed on one side of the street.

44.3.8 No street, whether it be an approved public street or an approved private street, shall have a right-of-way width of less than 50 feet.

44.3.9 No dwelling unit shall extend within twenty-five (25) feet of any public or private street line.

44.3.10 Parking shall be provided in accordance with the requirements of Section 33.

44.3.11 All utilities shall be underground.

44.3.12 No dwelling shall exceed a width of fifty-five (55) feet. For the purpose of this Section, a dwelling unit shall include any structure, designed as, intended for or used as a garage or workshop.

44.3.13 All land not designated as a lot in the subdivision shall be deemed to be Open Space which shall be held by the Owner/Developer in accordance with the Connecticut Common Interest Ownership Act until such time as it is turned over to the Homeowner's Association in accordance with the provisions of said Act or be otherwise designated for use and utilized in accordance with the provisions of Section 44.3.12.

44.3.14 Owner/Developer shall provide minimum landscaping on each lot prior to conveyance [i.e. minimum landscaping shall constitute grading, raking and seeding the disturbed areas and planting two (2) street trees (2 to 2 ½ inches caliper) and five (5) foundation plantings].

44.3.15 The Owner/Developer shall record a document to be known as Declaration of Restrictions, Covenants and Reservations which shall regulate the use of the Open Space, the further development of the property, landscaping and the storage of vehicles and materials on the individual lots, and maintenance of Open Space, if the Open Space is to be turned over to a homeowner's association in accordance with Section 44.3.12 (b) hereof, which Declaration shall be approved by the Planning and Zoning Commission at the time of any approval granted under this Section 44. (A sample of such a Declaration is attached hereto as Appendix A).

44.3.16 All land not utilized for dwellings and private usable outdoor space shall be considered Open Space. Such Open Space shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the homeowner's association and/or conservation and shall be permanently reserved by one of the following means:

a) Deeded to the Town, with appropriate restrictions concerning the future use of the land, provided the Town Council agrees to accept conveyance of the Open Space of the Town.

b) Held in corporate ownership (i.e. homeowner's association) by the occupants of the dwelling units within the development. Membership in said homeowner's association shall be mandatory for all residents of the development and should be so stipulated, together with the beneficial right to use the Open Space by the members of the homeowner's association, and there deed or lease, as the case may be.

   Nothing herein shall be construed to prohibit the Developer from retaining ownership of the Open Space until such time as it is turned over to the members of the homeowner's association in accordance with the provisions of the Connecticut Common Interest Ownership Act.

c) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission and the organization in which the Open Space is intended to be conveyed to.

d) A combination of the above.

Further, the Open Space shall be subject to tax liens as provided for in Connecticut General Statutes Section 12-171 et. seq., as they may be amended and the attaching lien shall attach to the lots in the subdivision on a pro rata basis, according to the number of lots in the subdivision.

44.4 Dimensional Requirements for Planned Residential Subdivision Development. [1] In the case of any Planned Residential Subdivision Development, all building lots shall satisfy the minimum dimensional requirements listed below:

Minimum lot area (sq. ft.)*	10,000 sq. ft.
Minimum lot width	75 ft.
Minimum lot frontage	50 ft.
Minimum setback from street line	25 ft.
Minimum setback from side line	10 ft.
Minimum setback from rear line**	25 ft.
Maximum height of structure	40 ft.
Maximum lot coverage	20%
Minimum lot area per dwelling unit	10,000 sq. ft.

* In order to use minimum lot area of 10,000 square feet, a certain percentage of the dwelling units developed under this Section 44 shall be required, pursuant to the provisions of Section 44.5, to be set aside as "assisted housing" as defined in Section 8-30g of the Connecticut General Statutes, as amended, or "affordable housing units", as defined in Section 8-39a of the Connecticut General Statutes, as amended, or housing which is financed by Connecticut Housing Finance Authority Mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended.

** Where lots abut land not included in the application, the dwellings on abutting lots shall be set back from such property line or lines, or street, a minimum of at least the required distance for the zone of the abutting lot, as required in Section 32, Schedule B, Dimensional Requirements.

This section shall come under the requirements of the following sections in regard to dimensional requirements as well: Sections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5, 32.6.

44.5 Affordable Housing. Except as otherwise provided for herein, not less than 5% nor more than 20% of the total number of dwelling units in the Planned Residential Subdivision shall be conveyed subject to an Affordable Housing Restrictive Covenant as set forth in Appendix B hereof, which shall require that

[1] Amended April 27, 1998; effective May 1, 1998 at 12:01 a.m.

for at least thirty (30) years from the initial sale or rental of the subject dwelling, each such dwelling unit shall be "assisted housing" as defined in Section 8-30g of the Connecticut General Statutes, as amended, or shall be financed by the Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended, or shall be sold or rented as an "affordable housing unit" as defined in Section 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of thirty (30) years after the initial occupation as calculated for each affordable housing unit.

As an exception to the foregoing rule, upon the written request of the applicant, the Commission may approve the application for a Planned Residential Subdivision wherein the number of dwelling units in the Planned Residential Subdivision shall be conveyed as "affordable units" may exceed the 20% maximum as previously set forth herein, but in no event shall the Commission approve an application for a Planned Residential Subdivision wherein the number of dwelling units in the Planned Residential Subdivision, which shall be conveyed as "affordable units" shall be more than thirty percent (30%).

In addition to the approved criteria set forth in Section 44.6, the following considerations shall be made by the Commission in the approval of an applicant's request to exceed the 20% maximum as previously set forth herein:

a) That the Commission makes a determination that the affordable housing requested in the application would satisfy an existing need in the Town of Cheshire. In making this determination the Commission shall review the following:

   i) Dwelling type (single and multiple family) and form of occupancy (rental or ownership)

   ii) Dwelling size

   iii) Initial rental charge or sales price of dwelling

   iv) The level of compliance of the Town with respect to Connecticut General Statutes Section 8-30g and 8-39a, as they may be amended

b) That the Commission makes a determination that the infrastructure, including but not limited to schools, utilities and roadways, are sufficient to service the proposed affordable housing units.

c) That the Commission makes a determination that the Planned Residential Subdivision Development will not have a significant adverse effect on surrounding properties or property values in the area.

As a condition of the approval each applicant shall be required to execute, in accordance with the laws of conveyancing in the State of Connecticut, an Affordable Housing Restrictive Covenant, in substantially the same form as that as attached hereto as Appendix B. The final form of the Affordable Housing Restrictive Covenant governing the sale and resale of dwelling units designated as "affordable units shall be subject to review and approval by the Town Attorney for the Town of Cheshire.

In addition, the applicant shall present to the Commission a marketing plan reasonably designed to assure that priority in the first sale of affordable units shall be as follows (in descending order):

a) Current residents of the Town of Cheshire who have been so for at least two (2) continuous years.

b) Non-resident children of current residents as defined at (a), above.

c) Residents of the New Haven-Meriden metropolitan statistical area currently employed in the Town of Cheshire.

d) All others.

44.5.1 Number of Building Lots. The maximum number of building lots to be approved in a Planned Residential Subdivision Development shall be the total of the "base number of lots" plus the "affordable density bonus", determined in the following manner:

Steps to Determine Number of Building Lots:

1) Base Number of Lots. Divide the total gross area as defined in 44.3.1 by the minimum lot size requirement of the underlying residential district, namely; 40,000 in as R-40 zone, and 20,000 in an R-20 zone and an R-20A zone. This is the "base number of lots."

2) Affordable Density Bonus. Add to the base number of lots the "affordable density bonus", which shall be equal to a maximum of 20% of the "base number of lots" as determined above. Nothing herein shall be construed to require the Commission to permit or approve an "affordable density bonus" if less than 20% of the total number of units to be developed are to be "affordable units".

For example:

1) Assume a property of 4,000,000 square feet with 10% of its total area in slopes above 25% and 10% of its total area in wetlands, watercourses and ponds, all in an R-40 zone. The total gross area is:

	4,000,000	
Less	400,600	10% for road
Less	200,000	5% of slopes over 25%
Less	200,000	wetlands, etc.
	3,200,000	

2) Base number of lots is 3,200,000 divided by 40,000 or 80 lots.

3) Density bonus is a maximum of 20%, and 120% of 80 is 96.

4) Affordable lots must be 20% of total number of lots approved, or 19.2 (rounded up to 20).

5) Thus the total number of lots will be 96 lots, of which 20 lots will be "affordable" and 76 will be "market rate".

44.6 Approval Criteria. The following is a list of criteria which will be used, in addition to the design criteria and other requirements of this Section 44, to assist the Commission in determining whether benefits are sufficiently greater than conventional development to allow a Planned Residential Subdivision Development and whether all the requirements have been met:

a) Application meets all the requirements of this Section and other pertinent sections of the Zoning Regulations and Subdivision and Other Land Use Regulations of the Town of Cheshire, Connecticut; however, in the event that the provisions of the Subdivision and Other Land Use Regulations conflict with the provisions of this Section 44, the specific provisions of this Section 44 shall control.

b) Application has fulfilled the intent of this section as stated and implied.

c) Applicant has provided adequately for the maintenance of private improvements and Open Space.

d) Open Space and proposed use of Open Space is significant and beneficial.

e) Benefits from the Open Space in this development are or will be valuable to the Town or residents of the development to the extent to warrant a Planned Residential Subdivision Development rather than a conventional subdivision development.

f) Where applicable, Open Space preserved shall include an important natural or historic feature.

g) In the opinion of this Commission, the pedestrian circulation system is adequate for pedestrian traffic anticipated in the development.

h) In the opinion of this Commission, on-site traffic and circulation patterns do not create undue traffic safety hazards or congestion.

i) In the opinion of this Commission, the development will not create increased traffic safety hazards or further congestion in the area of the development or create traffic safety hazards with intersecting public streets external to the site.[1]

[1] Adopted February 1, 1993; effective February 5, 1993.
(See Appendix B)

APPENDIX A

PROVISIONS OF
DECLEARATION OF RESTRICTIONS, COVENANTS & RESERVATIONS

Use of Premises

a) The premises shall be used solely for private dwelling purposes. No manufacturing or merchandising shall be permitted, and no advertising signs shall be erected or maintained upon the premises, except signs used to advertise the premises for sale during the period of development and construction.

b) Commercial vehicles, recreational vehicles, boats, trailers and the like shall not be parked upon any lot so as to be visible from the street or any adjacent lot in the subdivision, except for commercial vehicles parked temporarily while engaged in providing products or services to the owner of said lot.

Buildings

a) No more than one (1) single family dwelling and the normal outbuildings and improvements appurtenant thereto shall be constructed on each lot. Such dwelling shall contain not less than 1,200 square feet of living area for a single family residential home.

b) No tents, trailers, satellite dishes, above-ground pools or temporary structures shall be erected or maintained upon any lot, except such temporary shelter as may be needed for construction materials during the period of development, or while a dwelling house and appurtenant structures are being erected on said lot.

c) No lot owner shall construct any improvement, which is not within the set back lines as provided for in the Zoning Regulations of the Town of Cheshire.

Fences and Hedges

Fences and hedges within the subdivision, if installed, shall be not more than four (4) feet high, and shall consist exclusively of privet, or other growing hedges, paddock fences, split-rail fences or stone walls. No such fence or stone wall shall be installed any closer to the street than the exterior rear wall of the living space of the dwelling unit.

Animals

No livestock or poultry shall be raised or kept on the premises. Animals of varieties normally considered domestic pets may be kept on the premises as pets, but are limited to two (2) of each variety, and a total of no more than four (4) for each lot.

Clothesline

No outside clothesline, poles or other such devices shall be used upon said premises for the purpose of drying or hanging laundry.

Waste Control
No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. Empty trash cans placed at the curb for pick-up, may not remain at the curb in excess of twelve (12) hours.

These Restrictions, Covenants and Reservations shall apply alike to each lot in the development, and are to be incorporated by reference in the deeds by which each of said lots is conveyed. However, Owner/Developer reserves the right to make such changes or abrogations of these Restrictions as in its judgment will best promote the development of the premises into a highly desirable residential area.

Enforcement
Enforcement of these Restrictions, Covenants and Reservations shall be by proceedings at law or in equity, against any person or persons violating or attempting to violate the same, either to restrain violation and/or to recover damages.

Severablilty
Invalidation of any one of these Restrictions, Covenants and Restrictions by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Duration
These Restrictions, Covenants and Reservations shall be considered real covenants, and shall run with the lots conveyed, and be binding upon the Grantees of said lots, and upon their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed and delivered by its duly authorized officer as of the____day of _____, 1993.

_____ _____

_____

STATE OF CONNECTICUT)
) ss.
COUNTY OF _____)

On this the_____ day of _____ , 200__, before me, _____, the undersigned officer, personally appeared_____, who acknowledged himself to be the President of _____, a corporation, and that he as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Commissioner of the Superior Court

Notary Public

APPENDIX B

AFFORDABLE HOUSING RESTRICTIVE CONENANT[1]

This Restrictive Covenant is made this _____ day of _____, 2000__, by and between _____, a Connecticut Corporation with an office and principal place of business located in the Town of _____, County of _____ and State of Connecticut, hereafter called the "Grantor", and the TOWN OF CHESHIRE, or such other governmental entity as it may designate, hereinafter called "Grantee".

WITNESSETH:

WHEREAS, the Grantor is the owner of real property, situated in the Town of Cheshire as more particularly described in Exhibit A attached hereto, hereinafter the "Property"; and

WHEREAS, the Grantor intends to develop the Property as residential housing, and to provide that it will be preserved as affordable for at least thirty (30) years after the initial occupancy of the property pursuant to Connecticut General Statutes Section 8-30g (f) (2) and 8-39a; and

WHEREAS, the Grantee is a governmental agency committed to the development and preservation of affordable housing, including the enforcement of General Statutes Section 8-30g;

NOW, THEREFORE, in consideration of One Dollar ($1.00), the receipt and sufficiency of which is hereby acknowledged, said Grantor does hereby give, grant, bargain, sell and confirm unto said Grantee, its successors and assigns, the right, privilege and authority to enforce this Restrictive Covenant as follows:

1) The Property shall be "assisted housing" as defined in Section 8-30g of the Connecticut General Statutes, as amended; or

2) The Property shall be financed by the Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended; or

3) The Property shall be sold or rented as an "affordable housing unit" as defined in Section 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is

[1] Amended April 27, 1998; effective May 1, 1998 at 12:01 a.m.

less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of thirty (30) years after the initial occupation as calculated for each affordable housing unit.

For purposes of this covenant, "affordable housing unit" means housing for which persons and families pay thirty percent (30%) or less of their annual income, and the housing costs included in this definition are:

a) for rental housing, the cost of housing includes the cost of rent, common charges in the case of a rental in a common interest community if the tenant is directly responsible, heat and utility costs, excluding costs of telephone and cable television. Reasonable estimates may be used to calculate the annual heat and utility costs.

b) for ownership housing, the cost of housing includes periodic mortgage payments, taxes, insurance, common charges in the case of ownership of a unit in a common interest community, heat and utility costs, excluding costs of telephone and cable television. Reasonable estimates may be used to calculate the annual heat and utility costs.

If Connecticut General Statutes Section 8-30g is amended, or if the Connecticut Department of Housing promulgates regulations which effectively amend the standards set forth on this Section 3 with respect to the definition of affordable housing or applicable housing costs, then such amended statute or regulation shall be controlling.

4) The Grantor, or any subsequent transferor of the Property, collectively hereinafter the "Transferor", shall certify to the Grantee that

   a) a prospective purchaser or renter of the Property, hereinafter the "Transferee" qualifies within the income limitations set forth in Section 1, and
   b) the rental amount or purchase price complies with the standards set forth in Section 3.

   Grantee shall have ten days from the receipt of such certification to

   a) certify that such information satisfies the requirements of this Restrictive Covenant; or
   b) contest such income qualification or housing cost standard.

   If the Grantee does not certify or contest within this time period, then the Transferor shall execute as affidavit, pursuant to Connecticut General

Statutes Section 47-12a so stating and the transfer shall be deemed to satisfy the requirements of the Restrictive Covenant.

5) In the event that the Transferor conveys the Property to Transferee for an amount that exceeds the housing costs as set forth in Section 3, the Transferee shall be entitled to recover from Transferor an amount equal to:

   1) the difference between the housing coasts charged and the allowable housing charge;
   2) the legal rate of interest on such difference over the period of time of the overpayment; and

   3) reasonable costs of collection, including legal fees and court costs. In no event shall the Grantee be liable to the Transferee for said amount.

6) This Restrictive Covenant shall be referenced in any Deed pertaining to the Property to be recorded subsequently on the Land Records of the Town of Cheshire and shall run with the land of the Grantor, its successors and assigns. No violation of this restrictive Covenant shall result in a forfeiture or reversion of title. This development is initially occupied, as determined by an affidavit pursuant to Connecticut General Statutes Section 47-12a reflecting the date of the issuance of the first certificate of occupancy by the Town of Cheshire and shall terminate thirty (30) years thereafter.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed and delivered by its duly authorized officer as of the _____ day of _____, 200__.

_____ By _____
Its

_____

STATE OF CONNECTICUT)
) ss: Cheshire
COUNTY OF NEW HAVEN)

On this the _____ day of _____, 200__, before me, _____, The undersigned officer, personally appeared_____ who acknowledged himself to be the _____of _____, a corporation, and that he as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as _____.

IN WITNESS WHEREOF, I hereunto set may hand and official seal.

_____
Notary Public
Commissioner of the Superior Court

SECTION 44A AFFORDABLE HOUSING DEVELOPMENT[1]

44A.1 Purpose. The purpose of this Section is to facilitate the development of affordable housing by detailing the procedures for approval of an Affordable Housing District Zone Change Petition and approval of a Special Permit Application for an Affordable Housing Development.

44A.2 Definitions.

44A.2.1 An "Affordable Housing Development" ("AHD") is a residential development which meets one or more of the following criteria:

A) It is "assisted housing" which means that it is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code; or

B) It is a "set-aside development" which means that not less than twenty-five percent (25%) of its dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units (designated as "Affordable Housing Units") shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income or of the state median income, whichever is less, as determined by the United States Department of Housing and Urban Development.

44A.2.2 An "Affordable Housing District" ("AH District") is an overlay zoning district within which Affordable Housing Developments are permitted in accordance with the requirements set forth in this Section 44A.

44A.2.3 "Monthly payment" for any Affordable Housing Unit that is sold or resold within a set-aside development is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum monthly payment for an Affordable Housing Unit that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs for which the

tenant is directly responsible (including hot water and electricity, but excluding television, telecommunications, and information technology services).

44A.3 Qualifying Standards. For An Affordable Housing District Zone Change.

44A.3.1 No tract of land shall be considered for an AH District Zone Change unless it meets the following minimum qualifying standards:

1) The tract is located within one or more of the following zones: R-20, R-20A, R-40, R-80 SARDD, C-1, C-2, and C-3.

2) However, access may be over land in a zone not listed above, provided that the tract meets the 50' minimum frontage requirements of this Section 44A.3.1.
This Section 44A shall not be varied by action of the Zoning Board of Appeals to permit affordable housing in districts within the Town in which an Affordable Housing Development is not otherwise permitted.

3) The tract shall have frontage on one or more of the following State or Town roads or parts thereof or have a minimum of 50' of frontage on a Town road within 500 feet of State Highway 10, State Highway 70 between the Cheshire-Waterbury boundary line and Wiese Road, Country Club Road, Higgins Road east of Oak Avenue, Jarvis Street, Oak Avenue. In addition to frontage on the foregoing roads, the tract may have access to other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

4) The site is currently served by public water and by state Municipality approved private sanitary sewers or by public sanitary sewers, meeting state water quality standards for waste water at the property line.

5) The site is not less than 5 acres nor more than 25 acres.

44A.4 Procedure for an Affordable Housing Zone Change Petition.

44A.4.1 The applicant shall submit the original plus seven (7) copies of an Affordable Housing Zone Map Change Petition and of the submittals required by Section 44A.4.2 of these Regulations to the Commission in conformity with the requirements of Section 44A.4.2 and Section 70 of these Regulations. Where the submittal requirements of Section 70 and Section 44A differ, the submittal requirements of Section 44A shall control.

44A.4.2 The following documents, reports, and maps shall accompany the Zone Map Change Petition:

A) A map drawn to a scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the Cheshire Assessor's records.

B) A conceptual site pan of the tract that is the subject of the Zone Change Petition drawn to a scale of not less than 100 feet to the inch containing the following information:

a) The approximate location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

b) Proposed density of the site, delineated in units per acre.

c) The proposed percentage of Affordable Housing Units.

C) **Fee**. A check made payable to the Collector, Town of Cheshire, Connecticut, for the applicable application fee.

D) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development.

E) A report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.

F) A preliminary report by a professional engineer showing conceptually how stormwater would be managed on the site.

G) Preliminary Conceptual architectural plans showing examples of the building designs.

H) A preliminary traffic impact study prepared by a professional engineer showing that the site can be developed within accepted safety standards.

44A.5 Approval of an Affordable Housing Zone Change Petition.

44A.5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission shall approve a petition seeking creation of an Affordable Housing District unless it finds the following:

A) Denial of the petition is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the need for affordable housing; and such substantial public interests cannot be otherwise protected by reasonable changes to the petition; or

B) The petition would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses or the petition does not propose an Affordable Housing Development, as defined in Section 44A.2.2 of these Regulations or the Petitioner does not meet the Qualifying Standards of Section 44A.3.

44A.5.2 In determining whether or not to approve the petition, the Commission shall also consider the following factors:

A) Consistency of the rezoning with the Town's Plan of Conservation and Development.

B) The supply of affordable housing within the Town and the Central Naugatuck Valley Planning region.

44A.5.3 If the petition is approved, the Commission shall assign the parcel an AH District classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

44A.6 Procedure For An Affordable Housing Development Application.

44A.6.1 An Affordable Housing Development Application shall be filed in the office of the Cheshire Planning and Zoning Commission. The application shall be treated as a Special Permit application pursuant to Section 40 of these Regulations and shall be accompanied by the fee

required for a Special Permit application. Additionally, to the extent that the submittal requirements of Section 44A.6.4 and Section 44A.4.2 (Zone Change Petition) are the same, the applicant is not required to submit duplicate submittals but may use the Section 44A.4.2 submittals to satisfy the requirements of Section 44A.6.4.

44A.6.2 If the applicant desires to develop the AHD in phases, that request must be set forth in the Affordable Housing Development application, and the Commission shall undertake Site Development review for all phases proposed for immediate development, simultaneously with its review of the AHD Special Permit application.

44.A.6.3. Affordable Housing Development Application

The applicant may file an Affordable Housing Site Development Application concurrently with the filing of an Application for an Affordable Housing Zone Change Petition or after its application for an Affordable Housing Zone Change has been approved by the Commission. In addition to the requirements of Section 40, SPECIAL PERMITS, the applicant shall submit the following with its Affordable Housing Development Application:

1) An A-2 survey map of the entire parcel of land on which the AH Development is proposed showing the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent records of the Town of Cheshire Assessor.

2) A Site Development Plan as required by Section 40.2.1 of the SPECIAL PERMITS regulations but at a minimum of 1 inch = 40 feet, including:

    a) Existing and proposed property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.

    b) Parcel size and dimensions.

    c) Existing and proposed grade contours at 2 feet intervals.

    d) Storm drainage, sewage disposal, and water supply facilities.

e) The location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).

f) Locations of existing structures, uses, roads, and other features of the parcel.

g) All existing and proposed, public and private, streets, highways, and rights of way; access to and from the existing town roads; proposed parking and loading areas; driveways; and other proposed points of access to residential and nonresidential uses.

h) All existing and proposed utilities and connections, including utility terminal boxes.

i) The existing and proposed pedestrian circulation system including its interrelationship with the vehicular circulation system, Open Space system, and other areas of common use.

j) A landscape plan describing the proposed treatment of the interior and perimeter of the AHD and the materials and techniques to be used, such as trees and/or shrubs, lawn, living screens, berms, fences, and all natural terrain to remain in its natural conditions (such as rocky outcrops, swamps, ponds, open space, etc.).

k) Proposed density of the site as authorized by the AH District within which the property is located.

l) The proposed percentage of deed restricted affordable housing units and their proposed location.

3) A report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements, if any, to accommodate projected traffic.

4) A written summary of the proposed number of dwelling units broken down by number of bedrooms and the number of Affordable Housing Units, including the calculation used to determine the total number of dwelling units allowed pursuant to this Section 44A.

5) A map showing topography at two (2) foot contour intervals and depicting all flood plain, flood hazard, wetlands areas, watercourses, and slopes above twenty-five percent (25%).

6) A detailed map of that part or phase of the entire tract which is proposed for immediate development showing proposed location and building envelope of buildings, other structures, signs, outdoor illumination, and outside storage areas.

7) Preliminary building plans detailing the following:

   a) A typical floor plan.

   b) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.

   c) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.

8) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and dwelling units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.

9) A written report prepared by a professional engineer addressing the characteristics of the surface water flow and/or drainage anticipated from the proposed development and the proposed means and manner of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements.

10) A copy of the feasibility approval or final approval issued for the project by Cheshire's Water Pollution Control Authority.

11) If applicable and upon issuance by the Cheshire Inland Wetlands and Watercourses Commission (IWWC), a report of the IWWC made pursuant to the Connecticut General Statutes, as amended, and a copy of the permit issued by the IWWC authorizing regulated activities, if any.

12) If applicable and upon issuance by the Cheshire Planning and Zoning Commission, a copy of the conclusions or report made by the Commission pursuant to Section 47 of these Regulations,

concerning aquifer protection. If reports were received by the Commission from the South Central Connecticut Regional Water Authority, the Department of Environmental Protection, and/or adjacent towns in its review process, copies of those reports shall also be submitted to the Commission.

13) An "Affordability Plan" conforming with Section 8-30g of the Connecticut General Statutes and Section 8-30g-7 of the Regulations of the State of Connecticut Agencies.

44A.7 Approval of An Affordable Housing Development Application.

44A.7.1 The Commission shall approve an Affordable Housing Development Application unless it finds the following:

A) Denial of the application is required to protect substantial public interests in health, safety, or other matters which the Commission May legally consider; such substantial public interests clearly outweigh the need for affordable housing; such substantial public interests cannot be otherwise protected by reasonable changes to the application; or

B) The application would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; or the application does not propose an Affordable Housing Development, as defined in Section 44A.2 of these Regulations; or

C) The application does not meet the requirements for an Affordable Housing Development Application as set forth herein.

44A.7.2 In determining whether or not to approve the application, the Commission shall also consider the following factors:

A) Whether the application complies with all the requirements of this Section 44A and Section 40, of these Regulations.

B) Whether provisions for water, sewerage, and stormwater, are adequate; and do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site.

C) If applicable, whether the proposed development violates its aquifer protection approval, if any.

D) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.

E) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD access drives and existing, public streets.

44A.7.3 The Commission may attach appropriate modifications to an approval of an Affordable Housing Development Application to assure compliance with this Section 44A and to protect substantial public interests in health, safety, or other matters the Commission is legally authorized to consider which interest is
jeopardized by the proposed AHD and which clearly outweighs the need for affordable housing.

44A.7.4 Affordable Housing Restrictive Covenant:

A) As a condition of approval of an Affordable Housing Development Application, the applicant shall be required to execute an "Affordable Housing Restrictive Covenant" complying with Section 8-30g of the Connecticut General Statutes and Section 8-30g-9 of the Regulations of Connecticut State Agencies.

B) The final form of the Affordable Housing Restrictive Covenant shall be subject to review and approval by the Town Attorney for the Town of Cheshire.

C) This covenant shall run with the land and be enforceable by the Town of Cheshire until released by the Town or until automatically released by operation of the Connecticut General Statutes as amended.

D) Such restrictions shall also be contained in the lease for rental and/or deeds of Affordable Housing Units.

44A.7.5 Approval of an Affordable Housing Development Application shall be conditioned upon the applicant's filing a bond with surety with the Commission to assure completion of the public improvements for the development as shown on the approved map submitted in connection with the Affordable Housing Development Application.

44A.7.6 Upon completion of the public improvements to the satisfaction of the Commission, the Commission shall release the bond Public improvements shall mean public streets, sidewalks, street lighting, storm and sanitary sewer facilities, and any other physical improvements proposed for public ownership.

44A.7.7 Where Affordable Housing Units are to be sold and owned by individual owner's maintenance of the common improvements shall be assumed by a fully organized and functioning homeowners' or unit owners' association which association has the authority and ability to assume this responsibility. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners.

44A.7.8 Except as otherwise provided in the Connecticut General Statutes, as amended, Site Development approval is conditioned on satisfaction of any conditions of approval for, and completion of all work in, the approved part or phase of the AHD within five (5) years after publication of notice of the ~~Site~~ Development approval.

44A.7.9 The Commission may extend its development approval upon application by the developer, or its successor, as provided in the Connecticut General Statutes.

44A.7.10 A zoning permit for non-affordable units in the AHD shall be issued only after the completion and issuance of a zoning permit for a pro rata number of units of restricted Affordable Housing Units. The pro rata allocation shall be based on the proportion of the number of affordable housing units to the total units approved in the whole AHD.

44A.8 Design Standards and Dimensional Requirements For Affordable Housing Developments. The following standards shall apply to the design and development of all AHDs:

44A.8.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Cheshire, the maximum number of dwelling units per net buildable acre in AHDs is as follows: **Ten (10)** units per net buildable acre. Net buildable acreage means gross acreage excluding all ponds or other substantial bodies of water and excluding fifty percent (50%) of any acreage designated as inland wetlands, flood plain areas (as defined in Section 46.1 of these Regulations), and all land having slopes in excess of twenty-five percent **(25%).** If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density.

44A.8.2 All buildings in any AHD shall comply with the following, minimum dimensional requirements:

Minimum setback from street line		25 ft.
Minimum setback from side line		25 ft.
Minimum setback from rear line		50 ft.
Maximum height of structure		50 ft.
Maximum lot coverage	(44A-10)	20 %

44.8.3 No building shall exceed 240 feet in length. Building facades shall include relief and articulation to appear residential in character.

44A.8.4 All utilities shall be underground.

44A.8.5 Minimum floor areas shall be those as established by the State Health Department.

44A.8.6 Affordable Housing Units shall be substantially similar to market rate units in terms of building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development**.**

44A.8.7 Parking shall be provided as follows:

A) Parking spaces within a multifamily phase of development shall be a minimum size of 9' x 18'.

B) The following minimum number of spaces are required:
   1) Two (2) spaces for each dwelling unit.

C) Adequate, unobstructed space shall be provided for snow storage.

D) Pursuant to Section 44A.8.10 of these regulations the applicant may request a reduction of the minimum parking space requirements. It shall be the responsibility of the applicant to demonstrate that two (2) spaces per unit are not necessary to meet the needs of the proposed Affordable Housing Development.

44A.8.7 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.

44A.8.8 Exterior lighting shall be provided and maintained within the AHD to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities (if appropriate), and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the AHD shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to

the requirements of the Town's street lighting policy.

44A.8.9 Open Space:

A) All land not designated as a lot or utilized for dwellings, buildings, driveways, parking, sidewalks, or accessory structures and all common, usable, outdoor space shall be deemed "Open Space". Such Open Space shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.

44A.8.10 Modification Of Design Standards And Dimensional Requirements:

A) The Commission may modify the design standards in this Section 44Aif it finds the following:

1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider;

2) Such substantial public interests do not clearly outweigh the need for affordable housing; and

3) Such substantial public interests can be protected by reasonable changes to the application.

B) Application for modification of any design standards shall be made at the time as the AHD Application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.

44A.9 Conflict. Where the provisions of Sections 40 conflict with the requirements of this Section 44A, the provisions of this Section 44A shall be controlling.

Approved 5/29/19; effective 6/21/19

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SECTION 45. SPECIAL DEVELOPMENT DISTRICT (S.D.D.)

45.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

45.1.1 To implement the Commercial Plan Chapter of the Plan of Development through legislation and in so doing, provide not only a concentration of future retail uses in the center, but also a flexibility in uses and design in the center;

45.1.2 To permit tracts of land to be developed and designed as harmonious units consistent with the character of the town and neighborhood, the purposes of these regulations, and any Plan of Development adopted by the Planning and Zoning Commission;

45.1.3 To permit the establishment of uses that are not otherwise permitted under these regulations in an established zone, but which would be beneficial to and consistent with the orderly development of the Town and its existing Town Center neighbors;

45.1.4 To permit residential use, as a secondary use in conjunction with a commercial application or by itself, when the size, scope and magnitude of such residential use is, by this application or collectively under all previous residential applications, subordinate to the primary use and purpose of the Special Development District which is to implement the Commercial Plan Chapter of the Plan of Development by encouraging primarily commercial growth;

45.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would be consistent with the Town and its existing Town Center neighbors and would show design merit.

45.2 Location. [5] Special Design applications shall be considered only when the proposed project is at least one and one-half acres[6] in size or is contiguous to and coordinated with an approved Special Development project. Contiguous shall mean abutting against or directly across a public street from a Special Development project. All projects must be located entirely within the Special Development District as shown on map entitled: "Generalized Location Special Development District on Page 7 of the Commercial Chapter, Plan of Development, Adopted August 25, 1975, Effective September 1, 1975," and on a map entitled "Special

[5] Amendment effective June 26, 1981
[6] Amendment effective August 29, 1986.
[3] Amendment effective October 31, 2021

Development District Eligibility Map: West Main Street, Maple Avenue, and George Avenue, Scale 1" = 250' dated August 18, 2021 by SLR and being more particularly bounded and described as follows:[3]

1st Piece Beginning at the intersection of Maple Avenue and Hinman Street, thence moving easterly along Hinman Street to the intersection of Hinman Street and Highland Avenue (Route 10), thence southerly along Highland Avenue to the intersection of Highland Avenue and Main Street (Routes 68 and 70), thence northwesterly along Main Street to the intersection of Main Street and West Main Street, thence northerly along Maple avenue to the point or place of the beginning.

2nd Piece Beginning at the intersection of South Main Street (Route 10) and Academy Road (Routes 68 and 70), thence running southerly along South Main Street (Route 10) to a point, said point being the southwest corner of Lot #14 as shown on Assessor's Plate #126, thence running easterly along the southerly boundary of said Lot #14 and continuing on the same bearing across Lot #19, Plate #126, to a point, said point being located on the easterly boundary of Lot #19, Plate #126, thence running northerly along the easterly boundary of Lot #19, Plate # 126, to Wallingford Road, thence running westerly along Wallingford Road to the intersection of Wallingford Road and Walnut Street, thence running northeasterly along Walnut Street (shown as the Old Highway on Assessor's Plate #125) to Academy Road, thence running westerly along Academy Road to the place of the beginning.

3rd Piece[1] Beginning at the intersection of Maple Avenue and George Avenue, thence running westerly along the southerly side of George Avenue, also being the northerly boundary of Lot 202 as shown on Assessor's Map #57, to a point, thence running southerly along the westerly boundary of Lot 202 as shown on Assessor's Map #57 to a point; thence running westerly along the northerly boundary of Lot 203 as shown on Assessor's Map #57; and the northerly boundary of Lot 180 as shown on Assessor's Map #57 to a point, thence running southerly along the westerly boundary of Lot 180 as shown on Assessor's Map #57 to a point in the northerly street line of West Main Street, State Highways 68 and 70, thence running easterly along the northerly street line of the said West Main Street also being the southerly boundaries of Lots 180, 179 and 205 as shown on Assessor's Map #57 to the intersection of West Main Street and Maple Avenue, thence running northerly along the easterly street line of Maple Avenue also being the easterly boundaries of Lots 205, 204, 203 and 202 as shown on Assessor's Map #57 to the point or place of beginning.

Intending to include Lots 179, 180, 202, 203, 204 and 205 as shown on Assessor's Map #57.

(45-2)

[1] **Amendment effective October 31, 2021**

45.3 Application. Application for approval of a Special Design Project for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by an application fee of $300.00 made payable to "Collector, Town of Cheshire," together with six copies of the following:

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5.3.1A Site Map: A map, sealed and prepared by a licensed land surveyor or a licensed professional engineer, to the quality of an A-2 survey of the area to be changed and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's record within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45.3.1B Architectural Plans:[1] Architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.

45.3.2 Special Regulations: A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special development project shall be drafted by the applicant. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer areas.

b) Architectural and design control procedures.

c) Sign standards.

d) Landscaping standards.

[1] Amendment effective June 30, 1978.

e) Standards for covenants for continued maintenance of utility, open space and recreational elements.

f) Parking requirements.

g) Time limits or consecutive limits for phase and total development.

h) A list of proposed permitted uses, standards, and , if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45.3.3 Special Development Plan: A plan of the entire special development project showing in schematic fashion, the areas of proposed development with the following elements:

a) Proposed use areas and the acreage assigned to each.

b) Proposed vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access routes, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets.

c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces.

d) Proposed general landscaping including modifications to present treed, sloped, and water course areas, areas of formal plantings, and related treatment of open space, present screening and proposed topography.

e) Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into water courses and ponds and the location of connections of the proposed utility system to present utilities.

f) Proposed location of buildings and other structures, indicating feasibility in relation to the above elements.

g) Proposed boundaries for stages of development within the district.

45.4 Prohibited Uses: Prohibited uses in a Special Development District shall include:

a) All uses prohibited in Sections 31, 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.

b) Industrial uses except for arts and crafts and those industrial uses allowed by the Zoning regulations in commercial zones;

c) Gasoline stations, unless a gas station exists or previously existed on the site and only at the location and intensity as the previously existing operations;[1]

d) Automobile repair shops;

e) Automobile washing and cleaning establishments;

f) Motor vehicle dealers;

g) Regional Shopping Centers;[2]

h) Single occupancies of over thirty thousand (30,000) square feet except when used for a retail food supermarket, restaurant, office space, movie theater or other public assembly hall, hotel, or motel.

45.4.1 Limitations: Outdoor food and/or beverage consumption shall be allowed on the premises where served when all of the following conditions shall have been met:

a) The dispensing and receipt of said food and/or beverage takes place within the enclosed building where the food and/or beverages are prepared or by waiter or waitress service.

b) There shall be no pedestrian access from the outdoor consumption area to automobile parking areas except through the building or other indirect means. Said outdoor consumption area shall be completely screened from all parking areas.

45.4.2 Further Limitations: The Commission may limit the amount of development approved in any application for either of the following reasons:

a) The application exceeds the 15-year[1] projection of need.

b) The application has an excessive amount of commercial use proposed for a given site when compared to the projection of need, or the size of the site.

[1] Amendment effective 10/31/2021

In order to assist the Commission in comparing the application to the 48-acre maximum 15-year projection[1], the following calculation shall be submitted as part of the application under this section:

The applicant shall divide the commercial and business square footage proposed, by the square footage per acre allowed in a C-3 zone under the Town of Cheshire Zoning Regulations, including the required parking and all requirements of Sec. 32, Schedule B, for the C-3 zone.

The resultant figure shall be an acreage equivalent figure showing how many acres would be needed by the applicant had his proposal been submitted under C-3 zoning.

45.5 Special Design Project: In acting on any application for a special design project, the Planning and Zoning Commission shall conform to the following procedure:

45.5.1 Procedure: The Planning and Zoning Commission shall hold a public hearing on the application in the same manner as required for amendment of these regulations. Not less than 14 days prior to the hearing, in addition to the information required by law, the applicant shall cause to be submitted the following:

a) A report of the Fire Marshal;

b) A report from the Traffic Authority and, if deemed necessary, a traffic survey prepared by a qualified professional engineer, including traffic counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;

c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;

d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;

e) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information

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1 See Page 2, Commercial Plan Chapter-Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, as may be amended.

2 A Regional Shopping Center is one that has one or more large major department store tenants. See Characteristics of Shopping Centers, Planning Design Criteria, Joseph DeChiara & Lee Koppelman, Van Nostrand Reinhold Company, 1969.

on which to arrive at a decision on a special design application.

45.5.2 Waiver: The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a special development project.

45.6 Standards and Findings: The Commission may approve a zone change to a Special Development District provided that, in its judgement, the applicant has met the following standards:

a) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of this Special Development District regulations, the Cheshire Plan of Development, and the laws and standards for zone changes and amendments in the State of Connecticut.

b) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.

c) The report from the Fire Marshal, Town Engineer and Traffic Authority does not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided.

d) Any internal circulation system encourages pedestrian use and discourages automobile traffic.

e) Separation of vehicular and pedestrian traffic is maintained wherever possible.

f) Adequate on-site parking for the proposed development is provided.

g) Increased storm water run-off will be minimized wherever retention is possible and that all proper and necessary easements will have been obtained by the applicant.

h) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and its existing Town Center neighbors and would show design merit.

i) The perimeter edge of the proposed development relates to existing development with respect to such things as scale, setback, and the like.

j) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.

k) The amount of commercial use proposed (in equivalent commercial acres) is not excessive for the site as proposed, as a portion of the 48-acre Special Development District maximum commercial development.[1]

l) The Open Space System including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.

m) Open Space set aside or established pursuant to the proposed application site plan shall be made available for public use. The Open Space land shall be held in ownership by the applicant landowner and shall be subject to an agreement with the Town to be filed on the Land Records at the time of approval regarding the applicant landowner's responsibility for maintenance of said Open Space.

n) In applications which include residential units, the density of proposed residential units per acre is stated clearly with a comparison to that which

o) would normally be allowed in the zone, and that such increased density request is not excessive and is of benefit to the Town.

p) In applications which include residential units, related recreational or park-like areas shall be shown and that access to residential units and facilities shall be adequately separated from access to other uses and also shall be adequately buffered from traffic and noise.

q) The residential units proposed will assist in meeting the housing needs of Cheshire.

r) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

s) Phases of development as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.

t) The Special Development District will be served by public water and public sewers and that all utilities will be underground.

[1] Commercial Plan Chapter – Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, Page 2.

45.7 Approval of Special Development District: The Commission shall approve, disapprove, or approve with conditions, the special regulations and plan, in the manner as required by law for approval of a zone change.

45.7.1 Performance Bond: As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45.7.2 Time Limitation: Any development authorized as an approved Special Development District shall be established and any construction authorized thereby shall be completed within a period of five (5) years[1] after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

45.7.3 Filing: A certified mylar or equivalent black and white copy of the approved Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved special plans and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

45.7.4 Establishment of District: Upon approval of the special regulations and plan, the Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The special design project shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

45.8 Amendments: Amendments to any previously established Special Development District may by made by the Commission following the same procedure used for the establishment of a Special Development District. Such amendments need not meet the three acre minimum requirements as per Section 45.2.

SECTION 45A
SPECIAL ADAPTIVE REUSE DEVELOPMENT DISTRICT (S.A.R.D.D.)

45A.1 Purpose: The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Adaptive Reuse Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

45A.1.2[7]To permit the adaptive reuse of existing building(s) and other structure(s), for uses otherwise permitted in these Regulations, compatible with the surrounding neighborhood and in a manner beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations, and any Plan of Development adopted by the Planning and Zoning Commission; Provided, however, any proposed uses that are **not** permitted in the original zoning district per Section 30, Schedule A shall be clearly identified in the Special Regulations required by Section 45.A.3.4, along with any additional restrictions to be placed upon them; and

45A.1.3.To permit in pursuit of this purpose the reconstruction and/or rehabilitation of building(s) and other structure(s), where because of their historical significance, architectural merit, design merit, or present condition, their reconstruction or rehabilitation is performed in a manner consistent with the character of the Town, the neighborhood and within the purposes of the Regulations, would be beneficial to the Town, provided (a) the tract is of sufficient size to justify the application of a Special Adaptive Reuse Development, and (b) the Special Adaptive Reuse Development is not inconsistent with particular elements of any Plan of Development adopted by the Planning and Zoning Commission.

45A.2 Qualifying Standards: No tract of land shall be considered for a Special Adaptive Reuse Development District unless it meets the following minimum qualifying standards.

a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than (3) acres;

b) The tract shall be located in an R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1 or I-2 Zone;

c) The tract shall be in a Special Adaptive Reuse (SAR) Overlay Zone as specified below in Section 45A.2.1; and

d) The tract shall be served by public water and public sanitary sewer.

[7] Amendment approved 12/9/2013; effective 12/27/13 at 12:01 a.m.

45A.2.1 Establishment: The establishment of a SAR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the provisions of Section 70 and Section 26 of the Cheshire Zoning Regulations shall apply. A SAR Overlay Zone shall be established only in conjunction with the approval of a Special Permit for a Special Adaptive Reuse Development by the Planning and Zoning Commission. The establishment of a SAR Overlay Zone with respect to any tract shall not preclude the tract from being put to other uses permitted in the underlying zone in the event the plans to develop a S.A.R.D.D. are formally abandoned or the use of the tract as a S.A.R.D.D. is completely discontinued.

45A.3 Application: Completed applications for a zone change, meeting the requirements of Section 45A.3.3, and for a Special Permit for a Special Adaptive Reuse Development, with the required fees made payable to "Collector, Town of Cheshire," shall be submitted to the Commission accompanied by six (6) copies of the following:

45A.3.1 Site Map: An A-2 survey map, sealed and prepared by a licensed Land Surveyor, of the area to be changed and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's record within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; watercourses; wetlands as shown on the Official Cheshire Inland Wetlands and Watercourses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45A.3.2 Architectural Plans: Architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.

45A.3.3. Certification: A Certification by an appropriate licensed professional that the structure(s) meet one or more of the criteria set forth in Section 45A.1.3.

45A.3.4 Special Regulations: A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special adaptive reuse development project shall be drafted by the applicant. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer area.

b) Architectural and design control procedures.

c) Sign standards.

d) Landscaping standards.

e) Standards for covenants for continued maintenance of utility, open space and recreational elements.

f) Parking requirements.

g) Time limits or consecutive limits for phase and total development.

h) A list of proposed permitted uses, standards, and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45A.3.5 Special Adaptive Reuse Development: Plans prepared by the appropriate licensed professional(s), of the entire Special Adaptive Reuse Development project showing in schematic fashion, the areas of proposed development with the following elements:

a) Proposed use areas and the acreage assigned to each;

b) Proposed vehicular and pedestrian circulation patterns, including location, size and adequate number of parking stalls, access routes, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets;

c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces;

d) Proposed general landscaping including modifications to present treed sloped, and watercourse areas, areas of formal plantings ,and related treatment of open space, present screening and proposed topography; and

e) Schematic layouts of utility systems, including water, sewarage, and drainage including capacity and additional flow into watercourses and ponds and the location of connections of the er

45A.3.6 Public Hearings: After receipt of the completed applications for zone change and for Special Permit, together with the required application fees, the Commission shall hold public hearings and take action to approve, approve with modifications, or deny the zone change and Special Permit applications within the time limits provided in Sections 8-3 and 8-7d of the Connecticut General Statutes. When acting on any application for a zone change as set forth herein, the Commission shall be deemed to act in its legislative capacity.

45A.4 Prohibited Uses: Deleted[1]

45A.5 Standards and Findings: The Commission may approve an application for a Special Permit for a Special Adaptive Reuse Development provided that, in its judgment, the applicant has met the following standards:

a) The Special Adaptive Reuse Development, as proposed, shall retain at least fifty (50%) of the gross floor area of the existing building(s) and the total gross floor area of the Special Adaptive Reuse Development, as proposed, shall not exceed 150% of the gross floor area of the existing structures on the lot or lots;

b) The reports from the Fire Marshal, and Traffic Authority do not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided;

c) Any internal circulation system encourages pedestrian use and discourages automobile traffic;

d) Separation of vehicular and pedestrian traffic is maintained wherever possible;

e) Adequate on-site parking for the proposed development is provided;

f) There shall be a zero increase in net storm water run-off;

[1] Amendment approved 12/9/13; effective 12/27/13 at 12:01 a.m.

g) The design and construction of building(s) and other structure(s), which by virtue of their historical significance, architectural merit, and design merit, are reconstructed and/or rehabilitated pursuant to this regulation, shall be consistent with the character of the Town and the neighborhood, and shall be reconstructed and/or rehabilitated in a manner consistent with and most likely to preserve the historic nature, architecture and design of the existing building(s) and other structure(s);

h) The perimeter edge of the proposed development relates to existing development with respect to such things as scale, setback, and the like;

i) Landscaping, lighting, graphics, and street furniture, if any, have been coordinated to create a pleasing public environment;

j) The amount of commercial use proposed (in equivalent commercial acres) is not excessive for the site as proposed;

k) The Open Space System, if any, including pedestrian walks is usable, and beneficial;

l) In applications which include residential units, the density of proposed residential units per acre is stated clearly with a comparison to that which would normally be allowed in the zone, and that any request for increased density of residential units over the prior use is not excessive;

m) In applications which include residential units, related recreational or park-like areas, if any, shall be shown and that access to residential units and facilities shall be adequately separated from access to other uses and also shall be adequately buffered from traffic and noise;

n) The residential units, if any are proposed, will assist in meeting the housing needs of Cheshire; and

o) Phases of development, if any, as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.

45A.6 Approval of Special Adaptive Reuse Development District: The Commission shall approve, deny, or approve with conditions and safeguards as set forth in Section

40.5 of these Regulations, the application for a Special Permit for the Special Adaptive Reuse Development, after considering the factors set forth in Section 40.4 of these Regulations.

45A.7.1 Performance Bond: As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45A.7.2 Time Limitation: Any development authorized as an approved Special Adaptive Reuse Development District shall be established and any construction authorized thereby shall be completed within a period of two (2) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

45A.7.3 Filing: A certified mylar or equivalent black and white copy of the approved Special Adaptive Reuse Development shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety (90) days shall be void. A certified mylar or equivalent black and white copy of the approved Special Adaptive Reuse Development Plans and four paper copies shall also be filed with the Commission.

45A.8 Amendments: Amendments to increase the area of any previously established Special Adaptive Reuse Development District may be made by the Commission following the same procedure used for the establishment of a Special Adaptive Reuse Development District. Such amendments need not meet the three (3) acre minimum requirement as per Section 45A.2.

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SECTION 45. SPECIAL DEVELOPMENT DISTRICT (S.D.D.)

45.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

45.1.1 To implement the Commercial Plan Chapter of the Plan of Development through legislation and in so doing, provide not only a concentration of future retail uses in the center, but also a flexibility in uses and design in the center;

45.1.2 To permit tracts of land to be developed and designed as harmonious units consistent with the character of the town and neighborhood, the purposes of these regulations, and any Plan of Development adopted by the Planning and Zoning Commission;

45.1.3 To permit the establishment of uses that are not otherwise permitted under these regulations in an established zone, but which would be beneficial to and consistent with the orderly development of the Town and its existing Town Center neighbors;

45.1.4 To permit residential use, as a secondary use in conjunction with a commercial application or by itself, when the size, scope and magnitude of such residential use is, by this application or collectively under all previous residential applications, subordinate to the primary use and purpose of the Special Development District which is to implement the Commercial Plan Chapter of the Plan of Development by encouraging primarily commercial growth;

45.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would be consistent with the Town and its existing Town Center neighbors and would show design merit.

45.2 Location. [9] Special Design applications shall be considered only when the proposed project is at least one and one-half acres[10] in size or is contiguous to and coordinated with an approved Special Development project. Contiguous shall mean abutting against or directly across a public street from a Special Development project. All projects must be located entirely within the Special Development District as shown on map entitled: "Generalized Location Special Development District on Page 7 of the Commercial Chapter, Plan of Development, Adopted August 25, 1975, Effective September 1, 1975," and on a map entitled "Special Development District Eligibility Map: West Main Street, Maple Avenue, and George Avenue, Scale 1" = 250' dated August 18, 2021 by SLR and being more particularly bounded and described as follows:[3]

[9] Amendment effective June 26, 1981
[10] Amendment effective August 29, 1986.
[3] Amendment effective October 31, 2021

1st Piece Beginning at the intersection of Maple Avenue and Hinman Street, thence moving easterly along Hinman Street to the intersection of Hinman Street and Highland Avenue (Route 10), thence southerly along Highland Avenue to the intersection of Highland Avenue and Main Street (Routes 68 and 70), thence northwesterly along Main Street to the intersection of Main Street and West Main Street, thence northerly along Maple avenue to the point or place of the beginning.

2nd Piece Beginning at the intersection of South Main Street (Route 10) and Academy Road (Routes 68 and 70), thence running southerly along South Main Street (Route 10) to a point, said point being the southwest corner of Lot #14 as shown on Assessor's Plate #126, thence running easterly along the southerly boundary of said Lot #14 and continuing on the same bearing across Lot #19, Plate #126, to a point, said point being located on the easterly boundary of Lot #19, Plate #126, thence running northerly along the easterly boundary of Lot #19, Plate # 126, to Wallingford Road, thence running westerly along Wallingford Road to the intersection of Wallingford Road and Walnut Street, thence running northeasterly along Walnut Street (shown as the Old Highway on Assessor's Plate #125) to Academy Road, thence running westerly along Academy Road to the place of the beginning.

3rd Piece[1] Beginning at the intersection of Maple Avenue and George Avenue, thence running westerly along the southerly side of George Avenue, also being the northerly boundary of Lot 202 as shown on Assessor's Map #57, to a point, thence running southerly along the westerly boundary of Lot 202 as shown on Assessor's Map #57 to a point; thence running westerly along the northerly boundary of Lot 203 as shown on Assessor's Map #57; and the northerly boundary of Lot 180 as shown on Assessor's Map #57 to a point, thence running southerly along the westerly boundary of Lot 180 as shown on Assessor's Map #57 to a point in the northerly street line of West Main Street, State Highways 68 and 70, thence running easterly along the northerly street line of the said West Main Street also being the southerly boundaries of Lots 180, 179 and 205 as shown on Assessor's Map #57 to the intersection of West Main Street and Maple Avenue, thence running northerly along the easterly street line of Maple Avenue also being the easterly boundaries of Lots 205, 204, 203 and 202 as shown on Assessor's Map #57 to the point or place of beginning.

Intending to include Lots 179, 180, 202, 203, 204 and 205 as shown on Assessor's Map #57.

45.3 Application. Application for approval of a Special Design Project for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by an application fee of $300.00 made payable to "Collector, Town of Cheshire," together with six copies of the following:

[1] Amendment effective October 31, 2021

45.3.1A Site Map: A map, sealed and prepared by a licensed land surveyor or a licensed professional engineer, to the quality of an A-2 survey of the area to be changed and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and

addresses of all owners as appearing on the latest assessor's record within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45.3.1B Architectural Plans:[1] Architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.

45.3.2 Special Regulations: A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special development project shall be drafted by the applicant. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer areas.

b) Architectural and design control procedures.

c) Sign standards.

d) Landscaping standards.

e) Standards for covenants for continued maintenance of utility, open space and recreational elements.

f) Parking requirements.

g) Time limits or consecutive limits for phase and total development.

h) A list of proposed permitted uses, standards, and , if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45.3.3 Special Development Plan: A plan of the entire special development project showing in schematic fashion, the areas of proposed development with the following elements:

[1] Amendment effective June 30, 1978.

a) Proposed use areas and the acreage assigned to each.

b) Proposed vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access routes, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets.

c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces.

d) Proposed general landscaping including modifications to present treed, sloped, and water course areas, areas of formal plantings, and related treatment of open space, present screening and proposed topography.

e) Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into water courses and ponds and the location of connections of the proposed utility system to present utilities.

f) Proposed location of buildings and other structures, indicating feasibility in relation to the above elements.

g) Proposed boundaries for stages of development within the district.

45.4 Prohibited Uses: Prohibited uses in a Special Development District shall include:

a) All uses prohibited in Sections 31, 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.

b) Industrial uses except for arts and crafts and those industrial uses allowed by the Zoning regulations in commercial zones;

c) Gasoline stations, unless a gas station exists or previously existed on the site and only at the location and intensity as the previously existing operations;[1]

d) Automobile repair shops;

e) Automobile washing and cleaning establishments;

f) Motor vehicle dealers;

g) Regional Shopping Centers;[2]

h) Single occupancies of over thirty thousand (30,000) square feet except when used for a retail food supermarket, restaurant, office space, movie theater or other public assembly hall, hotel, or motel.

45.4.1 Limitations: Outdoor food and/or beverage consumption shall be allowed on the premises where served when all of the following conditions shall have been met:

c) The dispensing and receipt of said food and/or beverage takes place within the enclosed building where the food and/or beverages are prepared or by waiter or waitress service.

d) There shall be no pedestrian access from the outdoor consumption area to automobile parking areas except through the building or other indirect means. Said outdoor consumption area shall be completely screened from all parking areas.

45.4.2 Further Limitations: The Commission may limit the amount of development approved in any application for either of the following reasons:

c) The application exceeds the 15-year[1] projection of need.

d) The application has an excessive amount of commercial use proposed for a given site when compared to the projection of need, or the size of the site.

In order to assist the Commission in comparing the application to the 48-acre maximum 15-year projection[1], the following calculation shall be submitted as part of the application under this section:

The applicant shall divide the commercial and business square footage proposed, by the square footage per acre allowed in a C-3 zone under the Town of Cheshire Zoning Regulations, including the required parking and all requirements of Sec. 32, Schedule B, for the C-3 zone.

The resultant figure shall be an acreage equivalent figure showing how many acres would be needed by the applicant had his proposal been submitted under C-3 zoning.

45.5 Special Design Project: In acting on any application for a special design project, the Planning and Zoning Commission shall conform to the following procedure:

45.5.1 Procedure: The Planning and Zoning Commission shall hold a public hearing on the application in the same manner as required for amendment of these regulations. Not less than 14 days prior to the hearing, in addition to the information required by law, the applicant shall cause to be submitted the following:

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1 See Page 2, Commercial Plan Chapter-Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, as may be amended.

2 A Regional Shopping Center is one that has one or more large major department store tenants. See Characteristics of Shopping Centers, Planning Design Criteria, Joseph DeChiara & Lee Koppelman, Van Nostrand Reinhold Company, 1969.

a) A report of the Fire Marshal;

b) A report from the Traffic Authority and, if deemed necessary, a traffic survey prepared by a qualified professional engineer, including traffic counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;

c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;

d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;

e) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information on which to arrive at a decision on a special design application.

45.5.2 Waiver: The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a special development project.

45.6 Standards and Findings: The Commission may approve a zone change to a Special Development District provided that, in its judgement, the applicant has met the following standards:

u) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of this Special Development District regulations, the Cheshire Plan of Development, and the laws and standards for zone changes and amendments in the State of Connecticut.

v) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.

w) The report from the Fire Marshal, Town Engineer and Traffic Authority does not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided.

x) Any internal circulation system encourages pedestrian use and discourages automobile traffic.

y) Separation of vehicular and pedestrian traffic is maintained wherever possible.

z) Adequate on-site parking for the proposed development is provided.

aa) Increased storm water run-off will be minimized wherever retention is possible and that all proper and necessary easements will have been obtained by the applicant.

bb) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and its existing Town Center neighbors and would show design merit.

cc) The perimeter edge of the proposed development relates to existing development with respect to such things as scale, setback, and the like.

dd) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.

ee) The amount of commercial use proposed (in equivalent commercial acres) is not excessive for the site as proposed, as a portion of the 48-acre Special Development District maximum commercial development.[1]

ff) The Open Space System including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.

gg) Open Space set aside or established pursuant to the proposed application site plan shall be made available for public use. The Open Space land shall be held in ownership by the applicant landowner and shall be subject to an agreement with the Town to be filed on the Land Records at the time of approval regarding the applicant landowner's responsibility for maintenance of said Open Space.

hh) In applications which include residential units, the density of proposed residential units per acre is stated clearly with a comparison to that which

ii) would normally be allowed in the zone, and that such increased density request is not excessive and is of benefit to the Town.

jj) In applications which include residential units, related recreational or park-like areas shall be shown and that access to residential units and facilities shall be adequately separated from access to other uses and also shall be adequately buffered from traffic and noise.

kk) The residential units proposed will assist in meeting the housing needs of Cheshire.

ll) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

mm) Phases of development as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.

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[1] Commercial Plan Chapter – Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, Page 2.

nn) The Special Development District will be served by public water and public sewers and that all utilities will be underground.

45.7 Approval of Special Development District: The Commission shall approve, disapprove, or approve with conditions, the special regulations and plan, in the manner as required by law for approval of a zone change.

45.7.1 Performance Bond: As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45.7.2 Time Limitation: Any development authorized as an approved Special Development District shall be established and any construction authorized thereby shall be completed within a period of five (5) years[1] after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

45.7.3 Filing: A certified mylar or equivalent black and white copy of the approved Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days

following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved special plans and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

45.7.4 Establishment of District: Upon approval of the special regulations and plan, the Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The special design project shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

45.8 Amendments: Amendments to any previously established Special Development District may by made by the Commission following the same procedure used for the establishment of a Special Development District. Such amendments need not meet the three acre minimum requirements as per Section 45.2.

SECTION 45B [1] INTERCHANGE SPECIAL DEVELOPMENT DISTRICT (I-C.S.D.D.).

45B.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Interchange Special Development District Regulations, is to permit modification of the strict application of these Zoning Regulations for the following purposes:

45B.1.1 To create diversity in the economic base of the Town of Cheshire by providing for a zone classification known as the Interchange Special Development District (I-C.S.D.D.) within which developments, including Mixed Use Development(s), providing for flexibility in use and design shall be allowed pursuant to this section of the Cheshire Zoning Regulations. Only areas within the Interchange Zone (I-C), but not the R40/I-C Zone, as of the effective date of these regulations may be considered for a change to Interchange Special Development District (I-C.S.D.D.). Developments within the I-C.S.D.D. shall be known as Interchange Special Development Projects;

45B.1.2 To permit tracts of land, including subdivisions of tracts, to be developed and designed as harmonious units consistent with the character of the town, the purposes of these regulations, and any Plan of Conservation and Development adopted by the Planning and Zoning Commission;

45B.1.3 To permit the establishment of uses that are not otherwise permitted under Section 48, Interchange Zone Regulations, but which would be beneficial to and consistent with the orderly development of the properties located in the Interchange Zone (I-C);

45B.1.4 To permit residential uses that shall be integrated with and demonstrably enhance the overall development, and which complement the other uses in the proposed I-C.S.D.D.;

45B.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would create a friendly pedestrian atmosphere. Such development shall include design ambiance, and open, activated edges to open space areas.

45B.2 Location. Interchange Special Development Project applications shall be considered only when the proposed project is served by public water and sewer and has frontage and access on Connecticut Route 10 (Highland Avenue), or is contiguous to and coordinated with an approved Interchange Special Development Project. Contiguous shall mean abutting against an approved Interchange Special Development Project. All projects must be located on property entirely within the Interchange Zone and designated I-C (Not R-40/I-C) on the official zoning map of the Town of Cheshire.

[1] Approved 5/29/19; effective 6/21/19

45B.3 Application. Application for approval of an Interchange Special Development District for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by a Petition For a Zone Map Change pursuant to the provisions of Section 70 of these Regulations requesting a change in the underlying I-C Zone to I-C.S.D.D., and the required application fee made payable to "Collector, Town of Cheshire," together with nine (9) copies of the following:

45B.3.1 Site Map. A map compiled from the Town of Cheshire Assessor's Maps and Town Topographical Map, sealed and prepared by a licensed land surveyor showing the area to be changed to I-CSDD and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's records within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration, existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45B.3.2 Special Regulations. A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the Interchange Special Development Project shall be drafted by the applicant, approval of which shall be subject to review and modification at the discretion of the Planning & Zoning Commission as provided herein. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer areas. Any increase to the existing height limitation of 50’ for the ICZ must be accompanied by additional setback requirement of two feet for each one-foot of structure height for that portion of any building where increased height is requested. No portion of any structure may exceed 65’ of building height as defined within these regulations. Residential structures shall not exceed 50 feet in height.

b) Sign standards

c) Architectural and Landscaping standards including:

i) Physical elements which shall include the relationships between the buildings and proposed and existing streets, pedestrians and vehicles, and public and private spaces
ii) Site design and building forms which create a place that establishes a continuous neighborhood
iii) Architectural characteristics that fit and enhance the character of the local neighborhood within which they are set
iv) Landscaping elements that provide screening, visual contrast, protect scenic views and integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation

d) Standards for covenants for continued maintenance of utility, open space and recreational elements.

e) Parking requirements

f) Time limits or consecutive limits for phase and total development

g) A list of proposed permitted uses, standards, and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45B.3.3 Special Development Plan. A plan of the entire proposed Interchange Special Development District (the "Special Development Plan") showing in schematic fashion, the areas of proposed development with the following elements:

Potential use areas and the acreage assigned to each.

Preliminary vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access management strategies, parking barriers, walk, recreational, and bicycle ways, curb cut and crossing locations on existing and proposed streets.

Potential open space areas, such as parks, lawn areas, recreation and natural spaces.

Schematic layouts of utility systems, including water, sewerage, and drainage.

Potential location of buildings and other structures, indicating feasibility in relation to the above elements.

Proposed Architectural and design features.

Proposed boundaries for stages of development within the district, if applicable.

45B.4 Prohibited Uses. Prohibited uses in an Interchange Special Development District shall include:

a) All uses prohibited in Sections 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.

b) Industrial uses except for arts and crafts, those industrial uses allowed by the Zoning Regulations in commercial zones, and industrial uses allowed in the I-C Zone;

c) Motor vehicle repair shops, requiring licensing by the State of Connecticut; provided this section shall not prohibit the installation of aftermarket accessories sold by the primary occupant, including but not limited to cell phone accessories, stereo systems, alarms, remote starters and the like;

d) Motor Vehicle washing and cleaning establishments;

e) Motor vehicle dealers

45B.5 Interchange Special Development Project. Prior to acting on any application for an Interchange Special Development Project, the Planning and Zoning Commission shall adhere to the following procedure:

45B.5.1 Procedure. The Applicant shall file an application in the same manner as required for a Special Permit Approval, under Section 40~~1~~ of these Regulations. Each lot within a subdivision approved as an Interchange Special Development District (I-C. S.D.D.) shall be considered separately for approval as an Interchange Special Development Project and shall comply with the Interchange Special Development Project requirements and the Special Regulations approved pursuant to Section 45B.3.2 at the time of application pursuant to Section 45B.5. In addition, if not required by the Special Permit Regulations and the Special Regulations, the applicant shall cause to be submitted the following:

a) A report of the Fire Marshal;

b) A report from the Local Traffic Authority and a traffic study prepared by a qualified professional engineer, including traffic counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;

c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;

d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;

e) A storm water management study that calculates existing and post development drainage and discusses the choices and rationale for management of these flows;

(f) A fiscal impact study including, but not limited to: the anticipated change in the Grand list, the effect on Town services to be provided and their anticipated costs, and a projection of the changes in these items for the next five years;

g) An Environmental Assessment of the site;

h) A report, when applicable, describing the Archaeological Characteristics of the site;

i) A market study for any residential units proposed within the development;

j) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information on which to arrive at a decision on an Interchange Special Development Project application.

45B.5.2 Waiver. The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for an Interchange Special Development Project.

45B.6 Standards and Findings. The Commission may approve a zone change to an Interchange Special Development District and an Interchange Special Development Project, only if in its judgment, the applicant has met all the following standards and the Commission finds that the zone map change and Special Development Project are in the best interests of the town:

a) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of these Interchange Special Development District (I-C.S.D.D.) regulations, the Cheshire Plan of Conservation and Development, and the laws and standards for zone changes and amendments in the State of Connecticut.

b) The proposed project is designed with recognition of a site's context and character.

c) That the natural features of the land have been considered as design determinants.

d) That important historic and archaeological characteristics have been respected and considered as design determinants.

e) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.

f) There will not be any significant public safety or fire protection problems and that emergency access is adequately provided.

g) Any internal circulation system encourages pedestrian use and provides linkage throughout a development to the maximum extent possible.

h) Separation of vehicular and pedestrian traffic is maintained to the greatest extent possible.

i) Adequate on-site parking for the proposed development is provided, consistent with items f) through h), above.

j) Storm water run-off will be controlled wherever retention or detention is possible and that all proper and necessary easements will have been obtained by the applicant.

k) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and would show design merit.

l) The perimeter edge of the proposed development relates to existing development with respect to scale and setback.

m) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.

n) The open space system including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.

o) Open space set aside or established pursuant to the proposed Special Permit application and Special Regulations shall be made available for public use or established as a conservation area. Unless approved by action of the Town Council, the Town of Cheshire shall have no responsibility for the open space areas or their uses.

p) Recreational or park-like areas related to residential units shall be shown.

q) Any residential units proposed will be beneficial to the Town of Cheshire, satisfy a demonstrated need within the local housing market, and be integrated with and demonstrably enhance the overall development.

r) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

s) Interchange Special Development Projects will include provisions for suitable water supply and sewage disposal in accordance with applicable standards of the Town of Cheshire, the Connecticut State Health

Department, and the Connecticut State Water Resources Commission. All utilities will be underground, except those items customarily placed aboveground such as hydrants, lighting fixtures, transformers, communications equipment and the like.

t) The overall project is in the best interest of the Town.

u) In the event the Commission does not approve the Petition For a Zone Map

Change from I-C to I-C.S.D.D., it shall not approve an application for an Interchange Special Development Project.

45B.7 Approval Conditions. Applications for Interchange Special Development Projects may be filed concurrently with the application for a Zone Change to And Approval As An Interchange Special Development District or subsequent to the Planning and Zoning Commission's approval of an Interchange Special Development District.

45B.7.1 All Applications for an Interchange Special Development Project, including those filed subsequent to the approval of a Zone Change to and Approval As an Interchange Special Development District, shall conform with the overall intent and context of the Special Development Plan; provided however, that allowed uses and their locations may differ from those shown on the Special Development Plan. As part of the Application for Interchange Special Development Project and the Special Permit application, the applicant shall file a revised Special Development Plan showing the proposed Interchange Special Development Project.

45B.7.2 Performance Bond. As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit or cause its contractors to submit a Cash Bond or Performance Bond, or another form of surety in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45B.7.3 Time Limitation. Any development authorized as an approved Interchange Special Development Project shall be established and any construction authorized thereby shall be completed within a period of five (5) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown, provided no approval, including all extensions, shall be valid for more than ten (10) years from the date the Interchange Special Development Project was first approved.

45B.7.4 Filing. A certified mylar or equivalent black and white copy of the approved Interchange Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved Special Development Plan and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

45B.7.5 Establishment of District. Upon approval of the Special Regulations and Special Development Plan, the Interchange Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The Interchange Special Design District shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

45B.8 Amendments. Amendments to any previously established Interchange Special Development District may be made by the Commission following the same procedure used for the establishment of a Interchange Special Development District.

SPECIAL REGULATIONS FOR I-C.S.D.D.[1]

I-C.S.D.D. The development of I-C.S.D.D. shall generally conform to the applicable sections of the Zoning Regulations of the Town of Cheshire and specifically the dimensional provisions applicable to the I-C Zone set forth in Section 48, Interchange Zone Regulations, of the Zoning Regulations of the Town of Cheshire as modified by Section 34.11 Signs Allowed in the Interchange Zone, Section 45B, Interchange Special Development District (I-C.S.D.D.) and as further modified below.

I. Development Standards:

a) Dimensional Requirements -

Minimum Lot Area – Sq. Ft.	40,000 sq. ft.
Minimum Lot Width	200'
Minimum Lot Frontage	50'
Minimum Setback Highland Avenue	50'
Minimum Setback from Street Line*	25'
Minimum Setback from Side Line	25'
Minimum Setback from Rear Line	50'
Maximum Height of Structure***	75’
Maximum Lot Coverage	No requirement
Landscaped space, undisturbed areas, lawns, watercourses and other non-impervious areas	20% of the entire I-C.S.D.D.

* 1-691 shall not be considered a street line, pursuant to Section 32, Schedule B**,** Dimensional Requirements, Footnote #3.

** Any increase to the height of a building in excess of 50' must be accompanied by an additional setback requirement for that portion of any building in excess of 50 feet in height. The additional setback requirement shall be one foot for each foot of additional structure height over 50’.

*** Any structure 75’ in height shall be located no less than 150’ from the Highland Avenue property line.

b) Residential Dimensional Requirements.

i) No dwelling shall extend within less than 15 feet of any other dwelling.

ii) No building shall exceed a length of 300 feet. Building facades shall include relief and articulation to appear residential in character.

iii) Dwelling units in single-family dwellings shall be limited to five (5) units per acre. Multi-family dwellings shall be limited to ten (10) units per acre.

c) Gasoline stations subject to the following conditions and certifications as required by the Connecticut General Statutes as amended.

a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 40,000 square feet.

b. All gasoline pump islands shall be located at least 25 feet from all lot lines.

c. No curb-cut shall be greater than 30 feet in width. All curb-cuts shall be clearly defined by curbing.

d. All accessory equipment or merchandise displayed outside shall be no more than 10 feet from the building with the exception that such merchandise and accessory equipment shall be permitted to be displayed on the pump island.

Gasoline Stations with Convenience Store.
Gasoline stations may include not more than a total of 6,500 sq. ft. of gross floor area, the use of which is for the sale of goods, primarily at retail, provided the site includes the required parking for both uses (pursuant to Sec. 33).

d) Off-Street Loading Areas. Side or rear loading areas shall be located a minimum of twenty (20) feet from any external property line. Said loading areas must be screened from view from adjacent streets and shall be located in such a way that in the process of loading or unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.

e) Storage Areas.

1) All outdoor storage shall be visually screened from access streets, highways and adjacent property. Said screening, which may include fencing, shrubs and trees, or any combination thereof, shall form a complete opaque screen up to a point eight (8) feet in vertical height, but need not be opaque above that point.

2) Outdoor storage shall include all company owned and operated motor vehicles, apart from passenger vehicles.

3) No storage shall be permitted within a street line set back.

f) Refuse Collection Areas.

1) All outdoor refuse collection areas shall be visually screened from access streets, highways, and adjacent property. Said screening shall form a complete opaque screen.

2) No refuse collection area shall be permitted within a street line set back.

g) Telephone and Electrical Service. All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view rom streets and adjacent property.

h) Exceptions. Whenever by declarations, easements, restrictions, covenants, or other appropriate documentation to be recorded on the land records of the Town of Cheshire, the Planning and Zoning Commission is assured that the approved Interchange Special Development District (I-C.S.D.D.) shall continue to comply with these Special Regulations and all approval conditions, Interchange Special Development Projects on contiguous lots which may be in separate ownership and except for the external property lines adjacent to properties not included in the Interchange Special Development District and the street lines adjacent to Highland Avenue, Dickerman Road, and any public Town roads within the Interchange Special Development District, shall not be required to meet these dimensional requirements, these landscaping requirements, the dimensional regulations of Section 32, Schedule B, the dimensional requirements of Section 48 or the requirements of Section 32.9 of the Zoning Regulations of the Town of Cheshire.

II. Parking Requirements:

Except where specific requirements are included below, the parking requirements of Section 33 of the Zoning Regulations of the Town of Cheshire shall apply in the I-C.S.D.D.

a) Adequate off-street parking shall be provided to accommodate all parking needs of the site. Required parking shall be provided on the site of the use served, or on a contiguous site, or on a site within 300 feet of the approved Interchange Special Development Project. Where parking is provided on a site other than the site of the use, the applicant shall insure the permanent availability of said parking site for the benefit of the use site by the filing in the Cheshire Land Records of a permanent easement running to the benefit of the use site (Dominant Estate) on and over the parking site (Subservient Estate); provided however, the easement may be mutual to both sites. Such easement shall be approved as to form by the Town Attorney prior to its recording. Said easement shall not be released or transferred so long as the use site requires the parking site in order to meet the provisions of these Regulations.

Parking Design Standards.

1) Each parking space, except for compact car spaces, shall constitute an area of not less than 162 square feet with a minimum width of nine (9) feet. Compact car spaces shall not be less than nine (9) feet in width and sixteen (16) feet in length. Compact spaces shall not exceed 25% of the total number of required parking spaces for the site. The location of the compact spaces is subject to approval by the Planning and Zoning Commission.

2) Layout: All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow

safe and convenient use of each required parking space by providing:

a) suitable driveways giving access to parking aisles and stalls;
b) safe pedestrian circulation within parking areas;
c) channelized traffic flow within parking areas;
d) suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space;
e) except for property lines adjacent to I-691, no space shall be located less than 10' from any external property line or 20' from any street line, and
f) parking areas shall be divided by permanent barriers, landscaped strips or raised walks. Said dividers shall be a minimum of eight (8) feet in width.

3) Lighting: Any lighting used to illuminate any required off-street parking or loading area shall be so arranged that the illuminated areas shall be confined essentially to the limits of the approved Interchange Special Development Project property where it originates. The maximum height shall be 25 feet.

4) Handicap Parking: Handicap Parking shall be provided pursuant to State of Connecticut Regulations.

5) Construction: All off-street parking and loading areas shall be suitably improved, graded, stabilized, drained, and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent, nor greater than 3 percent or 6 ½ percent in access drives. All parking areas shall be surfaced with asphalt or asphaltic concrete or other materials acceptable to the Planning and Zoning Commission and shall be defined by concrete, granite, asphalt or asphaltic concrete curbs, and all parking spaces shall be defined with lines.

6) Landscaping: Parking areas shall be landscaped in accordance with Section 33.8.1, Landscaping Design Standards.

7) Parking lots shall be designed to avoid creating large expanses of paving.

8) The parking areas shall contain interior landscaped areas equal to at least 5% of the gross parking lot area excluding perimeter drive aisles. One (1) shade tree not less than two (2) inches in caliper shall be planted within the interior landscaped areas for each ten (10) parking spaces or fraction thereof.

9) All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles and snow plowing.

10) Trees used in parking lots shall be Evergreen, Thornless Honey

Locust, Sugar Maple, Oak or similar hardy varieties, or existing trees where appropriately located.

11) The landscaped areas shall be designed and located to minimize unattractiveness of parking lots.

12) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

b) Requirements. All parking requirements for I-C.S.D.D. (1) shall be based upon the following parking criteria:

1) Retail, office and all other non-residential uses: One (1) space for each 200 square feet of floor area of finished space.
2) Residential: 1.5 spaces for each one bedroom dwelling unit, 1.75 spaces for each two bedroom dwelling unit and two spaces for each three bedroom unit.
3) Assisted Living, Convalescent Homes and the Like: One (1) space per every three (3) dwelling units and one (1) for every employee on the largest shift.

III. Landscaping: The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening, and landscaping material. A detailed landscaping plan shall be required as part of the final site plan. The landscaping plan shall include a detailed planting layout, planting schedule, and shall note the type and size of all plantings.

a) General Requirements.

1) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

2) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

b) Standards. The following minimum landscaping standards shall be met:

1) Streetline Setback. There shall be a landscaped strip equal to at least 30% of the required streetline setback along the property. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs.

One shade tree having a caliper of not less than 2" shall be planted within the front landscaped area for each 25' or fraction thereof of lot frontage.

2) Side and Rear Yards. All unpaved areas not utilized for parking and storage shall be landscaped utilizing lawn ground cover and/or shrub and tree material.

Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition but need not be landscaped.

Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, highways and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement when initially installed.

3) Boundary Areas. Boundary landscaping, if natural area is disturbed, is required on all exterior property lines. Said areas shall be placed along the entire length of these property lines or be of sufficient length to accommodate the number of required trees. Trees, equal in number to one (1) tree per twenty-five (25) lineal feet of each disturbed property line, shall be planted along such boundaries in addition to required ground cover and shrub material. Minimum width of exterior property line landscaping shall be twenty (20) feet.

4) Sloped Banks. All sloped banks greater than five to one and adjacent to public right-of-way shall be stabilized, planted and irrigated with full coverage in accordance with plans submitted and approved by the Planning and Zoning Commission.

5) Pedestrian Access. The Special Development Plan to be submitted to the Planning and Zoning Commission shall detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

IV. Signs Allowed in I-C.S.D.D.(1):

Unless modified by these Special Regulations, signage is controlled in I-C Zone by Section 34.11 of the Zoning Regulations of the Town of Cheshire and shall apply in the I-C.S.D.D.

The following signs are allowed in the I-C.S.D.D. (1), in addition to those allowed under Section 34.6.

The following signs may be illuminated and are allowed by permit, except if otherwise noted:

A) One freestanding sign at the northerly Route 10 intersection which may be a business identification, area identification, directory sign or a combination of the above, not exceeding the following dimensions: two-hundred (200) square feet in area per side, up to twenty (20') feet in height, and set back ten (10') feet from the street line

Two (2) freestanding signs at the southerly Route 10 intersection which may be a business identification, area identification, directory sign or a combination of the above, each not exceeding the following dimensions: two-hundred (200) square feet in area per side, up to twenty (20') feet in height, and set back ten (10') feet from the street line.

One freestanding sign located adjacent to Route 691 which may be a business identification, area identification, directory sign or a combination of the above, not exceeding the following dimensions: five-hundred (500) square feet in area per side, up to fifty-five (55') feet in height, and set back ten (10') feet from the Route 691 ROW line and two hundred (200') feet from Highland Avenue.

One freestanding sign at the Dickerman Road access driveway which may be a business identification, area identification, directory sign, or a combination of the above, not exceeding the following dimensions: one-hundred (100) square feet in area per side, up to ten (10') feet in height, and set back ten (10') feet from the street line.

B) Building Signs are allowed as follows:

1) One Primary Wall Sign per building occupant, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.

2) One Secondary Wall Sign per building occupant and/or customer entrance, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.

   a) For those lots bordering I-691 one additional wall sign is allowed for walls facing the highway. Such signs shall not exceed five (5) percent of the building wall to which it is attached.

   b) For multi-tenanted buildings, a sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.

3) One Blade Sign per building occupant which may be either a business, area identification or directory sign, not exceeding 6 sf in area per face.

4) One Door Identity / Logo per occupant entrance to be affixed at height of pull hardware. Not to exceed 12" in height.

5) One Window Decal per glass panel – to be affixed to inside face of tenant's storefront glass. Not to exceed 4" in height.

6) Mailing Address – occupant address number discretely affixed to storefront.

7) Site Banners – up to two banners per light pole – not to exceed 16 sq. ft. per face.

8) Awnings – Signage integral to storefront awnings shall be permitted.

C) Multiple freestanding directory/directional signs are allowed on properties with businesses located in two or more buildings. Such signs shall be located in areas designed to facilitate proper vehicular and/or pedestrian circulation. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed 60 square feet per face.

D) Off-Site directional signs: Signs described in Section 34.9G are allowed in the Interchange Special Development District Zone.

E) One (1) freestanding temporary identification sign listing the name of future tenants, responsible agent or realtor and the identification of the complex. The sign may remain until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or the tenant(s) are occupying said building(s), whichever occurs first. The sign may not exceed a maximum of forty (40) square feet, and may not be illuminated.

F) The provisions of Sections 34.14 and 34.15 shall not apply.

G) One freestanding sign for each parcel of land having frontage on a town or state road which may be either a business, identification, area identification, directory sign, or a combination of the above, not exceeding the following dimensions: thirty-two (32) square feet in area per side, up to ten (10') feet in height, and set back ten (10') feet from the street line.

V. Lighting: All lighting shall comply with Section 33.9 and Section 48.5 b) 3) of the Cheshire Zoning Regulations.

VI. Standards for covenants for continued maintenance of utility, open space and recreational elements:

A stipulation for approval of the Interchange Special Development Project shall require that all landscaped areas, undisturbed areas, conservation areas, and recreation areas, as shown on the approved plans shall remain as landscaped, undisturbed, conservation and recreation areas, and that it shall be the property owner's responsibility to maintain and preserve such areas.

VII. Time limits or consecutive limits for Phase and total development: Each Interchange Special Development Project will be completed within five (5) years of the date of approval of the Special Permit for that Special Development Project.

VIII. Proposed Permitted uses and, standards and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements:

Permitted uses shall include businesses where goods are sold or services are rendered primarily at retail, restaurants and other food service establishments with or without liquor

permits and with or without outdoor seating, breweries, hotels, banks and other financial institutions, business and professional offices, health and exercise facilities, movie theaters, service businesses, entertainment facilities, public spaces and facilities, gas stations with convenience stores with a total of not more than 6,000 square feet of gross retail floor area, and residential uses, including, but not limited to, multi family, assisted living, age restricted, convalescent homes and the like; provided, however, that none of the residential uses shall be allowed in Area A shown on the Special Development Plan.

IX. Property Owner's Association: The developer shall form a property owner's association, require all property owners within the I-C.S.D.D. to become members of the association, and require the association to maintain and repair all drainage facilities not owned by the Town of Cheshire and common areas according to town requirements.

[1] Approved 7/22/19; effective 8/9/19.

INTENTIONALLY LEFT BLANK

SECTION 46 FLOOD PLAIN MANAGEMENT REGULATION[1],[3]

46 Intent. It is the intent of the regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Cheshire by: the establishment of standards designed to

a) protect human life and public health;

b) minimize expenditure of money for costly flood control projects;

c) minimize the need for rescue and relief efforts associated with flooding;

d) insure that purchasers of property are notified of special flood hazards;

e) assume responsibility for their actions; and

f) to ensure continued eligibility of owners of property in Cheshire for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.

g) **46.1 Area of Applicability**.[2,4,5] The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated May 16, 2017, and accompanying Flood Insurance Rate Maps (FIRM), dated May 16, 2017 (Panels-09009C0134J, 09009C0142J, 09009C0144J, 09009C0161J, 09009C0163J, 09009C0281J, 09009C0282J, 09009C0283J, 09009C0284J, 09009C0303J), and December 17, 2010 (Panels – 09009C0136H, 09009C0137H, 09009C0138H, 09009C0139H, 09009C0141H, 09009C0143H, 09009C0280H, 09009C0301H), and other supporting data applicable to the Town of Cheshire, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on the FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS and FIRM are on file with the Town Clerk.

[1] Revisions per DEP, approved October 23, 1995; effective October 27, 1995 at 12:01 a.m.
[2] Amended 3/25/2002; effective 2/29/02 at 12:01 a.m.
3 Amended 4/26/10; effective 5/14/2010 at 12:01 a.m.

4 Amended 11/22/10; effective 12/17/2010 at 12:01 a.m.

5 Amended 5/8/17; effective 5/8/17.

46.2 Requirement. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, may be made within the "special flood hazard area" only in accordance with the requirements of this regulation.

46.2.1 Other Restrictions. This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

46.2.2 Interpretation. In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

46.2.3 Warning and Disclaimer. The degree of flood protection established by this regulation is considered reasonable for town wide studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside of "special flood hazard areas" will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Cheshire, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made hereunder.

46.3 Definitions.

General: Certain terms and phrases used in this regulation are hereinafter defined and explained. Otherwise, the words in this regulation shall have the meaning commonly attributed to them.

Addition (to an existing building) – means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal – means a request for a review of the Building Officer's interpretation of any provision of this regulation of a request for a variance.

Base Flood – means the flood having a one percent change of being equaled or exceeded in any given year.

Base Flood Elevation – is the particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zone A-A1-30.

Basement - means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway Wall – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building – means any structure built for support, shelter, or enclosure for any occupancy or storage.

Cost – means as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure.. In order to allow the Commission to determine the cost, the landowner must provide a detailed written contractor's estimate, but such estimate shall not be binding upon the Commission if other evidence of cost is available and the Commission finds that such evidence is more reliable or accurate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, shed, and gazebos. [1]

Development – means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.[1]

Elevated Building – means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads,) is completed before June 26, 1981[2], the effective date of the floodplain management regulations adopted by Cheshire.[1]

[1] Amended on April 26, 2010; effective May 14, 2010 at 12:01 a.m.
[2] Amended on 11/22/10; effective 12/17/10 at 12:01 a.m.

Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

[1]Federal Emergency Management Agency (FEMA) – means the federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – means fully enclosed areas that are suitable for regular occupancy by persons and not designed primarily for storage of goods or materials or for utility purposes. Such areas may be evidenced by heating or cooling fixtures, finished floors (tile, linoleum, hardwood, etc.), sheetrocked walls (whether or not painted or wallpapered), or other amenities such as furniture, appliances, lavatory facilities, and fireplaces.

Flood or Flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from

a) the overflow of inland waters and/or

b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study – is the official report by the Federal Emergency Management Agency. The report contains flood profiles, and the water surface elevation of the base flood.

Floodproofing – means any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town. The regulatory floodway is delineated on the Flood Insurance Rate Map, which is a part of this Regulation. For the purposes of these regulations, the term “regulatory floodway” is synonymous in meaning with the term “floodway.”

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

Floor – means the top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Functionally Dependent Facility - means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.[1]

Historic Structure – means any structure that is: a) listed individually in the National Register of Historic Places (a listing by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 1) by an approved state program as determined by the Secretary of the Interior or 2) directly by the Secretary of the Interior in states without approved programs.[2]

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure fully meets the requirements set forth in Section 46.9.[1]

Manufactured Home – means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision – a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

Market Value – means the market value of the structure, as determined by an independent appraisal by a professional real estate appraiser prior to the start of

[1] Amended March 25, 2002, effective March 29, 2002 at 12:01 a.m.
[2] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.
3 Amended November 22, 2010; effective December 17, 2010 at 12:01 a.m.

the initial repair or improvement, or[in]ra1 the case of damage, prior to the occurrence of the damage. [2]

Mean Sea Level – means, for purposes of the National Flood Insurance Program, North American Vertical (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.[2]

New Construction – means structures for which the "start of construction" commenced on or after June 26, 1981,[3] the effective date of this regulation (not the revision date), and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 26, 1981, the effective date of the floodplain management regulations adopted by Cheshire.[1,2]

North American Vertical Datum (NAVD) – as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.[1]

Recreational Vehicle – means a vehicle which is

1) built on a single chassis,

2) 400 square feet or less when measured at the largest horizontal projections;

3) designed to be self-propelled or permanently towable by a light-duty truck; and

4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this ordinance.

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.
2 Amended November 22, 2010; effective December 17, 2010 at 12:01 a.m.

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

Special Flood Hazard Area[1] – means the land in the floodplain within Cheshire subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined using the base flood elevations (BFEs) provided on the flood profiles in the Flood Insurance Study (FIS) for Cheshire. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH. The SFHA is also called the Area of Special Flood Hazard [1]

Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a (trailer) manufactured home.

Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure, which is:

1) the appraised value of the structure prior to the start of the initial repair or improvement, or

2) in the case of damage, the value of the structure prior to the damage occurring.

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "The term does not, however, include either:

1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living condition.

2) or: any alterations of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Trailer – includes "mobile home": and means any vehicle which is used, or is designed or intended to be used, for human habitation as sleeping or living quarters and which is or may be mounted on wheels or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may by carried.[1]

Variance – is a grant of relief from the requirements of this regulation, which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.

Violation – means a failure of a structure or other development to be fully compliant with Cheshire's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.[1]

Water Surface Elevation – means the height, in relation to the North American Vertical Datum (NAVD) 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.[1]

46.4 Standards.

46.4.1 General: In Special Flood Hazard Areas, all development shall conform to the standards hereinafter specified:

46.4.2 Anchoring: All new construction and substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.[1]

46.4.3 Construction Material and Methods: All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage.

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.4.4 Utilities: Water supply and sanitary systems shall conform to the following:

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system:

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

On-site sewage disposal systems shall be located to avoid impairment to them or contamination from then during flooding.

46.4.5 Facilities: Electrical, Heating, Ventilation, Plumbing, Air Conditioning Equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

46.4.6 Building Location and Floor Location: No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any Special Flood Hazard Area. Any new construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

a) be floodproofed so that, below the base flood elevation, the structure is watertight with wall substantially impermeable to the passage of water;

b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c) be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Inspector of the Town of Cheshire as set forth in Par. 46.13.3.

[1]46.4.7 Compensatory Storage: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and in a location not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to an

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

including the 100-year elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage may be approved off-site only if approved by the Commission .

46.4.8 Equal Conveyance: Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments, shall not result in any (0.0 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.[1]

46.4.9 Aboveground Storage Tanks: Above-ground storage tanks (oil, propane, etc.) which are located outside or inside the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.[1]

46.4.10 Portion of Structure in Flood Zone: If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.[1]

46.4.11 Structures in Two Flood Zones: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)[1]

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.4.12 No Structures Entirely or Partially Over Water: New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.[1]

46.5 Floodways: Located within areas of special flood hazard are areas designated as floodways on the community's Flood Boundary and Floodway Map or as determined in Section 46.14.2. Floodways are extremely hazardous areas due to the velocity of floodwaters, which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

46.5.1 Encroachment:[1] There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other development unless certification with supporting technical data, by a registered professional engineer is

provided demonstrating, though hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments will not result in any (0.0 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

46.5.2 If the requirement of Sec. 46.5.1 is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this article.

46.6 Manufactured Homes. Manufactured homes shall be prohibited in special flood hazard areas, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a **lot** provided that it is elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and is anchored to an adequate foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.[1]

All recreational vehicles placed on sites within a special flood hazard area must be either: i) on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, Or ii) meet the elevation and anchoring requirements of a manufactured home. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.[1]

46.7 In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.

46.8 A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.9 Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii) The bottom of all openings shall be no higher than one foot above grade; and,

iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

B) Electrical, plumbing and other utility connections are prohibited below the base flood elevation;

C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

46.10 Standards for Streams without Established Base Elevations and/or Floodways.

46.10.1 Located within the areas of special flood hazard established in Section 46.1, where small streams exist but no base flood data has been provided, or where no floodways have been provided, the following provisions apply:

In AE zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development, or other development including fill, shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

A) The Building Official may request or accept floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or from any other source, the Town of Cheshire shall adopt a regulatory floodway. It shall be based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse. All developments must then meet the standards in subsections 46.4 to 46.9.

B) Where no base flood elevation (BFE) or floodway is available, the Building Official shall obtain, review and reasonably utilize any base flood elevation and/or floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding within the community, meet the standards in Subsections 46.4 to 46.10, as appropriate.

46.11 Administration. The Building Official of the Town of Cheshire is hereby designated to administer and implement the provisions of this regulation. The

Building Official shall have the responsibility and authority to grant or deny permit applications for development in Special Flood Hazard Areas in accordance with the provisions of this regulation. The Town Council may appoint deputies to assist and act for the Building Official.

Flood Hazard Area Permit: Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within Special Flood Hazards areas only after a Flood Hazard Area Permit therefore has been obtained. Application for a Flood Hazard Permit shall be made to the Building Official on forms furnished for that purpose by such Official and shall include at least

a) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question,

b) existing or proposed structures, fill, storage of materials and drainage facilities, and

c) the location of the foregoing.

46.11.1 Application Stage:

1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2) Elevation in relation to mean sea level to which any structure has been or will be floodproofed;

46.11.2 Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sec. 46.4.6.

46.11.3 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

46.11.4 Plans for any walls to be used to enclose space below the base flood elevation.

46.11.5 A statement as to whether there will be dry access to the structure during the 100-Year Storm Event. Where applicable, the following certifications by a registered engineer or architect are required, and must be provided to the Building Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of Sec. 46.4.

46.12 Construction Stage: Upon completion of the application portion of construction, the applicant shall provide verification to the Building Official of the following as is applicable:

46.12.1 Lowest floor elevation – the elevation to be verified for:

1) a structure in a Numbered A Zone is the top of the lowest floor (including basement);

2) a structure which has been floodproofed is the elevation to which the floodproofing is effective. Deficiencies detected by the review of the above listed shall be corrected by the permit progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

46.13 Duties and Responsibilities of the Building Official: Duties and responsibilities of the Building Official in the administration of the Regulation shall include but not be limited to the following:

46.13.1 Permit Application Review:[1]

a) Review all Flood Hazard Area Permit applications to determinethat the requirements of this regulation have been satisfied and to determine whether the proposed development and building sites will be reasonably safe from flooding

b) Review all such permit applications to determine that all other necessary permits have been received from those Federal, State or Town government agencies from which prior approval is required;

and

c) Require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: Water Division Dam Safety, Corps of Engineers 404.

46.13.2 Other Base Flood Date: When Base flood elevation data or floodway data have not been provided in accordance with Section 46.1, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer the standards of this Regulation.

[1] Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.13.3 Information To Be Obtained and Maintained:

a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

b) For all new and substantially improved floodproofed structures:

   i) verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed; and

   ii) maintain the floodproofing certification required in Section 46.13.1 (3).

c) Maintain for public inspection all records pertaining to the provisions of this Regulation; and

d) Submit an annual report to the Federal Emergency Management Agency.

46.13.4 Alteration of Watercourse:

a) Notify adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

b) Require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

46.14 Appeals and Variances

46.14.1 Appeal Board: The Zoning Board of Appeals of the Town of Cheshire shall hear and decide appeals and requests for variances from the standards of this regulation. Such Board shall have the following duties:

To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this regulation.

To issue variances from the standards of this Regulation, under the general considerations set forth in Sec. 46.14.2 and the conditions for variance specified in Sec. 46.14.3; and

To issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of Section 46.14.2.

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Section 46.14.3.

46.14.2 General Considerations: In passing upon applications for variance, the Zoning Board of Appeals shall consider

a) the technical evaluations and studies that are the basis for this regulation;

b) the standards of this regulation; and

c) the following:

- The danger that materials may be swept onto other lands to the injury of others;
- the danger of life and property due to flooding or erosion damage;
- the susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
- the importance of the services provided to the community by the proposed development;
- the necessity of a waterfront location for the function of the development;
- the availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- the compatibility of the proposed development with the existing and anticipated other development;
- the relationship of the proposed development to the Plan of Development for the Town and the flood plain management program for that area;
- the safety of access to the property; in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical; and water systems, and streets and bridges.

46.14.3 Conditions for Variance. The following are applicable to the issuance of variances by the Zoning Board of Appeals:

No variances shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.

Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:

a) a showing of good and sufficient cause;

b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing Town laws, ordinances and regulations.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to accord relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

46.15 Effective Date and Filing. A variance issued under this regulation shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the Office of the Cheshire Town Clerk and in the land records of the Town of Cheshire in the same manner as required for filing of variances from Zoning Regulations.

46.16 Notice and Records. The Town Planner shall notify the applicant for variance in writing that

a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance; and

b) such construction below the vase flood elevation increases risks to life and property.

The Town Planner's Office shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance, and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

46.17 Appeal to Court. Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this regulation, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Cheshire, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

46.18 Severability. If upon interpretation and/or application, any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

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SECTION 48 INTERCHANGE ZONE REGULATION[1]

48.1 Purpose: The purpose of these regulations is to encourage the effective and timely development of land for high quality office Industrial development surrounding the I-691/Route 10 Interchange. The delineation of the area to be known as the Interchange Zone (IC) is shown on the map entitled: "Proposed Zoning, Land Use Analysis and Plan of Development", dated April, 1985.

48.2 Permitted Uses. The following uses shall be permitted in the Interchange Zone by Special Permit, pursuant to Section 40. Used not specifically listed in this section shall be prohibited.

~~a)~~ Corporate Headquarters, Professional and Business Offices. The facility shall be located on a lot of not less than 3acres in area. [2]

b) Laboratories, Offices & Light Manufacturing. Research and development laboratories, offices, light manufacturing and uses devoted to the following, located on a lot of not less than 3 acres in area.[2]

1) Scientific Research and Development –

Research uses shall include theoretical and applied research in all the sciences, product development and testing, engineering development and marketing development.

2) Light Technology and Light Manufacturing –

Light industrial uses shall include manufacturing, fabricating, processing, converting, altering, assembling and testing, engineering development and marketing development of products. All activity of the industry shall be totally contained within the structure. There shall be no external indication of the inside processes by way of noise, smoke, odor, vibration or waste; menace by reason of fire, explosion, radiation or other physical hazards; harmful discharge of waste materials or unusual traffic hazards or congestion due to type or amount of vehicles required by or attached to the use. There shall be no outside storage, and the structure shall be architecturally compatible with other permitted uses in the Interchange Zone.

Permitted, incidental and accessory uses shall include offices, sales rooms, and storage for the wholesale distribution of items manufactured and/or assembled on the premises.

Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use. Truck terminals are prohibited.

[1] Adopted September 25, 1995, effective September 29, 1995 at 12:01 a.m. (Delete a Regional Mall as a permitted use in the Interchange Zone specifically Section 48, para. 48.1, 48.2.d, 48.3c., 48.5.a., 48.5.c.5.)
[2] Amended June 11, 2018, effective June 29, 2018 at 12:01 a.m.

3. Office and Administrative Functions.

c) Hotel and Conference Centers[1] – Or a combination, containing a minimum of 150 guest rooms. On-site ancillary activities may include restaurants, meeting rooms, retail stores, and recreation facilities. Recreation facilities shall be for the use of the guests and may be located outside the primary building but shall not be generally visible from outside the primary building. The facility shall be located on a lot having an area of 3 acres in area.[2]

d) The following shall be permitted as matter of right in the Interchange Zone: (1) Farms; (2) Truck Gardens; (3) Nurseries; (4) Forestry.

e) Residential – In the R-40/IC Zone, single family residential housing shall be allowed as a matter of right, subject to the dimensional requirements of Section 32, Schedule B, for the R-40 zone. Development other than residential shall be subject to the IC Regulations and the appropriate approvals. Birch Drive may not be used for access to development in the IC zone, other than for single family residential.

f) Existing Residential in the IC Zone – Notwithstanding the provisions of Section 24, Paragraph 24.7 of these Regulations, if any existing residential structure or non-conforming use located in the IC zone is destroyed by fire or casualty to the extent of more than 75% of the replacement cost at the time of its casualty, such structure may be reconstructed or repaired on its existing lot, provided that setback dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for a R-40 zone. Variances of setback requirements shall be obtained only through action of the Zoning Board of Appeals. In the event of failure to start such reconstruction or repair within a period of one year from such casualty and to complete the same within 24 months from such casualty, the right under this Section to reconstruct or repair such structure and the right to resume such non-conforming use shall be lost and terminated.

g) Parking Lots – Parking lots created to serve a use, which use is not located in the Town of Cheshire, are not permitted uses.

h)[3] **48.2, h):** Storage, warehousing, and distribution center buildings with truck servicing and storage incidental to the main use. Said truck servicing and storage may provide for servicing of vehicles owned and/or operated by the owner of the facility and vehicles which may deliver to or take merchandise from the principal use of storage, warehousing and distribution center buildings. All servicing that involves mechanical work or the changing of fluids shall be conducted within a building in a dedicated service area. Such vehicle servicing shall not be available to the general public or any vehicles not associated with the operation of the principal use as described in the previous sentence.

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[1] Amended May 27, 1986, effective June 6, 1986 – word "motel" deleted.
[2]Amended June 11, 2018; effective June 29, 2018 at 12:01 a.m.
3Amended October 25, 2021; effective November 13, 2021 at 12:01 a.m.

Storage, warehousing, and distribution centers may include lots for the storage of trailers. Said storage lots may be surfaced with pervious pavement, crushed stone, compacted gravel and similar surfaces to reduce stormwater runoff, and reduce the heat island effect.

48.3 Application. All applications for development within the IC zone shall be subject to the requirements of Section 40 of the Cheshire Zoning Regulations. In addition to the requirements of Section 40, the following additional information shall also be submitted to assist the Commission in reviewing applications:

a) Structure Analysis
   1) Building Shape and Location
   2) Building Compatibility to Adjacent Sites
   3) Elevations
   4) Roof Line
   5) Aesthetics (including architectural design)
   6) Screening of Mechanical Equipment – location and screening of refuse materials.
   7) Exterior Materials
   8) Storage Facilities

b) Traffic Impact Analysis A traffic impact analysis by a licensed traffic engineer registered in the State of Connecticut shall be required. The report shall include existing and projected traffic volumes (including average daily traffic, peak a.m. and peak p.m.), existing roadway capability, traffic accidents, existing and projected volume/capacity ratios, existing and projected levels of service, general assessment of the local and regional road network and recommended improvements, where applicable.

48.4 Development Standards.

a) Dimensional Requirements **- 3 Acres[1]**

Minimum Lot Area – Sq. Ft.	3 Acres[1]
Minimum Lot Width	300’
Minimum Lot Frontage	60’
Minimum Setback from Street Line*	100’
Minimum Setback from Side Line	50’
Minimum Setback from Rear Line	50’
Maximum Height of Structure**	50’
Maximum Lot Coverage	No requirement
Landscaped Space	40% of the site shall be developed as landscaped areas.

* I-691 shall not be considered a street line, pursuant to Section 32, Schedule B, Dimensional Requirements, Footnote #3.

** Maximum height of structure may be up to 65’ but only if all setback requirements are increased by two feet for each one foot structure height over 50 feet.

[1]Amended 6/11/18; effective 6/29/18 at 12:01 a.m.

Section 48.4, b: Off-Street Loading Areas: No loading space or access thereto shall be located less than 20 feet from any property line, street line, or residential boundary line. This setback requirement shall not apply for portions of properties that are adjacent to Interstate 691. Said loading areas must be screened from view from adjacent streets and shall be designed in such a way that in the process of unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.[1]

c) Storage Areas.

1) All outdoor storage shall be visually screened from access streets, highways and adjacent property. Said screening shall form a complete opaque screen up to a point eight (8) feet in vertical height, but need not be opaque above that point.

2) No storage shall be permitted between a frontage street and the building line.

d) Refuse Collection Areas.

1) All outdoor refuse collection areas shall be visually screened from access streets, highways, and adjacent property. Said screening shall form a complete opaque screen.

2) No refuse collection area shall be permitted between a frontage street and the building line.

e) Telephone and Electrical Service. All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent property.

48.5 Parking Requirements.

a) Adequate off-street parking shall be provided to accommodate all parking needs of the site. Required parking shall be provided on the site of the use served, or on a contiguous site, or on a site within 300 feet of the subject site. Where parking is provided on a site other than the site of the use, the applicant shall insure the permanent availability of said parking site for the benefit of the use site by the filing in the Cheshire Land Records of a permanent easement running to the benefit of the use site (Dominant Estate) on and over the parking site (Subservient Estate). Such easement shall be approved as to form by the Town Attorney prior to its recording. Said easement shall not be released or transferred so long as the use site requires the parking site in order to meet the provisions of these Regulations.

[1] Amended 10/25/2021; effective 11/13/2021

1) Each parking space shall constitute an area of not less than 180 square feet with a minimum width of nine (9) feet.
Compact car spaces shall not be less than nine (9) feet in width and sixteen (16) feet in length. Compact spaces shall not exceed 25% of the total number of required parking spaces for the site. The location of the compact spaces is subject to approval by the Planning and Zoning Commission, but shall be in one contiguous area.

2) Layout: All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each required parking spaces by providing:

a) suitable driveways giving access to parking aisles and stalls;
b) safe pedestrian circulation within parking areas;
c) channelized traffic flow within parking areas;
d) suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space;
e) no space shall be located less than 20' from any property line or street line, and
f) parking areas shall be divided into areas containing not more than 60 automobiles by permanent barriers, landscaped strips or raised walks. Said dividers shall be a minimum of eight (8) feet in width.
g) Parking lots shall be designed in accordance with an overall Access Management strategy that maintains mobility with effective ingress and egress to a facility, efficient spacing of driveways, and design to preserve the functional integrity and overall operational viability of the street system.[1]

3) Lighting: Any lighting used to illuminate any required off-street parking or loading area shall be so arranged that the illuminated areas shall be confined essentially to the property where it originates. The maximum, height of such lighting shall be 25 feet.

4) Handicapped Parking: Parking shall be provided for the physically handicapped.

5) Construction: All off-street parking and loading areas shall be suitably improved, graded, stabilized, drained, and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent, nor greater than 3 percent. All parking areas shall be surfaced with asphalt, asphaltic concrete or portland cement concrete and shall be

1 Amended 6/11/18; effective 6/29/18 at 12:01 a.m.

defined by portland cement concrete, granite curbs, and all parking spaces shall be defined with lines.

6) Landscaping: Parking areas shall be landscaped in accordance with Section 33.8, Landscaping Design Standards.

c) Requirements. Parking requirements for specific sites shall be based upon the following parking criteria:

1) Business and Professional Offices. Four (4) spaces for 1,000 square feet of net rentable area. The net rentable area of a building shall be computed using the definition found in the American National Standard, Z65.1-1980, copyright 1980.

2) Medical and Dental Offices. Five (5) spaces for each doctor or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.

3) Laboratories, Offices & Light Manufacturing. Two (2) parking spaces for each three (3) employees, but in no event less than three (3) spaces for each one thousand (1,000) square feet of gross floor area.

4) Hotels[1] One space for each guest unit plus employee parking on a demonstrated formula. Parking for restaurants, banquet rooms, retail shops shall be in accordance with Sections 33.1.5 and 33.1.7 of the Cheshire Zoning Regulations, and shall be in addition to guest and employee parking.

48.6 Landscaping. The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening, and landscaping material. A detailed landscaping plan shall be required as part of the application. The landscaping plan shall include a detailed planting layout, planting schedule, and shall note the type and size of all plantings.

a) General Requirements.

1) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.

2) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

[1] Work "motel" deleted. Amendment adopted May 27, 1986; effective June 6, 1986.

b) Standards. The following minimum landscaping standards shall be met:

1) Front Yard Setback. There shall be a landscaped strip equal to at least 60% of the required front yard along and contiguous to the front lot line of the property. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs.

One shade tree having a caliper of not less than 2" shall be planted within the front landscaped area for each 25' or fraction thereof of lot frontage.

2) Side and Rear Yards. All unpaved areas not utilized for parking and storage shall be landscaped utilizing ground cover and/or shrub and tree material.

Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition but need not be landscaped.

Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, highways and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement when initially installed.

3) Boundary Areas. Boundary landscaping is required on all interior property lines. Said areas shall be placed along the entire length of theses property lines or be of sufficient length to accommodate the number of required trees. Trees, equal in number to one (1) tree per twenty-five (25) lineal feet of each property line, shall be planted in the above-defined areas in addition to required ground cover and shrub material. Minimum width of property line landscaping shall be twenty-five (25) feet.

4) Sloped Banks. All sloped banks greater than five to one or six to one feet in vertical height and adjacent to public right-of-way shall be stabilized, planted and irrigated with full coverage in accordance with plans submitted and approved by the Planning and Zoning Commission.

5) Pedestrian Access. It is required of all developments in the area to submit a plan of pedestrian access to the Planning and Zoning Commission. Said plan will detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

48.7 Sign Requirements.

a) Sign Standards.

1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, blink, or move in any animated fashion, or to be directed so as to blind any vehicular traffic. Signs shall be restricted to advertising only the persons, firm, company, or corporation operating the use conducted on the site or the products sold thereon.

2) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line.

3) All signs attached to the building shall be surface mounted.

b) Permanent Identification Signs.

1) Ground Signs. One detached sign per lot not exceeding 100 square feet and located at least 20 feet back from the front property line. Ground signs shall not exceed ten (10) feet above grade in vertical height.

2) Wall Signs. In no event shall an identification sign placed on a wall comprise more than five (5) percent of the area of the elevation upon which the sign is located.

In the case of covered walls, interior walls or multiple tenancy buildings, one addition sign per occupancy, not in excess of four square feet, may be used to identify the major entrance to the occupancy, provided all such signs are of uniform design and construction.

Said signs shall be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.

Facia mounted identification signs shall be limited to two (2) facades for each building and structure.

c. Temporary Identification Signs

1) Sale or Lease Sign. A sign, advertising the sale, lease, or hire of the site, shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed a maximum area of forty (40) square feet.

2) Construction Sign. One (1) construction sign denoting the architects, engineers, contractor, and other related subjects, shall be permitted upon the commencement of construction. Said sign shall be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying said building(s), whichever occurs first. Said sign shall not exceed a maximum area of forty (40) square feet.

3) Future Tenants Identification Sign. A sign listing the name of future tenants, responsible agent, or realtor and identification of the complex shall be permitted. Said sign will be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or tenant is occupying said building(s), whichever occurs first. Said sign shall not exceed a maximum area of forty (40) square feet.

4) Directional Sign. Signs used to give directions, traffic or pedestrians or give instructions as to special conditions shall not exceed a total of six (6) square feet (double face) in area and shall be permitted in addition to the other signs in this section.

5) Exceptions. The above information may be grouped on a single sign when the aggregate surface area does exceed the summation of the individual areas for each use. This area may be distributed on all surfaces of the sign. This sign may not exceed four (4) feet above grade.

d) Special Purpose Signs. The following permanent sign shall be permitted:

Permanent Directional Sign. Signs used to give directions to traffic or pedestrians as to special conditions shall not exceed a total of six (6) square feet in area per face, double faced, and shall be permitted in addition to other signs permitted in these standards.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for development within the Interchange Zone is $300.00. Check to be made payable to "Collector, Town of Cheshire."

SECTION 49 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS[1]

49.1 Purpose. To minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development.

49.2 Activities Requiring a Certified Erosion and Sediment Control Plan. Any proposal for development that will cumulatively create more than one-half acre in area on land being developed must have a certified Erosion and Sediment Control Plan.

49.3 Exemptions. The grading activities associated with the construction of a single family dwelling that is not part of a subdivision will not require a certified Erosion and Sediment control Plan.

49.4 Erosion and Sediment Control Plan Submission.

1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.[2]

2) Said plan shall contain, but not be limited to:

A) A Site Plan drawn to a scale of not smaller than 100 feet to the inch shall include:

1) existing and proposed topography;

2) disturbed areas, identifying the extent of all clearing and grading activities;

3) proposed area alterations, including proposed structures, utilities, roads and property lines;

4) location of and detailed information concerning erosion and sediment control measures and facilities, which shall include:

a) soil types

[1] New section added effective July 26, 1985.
2Amended 9/22/08; effective 10/11/08

b) wetlands
c) watercourses
d) water bodies
e) design details and/or specifications
f) schedule of application/installation
g) application, installation and maintenance procedures
h) any storm water management facilities
i)

5) elements B.2 and B.3 of Section 4.2's narrative below.

B) A narrative describing the:

1) development project

2) application, construction details and maintenance program during and after installation of:

a) soil erosion and sediment control measures
b) any storm water management facilities

3) time schedule of:

a) development indicating the anticipated start and completion of the project
b) the stages of creating and stabilizing disturbed areas
c) grading operations
d) other major construction activities

4) design criteria including soil characteristics of the site relevant to erosion and hydrology;

5) background data, methodology and calculations used to design structural measures or facilities

C) Other information deemed necessary and appropriate by the Planning and Zoning Commission.

49.5 Minimum Acceptable Standards.

1) Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control,

as amended. Planning 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/or sedimentation. Planning shall consider off-site effects as well as on-site effects.[1]

2) The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control, as amended. The Planning and Zoning Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.[1]

3) An appropriate method as set forth in the Connecticut Guidelines for Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.[1]

4) Planned erosion and sediment control measures shall be installed as scheduled according to the plan.

5) All control measures shall be maintained in effective condition to ensure the compliance of the certified plan.

49.6 Issuance or Denial of Certification.

1) The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation; or certify with limitations or modification; or deny certification when the development proposal does not comply with these regulations or may cause hazards or damages adverse to the public safety and welfare.

2) The time limit for certification or denial of a soil Erosion and Sediment Control Plan shall be consistent with those stipulated in Chapters 124, and 126 of the General Statutes. The Soil Erosion and Sediment Control Plan will be reviewed simultaneously with the development proposal.[1]

3) The Commission may forward a copy of the development proposal to the conservation and/or Inland Wetlands Commission or other review agency/consultant for review and comment.

1Amended 9/22/08; effective 10/11/08

49.7 Conditions Relating To Soil Erosion and Sediment Control.

1) The estimated costs of measures required to control soil erosion and sedimentation during and after development that are a condition of certification of any modified site plan shall be covered in a performance bond acceptable to the Planning and Zoning Commission.

2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures scheduled prior to site development are installed and functional.

3) The Commission may require the applicant submitting the erosion and sediment control plan to certify in writing upon installation of control measures or facilities, that such controls were installed according to the plan.

49.8 Inspection. Municipal inspection during development shall ensure compliance with the certified plan and that control measures are properly performed, installed and maintained.

49.9 Enforcement. Enforcement of this regulation shall be carried out as specified under General Statute Sections 8-3 and 8-12.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION 50 INTENT.

It is the intent of these Regulations that all questions arising in connection with the enforcement or the interpretation of these Regulations (except as otherwise expressly provided herein) shall be first presented to the Zoning Enforcement Officer and that such questions or actions shall be presented to the Zoning Board of Appeals only on appeal from the Zoning Enforcement Officer, or decisions of the Planning and Zoning Commission where applicable, and that from the decisions of the Zoning Board of Appeals, recourse shall be taken to the courts as provided by law.

SECTION 51 ENFORCEMENT OFFICER.

These Regulations shall be enforced by the Zoning Enforcement Officer, subject to appropriate supervision and direction by the Planning and Zoning Commission. The Zoning Enforcement Officer is authorized to cause any building, structure, premise or use to be inspected or examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations. The Enforcement Officer shall review with the Commission any action of his which is disputed.

SECTION 52 ZONING PERMIT REQUIRED.

No land shall be used and no building or structure shall be used, erected, moved, enlarged, or structurally altered (and no building permit shall be issued) until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer.

Agricultural greenhouses used for plant production shall be exempt from obtaining a zoning permit provided the applicant submit a copy of their valid "Farmer Tax-Exemption Permit" to the Building Inspector. All Greenhouses shall comply with Section 32.5, Visibility at Intersections.

A zoning permit is not required for repairs or alterations to existing buildings or structures, the cost of which, including a reasonable charge for labor, shall not exceed the sum of $3000.00 and does not change the use thereof. A zoning permit shall also be required for signs as specified in Section 34.[1]

52.1 Applications. An application for a permit shall be accompanied by a fee of $25.00 and filed with the Zoning Enforcement Officer in triplicate on a form to be provided by the Planning and Zoning Commission. For new buildings or structures or external structural changes to a building or structure, the application shall include a plot plan of the premises showing the location and size of the proposed building, dimensions of the lot and of all required open spaces. Other information may be required by the Planning and Zoning Commission to determine that the proposed project complies with these Regulations.

52.2 Time Limits. A permit shall be void if the work described therein is not commenced within a period of one year from the date of issue and diligently prosecuted to completion.

52.3 Sanitary Permit. No zoning permit shall be issued by the Zoning Enforcement Officer for the erection of a new building or structure until a Sanitary Permit shall have been first obtained from the Town Health Officer of the Town of Cheshire or his agent.

52.4 Structures to Have Access. See Section 32.9.[2]

SECTION 53 VIOLATIONS.

Any person, firm or corporation violating any provision of these Regulations shall be subject to the remedies and penalties prescribed by the Connecticut General Statutes as amended.

[1] Amended November 24, 2003; effective December 5, 2003 at 12:01 a.m.
[2] Amended September 1, 1975.

ARTICLE VI
ZONING BOARD OF APPEALS

SECTION 60 POWERS AND DUTIES.
The Zoning Board of Appeals shall have the following powers and duties:

60.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations (Section 8.6 of the State Statutes).

60.2 Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of these Regulations where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship. (Financial detriment shall not be considered an unnecessary hardship.) A variance from the terms of these Regulations shall not be granted by the Zoning Board of Appeals unless and until:

60.2.1 A written application for a variance is submitted demonstrating:

a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

b) That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations;

c) That special conditions and circumstances do not result from the actions of the applicant. Purchase or lease of property shall not constitute such an "action" in this instance;

d) That granting the variance requested will not confer upon the applicant any special privilege that is denied by these Regulations to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

60.2.2 Notice of public hearings shall be given as prescribed in Section 8-7, Chapter 124 of the 1958 Revision of the Connecticut General Statutes as amended. Enhanced notice shall be given as required by Section 26 of these Regulations.[1]

[1] Amendment effective December 1, 1995.

60.2.3 The public hearing shall be held. Any party may appear in person, or by agent or by attorney;

60.2.4 The Board of Appeals shall make findings whether or not the requirements of Section 60.2.1 have been met by the applicant for a variance;

60.2.5 The Board of Appeals shall further make a finding whether or not the reasons set forth in the application justify the granting of the variance, and assure that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure;

60.2.6 The Board of Appeals shall further make a finding whether or not the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

60.2.7 Approval of a variance under this section shall be conditioned upon the applicant's filing of the variance on the Cheshire Land Records as per the requirements of Public Act 75-317. Said filing must take place within 30 days of the approval.[2]

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Section 53 of these Regulations. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of these Regulations in the district involved, or any use expressly or by implication prohibited by the terms of these Regulations in said district.

60.3 Board Has Powers of Zoning Enforcement Officer on Appeals; Reversing Decision of Administrative Official. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of these Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Enforcement Officer from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer to decide in favor of the application of any matter upon which it is required to pass under these Regulations, or to effect any variation in the application of these Regulations.

60.4 Other. The Board shall have such other powers and duties as provided in the Connecticut General Statutes as amended.

[2] Amendment effective April 29, 1976.

ARTICLE VII
AMENDMENTS AND LEAGAL STATUS PROVISIONS

SECTION 70 AMENDMENTS.

These Regulations and the Official Zoning Map may be amended by the Planning and Zoning Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the Connecticut General Statues. For petitions covering Zoning Map changes, enhanced notice shall be given as required by Section 26 of these Regulations. All petitions for amendment shall be submitted in writing at a regular meeting of the Planning and Zoning Commission on forms prescribed by the Commission and shall be accompanied by the following:[1]

> **70.1 Map.** For petitions concerning the Zoning Map, two copies of a map shall be submitted, drawn to s scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the Cheshire Assessor's records.
>
> **70.2 Fee.** A check made payable to the Collector, Town of Cheshire, Connecticut, in the Amount of $100.00.

SECTION 71 CONFLICTING REGULATIONS.

These Regulations are not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Town of Cheshire, or any easements, covenants or other agreements between parties. However, if the requirements of any other lawfully adopted rules, regulations or ordinances of the Town of Cheshire or with easements, covenants or agreements between parties, the more restrictive or that imposing the higher standards shall govern.

SECTION 72 VALIDITY.

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 73 EFFECTIVE DATE.

These Regulations, and any amendment or change, hereto, shall be in full force and effect from the date established by the Planning and Zoning Commission in accordance with the Connecticut General Statutes as amended.

(70/71/72/73)

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[1] Amendment effective December 1, 1995.

SECTION 80 WIRELESS TELECOMMUNICATION FACILITIES[1]

Section 80.1. Legislative Findings

80.1.1 The Commission adopts the findings of the Connecticut State Legislature, set forth in Section 16-50g of the General Statutes, as amended, that wireless telecommunication facilities have had a significant impact on the environment and ecology of the State and that continued operation and development of such facilities, if not properly planned and controlled, could adversely affect the quality of the environment and the ecological, scenic, historic, recreational, and public safety values of the State, including the Town of Cheshire.

80.1.2 The Commission adopts the findings of the Connecticut State Legislature, set forth in Section 16-50aa of the General Statutes, as amended, that the sharing of wireless telecommunication towers for fair consideration whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers and is in the public interest.

Section 80.2. Statement of Purposes

80.2.1 This Section 80 is adopted to establish standards and procedures for reviewing and deciding permit applications filed with the Commission concerning the siting of those proposed wireless telecommunication facilities which are subject to the Commission's jurisdiction.

80.2.2 This Section 80 is adopted to establish standards and procedures for review of and comment on "consultation filings" regarding proposed wireless telecommunication facilities which are subject to review and comment by the Commission to the Connecticut Siting Council pursuant to Section 16-50l(e) of the General Statutes, as amended.

80.2.3 This Section 80 is adopted to establish standards and procedures to enable the Commission to review and decide or review and comment on (as appropriate) the placement of proposed wireless telecommunication facilities in order to protect the health, safety, and welfare of the residents of the Town of Cheshire;

80.2.4 This Section 80 is adopted to provide for placement locations for wireless telecommunication facilities consistent with the Town Plan of Conservation and Development and these Regulations;

80.2.5 This Section 80 is adopted to minimize the adverse effects of wireless telecommunication facilities through proper design, siting, and screening;

80.2.6 This Section 80 is adopted to avoid damage to adjacent properties from wireless telecommunication facilities; and

[1] Amendment Adopted June 23, 2003; effective June 27, 2003 at 12:01 a.m.

80.2.7 This Section 80 is adopted to promote the sharing of towers and co-location of wireless telecommunication facilities whenever technically, legally, environmentally, and economically feasible to avoid the unnecessary proliferation of towers in the Town.

Section 80.3. Definitions

80.3.1 When used in this Section 80, the following words shall have the meanings set forth as follows:

Antenna: A device used to receive and/or transmit radio-frequency signals.

Antenna Height (Tower Height): The vertical distance measured from the ground elevation of the antenna support structure to the highest point of the structure (including any antenna or other appurtenances).

Applicant: The person or entity filing and pursuing a permit application with the Commission pursuant to Section 80.5 of these Regulations.

Base: The top of the foundation or equivalent surface which will bear the vertical load of the tower.

Co-Location (Co-Located): The use of a single mount by more than one licensed provider and also means locating a wireless telecommunication facility on or in an existing structure (for example, a water tower) or building.

Commission: The Planning and Zoning Commission of the Town of Cheshire.

Consultation Filer (Filer): The person or entity filing and pursuing a consultation filing with the Commission pursuant to Section 80.5 of these Regulations.

Consultation Filing: The filings required to be made with a municipality pursuant to Section
16-50-l(e) of the General Statutes, as amended, and with Section 80.5 of these Regulations.

Equipment Shelter: An enclosed structure, cabinet, shed, or box located at the base of the mount designed or used to house equipment used in connection with wireless telecommunication facilities.

Facility ("Facilities" or "Wireless Telecommunication Facility"): All facilities (including mounts, towers, antennas, associated equipment, and other appurtenances designed or used to provide wireless telecommunication services.

Filer (Consultation Filer): The person or entity filing and pursuing a consultation filing with the Commission pursuant to Section 80.5 of these Regulations.

Land Mobile Provider ("Provider"): A company authorized by the Federal Communications Commission (FCC) to construct and operate a wireless telecommunication facility.

Mount: The structure or surface upon or within which antennas and associated equipment are installed, including the following four types of mounts: Roof-mounted (mounted on the roof of a building or structure), Side-mounted (mounted on the side of a building or structure), Ground-mounted (mounted on the ground), and Structure-mounted (mounted on or within a building or structure).

Municipal Telecommunications Facility or Facilities: Wireless telecommunication facilities intended solely for municipal use (for example, fire, police, ambulance, etc. purposes).

Permit Application: The filings required to be made with the Commission pursuant to Section 80.5 of these Regulations.

Provider ("Land Mobile Provider"): A company authorized by the Federal Communications Commission (FCC) to construct and operate a wireless telecommunication facility.

Regulation(s): The Zoning Regulations of the Town of Cheshire, as amended.

Security Barrier: A locked, impenetrable wall, fence, or berm that completely seals an area from trespass or other unauthorized entry.

Siting Council: The Connecticut Siting Council.

Tower: A mount structure (whether freestanding or attached to a building or other structure) that is designed or used to support one or more antennas.

Tower Height (Antenna Height): The vertical distance measured from the ground elevation of the antenna support structure to the highest point of the structure (including any antenna or other appurtenances).

Wireless Telecommunication Facility ("Facility" or "Facilities"): All facilities (including mounts, towers, antennas, associated equipment, and other appurtenances designed or used to provide wireless telecommunication services.

80.3.2 Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the following sources: First to Section 23 of these Regulations, then to the General Statutes, and finally to Webster's Third New International Dictionary, all as may be amended.

80.3.3 Reference to federal, state, and local laws and regulations in this Section 80 include those laws and regulations as they may be amended from time to time.

80.4.1 Subject to the provisions of Section 80.4.4, below, the Commission has permitting jurisdiction over the following wireless telecommunication facilities:

A. Municipal telecommunication facilities.

B. Replacements of municipal telecommunication facilities.

C. Antennas on, or within, non-towers, that is, buildings or structures (e.g., water towers, steeples etc.).

80.4.2 All other wireless telecommunication facilities are under the jurisdiction of the Siting Council.

80.4.3 If by judicial, legislative, or regulatory act, the permitting jurisdiction of municipalities or their agencies is expanded to include other types of wireless telecommunication facilities, these Regulations shall be interpreted to include such facilities within the Commission's permitting jurisdiction as set forth in subsection 80.4.1 of this Section.

80.4.4 Waiver for Municipal Telecommunication Facilities

A. In accordance with the purposes of this Section 80 and pursuant to this Section 80.4.4, the Commission may waive all or part of the provisions of this Section 80 for municipal telecommunication facilities.

B. All waiver requests shall be in writing and shall be submitted to the Planning Office at the same time the application/filing is submitted. The waiver request shall set forth the reasons for the waiver and the specific provisions sought to be waived.

C. The Commission shall not approve a waiver request unless it makes the following findings:

1. Strict compliance with provisions of this Section 80 is not required to protect the public health, safety, and welfare;

2. Due to special circumstances and conditions, compliance is not reasonably feasible or would result in unnecessary municipal costs; and

3. The waiver granted is the minimum necessary to enable construction of the municipal telecommunication facility.

D. When deciding whether or not to grant a waiver request, the Commission shall consider the following:

1. All documentation and information (including technical evaluations and studies) submitted to support the request;

2. The purposes and standards of review of this Section 80 set forth in Sections 80.2 and subsection 80.7, respectively;

3. The importance of the municipal telecommunication services to be provided to the community and the public by the proposed facility;

4. The necessity of using the proposed location for the proposed municipal telecommunication facility and the availability of alternative locations;

5. The necessity of using the proposed design for the proposed municipal telecommunication facility and the availability of alternative designs;

6. The compatibility of the proposed municipal telecommunication facility with the Town Plan of Conservation Development; and

7. The impact of the waiver on the public health, safety, and welfare.

E. Approval of a waiver request requires an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes, after a duly noticed and held public hearing.

F. The Commission shall state upon the record the reasons for granting the waiver and shall impose such conditions as the Commission deems necessary to protect the public health, safety, and welfare; to mitigate the facility's visual impact on, and to enhance its compatibility with, the neighborhood and the Town; and to implement the purposes of this Section 80.

Section 80.5. Permit Applications and Consultation Filings

80.5.1. Commission Action Required

A. **Permit Application**

1. No wireless telecommunication facility set forth in Section 80.4.1 of these Regulations shall be located in the Town of Cheshire unless a permit application has first been reviewed and approved by the Commission.

2. The permit shall be a special permit; however, in lieu of the special permit regulations set forth in Section 40 of these Regulations, the requirements of this Section 80 shall control and supercede the Section 40 requirements.

B. **Consultation Filing**. No wireless telecommunication facility set forth in Section 80.4.2 of these Regulations shall be located in the Town of Cheshire unless a consultation filing has first been reviewed and commented on by the Commission.

80.5.2. Pre-Submission Meeting With Staff. Prior to submitting a permit application or consultation filing, applicants/filers are encouraged to meet with the Commission's staff to informally discuss the proposed facility and the requirements of this Section 80.

80.5.3 Information Required to be Submitted with a Permit Application and a Consultation Filing. Permit applications and consultation filings shall be submitted to the Planning Office, with the appropriate fee, and, unless the Commission grants a waiver pursuant to Section 80.5.3(G), shall include the following documentation, maps, and information:

A. **Compiled Report**. The applicant/filer shall file a compiled report providing the Commission with the following information:

1. Name, address, and telephone number of the applicant/filer, co-applicant/co-filer (and their agents), the landowner of the subject property, the tenant(s), proposed tenants of the facility.

a. If the applicant or co-applicant/filer or co-filer is a licensed provider, it shall provide documentation of that fact.

b. The report shall contain the original signatures of the applicant/filer, co-applicant/co-filer, and landowner of the subject property. If the applicant/filer, co-applicant/co-filer, and/or landowner of the subject property will be represented by an agent, the application/filing shall include an original, signed authorization for such representation.

2. Identification of the subject property by the following: Street address, Assessor's map and parcel number, and zoning district designation (including an excerpt of the Zoning Map with the parcel identified).

3. A description of the proposed facility, including dimensions, special design features, utilities, and its capacity to accommodate co-location as required by this Section 80 and a statement as to whether the Commission or the Siting Council has jurisdiction over the siting of the facility.

4. A description of the means of access to the proposed facility, including access roads, public and/or private roads, and driveways.

5. A description of the land uses and zoning district designations of the subject property and of the properties located within a five hundred (500) foot radius of the subject property.

6. A description of the scenic, natural, historic (including designated historic properties), environmental, and recreational characteristics of the subject property and of the properties located within a five hundred (500) foot radius of the subject property and a statement describing the effects of the proposed facility on those characteristics.

7. A statement describing the environmental effects of the proposed facility and identifying and assessing the impact of the facility on areas located within a five hundred (500) foot radius of the subject property recommended for conservation as presented in the Town's Plan of Conservation and Development.

8. A statement describing the measures which the applicant/filer proposes to mitigate the adverse effects of the facility, including, but not limited to, the following:

a. Construction techniques designed specifically to minimize adverse effects on the scenic, natural, historic, environmental, residential, and recreational characteristics of the subject property and of neighboring properties;

b. Special design features made specifically to avoid or minimize adverse effects on the scenic, natural, historic, environmental, residential, and recreational characteristics of the subject property and of neighboring properties;

c. Establishment of vegetation proposed near the scenic, natural, historic, environmental, and recreational characteristics of the subject property and of neighboring properties; and

d. Methods for preserving vegetation for wildlife habitat and screening on the subject property and on neighboring properties.

9. A list of the location, type, and amount (including trace elements) of any materials proposed for use within the facility that are declared hazardous by federal, state, and/or local rules, regulations, or laws.

10. A statement describing any hazards to human health to be anticipated from the proposed facility, including documentation, data, and references to authoritative sources of information to support the applicant's/filer's conclusions concerning those hazards and to assist the Commission in understanding any hazard

presented. The statement shall include information concerning signal frequency and power density to be transmitted or received by the proposed facility.

11. A statement of the need for the proposed facility which shall include as much specific information as is practicable to demonstrate the need.

12. A statement of the benefits to the public expected from the proposed facility which shall include as much specific information as is practicable to demonstrate the benefits.

13. A statement demonstrating the applicant's/filer's efforts to co-locate with other providers.

a. If the applicant/filer intends to co-locate or to permit co-location, it shall submit the following to the Commission:

1. Drawings and studies showing the ultimate appearance and operation of the facility at full build-out and providing estimates of radio-frequency radiation emissions for all facilities, including proposed and future facilities; and

2. Written certification from a structural engineer licensed to do business in the State of Connecticut that, at full build-out, the proposed facility will have the capacity to support the other users proposed by the applicant and written certification from a radio-frequency engineer licensed to do business in the State of Connecticut that, at full build-out, the proposed facility will comply with FCC requirements concerning radio-frequency exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.

b. In the event that the applicant/filer determines that co-location is not feasible and appropriate, it shall submit a written statement of the reasons for that conclusion, certified and signed by a radio-frequency radiation engineer, and including a statement of the applicant's/filer's attempts to co-locate, including, but not limited to, the following:

1. Surveying all existing structures that may be feasible sites for co-locating wireless telecommunication facilities;

2. Contacting all other wireless telecommunication facility operators in the service area of the proposed facility; and

3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

14. A statement justifying selection of the subject property for the facility. This statement shall include a description of the applicant's siting criteria and the process by which alternate sites were considered and rejected. The alternate sites shall be described, and their locations shall be marked on a copy of a portion of the current U.S.G.S. topographic quadrangle map (scale 1" = 24,000') and on a map (scale 1" = 100' or larger scale) which shall also show the acreage and dimensions of the alternate sites, the name and location of the nearest public roads, the names of abutting property owners, and the portions of the abutting property owners' lands which abut the alternate site.

15. A description of technological alternatives to the proposed facility and a statement justifying the facility proposed.

16. A list of all federal, state, regional, district, and municipal agencies which conducted a review of the proposed facility, including a copy of any agency statement or decision with respect to the facility.

17. Copies of any easements necessary to construction of driveways and/or access roads proposed to serve the facility.

B. **Surveys**. The applicant/filer shall file the following surveys which shall be A-2 surveys at a scale no smaller than 1" = 40' prepared by a Connecticut-licensed professional engineer or a Connecticut-registered land surveyor:

1. **Existing Conditions Survey**. The Existing Conditions Survey shall contain the following information:

a. The acreage, dimensions, and lot lines of the subject property.

b. The names of the owners of all properties within five hundred (500) feet of the subject property and showing the portions of their properties which are within five hundred (500) feet of the subject property.

c. The outline of all structures (including accessory structures) on the subject property and on all properties within five hundred (500) feet of the subject property. The survey shall include notes which describe the purpose or use of those structures (for example, dwelling, garage, etc.) and the zoning district designations of all properties shown on the survey and of the properties.

d. The locations and dimensions of all existing utilities, antennas, mounts, equipment shelters, cable runs, parking areas, etc. at the subject property.

e. Two (2) foot contours of the subject property and of all properties within five hundred (500) feet of the subject property.

f. The locations of any wetlands or watercourses within or adjoining the subject property and of any special or unusual features, such as significantly large or old trees, buildings, monuments, or areas of local interest, within or adjoining the subject property.

2. **Proposed Facilities Survey**. The Proposed Facilities Survey shall contain the following information:

a. The locations, elevations, and dimensions of all proposed antennas, mounts, equipment shelters, cable runs, parking areas, etc. for the subject property, also displaying property boundaries and the setback distances from the boundaries to the base of the towers and/or the nearest corners of all facilities.

b. The locations of proposed utilities, including the distances from the source of power and location of any proposed emergency generator, including the type of fuel to be used and projected noise level from the generator.

c. The proposed security barrier, indicating the type and the point of controlled entry.

d. The location of all driveways and/or access roads proposed to serve the facility and the location of all public and private roads (and their names) on or adjacent to the subject property and on or adjacent to all properties within five hundred (500) feet of the subject property.

e. The distances, at grade, from the proposed facility to each structure shown on the Existing Conditions Survey.

f. All proposed changes to the subject property, including grading, vegetation removal and planting, and temporary or permanent roads and driveways.

g. Proposed drainage of surface and/or subsurface water and proposed sedimentation and erosion control measures both during and after construction.

h. Sight line representations depicting the sight line from any public road within five hundred (500) feet of the facility and the sight line from the closest and the second closest points of each residential building within five (500) feet of the proposed facility to the closest visible point of the facility. Each sight line shall be depicted in profile, drawn in a one inch equals forty feet (1" = 40") scale. The profiles shall show all intervening trees and buildings. The sight line representations shall show at least two (2) sight lines from the habitable structure and public roads.

C. **Additional Maps and Plans**. The applicant/filer shall also file the following maps and plans:

1. A copy of a portion of the current U.S.G.S. topographic quadrangle map (scale 1" = 24,000') and a map (scale 1" = 100' or larger scale) showing the locations and coverage areas of the proposed facility and of all existing wireless telecommunication facilities in the Town and within three (3) miles of the Town's boundaries. The map shall include notes detailing the height and types of all of those facilities.

2. A copy of the current Zoning Map of the Town of Cheshire marked to show the locations and coverage areas of all of the applicant/co-applicant-provider's existing, proposed, and future wireless telecommunication facilities in the Town. The map shall include notes detailing the height and types of those facilities.

3. A map (scale 1" = 100') prepared by a Connecticut-licensed and registered land surveyor map marked to show the approximate location of the proposed facility and any significant changes proposed to be made within a one mile radius of the site.

4. Floor plans, elevations, and cross sections at a scale no smaller than 1/4" = 1' of all proposed buildings, including the equipment shelter.

D. **Additional Filings**. The applicant/filer shall also file the following materials:

1. At least two (2) color photographs, measuring at least four inches by six inches (4" x 6"), showing what can currently be seen from any public road within five hundred (500) feet of the proposed facility. The applicant/filer shall also submit duplicates of each photograph on which the proposed facility has been superimposed to show the appearance and dimensions of the facility (including antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.) and to show what will be seen from public roads if the proposed facility is built.

2. Equipment brochures for the proposed facility (such as manufacturer's specifications, trade journal reprints, etc.) for the antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.

3. A description of the colors of the facility represented by a color board showing actual colors proposed for the antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.

4. Specifications of the construction materials for the facility, specified by generic type and specific treatment, for example, anodized aluminum, stained wood, painted fiberglass, etc.

5. The Commission may require the applicant/filer to detail the tree cover on adjacent properties within five hundred (500) feet of the site, providing dominant species and average height of such tree cover (as measured by, or available from, a verifiable source).

6. Such additional information as the Commission deems necessary to review and comment on the proposed facility.

E. **Documentation of Compliance With Section 80.7 "Standards of Review"**. The applicant/filer shall submit the following documentation to establish that the proposed facility complies with the standards of review set forth in Section 80.7 of these Regulations:

1. A landscape plan prepared by a landscape architect, licensed to do business in the State of Connecticut, demonstrating compliance with the landscape standards of Section 80.7.3(B) of these Regulations. The plan shall show all existing and proposed trees and shrubs, identifying them by species and size of specimen at installation. The plan shall also show the depth of the vegetated buffer.

2. A statement, certified and signed by a soil scientist or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the wetland and watercourse standards of Section 80.7.4(A) of these Regulations.

3. A statement, certified and signed by a professional engineer or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the hazardous waste standards of Section 80.7.4(B) of these Regulations.

4. A statement, certified and signed by a professional engineer or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the storm water runoff standards of Section 80.7.4(C) of these Regulations.

5. A statement, certified and signed by an acoustical engineer, licensed to do business in the State of Connecticut, demonstrating compliance with the noise standards of Section 80.7.4(D) of these Regulations.

6. A statement, certified and signed by a radio-frequency radiation engineer, licensed to do business in the State of Connecticut, demonstrating compliance with FCC requirements concerning radio-frequency exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.

F. The original and fourteen (14) copies of the application/filing and supporting documentation shall be submitted to the Commission. In addition, the applicant/filer shall provide an index of all documents, maps, plans, reports, etc. being filed, and the separate documents, etc. shall be numbered as noted in the index.

G. **Waiver of Submittal Requirements**.

1. Upon written request made by the applicant/filer, the Commission may waive the submission of all or some of the documentation, maps, and information required pursuant to Section 80.5.3 of these Regulations.

2. All requests for waiver of submittal requirements shall be submitted with application/filing and shall set forth the reasons for the waiver and the specific submittal requirement(s) sought to be waived.

3. The Commission may, by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes, grant the waiver request, in whole or in part, if it finds that the information, etc. is not necessary in order to make a decision on the permit application or consultation filing.

4. Any proposal to waive submittal requirement based upon the fact that the applicant/filer only proposes the construction of antenna(s) shall be made pursuant to this Section 80.5.3(G).

80.5.4. Balloon Simulation.

A. The applicant/filer shall arrange to raise a brightly-colored balloon, with a diameter of at least three (3) feet, at the proposed site and alternate site(s) to illustrate the antenna height/tower height.

B. Notice of the date, time, and location of the balloon simulation shall be included in the published public hearing notice required by Section 80.6.1 of these Regulations.

C. The balloon simulation shall be performed on the day of the public hearing, or on such other day as the Commission requires if weather prevents the simulation on the day of the hearing.

D. The balloon shall be flown continuously from 9:00 a.m. to 5:00 p.m., but not later than sundown, on the day of the simulation.

Section 80.6. Commission Review of Permit Applications and Consultation Filings

80.6.1 Public Hearing Requirements

A. General Provisions

1. The Commission shall hold a public hearing on all permit applications and consultation filings.

2. The applicant/filer shall provide "enhanced notice" of the public hearing as detailed in Section 26 of these Regulations.

3. The Commission's staff, in addition providing for the published notice of the public hearing, shall also send the applicant/filer written notice of the public hearing by certified mail, return receipt requested, not fewer than five (5) days before the date of the hearing.

4. The mailed and published notice shall state the date, time, and place of the public hearing; the name of the applicant/ filer; the location of the subject property; and the purpose of the hearing, including a reference to any material available for public inspection.

B. Permit Application

1. The Commission shall cause notice of the time and place of its hearing on a permit application to be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not fewer than two (2) days, the first not more than fifteen (15) days, nor fewer less than ten (10) days, and the last not fewer than two (2) days before the date of the hearing.

2. The Commission's hearing on a permit application shall commence within sixty-five (65) days after receipt of the application and shall be completed within thirty-five (35) days after the hearing commences. Receipt of the application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day the application is submitted to the Cheshire Planning Department or thirty-five (35) days after the date of such submission, whichever is sooner.

C. <u>Consultation Filing</u>

1. In order to give the Commission sufficient time to conduct a public hearing, to review the record, and to act on a consultation filing, the filer shall submit the filing to the Cheshire Planning Department no fewer than 10 days, nor more than 14 days prior to a regular public hearing meeting date; and the Commission shall schedule the consultation filing for a public hearing to be held at that regular public hearing meeting.

2. The Commission shall cause notice of the time and place of its hearing on a consultation filing to be published in a newspaper having a substantial circulation in the Town, at least once, not more than ten (10) days but not fewer than five (5) days before the date of the hearing.

<u>80.6.2 Time Frame for, and Notice of, Commission Action</u>

A. <u>Permit Application</u>

1. The Commission shall render its decision on a permit application within sixty-five (65) days after completion of the public hearing. The applicant may consent to one or more extensions of time for the Commission to render its decision, provided the total extension of any such period shall not be for longer than sixty-five (65) days, or the applicant may withdraw the application.

2. The Commission shall cause notice of its decision to be mailed by certified mail, return receipt requested to the applicant and to be published once, both not later than fifteen (15) days after the decision was rendered. The published notice shall be placed in each newspaper which carried the public hearing notice required by Section 80.6.1(B)(1) of these Regulations.

B. <u>Consultation Filings</u>

1. The Commission shall render its decision on a consultation filing within sixty (60) days of the filer's "initial consultation" with the Town. For the purposes of this Section 80.6.2(B)(1), "initial consultation" is defined as the date the filer submits the consultation filing to the Cheshire Planning Department.

2. The Commission shall cause notice of its decision on the consultation filing to be mailed by certified mail, return receipt requested to the filer and to the Siting Council and to be published once, not later than fifteen (15) days after the decision was rendered. The published notice shall be placed in each newspaper which carried the public hearing notice required by Section 80.6.1(C)(2) of these Regulations.

3. The Commission shall also cause its decision to be reported to the Siting Council at the Council's hearing held pursuant to Section 16-50n(f) of the General Statutes, as amended.

80.6.3 Form of The Decision

A. The Commission shall use the Standards of Review set forth in Section 80.7 below to review permit applications and consultation filings.

B. When reviewing a permit application or consultation filing, the Commission shall make findings concerning the following:

1. Whether or not there is a public need for the facility and the basis of that need;

2. The nature of the probable environmental impact of the facility, including a specification of every significant, adverse effect (whether alone or cumulatively with other effects) on, and conflict with, the policies of the Town and the State concerning the natural environment, ecological balance, public health and safety, scenic, historic, environmental, and recreational values, forests and parks, air and water purity, and fish and wildlife;

3. Whether any adverse effects or conflicts referred to in Section 80.6.3(B)(2) above are sufficient reason to deny the application and the reasons for that finding;

4. The feasibility of requiring co-location;

5. Whether such facility, if constructed, may be shared with any public or private entity which provides telecommunication or community antenna television service to the public. In making a finding on this point, the Commission shall consider the interests of the parties and whether such shared use is technically, legally, environmentally, and economically feasible at fair market rates and whether it meets public safety concerns;

6. Whether the proposed facility would be located in an area of the State which the Council, in consultation with the Department of Environmental Protection and the Town of Cheshire, finds to be a relatively undisturbed area that possesses scenic quality of local, regional, or State-wide significance;

7. Whether construction and operation of the proposed facility would substantially affect the scenic quality of its location and whether public safety concerns require that the proposed facility be constructed in such a location; and

8. The existence, and feasibility of requiring the use of, alternative site(s), structure(s), antenna(s), access, and/or technology.

C. The Commission's decision on consultation filings shall also include comments and recommendations to assist the Siting Council in making its own findings on the issues set forth in Section 80.6.3(B), above, and the Commission shall also provide the Siting Council with the following documents with its decision:

1. The record upon which the Commission bases its findings, comments, and recommendations;

2. The minutes of all meetings and the public hearing at which the consultation filing was considered by the Commission and any of its committees; and

3. A copy of the Zoning Regulations; the Plan of Conservation and Development; and, if relevant, a copy of the Inland Wetland and Watercourses Regulations.

D. The Commission shall impose such conditions on its approval as the Commission deems necessary to protect the public health, safety, and welfare; to mitigate the facility's visual impact on, and to enhance its compatibility with, the neighborhood and the Town; and to implement the purposes of this Section 80.

E. The Commission's decision shall be in writing and shall include its findings and the reasons for its decision, including appropriate, supporting references to the record, these Regulations, and the Plan of Conservation and Development.

Section 80.7. Standards of Review

80.7.1 General Statement. Wireless telecommunication facilities shall be constructed in accordance with the following standards which are designed to minimize any adverse effects of the facility on the public health, safety, and welfare and to mitigate their visual impact on, and to enhance their compatibility with, the neighborhood and the Town.

80.7.2 Locational Standards.

A. Wireless telecommunication facilities shall be located in the following order of preference (the most preferred location is listed first; the least preferred location is listed last):

1. On or within existing, approved wireless telecommunication facilities.

2. Within existing structures, including, but not limited to, buildings, water towers, steeples, and spires.

3. On existing structures, including, but not limited to, buildings, water towers, steeples, spires, and utility towers and poles.

4. In locations which provide the greatest amount of screening due to existing topography, vegetation, buildings, or other structures.

B. Zoning District:

1. To the extent possible, wireless telecommunication facilities shall be located in industrial districts or commercial districts.

2. Wireless telecommunication facilities are prohibited in the Interchange Zone unless they are located on or in an existing structure (for example, a water tower) or on or in a building.

80.7.3 Visual Standards

A. Wireless Telecommunication Facilities on Existing Buildings or Structures

1. Roof Location. To the extent feasible, the facility shall be concealed within or behind existing architectural features to restrict or to limit its visibility.

2. Side Mount. Side mounts shall blend with the existing architectural features. Side mounts which exceed five (5) square feet, shall be painted or shielded with material consistent with the design features and materials of the building.

B. Wireless Telecommunication Facilities on Ground-Mounted Towers

1. The perimeter of the sites of ground-mounted towers shall be screened so as to minimize their visual impacts on, and to enhance their compatibility with, the neighborhood and the Town.

2. If the facility is in a wooded area, a natural, vegetated buffer strip of undisturbed trees shall be retained for at least fifty (50) feet in depth and at least six (6) feet in height at all times around the perimeter of the site and only minimally disturbed where the accessway is located.

3. If the facility is not in a wooded area, a vegetated buffer strip of at least fifty (50) feet in depth and at least six (6) feet in height shall be planted around the perimeter of the site. The buffer strip shall be planted with vegetation of a type that has the potential to reach thirty (30) feet at maturity.

4. To the greatest extent possible, existing trees, vegetation, and unique site features shall be retained and protected.

5. The Commission may require additional landscaping and screening in excess of the standards of this Section 80.7.3.B if the Commission finds that it is necessary to mitigate their visual impact on, and to enhance their compatibility with, the neighborhood and the Town.

6. Landscaping, trees, and plants required by this Section 80 shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of this Section 80 shall be replaced by the property owner during the next planting season for the particular plant material.

80.7.4 Environmental Standards

A. Facilities shall not be located in wetlands or watercourses. Locating facilities in wetland buffer areas shall be avoided to the extent possible, and disturbance to wetland buffer areas shall be minimized.

B. No hazardous waste shall be discharged on the site of any facility. The storage of hazardous materials on site shall conform to the requirements of Section 47.4.5(A)(1) of these Regulations.

C. Facilities shall comply with the requirements of Section 47 ("Aquifer Protection") of these Regulations.

D. Noise-producing equipment shall be sited, constructed, and insulated so as to comply with State noise laws and regulations.

80.7.5 Radio-Frequency Emissions Standards

All facilities shall comply with FCC requirements concerning radio-frequency emissions and exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.

80.7.6 Co-Location Standards

A. In order to reduce the number of facilities that are stand-alone, facilities and sites shall be shared whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers, and is in the public interest.

B. In order to reduce the number of facilities that are stand-alone, facilities and sites shall be designed and constructed so that they may be shared by at least seven (7) total providers whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers, and is in the public interest.

80.7.7 Lot Size and Setbacks

A. All ground-mounted facilities shall be located on a lot of not less than the minimum lot size for the district within which the facility is proposed to be located.

B. The minimum setback between the base of the ground-mounted facility and any property line; public or private road; habitable dwelling; public recreational area; or commercial, industrial, governmental, or other business or institutional use shall be the height of the tower including any antennas or other appurtenances.

C. The Commission may permit a reduced setback or the Commission may allow the setback to be measured into a neighboring property, in the following circumstances:

1. The reduced setback will not adversely affect the visual and safety aspects of the proposed facility;

2. The reduced setback will permit a tower site plan with better camouflage and overall design than is feasible on alternative sites;

3. The setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place;

4. The setback requirement cannot be met on the parcel of land upon which the facility is proposed to be located, and the alternative is to locate the tower at another site which is closer in proximity to residentially zoned land; and

5. The Commission votes in favor of the change in setback by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes.

80.7.8 Equipment Shelter Standards

A. Equipment shelters located on the ground shall comply with the setback requirements of Section 32.2 of these Regulations.

B. Wireless telecommunication facilities shall be served by a single equipment shelter designed to house the equipment of all users of the facility at full build-out.

C. Equipment shelters shall be designed with an architectural style which is in harmony with the neighboring properties.

D. At least one (1) foundation planting shall be planted every five (5) feet around equipment shelters.

80.7.9 Driveway and Access Road Standards

A. Driveways and access roads which provide access to towers and equipment shelters shall be at least fifteen (15) feet wide; shall be constructed to permit access by, and to support the weight of, emergency vehicles and apparatus; and shall enable emergency vehicles and apparatus to maneuver around the tower and equipment shelter.

B. The grade of the driveway or access road shall not exceed ten percent (10%).

C. At the end of the driveway or access road, a turnaround shall be constructed with a minimum radius of twenty-five (25) feet.

D. If the topographical conditions require drainage pipes, drainage basins, and/or curbing, they shall be constructed as a part of the construction of the driveway or access road.

80.7.10 Lighting Standards

A. Except as may be otherwise required by the Federal Aviation Administration, all external illumination of telecommunication facilities shall be directed or shielded in such a manner that the source of light (bulb, tube, etc.) will not be visible from any street or from any adjoining property.

B. Except as may be otherwise required by the Federal Aviation Administration, the illuminated areas shall be confined essentially to the property where the illumination originates.

80.7.11 Safety and Security Standards

A. Wireless telecommunication facilities shall be constructed in accordance with applicable construction codes and standards for the tower, mount, antenna, equipment, structure, etc. at issue.

B. An eight (8) foot high, chain-link fence with 1-inch squares, shall be installed to enclose the tower and equipment shelter.

C. A sign no larger than two (2) square feet shall be posted adjacent to the gate into the fence-enclosed area. The sign shall provide the name of the facility owner and the name and telephone number of an emergency contact, available twenty-four (24) hours a day.

D. "No Trespassing" and other warning signs may be posted on the fence.

E. An emergency access key box, approved by the Cheshire Fire Department, shall be provided for all equipment shelters and fence gate(s) associated with the facility.

80.7.12 Height Standards

A. Wireless telecommunication facilities are exempt from the maximum height restrictions of the districts where located.

B. Wireless telecommunication facilities are permitted to a maximum height of 150 feet.

C. The Commission may permit the height of a wireless telecommunication facility to exceed 150 feet in the following circumstances:

1. The extra height is necessary for one or more of the following reasons:

a. To facilitate the co-location of wireless telecommunication facilities in order to avoid construction of a new tower; or

b. To meet the coverage requirements of the applicant's/filer's wireless telecommunication system. These requirements shall be documented with written, technical evidence (certified and signed by a radio-frequency radiation engineer) that demonstrates that the height of the proposed facility is the minimum height required to function satisfactorily. No facility that is taller than such minimum height shall be approved

2. The Commission votes in favor of permitting the extra height by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes.

Section 80.8. Modifications

Any substantial and material modification of a previously reviewed and approved facility shall require prior review and decision or review and comment by the Commission in the same manner as the Commission considered the original permit application or consultation filing as provided for in this Section 80 and as may be provided for by law.

Section 80.9. Reconstruction or Replacement of Existing Facilities

The Commission shall review and decide or review and comment on proposals to reconstruct, alter, extend, or replace facilities which are legally in existence at the time of adoption of this Section 80 to the extent and in the same manner as the Commission reviews and decides or review and comments on (as appropriate) applications for new facilities as provided for in this Section 80 and as may be provided for by law.

Section 80.10. Monitoring and Maintenance

80.10.1 The applicant/filer shall submit with its application for a Certificate of Occupancy the report of an acoustical engineer, licensed to do business in the State of Connecticut, which report shall certify that the noise emissions at and from the facility meet the noise standards specified in Section 80.7.4(D) of these Regulations. After the facility commences operations, the operator(s) shall continue to monitor noise at and from the facility to ensure that such emissions meet those noise standards, and the operator(s) shall, at least annually, provide a report to the Commission containing the results of that monitoring.

80.10.2 The owner(s) and operator(s) shall maintain the facility in good condition. Such maintenance shall include, but shall not be limited to, painting, maintaining the structural integrity of the mount and security barrier, and maintaining the buffer areas and landscaping.

Section 80.11. Abandonment or Discontinuance of Use

80.11.1 The owner(s) and operator(s) shall notify the Commission if the facility is to be abandoned or if operations will be discontinued. This notice shall be made in writing and mailed to the Commission certified, United States mail, return receipt requested. This notice shall be given no fewer than thirty (30) days prior to abandonment or discontinuation

80.11.2 Upon abandonment or discontinuation, applicant, co-applicant, owner, and/or operator shall physically remove the facility within ninety (90) days from the date of abandonment or discontinuation of use. “Physically removed” shall include, but is not limited to, the following:

A. Removal of antennas, mount(s), equipment shelter(s), all above-ground structures (including risers, pull boxes, and related structures), and security barriers from the subject property;

B. Proper disposal of the waste material from the site in accordance with local and state solid waste disposal regulations;

C. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain.

Section 80.12. Performance and Maintenance Bonds

80.12.1 The applicant shall file with the Commission proof of the posting of any performance bond and/or maintenance bond required by the Connecticut Siting Council.

80.12.2 The Commission may require the applicant to post a bond to secure compliance with the approved installation of any facility permitted by the Commission.

80.12.3 The Commission may require the applicant to post a bond to ensure the timely and proper removal of any facility permitted by the Commission upon abandonment or discontinuation of use of the facility.

APPENDIX A
DESIGN STANDARDS

PUBLIC IMPROVEMENTS

Public Improvements: In order to protect the public health, safety and general welfare under the conditions created by the development of vacant land, the following public improvements shall be required:

STREETS

Arrangement of Streets: The arrangement of streets shall be compatible with existing and planned streets, topographical conditions, public convenience, safety, and the proposed uses of the land to be served by such streets. Provision may be required by Planning and Zoning for the continuation of the principal streets in adjoining property and for proper projection of principal streets when adjoining property is not developed.

Where the land to be developed does not abut an accepted town street or state road, the developer shall purchase the necessary right-of-way and construct at his expense access streets between the development and such town street or state road. The location of such access streets shall be subject to approval by the Planning and Zoning Commission. Any such development not abutting an improved town street or state road shall have not less than two separate access streets unless it is of such size and so located that it can meet the requirements of a cul-de-sac street as stated in Section 5.6 of the Cheshire Subdivision and Other Land Use Regulations.

Access to Town Street System: Where a development is near a municipal boundary, wherever possible, it shall be directly connected with the Cheshire street system to provide access for school buses, police, fire and emergency vehicles and public works department equipment, within the boundaries of Cheshire.

Street Right-of-Way Width: No new street or highway shall have a right-of-way width of less than 50 feet. A wider right-of-way may be required if recommended by the Cheshire Town Engineer and the Cheshire Traffic Authority. See Appendix A in the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Intersections: Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees. Property lines at street intersections shall be rounded with a radius to conform to standards as found in Appendix A in the Subdivision and Other Land Use Regulations of the Town of Cheshire. Streets intersecting town streets shall be opposite existing intersections or be separated by a distance measured between centerlines of not less than 250 feet. Intersections of side streets on the same side of an existing town street shall be located at least 350 feet apart, as measured between centerlines. The above distances may be varied by the Planning and

Zoning Commission when credible and convincing evidence proves that the proposed layout of streets would be as safe as a street layout which complies with the established distance requirements.

To enhance traffic safety, all intersections shall conform with the sightline requirements of the most current CONNDOT Geometric Design Standards.

Residential Street Grades: Grades of all streets shall conform in general to the terrain and shall not exceed 7% for major streets and 10% for minor streets. Reduction of sustained grades to less than the maximum may be required by the Planning and Zoning Commission subject to review by the Town Engineer. No street shall have a grade of less than 1%. No minor street shall have a grade of more than 4% within 75 feet of its intersection with the center line of another street.

Street Construction: Construction of all streets required with development shall conform to the specifications outlined in the "Road and Drainage Standards, Town of Cheshire." (See Appendix A, Subdivision and Other Land Use Regulations.) Curbs shall be constructed for property facing on existing streets. Construction of new pavement shall be required between edge of existing pavement and the new curb on existing streets which bound or intersect the proposed development. Any damage to existing pavement due to construction shall be repaired at the developer's expense. For further information on street construction, consult the Town Engineer.

Street Names: All street names shall be shown on the Site Plan and must be approved by the Planning and Zoning Commission.

Proposed street names shall be substantially different from any present names to avoid confusion in sound or spelling. Streets that become extensions of existing streets shall generally bear the same name. All cul-de-sac streets shall bear a street name and be designated as a "Court" or "Place." See also Section 5.6.3 of the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Driveways: Driveway grades between the street line and the building setback line shall not exceed 10% at any point. Driveways shall be constructed so that the slope of the driveway commences at the street line, not the curb line.

Curbs: Curbs shall be required on all new streets and may be required on existing streets and shall confirm to construction and design standards as required in Appendix A of the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Sidewalks: All sidewalks, walkways, and footpaths, where required, shall conform to construction and design standards, as shown in Appendix A of the Subdivision and Other Land Use Regulations of the Town of Cheshire, and shall include ramps for the handicapped in accordance with State of Connecticut specifications.

Traffic Control Devices: The developer shall be responsible for the cost and installation of any traffic control devices deemed necessary by the Town of Cheshire Traffic Authority.

Such Traffic Control Device shall meet the standards of the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23 U.S. Code Sections 109 (b), 109 (d), and 402 (a) as may be amended. (See Manual on Uniform Traffic Control Devices for Highways and Streets.) The developer shall bond such required traffic control devices with all other public improvements.

Street Name Signs: The developer shall be responsible for the cost and installation of street name signs. Such signs shall be placed at all intersections with existing streets as well as at all intersections within the development. Street name signs shall be of the same size, color and construction as the latest Town of Cheshire street signs, shall be subject to approval by the Town of Cheshire Traffic Authority, and shall conform to Section 2D-40 Street Name Sign (D-3) as may be amended (Manual on Uniform Traffic Control Devices for Streets and Highways) approved by the Federal Highway Administrator as the Nation's Standard for all highways open to public travel in accordance with Title 23, U.S. Code, Sections 109 (b), 109 (d) and 402(a) as may be amended. The developer shall bond such required street name signs with all other public improvements.

DRAINAGE FACILITIES

Drainage Facilities: The developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and sub-surface water which may be detrimental to health, safety and convenient use of any portion of the area, whether originating within the development area or in a tributary drainage area. All drainage facilities shall be designed by a registered professional engineer and be subject to the approval and final acceptance of the Town Engineer.

The type, design and extent of drainage control facilities shall be determined by local conditions such as the general terrain, steepness of slope, size and dimensions of contributing area, the retentive characteristics of the soil or ground cover and any other pertinent factors.

DISPOSAL FACILITIES FOR SANITARY SEWAGE

Except in Cluster Subdivisions which must be served by public sanitary sewage disposal system, every application must include satisfactory evidence that the site has suitable physical characteristics to adequately satisfy all the requirements of the Connecticut State Department of Health for subsurface sewage disposal or that the proposed development can be connected to an operational public sanitary sewer.

PUBLIC SERVICE FACILITIES

The developer shall make arrangements to have the electric and telephone service distribution lines and other public service facilities installed underground in accordance with the specifications of the Town of Cheshire, the Connecticut Light & Power Company, Southern New England Telephone Company, and any other public service organizations which may serve the area. All service connections from underground distribution lines shall be underground.

Where utilities are underground, the developer shall acquire easements where necessary and may be required to submit drawings to the Town Engineer for approval. In addition, an as-built map of underground Public Service Facilities placement shall be filed with the Town Engineer.[1]

[1] Adopted February 23, 1987; effective February 27, 1987.

INDEX

This Index is for convenience in the use of the Zoning Regulations and is not a part of the Regulations. In case of conflict, the Regulations shall prevail.

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ZONE CHANGES – TEXT

All zone changes in text are included within the body of the document and are footnoted.

ZONE CHANGES – MAP

Zone Change R-40 to I-2
Milldale Road, North of Creamery Road
See Official Map in Town Clerk's Office
9/70

Zone Change I-2 to PCD
Francis and Mary DeVylder, Milldale Road
Granted 5/28/71 - - Void 11/28/71

Zone Change I-2 to PCD
Ernest DeLucia, Milldale Road and West Johnson Avenue
Parcel of 11.76 acres
Granted 3/21/72 - - Void, returned to original zone

Zone Change I-2 to PCD
James Miller and Ernest DeLucia, Co-petitioners, Milldale Road
Amendment of 2.81 acres for total of 14.57 acres
Granted 11/20/72 - - Void, returned to original zone.

Zone Change R-40 to C-2
V.F.W. Post #10052, Waterbury Road
Granted 11/29/72

Zone Change I-1 to R-40 and R-40 to I-1
Alphonse Chernik and the Town of Cheshire, South Meriden Road
Granted 12/19/72

Zone Change R-80 to PCD
Joint Venturers, Meriden – Waterbury Road
Granted 11/25/74, Effective 12/5/74

Zone Change R-80 to C-3
Robert P. Walsh, Walsh's Quality Market, Inc.
Meriden Road, Wolcott and Cheshire
Granted 3/24/75

Zone Change R-80 to C-3
North American Bank and Trust Company, Meriden – Waterbury Road
Granted 6/23/75

Zone Change PCD to I-2
Assessor's Map Plate No. 115
Lot Nos. 2, 2B, 3A, 3F
Granted 6/28/76, Effective 7/16/76 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change PCD to R-20
Assessor's Map Plate No. 119
Lot Nos. 161 and 165
Granted 6/28/76, Effective 7/16/76 at 12:01 a.m.

Zone Change PCD to R-20
Assessor's Map Plate No. 118
Lot No. 82
Granted 9/27/76, Effective 10/1/76 at 12:01 a.m.

Zone Change R-20 to I-1
A Portion of Assessor's Map Plate No. 118
Lot No. 82
Granted 9/27/76, Effective 10/1/76 at 12:01 a.m.

Zone Change C-2 to R-40
Assessor's Map Plate No. 110
Lot Nos. 52 and 70
Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change I-1 to C-3
Assessor's Map Plate No. 118
Lot Nos. 83, 84, 91, 91A, 92, 94
Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change I-1 to R-20
Assessor's Map Plate No. 118
Lot No. 90
Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change C-3 to R-20
Assessor's Map Plate No. 111
Lot Nos. 2, 3, 4, 5, 6, 7, 8
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Assessor's Map Plate No. 110
Portions of Lot No. 239
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change R-20A to R-20
Assessor's Map Plate No. 119
All or portions of Lot Nos. 224, 223, 222, 221, 220, 219, 213
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Assessor's Map Plate No. 120
All or portions of Lot No. 383A, 381A, 382, 381, 380, 379, 378A
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change C-3 to R-20A
Assessor's Map Plate No. 120
All or portions of Lot Nos. 511C, 511B, 511A
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change PCD to R-80
Assessor's Map Plate No. 103
Lot No. 9 and a portion of Lot No. 8B
Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change R-40 to R-20A
John Capone – Cheshire Hillside Village
Assessor's Map Plate No. 125
Lot No. 112
Granted 3/27/78, Effective 3/31/78 at 12:01 a.m.

Zone Change C-3 to I-2
James Putman – Meriden-Waterbury Turnpike
Assessor's Map Plate No. 122
Lot No. 35
Granted 3/27/78, Effective 3/31/78 at 12:01 a.m.

Zone Change R-20 to R-20A
Cheshire Housing Authority, West Main Street
(Planned Residential Development – Housing for Elderly)
Assessor's Map Plate No. 118
Lots Nos. 144 and 196B
Granted 5/24/78, Effective 6/1/78 at 12:01 a.m.

Zone Change R-40 and C-1 to S.D.D.
Daniel Ulbrich and Frederick Biebesheimer, Interdesign
(Watch Factory, Elm Street and Academy Road)
Assessor's Map Plate No. 125
Lot Nos. 130, 131, 153, 154
Granted 6/12/78, Effective 6/16/78 at 12:01 a.m.

Zone Change C-2 to R-20
Vicinity Byam Road, Waterbury Town Line and Rt. 70
Assessor's Map Plate No. 103
Lot Nos. 88, 89, 90, 90A, 91, 91A, 97, 98, 99, 100, 101, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 229, 233A, 234, 235A
Granted 12/13/78, Effective 12/22/78 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-1
Oliver F. Boutelier, Jr., Sandbank Road
Assessor's Map Plate No. 116
Lot No. 68H
Granted 6/25/79, Effective 6/29/79 at 12:01 a.m.

Zone Change R-20 to R-20A
Corner of Milldale Road and Creamery Road
Assessor's Map Plate No. 124
Lot No. 96
Granted 7/23/79, Effective 7/27/79 at 12:01 a.m.

Zone Change I-2 to R-20
Vicinity of Birch Drive, Poplar Drive, Aspen Drive, Tulip Drive
Assessor's Map Plate No. 129
Lot Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 46A, portion of 2A, portion of 2B, 47, 48, 49, 50, 51, 52, 53, 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58, 58A, 59, 59A, 60, 60A, 61, 61A, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 88A, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 101A, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 115A, 116, 117, 117A, 118, 118A, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 130A, 131
Granted 7/23/79, Effective 7/27/79 at 12:01 a.m.

Zone Change C-2 to R-40
Vicinity of Norton Lane and South Meriden Road
Assessor's Map Plate No. 137
Lot Nos. 4, 5, 6, 6A, 7
Granted 9/24/79, Effective 9/28/79 at 12:01 a.m.

Zone Change R-20A to C-2
Richard N. Johnson, 1151 South Main Street
Assessor's Map Plate No. 120
Portion of Lot No. 513
Granted 10/29/79, Effective 11/2/79 at 12:01 a.m.

Zone Change I-1 to R-20
Anthony G. and Helen M. Arisco, 151 Willow Street
Assessor's Map Plate No. 118
Lot No. 366
Granted 2/25/80, Effective 2/29/80 at 12:01 a.m.

Zone Change R-20 to R-20A
Margaret M. Scadden, South Main Street and Higgins Road
Assessor's Map Plate No. 119
Portion of Lot No. 149 (area of parcel within 300 feet of R.O.W. of Route 10 [South Main Street])
Granted 8/25/80, Effective 8/29/80 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-1
Alphonse J. Chernik, (Olga Chernik), South Meriden Road
Assessor's Map Plate No. 131
Lot No. 26
Granted 11/24/80, Effective 11/28/80 at 12:01 a.m.

Zone Change R-40 to R-20
Ravenswood Realty & Management Corporation, South Main Street & Wallingford Road
Assessor's Map Plate No. 126
Lot Nos. 1 and 29
Granted 3/23/81, Effective 3/27/81 at 12:01 a.m.

Zone Map Change R-40 to R-20A
Emanuel Dakis, et al, 366-372 Highland Ave.
Assessor's Map Plate No. 125
Lot No. 81
Granted 7/27/81, Effective 7/31/81 at 12:01 a.m.

Zone Change R-20 to R-20A
John and Georgette Miller, 3 Country Club Road
Assessor's Map Plate No. 124
Lot Nos. 259 and 260
Granted 7/27/81, Effective 7/31/81 at 12:01 a.m.

Zone Change R-40 to R-20
South Side of Wallingford Road
Assessor's Map Plate No. 126
Lot Nos. 23, 24, 25, 26, 27, 27A, 28, 30, 31, 32, 33 and 33A
Granted 1/25/82, Effective 1/29/82 at 12:01 a.m.

Zone Change R-20 and R-40 to C-1
Located to the east of South Main Street
Assessor's Map Plate No. 126
Portions of Lot Nos. 6 and 19
Granted 1/25/82, Effective 1/29/82 at 12:01 a.m.

Zone Change C-1 to S.D.D.
Town Center Associates, Donald S. Baillie, General Partner
(Cheshire Center, 6-20 So. Main St., Academy Rd. & Elm St.)
Assessor's Map Plate No. 125
Lot No. 119 and 130
Granted 4/26/82, Effective 4/30/82 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-20 to R-20A
John C. Coombs, 629 South Main Street
Assessor's Map Plate No. 119
Lot No. 139
Granted 6/28/82, Effective 7/2/82 at 12:01 a.m.

Zone Change R-40 to R-20A
P. Minow Michlin and Carl W. and Jeanne Alexander
714 and 728 South Main Street
Assessor's Map Plate No. 126
Lot No. 98 and 99
Granted 1/24/83, Effective 1/28/83 at 12:01 a.m.

Zone Change R-40 to R-20
Anna Skabeikis, 505 Peck Lane
Assessor's Map Plate No. 117
Lot No. 102
Granted 8/22/83, Effective 8/26/83 at 12:01 a.m.

Zone Change R-40 to R-80
Anna Skabeikis, 505 Peck Lane
Assessor's Map Plate No. 117
Lot No. 18A, Portion of Lot No. 19
Granted 8/22/83, Effective 8/26/83, at 12:01 a.m.

Zone Change I-2 to I-1
Vicinity of Schoolhouse Road, Route 10, Railroad Tracks
Assessor's Map Plate No. 123
Lot Nos. 43A, 43, 43C, 43B, 28, 27, 26, 25, 24, 22, 21, 20, 19, 18, 18A, 17, 28A, 29, 43D
Granted 10/24/83, Effective 10/28/83, at 12:01 a.m.

Zone Change R-40 to R-20A
Vicinity of east side of So. Main St. (600 feet north of Jinny Hill Rd. & approximately 300 feet in easterly direction)
Assessor's Map Plate No. 126
Lot Nos. 97, 96 and 94
Granted 10/24/83, Effective 10/28/83, at 12:01 a.m.

Zone Change I-2 to I-1
Lawrence F. Wild and George R. Nolan, Sandbank Road
New Assessor's Map Plate No. 27
Lot No. 110
Granted 10/22/84, Effective 10/26/84, at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change I-2 to IC (Interchange Zone)
New Assessor's Map Plate No. 3
Lot Nos. 48, 49, 50, 51

New Assessor's Map Plate No. 4
Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35

New Assessor's Map Plate No. 11
Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 36, 38, 39, 40, 41, 42, 43, 44, 37, 26, 25
Granted 5/23/85, Effective 5/25/85 at 12:01 a.m.

Zone Change I-2 to R-40/IC (Interchange Zone)
New Assessor's Map Plate No. 5
Lot Nos. 109, 108

New Assessor's Map Plate No. 12
Lot Nos. 5, 1 and property owned by State of Connecticut
Granted 5/23/85, Effective 5/25/85, at 12:01 a.m.

Zone Change R-80 to R-40
Waller Construction Inc.
Off Cook Hill Road and Sperry Road
Assessor's Map Plate No. 127
Lot No. 105A
Granted 6/24/85, Effective 6/28/85, at 12:01 a.m.

Zone Change R-20A to R-20
Planning and Zoning Commission
Maple Avenue, Park Place, Atwater Place, South Rolling Acres, and
Mountain View Terrace
New Assessor's Map Plate Nos. 50, and 57
Lot Nos. 130, 131, 132, 133, 134, 135, 136, 137, 138, 142, 143, 144, 208, 209, 210, 211, 206, 207, 212, 213, 214, 215, 269, 270, 271, 272, 273, 274, 14, 15, 13, 12, 11, 10, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29
Approved 11/25/85, Effective 12/6/85, at 12:01 a.m.

Zone Change R-80 to C-3
The North American Bank & Trust Co.
Meriden-Waterbury Road
New Assessor's Map Plate No. 7
Lot No. 24
Approved 4/28/86, Effective 5/2/86, at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-2
The FIP Corporation
Marion Road (Roger Avenue and Knotter Drive)
Assessor's Map Plate No. 17
Portions of Lot Nos. 19 and 3
Approved 4/28/86, Effective 5/2/86, at 12:01 a.m.

Zone Change R-80 to R-40
Ramadan Ismail
Mixville- Notch Roads
Assessor's Map Plate No. 41
Portion of Lot Nos. 13 and 14
Approved 6/22/87; Effective 7/1/87, at 12:01 a.m.

Zone Change R-40 to C-2
Westbrook Nursery Garden Center, Inc.
Waterbury Road
Assessor's Map No. 34, Lot No. 79
Granted 8/29/88, Effective 9/2/88, at 12:01 a.m.

Zone Change R-40 to R-20A
Joseph and Marlene Amico
500 South Main Street
Assessor's Map No. 71, Lot No. 88
Granted 9/26/88, Effective 9/30/88, at 12:01 a.m.

Zone Change R-40 to I-1
Marshall Enterprises Limited Partnership
1123-1127 Highland Avenue
Assessor's Map No. 37, Lot No. 68
Granted 10/28/91, Effective 11/1/91 at 12:01 a.m.

Zone Change R-40 to R-20
Heritage Hills, Inc.
South Main Street and Cook Hill Road
Assessor's Map No. 91, Lot No. 212
Granted 5/26/92, Effective 6/5/92 at 12:01 a.m.

Zone Change R-80 to R-40
Sharon Krause
Mixville Road
Assessor's Map No. 41
Lot Nos. 35, 36, 37, 38, 39, 40, 41 (east of Ten Mile River)
Granted 4/25/94, Effective 4/29/94 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-20 to R-20A
Adams, Scot, Phaneuf
401-423 West Main Street
Assessor's Map No. 57, Lot Nos. 112, 113, 114
Granted 10/24/94, Effective 10/28/94 at 12:01 a.m.

Zone Change R-40 to C-2
Westbrook Nursery & Florist, Inc.
1320 Waterbury Road
Assessor's Map No. 34, Lot Nos. 79 and 80
Granted 10/23/95, Effective 10/27/95 at 12:01 a.m.

Zone Change R-40 to I-2
Pratt & Whitney ORC
500 Knotter Drive
Assessor's Map No. 9, Lot Nos. 17, 18, 19, 20
Granted 9/23/96, Effective 9/27/96 at 12:01 a.m.

Zone Change R-20A and R-40 to Affordable Housing District (AHD)
Louis J. LaViola
438-452 South Main Street
Assessor's Map No. 64, Lot No. 285
Granted 11/24/97, Effective 12/5/97 at 12:01 a.m.

Zone Change R-40 and R-20 Zones to I-1 Zone
DeGeorge Financial Corporation
1164 Highland Avenue
Assessor's Map No. 73, Lot No. 37
Granted 6/22/98; Effective 6/26/98 at 12:01 a.m.

Zone Map Change R-40 to Affordable Housing District (ADH)
George E. Bowman
1575 Waterbury Road
Assessor's Map No. 25, Lot Nos. 9 and 11
Granted 11/23/98; Effective 11/17/98 at 12:01 a.m.

Zone Map Change R-20 to C-3 Zone
Fernando & Maria Estevam
122 Meriden Road
Assessor's Map No. 5, Lots No. 2 & 3
Granted 5/26/98

Zone Map Change from R-40 to I-2
Knotter-Cheshire LLC
Knotter Drive and Marion Road
R-40 to I-2
Assessor's Map No. 9, Lot No. 14 (in part)
Granted 2/22/99; Effective 2/26/99 to 12:01 a.m.

ZONE CHANGES – MAP

Zone Map Change from R-20A to C-2
Batista, LLC
310 South Main Street
Assessor's Map No. 64, Lot No. 249
Granted 6/26/00; Effective 6/30/00 at 12:01 a.m.

Zone Map Change from R-40 to R-20A
Ricci Construction Group, Inc.
660 and 678 South Main Street
Assessor's Map No. 71, Lot Nos. 93 and 94
Granted 10/23/00; Effective 10/27/00 at 12:01 a.m.

Zone Map Change from I-2 to R-40
Mattson Associates
1524 Marion Road
Assessor's Map No. 16, Lot No. 20 &
Assessor's Map No. 17, Lot No. 24
Granted 10/24/01; Effective 11/02/01 at 12:01 a.m.

Zone Map Change from R-80 to R-20
Jane Stelley
88 Larson Avenue
Assessor's Map No. 15, Lot No. 89
Granted 3/25/02; Effective 3/29/02 at 12:01 a.m.

Zone Map Change from R-80 to R-20
John and Anita Bonilla
100 Larson Avenue
Assessor's Map No. 15, Lot No. 87
Granted 6/24/02; Effective 6/28/02 at 12:01 a.m.

Zone Map Change from R-20 to C-3
RIZ Realty, LLC
869 West Main Street
Assessor's Map No. 49, Portion of Lot 72
Granted 12/16/02; Effective 12/20/02 at 12:01 a.m.

Zone Map Change from R-40 to R-20
Diversified Cook Hill LLC
1398 South Main Street
Assessor's Map No. 85, Lot No. 97
Granted 7/28/03; Effective 8/1/03 at 12:01 a.m.

Zone Map Change from I-C to I-2
Rapoport Ventures, LLC
1718 Highland Avenue
Assessor's Map No. 11, Lot No. 46
Granted 3/22/04

ZONE CHANGES – MAP

Zone Map Change from R-20 to Affordable Housing Development (AHD)
Albert S. Prinz & Edith W. Prinz
501 Maple Avenue
Assessor's Map No. 50, Lot No. 200
Granted 9/27/04, Effective October 1, 2004 at 12:01 a.m.

Zone Map Change from R-20 I-C Zone to an Age Restricted Development Overlay Zone
David Florian & Honey Florian
Poplar Drive
Assessor's Map No. 5, Lot No. 108
Assessor's Map No. 12, Lot 5
Granted 4/25/05, Effective April 29, 2005 at 12:01 a.m.

Zone Map Change from R-40 to Age Restricted Overlay Zone/Section 43
Brodach Builders Inc.
210 Wiese Road
Assessor's Map No. 58, Lot No. 60
Granted 6/27/05, Effective July 1, 2005 at 12:01 a.m.

Zone Map Change from R-20 to R-20A
Kathleen and James Perkins
556 Maple Avenue
Assessor's Map No. 50, Lot No. 269
Granted 10/24/05, Effective October 28, 2005 at 12:01 a.m.

Zone Map Change from R-20 and R-80 Zone to a Special Adaptive Development Overlay Zone
Pond View of Cheshire, LLC
50 Hazel Drive
Assessor's Map 15, Lot 52
Granted 11/14/05, Effective 12/2/05 at 12:01 a.m.

Zone Map Change from R-40 to Age Restricted Planned Residential Development
772 South Main Street Assoc. LLC
Rear of 74 Jinny Hill Road and Rear of 802 South Main Street
Assessor's Map No. 78, Lots No. 114, 115
Granted 7/24/06, Effective 7/28/06 at 12:01 a.m.

Zone Map Change from Interchange Zone to Interchange Special Development District
Cheshire Route 10 LLC
1953 and 2037 Highland Avenue, I-691 and Dickerman Road
Assessor's Maps No. a) 4, b) 3, c) 4, Lots a) 13, b) 51, c) 6
Granted 1/28/08

ZONE CHANGES – MAP

Zone Map Change from R-20 to R-20A
2298 Waterbury Road, LLC, Donald J. Ciampi, Sr. and Lucille D. Ciampi
2298 and 2278 Waterbury Road
Assessor's Map No. 14, Lots No. 27 and 28
Granted 3/10/08, Effective 3/14/08

Zone Map Change from R-40 to R-20
Tam Le
1358 South Main Street
Assessor's Map No. 85, Lot No. 98
Granted 5/12/08, Effective 5/31/08

Zone Map Change from R-20 to Affordable Housing District (AHD)
Applicant: Cheshire Housing Authority
356 and 366 West Main Street
Assessor's Map No. 57, Lots No(s) 119 and 120
Granted March 23, 2009; Effective 4/10/09

Zone Map Change from R-80 to R-40
Applicant: Elim Park Baptist Home
140 Cook Hill Road
Assessor's Map 85, Lot No. ¾ of an acre of parcel B
Lot #232
Granted July 27, 2009; Effective 8/14/09

Zone Map Change from R-20 to R-20A
Applicant: Guardian Angels Homecare, LLC
405 Maple Avenue
Assessor's Map No. 50, Lot No. 142
Granted 3/14/11; Effective 4/1/11

Zone Map Change from I-C* to I-C.S.D.D.**
1973, 1989 and 2061 Highland Avenue
Assessor's Map No. 4, Lots 9, 7 and 4 respectively
Granted 7/22/13, Effective 8/9/13
Combined zone change to and approval as an Interchange Special Development District and Approval of Interchange Special Development Project
Cheshire Route 10, LLC

To change the zoning classification of Parcels 9, 7 and 7 on Assessor's Map 4 from Interchange Zone (I-C) to Interchange Special Development District(I-C.S.D.D.) lots 9, 7 and 4 to the approved Interchange Special Development District and approved Interchange Special Development Projects and to amend the approved Interchange Special Development Project on plans submitted. Street address:

1953, 1973, 1989, 2037 and 2061 Highland Avenue-Dickerman Road and I-691.
Assessor's Map 4 Lot No(s) 13, 9, 7, 6 and 4; Map 3 Lot No 51.
Granted 7/22/13, Effective 8/9/13

*Interchange Zone
**Interchange Zone Special Development District

Zone Map Change from R-20 to R-20A
BeMore Investments, LLC
314 West Main Street
Assessor's Map No. 57, Lot No. 185
Granted May 27, 2014; Effective 6/13/2014.

Zone Map Change from I-1 to Special Adaptive Reuse Development District
Ball & Socket Arts, Inc.
493 West Main Street
Assessor's Map No. 49, Lot No. 2
Granted July 28, 2014; Effective 8/15/2014.

Zone Map Change from C-2 to I-2
1276 and 1280 Waterbury Road
AJ Waste Systems LLC
Assessor's Map No. 34, Lot No.(s) 85 & 86
Granted December 10, 2018; Effective 12/28/18

Zone Map Change from I-C (I-C.S.D.D.) zone to I-C.S.D.D. (Interchange Special Development District within which will be mixed used.
1953 and 2037 Highland Avenue, I-691 and Dickerman Road
Granted 7/22/19; Effective 8/9/19.

Zone Map Change from R-80 to C-3
Bartlett Headquarters LLC
2055 Meriden Road
Assessor's Map No. 7, Lot No. 23
Granted June 8, 2020; Effective 7/3/2020

Zone Map Change from SARDD/R-80 (Special Adaptive Reuse Development District) to AHD (Affordable Housing District per Section 44A of the Cheshire Zoning Regulations
Lamp Realty, LLC
50 Hazel Drive
Assessor's Map No. 15, Lot No. 52
Granted September 14, 2020; Effective October 9, 2020

Zone Map Change from R-20 to R-20A
Ricci Construction Group Inc.
687 South Main Street
Assessor's Map 71, Lot No. 32
Granted October 14, 2020; Effective 11/6/2020

Zone Map Change from R-40 to Age Restricted Planned Residential Development (ARPRD) Section 43.4
Lovley Development Inc.
648 Wallingford Road
Assessor's Map 66, Lot No(s) 13,14
Granted September 27, 2021; Effective 10/15/2021