ZONING REGULATIONS

of the

TOWN OF WOLCOTT, CONNECTICUT

July 10, 1999

Revised September 1, 1999

Adopted Effective September 10, 1999

AMENDMENTS – LISTED BELOW

Adopted: September 1, 1999
Effective: September 10, 1999 at 9:00 a.m.
Amended Eff.: Section 3.10 – Community Shopping Centers – eff. 9/28/01
Section 3.22 – Large Scale Retail Outlets – effective 9/28/01
Section 21.1 – Zoning Districts (EDD-1/EDD-2) eff. 9/28/01
Sections 25.6.4, 25.8.4 & 32.2.19 Economic Dev. Districts – effective 9/28/01
Section 3.2.1 & 32.2.20 – ARPRD's – effective 9/25/02
Section 32.2.7(f) & (g) – Elderly Living – effective 9/25/02
Section 31.5.3(c) – Public Hearing – effective 10/1/03
Section 32.2.8(a) – Alcoholic Beverages – effective 6/21/06
Section 25.7.5(a) – Other Bldgs & Structures – eff. 6/21/06 & 7/19/06
Section 35.3.1 &35.3.3(a) – Flood Plain District – eff. 2/5/11
Section 32.2.12(f) – Motor Vehicle Serv. Stations–eff. 6/30/12
Section 23 – Permitted Uses – Added Line A-16 – eff. 7/17/13
Section 32.2.18(a)–Multi-Family Dev. in RC Dist. - eff. 7/17/13
Section 3.9 and 32.2.6d –Community Residence – eff. 5/11/16
Section 32.2.9c – Restaurant Est. – Outdoor Dining – eff. 11/1/17
Section 23 Permitted Uses – Added Line C21c – eff. 12/10/2020
Section 3.2.2 Definitions–Added Beer & Brew Pubs – eff.12/10/20
Section 23 Permitted Uses – Added Line C-1b – eff. 6/1/21

Prepared by Wolcott Planning and Zoning Commission

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ARTICLE ONE

GENERAL PROVISIONS

SECTION 1 - APPLICABILITY AND JURISDICTION

1.1 **Authority:** In accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended, the Planning and Zoning Commission of the Town of Wolcott hereby adopts and enacts these Regulations, including the accompanying map(s) referred to herein. These Regulations shall be known as the **Zoning Regulations of the Town of Wolcott**.

1.2 **Jurisdiction:** Within the territorial limits of the Town of Wolcott, Connecticut, land, buildings and other structures may be used and buildings and other structures may be constructed, reconstructed, enlarged, extended, moved or structurally altered only in accordance with these Regulations. Any lot or land may be divided, sold, encumbered or conveyed only in accordance with these Regulations and shall not be so divided, sold, encumbered or conveyed in any manner as to:

a. make said lot or land nonconforming or more nonconforming to these Regulations;

b. make any use, building or other structure nonconforming;

c. reduce any setback, yard, open space or off-street parking and loading spaces to less than is required by these Regulations; or

d. make any nonconforming setback, yard, open space or off-street parking and loading spaces more nonconforming.

1.3 **Purpose:** In accordance with the provisions of Chapter 124 of the Connecticut General Statutes, the Zoning Regulations of the Town of Wolcott are made in accordance with a comprehensive plan of zoning encompassing the entire area of the Town, giving due consideration to the adopted Plan of Development Update, and are designed for the following purposes:

1.3.1 to promote the health, safety and general welfare;

1.3.2 to lessen congestion in the streets;

1.3.3 to secure safety from fire, panic, flood and other dangers;

1.3.4 to provide adequate light and air;

1.3.5 to prevent the overcrowding of land;

1.3.6 to avoid undue concentration of population; and

1.3.7 to conserve the value of buildings and encourage the most appropriate use of land throughout the Town of Wolcott, Connecticut.

1.4 **Intent:** It is the stated intent of these Regulations to facilitate the following objectives of the Town of Wolcott:

1.4.1 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 1) the particular suitability of each of these areas for various uses, and 2) existing conditions and trends in population, economic activity, land use and building development.

1.4.2 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; 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; to facilitate the adequate provision of public services on an economical basis; and to avoid the disorderly and blighting pattern of unguided development.

1.4.3 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.

1.4.4 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.

1.4.5 To encourage energy efficient patterns of development and land use, the use of solar and other renewable energy resources and energy conservation in order to minimize dependence upon non-renewable, imported, fossil-based fuels.

1.4.6 To support the concept of least cost housing through the adoption and administration of reasonable zoning regulations consistent with minimum standards designed to protect the public health, safety and general welfare, geared to promoting a variety and choice in housing types including manufactured housing, two family dwelling units, conversions of single family dwelling units to contain accessory apartments and multiple family dwelling units and aimed at providing housing opportunities to all citizens regardless of their race, color, creed, sex, age, national origin, marital status, ancestry, physical disability or the number of children in the family.

1.5 **Other Laws:** The provisions of these Regulations are the minimum requirements necessary for the purpose set forth in Par. 1.3 above and shall not be deemed to repeal, abrogate or lessen the effect of any other laws, regulations or ordinance or any covenants or agreements between parties, provided however, that where these Regulations impose a greater restriction, the provisions of these Regulations shall prevail.

1.6 **Nonconformity:** Any use, building or other structure or any lot which existed lawfully, by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of **SECTION 4**.

SECTION 2 - ZONING PERMIT AND CERTIFICATE OF COMPLIANCE

2.1 **Zoning Permit:** A **Zoning Permit** is the document authorizing commencement of building construction and site development under these Regulations. No building or other structure and no off-street parking and loading areas, outside storage areas and other site improvements that are subject to these Regulations shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until a **Zoning Permi**t has been issued by the Zoning Enforcement Officer. No **Zoning Permit** shall be issued for any building, structure or use that requires a **Special Use Permit** or a **Site Development Plan** review without the prior approval of such by the Planning and Zoning Commission. A **Zoning Permit** shall be rendered null and void if there are any substantial changes or alterations to the plot plan, building plans and/or other supporting application documents after issuance of such **Zoning Permit**. All applications shall be submitted and **Zoning Permits** issued in accordance with the provisions of **Section 52**.

2.2 **Certificate of Zoning Compliance:** A **Certificate of Zoning Compliance** is the document authorizing use or occupancy of a premise after completion of building construction and site development under these Regulations. No building or other structure and no off-street parking and loading areas, outside storage areas and other site improvements that are subject to these Regulations shall be occupied or used, in whole or in part, for any purpose until a **Certificate of Zoning Compliance** shall have been issued by the Zoning Enforcement Officer, certifying conformity with all the provisions of these Regulations. Such a Certificate may also be required for any change, extension or alteration in a use. All **Certificates of Zoning Compliance** shall be issued in accordance with the provisions of **Section 52**.

2.3 **Farms and Forestry:** No **Zoning Permit** and no **Certificate of Zoning Compliance** is required for a farm, forestry, nursery or truck garden use, other than for buildings or other structures that may be established in connection therewith.

2.4 **Certain Signs and Fences:** No **Zoning Permit** and no **Certificate of Zoning Compliance** is required for those fences six (6) feet in height or less or for certain signs as set forth in Paragraph 43.4.1 herein.

SECTION 3 - DEFINITIONS

3.1 **General:** The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by the Commission by resolution, giving due consideration to the expressed purpose and intent of these Regulations. Words in the present tense include the future and the singular number includes the plural and vice-versa.

3.2 **Apartment, Accessory:** A portion of a dwelling and considered to be a dwelling unit and which is clearly subordinate in size to the principal dwelling unit.

3.2.1 Age Restricted Planned Residential Developments (ARPRD): ARPRDs consist of dwellings containing one (1) or two (2) dwelling units, designed to meet the needs and requirements of an active adult community where at least one adult occupant of each dwelling is 55 years of age or older and there is no permanent resident under the age of 18 years, where such dwellings are located on landowner in common and which development may be a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes. **(Effective 9/25/02)**

3.2.2 Beer and Brew Pubs: An establishment for the manufacture, containerization and storage of beer producing at least five thousand (5,000) gallons but not more than five hundred thousand (500,000) gallons annually, which may include the on-site sale and consumption of said manufactured beer and may include the on-site sale and consumption of other alcoholic liquor and/or food, as well as the wholesale and/or limited retail sale of said manufactured beer for off-site consumption, all in compliance with a State of Connecticut duly issued "manufacturer permit for beer and brew pub" pursuant to Connecticut General Statutes 545 Section 30-16(f) as amended (added effective 10/12/17). **(Effective 12/10/2020 Town of Wolcott Zoning Regulations)**

3.3 **Building:** A structure having a roof supported by columns or walls which is affixed to a lot or lots for the housing or enclosure of persons, animals or chattels. A building which is connected to a principal building by a porch, breezeway or passageway with a common wall eight (8) feet or more in length and having a finished floor, walls and ceiling shall be deemed to be part of the principal building.

3.4 **Building, Accessory:** A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. A building which is connected to a principal building by a carport or garage, or by a porch, breezeway or passageway with a common wall of less than eight (8) feet in length, shall be deemed to also be an accessory building. Any portion of a principal building devoted to or intended to be devoted to an accessory use is not an accessory building.

3.5 **Building Lot Coverage:** The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-sectional area enclosed by and including the outside walls of a building or buildings or other structures on a lot together with the area of all porches, handicapped ramps, decks, balconies and similar structural projections. On lots having an area of 10,000 square feet or greater, the projection of entry platforms or steps; cantilevered roofs, eaves, cornices; chimneys; window sills or sunshades and similar incidental architectural projections shall not be included within the building area or footprint, provided that such architectural projections shall not extend more than two (2) feet from the building wall or face, but in no case more than a distance of 20% of the minimum required setback.

3.6 **Building Height:** In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the average existing level of the ground surrounding the building or addition thereto and within 10 feet therefrom to the level of the highest roof of the building or highest feature of the structure, including the top of any parapet wall and/or ridge top. The number of points necessary for an "average" computation shall be based on appropriate contour intervals or spot elevations as may be required by the Commission. The existing level shall mean the actual or approved elevations of the property at the time of application. Where a precipitous drop of 10 feet or more in the ground level occurs within 10 feet of the building or structure, the average ground level at that location shall be measured at the foundation wall. Each wing, ell or other distinct component of a building shall be analyzed separately for purposes of compliance with maximum height and maximum number of stories.

3.7 **Child Day Care Center/Nursery School:** A building or portion thereof, licensed by the State Department of Health under Sec. 19-43b(a) of the C.G.S. which offers or provides a program of supplementary care to more than twelve (12) unrelated children outside their own homes on a regular basis for a part of the twenty four hours in one or more days of the week. Such a center does not encompass those services which are administered by a public or private school, recreation programs of church related activities, or community youth programs, or informal arrangements among neighbors or relatives in their own homes.

3.8 **Commission:** The term "Commission" shall mean the Planning and Zoning Commission of the Town of Wolcott, Connecticut.

3.9 **Community Residence:** A dwelling or part of a dwelling occupied by individuals who have a mental, physical or emotional disability, which contains no fewer than four (4) but in no case more than seven (7) residents in any one dwelling who do not receive any special medical care or supervision, but are supervised by at least one staff person. A community residence shall be licensed under the provisions of Sec. 17a-145 of the C.G.S. **(Effective 5-11-16 – Changed from no fewer than 7 but in no case more than 15 and eliminated Sec. 19-574 of CGS).**

3.10 **Community Shopping Center: (Effective 9-28-01)** An attractively designed, multi-tenant retail facility containing not less than 50,000 square feet of net, leasable area; in which not more than 15% of said area is devoted to one or more individual retail outlet each containing less than 15,000 square feet of net leasable area and the balance to other major retail outlets.

3.11 **Dwelling:** A building containing one or more dwelling units. The term shall not be deemed to include motel, hotel, automotive court, camping trailer, travel trailer, recreational vehicle, mobile home, boat or tent.

3.12 **Dwelling Unit:** Any room or group of rooms located within a dwelling and designed for occupancy, and so occupied, by one (1) "family", with facilities

which are used or intended to be used for living, sleeping, cooking and eating. Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a "dwelling unit".

3.13 **Dwelling, Single-Family:** A detached dwelling containing only one dwelling unit from ground to roof.

3.14 **Dwelling, Two-Family:** A detached dwelling containing two dwelling units, whether one above the other or adjacent to each other, occupied or capable of being occupied by two (2) families living independently of each other.

3.15 **Earth Sheltered Dwelling:** A dwelling having some or all of its floor to ceiling height below the average finished level of the adjoining ground provided that at least one of the longest sides of the dwelling is completely above the finished level of the adjoining ground, faces within 30 degrees of true south and has south facing glazing equal to at least 10% of its floor area.

3.16 **Elderly Assisted and Non-Assisted Housing:** Age-restricted, residential dwelling units accommodating one or two persons per unit, one of whom shall be 62 years of age or older. Assisted living units are provided with certain supportive, ancillary care services as required by State Health Department regulations, including but not limited to communal dining, housekeeping, personal needs, recreational and social services and transportation service. Such elderly housing may occur alone as an independent, self-contained facility, assisted or non-assisted, or may be accompanied by extended health care services provided in conjunction with an existing or proposed nursing home/convalescent hospital as defined by the C.G.S. and licensed by the State of Connecticut, under some common ownership or sponsorship and with guaranteed priority access thereto for residents of such elderly housing facility.

a. (Effective 9/25/02) Notwithstanding the above, such housing shall also include adult, age-restricted housing consisting of a development or group of dwellings

that complies with the requirements and standards of the “55 and over housing” exemption as set forth in the Fair Housing Amendments Act, (42 U.S.C. Sec. 3601 et. esq.), The Housing for Older Persons Act of 1995, and in con-formance

with Federal Law. Such development shall consist of dwelling units designed to meet the needs and requirements of an adult community in which the dwelling units are occupied by at least one adult occupant who is 55 years of age or older and in which there are no permanent residents under the age of 18 years. Such dwellings shall be located on land owned in common by the developer or other entity or on individual parcels of land organized as a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes.

3.17 **Family:** One or more persons related by blood, marriage or adoption, and in addition, any gratuitous guests or domestic servants thereof, not exceeding three (3) in number; or a group of not more than five (5) persons who need not be so related who are living together in a single dwelling unit and maintaining a common household. A roomer, boarder or lodger to whom rooms are let and/or board is furnished shall not be considered a member of the "family" and no roomer, boarder or lodger shall be permitted where the "family" is defined as a group of unrelated persons.

3.18 **Farm:** A tract of land containing five (5) acres or more, used wholly or in part for such agricultural purposes as animal husbandry and soil cultivation, including the growing of crops and harvesting the vegetative products of the land. A farm may include premises used for the keeping and feeding of poultry, livestock and other domestic animals when permitted by these Regulations.

3.19 **Floor Area, Maximum:** In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area, and shall include all roofed-over floor areas (e.g. covered porches).

3.20 **Frontage:** The distance measured along a continuous property line that is also a "street line".

3.21 **Group Day Care Home:** A private family home licensed by the State which offers or provides a program of supplementary care to not less than seven (7) nor more than twelve (12) 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 of the week. Such a home does not encompass those services which are administered by a public or private school, recreation programs of church related activities, or community youth programs, or informal arrangements among neighbors or relatives in their own homes.

3.22 **Large Scale Retail Outlets: (Effective 9-28-01)** A moderate to large attractively designed, major retail facility accommodating one (1) or more large-scale,

individual retail outlets each containing not less than 15,000 square feet of gross floor area, which outlets may contain independent, subordinate and accessory internal uses related to the principle use permitted, provided they occupy no more than 1,000 square feet and are accessible only from within the area of the principle permitted use.

3.23 **Livestock:** Livestock includes animals of the equine (i.e. horses or ponies), bovine (i.e. cows) or ovine (i.e. sheep or goats) families or other animals customarily raised for recreation, farm use or for the production of wool or dairy products. Livestock shall not include traditional domestic animals.

3.24 **Lot:** A "lot" is defined as one of the following:

a. a parcel of land which conforms to the area, shape and frontage requirements of these Regulations;

b. a building lot shown on a subdivision map approved by the "Commission" and filed in the Office of the Wolcott Town Clerk; or

c. a parcel of land which is owned separately from any adjoining parcel or parcels as evidenced by fee conveyance recorded in the land records of the Town of Wolcott.

3.25 **Lot Area and Shape:** In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no easement for above ground public utility transmission lines or any part of a public or private street nor any easement which grants exclusive surface use of the property to anyone other than the owner may be included. The following additional criteria shall also apply:

a. Each lot shall contain an area of contiguous buildable land, exclusive of steep slope areas, wetlands watercourses, ponds, lakes or marsh, that equals or exceeds the minimum lot area requirement of the district in which it is located, as set forth in **Schedule B** herein, or 40,000 square feet, whichever is less. Any such excluded areas may be used for compliance with that portion in excess of 40,000 square feet.

b. “Steep slope area” is defined to be any area having a horizontal width of 50 feet or more with a grade of more than 25%, measured 90 degrees to contours having an interval of not more than two (2) feet.

c. For any lots used for or intending to be used for single family or two family dwelling units, access to such buildable area must be accomplished without traversing a steep slope area; and if the only feasible access to such buildable area requires crossing an inland wetland, such crossing must have the prior approval of the Wolcott Inland Wetlands and Watercourses Commission.

d. In any District, said 40,000 square foot minimum area of contiguous buildable

land noted above may be reduced to 30,000 square feet if **all** of the following criteria are satisfied:

(1) The lot is served either by public water or municipal sanitary sewers,

(2) The 30,000 square feet of contiguous buildable land is appropriately proportioned for siting a structure, required parking, and other normal requirements for the uses allowed in the zone; and

(3) Allowing such reduction will not be detrimental to any on-site wetlands, watercourses and/or other valuable natural features.

e. Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement of the District requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other District.

3.26 **Lot, Corner:** A "corner lot" is a "lot" having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall be considered a "corner lot" if the central angle of the curve is less than 135 degrees.

3.27 **Nonconformity:** See Par. 4.2 of **Section 4**.

3.28 **Property Line, Rear:** A "rear property line" is any property line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a "corner lot", only one lot line shall be considered a rear property line.

3.29 **Property Line, Side:** Any property line which is not a street line or a rear property line.

3.30 **Sign:** The term “sign” shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, direction, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and either (1) located out-of-doors or (2) located indoors and intended to be viewed from outside the building. The term “sign”, however, shall not include any flag, pennant or insignia of any governmental unit or non-profit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Wolcott or State of Connecticut nor any illustrations, insignia of lettering

which are an integral and permanent part of the architecture of a building approved under a Site Plan or Special Use Permit.

3.30.1 **Sign Area:** The gross surface area, in square feet, contained within a single continuous perimeter enclosing the extreme limits of the actual sign surface including any trim, molding or framing. Such perimeter shall not include any structural or framing elements, lying outside the limits of such sign, not bearing advertising matter and not forming an integral part of the display. For computing the area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest geometric figure which can encompass all the letters and descriptive matter.

3.30.2 **Sign, Directional:** A non-conforming sign, containing no advertising thereon, intended to direct the way to a place or activity located at other premises.

3.30.3 **Sign, Free-Standing:** A non-movable sign erected or affixed to the ground or supported by one or more uprights or braces in or on the ground.

3.30.4 **Sign, Off-Premises/Commercial (Billboard):** A sign, other than a "Directional" sign, advertising a commodity or activity not sold, produced or conducted on the premises, or any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs.

3.30.5 **Sign, On-Premises/Identification:** Any sign advertising a commodity sold or produced on the premises or a business or activity conducted on the premises where the sign is located.

3.30.6 **Sign, Roof:** A sign attached to a building and erected upon the roof or extending above the main roof line of such building.

3.30.7 **Sign, Wall:** A sign which is affixed to the exterior walls of any building and projecting not more than 15 inches from the building wall or parts thereof. Wall signs shall also include signs on awnings, permanent signs erected inside window display areas of a building and marquee signs that regularly change to announce events.

3.31 **Solar Energy System:** Any system that converts sunlight into usable thermal, electrical or chemical energy to meet all or a significant part of a dwelling unit's energy requirements. As used in these Regulations, solar energy system refers to both active solar energy systems requiring external mechanical power to move collected heat and passive solar energy systems which rely on natural forces of conduction, convection and radiation controlled by architectural designs and building orientations to collect, distribute and store solar energy.

3.32 **Solar Access:** The term solar access means access to unobstructed direct sunlight to the south wall of the principal building. Solar access shall be considered adequately available if the south wall of the principal building has unobstructed access to direct sunlight for 75% of the time between 8:34 a.m. and 3:08 p.m. local time on December 21st of any year.

3.33 **Special Terms:** The following sub-paragraphs define and explain special terms used in the **Flood Plain Overlay District** provisions of these Regulations:

3.33.1 **Areas of Special Flood Hazard:** Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

3.33.2 **Base Flood:** Means the flood having a one percent chance of being equaled or exceeded in any given year.

3.33.3 **Development:** Means 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 located within the area of special flood hazard.

3.33.4 **Flood or Flooding:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3.33.5 **Flood Insurance Rate Map:** Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the rate premium zones applicable to the community.

3.33.6 **Flood Plain or Flood-prone Area:** Means any land area susceptible to being inundated by water from any source.

3.33.7 **Substantial Improvement:** Means 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:

a. Before the improvement or repair is started, or

b. If the structure has been damaged and is being restored, before the damage occurred. 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.

"Substantial improvement" 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.

3.33.8 "Variance": Means a grant of relief from the requirements of the Floodplain Management Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

3.34 Story: A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Stories are counted one over the other. Attics not used for human occupancy shall not be considered a story. When a basement has a ceiling height of seven (7) feet or greater and the ceiling of the basement is five (5) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".

3.35 Street: A "street" shall mean any public way duly accepted by the Town of Wolcott, any State Highway, except limited access State Highways, or any street shown on a subdivision map approved by the "Commission" and filed in the Office of the Wolcott Town Clerk.

3.36 Street Width: The "width" of a street shall mean the distance between the "street lines".

3.37 Street Line: the term "street line" shall mean the right-of-way, easement or taking line of any "street" or of any easement of vehicular access or private right-of-way 25 feet or more in width.

3.38 Structure: Anything constructed or erected, the use of which requires location on the ground and/or attachment to or placement on something having a location on the ground. Except as otherwise indicated, “structure” as used in these regulations shall be deemed to include buildings, parapets, turrets, rooftop mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels and satellite dishes.

(a) Fences or walls more than six (6) feet in height shall be deemed structures,

(b) Patios, terraces and ground mounted mechanical units, such as air-conditioning compressors, shall be deemed structures for the purpose of

compliance with any required setbacks in a Residential District and with any required buffer strip in any other District.

3.39 **Trailer:** The term "trailer" shall include mobile home, motor home and camper or any vehicle, conveyance or enclosure which is used or is designed or intended to be used as a construction office or for human habitation as sleeping or living quarters and which is, may be or ever was built on a chassis and designed to be mounted on wheels or propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried, and

whether or not attached to a permanent foundation. The aforesaid, term "trailer" shall specifically exclude any such vehicle under eight (8) feet in length as well as conventional travel vans that may have been internally modified for the comfort of its passengers. The temporary use or occupancy of said trailer is subject to the issuance of a Zoning Permit under the terms and conditions set forth in Schedule A, Part D.

3.40 **Use**: The principal purpose or specific activity, for which land or a lot, a building or a structure is arranged, designed, used or intended to be used or for which land or a lot, a building or a structure is or may be occupied. The term permitted use, special permit use or its equivalent shall not be deemed to include any non-conforming use.

3.40.1 **Use, Accessory:** A use of land, buildings or structures which is incidental and subordinate to and customarily used in connection with the principal building, structure or use.

3.40.2 **Use, Principal:** The main or primary use of a premises.

3.41 **Wetland:** The term "wetland" shall have the same meaning as defined in the General Statutes of the State of Connecticut, as amended from time to time.

3.42 **Wind Energy Conversion System:** A device which converts wind energy to mechanical or electrical energy.

3.42.1 **Rotor:** The blades plus the hub to which the blades of a wind energy conversion system are attached.

3.43 **Wind Access:** Means the ability to allow wind to strike a rotor blade of a wind energy conversion system.

SECTION 4 - NONCONFORMITY

4.1 **Intent:** It is the intent of these Regulations that nonconformities lawfully existing on the effective date of these Regulations or any amendment thereto are not to be expanded contrary to the comprehensive plan of zoning. Any nonconforming use of buildings, structures or land may be continued, but whenever possible the nonconforming use of land, buildings and other structures should be changed to conformity as the fair interest of the owners permit and that the existence of any nonconformity shall not of itself be considered grounds for the approval of a variance for any other property.

4.2 **Definitions:** A nonconforming use, building or other structure, or lot, is one which existed lawfully, whether by variance, or under the provisions of previous Regulations or otherwise, on the date these Regulations or any amendment thereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless, 1) it was actually in use on a continuous basis on such date and, 2) if such nonconformity is a use and such use had not been discontinued within the meaning of the Par. 4.4.4.

4.3 **Approved Applications and Permits:** Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall be deemed to require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which a **ZONING PERMIT** has been lawfully approved and any required **CERTIFICATE OF ZONING COMPLIANCE** has been lawfully issued, or for which a required Building Permit has been lawfully issued, even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.

4.3.1 **Time Limit:** Any **ZONING PERMIT** issued before the Effective Date of these Regulations shall become null and void unless the use, building or other structure authorized thereby shall be established and completed within two (2) years from the Effective Date of such Regulations or any amendment thereto. The Commission may grant one (1) extension of such period for an additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Commission.

4.4 **Nonconforming Uses:** The following provisions and limitations shall apply to nonconforming uses of land, buildings or other structures:

4.4.1 **Use Permitted By Variance:** A use of land or of a structure which is not a permitted use in the district in which it is located but which is permitted by variance shall be deemed to be a nonconforming use.

4.4.2 **Enlargement or Expansion:** Except as may be set forth below, no nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or structure or space in another building or other structure.

4.4.3 **Transformation:** The Commission, subject to the approval of a **Special Use Permit** in accordance with **SECTION 31** herein, may allow a nonconforming use of buildings, structures or land to be transformed into a new or different nonconforming use only as follows:

4.4.3.1 **Change:** The nonconforming use of land, buildings, other structures or portions thereof may be changed to any use which is not substantially different in nature and purpose from the former nonconforming use or to such uses that are permitted uses in the District in which the use is located.

4.4.3.2 **Moving:** The nonconforming use of land shall not be moved to another part of a lot or outside the lot. The nonconforming use of a building, other structure or portion thereof shall not be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming. No building, other structure or portion thereof containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity.

4.4.4 **Discontinuance:** No nonconforming use of land, buildings or other structures which shall have been discontinued with intent to abandon said use shall thereafter be resumed or replaced by any other nonconforming use. Any nonconforming use of land, buildings, other structures or portions thereof which shall have been discontinued for a continuous period of one (1) year shall be deemed to have been abandoned and thereafter shall not be resumed or replaced by any other nonconforming use. Notwithstanding the above, a nonconforming use conducted in any building, other structure or portion thereof which
has been destroyed by fire, explosion, act of God or other casualty may,

upon restoration of same, be resumed and continued as a nonconforming use to the same extent as said use existed before such destruction, provided that such nonconforming use shall not be extended, expanded or transformed into a different nonconforming use.

4.5 **Nonconforming Buildings, Structures and Improvements:** All nonconforming buildings, other structures or portions thereof and improvements are subject to the following provisions and limitations:

4.5.1 **Expansion, Extension or Alteration:** Any nonconforming building, other structure, or portion thereof, or improvement may be enlarged, extended, relocated, reconstructed or structurally altered only if the enlargement or extension is conforming to these Regulations and does not increase the degree of any nonconformity. The following shall specifically apply:

a. No nonconforming building or structure shall be relocated on the lot unless the result of such relocation is to reduce or eliminate the nonconformity.

b. No portion of any nonconforming building coverage on a lot shall be transferred from one location to another location on the lot.

c. No nonconforming portion of any building or structure that consists of an open structure without a roof, such as a deck, patio, balcony, open entry, etc. shall be roofed over, enclosed or otherwise expanded, extended or altered from a structure into a building.

d. A building, other structure or portion thereof which is prohibited by these Regulations but which is permitted by variance shall be deemed to be a nonconforming building or structure.

e. All new construction shall be in conformance with these Regulations.

4.5.2 **Coverage**: If an existing building or structure does not conform to the building coverage or total lot coverage requirements of these Regulations it shall not be expanded or extended.

4.5.3 **Restoration, Repair and/or Reconstruction:** Any nonconforming building, other structure or portion thereof, may be repaired or restored in accordance with the following criteria:

4.5.3.1 **Casualty:** Any nonconforming building, other structure or portion thereof which has been damaged or destroyed by fire, explosion, act of God or other casualty may be restored or reconstructed to the same extent that such building, structure or portion thereof existed at the time of the casualty, provided

that:

a. such restoration or reconstruction shall be limited to the damaged portion of the building;

b. such restoration is started within a period of one (1) year, is diligently prosecuted to completion and is completed within two (2) years of such casualty. The right under this Paragraph to restoration of such building or other structure shall be lost and terminated in the event of failure to start and/or complete such restoration within the specified periods or within such additional periods, not exceeding six (6) months, as the Commission may grant upon written application made to it;

c. such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper **Zoning Permit**. The owner of such damaged building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these Regulations.

4.5.3.2 **Repair:** Nothing in these Regulations shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

4.5.3.3 **Safety:** Nothing in these Regulations shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing herein shall prevent the strengthening or restoring to a safe condition of any existing nonconforming building, structure or any portion thereof which shall have become unsafe as determined by the Building Official or Fire Marshal.

4.5.3.4 **Demolition/Reconstruction:** Notwithstanding the provisions of these Regulations, in particular with respect to nonconforming buildings and other structures on nonconforming lots, an existing nonconforming dwelling on any lot having an area of not less than 5,000 square feet may be demolished and reconstructed provided there is no further increase in any aspect of the nonconformity.

4.6 **Nonconforming Lots**: A lot that does not meet the area, shape or frontage or any other applicable requirements of these Regulations pertaining to lots, may be used

as a legal lot, and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following requirements are met:

4.6.1 The proposed use, building or other structure or addition thereto shall conform to all other requirements of these Regulations;

4.6.2 The use shall not be a use for which a Special Permit is required under Schedule A.

4.6.3 The lot shall have a frontage of twenty (20) feet or more on a street as defined in Paragraph 3.35 or on a street approved by the Town Council under the provisions of an ordinance entitled "An Ordinance Concerning Building Permits on Unaccepted Streets in the Town of Wolcott".

4.6.4 If vacant and proposed to be used for a new dwelling, the lot shall contain an area of not less than 5,000 square feet, not including land used for public or private streets whether dedicated or not, or land subject to easements of vehicular access serving one (1) or more dwelling units, and shall be served by municipal sanitary sewers and/or public water supply or on-site sewage disposal and water supply systems approved by the Chesprocott Health District; and

4.6.5 If the lot is a matter of record on a subdivision plot or by deed filed in the Office of the Wolcott Town Clerk and does not meet the area and frontage requirements of these Regulations and its owner is the owner of contiguous lots or land which in combination with such undersized lot would make a lot that conforms or more nearly conforms to the requirements of these Regulations, then the owner shall make the lot conforming or more nearly conforming, unless it can be demonstrated that the majority of the dwellings within 1,000 feet of the lot, measured along street lines, are located on nonconforming lots of a size consistent with the subject lot.

4.7 **Title**: No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.

4.8 **Off-Street Parking and Loading**: Any lot, use, building or other structure which does not conform to one or more of the parking and loading provisions of **Section 42** shall continue to conform to such provisions to the extent that it conforms on the effective date of such Paragraph. Any use of land, buildings or other structures which does not conform to one or more of the provisions of

Section 42 shall not be changed to a use which would need additional off-street parking or loading spaces to comply with the provisions of **Section 42** unless such

spaces are provided as required for the new use under **Section 42**.

4.9 **Signs:** Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination or flashing of such signs shall be deemed to be an enlargement or extension constituting an increase in nonconformity.

4.10 **Changed Nonconformity:** Any nonconforming use, building, other structure, lot or improvement if once changed to conform or to more nearly conform to these Regulations shall not thereafter be changed so as to be nonconforming or less conforming again.

ARTICLE TWO

ZONING DISTRICTS AND MAP

SECTION 21 - ZONING DISTRICTS

21.1 **Districts:** For the purpose of these Regulations, the Town of Wolcott is hereby divided into the following classes of districts:

District	Map Code
Residence R-30 District	**R-30**
Residence R-40 District	**R-40**
Residence R-50 District	**R-50**
Residence R-130 District	**R-130**
Restricted Commercial RC District	**RC**
General Commercial GC District	**GC**
Industrial District	**I**
Economic Development District #1 (Eff. 9-28-01)	**EDD-1**
Economic Development District #2 (Eff. 9-28-01)	**EDD-2**

Special Overlay Districts

Route 69 Corridor District
Lake Hitchcock Conservation District
Flood Plain District

21.2 **Route 69 Corridor District:** The **Route 69 Corridor District** is a class of district in addition to and overlapping one or more of the other districts. The special requirements applicable within the **Route 69 Corridor District** are specified in **Section 35**.

21.3 **Lake Hitchcock Conservation District:** The **Lake Hitchcock Conservation District** is a class of district in addition to and overlapping one or more of the other districts. The special requirements applicable within the **Lake Hitchcock Conservation District** are specified in **Section 35**.

21.4 **Flood Plain District:** The **Flood Plain District** is a class of district in addition to and overlapping one or more of the other districts. The special requirements applicable within the **Flood Plain District** are specified in **Section 35**.

SECTION 22 - ZONING MAP

22.1 **MAP:** The boundaries of the districts specified in **Section 21** are hereby established as shown on a map entitled **"Zoning Map of the Town of Wolcott, Connecticut"**, adopted effective March 16, 1989, as amended to June 1, 1998, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations.

22.2 **Interpretation of Map:** Where a question arises as to the exact boundaries of a district as shown on the Zoning Map, the boundary shall be determined in accordance with the following:

a. Boundaries indicated as following streets, highways or alleys shall be construed as being coincident with the centerline of such streets, highways or alleys;

b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines as shown on the Assessor's maps of the Town of Wolcott;

c. Boundaries indicated as following shore lines of bodies of water shall be construed to follow such lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, rivers or other bodies of water shall be construed to follow such centerlines;

d. Boundaries indicated as extensions of or parallel to and at specified distances from property lines or features indicated above or connecting two (2) specific points shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

All other determinations shall be made by the Planning and Zoning Commission upon due notice and public hearing as required for the adoption of these Regulations.

SECTION 23 - PERMITTED USES

23.1 **<u>SCHEDULE A</u>: "SCHEDULE A - Permitted Uses"** is hereby declared to be a part of these Regulations. Subject to the approval of a **Zoning Permit** and the issuance of a **Certificate of Zoning Compliance**, land, buildings and other structures in any District shall be used for one or more of the uses specified in **SCHEDULE A** as permitted in the District and no other use. Uses listed in **SCHEDULE A** are permitted or prohibited in accordance with the following designation and procedure:

"P" means a use permitted in the District as a matter of right;

"PA" means a use permitted in the District as a matter of right, subject to compliance with additional standards and conditions specified in **Section 24**;

"DP" means a use permitted in the District as a matter of right, subject to submission and administrative approval of a **Site Development Plan** in accordance with the provisions of **Section 31**;

"SP" means a use permitted in the District subject to the securing of a **Special Use Permit** from the Commission in accordance with the provisions of **Section 31** and any additional standards and conditions specified in **Section 32**;

"TP" means a use permitted in the District subject to the securing of a **Temporary Special Use Permit** from the Commission in accordance with the provisions of **Section 41**; and

"X" means a use not permitted in the District.

"r" means that reference should also be made to a similar use elsewhere in **SCHEDULE A**.

23.2 **<u>Prohibited Uses</u>:** Land, buildings and other structures shall only be used for one or more of the permitted uses in **SCHEDULE A** and no other. Any use not specified in **SCHEDULE A** as permitted is prohibited. To further assist in the interpretation of **SCHEDULE A**, the following uses, the listing of which is not intended to be exhaustive, are specifically and expressly prohibited in any zoning district within the Town of Wolcott:

23.2.1 Trailer parks and the use or occupancy of a trailer as a dwelling, except in accordance with the limitations of Use Lines D-2 & D-3 of **SCHEDULE A**.

23.2.2 Motor vehicle or other outdoor junk yards; the outdoor storage on a lot in any District of more than one (1) unregistered motor vehicle, other than farm equipment.

23.2.3 The manufacture, use, storage and/or disposal of hazardous materials and hazardous waste products; the outdoor accumulation, dumping, storage or incineration of refuse, garbage, septic tank waste, biomedical waste or radioactive or other dangerous materials and biomedical waste treatment facilities.

23.2.4 Bulk storage of cement; concrete mixing plants; bulk storage of gas, petroleum products and other fuels in tanks having a capacity in excess of 10,000 gallons.

23.2.5 Any use which is toxic, noxious, offensive, or objectionable by reason of the emission of smoke, dust, gas, odor, or other form of air pollution; or by reason of the deposit, discharge, or dispersal of liquid, solid or toxic waste, in any form, in a manner or amount so as to cause damage to the soil or any stream or to adversely affect the surrounding area; or by reasons of the creation of any periodic and/or abnormal noise, vibration, electromagnetic or other disturbance perceptible beyond the boundaries of the lot on which it is situated; or by reason of illumination by artificial light or light reflected beyond the limits of the lot on, or from which, such light or light reflection, emanates; or which involves any dangerous fire, explosive, radioactive or other hazard, or which can cause injury, annoyance, or disturbance to any of the surrounding properties, or to their owners and occupants.

23.3 **Off Street Parking and Loading:** Off-street parking and loading spaces shall be provided for any use of land, buildings and other structures in accordance with the provisions of **SECTION 42**.

23.4 **Performance Standards:** The use of land, buildings and other structures shall conform to the performance standards specified in **SECTION 44**.

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
	PART A Residential and Related Uses									
A-1	A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.	P	P	P	P	X	X	X	X	X
A-2	Dwelling containing two (2) dwelling units and not more than one (1) such dwelling per lot subject to the additional requirements of Section 24.2.	PA	PA	PA	PA	X	X	X	X	X
A-3	A professional or business office in a dwelling unit subject to the additional standards of Section 24.3.	PA	PA	PA	PA	PAr	PAr	PAr	X	X
A-4	Customary home occupations in a dwelling unit, including home industries and service occupations subject to the additional standards of Section 24.4.	PA	PA	PA	PA	PAr	PAr	PAr	X	X
A-5	The letting of rooms and/or the furnishing of board in a dwelling unit to a total of not more than four (4) persons.	P	P	P	P	P	P	P	X	X
A-6	One (1) accessory dwelling unit within an existing single detached dwelling for one (1) family, subject to the additional standards and provisions of Section 24.5.	PA	PA	PA	PA	PA	PA	PA	X	X
A-7	Farms, truck gardens, forestry and the keeping of livestock and poultry and nurseries (including greenhouses incidental thereto), subject to the additional provisions of Section 24.6.	PA	PA	PA	PA	PA	PA	PA	X	X
A-7a	Keeping and raising of livestock, but not including poultry, when accessory to a permitted dwelling unit, subject to the additional standards and conditions of Section 24.7.	PAr	PAr	PAr	PAr	PAr	PAr	PAr	X	X
A-8	Stands for the display and sale of farm, truck garden, and forestry produce grown primarily on the premises, and set back not less than 20 feet from any street or property line	P	P	P	P	P	P	P	X	X
A-9	Commercial nurseries, garden centers and greenhouses.	X	X	X	X	DP	DP	DP	X	SP
A-9a	Commercial nurseries, including greenhouses incidental thereto, provided that any building in connection therewith is located not less than 75 feet from any property or street line and there is no sale of products at retail, other than those grown on the premises.	SP	SP	SP	SP	DPr	DPr	DPr	X	SP

SCHEDULE A - PERMITTED USES

PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
PART A Con't.									
A-10 Commercial kennels, livery and boarding stables and riding schools, subject to the additional provisions of Section 32.	SP	SP	SP	SP	SP	SP	SP	X	SP
A-11 Forestry activities, including the cutting, sawing and storage of timber, subject to the additional provisions of Section 24.8.	X	X	PA	PA	X	X	X	X	X
A-12 Wind Energy Conversion Systems, including towers and related generation and storage facilities as an accessory structure, subject to the special conditions of Section 24.13	PA	PA	PA	PA	PA	PA	PA	X	X
A-13 Elderly living facilities, assisted and non-assisted, subject to the additional provisions and standards of Section 32.2.7.	SP	SP	SP	SP	SP	SP	X	SP	SP
A-14 Multi-family residential developments consisting of dwellings containing not more than four (4) units, subject to the additional provisions and standards of Section 32.2.18.	SP	SP	SP	X	X	X	X	X	X
A-15 Age Restricted Planned Residential Developments consisting of dwellings containing one (1) or two (2) dwelling units on land owned in common, subject to the additional standards and provision of Section 32.2.20. **(Added SP under Restricted Commercial effective 2/1/06)**	SP	SP	SP	SP	X	SP	X	X	X
A-16 Multi-family residential developments subject in Accordance with the provisions of Section 31 and any additional standards and conditions specified in Section 32.2.18(a) **(New Use line added 7/17/2013)**	X	X	X	X	X	SP	X	X	X

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
PART B - COMMUNITY FACILITIES & SERVICES										
B-1	Buildings, uses and facilities of the Town of Wolcott	SP	SP	SP	SP	SP	SP	SP	SP	SP
B-2	Buildings, uses and facilities of the State of Connecticut, Federal Government or any other governmental unit.	X	X	X	SP	SP	SP	SP	SP	SP
B-3	The following uses when conducted by a non-profit corporation and not as a business or for profit: churches and similar places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; nature preserves; and wildlife sanctuaries.	SP	SP	SP	SP	SP	SP	SP	SP	SP
B-3a	Churches and similar places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses.	Xr	Xr	Xr	Xr	SP	SP	SP	SP	SP
B-4	Cemeteries when owned and operated by a corporation.	P	P	P	P	X	X	X	X	X
B-5	Public utility company water supply reservoirs, wells, pump stations, storage facilities and treatment facilities.	SP	SP	SP	SP	DP	DP	DP	X	X
B-6	Public utility company electric, gas and telephone substations, switching stations, equipment buildings and maintenance and service facilities, provided that there is no outside storage, service or training yard or outdoor storage of supplies.	SP	SP	SP	SP	DP	DP	DP	SP	SP
B-6a.	Public utility company electric, gas and telephone substations, switching stations, equipment buildings and maintenance and service facilities.	X	X	X	X	SP	SP	SP	SP	SP
B-7	Schools, philanthropic and charitable institutions, community houses, child day care centers, business and professional offices, and medical and dental clinics, when located in Town owned buildings that are no longer required for public purposes and can be leased or rented out by the Town of Wolcott.	SP	SP	SP	SP	SP	SP	SP	X	X

SCHEDULE A - PERMITTED USES

PERMITTED USES		R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
PART B Con't.										
B-8	Family Day Care Homes, subject to the additional standards and provisions of Section 24.9.	PA	PA	PA	PA	PA	PA	X	X	X
B-9	Group Day Care Homes, subject to the additional standards and provisions of Section 32.	SP	SP	SP	SP	SP	SP	X	X	X
B-10	Child Day Care Centers, subject to the additional standards and provisions of Section 32.	X	X	SP	SP	SP	SP	X	SP	SP
B-11	Summer Day Camps, excluding the furnishing of rooms.	SP	SP	SP	SP	SP	SP	SP	X	X
B-12	Golf, tennis, swimming or similar clubs and golf courses, whether operated as a business or for profit or not, including customary accessory services and eating facilities incidental to the conduct of a club or golf course, but not including a commercial golf driving range or miniature golf, and subject to the additional standards and provisions of Section 32.	SP	SP	SP	SP	SP	SP	X	X	X
B-13	Hospitals, convalescent homes, nursing homes and sanitaria, licensed by the State of Connecticut and subject to the additional standards and provisions of Section 32.	SP	SP	SP	SP	SP	SP	X	X	SP
B-14	Community residences, subject to the additional standards and provisions of Section 32.	SP	SP	SP	SP	X	X	X	X	X
B-15	Co-Located Antenna or Cell Sites utilizing existing structures, subject to the additional standards and conditions of Section 46.	P	P	P	P	P	P	P	P	P
B-16	Antenna or Cell Sites on a new cell site tower, subject to the additional standards and conditions of Section 46.	SP	SP	SP	SP	SP	SP	SP	SP	SP
B-17	Flea Markets with occasional or periodic sales activity, when located not less than 100 feet from any Residence District	X	X	X	X	SP	SP	X	X	X
B-18	Flea Markets when conducted entirely within an enclosed building or structure and with no outdoor storage or display areas.	X	X	X	X	DP	DP	X	X	X

SCHEDULE A - PERMITTED USES

PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
PART C - Commercial and Industrial Uses									
C-1 Retail sales and service activities, including stores and other buildings where goods are sold and/or service is rendered primarily at retail, except as may be limited by the listing of similar uses elsewhere in PART C of this SCHEDULE. (See 3.10 and 3.22 Definitions)	X	X	X	X	DP	DP	X	SP	SP
C-1a. Retail sales and service activities when associated with, accessory & subordinate to another permitted use on the same lot.(See 3.10 and 3.22 Definitions)	X	X	X	X	DP	DP	DP	DP	DP
C-1b Retail sales and service activities including stores and other buildings where goods are sold and/or service is rendered primarily at retail, where the premises are within the Route 69 Corridor District, as defined hereinafter in Section 35, except as may be limited by the listing of similar uses elsewhere in PART C of this SCHEDULE, subject to additional standards of Section 35 **(New Use line added effective 6/1/2021)**	X	X	X	X	DP	DP	DP	SP	SP
C-2 Stores where the principal business is the sale of alcoholic beverages at retail for consumption off the premises, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	X	SP	SP
C-2a The sale of alcoholic beverages at retail for consumption off the premises, when accessory to another permitted use, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	X	SP	SP
C-3 Business and professional offices; banks and other financial institutions; and medical and dental clinics.	X	X	X	X	DP	DP	DP	SP	SP
C-4 Restaurants, including fast-food and drive-in establishments with take-out service, and other food and beverage service establishments, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	X	X	X
C-4a Restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and at least three quarters of the customer seats are located in an enclosed building, subject to the additional standards and provisions of Section 32. Such uses may include a food take-out service incidental to the primary permitted use but shall not include establishments with drive-thru facilities where customers are served in motor vehicles or primarily as food take-out service.	X	X	X	X	SPr	SP	SP	SP	SP

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
C-4b	Restaurants, cafeteria and other food service facilities when associated with, accessory and subordinate to and primarily serving the needs of another permitted use.	X	X	X	X	DPr	DPr	DPr	DP	DP
C-5	Undertakers' establishments, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	SP	X	SP	SP
C-6	Hotels and motels, including restaurants and recreation facilities when accessory and subordinate thereto, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	SP	SP	X	X
C-7	Full service laundry and dry cleaning plants, including clothes pressing and cleaning with noninflammable liquids, when served by municipal sanitary sewers and public water supply.	X	X	X	X	DP	X	DP	X	SP
C-7a	Self-service laundromat when served by municipal sanitary sewers and public water supply.	X	X	X	X	SP	X	X	SP	SP
C-7b	Personal service establishments including drop-off laundry and dry cleaning businesses; self-service dry cleaning establishments.	X	X	X	X	DPr	DP	X	SP	SP
C-8	Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; and establishments for motor vehicle washing; all subject to the additional standards of Section 32.	X	X	X	X	SP	X	SP	X	X
C-8a	Establishments for motor vehicle washing, repairing, leasing and/or rental, and convenience retail having a maximum floor area of 1500 sq. ft. and without drive-up service, when associated with and clearly accessory and subsidiary to a motor vehicle service station on the same lot.	X	X	X	X	SPr	X	SP	X	X
C-8b	Establishments for the sale of new or used automobiles, trucks, trailers or farm equipment, or the leasing and/or rental thereof, subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	SP	X	SP
C-8c	Motor vehicle repair garages, including shock absorber and muffler replacement, tire sales and installation, collision services, engine tune-ups and similar automotive services but specifically excluding new and used motor vehicle sales, motor vehicle service stations and the dispensing of fuel, subject to the additional standards and provisions of Section 32.	X	X	X	X	SPr	SP	SP	X	SP
C-9	Medical and dental clinics.	X	X	X	X	DP	SP	X	SP	SP

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
C-10	Adult Oriented Business Establishments whose principal activity is related to adult entertainment and including but not limited to adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult novelty businesses and/or adult personal service businesses, subject to the additional standards and provisions of Section 32 and Section 33.	X	X	X	X	SP	X	X	X	X
C-11	Indoor theaters and assembly halls.	X	X	X	X	DP	X	X	X	X
C-11a	Indoor theaters and assembly halls when accessory and subordinate to another permitted use on the same lot.	X	X	X	X	DPr	DP	DP	DP	DP
C-12	Non boarding veterinary clinics, grooming services and animal hospitals, subject to the additional standards and provisions of Section 32.	X	X	SP	SP	DP	X	X	X	SP
C-13	Printing and publishing establishments and binderies.	X	X	X	X	X	X	DP	X	SP
C-13a	Printing and publishing establishments and binderies when occupying not more than 5,000 square feet of floor space.	X	X	X	X	DP	SP	DPr	SP	SP
C-14	Indoor commercial recreational facilities and/or physical activity clubs, facilities and uses, including dance halls; billiard and pool parlors; bowling alleys; skating rinks; sports arenas; health clubs and physical fitness centers; tennis and racquet ball courts; gymnasiums and similar facilities and activities.	X	X	X	X	SP	X	SP	X	SP
C-15	Principal outdoor commercial recreational facilities and uses, including golf driving ranges and practice areas; tennis and swimming clubs; baseball, softball and soccer fields; and similar facilities and activities, and subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	SP	X	SP
C-15a	Certain outdoor commercial recreational facilities and uses, including miniature golf; pitching and batting cages; horseshoes, bocce and volleyball courts; areas for rollerblading, roller skating and skate boarding; and similar facilities and activities; only when associated with and accessory and subordinate to a permitted principle outdoor recreational facility and subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	SP	X	SP

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
C-16	Warehousing and wholesale businesses, including commercial storage and self-storage facilities.	X	X	X	X	DP	Xr	DP	X	SP
C-16a	Warehousing and storage of a reasonable quantity of retail merchandise and supplies necessary for the operation of a permitted use being conducted on the same lot.	X	X	X	X	DPr	DP	DPr	SP	SP
C-17	Retail sale and distribution of heating fuel and natural gas, specifically excluding storage tanks having a capacity in excess of 10,000 gallons.	X	X	X	X	DP	X	DP	X	SP
C-18	Lumber and building materials businesses and yards; building contractors' storage yards; subject to the additional standards of Section 32.	X	X	X	X	DP	X	DP	X	X
C-19	Freight and materials trucking businesses, terminals and transfer stations; bus storage yards and maintenance garages and terminals.	X	X	X	X	X	X	DP	X	X
C-19a	Freight and materials trucking businesses, terminals and transfer stations and bus storage yards and maintenance garages and terminals, when accessory and subordinate to a related permitted use being conducted on the same lot.	X	X	X	X	DP	X	DPr	X	X
C-20	Painting, plumbing, electrical, woodworking, sheet metal, welding, tire recapping and machine and other trade shops exceeding 5,000 square feet of floor area.	X	X	X	X	Xr	X	DP	X	X
C-20a	Painting, plumbing, electrical, woodworking, sheet metal, welding, tire recapping and machine and other trades shops, when occupying not more than 5,000 square feet of floor area.	X	X	X	X	DP	X	DPr	X	X
C-21	Manufacturing, processing or assembling of goods; research laboratories.	X	X	X	X	Xr	X	DP	X	SP
C-21a	Manufacturing, processing or assembling of goods when accessory and subordinate to a permitted use being conducted on the same lot and located within an enclosed building, occupying not more than 20% of the floor area of said building.	X	X	X	X	DP	DP	DPr	SP	SP
C-21b	Research laboratories, provided there is no manufacturing, processing or assembling of goods except as incidental to said research.	X	X	X	X	DP	DP	DPr	SP	SP

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
C-21c	Manufacturing of alcohol, including brew pubs, Subject to the criteria of Connecticut General Statutes, Chapter 545 Section 30-16, and shall meet Town Zoning Regulation #32.2.9 if food is served on the premises (Also see Definition 3.2.2) **(New Use line added 12/10/2020)**	X	X	X	X	SP	SP	SP	SP	SP
C-22	Excavation, removal, grading, filling or deposit of earth and rock materials and related activities in accordance with the provisions of Section 41.	TP	TP	TP	TP	TP	TP	TP	TP	TP
C-23	Recycling facility or processing center, specifically excluding tires, paint and demolition materials, and subject to the additional standards and provisions of Section 32.	X	X	X	X	SP	X	SP	X	X
C-24	Motor vehicle and other junk yards, scrap yards and intermediate processing facilities excluding demolition materials, and only when conducted entirely within an enclosed building.	X	X	X	X	X	X	SP	X	X
C-25	Off-street, public parking lots and parking garages.	X	X	X	X	DP	SP	DP	DP	DP
C-26	Signs in accordance with the provisions of Section 43.	P	P	P	P	DP	DP	DP	DP	DP

SCHEDULE A - PERMITTED USES

	PERMITTED USES	R-30	R-40	R-50	R-130	GC	RC	IND	**EDD1	EDD2
	PART D - TEMPORARY USES									
D-1	Construction trailers and other temporary structures associated with and accessory to authorized construction activities for which zoning and building permits have been issued, for a period not to exceed one (1) year, provided it is removed within 30 days after completion of the activity.	P	P	P	P	P	P	P	X	X
D-2	Temporary occupancy of a trailer, motor home or mobile home on a lot for which zoning and building permits for the construction, reconstruction or extensive alteration of a dwelling have been issued and construction activity is in progress, subject to the additional standards and requirements of Section 24.10.	PA	PA	PA	PA	PA	PA	PA	X	X
D-3	On any lot containing a dwelling, one trailer, motor home or mobile home may be occupied by non-paying guests of the home owner for a period not to exceed 30 days in any calendar year.	P	P	P	P	P	P	P	X	X
D-4	On any lot containing a dwelling, occasional tag sales, auction sales and similar sales of personal property of the homeowner may be conducted, subject to the additional conditions of Section 24.11.	PA	PA	PA	PA	PA	PA	PA	X	X
D-5	Individual display for sale of a personal motor vehicle by the residential or commercial tenant of a property on the same premises, subject to the special conditions of Section 24.12.	PA	PA	PA	PA	PA	PA	PA	X	X

**** EDD1 and EDD2 Districts became effective 9/28/01****

SECTION 24 - ADDITIONAL STANDARDS

24.1 **General Requirements:** The requirements hereinafter specified are supplementary to and in addition to requirements and standards set forth elsewhere in these Regulations.

24.2 **Dwellings Containing Two (2) Dwelling Units:** Dwellings containing two (2) dwelling units (Use Line A-2 of Schedule A) including conversion of an existing dwelling unit to contain two (2) dwelling units shall be subject to the following conditions:

24.2.1 Both dwelling units shall be served by municipal sanitary sewers and, where available, public water supply.

24.2.2 Lot frontage and building setbacks shall conform to the requirements of the District in which it is located.

24.2.3 The minimum lot area required shall be 2.0 times the minimum area required for the R-30 District and 1.5 times the minimum areas required for the R-40, R-50 and R-130 Districts respectfully.

24.3 **Professional or Business Office:** A professional or business office use in a dwelling unit constitutes an additional use for which a **Zoning Permit** and a **Certificate of Zoning Compliance** are required. The use shall conform to the following conditions:

24.3.1 The person or persons conducting the office shall reside in the dwelling unit and there shall be no more than one (1) non-resident person engaged in the conduct of the office.

24.3.2 The office shall not impair the residential character of the premises and there shall be no external evidence of the office use except the single permitted sign.

24.3.3 The floor area used for the conduct of the office shall not exceed an area equal to 25% of the finished livable floor area of the dwelling unit or 400 square feet, whichever is less. The actual location of such office may be within the finished livable floor area of the dwelling unit or in the basement of or in floor area attached to the dwelling unit and directly accessible from such finished livable floor area.

24.3.4 Off-street parking shall be provided as specified in **Section 42**.

24.3.5 Such permitted offices may include but are not limited to offices of recognized professionals such as physicians, dentists, lawyers, accountants, clergymen, architects, engineers, surveyors, planners, appraisers and realtors, data processors and other computer services.

24.4 **Customary Home Occupations:** A customary home occupation use in a dwelling unit in a Residence District, including home arts, crafts and service occupations, constitutes an additional use for which a **Zoning Permit** and a **Certificate of Zoning Compliance** are required. The use shall conform to the following conditions:

24.4.1 The person or persons conducting the office shall reside in the dwelling unit and there shall be no more than one (1) non-resident person engaged in the conduct of the occupation.

24.4.2 The occupation shall not impair the residential character of the premises and there shall be no external evidence of the occupation except the single permitted sign.

24.4.3 The floor area used for the conduct of the office shall not exceed an area equal to 25% of the finished livable floor area of the dwelling unit or 400 square feet, whichever is less. The actual location of such office may be within the finished livable floor area of the dwelling unit or in the basement of or in floor area attached to the dwelling unit and directly accessible from such finished livable floor area.

24.4.4 No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation.

24.4.5 Off-street parking shall be provided as specified in **Section 42**.

24.4.6 Such permitted occupations may include but are not limited to studios of artists and musicians, workshops of skilled trades such as watch repairs, radio and T.V. repair, computer repairs and service as well as other trades which render service but do not sell goods at the retail level. Customary home occupations shall specifically exclude animal hospitals, pet grooming, motorcycle or automotive repair services, barber shops, beauty parlors, restaurants, tearooms, taverns and other services where food is purchased or consumed at the premises.

24.5 **<u>Accessory Dwelling Unit</u>:** An accessory dwelling unit is a dwelling unit that is accessory and subordinate to a single detached dwelling for one (1) family and constitutes an additional use for which a **Zoning Permit** and a **Certificate of Zoning Compliance** are required. A single family detached dwelling in any Residence District may be used or modified to allow the incorporation of one (1) accessory dwelling unit subject to the following standards, conditions and procedures applicable thereto:

24.5.1 The detached single family dwelling shall have been in existence for a period of three (3) years or more to be considered under these provisions.

24.5.2 No single family dwelling shall qualify under these Regulations unless it is located on a lot having at least the minimum lot area and frontage as required by these Regulations for the District in which it is located.

24.5.3 The accessory dwelling unit shall be incorporated entirely within the floor area of the existing, single family dwelling or by conversion of a garage area attached by a common wall to the principal living space and shall be provided with an interior door providing direct access between the single family dwelling and the accessory dwelling unit.

24.5.4 The accessory dwelling unit shall be provided with a kitchen and a complete bathroom, separate and apart from the principal dwelling unit and with two (2) means of egress, including a separate outside door.

24.5.5 The existing dwelling may be enlarged only to the extent required to provide necessary access and egress. The units may have separate outside entrances but the dwelling when converted shall have only one (1) outside door along the front facade elevation unless two (2) such doors existed at the time of conversion. Stairways to an accessory unit on floors above the ground floor of the dwelling shall be located on the side or rear of the dwelling and shall be fully enclosed within the dwelling.

24.5.6 The floor area of the accessory dwelling unit shall not be less than 400 square feet and shall not exceed 30% of the gross floor area of the principal dwelling unit or 900 square feet, whichever is less.

24.5.7 Either the single family dwelling or the accessory dwelling unit shall be occupied by an owner of record of the premises as a principal place of residence.

24.5.8 Two (2) off-street parking spaces shall be provided on the lot for each dwelling unit.

24.5.9 To the maximum extent practicable, both the principal dwelling and the accessory dwelling unit shall be connected to the municipal sanitary sewer system and where available public water supply. If such facilities are not available within 200 feet, the lot shall have an area of not less than 40,000 square feet or as required by the applicable District, whichever is greater, and the use of the on-site water supply and sewage disposal systems shall be approved by the Regional Health District.

24.6 **Farms, Truck Gardens, etc.:** Farms, truck gardens, and the keeping of livestock and poultry and nurseries (including greenhouses incidental thereto) shall conform to the following standards and conditions:

24.6.1 Such agricultural activities shall be conducted on a lot of not less than 200,000 square feet.

24.6.2 Farms shall not include commercial piggeries or the commercial breeding and raising of mink, fox or other fur-bearing animals.

24.6.3 All farm buildings, enclosures and feed yards shall comply with the required setbacks for that District, except that the applicable setbacks for the R-130 District shall be those of the R-50 District. Pasture for livestock shall be enclosed by a suitable fence setback not less than 10 feet from any property or street line.

24.6.4 There shall be no commercial slaughtering nor fertilizer manufacturing or commercial reduction of animal matter.

24.6.5 Any greenhouse shall be located not less than 125 feet from any property or street line.

24.7 **Keeping and Raising of Livestock:** The keeping and raising of livestock, specifically excluding pigs, fur-bearing animals and chickens and other fowl, is permitted as an accessory use to a dwelling unit subject to the following standards and conditions:

24.7.1 The lot shall contain a minimum area of 120,000 square feet.

24.7.2 There shall be not less than 40,000 square feet of land, suitable for grazing, for each head of livestock kept on the lot.

24.7.3 Any building used for the housing of livestock or manure shall be setback not less than 125 feet from any property or street line.

24.7.4 The area to be used for exercising or feeding of livestock shall be enclosed by suitable fencing, sufficient in height to contain said livestock, which enclosed areas shall not extend within any required setback area. Other pasture and/or grazing areas capable of maintaining grass cover may extend to within 10 feet of any side or rear property line, provided suitable grass cover is maintained.

24.7.5 All areas used by such livestock shall be maintained in a sanitary condition to the satisfaction of the Regional Health District.

24.8 **Forestry Activities:** Forestry activities, including the cutting, sawing and storage of timber is permitted in any Residence R-50 or R-130 District, subject to the following additional conditions and standards:

24.8.1 No permanent saw mill may be located on any lot containing less than five (5) acres.

24.8.2 Said saw mill and associated structures shall be set back not less than 150 feet from any street line and 500 feet from any dwelling off the premises.

24.8.3 No logs, timber or trimmings shall be stored within the required setback of any street or property line.

24.9 **Family Day Care Homes:** Family day care homes shall conform to the following conditions and standards:

24.9.1 The person or persons conducting such use shall reside in the dwelling unit and there shall be no more than two (2) non-resident persons engaged in the conduct of such use.

24.9.2 The use shall not impair the residential character of the premises.

24.9.3 No enclosed outside play area shall be located between any street line and the detached single family dwelling. Play apparatus shall be screened by either a fence or foliage of such type and location as necessary to provide privacy to adjoining residential properties.

24.9.4 Adequate off-street parking shall be provided as required by **Section 42** and shall be located on the same lot with the use.

24.9.5 The family day care home shall have an approved license from the State of Connecticut prior to the issuance of a **Certificate of Zoning Compliance**.

24.9.6 The family day care home shall not create any excessive noise, dust, odor or unsightly condition which would constitute a public nuisance to adjoining properties or the neighborhood.

24.10 **Temporary Occupancy of a Trailer:** The temporary occupancy of a trailer, motor home or mobile home (Use Line D-2 of Schedule A) shall conform to the following special standards and conditions:

24.10.1 There shall be only one (1) trailer, motor home or mobile home per lot.

24.10.2 The occupants of the trailer, motor home or mobile home must be owners of the lot or blood members of the family owning or occupying the dwelling unit undergoing construction, reconstruction or extensive alteration.

24.10.3 The trailer shall conform to the applicable regulations pertaining to accessory structures and shall comply with all sanitary requirements. The Commission, for good cause shown, may permit said trailer to encroach within the required setback areas.

24.10.4 The permit authorizing such temporary occupancy shall be limited to a period of not more than 12 months. The Commission may extend said period for one additional 12 month period, upon written request of the applicant for good cause shown.

24.11 **Tag Sales:** Tag sales, auction sales and similar occasional sales of personal property (Use Line D-4 of Schedule A) by the resident of a premise shall conform to the following additional standards and conditions:

24.11.1 Said sales shall not exceed a total of ten (10) days in any calendar year. Upon written request of the homeowner, the Commission may extend such sale days to a total of not more than 20 days in a calendar year.

24.11.2 Reasonable and adequate parking, appropriate to the nature and duration of the sale, shall be available in the area.

24.12 **Personal Sales of Motor Vehicles:** The temporary parking, display and sale of not more than one (1) personal motor vehicle (Use Line D-5 of Schedule A) by the occupant of a premises/lot shall conform to the following additional standards and conditions:

24.12.1 In any Residence District, not more than one (1) motor vehicle shall be displayed or offered for sale on any residential lot at any time. Any such vehicle shall be owned by the resident of a dwelling unit located on the lot, which vehicle ownership shall be evidenced by official Department

of Motor Vehicle registration and/or Certificate of Title in the name of the resident. No such vehicle for sale shall be parked or displayed within any required setback area other than on the driveway portion of such setback area and no portion of such vehicle shall extend within the street right-of-way. Such display/sale shall be limited to not more than four (4) vehicles or a total period of 120 days, whichever is less, in any calendar year. In no instance shall a vacant lot or parcel in any Residence District be utilized for the sale of any motor vehicle.

24.12.2 In any non-residence district, except in conjunction with an approved motor vehicle sales establishment or when permitted as accessory to an approved motor vehicle service station, at any time not more than one (1) personal motor vehicle may be displayed or offered for sale by any occupant or occupants of a premises/lot on said premises. Any such vehicle shall be owned by an occupant of the premises/lot, which vehicle ownership shall be evidenced by official Department of Motor Vehicle registration and/or Certificate of Title in the name of the occupant and permission for such display/sale shall have been granted in writing by the owner of the lot. No such vehicle for sale shall be parked or displayed within any required setback area other than on the officially designated parking portion of such setback area and under no circumstances shall any portion of such vehicle extend within the street right-of-way. Such display/sale shall be limited to a cumulative total of not more than four (4) vehicles or a total period of 120 days, whichever is less, in any one calendar year. In no instance shall a vacant lot or parcel or any unimproved portion of the premises be utilized for the sale of any motor vehicle.

24.12.3 In any district, signage shall be limited to a single, modest sign, attached to the vehicle, indicating only “FOR SALE BY OWNER” and may include a telephone number and price, provided that such sign shall not exceed an overall dimension of 18 inches by 24 inches. No other devices such as but not limited to pennants, banners, streamers and the like are permitted.

24.13 **Wind Energy Conversion Systems:** A Wind Energy Conversion System (WECS) is deemed to be an accessory structure in any zone, for which a **Zoning Permit** and a **Certificate of Zoning Compliance** is required. An Application for a WECS shall conform to the following additional standards and conditions:

24.13.1 **Maximum Tower Height:** The maximum allowable tower height shall not exceed 100 feet in a residential zone. Tower heights in excess of

100 feet may be allowed in non-residential zones, subject to the approval of a **Special Use Permit**, upon a determination by the Commission that

a higher tower is necessary to obtain adequate wind access and said tower is designed and certified by a qualified, professional engineer, licensed to practice in the State of Connecticut.

24.13.2 **Minimum Blade Height:** The minimum distance between the ground and any protruding blades on a WECS shall be fifteen (15) feet as measured at the lowest point of the arc of the blades.

24.13.3 **Tower Access:** Climbing access to the WECS tower shall be limited either by means of a fence at least six (6) feet high around the tower base with a locking portal or by limiting the tower climbing apparatus to no lower than twelve (12) feet from the ground.

24.13.4 **Setbacks:** The minimum setback from property lines and above ground utility easements shall equal the height of the unit (tower plus rotor). Additional setbacks may be required, if in the judgment of the Commission, or its agents, the rotor diameter could increase the maximum distance traveled by a thrown blade.

24.13.5 **Landscaping:** In the judgment of the Commission, adequate landscaping to buffer ground level equipment and structures from adjoining properties may be required wherever a WECS is installed within 100 feet of an adjoining property line.

24.13.6 **Energy Cogeneration:** Any WECS intended to serve more than the immediate needs of the applicant requires the approval of a **Special Use Permit** by the Commission. In determining the merits of any application for a WECS, the Commission shall take into consideration the effect of the expected energy generated on the energy self reliance of the applicant and other beneficiaries. Every WECS used for the generation of electricity shall have a generator with a minimum rated capacity of 2,000 watts per hour. In addition, any applicant who intends to return or sell electricity to the utility company shall install a synchronous inverter or similar device. Where battery storage systems are used, the applicant shall provide for their safe protection and storage in an enclosed accessory building on the lot.

24.13.7 **Neighborhood WECSs:** Contiguous property owners, subject to approval of a **Special Use Permit**, may jointly construct a WECS for their common use. If property held by more than one single owner is used to meet setback requirements, appropriate legal easements and other documentation must be recorded in the land records.

24.13.8 **Public Good:** The Commission may grant a **Special Use Permit** if the applicant demonstrates that the installation will be properly maintained and will not cause excessive noise, interference with local television and radio reception or otherwise adversely affect the public health, safety and general welfare.

24.13.9 **Additional Requirements:** The Commission shall have the power to impose such additional standards and requirements with respect to setbacks, height limitations and tower location as it deems necessary to carry out the purpose of these Regulations.

SECTION 25 - AREA, LOCATION AND BULK STANDARDS

25.1 **SCHEDULE B**: "**SCHEDULE B - STANDARDS**" is hereby declared to be a part of these Regulations and is referred to herein as "**SCHEDULE B**". The area, shape and frontage of lots and the location and bulk standards of buildings and other structures, applicable in each district are as hereinafter specified and as set forth in **SCHEDULE B**.

25.2 **Lot Area, Shape and Frontage:** Each lot, except permitted interior lots, shall have the minimum area as specified in **SCHEDULE B.** Each lot to be used for a dwelling containing two (2) or more dwelling units shall have the minimum area per dwelling unit specified in **SCHEDULE B.** Each lot shall be of such shape that a square with a minimum dimension specified in **SCHEDULE B** will fit on the lot and, in Residence Districts, except on permitted interior lots, some portion of such square shall lie within the area required for setback from a street line. Each lot, except permitted interior lots, shall have the minimum frontage on a street specified in **SCHEDULE B.** Interior Lots as permitted under Par. 25.2.2 shall be permitted only in Residence R-30, R-40, R-50 and R-130 Districts.

25.2.1 **Existing Lots of Record:** Any lot which was a matter of record on a subdivision plot or by deed filed in the Office of the Town Clerk of Wolcott, Connecticut, may not be required to meet the minimum lot area, shape and frontage requirements as specified in **SCHEDULE B** Any lot served by public sewers may be reduced by up to 10% in area and/or frontage, provided that the purpose of such reduction is to allow the adjoining lot or lots to be made more nearly conforming with respect to the lot frontage or setback requirements of **SCHEDULE B**.

25.2.2 **Interior Lots:** An interior lot is a lot which lacks the minimum frontage on a street normally required by these Regulations. Interior lots may be permitted in the Residence R-30, R-40, R-50 and R-130 Districts, not as a matter of right but only after an evaluation by the Commission of topography, street circulation patterns, abutting developable land and other physical circumstances affecting the property. Such interior lots shall only be permitted after the Planning and Zoning Commission determines that the development of said interior lots is in the best interests of the Town of Wolcott, that they will allow proper and orderly utilization of land and that said interior lots comply with the provisions of this Paragraph and other applicable, municipal ordinances and regulations. Permitted interior lots shall be subject to the following additional requirements:

25.2.2a **Access and Frontage:** Each interior lot shall have frontage on, and access to, a Town accepted and improved street by means of an unobstructed, legal, exclusive accessway held in the same ownership as the interior lot. Said accessway shall

have a minimum width and frontage of at least 30 feet, except that if the area of the interior lot is equal to or greater than five (5) acres, said accessway shall have a minimum width and street frontage of not less than 50 feet. Not more than two (2) abutting access ways shall be separated from another accessway or pair of accessways by less than the minimum required lot frontage for two (2) permitted lots in said District. No accessway shall exceed a length of 500 feet, except that in the Residence R-130 District the Commission may permit an accessway with a length of up to 700 feet.

25.2.2b **Lot Area:** The area of each interior lot, exclusive of its accessway, shall be not less than two (2) times the minimum lot area required for the District in which it is located. The limits of the accessway shall be shown on any Record Map by a dashed line. The property lines of a permitted interior lot which commence at the termination of its accessway shall diverge from each other at an angle of not less than 60 degrees. The calculated lot area, excluding the area contained in the accessway, shall be designated on any Record Map.

25.2.2c **Driveway:** Within the limits of the accessway there shall be constructed a private driveway having a width of not less than 12 feet. That portion of the driveway from the edge of the street pavement to a distance of 20 feet inside the street line, and any portion of the driveway having a grade in excess of ten (10%) percent, shall be paved. Except as may be modified herein, all driveways shall conform to the standards set forth in Par. 25.9 of these Regulations. Said driveway shall be constructed for the entire length of the accessway at the time of the establishment of said interior lot. Any private driveway exceeding a length of 200 feet shall be widened to not less than 20 feet for a distance of 40 feet at such intervals as are necessary so that no portion of the 12 foot wide driveway shall exceed a length of 200 feet. Where two (2) accessways are contiguous, one (1) driveway not less than 18 feet wide and adequate in thickness to accommodate fire and other similar emergency apparatus may be provided within the combined width of the two (2) contiguous accessways to serve both such interior lots. Any driveway serving two (2) permitted interior lots shall be paved for the entire length of the accessway at the time of the establishment of said interior lots. The Commission may
limit the width of any driveway to a maximum of 20 feet at the street line and may require planted screening, fences or such other improvements as may be necessary for safety purposes and/or the protection of neighborhood appearance.

25.2.2d **Setbacks:** On any permitted interior lot in any Conservation/Open Space Residential Development, no buildings or other structures, except permitted accessory buildings, shall extend within less than 40 feet of any property line. On any permitted interior lot, other than in a Conservation/Open Space Residential Development, no buildings or other structures, except permitted accessory buildings, shall extend within less than 60 feet of any property line. Notwithstanding the above, when the adjacent property is designated as permanent open space through ownership, conservation easement or other acceptable method, the setbacks for patios, decks unroofed porches and balconies and similar outdoor living spaces may, at the discretion of the Commission, be reduced to 30 feet.

25.2.2e **Number of Interior Lots:** In the R-30, R-40 and R-50 Districts, the maximum number of interior lots shall not exceed 15% of the total lots in the subdivision or two (2) lots, whichever number is greater. In the R-130 District, the maximum number of interior lots shall not exceed 30% of the total lots in the subdivision or four (4) lots, whichever number is greater. Notwithstanding the above, in any district for subdivisions of four (4) lots or less the maximum number of interior lots shall not exceed one (1) lot. Any resulting fraction of a number shall be rounded down to the next lower number. In situations where a subdivision is to be developed in sections, the maximum number of interior lots shall be calculated on the basis of the overall subdivision and the Commission may, at its' discretion, limit the proportion of interior lots in any one section in such manner as to not exceed the total number specified above.

25.2.2f **Preexisting Interior Parcels of Record:** In any Residence R-30, R-40 or R-50 District, notwithstanding any of the provisions set forth above, the Commission may approve alternative standards to permit an interior lot or parcel which was a matter of record in the Wolcott Land Records on 3/30/98, resulting from previous subdivision actions or by deed conveyance filed in the Office of the Town Clerk of Wolcott, to be split into two (2) interior lots, which lots may be deficient in required accessway width, length and/or gradient, in lot area and/or in proposed setbacks, provided the following findings are made:

a) If the existing accessway is at least 50 feet in width, there is no present or foreseeable benefit to the Town or the neighborhood in constructing a public street through said

property for future extension into adjacent property or to connect with another street.

b) The minimum lot area of such interior lots, exclusive of accessways, will not be less than the minimum lot area specified in **SCHEDULE B** for the District in which it is located.

c) No buildings or other structures, except permitted accessory structures, shall extend within 40 feet of any property line.

d) The accessway width and gradient are reasonable and appropriate and provisions for driveway improvements are acceptable to the Commission.

25.3 **Height:** No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in **SCHEDULE B**. The maximum height limitation shall not apply to the following, unless such structures or facilities would interfere with solar access for an existing solar collector or wind access for an existing wind energy conversion system: church spires and belfries, pole type T.V. antennas and chimneys; roof parapets and turrets of less than three (3) feet; and cupolas and domes not used for human habitation, clock towers, bell towers, elevator penthouses, roof ventilators and similar facilities, provided the total area covered by such features and facilities shall not exceed 15% of the roof area and shall not extend more than eight (8) feet above the roof level. In addition, accessory detached communications towers in Industrial Districts may have a greater height than specified in **SCHEDULE B** provided that;

a. the applicant substantiates to the Commission that both the tower and the additional height are essential to the operation of a permitted use on the lot,

b. a **SITE DEVELOPMENT PLAN** for the tower is submitted to the Commission for approval under Section 31,

c. such height does not exceed 100 feet and

d. all other requirements of these Regulations are satisfied including but not limited to Section 31.

25.4 **Setbacks:** No building or other structure shall be located less than the minimum setback distances from any street line, rear property line, other property line or Residence District boundary line as specified in **SCHEDULE B,** subject to the following exceptions and limitations:

25.4.1 **Form of Ownership:** The requirements of Par. 25.4 shall not be construed to prohibit condominium ownership of a building or buildings

meeting the requirements of such Paragraph; the requirements of Par.25.4 shall not be construed to prohibit other forms of ownership of a portion of a building and its related lot provided that a **SPECIAL USE PERMIT** therefore has been granted by the Commission in accordance with Section 31 and a subdivision map therefore has been approved by such Commission in accordance with the standards of the Subdivision Regulations of the Town of Wolcott and recorded in the land records of the Town of Wolcott.

25.4.2 **Signs:** Certain permitted signs, as specified in **SECTION 43**, may extend within lesser distances of a property or street line.

25.4.3 **Projections:** Pilasters, columns, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features and open fire escapes may project two (2) feet into the area required for setback from a property or street line.

25.4.4 **Additional Setbacks:** In any District, any portion of a building or other structure exceeding 30 feet in height shall be setback from a property or street line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 30 feet in height, to a maximum of 40 feet in any Residence District and 60 feet in any Commercial or Industrial District.

25.4.5 **Narrow Streets:** In the event that the street where the lot has frontage, has a width of right of way of less than 60 feet, in the case of a street designated as a "Arterial" or "Major Town Road" on any plan of development adopted by the Commission under Chapter 126 of the Connecticut General Statutes or less than 50 feet in the case of all other streets, the required setback from a street line shall be increased as follows:

a. by one half of the difference between 60 feet and the actual width of the street in the case of streets designated as "Arterials" and "Major Town Roads"; and

b. by one half of the difference between 50 feet and the actual width of the street in the case of all other streets.

25.4.6 **Guard Houses:** In Commercial and Industrial Districts, a building not exceeding 150 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.

25.4.7 **Fences, Walls and Terraces:** The required setback distances shall not apply to fences or walls six (6) feet or less in height or to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way easement or taking line of any street.

Any such fence, wall or terrace shall be set back at least one (1) foot from any property line, other than a street line, except that adjoining property owners may, by mutual agreement, agree to eliminate such set back. All fences and walls shall have the finished side facing the adjoining property and/or street.

25.4.8 **Corner Visibility:** Within the triangle formed by the intersecting street, right of way lines of any public or private street and a line connecting two points located 50 feet from said intersection along each street line, no planting, fence, wall or other obstruction shall be located so as to interfere with traffic visibility and safety around such corner.

25.4.9 **Non-Conforming Lots:** On any lawfully existing, non-conforming lot having less than the required minimum lot frontage set forth in **SCHEDULE B**, each required minimum setback from a side line shall be not less than 15% of the lot frontage, but in no case less than ten (10) feet. On any non conforming corner lots in the Residence R-30 District, the minimum required structure setback distance from the longer street line may be reduced by up to 10 feet.

25.4.10 **Commercial Districts:** Adjoining property owners in any Commercial, RC or GC District may, by mutual agreement recorded in the land records of the Town of Wolcott, agree to eliminate the required setback from a common property line or to reduce the required setback from the common property line by up to ten (10) feet on each side of such line, so as to provide a total distance of not less than 20 feet between buildings. Such reduction or elimination of the required setback is permitted provided that access to a public street is provided to any portion of the lot not used for buildings and other structures, by means of an alley or other right-of-way not less than 12 feet in width.

25.4.11 **Setbacks from Route 69:** For the purpose of providing for the future widening of Route 69, the "Street line setback" along Route 69 (Wolcott Road) shall be measured from the centerline of Route 69. The required setback distance shall be 80 feet from the centerline, or the minimum setback required for the district, whichever is greater. The "centerline" is defined as a line equidistant from the face of curb or edge of pavement on each side of the road.

25.4.12 **Setbacks from Water Bodies, Water Courses and Wetlands:** If any building, structure, driveway, outside storage, patio or terrace is to be located and/or land is to be filled, developed or otherwise put to any use other than its natural state within 50 feet of any stream, water course, water body or inland wetland, a specific permit authorizing such activity or encroachment may be required from the Wolcott Inland Wetlands and Watercourses Commission and/or such other State and Local agencies as applicable, prior to approval by the Zoning Enforcement Officer. Approved docks, landings and/or boat houses are exempt from this

setback requirement, but are subject to permitting by the Inland Wetlands and Watercourses Commission.

25.4.13 **Setbacks for Solar Access:** No building or structure shall be sited, constructed, altered or enlarged if the effect of such construction, siting, alteration or enlargement would be to cast a shadow upon the south wall of an existing principal building or a proposed principal building for which a building permit has been issued, for more than 25% of the time between 8:34 a.m. and 3:08 p.m. local time on December 21st. For purposes of this regulation the south wall of a principal building shall mean any wall which faces within 30 degrees of true south. In order to achieve compliance with these provisions the following setback standards shall be adhered to and supersede other setback requirements listed in these regulations:

a. **Minimum Setbacks**: For every foot of height above the mean grade, any building or structure due south of the south wall of a dwelling unit shall be setback the following distance per foot of height, based on slope conditions at the site:

- land slopes east, west or is flat: 2.2 feet
- land slopes 5% to the north: 2.4 feet
- land slopes 10% to the north: 2.7 feet
- land slopes 5% to the south, southwest or southeast: 2.0 feet
- land slopes 10% to the south, southwest or southeast: 1.8 feet
- land slopes 5% to the northwest or northeast: 2.3 feet
- land slopes 10% to the northwest or northeast: 2.5 feet

b. **Steep Terrain**: When land slope conditions significantly vary from those listed in Par. 25.4.13a, then reference shall be made to a Shadow Length Table from a source approved by the Commission.

c. **Solar Access Exemptions**: Where solar access protection to the south wall precludes development within the buildable portion of the lot to the south, then the minimum solar access requirements of Par. 25.4.13 shall only apply to that portion of the south wall located 10 feet above the natural grade of the building as far as practical or feasible. The provisions of Par. 25.4.13 shall not apply to existing buildings that are shaded for greater than 25% of the time between 8:34 a.m. and 3:08 p.m. local time on December 21st, and shall not prohibit construction to the property line by mutual agreement of the property owners.

25.5 **Coverage and Bulk:** The aggregate lot coverage by all buildings and other structures, including permitted accessory buildings and structures, on any lot shall not exceed the percentage of the lot area specified in **SCHEDULE B**. The total floor area of all buildings and other structures on any lot, excluding basements but including permitted accessory buildings and structures, shall not exceed the

percentage of the lot area as specified in **SCHEDULE B**. The aggregate lot coverage of all buildings and other structures, outside storage areas where permitted and paving for parking, loading and driveways shall not exceed the percentage of the lot area as specified in **SCHEDULE B**. Except for legal lots of record as of September 1, 1999, for purposes of computing maximum allowable lot coverage for all districts, lot area shall consist of only contiguous buildable land as defined in Par. **3.25** of these Regulations.

25.6 **Outside Storage:** Outside storage, which is hereby defined to be the outside storage and/or display of merchandise, supplies, machinery and other materials and/or the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use. Permitted outside storage areas shall be enclosed (except for necessary access drives) by buildings, fences, walls, embankments and/or vegetative buffers so as to screen the storage area from view from any other lot or from any street. The enclosing buildings, fences, walls, embankments or evergreen shrubs or trees shall either be of a height sufficient to screen completely the storage area or shall have a height of eight (8) feet, whichever is less, and shall be of a density as to be not less than 75% effective in screening such view, except that when evergreen shrubs or trees are used such height and density shall be achieved within five (5) years after establishment of the outside storage area. The Commission may waive said screening when necessary to accommodate permitted outside display and sales of merchandise. Outside storage shall be limited as follows:

25.6.1 **Restricted Commercial RC Districts:** In Restricted Commercial RC Districts, outside storage areas shall not extend into the area required for setback from a street line, property line or Residence District boundary line and shall not exceed 5% of the area of the lot.

25.6.2 **General Commercial GC and Industrial I Districts:** In General Commercial GC and Industrial I Districts, outside storage shall not extend into the area required for setback from a street line, property line or Residence District boundary line and the aggregate coverage of all buildings, other structures and outside storage shall not exceed 60% of the area of the lot.

25.6.3 **Flood Prone Areas:** No outside storage shall be permitted in any areas of “Special Flood Hazard” as defined herein.

25.6.4 **Economic Development Districts:** In Economic Development Districts, outside storage areas shall not exceed 15% of the lot area, of which, areas for the outside display and/or sale of merchandise shall not extend into the area required for setback from a property line, street line or Residence District boundary line. **(Effective 9/28/01)**

25.7 **Accessory Structures and Uses in Residence Districts:** The following buildings, structures and uses are permitted in residence districts, provided that the accessory building, structure and/or use shall be located on the same lot with the permitted building, structure and/or use to which it is accessory:

25.7.1 **Detached Private Garages:** Detached private garages shall not exceed one story or 20 feet in height, whichever is less. No such garage structure shall have a ground floor area in excess of 650 square feet. A detached garage structure exceeding 650 square ft. of ground floor area and/or 20 feet in height may be permitted in conformity with the setbacks for a principle structure and subject to the approval of a **Special Use Permit** under the provisions of **Section 31**.

25.7.2 **Wind Energy Conversion Systems:** Wind energy conversion systems shall conform to the additional standards and requirements of Paragraph 24.13.

25.7.3 **Swimming Pools:** Swimming pools shall be subject to the following conditions:

a. The pool shall be located so as to not affect on-site sewage disposal and/or water supply systems.

b. The pool is located to the rear of the principal front wall of the dwelling, with a minimum setback of 10 feet from any property line other than a street line and 40 feet from any other street line.

c. The setbacks shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines.

25.7.4 **Barns:** Permitted barns shall be designed, arranged and intended to be occupied and used solely for the storage of farm products and equipment, for feed, and/or for the housing of farm animals, or horses. Such barns shall not exceed 1,200 square feet of gross floor area, shall not exceed two stories or 24 feet in height, whichever is less, and shall not include any lavatory facilities, kitchen facilities and/or central heating systems.

25.7.5 **Other Buildings and Structures:** Buildings and other structures not indicated above, including tool sheds, greenhouses, pool houses, wood sheds and similar structures, for the use of the occupants of the lot are permitted, provided that:

a. **(Amended 6/21/06) -** Any accessory or building with gross floor of less than 301 sq. ft. shall require applicable permit and a reduced fee, with no requirement of a Special Use Permit. For any accessory

or building between 301-649 sq. ft., shall require applicable permit and full fee, with no requirement of a Special Use Permit. **(Added language 7/19/06) –** The accessory building or structure shall be constructed of wood, metal, plastic, cloth, or acceptable to the building code requirements and shall at all times be kept in good condition, accepted by the P&Z and/or Zoning Enforcement Officer.

b. The accessory building or structure shall not exceed one story or 16 feet in height, whichever is less, except for barns as identified in Paragraph 25.7.4 above.

c. Ground mounted satellite dishes or disc type antennae shall not exceed 16 feet in height and shall be fully screened from view from any adjacent property line and street line at all times. Roof top satellite dishes and roof top disc type antenna are prohibited.

d. Ground mounted solar panels shall not exceed 16 feet in height and shall be fully screened from any adjacent property line and street line at all times.

25.7.6 **Other Limitations:**

a. No accessory building, structure or lot shall include any use or activity conducted for gain or profit, except as otherwise expressly permitted herein.

b. The use of any accessory structure for human habitation shall be prohibited.

c. No mechanized construction equipment shall be stored on any residential premises.

d. No part of a lot located in a Residence District shall be used for access to any use not permitted in such District.

25.7.7 **Trailers, Boats and Recreational Vehicles:** Except as may be otherwise provided for in these Regulations, not more than one (1) trailer (not for human occupancy), and not more than two (2) registered recreational vehicles, campers or boats shall be stored, garaged or parked consistently on any residential lot. Any such vehicle shall be owned by the resident or owner of the lot on which it is stored and shall not be located in any required setback area. Such trailer and/or boats greater than 20 feet in length shall be suitably screened from view from all street and property lines during all seasons of the year.

25.7.8 **Motor Vehicles:** Except as may be otherwise provided for in these Regulations, not more than one (1) registered commercial vehicle and not more than one (1) unregistered motor vehicle shall be stored, garaged or parked consistently on any residential lot. Such commercial vehicle shall

not exceed a gross vehicle weight of 6,000 pounds, as evidenced by the rating in accordance with the standards of the Connecticut Department of Motor Vehicles for gross weight of a vehicle. Any such vehicle shall be owned by the resident or owner of the lot on which it is stored and shall not be located in any required setback area. Any such vehicle containing advertising thereon shall be stored or parked in an enclosed garage.

25.8 **Site Development and Landscaping:** On any lot that is to be used in Commercial and Industrial Districts, site development and landscaping shall be established in as follows:

25.8.1 **Off-Street Parking and Loading:** All off-street parking and loading spaces shall conform to the standards of **Section 42.**

25.8.2 **Commercial Districts:** In Commercial Districts no part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading. A strip of land, not less than 12 feet in width, along and adjacent to any Residence District boundary line shall be suitably landscaped with lawns and with trees and/or shrubs. The area required for setback from a street right-of-way line shall be suitably landscaped with trees and/or shrubs, lawns, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off-street parking. Not more than 50% of the area required for setback from a street line shall be used for driveways and/or parking spaces. No parking space shall be setback from a street line less than 20 feet in any Restricted Commercial District and 10 feet in any General Commercial District.

25.8.3 **Industrial Districts:** In Industrial Districts, no part of the area required for setback from a Residence District boundary line shall be used for driveways or off-street parking or loading. Along and adjacent to any Residence District boundary line a strip of land not less than 30 feet in width shall be left in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within (5) years. No part of the area required for setback from a street line shall be used for off-street loading and no more than 50% of such area shall be used for driveways and/or off-street parking. Except for sidewalks and permitted driveways and off-street parking spaces, the area required for setback from a street line shall be suitably landscaped with trees and/or shrubs, lawns, washed gravel or ornamental brick or stone pavement.

25.8.4 **Economic Development Districts:** In any Economic Development District (EDD) not more than 50% of the area required for setback from a Residence District Boundary line may be used for off-street parking and/or loading, including access and site circulation drives. Up to 60% of any required street and/or property line setback area, other than a Residence District Boundary setback area, may be used for off-street parking and/or driveways provided there is a green belt having a width

of 20 feet along the street and 10 feet along any property line. Along and adjacent to any Residence District Boundary line a landscaped buffer not less than 50 feet in width shall be preserved in its natural state if already wooded or shall be planted with evergreen trees having a minimum height of six (6) feet at the time of planting and sufficient in size, quantity and spacing to grow into a dense, evergreen buffer within no more than five (5) years. No portion of said 50 foot buffer shall be disturbed by grading and/or site clearing, except for such removal of undergrowth as may be approved by the Commission for landscaping purposes and aesthetics. Said buffer area shall be reasonably protected from unauthorized encroachment during construction by snow-fencing or other appropriate measures. No part of the area required for street line setback shall be used for off-street loading and all off-street loading docks/areas shall be visually screened from view from any street. **(Effective 9/28/01)**

25.9 Driveways: Private driveways to individual lots shall be so located, designed and constructed as to permit safe and convenient access and to minimize erosion and excessive drainage onto roadways. Driveways shall conform to the following standards:

a. Driveways shall be constructed to provide year-round access for emergency and service vehicles and shall have an all weather passable surface. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

b. The slope of a driveway shall not exceed five percent (5%) within 35 feet of its intersection with a Town road. Driveways having a grade in excess of eight percent (8%) shall be paved and under no circumstances shall the grade at any point exceed fifteen percent (15%) over a distance of 25 feet and an average grade of 15% over a length of 100 feet.

c. There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each 300 feet of lot frontage or fraction thereof in excess of 300 feet.

d. If at all practical, a driveway shall intersect a street at ninety (90) degrees, but in no case shall a driveway intersect a street at an angle of less than sixty (60) degrees. No driveway shall have its centerline intersect a roadway less than 50 feet from the intersection of two or more Town roads, measured from the nearest edge of the traveled way of the intersecting street.

e. The sight distance at the centerline of a driveway shall equal or exceed a distance of 250 feet measured from a point ten (10) feet back from the edge of pavement at a height of 3.5 feet. The Commission may require a greater sight distance as warranted by the traffic volume and average operating speed along the intersected street.

f. Each driveway shall be connected to the street by a paved apron extending from the edge of pavement of such street to at least ten (10) feet inside the street line.

g. Driveway pavement, where required, shall be provided as follows: (a) private driveways serving no more than four (4) dwelling units shall consist of two (2) inches of bituminous concrete on six (6) inches of processed aggregate base on a compacted sub-grade; (b) when serving more than four (4) dwelling units, pavement thickness shall be increased to three (3) inches and base to eight (8) inches; and (c) commercial driveways and parking areas shall consist of not less than three (3) inches of bituminous concrete on eight (8) inches of processed aggregate on a compacted sub-grade.

h. No driveway shall be located, constructed or relocated without prior approval by the Town Engineer or the Zoning Enforcement Officer. All driveway construction, including all necessary drainage facilities, shall be completed prior to the issuance of a **Certificate of Zoning Compliance**.

25.10 **Separations and Windows:** On any lot, no window in one dwelling unit shall face the window of another dwelling unit at a distance of less than 25 feet. On any lot, no dwelling shall be nearer to another dwelling than the average height of such dwellings.

SCHEDULE B - GENERAL BULK STANDARDS

	STANDARDS	DISTRICT CODES								
		R-30	R-40	R-50	R-130	RC	GC	I	EDD1	EDD2
1.	Minimum Lot Area (in square feet).	30,000	40,000	50,000	130,000	40,000	40,000	40,000	80,000	80,000
2.	Minimum dimension of square on the lot (ft.).	125	150	200	300	100	100	200	200	200
3.	Minimum lot frontage (ft.)	125	135	175	260	100	100	200	100	100
4.	Maximum number of stories for a building.	3	3	3	3	3	3	none	none	none
5.	Maximum height of a building or structure (ft.).*	40	40	40	40	40	60	60	40	40
	5.1 Maximum height of accessory buildings (ft.).	15	15	15	15	15	15	15	15	15
6.	Minimum setbacks: **** See Note Below ****									
	6.1 from front property line (ft.).	40	40	40	75	20	20	50	50	50
	6.2 from rear property line (ft.).	30	30	40	75	20	20	25	25	25
	6.3 from side or other property line (ft.).	25	30	30	50	20	20	25	25	25
	6.4 from Residence District boundary line (ft.).	--	--	--	--	50	50	50	100	100
	6.5 Accessory building from street line (ft.).	75	75	75	100	75	75	75	75	75
	6.6 Accessory building from property lines (ft.).	8	8	8	20	8	8	8	8	8
7.	Maximum lot coverage as percent of lot.	15%	15%	15%	10%	20%	35%	35%	20%	20%
	7.1 By accessory buildings as percent of lot.	2%	2%	2%	1%	--	--	--	--	--
8.	Maximum floor area as percent of lot.	20%	20%	20%	15%	--	--	--	--	--
9.	Maximum lot coverage of buildings, storage, paving and other impervious surfaces as percent of lot.	---	---	---	---	65%**	75%**	85%**	65%	65%

* Note: In accordance with Par. 25.4.4 an additional setback of 2 feet is required for each 1 foot by which such height exceeds 30 feet.
** Note: See Regulation #25.6

**** **NOTE: SEE REG. #34.5.4 FOR OPEN SPACE SETBACKS ATTACHED** ****

**** **NOTE: SEE SCHEDULE B SETBACKS FOR WOLCOTT HILLS PLANNED RESIDENCE DISTRICT ATTACHED** ****

ARTICLE THREE

SITE PLANS AND SPECIAL PERMITS

SECTION 31 - SITE DEVELOPMENT PLANS AND SPECIAL USE PERMITS

31.1 **General:** Uses which require approval of a **SITE DEVELOPMENT PLAN** or a **SPECIAL USE PERMIT** are specified in **Section 23.1 Schedule A - Permitted Uses** of these Regulations. A **SPECIAL USE PERMIT** Application includes a **SITE DEVELOPMENT PLAN** Application and must address any additional requirements specific to the proposed use, as set forth in **Section 32** of these Regulations. All **SITE DEVELOPMENT PLAN** and **SPECIAL USE PERMIT** requirements are in addition to other requirements of the district in which the use is to be located. Applicants are encouraged to have a preliminary discussion of their proposal with the Commission and its technical staff prior to submission of a formal application.

31.2 **Purpose:** The purpose of this process is to review the development plans of an applicant to assure that they meet the stated objectives and standards, provide for necessary public facilities or services, preserve topographic features, protect historical and archeological factors and protect adjacent properties, through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.

31.3 **Authorization:**

31.3.1 **Special Use Permit:** All **SPECIAL USE PERMITS** will generally also require **SITE DEVELOPMENT PLAN** review and approval by the Commission. In all instances where a **SPECIAL USE PERMIT** must be secured as required by these Regulations, no **ZONING PERMIT** shall be issued by the Zoning Enforcement Officer except after a public hearing and upon authorization of the Commission.

31.3.2 **Site Development Plan:** In all instances where these Regulations require approval of a **Site Development Plan**, no **Zoning Permit** shall be issued by the Zoning Enforcement Officer except after **Site Development Plan** review by and authorization of the Commission.

31.4 **Application:** Application for a **Special Use Permit** and/or **Site Development Plan** approval shall be in a form prescribed by the Commission and shall be considered in accordance with the procedures adopted by the Commission, as amended from time to time.

31.4.1 **Application Materials:** Before the Commission shall formally consider any such application, all required documents, plans and other materials shall be submitted by the applicant. For those applications to be considered at a public hearing, all required reports, documents and other materials shall be submitted not less than fourteen (14) calendar days prior to the public hearing. Failure to submit any required report or document shall be sufficient basis for denial of the application.

31.4.2 **Application Forms:** Application for approval of a **Special Use Permit** or **Site Development Plan** shall be made to the Commission in writing on Wolcott Planning and Zoning Commission forms. The application shall be signed by the applicant, and if the project is proposed by an applicant other than the owner of the property, the application shall be signed by the owner. If the applicant is unable to obtain the signature of the property owner the applicant may submit a letter of authorization signed by the property owner.

31.5 **Procedure:** Application for **Site Development Plan** and/or **Special Use Permit** approval shall be processed in accordance with Section 8-7d of the Connecticut General Statutes.

31.5.1 **Submission:** An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by Section 31.11. The Commission staff shall note on the application the date of submission to the Commission.

31.5.2 **Receipt:** The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application, or thirty-five (35) days after such submission, whichever is sooner.

31.5.3 **Public Hearing:**

a. The Commission shall hold a public hearing on an application for a **Special Use Permit**. If the grant of such an application is dependent upon the Commission's approval of a **Site Development Plan**, the applicant shall submit an application for **Site Development Plan** review at the same time as he submits his application for the **Special Use Permit** and both applications shall be processed simultaneously.

b. The Commission, at its discretion, may hold a public hearing on any application for **Site Development Plan** review.

c. Any such public hearing shall be held within 65 days after the date of receipt of a complete application and shall be completed within 35 days after such public hearing commences. **(Effective 10/1/03 – changed to 35 days from 30 days – Gen. State Statutes 8-7d)**

31.5.4 <u>Commission Review</u>:

a. In reviewing a **Special Use Permit** and/or **Site Development Plan** application, the Commission shall take into consideration the public health, safety and general welfare, and may prescribe such conditions and safeguards as are necessary to assure compliance with the requirements set forth herein.

b. The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these Regulations.

c. If a **Special Use Permit** or **Site Development Plan** application involves an activity regulated by the Inland Wetlands and Watercourses Commission, the Commission shall not render its decision on such application until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision.

31.5.5 <u>Commission Action</u>:

a. <u>Special Use Permit Requiring Public Hearing</u>: Except as may be modified by Par. **c.** below, within 65 days after completion of the public hearing the Commission shall grant or deny such application.

b. <u>Site Development Plan Not Requiring Public Hearing</u>: Except as may be modified by Par. **c.** below, within 65 days after the date of receipt of an application for a site plan for which the Commission does not require a public hearing, the Commission shall approve, modify and approve or deny the site plan.

c. <u>Applications Involving Inland Wetlands and Watercourses Commission</u>: If in the case of applications involving an activity regulated by the Inland Wetlands and Watercourses Commission,

the time for decision by the Commission pursuant to Par. **a.** or **b.** above 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 shall be extended to thirty-five (35) days after the Inland Wetlands and Watercourses Commission decision.

d. **Simultaneous Applications for Special Use Permit and Site Development Plan Review:** If, pursuant to Sec. 31.5.3a, an applicant submits two such applications at the same time, the two applications shall be deemed to be a single proposal for purposes of voting and the Commission shall with one vote approve, approve with conditions, modify and approve or deny such proposal, simultaneously.

e. A **Site Development Plan** may be modified or denied only if it fails to comply with the requirements already set forth in the Zoning Regulations in accordance with Section 8-3 (c) of the Connecticut General Statutes.

f. **Conditions of Approval:** When the Commission grants a **Special Use Permit** or approves a **Site Development Plan** with conditions, each and all of said conditions shall be an integral part of the Commission's decision. Should any of the conditions on appeal from such decision be found to be void or of no legal effect, then the conditional approval is likewise void. The applicant may re-file another application for review.

g. **Reasons and Permits:** The Commission shall state upon its records the reason for its decision. Upon granting of a **Special Use Permit** or approval of a **Site Development Plan**, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.

31.5.6 **Notice of Decision:** Notice of the decision of the Commission on a **Special Use Permit** application or a **Site Development Plan** shall be published in a newspaper having a substantial circulation in the Town of Wolcott and a copy of said decision shall be sent by certified mail to the applicant within fifteen (15) days after the decision.

31.5.7 **Effective Date: Special Use Permits** shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

31.6 **Time Period and Expiration:** In granting a **Special Use Permit**, the Commission may set or impose time periods or limits on the use or require periodic renewal of the permit, without a public hearing. In the event an appeal is taken from the Commission's granting of a **Special Use Permit**, any such time period shall commence on the date of final resolution or disposition of such litigation. Expired **Special Use Permits** shall be considered null and void.

31.6.1 Failure to obtain a **Zoning Permit** within one year of the date of granting a **Special Use Permit** or within one year of the date of approval of a **Site Development Plan** or within one year of the date of final resolution or any resulting appeal, shall render such **Special Use Permit** and/or **Site Development Plan** null and void.

31.6.2 In order to obtain the required **Zoning Permit**, the Commission may grant the extension of a **Special Use Permit** or **Site Development Plan** for a period not to exceed one (1) additional year, only provided there are unusual or extenuating circumstances that warrant such extension.

31.6.3 All work in connection with any site plan shall be completed within five (5) years from the date of approval of such plan. The resolution approving such site plan shall state the date on which such five (5) year period expires. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan in accordance with Section 8-3(i) of the Connecticut General Statutes.

31.7 **Bond:** The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all physical improvements (excluding buildings) shown on the approved site plan. The Commission shall require that the applicant post a bond in an amount deemed adequate by the Commission to guarantee the completion of required public street improvements, driveway connections, utility services, storm drainage and pollution control facilities and landscaping and other essential site improvements and/or site restoration, in accordance with the approved plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including appropriate inflation factors for the estimated construction period and shall be submitted to the Town Engineer and
the Zoning Enforcement Officer for approval. The bond may be in the form of cash, a certified check payable to the Town of Wolcott, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and the applicant, or an irrevocable letter of credit from a bank. Said bond shall be posted with the Town, in accordance with the approved **Site Development Plan**, for a period not to exceed two (2) years, unless an extension of time up to five (5) years is applied for by the applicant and granted by the Commission. All site work shall be completed within five (5) years of the date of approval.

31.8 **Release of Bond:** Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Town Engineer and/or other appropriate Town Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans. Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Based on the findings, the Commission may authorize the reduction or release of said bond and the subsequent issuance of a **Certificate of Zoning Compliance**.

31.9 **Revisions and Changes:** A minor change to an approved **Site Development Plan** or a **Special Use Permit** consists of minor changes in the use or occupancy of land, structures or buildings not requiring additional parking, loading, or access and such change may be approved administratively by the Zoning Enforcement Officer after consultation with the Town Engineer. Any other change in the use of land or in the use of a structure or building will require Commission approval if such change in use increases the required amount of parking, loading or access or requires substantial alteration to the land, structure, building or layout. The Commission will decide if the change is significant enough to require a complete **Site Development Plan** or **Special Use Permit** application as for a new submission.

31.10 **Administrative Approval:** In certain cases limited to minor site and/or building activities, the Zoning Enforcement Officer shall have the authority to review and approve applications involving the following types of minor activities only:

31.10.1 **Site Development Plan Modifications:** Where only minor site work is involved such as parking lot alterations or expansions, landscape modifications (refuse areas, screening, retaining walls, fences etc.) and utility modifications, provided that said minor modifications comply with the regulations set forth herein.

31.10.2 **Small Building Additions/Alterations:** Small building additions and/or alterations with fewer than 500 square feet of gross floor area, exterior staircases mandated by the Fire Marshal, handicap ramps and elevators mandated by the Building Official for public safety and awnings. Site plan approval is not required for ground mounted or roof top mechanical equipment.

31.10.3 **Small Changes of Use:** A small change of use within an existing building involving not more than 500 square feet of gross floor area nor an increase of not more than three (3) required parking spaces on the same lot.

31.11 **Application Information, Materials and Documents:** For all uses requiring approval of a **Special Use Permit** or a **Site Development Plan**, a complete application shall be submitted in a form prescribed by the Commission, together with an application fee in an amount determined by the Commission and posted in the Planning and Zoning Office, payable to the Town of Wolcott, together with the following information. If the Zoning Enforcement Officer finds any of the following requirements not applicable for small-scale projects, such items may be waived with the concurrence and approval of the Commission.

31.11.1 **Statement of Use:** Four (4) copies of a written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions of **Section 23** and the performance standards of **Section 44**.

31.11.2 **General Information:** All maps and plans shall indicate the name of the owner of record as listed in the Assessor's Office; the date, north arrow, numerical and graphic scale and revision dates; and the street address of the property.

31.11.3 **Location Map:** Four (4) copies of the Assessor's Map(s) at a scale not to exceed one (1) inch equals two hundred (200) feet. The map shall show the subject property and all adjoining property and all adjoining property including those properties directly across a street, water body or watercourse and within one hundred (100) feet of the subject property.

The following additional information shall be submitted:

a. A list of names and addresses of all property owners within 250 feet of the subject property.

31.11.4 **Existing Conditions Map:** Four (4) copies of an accurate, scaled survey map of the property prepared by a registered Land Surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24 inches by 36 inches. Said survey shall be drawn to an A-2 accuracy as defined by the Connecticut Technical Council, shall be certified "substantially correct" by a registered land Surveyor and shall include all existing property lines, easements, rights-of-way, contours at intervals of two feet referred to USGS MSL datum, wooded areas,

watercourses, wetlands, known aquifers, rock outcrops, stone walls, location of existing trees with a trunk caliper of more than eight (8) inches, except in delineated wooded areas, buildings, structures, signs, fences, walls, paved areas, curbs, curb cuts, edges-of-pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features. The survey shall also show the following off-site information:

a. Buildings, parking areas and curb-cuts on all adjoining properties located within fifty (50) feet of the site.

b. All cross streets located within fifty (50) feet of the site.

c. All curb-cuts or driveways located across the street from or opposite the site.

d. All traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets.

31.11.5 **Site Development Plan Map:** Six (6) copies of an accurate scale plan, prepared by and sealed by a registered architect, landscape architect, engineer or surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24 inches by 36 inches. Said site plan shall be prepared from a plot plan certified "substantially correct" by a registered Land Surveyor, based on a Class A-2 Survey and said plot plan shall be identified. The site plan shall illustrate the proposed development of the property and shall include the following information:

a. The boundaries of the property and Zoning District Boundary Line located on the subject property as well as the location, width and purpose of all existing and proposed easements and rights-of-way on the property.

b. Existing and proposed contours at intervals of two feet, referred to USGS MSL datum, with spot elevations at key locations.

c. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, the edge of water, wetlands boundary, any waterway protection line, the one hundred (100) year flood line and the floodway boundary. Wetlands shall be field located by a registered soils scientist.

d. Location of existing trees, not located within wooded areas, with a trunk caliper of more than eight (8) inches and mature evergreens of ornamental quality.

e. Location, design and height of all existing and proposed buildings, structures, signs, fences and walls, including retaining walls.

f. Location of all existing and proposed uses and facilities not requiring a building.

g. Location, arrangement and dimensions of standard automobile parking stalls, aisles, vehicular drives, fire lines, entrances, exits and ramps, as well as the location, arrangement and dimensions of loading and unloading areas.

h. Location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

i. A table or chart tabulating the proposed number or amount and types of uses, lot area, setbacks, coverage, building area, building height, floor area ratio, parking computations and landscaping computations as compared to the requirements of the Zoning Regulations.

j. A preliminary landscape plan showing the general location and layout of plantings within all landscaped areas, as well as any fencing, walls, and other screening proposed.

k. The location, height, size, orientation, design and plans of all signs and outdoor lighting.

l. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as other underground and above ground utilities and any ground level mechanical equipment. All new utility services shall be located underground and the Commission may require existing overhead lines to be placed underground. Sanitary sewers, storm drainage, retaining walls and other similar engineering improvement plans shall be designed and sealed by a registered professional engineer unless the Town Engineer otherwise approves an incidental improvement. Such engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials. Quantity and velocity calculations, profiles, cross-sections and other engineering documentation may be requested by the Commission for review by the Town Engineer.

m. When the applicant wishes to develop the site in stages, an overall site and staging plan indicating all phases and a develop-ment schedule for obtaining Zoning Permits shall be submitted.

31.11.6 **Building Plans:** Four (4) copies of preliminary architectural drawings of all proposed buildings and structures, at a minimum scale of one (1) inch equals eight (8) feet, prepared by an architect or professional engineer licensed to practice in the State of Connecticut, showing the following:

a. All exterior wall elevations indicating finished floor elevations, building heights in relation to mean sea level, base flood elevation data, lowest floor elevation, doors and windows, size and location of roof top mechanical equipment and building materials.

b. Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area. All building floor plans shall indicate floor dimensions.

31.11.7 **Traffic Report:** A traffic analysis shall be required for any project containing either one hundred (100) or more parking spaces in a new or expanded parking lot or forty thousand (40,000) or more square feet of gross floor area in a new or expanded building. The traffic analysis shall include at least the following information: past and present roadway conditions, existing roadway capacity, traffic accidents, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume/capacity ratios, existing and proposed sight lines based on facts and reasonable generation factors for the site and affected road networks and intersections, including levels of service before and after development. The Commission may require a traffic report for other projects if conditions warrant.

a. Projects situated on State Highways and arterial Town roads shall be designed to minimize left turn movements or conflicts on the street at the site.

b. Driveways shall be designed to achieve clear sight lines based on a minimum thirty-five (35) mph design speed.

c. The project design shall consider interconnecting parking areas, shared common access drives and future access connections to adjacent property.

31.11.8 **Drainage Report:** A storm drainage analysis shall be required for any project containing either forty (40) or more parking spaces in a new or expanded parking lot or twenty thousand (20,000) or more square feet

of gross floor area in a new or expanded building. On-site storm drainage facilities serving only the needs of the site shall be designed for a 10 year storm. Culvert crossings of existing watercourses shall be designed based on watershed size as per Conn. D.O.T. Manual. The storm drainage analysis shall contain at least the existing and projected storm water runoff calculations for the affected watershed based on the 25, 50 and 100 year storms. If any portion of the downstream system is deemed inadequate, such system shall be improved to current standards acceptable to the Town Engineer or on-site retention shall be provided. The Commission may require a drainage report for other projects if conditions warrant.

31.11.9 **Sediment and Erosion Control Plan:** A **Sediment and Erosion Control Plan**, pursuant to **Section 45** of these Regulations, shall be required for all applications for **Special Use Permits** and/or **Site Development Plan** approval where the cumulative area(s) of disturbance is more than one-half (1/2) acre, and if deemed necessary by the Commission may be required for applications/projects with less than one-half (1/2) acre of cumulative disturbed area(s).

31.11.10 **Local, State and Federal Agency Reports:** At the request of the Commission, the applicant shall submit a report stating the recommendations from the following agencies or any other governmental agency having jurisdiction over any aspect of the application:

a. Zoning Board of Appeals

b. Inland Wetlands and Watercourses Commission

c. Sewer and Water Commission

d. Fire Marshal

e. Police Chief

f. Building Official

g. Town Engineer

h. Chesprocott Health District

i. Connecticut Department of Transportation

j. Connecticut Department of Environmental Protection

k. Army Corps of Engineers

The Commission may specify the extent of the report and specific issues to be reviewed. Applications which require State or Federal approvals shall include a statement describing the status of such approvals together with sufficient written evidence indicating such approvals appear to have a reasonable probability of success.

31.11.11 **Legal Documents:** The applicant shall either obtain all necessary legal documents or rights such as easements, rights-of-way, covenants, deed restrictions, etc. or otherwise provide sufficient written evidence to demonstrate the acquisition of such necessary legal documents or rights appears to have a reasonable probability of success.

31.11.12 **Final Landscape Plan:** Prior to the issuance of a **Zoning Permit** for an approved **Site Development Plan**, the applicant shall prepare and submit a detailed landscape plan to the Commission for final approval. The detailed landscape plan shall show the location, layout, type, size, number and species of plantings within all landscape areas; the fencing, walls, and other screening; and the proposed methods of and specifications for planting. Final approval must be secured prior to the issuance of a **ZONING PERMIT**.

31.11.13 **Other:** The Commission, upon written request by the applicant, may by resolution, waive the required submission of all or part of the information required under this Section if the Commission finds that the information is not necessary in order to decide on the application. The Commission may also request the submission of such other additional information that it deems necessary in order to decide on the application.

31.12 **Site Development Plan Standards and Objectives:** In reviewing the **Site Development Plan**, the Commission shall take into consideration the public health, safety and general welfare and as a condition of approval, may require such modifications of the proposed plans as it deems necessary to comply with the specific area, bulk, parking, landscaping, sign and document standards contained herein as well as all other applicable requirements of these Regulations and to assure the accomplishments of the following general objectives:

31.12.1 **Public Safety:** That all buildings, structures, uses, equipment or materials are directly accessible for fire, police and ambulance services. The plans shall comply with the Town's Fire Ordinances and/or approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the handicapped ramp,

depressed curb and parking provisions and the elevator provisions, subject to the approval of the Building Official.

31.12.2 **Traffic and Pedestrian Access:** That all proposed vehicular and pedestrian access ways are safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

a. The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

b. The width, grade and alignment of entrances and exits.

c. The distance of entrances and exits from street corners, places of public assembly and other access ways.

d. The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.

e. The adequacy of emergency access.

31.12.3 **Circulation and Parking:** That the vehicular circulation pattern and the off-street parking and loading spaces are safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and to prevent traffic congestion and traffic and pedestrian hazards both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

a. The effect of the proposed development on traffic conditions on abutting streets.

b. The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems.

c. The adequacy of traffic signalization, traffic channelization, left turn lanes, or roadway width on the adjoining streets.

d. The interconnection of parking areas via access drives within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.

e. the adequacy of vehicular stacking lanes and/or distances.

f. The adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.

g. The location, arrangement and adequacy of off-street parking and loading facilities.

h. The location, arrangement and adequacy of handicapped facilities such as ramps, depressed curbs and reserved 15 foot wide parking spaces.

i. The location and design of vehicle maneuvering areas, back around areas and fire lanes.

j. The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.

k. The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks and similar safety devices necessary to protect life and property.

31.12.4 **Landscaping and Screening:** That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to these objectives:

a. Existing large and/or specimen trees shall be preserved to the maximum extent possible particularly within the front landscape and buffer strip areas.

b. Special attention shall be given to the front landscape areas along Wolcott Road in the Route 69 Corridor overlay district in concert with the goal of aesthetically enhancing this area. No such street trees shall be removed without the approval of the Commission or any designated beautification committee. Any such tree so removed shall be replaced in kind at the expense of the property owner.

c. The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.

d. Vehicular parking, loading and service areas shall be screened during all seasons of the year from adjacent residential uses and districts.

e. The location, height and materials of walls, fences, mounds, berms,

hedges and plantings so as to ensure compatibility with the character of adjacent development, screen parking and loading areas, and conceal storage areas, refuse disposal facilities, utility installations and other such features.

f. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.

g. The preservation of natural attributes and major features of the site such as watercourses, water bodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site and onto or over the site.

31.12.5 **Lighting and Noise:** That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines.

a. All exterior light fixtures shall be located at the minimum height from the ground and at the maximum distance from the property

line consistent with providing adequate and safe lighting of the building entrances, walkways, parking area and access ways.

b. All exterior lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a manner that the light will be down directed and will not be visible at a height greater than six (6) feet above ground level at property lines.

c. Unshielded lighting may be used if it can be shown that the light distribution characteristics of the proposed fixtures are not objectionable.

d. Lighting may be directed upward at such an angle to light only on-site buildings, trees, shrubs or site surfaces.

e. Lights producing varying intensities, changing colors, or light movement shall be prohibited.

Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site (mounds, berms, screening or other suitable noise barriers) may be required so as to minimize noise levels at the property line.

31.12.6 **Public Health:** That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, to protect the property from adverse effect air, water or land pollution and to

preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

a. Provision shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period.

b. Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding, subject to the approval of the Town Engineer.

b. All refuse collection areas shall be located near the service entrance of loading area of a building, shall be easily accessible to service trucks, and shall be enclosed by walls and landscaping.

31.12.7 **Character and Appearance:** That the location, size and design of any proposed building, structure or use, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be compatible and harmonious with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structure as indicated by the exterior appearance of buildings (bulk, height, roof style, materials and color), their location on the site in relation to existing streets, parking and adjacent residences and their relationship to the natural terrain, watercourses, water bodies, wetlands and vegetation.

31.13 **Special Use Permit Standards:** In reviewing a **Special Use Permit** application, the Commission shall consider any special additional standards and conditions set forth in **Section 32**, all the standards contained in **Section 31.12** Site Development Plan Standards and Objectives set forth above, and shall take into consideration the public health, safety and general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any **Special Use Permit**, the Commission shall determine that the proposed use conforms to the overall intent of these Regulations and in each case shall consider the following:

31.13.1 **Plan of Development:** The degree to which the proposal will be in conformance with the Town's Plan of Development Update.

31.13.2 **Neighborhood:** The effect of the use on the existing and future character of the immediate neighborhood to assure that the use will not have an adverse effect on adjacent areas located within close proximity to the use and will not prevent or inhibit the orderly growth and

development of the neighborhood.

31.13.3 **Traffic and Circulation:** The effect on traffic and circulation on and off the site, the amount and access to parking and the adequacy of emergency access, to assure that the use will not interfere with pedestrian circulation and will not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.

31.13.4 **Adequacy of Utility Services:** The effect of the use on ground water supplies, the adequacy of public water and sewer facilities and/or the adequacy of on-site sewage and storm water disposal systems to avoid significant adverse effects thereon.

31.13.5 **Lighting:** The effect of the lighting system in terms of location and type of display signs and lighting, loading and service areas, landscaping and pedestrian walkways.

31.13.6 **Building Arrangement:** The height, location and orientation of principal and accessory buildings in relation to other structures, so that they will be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

31.13.7 **Recreation and Open Space Areas:** The effect of the use on existing recreation areas and the amount and location of recreational land proposed, as well as the preservation of important open space and other features of the natural environment related to the public health, safety and welfare.

31.13.8 **Scenic Vistas:** The degree to which the use will obstruct significant views which are important elements in maintaining the character of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings.

31.13.9 **Energy Conservation:** The degree to which the use fosters an energy efficient building layout and landscaping plan through the use of building orientations and vegetation.

31.13.10 **Buffers:** The degree to which the use is separated or buffered from churches, schools, public buildings or other uses similar to the proposed use.

SECTION 32 - ADDITIONAL SPECIAL USE STANDARDS

32.1 **General:** Certain **SPECIAL USE PERMITS** may be required to comply with additional standards and conditions hereinafter specified, as required by these Regulations. All the standards and provisions of this Section are in addition to such other requirements as may be applicable in the district in which the **SPECIAL USE** is to be located.

32.2 **Special Standards:** In addition to the procedures, documents and general standards set forth in **Section 31**, the following **SPECIAL STANDARDS** shall also be applicable to particular **SPECIAL USES**:

32.2.1 **Commercial Kennels, Stables, etc.:** Commercial kennels, livery and boarding stables and riding schools (Use Line A-10 of **Schedule A**) shall also conform to the following additional standards and conditions:

a. The use shall be located on a lot of not less than five (5) acres.

b. Any buildings, enclosures, feed yards or runs for animals shall be set back not less than 150 feet from any property or street line or any natural watercourse.

c. Open exercise and grazing areas shall be located not less than 30 feet from any property or street line, shall be properly enclosed by a fence of sufficient height to assure containment of the animals and shall be maintained in a sanitary and odor-free condition at all times.

d. All stalls, pens and similar animal enclosures shall have an impervious floor of concrete or other acceptable material and shall have adequate drainage facilities connected to a sanitary system to facilitate washing and maintenance.

e. In any Residence District, outdoor dog runs shall only be used between the hours of 8:00 a.m. and 8:00 p.m.

f. Adequate provision shall be made for off-street parking of automobiles, horse vans and other motor vehicles of all persons using or visiting the premises.

32.2.2 **Group Day Care Homes:** Group day care homes (Use Line B-9 of **Schedule A**) shall conform to the following additional standards and conditions:

a. The use shall be located on a lot having at least the minimum area required by the applicable district, but in no event less than 40,000 square feet.

b. The person or persons conducting such use shall reside in the dwelling unit and there shall be no more than two (2) non-resident persons engaged in the conduct of such use.

c. The use shall not impair the residential character of the premises.

d. No enclosed outside play area shall be located between any street line and the detached single family dwelling. Play apparatus shall be screened by either a fence or foliage of such type and location as necessary to assure the privacy of adjoining residential properties.

e. Sufficient off-street parking as required by Section 42 shall be provided on the same lot with the use.

f. The use shall be limited to daytime (6:00 a.m.- 7:00 p.m.) group care programs.

g. The Application shall be accompanied by a letter from the Regional Health Department confirming the safety and adequacy of the drinking water supply and sewage disposal system, a letter from the Wolcott Fire Marshal describing any fire safety concerns and a letter from the Wolcott Building Official describing any structural safety concerns at the premises.

h. the existence of one or more other day care homes in the neighborhood may be deemed sufficient reason for denial of a new group day care home application if in the judgment of the Commission the cumulative impact of traffic and noise from an additional facility would have a detrimental effect on the residential neighborhood.

i. The **SPECIAL USE PERMIT** shall be granted for a limited time, not to exceed five (5) years, and may thereafter be renewed upon written request and review by the Commission.

32.2.3 **Child Day Care Centers:** Regularly organized nursery schools and child day care centers (Use Line B-10 of **Schedule A**) shall conform to the following additional standards and conditions:

a. In non-residential districts, the use shall be located on a lot having at least the minimum area required by the applicable district. In residence districts, other than the R-130 District, the minimum lot area shall be not less than two (2) times the minimum area required by the applicable districts.

b. The use shall be limited to daytime (6:00 a.m.- 7:00 p.m.) group care programs.

c. The site plan shall demonstrate compliance with all "Facility Requirements" for day care as specified in the Connecticut Public Health Code and shall provide an attractive environment by using means such as landscaping, buffers and screening.

d. The Application shall be accompanied by a letter from the Regional Health Department confirming the safety and adequacy of the drinking water supply and sewage disposal system, a letter from the Wolcott Fire Marshal describing any fire safety concerns and a letter from the Wolcott Building Official describing any structural safety concerns at the premises.

e. The site shall be so situated and developed so as to create no nuisance or detrimental effect on the privacy, tranquility or value of surrounding properties.

f. Surrounding properties and their uses shall not endanger the well-being of the children through the emission of noxious fumes, noise, traffic or other hazards.

g. Sufficient off-street parking as required by **Section 42**, together with safe drop-off and turn around areas, shall be provided on the same lot with the use.

h. The existence of one or more other day care homes in the neighborhood may be deemed sufficient reason for denial of a new child day care center application if in the judgment of the Commission the cumulative impact of traffic and noise from an additional facility would have a detrimental effect on the residential neighborhood.

32.2.4 **Golf, Tennis, Swimming and Similar Clubs:** Golf, tennis, swimming or similar clubs and golf courses and other outdoor recreational facilities and uses (Use Line B-12 of **Schedule A**) shall conform to the following additional standards and conditions:

a. The use shall be located on a lot having a minimum area of five (5) acres which lot shall also be of such shape that a square having a minimum dimension of 250 feet on each side will fit on the lot and shall be reasonably proportioned to accommodate the proposed uses.

b. When the use is a commercial use conducted for profit, the lot on which the use is to be located shall have frontage on and direct access to Wolcott Road (Rt. #69) or Meriden Road or on a Town

Road deemed suitable by the Commission, with the principal driveway entrance to the lot located within 1,500 feet of Wolcott Road or Meriden Road, as measured along said Town Road. If it is anticipated that the proposed activities may periodically attract spectators or participants in excess of the designated and available parking facilities, the applicant shall submit supplementary information concerning traffic flow and parking, sanitary services, emergency services, access for emergency vehicles and other concerns associated with the assembly of a large number of people.

c. No buildings, bleachers, backstops, lavatories or other structures, whether movable or fixed to the ground, concession areas or other active use areas shall extend within less than 100 feet of any Residence District Boundary line, any street line or any property line of a lot occupied by a residence, or 25 feet from any other property line. The entire required setback area shall be suitably landscaped with trees, lawn and/or shrubs or shall be retained in its natural, undisturbed state if already wooded. Adjacent to each property line there shall be planted a landscaped greenbelt having a minimum width of 20 feet, planted with evergreens to effectively buffer the activity from adjoining properties to the satisfaction of the Commission. Along and adjacent to any Residence District Boundary Line, a densely planted buffer having a width of not less than 30 feet shall be provided. Within said buffer there shall be planted not less than two staggered rows of hemlocks, pines or other appropriate evergreens, 10 feet on center to achieve effective screening to a height of six (6) feet. Wherever possible, natural vegetation shall be preserved and utilized in combination with planted berms to achieve the desired screening. The Commission shall take into account the nature of the proposed activity when determining the final specifications of the planted buffers.

d. All outdoor activity area lighting shall be turned off at such times as are deemed appropriate by the Commission, but not later than 11:00 p.m. All visitors, patrons and players shall vacate the premises within 30 minutes after such lighting is turned off, but not later than 11:30 p.m. Starting times for all active use areas shall be as determined by the Commission.

e. All exterior lighting, when required, shall be located, shielded and arranged so as to not cause off-site glare and shall be compatible with the surrounding area.

f. When demonstrated to the satisfaction of the Commission to be needed for the proposed activity and on a finding of no adverse impacts on surrounding properties, lighting structures, special protective meeting and similar facilities may be permitted to exceed

the 30 foot height maximum but shall not exceed 45 feet. With the written consent of the affected property owners and the approval of the Commission, necessary fencing higher than six (6) feet as well as lighting standards, special netting and protective screening structures may be permitted to be located within the required setback areas other than a Residence District setback area, when it has been demonstrated to be necessary for the protection of the general public and the abutting properties.

g. In conjunction with certain principal uses on the same premises, other subordinate and accessory uses may be permitted, including miniature golf, pitching and batting cages, horseshoes, bocce courts, volleyball courts, areas for roller bladeing, roller skating and skate boarding and similar facilities. Such accessory uses shall also be subject to all of the special provisions set forth herein.

h. Design and construction details of all improvements shall be subject to the review and approval of the Commission. All exterior materials and finishes shall be durable and capable of withstanding the elements, properly anchored and adequately maintained. If the use of any improvement or recreational element is discontinued for a continuous period of 18 months, or longer, it shall be removed at the request or the Commission and the site restored to an acceptable condition.

i. Adequate off-street parking shall be provided for each activity and/or facility as required by **Section 42**. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the facility. To accommodate infrequent peak demands for parking, the Commission may permit the temporary use of informal, grassed parking areas.

j. The entire area of the lot not used for facilities, driveways and parking areas shall be appropriately landscaped with grass areas, trees and/or shrubs or shall be left as undisturbed, natural terrain. Particular attention shall be given to the landscaping and aesthetic treatment along the public street right of way. The design, layout, appearance and location of all proposed facilities and permitted signs shall be aesthetically compatible with and result in the least negative impacts on the surrounding area. All signs shall comply with the requirements of **Section 43**, with designs and graphics approved by the Commission. Signs shall be aesthetically pleasing, with no animated features, caricatures of other features intended to attract the attention of passersby.

k. As a condition of approval of any **SPECIAL USE PERMIT** or at any

time subsequent to its approval, the Commission may impose such other controls and restrictions as it deems necessary to protect adjacent properties and assure the safety of the general public.

32.2.5 **Hospitals and Continuing Care Facilities:** Hospitals, convalescent homes, nursing homes, sanitaria and other extended care facilities licensed by the State of Connecticut (Use Line B-13 of **Schedule A**) shall conform to the following additional standards and conditions:

a. The use shall be located on a lot having a minimum area of 80,000 square feet when the use is served by municipal sanitary sewers and five (5) acres when the use is not served by municipal sanitary sewers.

b. There shall be not more than one (1) patient accommodation for each 2,000 square feet of contiguous buildable lot area as defined under **Par. 3.25** when served by municipal sanitary sewers and not more than one (1) patient accommodation for each 4,000 square feet of contiguous buildable lot area as defined under **Par. 3.25** when the use is not served by municipal sanitary sewers.

c. All private hospitals and sanitaria shall be located on a lot having a minimum area of five (5) acres and no building shall be located within 75 feet of any property or street line.

d. The Application shall be accompanied by a report from the Regional Health District attesting to the adequacy of the proposed site, site plan, buildings and facilities for the intended use, and

e. The Application shall be accompanied by a report from the Wolcott Fire Marshal attesting to the safety of the proposed location, site plan, buildings and facilities for the intended use.

32.2.6 **Community Residences:** Community residences (as defined under Par. 3.9), for individuals having a mental, physical or emotional disability (Use Line B-14 of **Schedule A**) shall conform to the following additional standards and conditions:

a. The use shall be located on a lot having a minimum area of not less than one and one-half (1.5) times the minimum required by the district in which it is located.

b. The lot shall be not less than 500 feet measured in a direct line from any other lot containing a nursing home, convalescent home or another community residence.

c. The dwelling shall contain not less than 1,700 square feet of finished, habitable floor area and shall be provided with barrier free access from the designated off-street parking area.

d. The community residence facility shall be licensed under the provisions of Sec. 17a-145 of the Connecticut General Statutes. **(Effective 5-11-16 – Eliminated Sec. 19-574 of the C.G.S.)**

e. The design and appearance of the dwelling and any alterations thereto shall be consistent with and preserve the residential character of the surrounding neighborhood.

f. The **SPECIAL USE PERMIT** shall be considered a right, vested in the premises, provided all of the aforesaid conditions are satisfied, and shall it be transferable. Any violation in one or more conditions shall result in automatic termination of the **SPECIAL USE PERMIT**, which may only be reestablished upon application and approval by the Commission following the required public hearing.

32.2.7 **Elderly Living, Assisted and Non-Assisted:** Elderly housing facilities (Use Line A-13) of **Schedule A**) shall conform to the following additional standards and conditions:

a. The elderly living facility, as defined in Par. 3.16, when not accompanied by related, licensed extended care facilities, shall be located on a lot having a minimum area of not less than five (5) acres. If the elderly living facility includes a state licensed nursing home/convalescent hospital or other extended care facility, the minimum lot area shall be increased by the minimum lot area requirement for such extended care facility, but in no case shall be less than 10 acres.

b. There shall be not less than the following square feet of lot area per dwelling unit type, at least 90% of which shall consist of buildable land as defined under **Par. 3.25** Lot Area and Shape:

Studio/Efficiency Unit:	2,500 square feet
One Bedroom Unit:	3,000 square feet
Two Bedroom Unit:	4,000 square feet
All Assisted Living Units:	3,000 square feet

No unit shall contain more than two bedrooms. Dens, studios, libraries and similar rooms shall be considered to be bedrooms. Lot area requirements for any related, extended care facility shall be in addition to the above.

c. The site of the proposed elderly living facility shall have frontage on and direct access to a State Highway or on an approved Town road, adequate for the intended purpose and in reasonable proximity to a State highway, as deemed so by the Commission. In exercising such discretion, the Commission may require the submission of any appropriate and necessary traffic analysis.

d. Any proposed elderly living facility must be connected to the Wolcott municipal sanitary sewer system and public water supply or to a water supply system deemed adequate and approved by the State of Connecticut and the Regional Health District. All electrical, telecommunication and other utility services shall be placed underground.

e. Adequately distributed off-street parking shall be provided in accordance with the following standards:

0.5 spaces per each assisted living unit.
1.0 spaces per each non-assisted, studio and one bedroom unit.
1.5 spaces per each non-assisted two bedroom unit.

Walks, ramps and driveways shall be safely designed and in compliance with A.D.A. specifications. Handrails and ample places for rest shall be provided. Sidewalks shall be constructed of portland cement concrete with a minimum width of five (5) feet. All such facilities shall be adequately lighted and said lighting shall not be directed onto adjacent streets or properties.

f. Each elderly dwelling unit shall be capable of independent living and shall contain the following minimum floor area:

Assisted Living Units:	350 square feet
Non-Assisted Living Units	500 square feet

No units shall have a floor area in excess of 1200 square feet of living space. All units shall be specifically designed for occupancy by elderly and/or disabled or handicapped persons, with provisions for handicap access and an emergency call system monitored for 24 hour call assistance.

Not withstanding the above, an adult age-restricted development as defined in Sub-Paragraph 3.16.a, individual units, may have a floor area of not more than 2,200 square feet provided that no dwelling unit shall contain more than two (2) bedrooms and at least one (1) such bedroom shall be located on the first floor. **(Effective 9/25/02)**

g. Each dwelling unit shall be occupied by not more than two (2) persons, at least one of whom shall be not less than 59 years of age or under a disability as defined in Section 423, Title 42, USCA or are handicapped within the meaning of Section 1701, USCA, or such appropriate amendments thereto. In a double occupancy, the second occupant shall be at least 50 years of age. In the event of the death of the older resident, the younger surviving occupant may continue in residency.

Adult age-restricted developments must be occupied by at least one adult who is 55 years of age or older as defined in Sub-Paragraph 3.16.a. **(Effective 9/25/02)**

h. All elderly assisted living units shall be provided with privately funded transportation services for medical and dental needs, regularly scheduled shopping trips, social excursions and other off-site trips. Such services shall not be canceled, terminated, suspended or discontinued without prior approval of the Commission.

i. Any Application for an elderly living facility that includes a state Licensed, extended health care facility in the form of a nursing home/convalescent home shall be accompanied by a Certificate of Need for such health facility, issued by the State of Connecticut.

j. An elderly assisted living facility incorporating both residential dwelling units and extended health care service facilities on one parcel of land satisfying the total lot area requirements set forth above may, with the approval of the Commission, be divided into separate ownership parcels, each containing not less than five (5) acres, without regard to satisfying the minimum density standards per dwelling unit and per resident patient accommodation set forth above on each individual parcel. In the event of such separation of ownership, however, the availability of all facilities of the extended health care facility must be guaranteed to the elderly assisted living facility, including but not limited to health services, recreational facilities, transportation services, parking, etc.

k. Except as specifically provided for above, the elderly living facilities shall comply with all area, location and building standards and other requirements applicable to the zoning district in which it is proposed to be located. The Commission may also require the submission of traffic studies, environmental reports, market studies or other such studies and reports deemed necessary to arrive at an informed decision concerning the proposed facility.

l. The size, proportions, massing and design appearance of all

buildings and structures shall be compatible and in harmony with the general character and appearance of buildings in the immediate vicinity of the site and shall not adversely impact the appropriate development of adjacent lots. No building element or wing shall exceed an overall length of 200 feet without a deflection angle of at least sixty (60) degrees between adjacent elements. Any exterior wall of such building shall not exceed a length of sixty (60) feet in an unbroken plane without an offset of at least six (6) feet.

m. Any elderly assisted living facility shall include acceptable provisions for the continued and diligent maintenance of the facility. Buildings and site improvements and amenities shall be subject to periodic inspection by the Building Official and/or Zoning Enforcement Officer. Any building or site element that is damaged, deteriorated or in a state of disrepair may be ordered by the Commission to be repaired, restored and/or replaced. Failure to comply with such order shall be deemed to be a violation of the provisions of the Zoning Regulations and subject to the penalties prescribed herein and by the General Statutes.

32.2.8 **Alcoholic Beverages:** The sale of alcoholic beverages at retail for consumption off the premises (Use Lines C-2 and C-2a of **Schedule A)** shall conform to the following additional standards:

a. **(amended 6/21/06)** The location of all such establishments shall be lots with direct access to Wolcott Road (Route 69) or Meriden Road or within the Rt. 69 corridor district, in full or portion thereof, as defined in section 35.1 (Rt. 69 corridor district) of these regulations.

b. The maximum number of retail stores whose principle business is the sale of alcoholic beverages at retail shall not exceed one (1) for each 2,500 population in Town, based upon the most recent U.S. Census data.

c. The maximum number of retail stores whose business includes the accessory sale of alcoholic beverages at retail shall not exceed one (1) for each 2,500 population in Town, based upon the most recent U.S. Census data.

d. The maximum floor area devoted to the accessory retail sale and display of alcoholic beverages shall not exceed 5% of the retail floor space or 30 square feet, whichever is smaller, for each such accessory outlet.

e. On any lot containing a principle alcoholic beverage retail outlet, a dense evergreen vegetative buffer not less than six (6) feet in height

shall be provided along and adjacent to any Residence District property line.

f. Any **SPECIAL USE PERMIT** granted for the sale of alcoholic beverages at retail for off-premises consumption shall be valid for a period of not more than five (5) years, renewable for additional periods of not more than five (5) year each, provided the maximum number of such establishments does not exceed that allowed under (**b**) and (**c**) above.

32.2.9 **Restaurants and Food Service Establishments:** Restaurants and other food and beverage service establishments (Use Lines C-4 and C-4a of **Schedule A**) shall conform to the following additional standards and conditions:

a. The use shall be serviced by municipal sanitary sewers and public water supply, if available. If not available the septic system and on-site water supply system must be approved by the Regional Health District.

b. Any food service establishment provided with a drive-in window for take-out service may only be located on a lot fronting on and with direct access to Wolcott Road (Route 69) or Meriden Road and containing not less than 40,000 square feet of area devoted exclusively to such use, with suitable shape and topography to reasonably accommodate drive-up service without adversely impacting the operation of the site.

c. Outdoor seating areas must meet the following requirements:
(Amended 32.2.9c as follows - Effective 11/1/2017)

- No more than four (4) tables shall be permitted within the outdoor dining area and under no circumstances shall the number of chairs exceed sixteen (16). Anyone requesting more than 4 tables/16 chairs must submit a site plan and receive approval from the Planning & Zoning Commission.
- The use of heaters, whether permanent or temporary, is prohibited within the outdoor dining area unless prior approval is granted by the Fire Marshal.
- Any establishments that serve alcohol will require submission of a site plan application and approval from the Planning & Zoning Commission.
- Public address systems or other systems intended to convey verbal messages or music through the use of amplified sound shall be prohibited.
- If an enclosure is used around the outdoor dining area it shall be kept

tight against the building and all necessary measures shall be taken to ensure that said enclosure does not migrate into the public right-of-way. A plan for the type and location of the proposed enclosure must be submitted with the permit application.

- No portion of the outdoor dining area including any planters or other decorative accessories shall encroach into the public right-of-way.
- The outdoor dining area shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area which are traversed by restaurant staff and/or patrons.
- Umbrellas may be used to shade tables, provided that they are sufficiently weighted to avoid displacement by wind, the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to advertise the restaurant or any other product or service.
- One (1) parking space for each 75 sq. ft. of gross floor area shall be required for outdoor service areas, and shall be in accordance with parking requirements.
- All surfaces for outdoor eating areas shall be of concrete, wood, or bituminous concrete. Any other surface areas will require approval by the Planning and Zoning Commission with a Site Plan submission.
- Location and approval of an outdoor eating area will require a Zoning Permit be filed with approval from the Certified Zoning Enforcement Officer, Building Official, Fire Marshal, and the Regional Health District. Aesthetics, traffic circulation, and safety shall be considered for all applications.
- The Certified Zoning Enforcement Officer reserves the right to revoke permits issued for the purpose of outdoor dining if an applicant violates any of the above stated conditions.

32.2.10 **Undertakers' Establishments:** Undertakers' establishments, funeral homes and mortuaries (Use Line C-5 of **Schedule A**) shall conform to the following additional standards:

a. The facility shall be served by municipal sanitary sewers.

b. There shall be no parking located between the principal building and any street line.

c. Vehicular access to the site shall be directly from Wolcott Road

(Route 69), Meriden Road or other arterial or collector road as indicated on the Plan of Development Update.

32.2.11 **Hotels and motels:** Hotels and motels, including accessory restaurants and related facilities (Use Line C-6 of **Schedule A**) shall conform to the following additional standards:

a. The use shall be located on a lot having a minimum area of three (3) acres, which lot shall also be of such shape that a square having a minimum dimension of 200 feet on each side will fit on the lot.

b. There shall be not less than 2,000 square feet of exclusive lot area for each transient accommodation.

c. No building or other structure shall extend within less than 40 feet of any street line or property line.

d. The facility shall be connected to the municipal sanitary sewer system and shall be served by public water supply.

e. Restaurants and other accessory supporting uses may be included within the required three (3) acre minimum lot area provided said uses are internally contained within the principal hotel or motel structure. Automotive uses are not deemed to be accessory or supportive uses.

f. In addition to the parking requirements of **Section 42**, employee parking shall be provided at the rate of one (1) space for each two (2) employees during the largest daily work shift and one (1) additional space for each 75 square feet of gross "function" space.

32.2.12 **Motor vehicle service stations:** Motor vehicle service stations, repair garages and car wash establishments (Use Line C-8 of **Schedule A**) shall conform to the following additional standards:

a. Each such motor vehicle service establishment shall be located on a lot having not less than 40,000 square feet of lot area with a minimum street frontage of 150 feet, exclusively devoted to such use.

b. All buildings and other structures, including canopies and pump islands and pumps for the retail sale of gasoline shall be set back not less than 50 feet from any street or other property line.

c. Curb openings and driveway ramps shall not exceed a width of 40 feet at the curb line and 30 feet at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut. Adjacent driveway openings shall be separated by a minimum

distance of 40 feet measured along the street property line.

d. The nearest point of any curb cut shall be not less than 50 feet from a street intersection, measured along the street property line.

e. All buildings and other structures shall be setback not less than 400 feet from the nearest property line of any lot containing a school, church, hospital or public library and shall be separated from any adjacent Residence District by a densely planted evergreen buffer having a minimum height of six (6) feet.

f. Interior industrial lots, for motor vehicle repair garages only, provided said lot has been used as a repair garage prior to January 1, 1990, as shown on a subdivision map approved by the Planning and Zoning Commission, and recorded on Wolcott Land Records that has a minimum of 80,000 square feet, including the access area. **(6/30/2012 amended reg. #32.2.12 by adding item f above)**

32.2.13 **Automobile and truck sales:** Establishments for the sale of new or used automobiles and trucks, or the leasing and/or rental thereof (Use Line C-8b of **Schedule A**) shall conform to the following additional standards:

a. Said use shall be located on a lot of not less than three (3) acres exclusively devoted to such use and having a minimum street frontage of 200 feet.

b. The minimum setback from any street line shall be 60 feet and there shall be no parking, storage or display of vehicles within the required street setback area.

c. Such use shall be buffered from any adjacent Residence District Boundary by a dense, evergreen vegetative buffer not less than six (6) feet in height.

32.2.14 **Motor vehicle limited repair garages:** Motor vehicle repair garages (Use Line C-8c of **Schedule A**), excluding motor vehicle sales and service stations and the dispensing of fuel, shall conform to the following additional standards and conditions:

a. The lot on which the use is located shall have a minimum lot area of 40,000 square feet and a frontage of 150 feet, specifically allocated to said use, with frontage on and direct access to Wolcott Road (Conn. Rte.69).

b. The building shall be setback not less than 60 feet from all street lines or be consistent with existing buildings on the adjacent

properties, whichever is greater and set back not less than 30 feet from any other property line.

c. Building designs and materials shall reflect the Route 69 objectives of promoting harmonious development and enhancing the overall visual quality of the area, with an emphasis on traditional forms and materials. All overhead and other vehicular access doors shall be confined to rear building walls which are parallel to or are within 45 degrees of being parallel with the street line. The Commission may modify this requirement, consistent with the intent, in response to unique site treatments, but under no circumstances shall there be any such doors facing or within 90 degrees of facing any street.

d. All vehicles awaiting repairs or service shall be stored within an enclosed storage yard, appropriately screened from view on all sides to a height of not less than six (6) feet. Off-street areas required for the parking of customers and employees shall not be used for the storage of vehicles awaiting repairs. Under no circumstances shall there be vehicles stored outside of the building for a period of longer than 14 days unless there is a proper "work order" authorizing needed repairs, to the satisfaction of the Z.E.O. and the Commission.

e. The Commission may allow a <u>used car dealer's license</u> at a location as an accessory use, customarily associated with and clearly subordinate and incidental to the principle use. Not more than four (4) such vehicles for sale shall be parked or stored outside the building for a period of longer than 60 days. All such vehicles shall be stored within the enclosed storage yard.

f. All vehicle servicing or repair, except for minor activities such as tire changing and wiper and headlamp replacements, shall be conducted within a building.

g. All outdoor storage of parts or materials shall be confined within an enclosed storage yard. Suitable containers shall be provided and utilized for the disposal of used parts, tires and other discarded materials, and such materials for disposal shall be removed from the premises at intervals of not more than 30 days. Outdoor storage of parts and materials intended for reuse and which may be retained for longer than 30 days shall be stored at least eighteen (18) inches above the ground. Such storage yard shall be totally enclosed and screened from view on all sides.

h. All outdoor storage yards shall be located to the rear of the principle rear wall of the building in which the subject use is conducted. Said areas shall be totally enclosed by walls and/or opaque fences to a

height of not less than six (6) feet. Such walls and/or fences shall be of masonry or wood materials, consistent with the building in design and finish. Chain link fencing with opaque vinyl or plastic slats shall not be acceptable.

i. The total area of the site, excluding areas left in their natural state, shall be suitably treated with paving and landscaping to the satisfaction of the Commission. In any Restricted Commercial RC District, said site treatment shall not interfere with the intended retail and office character of an area.

32.2.15 **Veterinary clinics and animal hospitals:** Non-boarding veterinary clinics, grooming services and animal hospitals (Use Line C-12 of **Schedule A**) shall conform to the following additional standards:

a. In any Residence District, the use shall be located on a lot having an area of not less than two (2) acres.

b. The use shall be served by municipal sanitary sewers and, where available, public water supply.

c. There shall be no more than one (1) outdoor exercise area which area shall only be used between the hours of 8 a.m. and 8 p.m.

d. No building or outside exercise area shall be located within less than 150 feet from any street line or residential property line.

e. Such use or facility shall not include a crematorium.

32.2.16 **Outdoor commercial recreational facilities:** Outdoor commercial recreational facilities and uses (Use Line C-15 of **Schedule A**) shall conform to the following additional standards:

a. **Lot Area and Shape**: The use shall be located on a lot having a minimum area of five (5) acres, which lot shall also be of such shape that a square having a minimum dimension of 250 feet on each side will fit on the lot and shall be reasonably proportioned to accommodate the proposed uses.

b. **Location**: The lot on which the recreational use is to be located shall have frontage on and direct access to Wolcott Road (Rt.69) or Meriden Road or on a Town Road deemed suitable by the Commission, with the principle driveway entrance to the lot located within 1,500 feet of Wolcott Road or Meriden Road, as measured along said Town Road. If it is anticipated that the proposed activities may periodically attract spectators or participants in excess of the designated and available parking facilities, the applicant shall submit

supplementary information concerning traffic flow and parking, sanitary services, emergency services, access for emergency vehicles and other concerns associated with the assembly of a large number of people.

c. **Setbacks and Buffer Strips**: No buildings, bleachers, backstops, lavatories or other structures, whether movable or fixed to the ground, concession areas or other active use areas shall extend within less than 100 feet of any Residence District Boundary line, 50 feet of any street line or of any property line of a lot occupied by a residence or 25 feet from any other property line. The entire required setback areas, except for necessary entrance and exit drives, shall be suitably landscaped with trees, lawns and/or shrubs or shall be retained in its natural, undisturbed state if already wooded. Adjacent to each property line there shall be a landscaped greenbelt having a minimum width of 20 feet, planted with evergreens to effectively buffer the activity from adjoining properties to the satisfaction of the Commission. Along and adjacent to any Residence District Boundary Line a densely planted buffer having a width of not less than 30 feet shall be provided. Within said buffer there shall be planted not less than two staggered rows of hemlocks, pines or other appropriate evergreens, 10 feet on centers to achieve effective screening to a height of six (6) feet. Wherever possible, natural vegetation shall be preserved and utilized in combination with planted berms to achieve the desired screening. The Commission shall take into account the nature of the proposed activity when determining the final specifications of the planted buffers.

d. **Hours of Operation**: All outdoor activity area lighting shall be turned off at such times as are deemed appropriate by the Commission, but not later than 11:00 P.M. All visitors, patrons and players shall vacate the premises within 30 minutes after such lighting is turned off, but not later than 11:30 P.M. Starting times for all active use areas shall be as determined by the Commission.

e. **Exterior Lighting**: All exterior lighting, when required, shall be located, shielded and arranged so as to not cause off-site glare and shall be compatible with the surrounding area.

f. **Support Facilities**: When demonstrated to the satisfaction of the Commission to be needed for the proposed activity and on a finding of no adverse impacts on surrounding properties, lighting structures, special protective netting and similar facilities may be permitted to exceed the 30 foot height maximum but shall not exceed 45 feet. With the written consent of the affected property owner and with the approval of the Commission, necessary fencing higher than six (6)

feet as well as lighting standards, special netting and protective screening structures may be permitted to be located within any required setback areas other than a Residence District setback area, when it has been demonstrated to be necessary for the protection of the general public and the abutting properties.

g. **Other Uses**: In conjunction with certain principal uses on the same premises, other subordinate and accessory uses may be permitted, including miniature golf, pitching and batting cages, horseshoes, bocce courts, volleyball courts, areas for roller blading, roller skating and skate boarding and similar facilities. Such accessory uses shall also be subject to all of the special provisions contained herein.

h. **Improvements**: Design and construction details of all improvements shall be subject to the review and approval of the Commission. All exterior materials and finishes shall be durable and capable of withstanding the elements, properly anchored and adequately maintained. If the use of any improvement or recreational element is discontinued for a continuous period of 18 months, or longer, it shall be removed at the request of the Commission and the site restored to an acceptable condition.

i. **Parking**: Parking shall be provided for each activity and/or facility as prescribed in **Section 42 - Off-Street Parking** and Loading. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the facility. To accommodate infrequent peak demands for parking, the Commission may permit the temporary use of informal, grassed parking areas.

j. **Landscaping**: The entire area of the lot not used for facilities, driveways and parking areas shall be appropriately landscaped with grass areas, trees and/or shrubs or shall be left as undisturbed, natural terrain. Particular attention shall be given to the landscaping and aesthetic treatment along the public street right of way.

k. **Aesthetic Compatibility**: The design, layout, appearance and location of all proposed facilities and permitted signs shall be aesthetically compatible with and result in the least negative impacts on the surrounding area. All signs shall comply with the requirements of **Section 43 - Signs**, with designs and graphics approved by the Commission. Signs shall be aesthetically pleasing, with no animated features, caricatures or other features intended to attract the attention of passersby.

l. **Other**: As a condition of approval of any Permit or at any time

subsequent to its approval, the Commission may impose such other controls and restrictions as it deems necessary to protect adjacent properties and assure the safety of the general public.

32.2.17 **Recycling facility or processing center:** A recycling center for collecting materials for sorting, recycling or reuse, **(Use Line C-23 of Schedule A)**, specifically excluding demolition materials and industrial waste products, shall also conform to the following additional standards:

a. The use shall be located on a lot of not less than three (3) acres and having frontage or direct access to Wolcott Road (Route 69) or Meriden Road or to an intersecting street at a location not more than 200 feet from said roads.

b. No building, structures of other enclosures shall be located within less than 100 feet from any street line and 200 feet from any Residence District Boundary.

c. There shall be no outside storage or stockpiling of recyclable materials or related waste except within suitable enclosures, bins, containers or trailers approved by the Commission. All such facilities shall be suitably screened with landscaping and/or fencing.

d. Along and adjacent to each property line of such lot there shall be provided a dense, vegetated, evergreen buffer having a minimum height of six (6) feet. Suitable existing vegetation may be preserved and/or supplemented with additional plantings, berms and fencing to provide the required buffer.

e. Adequate provision shall be made for access, egress and off-street parking for all vehicles and persons using or visiting the activity.

f. Provisions shall be made for control of litter, noise, odors and vermin, in accordance with local and State health regulations and the provisions of these Regulations.

g. Demolition materials, construction debris, industrial waste, tires, leaves, brush and other flammable materials are specifically excluded from the subject use.

32.2.18 **Multi-Family Residential Developments:** Applications for approval of multi-family residential developments consisting of one or more dwellings plus customary and accessory, maintenance, recreational and similar facilities incidental to and in support of such residential developments shall conform to the following additional standards:

a. **Lot Area and Shape:** Each such multi-family residential development shall be located on a lot having a minimum area of five (5) acres with a minimum frontage of 200 feet on an improved, Town road, which lot shall also be of such shape that a square with 300 feet on each side will fit on the lot.

b. **Dwelling Unit Density**: Notwithstanding the provisions of Schedule B - Standards, the minimum required lot area per dwelling unit shall not be less than 12,000 square feet or such lesser density as may be proposed by the Applicant and approved by the Commission. For purposes of computing allowable density, the minimum required lot area shall exclude the area of ponds, marshes and other designated Inland Wetlands as well as areas with a natural slope in excess of 30 percent.

c. **Access:** The multi-family development shall be provided with direct access to Route 69 or to a public road at a location not more than 1,000 feet distant from its intersection with Route 69, which public road shall have adequate improved width, geometry and gradient from the access point to the intersection of Route 69.

d. **Dwellings:** Each dwelling shall contain not more than four (4) dwelling units. The shortest distance between any two (2) dwellings shall not be less than the height of the taller dwelling but in any case not less than 30 feet. The Commission may modify this separation requirement if closer spacing would benefit the design of the development.

e. **Utilities:** Each such dwelling and all dwelling units shall be served by public water supply and the municipal sanitary sewer system. Unless otherwise approved by the Commission, electric, telephone and other utility lines shall be located underground.

f. **Setbacks, Buffer Strips and Natural Area:** No building or other structure shall extend within less than 100 feet of any street line and 50 feet of any other perimeter property line. Along and adjacent to each property line, there shall be provided a landscaped green belt having a minimum width of 25 feet, planted with trees and shrubs of appropriate species, at least 50% of which shall have a minimum height of five (5) feet at planting, which shall be maintained so as to protect adjacent properties. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required buffer strip. At least 80% of the required 50 foot property line setback area shall be preserved in its natural state, except for necessary pruning and thinning and the provision of supplementary landscaping. Said areas shall be reasonably protected from

encroachment and damage during construction by the use of snow fencing or other appropriate measures. Notwithstanding the above, the Commission may permit limited encroachment into and/or disturbance of said areas for grading or other purposes providing adequate provisions are made for restoration and replanting with substantial trees, shrubs and other approved plant materials.

g. Outdoor Living Space: Each dwelling unit shall be provided with a private, exclusive outdoor living space of at least 150 square feet, in the form of a deck, terrace, patio, balcony, open air or screened-in porch. For each dwelling unit specifically designed for and intended to be occupied by one or more elderly persons 62 years of age or older, the Commission may permit a reduction in such outdoor living space to not less than 90 square feet.

h. Recreation: Designated and suitably prepared outdoor areas for active and/or passive recreation for the use of all residents shall be provided at the ratio of not less than 500 square feet per dwelling unit. For developments involving more than 50 dwelling units, the Commission may require said areas to be equipped with appropriate facilities such as tennis courts, shuffleboard, paddle tennis and/or swimming facilities, subject to the approval of the Commission.

i. Parking: A minimum of two (2) off-street parking spaces shall be provided for and located at each dwelling unit, at least one (1) of which shall be located within an enclosed garage. Additional visitor parking shall be provided at appropriate locations at the ratio of one (1) space for each two (2) dwelling units. Notwithstanding the above, however, the Commission may permit a reduction in the total number of off-street parking spaces intended to serve dwelling units specifically designed for and intended to be occupied by one (1) or more elderly persons of 62 years of age or older to one (1) off-street parking space for each unit, which space shall be located within an enclosed garage. No surface parking area shall extend within less than 15 feet of any building. All parking facilities shall be designed as an integral part of the overall site design, properly arranged to prevent undue concentration of parking facilities and attractively landscaped through ample use of trees, shrubs, fences, hedges and walls.

j. Landscaping: The entire area of the lot not used for buildings, driveways and parking areas shall be suitably landscaped with trees and/or shrubs or shall be left as undisturbed natural terrain. Parking areas shall be attractively landscaped through the ample use of trees, shrubs, hedges and closely planted evergreen, as well as fences, walls and earth berms, using same to screen parking areas

to a height of four (4) feet from streets, adjoining properties, recreation areas and/or maintenance areas, as required. Parking areas shall contain evenly distributed landscaped areas protected by solid curbing every six (6) to eight (8) spaces in a row of parking spaces.

32.2.18(a) <u>Multi-Family Residential Developments</u>: (Effective 7/17/2013) Multi-Family Residential Developments are allowed in the RC District, subject to all of the standards in Section 32.2.18 except as set forth herein:

a. <u>Lot Area, Location and Shape:</u> Each such Multi-Family residential Development shall be located on a lot having a minimum area of twenty (20) acres with a minimum frontage of 200 feet on Route 69, which lot shall also be of such shape that a square with 300 feet on each side will fit on the lot. The lot shall not abut any property located in a residential zone.

b. <u>Access:</u> Each Multi-Family Residential Development shall be provided with direct access to Route 69.

c. <u>Setbacks:</u> No building or other structure shall extend within less than 40 feet of any street line and 50 feet of any other perimeter property line, unless such other perimeter property line abuts property in the Industrial Zone, in which case such setback shall be 30 feet.

d. <u>Dwellings:</u> The shortest distance between any two (2) dwellings shall not be less than the height of the taller dwelling but in any case not less than twenty (20) feet. The Commission may modify this separation requirement if different spacing would, in the judgment of the Commission, benefit the design of the development. In the event all of the units are single-family dwellings, the separation distance shall be no less than fifteen (15) feet.

e. <u>Dwelling Unit Density:</u> Notwithstanding the provisions of Schedule B – Standards, the minimum required lot area per dwelling unit shall not be less than 14,000 square feet or such lesser density as may be proposed by the Applicant and approved by the Commission. For purposes of computing allowable density, the minimum required lot area shall exclude the area of ponds, marshes and other designated Inland Wetlands as well as areas with a natural slop in excess of 30 percent.

f. **Units Per Building:** There shall be no more than two units per building in the Multi-Family Residential Development. Not more than 30% of the buildings can be two-unit buildings.

32.2.19 Special Permit Uses in the Economic Development Districts: (Effective 9/28/01)

Within any Economic Development District, all applications for Special Permit Uses shall conform to the following additional standards:

a. **Lot Area and Shape:** The proposed use shall be located on a lot meeting the minimum requirements as set forth in **Section 25**. In addition to the proposed use, certain other permitted uses not in conflict with the proposed activity may be located on the same parcel. Notwithstanding the above, a Community Shopping Center as defined under **Section 3** shall be located on a lot having not less than five (5) acres of developable lot area. All proposed uses, other than buildings, uses and facilities of the Town, State or Federal Government, shall have direct access to Wolcott Road (Conn. Rte. 69) or to an acceptable intersecting street at a point not more than 300 feet from Wolcott Rd. (Conn. Rte. 69). In its review of the location of any proposed use, the commission shall give full consideration to the effect of the proposed vehicular activity on adjacent uses and activities and the supporting municipal infrastructure of roads and utilities.

b. **Signage:** All signs shall conform to the basic provisions of **Section 43** and are subject to final approval of the Commission based on a review of design, location, graphics and materials used. Notwithstanding the above, any ground sign in connection with a **Community Shopping Center** and located within a required setback area shall be limited to identifying only those major retail outlets occupying at least 15,000 square feet of net leasable area each.

c. **Mixed Uses:** Buildings to be shared with other permitted but potentially conflicting uses shall include with the application a detailed statement identifying the other tenants/uses, existing or proposed, a tabulation of parking needs, employee count, space allocation and such other pertinent information necessary to assure compatibility of uses and adequacy of parking and other supporting facilities.

d. **Conversions:** Existing buildings or portions thereof may be converted to accommodate a proposed use, provided such conversion will be in compliance with all of the applicable standards

above and if portions are to be continued to be occupied by other tenants, a statement from each in support of the proposed partial conversion shall be provided.

e. **Building Design, Form, Massing and Materials:** It is the intent of the criteria set forth herein to promote aesthetic enhancement along the Route 69 corridor that is visually attractive and consistent with the traditional flavor of Wolcott, utilizing site planning, architectural design and landscape treatment. Accordingly, all architectural designs and site plans will be reviewed by the Planning and Zoning Commission for consistency with this objective. Building form and massing shall be consistent with other existing buildings in the general area, avoiding dramatic changes in bulk and scale when structures are in close proximity to each other. When dealing with Community Shopping Centers and other related multi-tenant users on the same site, building facades should have architectural features, patterns, window treatments and a friendly scale that encourages pedestrian movement and provides visual interest. Exterior walls shall in general be predominately of brick or other masonry materials. Wood, metal or other siding featuring predominately painted exteriors is not permitted.

f. **Landscaping and Screening:** All disturbed areas of the site not covered by buildings or pavement shall be appropriately landscaped so as to be aesthetically pleasing and to preserve and enhance adjacent property values. The location, height and materials of walls, fences, berms, hedges and other plantings shall adequately screen parking and loading areas, utility installations and similar features and ensure compatibility with the character of adjacent development. All refuse collection areas shall be located convenient to the service entrance or loading area of the building, shall be easily accessible to service trucks, shall be enclosed by walls consistent with the building design and materials shall be gated. All screen walls and other devices used to shield service areas, utility facilities, mechanical system features and components and other such features from direct view shall reflect or compliment the building materials and finished in a manner consistent with the overall architectural design. The visual impact of all roof mounted mechanical equipment shall be minimized by utilizing parapet walls and/or other appropriate screening.

g. **Exterior Lighting and Noise Control:** All exterior lighting and illuminated signs shall be located, arranged, installed and directed in such a manner as to avoid objectionable light at, and glare across, the property lines and shall be compatible with the surrounding area. Buildings and accessory facilities shall be designed and arranged so

as to minimize noise levels at the property line. The installation of sound absorptive shielding on the site, in the form of mounds, berms, vegetative screening or other suitable noise barriers, may be required.

32.2.20 Age Restricted Planned Residential Developments (ARPRD): (Effective 9/25/02)

ARPRDs are intended to provide for greater flexibility and variety in the development of housing for persons who are 55 years of age and older, by allowing for variations in density, building construction and site layout while promoting quality design and livability. Provisions of age restricted housing are in keeping with the Housing Goals and Policies of the Wolcott Plan of Development Update. ARPRDs shall be designed for consistency with the character of adjacent residential neighborhoods, reflect the traditional styling and appearance of the Town of Wolcott as a whole. ARPRDs shall conform to the requirements and standards of the United States Department of Housing and Urban Development for age restricted housing and shall also conform to the following additional requirements and standards:

a. Evidence of Need: The applicant shall provide the Commission with a written independent professional market analysis demonstrating the need and feasibility of the proposed ARPRDs within the Town of Wolcott. The Commission may waive said requirement based on personal and common knowledge of said need. No application for and ARPRD shall be approved by the Commission unless it finds that a need exists within the Town of Wolcott for such housing.

b. Lot Area and Shape: Each such ARPRD shall be located on a site consisting of one or more contiguous lots under one ownership and having a minimum area of five (5) acres with a minimum frontage of 100 feet on an improved Town Road, which lot shall also be of such shape that a square with 300 feet on each side will fit on the lot.

c. Dwelling Unit Density: Notwithstanding the provisions of Schedule B – Standards, the minimum required lot area per dwelling unit shall not be less than 12,000 square feet per dwelling unit. Not less than 80% to the total dwelling units shall be contained in single family dwelling units. For purposes of computing allowable density, the minimum required lot area shall exclude the area of ponds, marshes and other designated Inland Wetlands as well as areas with a natural slope in excess of 30 percent.

d. Access: The ARPRD shall be provided with direct access to a public road having adequate improved width, geometry and gradient from the access point to an appropriate arterial road deemed adequate by the Commission.

e. Dwellings: No dwelling shall contain more than two (2) dwelling units. No dwelling unit shall contain more than three (3) bedrooms and at least one bedroom shall be located on the first floor. The shortest distance between any two (2) dwellings shall not be less than the height of the taller dwelling but in any case not less than 25 feet. The Commission may modify this separation requirement if closer spacing would benefit the design of the development, providing that no window shall be closer than 20 feet from an opposing wall.

f. Utilities: Each dwelling and all dwelling units shall be served by the Wolcott municipal sanitary sewer system and by a public water supply or a community water supply system deemed adequate and approved by the Chesprocott Regional Health District and, when applicable, the State of Connecticut, Department of Public Utilities (DPUC). All electric, telephone and other utility lines shall be located underground.

g. Setbacks and Landscaped Buffers: No building or other structure shall extend within less than 40 feet of any street line and 30 feet of any other perimeter property line. Along and adjacent to each perimeter property line, there shall be provided a landscaped green belt having a minimum width of 20 feet, planted with trees and shrubs of appropriate species, at least 50% of which shall have a minimum height of five (5) feet at planting, which shall be maintained so as to protect adjacent properties. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required buffer strip. The Commission may modify this buffer requirement to reflect the use of fencing, walls and/or increased set backs from said adjacent properties.

h. Outdoor Living Space: Each dwelling unit shall be accessible directly from the outside by its own private entrance and each unit shall be provided with private, exclusive usable outdoor living space of at least 400 square feet and may include decks, terraces, patios, balconies and open air or screened-in porches.

i. Unit Access and Services: Each dwelling shall be served and accessed from an approved internal private street designed so as to discourage through traffic and providing save access. The

Commission may approve a minimum private street width of 26 feet, with the concurrence of the Fire Department, Local Traffic Authority and the Town Engineer and provided overall design conditions do not warrant a greater width. Such street shall be constructed to standards approved by the Commission and shall not extend within less than 20 feet of any dwelling. Each dwelling unit shall be provided with individual rubbish containers. There shall be no centralized dumpster facilities. The full costs for maintenance of all internal streets and drives, snow removal and rubbish removal shall be borne by the unit owner, an association of homeowners of such development, or the owner of said ARPRD.

j. Parking: A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit and located in close proximity to said unit, at least one (1) of which shall be located within and enclosed garage. Additional visitor parking shall be provided at appropriate locations at the ratio of one (1) space for each three (3) dwelling units. Any surface parking area not restricted for the occupants of a unit shall not extend within less than 15 feet of said unit. All parking areas shall be designed as an integral part of the overall site design, suitably arranged to prevent undue concentration of parking spaces and attractively landscaped through ample use of trees, shrubs, fences, hedges and/or walls.

k. Building Design: Dwellings shall be of a consistent design, with articulated facades and shall use traditional building materials that are compatible with typical single family residences in character, design and appearance. No dwelling unit shall exceed a length of 66 feet and any exterior wall of such dwelling unit shall not exceed a length of 40 feet in an unbroken plane without an offset of at least four (4) feet.

l. Community and/or Homeowners Association: All approved ARPRDs shall be required to establish and maintain a community association with responsibility and authority to administer restrictive covenants and standards, enforce maintenance and repairs and to lien property if necessary to enforce collection of maintenance fees, assessments and associated costs. Such association shall certify annually to the Zoning Enforcement Officer that the ARPRD is in compliance with the age restricted requirements of this Section. Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The burden of complying with the Fair Housing Act, as amended, and any regulations promulgated thereunder shall be on the ARPRD owner or association of homeowners of such ARPRD.

m. <u>Common Land</u>: All land not utilized for dwellings and related areas shall be considered common land, available to all residents of the ARPRD. Said land shall be permanently reserved, with appropriate restrictions concerning the future use of the land, and may be held in common ownership by the owners of the dwelling units or deeded to the Town of Wolcott, a land trust or other similar organization with the approval of the Commission and the Town Council, or an appropriate combination of above.

n. <u>Phased Development</u>: For an ARPRD of significant size that may be developed in phases, the Commission may permit the **Site Development Plan** accompanying the **Special Use Permit** application to be preliminary in nature for that portion beyond the initial phase, provided submitted information is sufficient in detail to properly review site layout, building design, grading, drainage and utilities for all development beyond the initial phase. Thereafter, subsequent phases of the approved **Special Use Permit** may be authorized upon the formal submission and approval of a **Site Development Plan** for such phase. No phase of development other than the final phase shall encompass less than 10 dwelling units or three (3) acres, whichever is greater.

SECTION 33 - ADULT ORIENTED BUSINESSES

33.1 **Purpose and Intent**: The purpose and intent of this **Section** is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics and which have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, and commercial and residential property values, particularly when such uses are concentrated in a small area of the community. Special regulation of these uses is necessary and the primary purposes of such Regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts and to assure that these adverse effects will not contribute to the blighting or degradation of the surrounding neighborhoods. Accordingly, these Regulations are intended to prevent any concentration of these uses and to protect the health, safety, general welfare, property values and quality of life in Wolcott.

33.2 **Definitions**: For the purposes of this **Section**, certain words and terms used herein are defined as follows:

a. **Adult oriented establishment**: A public or private establishment which is customarily not open to the general public but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes but is not limited to one or a combination of the following types of businesses: adult book store, adult motion picture theater and adult mini-motion picture theater, as well as any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purposes of viewing "adult entertainment", any premises to which the public, patrons or members are invited or admitted wherein an entertainer provides "adult entertainment" to a member of the public, a patron or a member, when such "adult entertainment" is held, conducted, operated or maintained for a profit, direct or indirect, regardless of how such premises are advertised or represented, but including, without limitation, adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import, as well as adult cabaret, adult novelty business, adult personal service business.

b. **Accessory adult use**: An establishment, other than an adult personal service establishment, having less than ten (10) percent of its stock and trade in books, magazines, video tapes, adult materials and devices used for sexual stimulation or display films for sale, barter or rent or for viewing on premises by use of motion picture devices or any other coin operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to "Specified Sexual Activities" or "Specific

Anatomical Areas". Any such accessory adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All adult personal service establishments and activities shall be deemed to be a principal activity.

c. **Adult book store**: An establishment having ten (10) percent or more of its stock and trade in books, magazines, video tapes, adult materials and devices used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as defined below.

d. **Adult video store**: An establishment having ten (10) percent or more of its stock and trade in video tapes or films for barter, sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as defined below.

e. **Adult motion picture theater**: An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as defined below, for observation by patrons therein and from which minors are excluded by virtue of age.

f. **Adult mini-motion picture theater**: An enclosed building with a capacity of less than 50 persons used regularly and routinely for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as defined below, for observation by patrons therein and from which minors are excluded by virtue of age.

g. **Adult cabaret**: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features nude or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as defined below, for observation by patrons therein and from which minors are excluded by virtue of age.

h. **Adult novelty business**: An establishment having ten (10) percent or more of its stock and trade in adult materials, toys and other devices designed for sexual stimulation and which excludes minors by virtue of age.

i **Adult personal service establishments**: An establishment, club, or business by whatever name designated which offers or advertises or is equipped or arranged so as to allow a person while clothed, nude or partially nude to provide personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include but are not limited to massages, body rubs, alcohol rubs, baths and other similar treatments, as well as modeling studios, body painting studios, body piercing studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut, nor does it include those uses and activities specifically excluded under Paragraph 33.3 below.

j. **Partially nude**: Means having any part of "Specified Anatomical Areas", as defined below, less than completely and opaquely covered.

k. **Principal activity**: Means a use accounting for ten (10) percent or more of a business' stock and trade, display space, or floor space, or movie display time per month.

l. **"Specified Sexual Activities"**: 1) Human genitals in a state of sexual stimulation or arousal; 2) Sex acts, normal or perverted, actual or simulated, including human masturbation, sexual intercourse, oral copulation or sodomy; and 3) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.

m. **"Specified Anatomical Areas"**: 1) Less than completely and opaquely covered human genitals, pubic region, cleft of buttocks, and female breast below a point immediately above the top of the areola; and 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

33.3 **Exemptions:** The provisions of this **Section** shall not apply to nor prohibit the following uses and activities:

a. Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;

b. Electrolysis treatment by a licensed operator of electrolysis equipment;

c. Hospitals, nursing homes, medical clinics or medical offices;

d. Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only;

e. Athletic facilities of an educational institution including alumni club, or of a

philanthropic or charitable institution; and

f. Health establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

33.4 **Regulated Uses**: Regulated uses refer to all Adult Oriented Establishments which include, but are not necessarily limited to, the following:

a. Adult Book Store
b. Adult Video Store
c. Adult Motion Picture Theater
d. Adult Mini-Motion Picture Theater
e. Adult Cabaret
f. Adult Novelty Business
g. Adult Personal Service Establishment

33.5 **Locational Requirements and Standards**: An adult oriented establishment may be located in a General Commercial GC District subject to the approval of a **SPECIAL USE PERMIT** and in accordance with the following standards and criteria in addition to the standards and criteria set forth in **Section 32**:

a. No such adult oriented establishment shall be located within 200 feet of any residentially zoned area;

b. No such adult oriented establishment shall be located within 500 feet of the property line of any public, private, or parochial school, or other educational facility serving individuals under the age of 17 years, day-care center, senior center, funeral home, park, library or other public building, playground, church, convent, monastery, synagogue, or similar place of worship, or cemetery.

c. No such adult oriented establishment shall be located within 500 feet of the property line of any lot containing a pre-existing establishment which sells alcoholic beverages (other than beer and wine) for on-premises consumption, or within 200 feet of the property line of any lot containing a pre-existing restaurant or other food service establishment which does not sell alcoholic beverages (other than beer and wine) for on-premises consumption.

d. No such adult oriented establishment shall be located within 1,000 feet of another such establishment.

e. For purposes of compliance with these separation requirements, distances shall be measured in a straight line, without regard to intervening structures or objects, from the principle entrance of the building containing or proposing to

contain an adult oriented establishment to the nearest boundary of the uses specified in (a), (b), (c) and (d) above.

f. In accordance with C.G.S. 8-6, these regulations and provisions shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult oriented establishment.

33.6 **Sign and Exterior Display Limitations**: No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as an adult oriented establishment. This requirement shall also apply to any display, decoration, sign, show window or other opening.

33.7 **Registration Requirement**: All Adult Oriented Establishments shall be registered with the Zoning Enforcement Office. It shall be a violation of these Regulations for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon a regulated Adult Entertainment Establishment without having received Zoning Approval without having properly registered the regulated Adult Oriented Establishment. Any lawful, pre-existing Adult Oriented Establishment in operation prior to the effective date of these Regulations shall register within 30 days of the effective date of these Regulations. It shall be the responsibility of the owner of a building or his/her agent responsible for the management or control of a building or premises, which contains an Adult Oriented Establishment, to furnish and maintain on a current basis the following information:

a. The street address of the premises.

b. The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust.

c. The address of the owner or the beneficial owners.

d. The trade name of the regulated, Adult Oriented Establishment.

e. The name(s) and address(es) of the owner, beneficial owner, partners, limited partners or the major stockholders of the regulated, Adult Oriented Establishment.

f. The date of initiation of the regulated, Adult Oriented Establishment.

g. If the building or premises is leased, a copy of the said lease shall be furnished.

33.8 **Severability**: Should any court of competent jurisdiction declare any section, clause or provision of this Regulation to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this Regulation.

SECTION 34 - OPEN SPACE/CONSERVATION SUBDIVISIONS

34.1 **General:** The Planning and Zoning Commission may grant a **SPECIAL USE PERMIT** to permit establishment of an Open Space/Conservation Subdivision upon application by the owner of property and after due notice and public hearing in accordance with the procedures, standards and conditions herein specified. It is the policy and intent of this Article to accommodate open space/conservation residential development of tracts of land determined to possess physical characteristics and/or environmental qualities worthy of preservation, by allowing permissible and inevitable development to occur in a manner that reasonably adapts to the physical constraints of the land. The standards set forth herein provide for the controlled flexibility of lot sizes in a manner that maintains the same number of dwelling units on an overall basis that would otherwise result from the application of the conventional lot requirements. In so doing, desirable open space, tree cover, scenic vistas, significant conservation features and other environmentally sensitive aspects and other natural features of the site are preserved. **SPECIAL USE PERMIT** Applications for such open space/conservation developments of single family residential building lots shall conform to all of the standards herein set forth. Before granting such **SPECIAL USE PERMIT**, the Commission shall find that the Special Permit will accomplish one or more of the open space/conservation purposes herein stated and will be in harmony with the purposes and intent of the Zoning Regulations.

34.2 **Purpose:** The Commission may grant a **SPECIAL USE PERMIT** for the purpose of authorizing development of single family detached dwellings on individual lots, reduced in size and clustered in such a manner as to preserve open space and conservation areas. In the granting of an Open Space/Conservation Subdivision Plan, it is recognized that there are moderate to large tracts of land within the Residence R-40, R-50 and R-130 Districts which are capable of accommodating such clusters by reason of open space and conservation resources on such tracts, available utilities and suitable location and access within the Town. The Commission shall follow the procedures herein specified and must find that the **SPECIAL USE PERMIT** will accomplish one or more of the following open space purposes:

34.2.1 To preserve land as unsubdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;

34.2.2 To preserve and protect particular areas and terrain having qualities of natural beauty or historic interest;

34.2.3 To preserve land for purposes of conserving natural resources and protection of natural habitats;

34.2.4 To preserve land for park and recreation purposes;

34.2.5 To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.

34.3 **Informal Consideration:** The Commission recommends that, prior to the submission of a formal **SPECIAL USE PERMIT** Application, the applicants review with the Commission and its staff, in a preliminary and informal manner, any proposal for an Open Space/Conservation Plan. The Commission recommends that preliminary plans include appropriate existing conditions information as well as tentative proposals for street layout, development areas and open space/conservation reservations. The Commission, at its discretion, may or may not render a non-binding opinion.

34.4 **Application:** Application for a **SPECIAL USE PERMIT** pertaining to a proposed Open Space/Conservation Plan shall be submitted in writing to the Commission, signed by the owners of the land in question and shall be accompanied by the following: (six (6) copies of each shall be submitted).

34.4.1 **Boundary:** a map showing the boundary of the proposed development, prepared by and bearing the seal of a land surveyor licensed by the State of Connecticut, certifying the map as meeting the standards for an A-2 survey.

34.4.2 **Existing Conditions Map:** a map of all land within the proposed Open Space/Conservation Plan, at a scale of not less than 100 feet to the inch, showing no less than the following:

a. existing contours at a maximum interval of two (2) feet;

b. existing natural soils in accordance with classifications of the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture;

c. Existing buildings and other structures, large trees (defined as 16" or greater D.B.H.) unless situated in areas to be protected, wooded areas, extensive ledge outcroppings, historic sites, trails, other

significant open space/conservation features, and wetlands and watercourses as defined by the Connecticut General Statutes.

34.4.3 **Preliminary Conventional Subdivision:** a preliminary subdivision plan of all land within the proposed development meeting all of the requirements for a **Site Development Plan** as specified in the **Subdivision Regulations** of the Town of Wolcott, including the provision of open space and showing a preliminary layout of roads and lots for single family dwellings in accordance with the appropriate, conventional Residence R-40, R-50 and R-130 District standards, as applicable to the subject development, but not including detailed engineering design.

34.4.4 **Open Space/Conservation Plan:** a preliminary Open Space/ Conservation Plan for the proposed Development, at a scale of not less than 100 feet to the inch, meeting all of the requirements for a **Site Development Plan** as specified in the **Subdivision Regulations** of the Town of Wolcott, showing an open space/conservation layout in accordance with the standards set forth herein, and including but not limited to proposed roads, lots, typical building footprints, orientations, driveway locations, utility lines, open space and conservation areas whether in "fee" or by easements, existing and proposed grading, etc. in preliminary form but with sufficient detail to adequately evaluate the preliminary proposal. Said plan shall include adjacent areas at least 200 feet beyond the limits of the proposal.

34.4.5 **Engineering Report:** a report, prepared by a licensed engineer, evaluating storm drainage facilities, sewage disposal and water supply and specifying the manner in which they will be provided, as well as an evaluation of any significant constraints with respect to soils, flooding and erosion, topography or other physical circumstances.

34.4.6 **Statement:** a written statement describing the open space/conservation purpose to be accomplished and a preference concerning the proposed method of preservation and disposition of the open space areas.

34.4.7 **Additional Information:** such additional information or supporting documentation that the Commission may deem necessary to make a reasonable decision on the Application.

34.4.8 **Fee:** an Application fee of $250.00 (Plus State Fee).

34.5 **Standards and Criteria:** the Application for a **SPECIAL USE PERMIT** and the proposed **Open Space/Conservation Plan** shall conform to the following standards and criteria:

34.5.1 **Location:** The tract or parcel of land on which the Open Space/Conservation Subdivision is proposed shall be located entirely within the Residence R-40, R-50 or R-130 District, or a combination thereof, as officially delineated on the Zoning Map of the Town of Wolcott.

34.5.2 **Parcel Area and Shape:** Each such **Open Space/Conservation Subdivision** development shall be located on a contiguous parcel of land having a minimum area of ten (10) acres with a minimum of 50 feet on a Town-accepted street to accommodate appropriate extension of said street and shall be of such shape that a square with 400 feet on each side will fit on the parcel. A lesser area may be considered by the Commission if the proposed development adjoins another such development, or if the proposed open space/conservation area within the development is not less than five (5) acres or will be an adjunct to an existing permanently reserved open space area of not less than five (5) acres outside the area covered by the Application or if the proposed open space/conservation land is suitable for the open space/conservation purpose specified in Paragraph 34.2.5.

34.5.3 **Number of Lots:** The maximum number of individual building lots shown on the Open Space/Conservation Plan shall not exceed the number of lots that can be created as shown on a preliminary subdivision plan, satisfying the requirements for a Site Development Plan, approved by the Commission as meeting the requirements of the **Subdivision Regulations** of the Town of Wolcott and in conformity with the conventional requirements of the Residence R-40, R-50 or R-130 District, as applicable to the subject parcel. Said preliminary plan shall include open space provisions normally required of a conventional subdivision and although not constituting a formal application for approval of wetlands impacts and encroachments, the preliminary plan shall receive a favorable report from the Wolcott Inland Wetlands and Watercourses Commission and other appropriate Town departments, and therefore confirming the likely approval of proposed lots shown on such preliminary conventional subdivision plan.

34.5.4 **Lot Standards:** Individual lots for single family dwellings shall be established by formal subdivision of land in accordance with the procedures of the **Subdivision Regulations** of the Town of Wolcott. Lot sizes shall be as needed to accommodate the proposed Open Space/Conservation Plan, with ample area for buildings and utility systems. Each lot shall have not less than the minimum area and frontage on a street as specified below and shall be of such shape that a square with a minimum dimension specified below will fit on the lot and, except on permitted interior lots, with some portion of such square touching or extending within the area required for setback from a street line.

	R-40	R-50	R-130
Lot Area:	30,000 s.f.	30,000 s.f.	40,000 s.f.
Street Frontage:	115 ft.	115 ft.	135 ft.
Minimum Dimension of Square on Lot:	150 ft.	125 ft.	125 ft.
Street and Rear Property Line Setbacks:	30 ft.	30 ft.	40 ft.
Side and other Property Line Setbacks:	20 ft.	20 ft.	25 ft.

Notwithstanding other provisions set forth elsewhere in these Regulations, any number of interior lots may be permitted if deemed appropriate on the Open Space/Conservation Plan, which interior lots shall conform to the setbacks set forth above, shall contain an area of not less than 40,000 square feet, and shall be of such shape that a square with a minimum dimension of 150 feet on each side will fit on the lot. Except as permitted herein, said interior lots shall comply with all other provisions of Paragraph 25.2.2

34.5.5 **Utilities:** All utility lines serving the development shall be located underground. Where practicable, the development shall be served by extensions of the municipal water supply and sanitary sewer systems. If the development is not served by municipal water supply and sanitary sewers, each building lot shall be approved by the Chesprocott Regional Health District as suitable for subsurface sewage disposal systems and capable of being served by an adequate on-site water supply.

34.5.6 **Parking:** Not less than one (1) of the two required off-street parking spaces shall be located within an enclosed garage. Parking and/or storage of permitted boats, trailers, recreational vehicles and commercial vehicles shall be located behind the front wall of the dwelling and shall be screened from view from the street or from any other lot.

34.5.7 **Open Space/Conservation Area:** The Open Space/Conservation Plan shall result in the preservation of significant and desirable land for the intended open space and conservation purposes, with reasonable access, shape, dimension, character and location. Such open space land shall be delineated on the final Open Space/Conservation subdivision map and shall be labeled in a manner approved by the Commission to indicate that

such land is subject to the **SPECIAL USE PERMIT** and is not to be used for building development. Said preservation shall be to the satisfaction of the Commission and accomplished by means of "fee" conveyance to the Town, the Land Trust or other entity as may be approved by the Commission. In lieu of fee conveyance, the Commission, at its sole discretion, may accept the permanent preservation of some of the land through conservation easements and the appropriate conveyance of development rights. The minimum area of the open space land to be preserved shall not be less than ten (10%) percent of the gross parcel size plus the amount obtained by multiplying the total number of individual building lots indicated on the proposed Open Space/Conservation Subdivision Plan by the following:

	R-40	**R-50**	**R-130**
Minimum area of open space per lot:	10,000 s.f.	20,000 s.f.	80,000 s.f.

34.5.8 **Protection/Preservation of Natural Features:** The Open Space/Conservation Plan shall make provisions for appropriate protection of the significant natural features of the site, as delineated on the existing conditions map of the parcel, or shall provide adequate justification for the proposed impacts on such areas. Adequate sediment and erosion control methods shall be employed to mitigate potential adverse impacts due to proposed construction activities.

34.5.9 **Street Layout and Design:** Street planning should encourage curvilinear road layouts and cul-de-sacs where possible but should provide for through street connections when necessary for overall Town and neighborhood circulation purposes. The Commission may permit alternative geometric design standards on permanent dead end streets to allow reverse curves, encourage a reduction in pavement width, clearing and grubbing only as needed to accommodate proposed construction, etc.

34.5.9 **Existing Street Frontage:** In the Residence R-130 District only, to preserve the rural quality of existing Town streets, not more than 50% of the frontage of said existing streets shall be utilized as frontage for proposed lots.

34.6 **Procedure and Decision:** Before taking action on the **SPECIAL USE PERMIT** Application, the Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable decision on the

Application. When the Commission is satisfied that a complete application has been filed, the Commission shall hold a public hearing on the application, shall decide thereon and shall give notice of its decision as required by law and these Regulations. The applicant may consent in writing to any extension of time for a public hearing and action on the Application.

34.6.1 **Referrals:** Upon receipt of a complete **SPECIAL USE PERMIT** Application, the proposal shall be referred to the Wolcott Inland Wetlands and Watercourses Commission and/or such other Boards, Commissions and Departments as deemed appropriate, and the Commission shall solicit their comments concerning the degree of environmental sensitivity associated with the property as well as the potential impacts of the proposal. Any reports, recommendations, comments and suggestions received by the Commission shall be considered by the Commission in rendering its decision on the Application.

34.6.2 **Action:** The Commission may give approval to the **SPECIAL USE PERMIT Application** if the Commission determines that one or more of the open space purposes specified in Paragraph 34.2 can be accomplished, that the standards and criteria of Paragraph 34.5 have been met and that the proposed Open Space/Conservation Plan will not be detrimental to the health, safety and property values in the neighborhood. In granting the Special Permit, the Commission may attach such conditions that it deems necessary to preserve the purpose and intent of these Regulations. Said approval shall not constitute final subdivision approval but shall constitute authorization to the applicant to submit a formal application for final subdivision approval of the Open Space/Conservation Plan, in accordance with the provisions of the Wolcott Subdivision Regulations and in accordance with the modified standards of the approved **SPECIAL USE PERMIT**. The final Open Space/Conservation Subdivision Plan may be submitted in sections, but the open space land proposed and approved on the Open Space/Conservation Plan shall be established in the first subdivision section submitted, including suitable access to such land.

34.6.3 **Endorsement and Effective Date:** Within ninety (90) days of the approval of the **SPECIAL USE PERMIT** Application, all conditions of approval must be satisfied and four (4) copies of the approved Open Space/Conservation Plan shall be submitted for endorsement by the Chairman. One copy of the endorsed Plan shall be returned to the Applicant. The **SPECIAL USE PERMIT** shall become effective upon the filing of a copy thereof in the Office of the Wolcott Town Clerk and the recording of a copy thereof in the land records of the Town.

34.6.4 **Expiration:** Any **SPECIAL USE PERMIT** granted under these provisions shall become null and void one year from the date the **SPECIAL USE PERMIT** was granted, or such extended time as may be approved by the Commission for good cause shown, if the final subdivision map for all or a significant section of the Plan for which the **SPECIAL USE PERMIT** was granted has not been recorded in the Office of the Wolcott Town Clerk.

34.6.5 **Completion of Improvements:** All work in connection with the approved subdivision for which the **SPECIAL USE PERMIT** was granted, or such section thereof, shall be completed in accordance with the time limits prescribed by the General Statutes.

34.7 **Permitted Uses:** Any individual building lot in an approved Open Space/Conservation Subdivision shall be used only for a single family house and accessory structures and customary home occupations as specified in **Schedule A, Permitted Uses**, of these Regulations.

34.8 **Area, Location, and Bulk Requirements:** Except for the variations specified in Paragraph 34.5.4, any individual building lot shown on an approved Open Space/Conservation Subdivision Plan shall be subject to all of the requirements of **Schedule B, General Bulk Standards**, ordinarily applicable to building lots in any Residence R-40, R-50, and R-130 District.

34.9 **Variances:** The provisions of this **Section 34** shall not be subject to variance by the Zoning Board of Appeals.

SECTION 35 - SPECIAL OVERLAY DISTRICTS

35.1 **Route 69 Corridor District:** The Route 69 Corridor District is a special overlay district subject to additional planning, use, design and development standards in addition to those established by the underlying districts. The Route 69 Corridor District is delineated by a line located 500 feet from and parallel to the street line of Route 69 on both sides of the street and extending from the Waterbury City Line to the Bristol Town Line.

35.1.1 Purpose: The purpose of the Route 69 Corridor District is to:

a. Promote and further the objectives of the adopted Plan of Development Update and the Zoning Regulations of the Town of Wolcott.

b. Promote economic vitality and growth, encouraging an orderly and harmonious pattern of commercial, industrial and residential development.

c. Promote public health and safety, prohibiting uses that will significantly intensify traffic congestion on the streets.

d. Promote an aesthetic quality of development consistent with the traditional image of Wolcott, gradually rehabilitating or phasing out those uses, buildings, structures and related site improvements that are not consistent with the requirements and standards set forth below.

35.1.2 Requirements: The intent of the requirements set forth herein is to promote a layout and quality of building and site development, using traditional-style architectural design, efficient site organization and planning and landscape enhancement to produce an optimum visual and functional quality of development.

a. Setbacks: The street setback of any principal building shall be consistent with the average street setback of principal buildings on contiguous properties, but in no case less than that required under **Schedule B – Area, Location Bulk Standards**, for the district in which it is located.

b. Building Orientation: Buildings shall be oriented so as to accomplish, where appropriate, a uniform building line along Route 69 and to encourage a more orderly and planned arrangement and spacing of buildings.

c. Site Access/Egress: Entrance and exit drives serving non- residential uses and buildings shall be located and designed so as to minimize the number of curb cuts along Route 69. The Commission may require the use of common driveways, common parking lots and/or common access ways interconnecting contiguous commercial and/or industrial buildings, whenever, in its opinion, this would minimize traffic hazards and facilitate traffic flow along Route 69.

d. High Traffic Activity Generators: High traffic activity generators include

but are not necessarily limited to; gas stations, food service establishments, grocery stores and any food service establishments at which food is sold at a counter for consumption at the establishment or for take-out. Also included are any proposals for which a drive-thru or drive-up window is proposed, as well as any proposed use of facility requiring more than 50 percent parking spaces. Notwithstanding the provisions of **Schedule A – Permitted Uses,** any such high traffic activity generator in the Route 69 Corridor District requires approval of a **Special Use Permit** and a finding by the Commission that the proposed site and roadway conditions are adequate to accommodate the proposal without significant adverse impact on traffic flow, congestion and public safety.

e. **Permitted Uses:** All uses within the Route 69 Corridor District are governed by the requirements of the underlying district as specified in **Section 23, Schedule A – Permitted Uses.**

35.1.3 **Procedure:** In the Route 69 Corridor District, each application for a **Zoning Permit** shall be accompanied by a **Site Development Plan**. No **Zoning Permit** shall be issued until such **Site Development Plan** has been approved by the Commission. The Site Development Plan shall be approved by the Commission when it determines that the provisions of this Section as well as Section 31 have been satisfied and that the following additional standards have been met:

a. The proposed use, buildings and other structures conform to all of the requirements of the underlying district where located.

b. The proposed use, buildings, alterations or construction is compatible with, compliments and enhances the appearance and value of adjacent properties.

c. The proposed use, buildings, alterations or construction establishes an orderly and harmonious pattern of development, taking into consideration the spacing and arrangement of buildings the texture, materials, form and façade of existing and proposed buildings and uses and the impact of the proposal upon the appearance and property values of existing development within the Route 69 Corridor District.

d. The proposal shall also conform to the recommendations of any adopted supplement to the Plan of Development Update with regard to such elements as land use; location, bulk and character of buildings; location and extent of streets and vehicular accessways; and the provision of landscaping, open spaces and transition buffer strips.

35.1.4 **Applicability:** Uses lawfully existing within the Route 69 Corridor District at the time of adoption of these Regulations shall not be subject to the requirements of Paragraph 35.1.2 above. However, any alteration, enlarge- ment or substantial modification of an existing use or structure or any change of use shall be subject

to the requirements set forth herein.

a. Residential Exemption: Existing and proposed single family residential dwellings shall not be subject to the special provisions of the Route 69 Corridor District set forth herein.

35.2 Lake Hitchcock Conservation District: The Lake Hitchcock Conservation District is a special overlay district subject to additional planning, use, design and development standards in addition to those established by the underlying districts.

35.2.1 Boundaries: The Lake Hitchcock Conservation District encompasses those parcels of land abutting onto the following streets as of April 12, 1983, the original effective date of the provisions: Pratte Lane, Birch Street, College Place, Ledgeside Place, Equinox Avenue, Samuelson Street, Dixie Avenue, Bethel Lane, Maple Lane, Warren Road, Roosevelt Lane, Briarwood Street, Alma Avenue, Fern Avenue, Grove Avenue, Lake Street, Pine Street, Oak Street, Mattatuck Avenue, Hemingway Avenue, Midwood Avenue (from Central Avenue to Lake Street), Central Avenue (from Midwood Road to East Street), East Street (from Meriden Road to Hemingway Avenue), and Farview Avenue (from Meriden Road to Central Avenue on the east side only).

35.2.2 Purpose: The purpose of the Lake Hitchcock Conservation District is to:

a. avoid deterioration of the water quality of the Lake;

b. regulate the height, bulk and density of development within the immediate watershed area of the Lake; and

c. to encourage an orderly and harmonious pattern of development consistent with the minimization of parking, traffic congestion and aesthetic problems in the vicinity of the Lake.

35.2.3 Additional Requirements: All uses and development within the delineated Lake Hitchcock Conservation District will be governed by all of the basic requirements of the underlying district as set forth in these Regulations and as further restricted by the following requirements:

a. Building Height: No building or other structure shall exceed a maximum height of 25 feet; and

b. Setbacks: No building, principal or accessory, shall be located within 50 feet of the normal waters edge of Lake Hitchcock. Accessory buildings and structures shall be setback not less than eight (8) feet from any property line. Zero lot line setbacks are not permitted within the Lake

Hitchcock Conservation District.

c. <u>Home Offices and Home Occupations:</u> Any professional or business office in a dwelling unit and any customary home occupation shall conform to the requirements of Sections 23 and 24 except that there shall be no non-resident person(s) engaged in the conduct of the use.

d. <u>Accessory Dwelling Units:</u> Notwithstanding the provisions of **Use Line A-5 of Schedule A – Permitted Uses,** an accessory dwelling unit shall not be permitted in any single family detached dwelling also used for the letting of rooms and/or furnishing of board to two (2) or more persons.

e. <u>Underground Tanks:</u> No underground tanks for the storage of fuel shall be permitted within the Lake Hitchcock Conservation District.

35.3 <u>Flood Plain District:</u> The Flood Plain District is a special overlay district that is in addition to and overlapping one or more of the other districts and includes all areas of special flood hazard as delineated on the official Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map for the Town of Wolcott.

35.3.1 <u>Boundaries:</u> The Flood Plain District consists of and includes all of the areas identified as "Flood Hazard Areas", namely Zone A and Zones AE and X, delineated on a map entitled "FIRM: Flood Insurance Rate Map; Town of Wolcott, Connecticut, New Haven County, Community Panel Number "09009C, 0040H, 0126H, 0127H, 0107H, 0109H, 0128H, 0129H, 0136H, 0137H", comprising nine (9) parts, effective – December 17, 2010, prepared by FEMA, Federal Insurance Administration, as such Zones may be amended from time to time by such administration, which map is hereby made a part of these Regulations and is hereafter referred to as "Flood Insurance Rate Map" (FIRM). The Flood Insurance Rate Map also identifies base flood elevations above mean sea level for Zones AE. These maps are on file in the Town Hall, Wolcott, Connecticut. **(Effective 2/5/2011)**

35.3.2 <u>Purpose</u>: The purpose of the Flood Plain District is:

a. to protect life and property from the ravages of flooding; and

b. to control development in areas which are subject to flooding; and

c. to enable the Town of Wolcott to continue its eligibility for federal flood insurance and, in doing so, to meet the minimum standards set forth by the Federal Emergency Management Agency.

35.3.3 <u>Requirements:</u> All uses and development located within the delineated Flood Plain District will be governed by all of the basic requirements of the

underlying district as set forth in these Regulations as well as the following requirements:

a. Flood Hazard Area Permit: Within the Flood Plain District, no building or other structure shall be constructed, moved or substantially improved unless a Flood Hazard Area Permit therefore has been obtained from the Building Official for Town of Wolcott in accordance with a certain ordinance entitled "Flood Plain Management Ordinance #94, Town of Wolcott, Connecticut". For the purpose of this requirement, the term "Substantial Improvement" shall mean as defined in Par. 3.31.7 of these Regulations. **(Effective 2/5/2011)**

b. Maps and Plans: The maps and plans, including plan drawings and site plans, required under these Regulations to be submitted in connection with an Application for a Zoning Permit, Special Use Permit, Site Development Plan or Flood Hazard Area Permit, and pertaining to a lot any portion of which is located in a Flood Plain District, shall contain the following additional information:

1. the boundaries of the Flood Plain District;

2. base flood elevations based on mean sea level; and

3. the lowest elevation of any floor, including basement, based on mean sea level, for any existing or proposed building.

c. Non-Residential Districts: In any portion of any non-residential district located within a Flood Plain District, no outside storage areas shall be permitted, unless adequate provisions are made to prevent flotation of materials and equipment and to minimize flood damage within the Flood Plain District.

d. Lowest Floor Elevation: Within the Flood Plain District, the elevation of the lowest floor, including basement, of any building or other structure that is to be constructed, moved or substantially improved shall be as specified in the "Flood Plain Management Ordinance, Town of Wolcott, Connecticut".

ARTICLE FOUR

TOWNWIDE REQUIREMENTS

SECTION 41 - REMOVAL OR DEPOSIT OF EARTH MATERIALS

41.1 **Purpose:** Activities which are covered by this section include excavation of earth materials; blasting; grading; deposit of earth materials, including filling and stockpiling; processing earth materials in conjunction with a contractor's business; clear-cutting; and any other earth-moving or land clearing activity. The purpose of these regulations is to regulate such site clearing, earth moving and stockpiling activities so as to:

a. Minimize surface runoff of rainfall and melt water to prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;

b. Prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;

c. Preserve distinctive natural features such as rock outcrops and ridge lines;

d. Limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land more developable and to prevent adverse drainage impacts on surrounding properties as a result therefrom; and

e. Protect the ecological processes by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.

41.2 **General:** In accordance with the provisions hereinafter specified, the Commission may permit all those activities listed in **Section 41.1**, subject to the approval of a **Temporary Special Use Permit** in accordance with the provisions and procedures described herein. All filling or dredging of any pond, lake, swamp or other existing body of water or inland wetland area, or the filling or excavating of any swale, valley, slough or other area of depression is hereby prohibited, except after the granting of such **Temporary Special Use Permit** by the Commission, for a period not exceeding two (2) years, issued under such conditions as the Commission may

impose to prevent damage to adjoining property and to protect the public health, safety, convenience and welfare. In cases where such activity is covered by an approved Subdivision, Site Development Plan or other **Special Use Permit**, no separate application for such activities is required unless specifically required by the Commission and provided that all application requirements and standards of this **Section** are met.

41.3 **Exclusions:** The provisions of this **Section** shall not apply to the following, provided no activity takes place within any inland wetland or watercourse or their prescribed buffer areas, unless necessary permits have been granted by the Wolcott Inland Wetlands and Watercourses Commission:

41.3.1 Filling or removal of earth materials not exceeding 200 cubic yards in any calendar year, in conjunction with landscaping and changing of contours on a lot, when no **Building Permit** is required; said amount may be increased to not more than 400 cubic yards with approval of a **Zoning Permit** by the Zoning Enforcement Officer if all applicable conditions of Paragraph 41.5 are satisfied. Such filling or removal shall be completed within the calendar year and the area shall be prepared or restored in accordance with Paragraph 41.5.12.

41.3.2 Necessary foundation and trench work involving not more than 400 cubic yards of material, on a lot for which a **Zoning Permit** and a **Building Permit** have been issued; said amount may be increased to not more than 2,000 cubic yards provided that when issuing the **Zoning Permit**, the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 41.5 will be satisfied.

41.3.3 Normal installation or repair of a septic system, subject to approval by the Regional Health District and the Town Engineer.

41.3.4 All necessary work involving not more than 2,000 cubic yards of material for an engineered septic system on a lot for which a Zoning Permit and a Building Permit have been issued, provided that the engineered septic system has been approved by the Regional Health District and that when issuing the **Zoning Permit**, the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 41.5 will be satisfied.

41.3.5 Necessary filling, excavation or grading in connection with improvements on the lot for bona fide agricultural purposes, provided that not more than 1,000 cubic yards of earth material may leave the site, and with approval of a **Zoning Permit** by the Zoning Enforcement Officer if satisfied that all applicable conditions of Paragraph 41.5 will be met.

41.3.6 The normal maintenance and repair of roads and driveways and the construction of new Town roads.

41.3.7 Stockpiling of street maintenance and landscaping materials by the Town of Wolcott.

41.4 **Application and Procedure:** Application for a **Temporary Special Use Permit** under this **Section** shall be submitted in writing to the Zoning Enforcement Officer together with an Application for a **Zoning Permit**. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In processing such application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by the General Statutes. The application shall be signed by the owner of the land, or his authorized agent, where the excavation, grading, clearing, removal or filling operation is proposed and shall include the following:

41.4.1 **Statement of Use:** Four (4) copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the permitted use provisions of **Section 23** and the performance standards of **Section 44**. The statement shall also include the time period proposed for completion of all work; the hours and days of the week during which the activity will take place; the total volume and type of materials to be deposited, removed or graded; the total area to be clear-cut; details of any proposed blasting; the number of trucks and other equipment which will be involved; and the proposed truck access through the surrounding neighborhood.

41.4.2 **Maps and Plans:** Four (4) copies of maps and plans, drawn to a scale of 1" equals 40", with cross sections on the longitudinal axis 200 feet on center or closer if required by the Commission or Town Engineer, prepared by and bearing the seal of appropriate design professionals, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, illustrating the proposed activity and including the following information:

a. The boundaries of the property; location, width and purpose of all existing and proposed easements and right-of-ways on the property; streets adjoining the site; location of buildings and structures on adjoining parcels; and the names of owners of property adjoining the site.

b. A small scale map, drawn to the same scale as the Town Tax Assessor's map of the area, showing the location of the lot, the names of all abutting owners and streets, the names of the applicant and the owner of the lot, the Zoning District for the lot, the Town Tax Assessor's map and parcel number for the lot and the acreage of the

lot.

c. In the area of the proposed operation and within 100 feet thereof, existing field verified contours and proposed contours at intervals of two feet referred to National Geodetic Vertical Datum (NGVD), spot elevations at key locations and areas where earth materials are to be stockpiled.

d. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, any inland wetlands boundary, 100 year flood line, floodway boundary, and areas of 25% or greater slope. Inland wetlands shall be field located by a certified soils scientist. Information concerning existing and proposed drainage on the lot, watercourses, ponds and swamps shall extend 200 feet beyond the area of the proposed operation.

e. Location of existing buildings, structures, signs, fences, walls, paved areas, curbs, curb cuts, edges of pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features.

f. Proposed vehicular access to the lot from adjacent roadways.

g. Locations and types of any proposed buildings, structures and processing equipment to be erected.

h. An erosion and sediment control plan in accordance with **Section 45**.

i. Details of final site grading, stabilization and planting of the site at the conclusion of operations.

41.4.3 **Prior Approvals:** Where applicable, written approvals from the following agencies shall be submitted with the Application:

a. Wolcott Inland Wetlands and Watercourses Commission

b. Wolcott Fire Marshal

c. Connecticut Department of Environmental Protection

d. Army Corps of Engineers

41.4.4 **Other:** The Commission may request the submission of such additional information that it deems necessary to decide on the application. Upon

written request by the applicant, identifying specific sections of the application requirements from which he requests exemption and reasons justifying such request, the Commission may, by resolution, waive the required submission of all or part of the information required under Paragraph 41.4 if the Commission finds that the information is not necessary in order to decide on the application.

41.4.5 **Application Fee:** An Application Fee in an amount to be determined by resolution of the Commission and posted in the Planning and Zoning Office.

41.5 **Standards and Conditions:** The filling, excavation, grading, removal, or other activities authorized under this **SECTION,** shall conform to the following standards and conditions, and before approving a **Temporary Special Use Permit** the Planning and Zoning Commission shall find that the following standards and conditions will be met:

41.5.1 **General:** The operations and activities shall be carried out in conformity with the statement, maps and plans as approved by the Planning and Zoning Commission and within the exterior limits shown thereon;

41.5.2 **Earth Slopes:** Finished earth slopes resulting from approved activities shall not exceed one foot of rise for three feet of horizontal distance of such lesser slope as the Commission may specify as necessary for the public health and safety, soil stability, and for the reasonable use of the property after completion of the excavation or deposit.

41.5.3 **Rock Slopes:** The Commission may approve finished rock slopes resulting from blasting, at slopes no greater than five feet rise for one foot of horizontal distance, provided that the following conditions are met:

a. The Commission makes a finding that the requirements of Section 41.4 are met;

b. The top of any permanent slope greater than five feet in height is protected by a fence at least five feet in height of a quality acceptable to the Commission, to prevent injury to the general public;

c. No blasted slope shall be located within 50 feet of any side or rear property line, or such greater distance as the Commission may specify if necessary to meet the requirements of Section 41.4;

d. All blasting shall be conducted in a manner acceptable to the Wolcott Fire Marshal; and

e. Upon completion of blasting, the applicant shall furnish a statement from a licensed engineer that the finished slopes are stable and have been constructed in accordance with the approved plan.

41.5.4 **Site Conditions During Operation:** Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is suspended for more than two weeks. There shall be no sharp declivities, pits or depressions and proper drainage shall be provided to avoid stagnant water, soil erosion and water pollution. The Commission may require that the entire construction area be fenced at least six feet in height with suitable gates and located fifty (50) feet or more from the edge of the construction area, if it finds that it is necessary to ensure public safety.

41.5.5 **Adjoining Properties:** Proper measures shall be taken to minimize the impact on adjacent properties for noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, as appropriate, screening, fencing, limitations on on-site stockpiling of excavated materials and shall include the covering of truck loads. There shall be no excavation or removal within the area between the property line and the building setback line unless such activity would result in finished grades at or above the elevation of the adjoining street or lot. There shall be no deposition or filling within this same area unless such activity would result in finished grades at or below the elevation of the adjoining street or lot. The Commission may waive these requirements if, 1) a joint application with the adjoining property owner is filed or 2) such application is necessitated by installation of a septic system or access drive. The extent of such waiver shall be limited to, 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable.

41.5.6 **Processing Machinery:** The Commission may approve the erection and maintenance of processing machinery and, in any district other than the Industrial (I) District, said machinery shall be directly related to and required in connection with proposed earth moving and site preparation activities. In all instances, the performance standards of **Section 44** and the following standards must be adhered to:

a. Stone-crushing machinery shall be located not less than 300 feet from any property line or street line when located in any residence district and not less than 200 feet from any property line and 300 feet from any residence district boundary line in any non-residential district.

b. Screening, sifting, washing or other processing machinery shall be located not less than 200 feet from any property line or street line when located in any residence district and not less than 100 feet from any property line and 200 feet from any residence district boundary line in any non-residential district.

c. All such machinery shall be removed from the lot upon termination of the **Temporary Special Use Permit**. No permitted machinery shall be operated outside of the permit area. The Commission may require such fencing, shielding, dust control and/or other measures as necessary to protect nearby properties from hazards and nuisance.

41.5.7 **Truck Access:** Truck access to the site shall be so arranged as to minimize traffic hazards on streets and nuisance to surrounding properties. Such access on the site shall be maintained so as to prevent wind and water erosion. Proper drainage shall be arranged so as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood. Appropriate measures shall be shown on the Erosion and Sediment Control Plan.

41.5.8 **Disposal of Excavated Materials:** The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the application. Deposition of such materials on any site within the Town of Wolcott shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the Town of Wolcott, it is the applicant's responsibility to secure proper authorization for disposal at the ultimate location.

41.5.9 **Stockpiles:** All stockpiles shall be contained within the permit area. No stockpile of earth materials shall be located within 50 feet of an inland wetland or in a floodway (designated on the National Flood Insurance Rate Map). Any activity within a designated Flood Plain District also requires approval by the Town Engineer and a permit under the Wolcott Flood Plain Management Ordinance. Appropriate dust and erosion controls shall be clearly described and shall be maintained for the entire duration of the stockpile. Stockpiling of a
variety of earth materials on a continuing basis as part of a business may be approved by the Commission as part of a **Site Development Plan** or **Special Use Permit** application for the primary use of the site (e.g. contractor's yard or landscaping business), provided that:

a. The maximum volume (or footprint and height), location on the site, and type of materials to be stockpiled are explicitly described in the application and;

b. All other standards and requirements of these regulations are met.

The Commission reserves the right to review continuing stockpiles on a yearly basis and require submission of a new **Site Development Plan** or **Special Use Permit** application if the actual circumstances differ from and/or the volume of material stockpiled exceeds what was depicted on the original application.

41.5.10 **Fill Materials:** Land clearing, construction and demolition debris and loose boulders may be used as fill provided that the following requirements are met:

a. No constituent part of such fill shall exceed one cubic yard in volume.

b. No materials shall be used as fill which pose a fire or pollution hazard.

c. No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district.

d. The location of such material on the site shall be shown on an "as-built" plan to be filed with the Planning and Zoning Commission and noted on the Land Records of the Town of Wolcott prior to release of bond.

e. The provisions of this Section shall in no way be construed to authorize any activity regulated under Chapter 446d (Solid Waste Management) of the Connecticut General Statutes.

41.5.11 **Hours of Operation:** Within and adjacent to residential areas no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 7:30 P.M. Monday through Saturday or at any time on Sundays. The Commission may specify additional time limitations if such are warranted to ensure the reasonable use and enjoyment of surrounding properties.

41.5.12 **Site Restoration:** All topsoil removed shall be stockpiled on the site. Upon completion of the work authorized, or when work has progressed sufficiently to where reclamation of significant areas is practicable, the area affected by the operation shall be prepared or restored as follows:

a. Such area shall be graded so that slopes in disturbed areas shall be no steeper than one foot of rise for three feet of horizontal distance. The slope may be modified by the Commission to such lesser slope necessary for soil stability and reasonable reuse and development of the lot. The area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided.

b. A layer of topsoil shall be replaced uniformly over the entire area, to a depth of six (6) inches, with any large stones removed. The area shall then be seeded with State Conservation Mix or other suitable perennial grass mixture and maintained by mulching, repairing and reseeding until the area is stabilized with a dense cover of grass and approved by the Commission and there exists no danger of erosion, but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work. Excess topsoil may be removed from the site upon submission of a statement from a licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this section.

41.5.13 **Alteration of Conditions:** The Commission may adjust any standards or conditions set forth above if, in its sole judgment, such adjustment is necessary to maintain the purpose of this **Section**.

41.6 **Insurance:** The applicant shall obtain and maintain liability insurance with a limit of not less than $300,000 as to personal injury and $100,000 as to property damage and shall furnish a certificate of insurance to the Commission, and in the event of cancellation of such insurance, the **Temporary Special Use Permit** Application shall terminate;

41.7 **Posting of Bond:** The applicant shall file with the Commission a cash, savings account or surety bond, in form and with surety acceptable to the City, and in an amount recommended by the Town Engineer and approved by the Commission

to insure the faithful performance of the work to be undertaken in accordance with the provisions of this **Section** and the terms of the **Temporary Special Use Permit**, including site restoration, provided however, that in no event shall the Commission fix a bond in an amount less than $5,000 for each acre or fraction thereof to be filled, excavated, cleared, graded or otherwise disturbed. In addition, when the type and size of the removal operation warrants it, the Commission may require an additional bond, in form and amount and with surety acceptable to the Town Council, to protect the Town from any damage caused to Town roads, bridges, or drainage facilities as a result of the removal operations and activities.

41.8 **Inspections and Periodic Reports:** The Commission, Town Engineer and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot 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 engineer, showing the status and progress of the work.

41.9 **Duration of Permit:** Each Application for a **Temporary Special Use Permit** granted under this **Section** shall be valid for a period not to exceed two (2) years or for such shorter period requested by the applicant or fixed by the Commission. Upon application made at least 30 days before the expiration of a **Temporary Special Use Permit,** the Commission may extend the time period for periods of not more than six (6) months, provided that there exists no violation of the terms of the current **Temporary Special Use Permit**. Any non-compliance with the conditions of the original approval shall be deemed sufficient cause for denial of any extension.

41.10 **Inspection Fee:** At the time of issuance of a **Certificate of Zoning Compliance** authorized by a **Temporary Special Use Permit** approved under this **Section,** the applicant shall pay to the Town of Wolcott an inspection fee equal to $5.00 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, graded or removed.

41.11 **Existing Operations:** Any existing lawful operation, involving the excavation or grading, or removal from any lot, authorized by a permit issued under the Zoning Regulations previously in effect, shall, upon expiration of such prior authorization, comply with the requirements of this **Section**.

41.12 **Return of Bond:** Upon satisfactory completion of the authorized activities in accordance with the terms of an approved **Temporary Special Use Permit** and after any area of the site required to be seeded has grown a dense cover of grass in the second growing season, as required under this **Section**, the applicant may apply to the Commission for return of the bond filed as provided in this **Section**. The bond may be released only after the Commission and Town Engineer are satisfied that all of the requirements of this **Section** have been completed.

41.13 **Town Operations:** The Commission may waive or modify the required application fee and other pertinent requirements set forth above in connection with the excavation or grading, or removal from any lot of any earth, loam, topsoil, sand, gravel, clay, or stone when the excavation, grading or removal on such lot is conducted solely by or on behalf of the Town of Wolcott solely for the municipal purposes of the Town. The excavation, grading or removal, however, shall meet all of the standards and conditions of Paragraph 41.5 above.

41.14 **<u>Maintenance of Ponds</u>:** When it is found necessary to maintain existing ponds, lakes, or other bodies of water to prevent eutrophication or to remove accumulated silting, and said maintenance will not change the original basic contours, depth, or periphery of the body of water, such work may be done without a **Temporary Special Use Permit** provided:

a. Approval is granted by the Wolcott Inland Wetlands and Watercourses Commission.

b. The applicant submits a written report to the Commission stating:

   1. the area to be maintained;
   2. the reason for the maintenance;
   3. the total amount and type of material to be removed and where it is to be placed;
   4. the proposed dates of the operation;
   5. the name of the contractor responsible; and
   6. the hours of operation.

c. the Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.

d. The Commission approves the above report and so notifies the applicant in writing.

If the Commission determines that the proposed operation is more than just maintenance and is an earth removal operation, said work shall only be performed in accordance with the requirements of **Sections 41** and **44** of these Regulations.

SECTION 42 - OFF-STREET PARKING AND LOADING

42.1 **General:** It is the purpose and intent of this **Section** to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading 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, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this **Section**, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this **Section** shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this **Section**. All off-street parking and loading spaces hereafter established, whether required to be provided by this **Section** or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a **Site Development Plan** or **Special Use Permit** under these Regulations.

42.2 **Parking Space Standards:** Off-street parking spaces shall be provided in accordance with the following minimum standards. Spaces must be located on the same lot as the use it serves unless the Commission approves parking on another lot as part of a **Site Development Plan** or **Special Use Permit** approval. In no case shall the required spaces be located more than 500 feet from the use they serve. These parking requirements shall not be subject to variance by the Zoning Board of Appeals.

USE CLASSIFICATION	MINIMUM SPACES REQUIRED
Dwellings containing one or two dwelling units:	2 for each unit
Dwellings containing more than two dwelling units:	2 for each unit
Professional or business office in a dwelling unit:	3 per unit (in addition to spaces required for the unit)
Rooms to rent in a dwelling unit:	1 per bedroom or rooming unit
Community Residence	1 per bedroom or rooming unit
Churches, Places of Worship, Theaters, Assembly Halls or Stadium:	1 space for each 5 seats or 10 feet of pews/benches
Undertakers' Establishments:	20 per chapel or viewing room
Membership Clubs, Lodges, Community Centers:	1 per 3 seats.
Hospitals, Convalescent Homes, Sanitariums, Homes for the Aged, Rest Homes:	1 for each 3 beds for patients or guests plus 1 per employee on largest daily work shift
Child Day Care Center, Family Day Care Homes and Group Day Care Homes:	1 per employee plus 1 for every 6 children enrolled
Retail and Service Establishments, Banks and Other Financial Institutions:	1 per 165 square feet of gross floor area
Medical and Dental Offices, Non-Boarding Veterinary Clinics and Hospitals:	1 per 165 square feet of gross floor area
Other Offices	1 per 200 square feet of gross floor area
Special Retail Establishments (incl. furniture and appliance, specialty building, lighting, plumbing and decorating materials and similar traffic volume uses):	1 per 250 square feet of gross floor area used for display of goods and 1 per 500 sq. ft. of floor area used solely for storage, low warehousing, shipping and receiving.
Restaurant and Food Service Establishments Excluding Patron Bar Area:	1 per 75 square feet of patron floor area
Patron Bar and Cocktail Lounge Area:	1 per 25 square feet of patron floor area
Motor Vehicle Service Stations, Repair Garages and Car Washing Facilities:	10 plus 5 per garage bay in excess of 2 bays.
Hotels and Motels:	1 per guest room plus 1 per each employee
Bowling Alleys:	5 per alley
Flea Markets:	1 per 50 feet of showroom or display area plus 1 per each employee plus 1 per each vendor.

Manufacturing, Processing or Assembling Plants, Research Laboratories, Central Office Buildings, Warehouse, Wholesale Business, Contractor's Businesses, Terminals and Distributors,	1 per 400 square feet of gross floor area or 1 per 1.5 employees on largest shift, whichever is greater
Other uses not covered above:	Commission shall determine the number of spaces required to preserve the intent of this **SECTION**.

42.3 **Loading Space Standards:** Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.

42.4 **Classification of Uses:** Whenever two or more classifications provided in Paragraph **42.2** shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

42.5 **Joint Use:** Except where the required parking must be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. Acceptable evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.

42.6 **Modification of Standards:** The Commission may, in connection with the approval of a **Site Development Plan** or the granting of a **Special Use Permit**, authorize a lesser number of off-street parking and/or loading spaces than specified in Par. **42.2** and **42.3** or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that the following standards and conditions are met:

42.6.1 The number of spaces provided on the **Site Development Plan** are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the Application for a **Zoning Permit**;

42.6.2 There is sufficient and suitable area on the lot to provide in the future the

full number of spaces specified in Par. **42.2** and **42.3**;

42.6.3 That spaces located on another lot are conveniently accessible to persons normally using or visiting the use and that traffic congestion and on-street parking and loading will not result; and

42.6.4 The authorization shall be applicable only to the particular use or occupancy of land, buildings and other structures specified in the application for a **Zoning Permit** and approved by the Commission. Such authorization shall become null and void upon any change in the use or occupancy to another use or occupancy.

42.7 **Design and Construction Standards:** All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

42.7.1 **Dimensions**: Each parking space shall constitute an area of such shape as to contain a rectangle of not less than nine (9) feet by 20 feet, with vertical clearance, access and slope as to accommodate one (1) automobile. When the end of such space is adjacent to and capable of overhanging a curbed, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop. Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.

42.7.2 **Access:** Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of a public street right-of-way and can exit onto the street in a front forward direction; the front forward exit requirement shall not apply to parking spaces provided in connection with a dwelling containing one (1) dwelling unit, an office in a dwelling and rooms to let in a dwelling when the sole driveway access to such spaces does not connect to a State Highway. No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way to back into such space. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Off-street parking facilities shall be designed in accordance with the following minimum requirements, except as necessary to satisfy the Connecticut Building Code for handicapped spaces:

Parking Pattern	Aisle Width	Stall Width	Stall Length	Total Width One Row of Stalls Plus Aisle	Total Width Two Rows of Spaces Plus Aisle
0 Degrees (Parallel)	12 Feet (One-way) 20 Feet (Two-way)	9 Feet	23 Feet	21 Feet (One-way) 29 Feet (Two-way)	30 Feet (One-way) 38 Feet (Two-way)
30 to 53 Degrees	12 Feet	9 Feet	20 Feet	32.5 Feet	53 Feet
54 to 74 Degrees	15 Feet	9 Feet	20 Feet	37 Feet	59 Feet
75 to 90 Degrees	22 Feet	9 Feet	20 Feet	42 Feet	62 Feet

Notes: 1. Aisle width may need to be increased in those instances where fire or safety apparatus is required to utilize access/maneuvering aisle.

2. See illustrative **PARKING LAYOUT** sketches at end of **SECTION**.

42.7.3 **Improvement:** All off-street parking and loading spaces shall be suitably drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. The entire parking area, including parking spaces and maneuvering lanes, shall be surfaced with bituminous concrete or portland cement concrete in accordance with specifications approved by the Town Engineer. In commercial and industrial districts, when recommended by the Town Engineer and approved by the Commission, curbing shall be constructed of portland cement concrete.

42.7.4 **Layout:** All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. A "parking bay" consists of two (2) parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and changes of use shall provide sufficient handicapped parking spaces as required by the Connecticut State Building Code. Location, design standards and identification signage for such spaces shall comply with said Code. Provision shall be made for safe and convenient use of all parking spaces and for circulation within parking areas as follows:

a. by provision of suitable circulation driveways giving access to parking aisles and spaces;

b. by provision for safe pedestrian circulation within parking areas;

c. by providing for channelized traffic flow within parking areas, including provision of curbed, raised and landscaped linear islands to separate any two (2) parking bays from any other bay; and

d. by suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space, providing that not more than 16 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of nine (9) feet.

No loading space shall be arranged in such manner as to obstruct use of required parking spaces or traffic circulation within the parking areas.

42.7.5 **Driveways:** There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel, measured at the street line. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 15 feet unless a larger radius is required by the Town or State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

42.7.6 **Location - Loading:** No off-street loading spaces or access aisles in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line or within 10 feet of any side line; in Residence Districts no such space shall be located in any required yard area.

42.7.7 **Location - Parking:** In Residence Districts, other than for a dwelling containing one (1) dwelling unit, no parking space or access aisle in connection therewith shall extend within 20 feet of any street line or 10 feet of any property line. In any non-residence district, not more than 50% of the area required for setback from a street line shall be used for driveways and off-street parking. No parking space or access aisle in connection therewith shall extend within 10 feet of any street line or five (5) feet of any side property line, except for permitted driveway entrances, and approved interconnections with adjoining properties.

42.7.8 **Landscaping:** Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street line and side property line shall be suitably landscaped with trees and/or shrubs, lawn, washed gravel or other appropriate ground cover. When parking spaces

and access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas. A strip of land not less than 12 feet in width along and adjacent to any Residence District boundary and five (5) feet in width along any property line the opposite side of which is devoted to single family residential use, shall be landscaped and planted with an effective buffer to a height of not less than four (4) feet above the parking surface for screening headlight glare. Such buffer shall consist of evergreen trees or shrubs planted not more than four (4) feet apart or a combination of evergreen plantings and berms or appropriate screen fencing.

In addition to the above, for parking facilities exceeding 30 spaces, interior landscaping area shall be provided as follows:

a. Within the interior of the parking facility, landscaped areas shall be provided at the ratio of one square foot of landscaped area for each 20 square feet of parking lot, and shall be located in a manner that breaks up the expanse of pavement throughout the lot.

b. Each interior landscape area shall have a minimum area of 150 square feet.

c. There shall be at least one (1) deciduous tree for each 100 square feet of interior landscape area and each interior landscaped area shall contain at least one (1) tree.

42.8 **Waiver of Immediate Installation:** With respect to the installation of parking spaces required by this **Section**, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25 % of the required number of parking spaces upon the following conditions:

a. that the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;

b. that the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;

c. that the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so; and

d. that the agreement herein referred to be incorporated by reference as a

covenant in any **Special Use Permit**, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such **Special Use Permit** recorded on the land records.

SECTION 43 - SIGNS

43.1 **Purpose:** It is the purpose of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community. The intent of this **Section** is to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community.

43.2 **General Requirements:** The following requirements are applicable to all signs throughout the Town of Wolcott.

43.2.1 **Permits:** No sign, except as provided herein, shall be constructed, erected, moved, or structurally altered or otherwise changed, unless an Application for a **Zoning Permit** has been approved by the Zoning Enforcement Officer. A new name shall be deemed to be a change. Normal maintenance shall not be a change.

43.2.2 **Applications:** All Applications for a sign permit shall be accompanied by a plot plan showing the location of the sign, and by a drawing of sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the proposed sign, and by a building elevation or sketch showing pertinent building dimensions.

43.2.3 **Illumination:** All illuminated sign or lighting devices shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the subject sign and away from adjoining premises. Self-illuminated signs shall be such that all direct light sources are completely covered.

43.2.4 **Maintenance:** All signs together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All loose or missing letters, figures, characters or representations on any sign shall constitute a maintenance violation and must be corrected or removed within five (5) days of notice to do so from the Zoning Enforcement Officer. Temporary signs in a torn or damaged condition must be removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer. Any sign found to be unsafe shall be removed immediately upon receipt of notice by the Zoning Enforcement Officer and/or the Building Official. Signs which indicate the time or temperature must indicate the correct information to

public view. The owner or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises in a safe, neat and orderly condition.

43.2.5 **Non-Conforming Signs:** Currently existing signs of a size or type not permitted in the District in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered non-conforming structures under this Section. No non-conforming sign shall be altered or changed unless such sign is made to conform to these regulations. A change shall include a change in name, but shall not include normal maintenance activities. Any change of such signs or increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Any sign described above shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of non-conformity.

43.2.6 **Measurement of Area:** The area of a sign shall include all exposed faces of a sign measured as follows:

a. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.

b. When such sign is comprised only of letters, designs or figures affixed on a wall, the entire face of said wall being of uniform material, color, and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape, such as a rectangle, triangle or circle which encloses all letters, symbols, or designs which constitute such a sign.

43.3 **Sign Prohibitions:** The prohibitions set forth in this Paragraph shall apply to all signs, all artificial lighting and all Districts within the Town of Wolcott, regardless of designation.

43.3.1 All signs and other advertising devices shall be prohibited except those that advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually present on the property on which such sign is located.

43.3.2 No sign shall project beyond any property line or street line. The Zoning Enforcement Officer may cause to be removed any sign that is erected or placed within the public right-of-way of any street and the owner of any sign so removed shall pay to the Town of Wolcott the actual costs

of removal and storage, or a charge of ten ($10) dollars per day, whichever is greater. Any such sign not claimed within ten (10) days may be destroyed.

43.3.3 No hanging sign shall be over any portion of the traveled path of any driveway or other accessway.

43.3.4 No sign shall extend above the lowest point of the main roof line of any building. No sign shall be permitted on the roof of any building.

43.3.5 No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signals or signs or visibility of motorists by virtue of the location, color or size of such signs. No artificial light or reflecting device shall be used, located, or displayed where such light distracts the attention of users of a street and competes for attention with, or may be mistaken for, a traffic signal.

43.3.6 No sign shall obstruct access to or from any door, exit, window or fire escape, or to cause other hazard to the public health or safety.

43.3.7 No sign shall be animated or flashing, except for a time-temperature device employed as part of an otherwise non-flashing, non-animated display.

43.3.8 Except for flags, no sign shall be permitted which is in motion by any means, including swing, fluttering or rotating or signs such as banners strung in series set in motion by movement of the atmosphere. The area of any flag (except national, state or town flags) shall be computed as signage and shall require permits in accordance with Paragraph 43.2.1.

43.3.9 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual, raised, mounted letters. All other painted or posted signs shall be on a plate or backing made of a durable material such as metal or plywood which is affixed to the wall.

43.3.10 No signs shall be mounted or posted on any tree or utility pole.

43.3.11 Free-standing portable signs, such as sandwich signs, shall be prohibited. The stringing of lights is prohibited, except during the Christmas season, extending from November 15 to January 16.

43.4 Signs Permitted in All Districts:

43.4.1 The following signs are permitted in all Districts, except as indicated otherwise herein, and do not require a **Certificate of Zoning Compliance** and may extend to the street or property line:

a. Official government notices and governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
b. Signs of public service companies to warn of danger.

c. Private signs with no advertising thereon that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total of two (2) square feet each.

d. On any residential premises, one (1) identification sign not exceeding two (2) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a professional or business office or a home occupation on the premises.

e. In a Commercial or Industrial District, signs that are affixed to a window or door announcing sales or special features are permitted, provided they do not exceed 25% of the area of said window and/or door and provided they are in place for not more than 30 days.

f. On a lot where the premises are for sale or for rent, one (1) real estate sign not exceeding six (6) square feet in area and not referring to any other premises.

g. Temporary signs for public, political and charitable purposes, provided they are erected not more than 60 days before the publicized event and are removed within seven (7) days after the publicized event.

43.4.2 The following signs are permitted in all Districts, subject to Par. 43.2 herein, which signs shall not extend within less than ten (10) feet of any property line or street line:

a. Building contractors' and designers' signs pertaining to building under construction on the lot where the signs are located, provided that the total area of such signs shall not exceed 24 square feet, and such signs shall be removed within 30 days after completion of the project.

b. On any lot containing a farm, cemetery, uses and facilities of the Town of Wolcott, State of Connecticut or Federal Government or a **Special Permit Use**, one (1) sign not exceeding 16 square feet in area.

c. On a lot at the entrance to a residential neighborhood or a multi-family development, one (1) permanent sign not exceeding 16

square feet in area giving only the name of the neighborhood or development.

d. On any lot containing Town facilities or a church or other place of worship or an educational institution, one (1) sign constituting a bulletin board and not exceeding 16 square feet in area.
e. Identification signs for **Special Permit Uses** in any Residence District, provided the aggregate area of the signs shall not exceed 24 square feet. Only one free-standing sign is permitted. The free-standing sign must be at least 15 feet from any property line and shall include the street address number at least four (4") inches in size.

f. Public convenience signs advertising hours of operation not to exceed one (1) sign of two (2) square feet in area.

43.5 **Signs Permitted in Commercial and Industrial Districts:** The following signs are permitted in all Commercial and Industrial Districts, subject to Paragraph 43.2 herein and the following additional standards and conditions:

43.5.1 **Free-Standing Signs:** On any lot, one (1) free-standing, pole or ground sign, is permitted for each street where the lot has at least one hundred (100) feet of frontage, and may extend to within 10 feet of the street line, which sign shall comply with the following requirements:

a. The sign shall be supported by a free-standing, self-supporting structure that is erected on the ground and is not attached to a building.

b. The free-standing sign shall identify the name of the business(es) occupying the lot and shall include the street address number at least four (4) inches in size.

c. No free-standing sign shall exceed a height of twenty (20) feet as measured from the ground to the top of the sign.

d. Each free-standing sign shall not exceed a sign area of 36 square feet for a face and 72 square feet for the total, if double faced, provided each face is clearly designed and intended to be viewed from opposite directions. Said sign shall not exceed eight (8) feet in any dimension. The sign area for free-standing signs is not included in the sign area as set forth in Paragraph 43.5.2. The Commission, in connection with the approval of a **Site Development Plan** or a **Special Use Permit** for any lot on which a shopping center complex, industrial park or other large enterprise is to be located, may authorize the applicant to reduce by a specific amount the maximum

area of signs permitted to be attached to buildings or to eliminate such signs, and to provide one (1) free-standing sign that is larger than otherwise permitted in the District.

e. All signs shall be at least fifteen (15) feet from any property line and no sign shall be located within fifty (50) feet of the boundary of a Residence District.

43.5.2 **Directional Signs:** On any lot, subject to approval of a **Site Development Plan**, one (1) directional sign necessary for public safety or convenience, not to exceed an area of sixteen (16) square feet and a height of twelve (12) feet, containing no advertising thereon and giving only the name and directions to not more than two (2) establishments located at other premises. Such sign may extend to within ten (10) feet of the street line.

43.5.3 **Sign Area:** The total surface area of all signs on a premise, except for free-standing signs, shall not exceed either one (1) square foot for each lineal foot of the lot frontage on a public street or one (1) square foot for each lineal foot along the longest building face of each building, whichever is less. If a lot has frontage on more than one (1) public street, such measurement shall be based upon the street to which the principal building entrance is oriented.

a. In mixed use or multi-tenant buildings, the total allowable sign area for said building shall be pro-rated on an equitable basis, such as the amount of gross floor area of each such rental unit, the number of rental units, or the facade area or each.

b. Signs attached to any other wall than the principal facade shall not exceed either 5% of the area of such other wall or 32 square feet, whichever is less, and shall give only the name of the enterprise or occupant of the premises. No one business use or tenant shall have more than three (3) signs on the premises.

43.5.4 **Wall Signs:** Any wall sign shall comply with the following requirements:

a. Each sign must be attached to a wall or facade of a building.

b. No sign shall extend above the lower sill of a second story window nor exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.

c. Except for signage that is part of any permissible awning or canopy, a wall sign may project not more than fifteen (15) inches from the wall to which it is attached. Lettering may be painted or otherwise affixed to any permissible awning or canopy provided said lettering

is limited to the name, address and/or telephone number of the business conducted on the premises and/or the service rendered therein. Said lettering shall not project above, below or beyond the physical dimensions of the awning or canopy. No such awning, canopy or sign projection shall occur within eight (8) feet vertical clearance of the ground.

d. Any unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed an area of six (6) square feet.

e. Wall signs for individual tenants or occupants of a unified shopping center or other multi-tenant building shall be designed to reflect a coordinated aesthetic scheme for the entire shopping center or multi-tenant building. Such signs shall be uniform in letter size, letter style, type of illumination, wall placement, colors and types of signs within the center or building.

43.5.5 **Projecting or Hanging Signs:** All projecting or hanging signs shall comply with the following requirements:

a. Signs may project from the face of the building or hang from a roof canopy, provided that such signs shall be under a roof and over a walkway, but not over a public sidewalk.

b. One (1) sign, not to exceed two (2) square feet in area, is permitted for each business or use in the building as part of the total allowable sign area for the building.

c. No sign or any part thereof shall be less than eight (8) feet above the walkway.

43.6 **Special Events:** Notwithstanding other provisions of this **Section** to the contrary, the Zoning Enforcement Officer may approve a sign permit authorizing temporary

signs, including free-standing portable signs announcing special events, for a total of not more than 30 days in any calendar year, as well as special advertising devices for new businesses such as plaques, banners, balloons, pennants and streamers, provided they are in place for not more than thirty (30) days.

SECTION 44 - PERFORMANCE STANDARDS

44.1 **General:** The performance standards which follow shall apply to the use of land, buildings and other structures.

44.2 **Dust, Dirt, Fly Ash and Smoke:** No dust, dirt, fly ash or smoke shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot or to constitute a critical source of air pollution.

44.3 **Odors:** No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot.

44.4 **Gases and Fumes:** No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot so as to endanger the public health and safety or to impair safety on or the value and reasonable use of any other lot.

44.5 **Wastes:** No offensive wastes shall be discharged or dumped into any river, stream, water course, storm drain, pond, lake or swamp.

44.6 **Danger:** No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes and regulations of the Town of Wolcott and State of Connecticut.

44.7 **Noise:** With the exception of time signals and noise necessarily 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 lot where it originates. The following additional standards shall also apply in Industrial **I** Districts:

44.7.1 **Protection of Residence Districts:** At no point on the boundary of any Residence District during the hours from 7:00 a.m. to 10:00 p.m. shall any continuously radiating sound level, having its source in such Districts, exceed the following decibels:

OCTAVE BAND (Cycles per sec.)	MAXIMUM SOUND LEVEL (in decibels)
0 - 75	68
75 - 150	55
150 - 300	48
300 - 600	44
600 - 1200	40
1200 - 2400	36
2400 - 4800	32
4800 - up	30

44.7.2 **Night Operation:** During the hours from 10:00 p.m. to 7:00 a.m. the noise level standards of Paragraph **44.7.1** shall apply, less five (5) decibels.

44.7.3 **Periodic Noise:** For noise impulsive in character such as hammering or periodic in character such as hum, screech or continuous tone, the noise level standards of Paragraph **44.7.1** shall apply, less five (5) decibels.

44.7.4 **Period:** For noise existing less than 10% of any one hour period, the noise level standards of Paragraph **44.7.1** shall apply, plus five (5) decibels.

44.7.5 **Measurement:** Noise levels shall be measured with a sound level or decibel meter and associated octave band analyzer that conform to current American Standards Association specifications.

44.8 **Vibration:** With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates so as to impair safety on or the value and reasonable use of any other lot.

44.9 **Glare:** No offensive glare from lighting shall be transmitted so as to endanger public safety or be transmitted into or within any Residence District so as to impair the value and reasonable use of any lot other therein.

44.10 **Radio Interference:** No use of land, buildings or other structures on any lot shall create interference with radio or television reception on any other lot.

44.11 **Continuing Standards:** The performance standards set forth above shall be of continuing application.

SECTION 45 - SEDIMENT AND EROSION CONTROL PLAN

45.1 **Definitions:** For the purpose of this Section, the following definitions for specific terms shall apply.

45.1.1 "Certification" means a signed written approval by the Wolcott Planning and Zoning Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

45.1.2 "Commission" means the Planning & Zoning Commission of the Town of Wolcott, Conn..

45.1.3 "County Soil and Water Conservation District" means the New Haven County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

45.1.4 "Development" means any construction or grading activities to improved or unimproved real estate.

45.1.5 "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

45.1.6 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

45.1.7 "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination.

45.1.8 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

45.1.9 "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.

45.1.10 "Soil" means any unconsolidated mineral or organic material of any origin.

45.1.11 "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.

45.2 **Activities Requiring A Certified Erosion And Sediment Control Plan:** A soil erosion and sediment control plan shall be submitted with any application for development where the cumulative area(s) of proposed disturbance is more than one-half acre, and if deemed necessary by the Commission may be required for applications/projects with less than one-half (1/2) acre of cumulative disturbed area(s).

45.3 **Exemptions:** A single family dwelling that is not a part of a subdivision shall be exempt from these soil erosion and sediment control regulations.

45.4 **Erosion and Sediment Control Plan:**

45.4.1 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 run-off 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 (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

45.4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;

2. the schedule for grading and construction activities including:

a. start and completion dates;

b. sequence of grading and construction activities;

c. sequence for installation and/or application of soil erosion and sediment control measures;

d. sequence for final stabilization of the project site.

3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.

5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;

2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

3. the existing structures on the project site, if any;

4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

6. the sequence of grading and construction activities;

7. the sequence for installation and/or application of soil erosion and sediment control measures;

8. the sequence for final stabilization of the development site.

C. Any further information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

45.5 Minimum Acceptable Standards:

45.5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control, (1985), as amended. Soil erosion and sediment

control plans 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.

45.5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission or the County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.

45.5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission.

45.6 Issuance or Denial of Certification:

45.6.1 The Wolcott Planning & Zoning Commission or its designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

45.6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

45.6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

45.7 Conditions Relating To Soil Erosion And Sediment Control:

45.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under **SECTION 31** of the Regulations.

45.7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

45.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

45.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

45.8 Inspection

45.8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 46 - WIRELESS COMMUNICATIONS FACILITIES

46.1 **Purpose and Intent:** The purpose and intent of this **Section** is to accommodate the need for Cell Sites in a manner that protects the municipality, minimizes conflict with adjacent uses and the surrounding area, and to assure the health and safety of the public. The Town of Wolcott and the Commission recognizes the quasi-public nature of cellular communications systems and finds that these regulations are necessary to protect the ecological, scenic, historical and recreational values of the community and to ensure that visual and operational effects will not disturb the integrity of residential neighborhoods or contribute to degradation of the surrounding area. More specifically, the purposes are to:

a) accommodate the need for cellular communications antennae while regulating their location and number;

b) minimize adverse visual effects of cellular communications antennae and antenna or cell site towers through proper design, siting and vegetative screening;

c) avoid potential damage to adjacent properties from antenna or cell site towers and falling ice through their proper siting and engineering;

d) encourage the joint use of any new antenna or cell site tower;

e) reduce the number of antenna or cell site towers needed in the future.

46.2 **Definitions:** For the purpose of this **Section**, the following definitions for specific terms shall apply.

46.2.1 **ANTENNA:** A device used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices known as whips.

46.2.2 **TOWER:** A structure that is intended to support equipment used to transmit and/or receive telecommunications or radio signals. Examples include monopoles and lattice construction steel structures.

46.2.3 **ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grade shall be used in calculating the antenna height.

46.2.4 **CELL SITE:** The equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and transmitting those signals to another cell site or to a central switching computer which connects the mobile unit with land-based telephone lines.

46.2.5 **CO-LOCATED CELL SITES:** Cell sites which utilize existing towers, buildings or other structures for the placement of antennas and do not require the construction of a new tower. Any proposed cell site which utilizes a stub tower or other accessory support structure and exceeds the height of the existing structure by more than twenty (20) feet shall not be considered a Co-Located Cell Site and shall be subject to the standards and provisions of **Section 46**.

46.3 **Site Selection Policies:** In the location of new cell sites, consideration must be given to locations in the following order of preference, with due consideration of municipally owned property as appropriate:

a) As co-locations on existing towers, tanks, water towers and existing structures in non-residential districts such as buildings, smokestacks and similar structures;

b) In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening;

c) On new towers on bare ground in non-residential districts with visual mitigation wherever possible;

d) On governmental, institutional or other structures in residential districts;

e) On new towers with maximum visual mitigation in residential districts.

46.4 **Application Process:** An Application for a **Certificate of Zoning Compliance** shall be filed for all cell sites and antennas. The Application shall include a map showing the extent of planned coverage within the Town of Wolcott, approved locations of the applicant's other cell sites in the municipality and the location and service area of the proposed cell site. Accessory buildings and structures needed

to house equipment in support of a co-located cell site will require an Application for **Site Development Plan** Approval for those facilities. When a new tower is proposed, an Application for Approval of a **Special Use Permit** is required.

46.4.1 **Site Justification Statement: Special Use Permit** Applications for a new tower must include the location of all high structures within 2,500 feet of the site proposed and a description of the narrowing process that eliminated other potential sites. The applicant must explain the selection process, pursuant to the policies set forth above and document why a Co-Located Cell Site is not possible. Documentation will be assessed with regard to technological unfeasibility, availability of a suitable site, structural feasibility or other proof supported by documentation. Evidence must be included that the owners of all potential locations have been contacted and asked for permission to install the antennas on those structures and each was denied for other than economic reasons. This would include water towers, smoke stacks, high buildings, antenna or towers of other cellular communications companies, other communications towers (fire, police, etc.) and other tall structures. Absence of a good faith effort to mount the antennae on an existing structure shall be sufficient grounds for denial of the Application by the Planning and Zoning Commission.

46.4.2 **Siting Council Application:** If a new tower requires an application to the Connecticut Siting Council, a copy of the proposed application shall be filed with the **Special Use Permit** Application.

46.5 **Co-Located Cell Site Constraints:** Any antenna that is mounted or attached to an existing communications tower, water tower, smoke stack, governmental or institutional building or other high building or structure is permitted in all Districts, subject to the following maximum height provisions:

a) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color that matches the exterior of the building or structure.

b) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.

c) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and when building or rooftop mounted shall be located or screened so as not to be visible from abutting streets.

d) An antenna may not be located on a building or structure that is listed on a historic register or is in a historic district unless it is approved as a **Special Use Permit**.

46.6 **Standards for Special Use Permit Approval:** No **Special Use Permit** Application for any proposed Tower, Antenna or other wireless communications facility shall be granted unless in conformance with the following standards and conditions:

46.6.1 **Fencing:** All proposed Towers and related equipment shall be surrounded by a fence not higher than eight (8) feet.

46.6.2 **Landscaping:** The site shall be landscaped to mitigate adverse aesthetic impacts and soften the appearance of a cell site, fencing and related buildings. Any combination of existing vegetation, topography, walls, decorative fences or other features may be permitted in lieu of landscaping if the intent of the landscape screening is achieved to the satisfaction of the Commission.

a) An evergreen screen consisting of a row of evergreen trees planted not more than 10 feet on center shall be required to enclose the site. The evergreen screening shall have a minimum height of six (6) feet at the time of planting.

b) Existing vegetation on and around the site shall be preserved to the maximum extent possible.

46.6.3 **Illumination:** No lighting of any Tower shall be permitted unless mandated by the Commission, the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

46.6.4 **Signage:** No commercial advertising or other signage is permitted on any Cell Site, Antenna or Antenna Tower.

46.6.5 **Antenna Height:** No Antenna Tower shall exceed the height required to satisfy the technical requirements of the user(s), and in no event shall any tower exceed a height of 100 feet in any residence district or 150 feet in any non-residence district.

46.6.6 **Setbacks:** All Antenna Towers shall be set back from any property line not less than the minimum setback required by the district in which it is located or 30 percent of the antenna height or 40 feet, whichever is the greatest.

46.6.7 **Color:** All Antenna Towers shall be of a neutral color deemed appropriate by the Commission.

46.6.8 **Professional Certification:** All site plans and tower designs, including soils reports and design specifications for foundations and guy wire anchors, shall bear the seal of an appropriate Professional Engineer registered to practice in the State of Connecticut.

46.6.9 **Abandonment:** A Cell Site which is not used or maintained for a period of six (6) months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such six (6) month period. Upon removal the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area.

46.7 **Additional Requirements:** In addition to the requirements set forth above, the Commission may require submission of the following information:

46.7.1 **Joint Use Accommodation:** In order to minimize the number of Towers in the future, all proposed support tower structures shall be designed to accommodate at least two (2) additional users, including other cellular communication companies and local police, fire, ambulance and other non-private emergency services.

46.7.2 **Evidence of Necessity:** Using technological evidence, including propagation studies which illustrate the area serviced by the proposed cell site, and if requested by the Commission, propagation analysis for sites that were rejected, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following criteria (not listed in any order of priority):

a. availability of suitable structures for co-located cell sites;
b. topography as it relates to line of sight transmission for optimum service efficiency;
c. leasable sites and willing landlords;
d. screening potential of existing vegetation, structures and topography;
e. compatibility with adjacent land uses;
f. least number of sites to cover desired area;
g. greatest coverage consistent with physical requirements;
h. opportunities to mitigate possible visual impact;
i. availability of sites not within an established residential area;
j. preservation of view corridors;
k. potential for preservation of preexisting character of site;

l. minimal impact on residential areas adjacent to commercial or industrial zoned sites;
m. selection of sites which lend themselves more readily to visual mitigation;
n. compatibility with adjacent land uses;
o. availability of adequate infrastructure including road access, electric power and land based telephone lines or microwave link capability.

46.7.3 **Peer Review:** Should the Commission determine that a peer review of technical issues and information is warranted, the applicant shall assist the Commission in retaining such peer review and shall reimburse the Town for any reasonable costs associated with obtaining such peer review.

46.7.4 **Graphic Simulations:** The Commission may require depictions such as sketches, photographic simulations or photographs of a balloon at the elevation of the proposed cell site. If balloon elevation is required, public notice of the time and place of such balloon elevation shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least seven (7) days before the elevation of such balloon.

ARTICLE FIVE

ADMINISTRATION AND ENFORCEMENT

SECTION 51 - ZONING BOARD OF APPEALS

51.1 **General:** The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut under Chapter 124, revised 1958 and may adopt rules and procedures necessary to exercise its authority. The purpose and intent of this **ARTICLE** is to guide the Board and applicants by setting forth in one location hereunder the general provisions found in and interpreted from the Connecticut General Statutes, and to prescribe the permissible limits applicable to the requesting and granting of use variances.

51.2 **Powers:** The powers and duties of the Zoning Board of Appeals include the following:

51.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer or other official charged with the enforcement of these Regulations;

51.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut, including the location of gasoline stations, motor vehicle dealerships and motor vehicle repair garages, as defined by the General Statutes and subject to subsequent Special Permits; and

51.2.3 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured, provided that these Regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed.

51.3 **Procedure:** All appeals and applications made to the Zoning Board of Appeals shall be submitted on forms prescribed by the Board, together with the necessary fee paid by check or money order payable to the Town of Wolcott and shall conform to such requirements, standards and procedures as may be set forth by the Board. All appeals and applications shall include a specific, detailed STATEMENT citing the specific provisions of the Zoning Regulations involved, and shall exactly set forth the interpretation that is claimed or the degree of adjustment that is applied for, which adjustment should be the minimum necessary to overcome the hardship claimed, and the grounds or other basis for requesting such relief. Applications shall include any other additional supporting information as may reasonably be asked for by the Zoning Board of Appeals.

Upon receipt of a complete application or appeal, the Board shall hold a public hearing thereon, decide same and give notice of its decision in accordance with the applicable provisions of the Connecticut General Statutes. Notice of the time and place of the public hearing shall be published in the form of a legal advertisement in a newspaper having substantial circulation in the Town of Wolcott at least twice, at intervals of not less than two days, the first not more than fifteen days not less than ten days, and the last not less than two days, before such hearing. The granting of any variance or the reversal of any order, requirement or decision made by any official charged with the enforcement of these Regulations shall require the affirmative vote of four (4) members of the Zoning Board of Appeals. Notice of the decision of the Board shall be published in the newspaper and addressed by certified mail to any person who appeals to the Board, within fifteen days after such decision has been rendered. Such variance shall become effective upon the filing of a copy thereof in the land records of the Town of Wolcott.

51.4 **Notification of Affected and Adjacent Property Owners:** Each application for a variance request shall be accompanied by a list of the names and addresses of the owners of all adjacent properties as indicated on the most recent records on file in the Town of Wolcott's Tax Assessor's Office. The applicant shall mail notification of said pending application and hearing to at least one owner of record of each of said properties not more than fifteen (15) days but not less than ten (10) days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Zoning Board of Appeals.

Evidence of such mailing, in the form of U.S. Postal Office Certificates of Mailing, shall be submitted to the Zoning Board of Appeals together with a duplicate list of the above noted property owners not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of a variance request.

51.5 **Other Notices and Referrals:** The Zoning Board of Appeals shall, upon receipt of variance applications, make the following referrals:

51.5.1 Notice of applications for a variance in the use of property any portion of which lies within five hundred feet of a contiguous municipality shall, at least one week prior to the public hearing on such application, be given to the Clerk of such municipality. Said notice shall be in writing and shall state the facts of such application and the date, time and place of the hearing.

51.5.2 A copy of each variance application shall, upon receipt, be transmitted to the Planning and Zoning Commission. In addition, the Board shall transmit a copy of each notice of hearing and decision of the Board, which transmittals shall be made within the same time periods as required for publication of notices by the Board under the General Statutes of the State of Connecticut.

51.5.3 The Board may also solicit information or assistance from the Zoning Enforcement Officer, Building Official or other Town departments concerning any application. All such information, findings or advisory opinions shall be read into the record of the public hearing. Any failure of the Zoning Enforcement Officer, Building Official or other municipal department to respond to any request will not prevent the Board from rendering a decision on the matter before it.

51.6 **Posting of Premises:** Whenever a public hearing is scheduled by the Zoning Board of Appeals, the applicant shall post a sign on the property which is the subject of the public hearing. The sign shall be visible and legible to passersby on the principal street at the affected property. Such sign, to be provided to the applicant by the Town, shall state the date, time and place of the public hearing, shall indicate the subject matter of the public hearing, and shall be in evidence for the continuous period of 10 days preceding the date of the public hearing.

51.7 **Findings:** The findings of the Zoning Board of Appeals shall be fully described, in detail, in the minutes of the Board. A simple, generalized statement that the decision is in the best interest of public health, safety and the general welfare of the Town will not be sufficient. It shall be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Paragraph **51.2.3**, to make all of the following findings:

51.7.1 That there exists conditions, fully described in the findings, especially affecting the parcel of land for which a variance is sought, as a result of which conditions a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship;

51.7.2 That such conditions do not affect generally the District in which the parcel is situated;

51.7.3 That, for reasons fully set forth in the findings, the variance is necessary to relieve the exceptional difficulty or unusual hardship and is the minimum necessary to accomplish such purpose;

51.7.4 That the variance requested is the minimum necessary to make possible the reasonable use of land, building or structure;

51.7.5 That the variance will be in harmony with the purpose and intent of these Regulations and will conserve the public health, safety, convenience, welfare and property values;

51.7.6 The hardship cited was not the result of the applicants own actions; and

51.7.7 The hardship is not merely financial.

51.8 **Additional Policy:** It shall also be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Paragraph **51.2.3**, to adhere to the following:

51.8.1 Where a use of land, buildings or other structures is permitted in a District subject to approval of a **Special Use Permit** or a **Site Development Plan** by the Planning and Zoning Commission, a variance in connection with such use may be granted only subject to submission and administrative approval of a **Site Development Plan** by said Commission.

51.8.2 No variance shall be granted which would permit a use of land, buildings or other structures prohibited in all Districts in the Town.

51.8.3 No variance shall be granted which would permit a use of land, buildings or other structures prohibited in a District unless such use is currently permitted in another District of similar classification.

51.8.4 The Zoning Board of Appeals shall not grant any use variance unless each of the following additional findings can be substantiated by the Board and written basis for such determination by the Board

shall be entered into the minutes of the meeting at which such use variance request is acted upon:

a. The subject parcel of land cannot be reasonably developed for any permitted use within the District in which it is located because of reasons peculiar to the parcel in question and not otherwise applicable to the area as a whole; and

b. The use will not impair the essential existing character of the area and will not conflict with the general purpose and intent of these Regulations.

51.8.5 Where a use of land, buildings or other structures is prohibited in a District but is permitted in another District subject to approval of a **Special Use Permit** or a **Site Development Plan** by the Planning and Zoning Commission under these Regulations, a variance to permit such use may be granted only subject to submission and administrative approval of a **Site Development Plan** by said Commission.

51.9 **Time Limitation:** Any conditions, stipulations or other actions imposed on the applicant as a result of the decisions or orders of the Zoning Board of Appeals must be satisfied within the time period granted by said Board.

51.9.1 Any use variance granted by the Zoning Board of Appeals shall expire and be null and void unless 1) within six (6) months from the effective date of the variance a Building Permit is obtained for the building or other structure authorized by the variance, 2) when such use does not involve the establishment of a building or other structure, the use authorized thereby shall have been established within one (1) year from the effective date of such variance as evidenced by the issuance of a **Certificate of Zoning Compliance**, or 3) the use, building or other structure authorized thereby shall be established and completed within two (2) years from the effective date of such variance as evidenced by the issuance of a **Certificate of Zoning Compliance**. The Zoning Board of Appeals may grant one (1) extension of such periods for an additional period not to exceed one (1) year for good cause.

51.9.2 Any area, location or bulk variance granted by the Zoning Board of Appeals shall expire and be null and void unless, 1) within one (1) year from the effective date of the variance a **Building Permit** or **Certificate of Zoning Compliance** is obtained for the building or other structure authorized by the variance, or 2) approval of a final subdivision plan shall have been obtained within one (1) year from the

effective date of such variance. The Zoning Board of Appeals may grant one (1) extension of such periods for an additional period not to exceed one (1) year for good cause.

51.9.3 The Zoning Board of Appeals shall not be required to reconsider any application for the same variance or substantially the same variance within twelve months from the date of any decision by the Board or by a Court on an earlier application, unless in the opinion of the Zoning Board of Appeals there has been an unusual change in conditions, an error in the decision, or disclosure of new evidence that warrants a re-hearing. Approval of any justification for re-hearing must be granted by said Board before acceptance of an application or petition. Notwithstanding the above, where there has been an error in the decision or in such other cases as the Zoning Board of Appeals deems reasonable, the approval of justification for re-hearing and the hearing itself may be held at the same meeting of the said Board.

51.10 **Appeals:** Any party aggrieved by a ruling of the Zoning Enforcement Officer or any other official charged with the enforcement of these Regulations may take an appeal to the Zoning Board of Appeals and shall file such notice of appeal, as set forth below, within 30 days after the date of such ruling. Such appeals shall be filed in accordance with the provisions of Section 8-7 of the General Statutes of the State of Connecticut, using a form provided by the Board, which specifies the grounds for such appeal and includes such other information as may be required.

SECTION 52 - ADMINISTRATION AND ENFORCEMENT

52.1 **Zoning Enforcement Officer:** The Planning and Zoning Commission shall have the responsibility to administer and enforce these regulations. The Commission shall appoint a Zoning Enforcement Officer to serve at its pleasure, who shall be delegated with the responsibility and authority to enforce the provisions of these Regulations. The Zoning Enforcement Officer shall be directly responsible to the Commission and shall carry out his/her duties according to law and under such rules and regulations as the Commission may, from time to time adopt. The Commission may appoint a Deputy Zoning Enforcement Officer to assist with such duties. The Commission may designate a person or persons to act as the Zoning Enforcement Officer or Deputy in their absence. No Zoning Permit shall be issued unless signed by the Zoning Enforcement Officer.

52.2 **Enforcement:** The Zoning Enforcement Officer may cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provision of these Regulations. The owner, agent, lessee, tenant, architect, builder or contractor of any building or premises or part thereof in which a violation has been committed or exists shall be considered the violator and shall be subject to the penalties in accordance with the Connecticut General Statutes. Any official having jurisdiction may institute an action, proceeding or other remedies to prevent the unlawful erection, construction, alteration, conversion, maintenance or use of a building or to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.

52.3 **Zoning Permit Application:** Applications for a **Zoning Permit** shall be submitted to the Zoning Enforcement Officer. Every application for a **Zoning Permit** shall be accompanied by such information and exhibits as are required herein or such additional information, including other plans, drawings, statements and data as may be requested by the Zoning Enforcement Officer in order that the proposal may be adequately interpreted and evaluated as to its conformity with the provisions and intent of these Regulations. For proposed construction involving only interior alterations, or alterations with no enlargement or extension of an existing building or structure, the Zoning Enforcement Officer may waive the submission of the required plot plan.

52.3.1 **Plot Plan:** The Application shall be accompanied by two (2) copies of a plot plan drawn to scale on a sheet not to exceed 24" x 36" at a scale of not less than 1 inch equals 40 feet and certified "substantially correct" by a licensed Civil Engineer or Land Surveyor, based on a class A-2 Survey, not more than ten (10) years old showing the following information as of the date of application:

a. Name of applicant and name of the owner of record.

b. Property's street address; Assessor's map and parcel numbers.

c. North point, graphic scale and date.

d. Lot area; Dimensions, radii and angles or bearings of all lot lines.

e. Size and location of all existing and proposed buildings, or additions, structures and uses, including the height, dimensions, floor area, ground coverage and minimum floor elevations.

f. All setback lines and dimensions of actual setbacks of all buildings and structures.

g. Location, area and dimensions of all parking areas, loading areas, driveways, curb cuts, easements and rights-of-way and other access thereto, with spot elevations at appropriate locations.

h. Existing and proposed contours at two (2) foot intervals, at minimum in areas proposed to be disturbed by construction activity.

i. Location of water supply well or water line, sewer line or septic tank, leaching field and reserve areas, high pressure gas lines and high tension transmission lines.

j. Location of all storm drainage facilities on the property.

k. Location of all signs and other facilities and improvements subject to the provisions of these Regulations.

l. Location of waterbeds, watercourses, swamps and flood prone areas with delineated channel encroachment lines, wetland boundary lines, twenty five (25) year and one hundred (100) year flood lines and floodway boundary lines.

m. When an application is located in a flood prone area include existing and proposed site grades, contours, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocations.

n. When an application for development involves one half (1/2) acre or more of cumulative disturbed area, a Sediment and Erosion Control (S&E) Plan pursuant to **Section 45** shall be submitted. If deemed necessary by the Zoning Enforcement Officer, a S&E Plan may be required for applications with less than one half (1/2) acre of disturbed land.

52.3.2 **<u>Building Plan</u>:** The Application shall be accompanied by two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale of not less than one (1) inch equals eight (8) feet, showing the following information:

a. Name of applicant and name of the owner of record.

b. Property's street address; Assessor's map and parcel numbers.

c. Numerical scale and date.

d. All exterior wall elevations, indicating floor heights, overall building height and fenestration.

e. Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

52.3.3 **<u>Modify or Delete Submission Requirements</u>:** The Zoning Enforcement Officer may modify or delete any requirements for a **Zoning Permit** provided the information required is inappropriate to the particular application and the lack of such information will not impair or prejudice the Zoning Enforcement Officer's determination as to the application's conformity to the Zoning Regulations.

52.3.4 **<u>Special Plans</u>:** In addition to the requirements set forth herein, and where required by **ARTICLE THREE** of these Regulations, the **Zoning Permit** Application shall be accompanied by required site plans, architectural plans and other special plans and drawings meeting the standards set forth therein. Site and building plans, incorporating all of the information required to be shown on said plan drawings specified in Paragraphs **52.3.1** and **52.3.2** above may be substituted for said drawings.

52.3.5 **<u>Fees</u>:** Each Application for a **Zoning Permit** shall be accompanied by a fee as determined from a schedule of fees adopted by resolution of the Commission and posted in the Planning and Zoning Office. The Commission shall set fees for the following: Application for a **Zoning Permit**; Application for Approval of a **Site Development Plan**; Application for Approval of a **Special Use Permit**; Application for a **Temporary Special Use Permit** for the Removal or Deposit of Earth Materials; Application for Approval of a **Open Space/Conservation Subdivision**; **Certificate of Zoning Compliance**; and a Petition to Amend the Zoning Regulations and/or Zoning Map. Said fees shall be payable to the Town of Wolcott.

52.3.6 **Additional Information:** The Zoning Enforcement Officer may require such other information as may be necessary to determine compliance with the intent and purpose of these Regulations, such as total lot coverage calculations, floor area ratios, etc.

52.4 **Referrals and Review:** The Zoning Enforcement Officer shall review all Applications for completeness and adequacy. When an Application for a **Zoning Permit** may be approved only after approval of a **Site Development Plan**, a **Special Use Permit** or other action of the Commission as specified in these Regulations, such Application and accompanying maps, plans and other documents shall be promptly referred to the Commission. It shall be the responsibility of the Zoning Enforcement Officer to coordinate the Commission's plan review process, to request additional information from the applicant on behalf of the Commission and to maintain the Commission's record of actions under these Regulations.

52.5 **Prior Approvals:** It shall be the sole responsibility of the applicant to determine what additional local, state and/or federal approvals are necessary in conjunction with the proposed activity. The Commission assumes no responsibility for the determination of need or the failure to obtain such approvals. Prior to the approval and issuance of a **Zoning Permit**, the applicant shall obtain and submit, in a form acceptable to the Zoning Enforcement Officer, evidence of all approvals required by any other Local, State or Federal Agency. Such prior approvals shall include but not be limited to, where applicable:

a. Inland Wetlands and Watercourses Approval
b. Sewer and Water Commission Approval
c. Regional Health District Approval
d. Zoning Board of Appeals Variances
e. Town Engineer Approval of Grading, Drainage and Sewer Designs
f. Connecticut DOT and/or State Traffic Commission Permits
g. Connecticut DEP and/or Corps of Engineers Permits
h. Sediment & Erosion Control Plan Provisions

52.5.1 **Endorsement:** All such approvals shall be duly noted on a copy of the final Plot Plan or **Site Development Plan**, including any separate engineering, sediment and erosion control and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.

52.6 **Approval and Issuance:** The Zoning Enforcement Officer shall approve and issue a **Zoning Permit** and shall issue a **Certificate of Zoning Compliance** for the use or occupancy of any land, building or structure in accordance with the

provisions of Paragraph **52.1** and when it has been determined that all of the requirements of these Regulations have been met. No **Zoning Permit** and no **Certificate of Zoning Compliance** shall be considered issued unless signed by the Zoning Enforcement Officer or his Deputy. One (1) copy of the approved plot plan or endorsed **Site Development Plan** shall be returned by the Zoning Enforcement Officer to the applicant. Within 10 days after notification by the applicant that the premises are ready for occupancy, the Zoning Enforcement Officer shall issue or deny a **Certificate**. The following additional requirements shall apply to the issuance of **Zoning Permits** and **Certificates**:

52.6.1 **Staking:** No **Zoning Permit** shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of one or more lot lines. The Zoning Enforcement Officer may require the placement of stakes or markers to be made and certified by a licensed land surveyor.

52.6.2 **Measurements Verification:** Prior to the commencement of construction above the foundation, the applicant shall submit a certified "As-Built" plot plan to the Zoning Enforcement Officer within fourteen (14) days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new detached building or structure on a lot. At the request of the applicant and concurrence by the Zoning Enforcement Officer, the required "As-Built" may be deferred and required prior to the issuance of a **Certificate of Zoning Compliance**, provided the applicant provides to the Zoning Enforcement Officer a notarized affidavit certifying that the building or structure is in compliance with these Regulations. If deemed necessary to determine compliance with these Regulations and before issuance of a **Certificate of Zoning Compliance**, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction feature subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a licensed land surveyor, certified to practice in the State of Connecticut. For minor additions and accessory structures when zoning compliance is not in question, the Zoning Enforcement Officer may waive the requirement for certified measurements. When such certified measurements are not so required, the applicant shall submit to the Zoning Enforcement Officer a notarized affidavit on a form prescribed by the Commission certifying that the building, structure or other construction features are in compliance with the requirements of these Regulations.

52.6.3 **Sanitation:** Where a proposed use, building or other structure involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system, no **Zoning Permit** shall be issued until plans for such system have been approved by the Regional Health Department; no **Certificate of Zoning Compliance** shall be issued until such system has been completed and approved by the Regional Health Department or until the use of building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

52.6.4 **Inland Wetlands:** No **Zoning Permit** shall be issued until the Inland Wetlands and Watercourses Commission or its Chairman has approved any necessary permits or has indicated that no permit is required.

52.6.5 **Conditions:** Any maps, plans, documents, statements and stipulations submitted to and approved by the Commission or others in connection with any action of the Commission or others under these Regulations, and any conditions of approval attached, shall be conditions for issuance of a **Zoning Permit** and a **Certificate of Zoning Compliance** by the Zoning Enforcement Officer.

52.6.6 **Other Permits:** Issuance of a **Zoning Permit** or issuance of a **Certificate** shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer is authorized to withhold issuance of a **Zoning Permit** or **Certificate** until any such known permit has been approved and obtained by the applicant.

52.7 **Zoning Permit Time Limits and Renewals:** A **Zoning Permit** issued shall terminate and be null and void two (2) years after issuance unless the use or work authorized thereby has been established or completed and a **Certificate of Zoning Compliance** therefore has been issued. The Commission may grant renewal of the two (2) year period for additional periods not to exceed one (1) year, provided the Commission determines that a substantial amount of work on the project has been done or that exceptional conditions exist to warrant the renewal.

52.8 **Inspections:** The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building, structure or premises to determine compliance with these Regulations. No **Zoning Permit** and no **Certificate of Zoning Compliance** shall be issued until the Zoning Enforcement Officer has inspected the building, structure or premises involved to determine that the use and/or the building or other structure conforms to these Regulations.

52.9 **Orders:** The Zoning Enforcement Officer may revoke a **Zoning Permit** in case of any false statement or misrepresentation of fact in the Application or on any of the maps or plans on which the **Zoning Permit** was based. The Zoning Enforcement Officer is authorized to issue a Stop Work Order if the use of land, buildings and other structures or the construction, reconstruction, extension, enlargement, moving or structural alteration of a building or other structure is not being carried out in compliance with these Regulations; the Zoning Enforcement Officer shall withdraw such Order when there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

52.10 **Temporary Certificate:** Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a **Temporary Certificate of Zoning Compliance** having a duration of not more than six (6) months and renewable only for one (1) additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved and valid **Zoning Permit**.

52.11 **Records:** The Zoning Enforcement Officer shall keep records of all fees, all Applications, **Zoning Permits** and **Certificates**, all written complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served and the action taken thereon.

52.12 **Violations and Penalties:** Any person, firm, corporation or other entity who violates any provision of these Regulations shall be subject to prosecution and penalties in accordance with the General Statutes of the State of Connecticut, Chapter 124, Section 8-12, as may from time to time be amended. Said Statutes currently provide for a penalty for each violation of not less than ten (10) nor more than one hundred (100) dollars for each day that such violation shall continue; but if the offense be willful, the person convicted thereof shall be fined not less than one hundred (100) dollars nor more than two hundred fifty (250) dollars for each day that such violation shall continue, or imprisoned not more than ten (10) days for each day such violation shall continue, or both. The proper authorities of the Town of Wolcott, or any person, firm, corporation or other entity, may institute any appropriate action or proceedings to enforce, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.

52.13 **<u>Administrative Policies and Procedures</u>:** The Commission may from time to time, by resolution, adopt administrative rules, policies and procedures for the administration and enforcement of these Regulations, including but not limited to the following:

52.13.1 Administrative zoning forms and notices;

52.13.2 Procedures to be followed and reports and notices to be issued by the Zoning Enforcement Officer; and

52.12.3 Detailed design criteria to guide the preparation and review of **Site Development Plans**.

SECTION 53 - AMENDMENTS

53.1 **Authority:** The Planning and Zoning Commission may from time to time, on its own motion, adopt, amend, or repeal the provisions and boundaries established by these Regulations. However, no change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time all parties in interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended. Any change initiated by the Commission must adhere to the provisions of the General Statutes, but shall not be bound by the requirements of this Section. Any Commission-initiated change is not bound by the timing requirements relative to the rendering of a decision.

53.2 **General:** Any person, firm, corporation or other entity desiring an amendment or change in the Zoning Regulations and/or Zoning Map of the Town of Wolcott may submit a petition proposing such amendment or change to the Commission. Prior to consideration of any such petition, the following requirements shall be met and the following information submitted.

53.3 **Petition for Amendment:** All proceedings to change the zoning boundaries or the zoning text of these Regulations, including any change in punctuation or wording, shall be instituted by petition in writing to, and in a form prescribed by, the Commission. Petitions shall be signed by the petitioner and shall be considered in accordance any procedures adopted by the Commission, as amended from time to time.

53.3.1 **Zoning Text Changes:** The petition shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the Regulations. Ten (10) copies of the proposed text shall be submitted.

53.3.2 **Zoning Map Changes:** Petitions concerning changes to the Zoning Map shall include the following:

a. Four (4) copies of a map drawn to a scale of not less 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, the Assessor's Map and Parcel number for each lot and the names of the current property owners as indicated in the Wolcott Assessor's records.

b. Two (2) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 200 feet of the proposed change, and showing for such area the existing conditions, including property lines, zoning boundaries, land use, wetlands, water bodies, watercourses, flood boundary lines and contours at an interval not to exceed five (5) feet.

c. Two (2) copies of a metes and bounds description of the area proposed to be changed.

53.3.3 **Petition Fee:** A petition fee as specified in Section 52, plus a Supplemental Fee to cover the cost of legal notices, stenographic services, etc. as may be established by the Commission.

53.3.4 **Explanatory Statement:** All petitions shall be accompanied by ten (10) copies of a statement explaining the need for the proposed amendment, its consistency with the Plan of Development Update and the overall zoning plan for the Town and identifying any benefits to the Town.

53.3.5 **Additional Information:** The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these Regulations.

53.4 **Regional and Municipal Referral:** Any proposed change of zone or regulation affecting the use of land within 500 feet of the Town Line shall be referred by the Commission to the Central Naugatuck Valley Regional Planning Agency and the Regional Planning Agency of the adjoining municipality, if different from its own, in accordance with Section 8-3b of the Connecticut General Statutes and shall notify the Clerk of the adjoining municipality in accordance with Section 8-3h of the General Statutes.

53.5 **Posting of "Notice of Public Hearing" Sign:** The petitioner requesting amendment of the Zoning Map shall post a sign on the property to be changed in such a manner as to be visible and legible to passersby on the principal street at the affected property. Such sign, to be provided by the Commission, shall state the date, time and place of the public hearing and the change requested, and shall be in evidence for the continuous period of 10 days preceding the public hearing.

53.6 **Notification of Affected and Adjacent Property Owners:** The petitioner requesting such amendment shall mail notice of said pending petition and hearing to at least one owner of record, as indicated on the most recent Grand List on file in the Assessor's records, of each property or portion of property situated within 200 feet of the proposed change, not more than fifteen (15) days but not less than ten (10) days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission.

53.6.1 **Evidence:** Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing, shall be submitted to the Commission together with a duplicate list of the above noted property owners not less than five (5) days prior to the public hearing date. Failure to comply with the procedures required herein shall be deemed a valid basis for denial of the petition but shall not result in an automatic denial. For purposes of this Section, for properties held in joint ownership, notification to a condominium officer or director, a corporate officer, a partner or other persons having a partial ownership fee interest in the property shall be considered adequate notification to all co-owners or parties in interest.

53.6.2 **Adequacy of Notice:** The written notification requirements set forth above are in addition to and beyond the Statutory mandated public notice requirements. Therefore, the Commission shall be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency, whether perceived or real, in the above noted notification procedure shall not be construed as an automatic invalidation of the decision of the Commission on that petition and shall not be considered jurisdictional.

53.7 **Effective Date:** Any amendments to the Zoning Regulations and Zoning Map shall become effective at such time as may be fixed by the Commission, pursuant to Section 8-3 of the Connecticut General Statutes, provided that both a copy of such amendment, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published prior to such effective date.

SECTION 54 - VALIDITY

54.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

54.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

SECTION 55 - EFFECTIVE DATE AND REPEAL

55.1 **Effective Date:** These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

55.2 **Repeal:** The Zoning Regulations of the Town of Wolcott, adopted and currently in effect, are repealed coincident with the effective date of these Regulations. The repeal of those Regulations, and all amendments thereto, shall not affect the status of any personnel and shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.