

## CHAPTER 1: AUTHORITY, PURPOSE, RETROACTIVITY & SEVERABILITY

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- 1.1 TITLE:** These Regulations were adopted in accordance with the provisions for notice and public hearing set forth in §8-3, Connecticut General Statutes, Revision of 1958, as amended and shall be known as the “Zoning Regulations, Town of Ledyard, Connecticut,” and are referred to herein as “these Regulations.”
- 1.2 AUTHORITY:** These regulations are enacted under the provisions of Chapter 124 of the Connecticut General Statutes, as amended and serve as the Town’s Comprehensive Plan in consideration of the Plan of Conservation and Development adopted under §8-23.
- 1.3 PURPOSE:** The purpose of these regulations is to:
- (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in § 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time.
- 1.4 RETROACTIVITY:** Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period specified by CGS §8-3(i) & CGS §8-3(j). "Work" for purposes of this subsection, means all physical, public improvements required by the approved plan. The Commission can grant extensions as provided by law.
- 1.5 SEVERABILITY:** If any part of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, is declared invalid and/or unenforceable for any reason, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, which shall remain in full force and effect.



## CHAPTER 2: DEFINITIONS

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### 2.1 INTERPRETATION AND USE OF WORDS

#### **A. The following terms shall be interpreted as follows:**

1. The masculine includes the feminine,
2. The singular includes the plural, and the present tense includes the future tense,
3. The word "person" includes an individual, firm or corporation, limited liability company, trust, and federally recognized tribe,
4. The word "shall" is always mandatory; the word "may" is permissive or discretionary,
5. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied,"
6. Any reference to a residential district shall be interpreted to mean any district with the word "residential" in its title,
7. A building or structure includes any part thereof,
8. The words "zone", "zoning district", and "district" have the same meaning,
9. The word "Commission" refers to the Planning and Zoning Commission. All other Commissions shall be identified by their full title.

#### **B. Words and Terms Not Defined:** Words and terms not defined in Chapter 2 of these Regulations shall be interpreted in accordance with the following hierarchy.

1. If the word or phrase is defined or used in the Ledyard Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.
2. If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.
3. A comprehensive general dictionary; e.g., Webster's Dictionary.

### 2.2 DEFINITIONS

**ABANDONMENT:** The discontinuance of a use of property with the intent by its owner to voluntarily, intentionally, and permanently renounce said prior use. Failure to maintain a use for a specific time period is not, by itself, sufficient to constitute abandonment.

**ACCESS STRIP:** A narrow strip of land, which forms an integral part of flag lot to provide frontage on a highway and vehicular access from the highway to the remainder of the lot.

**ACCESS, UNOBSTRUCTED:** An area of the site that can be feasibly designed and constructed using established engineering practices and can be used legally for vehicular entry and exit.

**ACCESSORY APARTMENT:** A separate dwelling unit that (A) is located on the same lot as a single family principal residence of greater square footage, **or** within or attached to the principal single-family residence (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations; Accessory Apartments are not permitted within or on the same parcel as a Duplex or Multi-family residence.

**ACCESSORY USE/ACCESSORY BUILDING:** A use, building, structure and/or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**ADULT DAY CARE CENTER:** Any building or structure which is used to provide supervision for persons who are eighteen (18) years of age or older who may be elderly, physically ill, infirm, or physically handicapped such that they require daily supervision and medical treatment incidental to such supervision. The term does not include uses which provide residential, surgical, medical, or special treatment as relates to housing persons who have a chronic illness, disease or injury, or other condition that would require the degree and treatment provided by a nursing home or hospital.

**AGE RESTRICTED HOUSING:** Housing intended for residents aged fifty-five (55) or older. Age restricted housing is subject to state and federal fair housing regulations and may be single-family dwellings, mobile manufactured homes, two-family residences , and multi-family dwellings.

**AGRICULTURE:** Connecticut General Statutes, Sec. 1-1 (q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the State and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farmlands.

**AGRICULTURAL BUILDINGS AND STRUCTURES:** Buildings or other structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, supplies, and harvested crops.

**AGRICULTURAL TOURISM:** The opening to the public of a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation

**AG-TIVITIES:** Events of limited duration on a farm that are incidental to agricultural uses, including, but not limited to, hayrides, corn mazes, festivals and other similar activities; on-farm sales such as farm stands and pick-your-own operations, retailing farm and farm related products

(farm store); recreational and/or competitive equine enterprises, and on farm processing operations provided they comply with all applicable state and municipal health codes.

**AQUACULTURE:** The farming of any waters and/or wetlands and the production of plant or protein food, including fish, oysters, clams, mussels and other molluscan shellfish. “Aquaculture” includes, without limitation, outdoor and/or indoor hatcheries, aquaponics, and hydroponics.

**BARN:** A building for the storage of farm products, feed, and/or the housing of farm animals or farm equipment located on a farm.

**FARM:** A tract of land used, principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist, shall be permitted as joint principal uses. A “tract” may consist of one or more lots under common ownership and used for farming operations.

**FARM, ACCESSORY DWELLING UNIT:** An accessory dwelling unit on a farm that is used by a caretaker/worker of the farm and/or the farm’s livestock.

**FARM PRODUCTS:** Any products of agriculture, including fruits; vegetables; mushrooms; nuts; shell eggs; honey or other bee products; maple syrup or maple sugar; flowers; nursery stock; Christmas trees; other horticultural commodities; livestock food products, including meat, milk, cheese and other dairy products; food products of “aquaculture,” as defined above, including, but not limited to, all plant food, fish, oysters, clams, mussels and other molluscan shellfish; products from any tree, vine or plant and their flowers; or any such products that have been processed by a farmer, including, but not limited to, goods made with farm products.

**FARMERS’ MARKET:** A for-profit or nonprofit cooperative, enterprise, or association that regularly occupies a given location, and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers.

**FARM STAND:** An accessory building in support of farming, specifically for the seasonal sale of products produced primarily on local farms in accordance with § 8.5.G(5).

**FARM STORE:** A building or other structure greater than 200 square feet from which agricultural products are sold seasonally or year-round.

**LIVESTOCK:** Animals raised for an agricultural purpose, such as food, fiber, or labor. Livestock shall not include domestic animals kept as a companion and housed with human occupants in a residential building.

**AMUSEMENT PARK:** A park that features various attractions, including mechanical and motorized rides and devices (such as a merry-go-round, Ferris wheel, roller coaster, etc.), booths for games and refreshments, and other events for entertainment purposes. A theme park is a type of amusement park that bases its structures and attractions around a central theme, often featuring multiple areas with different themes.

**APARTMENT:** A dwelling unit located (a) in a building consisting of one or more other dwelling units; (b) above or behind a commercial use; or (c) on the same lot as, or within a single-family dwelling.

**APARTMENT, COMMERCIAL CARETAKER:** An accessory dwelling on a nonresidential premises, occupied by the persons employed principally on-site for purposes of overseeing the nonresidential operation/facility.

**ASSISTED LIVING FACILITY:** A multi-family dwelling development, , that provides the support of services, both licensed and unlicensed, necessary to maintain its residents in a semi-independent lifestyle. An assisted living facility may include convalescent care.

**BED AND BREAKFAST:** An owner-occupied single-family residence with guest rooms where overnight accommodation and breakfast are provided to travelers for a fee.

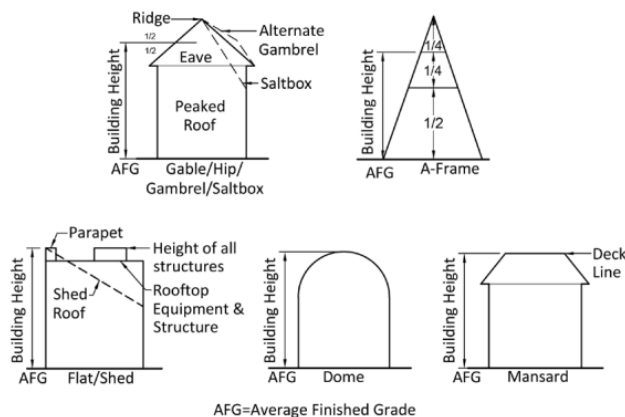
**BUFFER AREA:** An area that may be designed or required to contain trees, shrubs, walls, rocks, berms, and other landscaping materials whose primary function is to provide visual, noise, and odor insulation from adjacent property and roadways.

**BUFFER STRIP:** A strip of land unoccupied by buildings, structures or pavements that is landscaped and/or maintained in its natural state as required by these regulations.

**BUILDABLE AREA:** A contiguous area of land required on each lot that does not contain streets; conservation or utility easement areas; access easement areas and/or deeded rights-of-way for vehicular access, drainage and/or utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands, water bodies and/or watercourses, where the principal building, accessory uses and on-site water and sewer facilities can be located without major physical alterations of the land. **See also LOT AREA, MINIMUM**

**BUILDING HEIGHT:** The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest point of the following elevations on the building or other structure:

- To the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- To the mean level between the highest ridge and its lowest corresponding eave of a gable, hip, gambrel, or saltbox roof;
- To 3/4 of the distance from the average finished grade to the highest point of a A-Frame structure;
- To the highest point of buildings or structures not mentioned here, or for any structures that do not have a roof. This includes to the highest point of all roof-top equipment, screening, fencing, and any other structures placed on or extending above a roof



**BUILDING LINE:** The line or lines created by the required minimum and/or maximum front, rear, and side yard setback dimensions for unoccupied space of a lot, to establish an area within which structures allowed by these Regulations may be located (a.k.a. the Building Envelope).

**BUILDING SETBACK LINE – FRONT:** A line delineating the minimum required distance between the front property line and the line beyond which a structure may be located on that lot. The front setback line extends the full width of the lot.

**BUILDING SETBACK LINE – REAR:** A line delineating the minimum allowable distance between the rear property line and the line beyond which a structure may be located on that lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**BUILDING SETBACK LINE – SIDE:** A line delineating the minimum allowable distance between the side property line and the line beyond which a structure may be located on that lot. The side setback line extends from the required minimum front building setback line to the required minimum rear building setback line.

**CAMPGROUND, RECREATIONAL:** a parcel of land intended for the temporary occupancy of tents, campers, and/or recreational vehicles, where the primary purpose is recreational.

**CARETAKER:** A person who is in charge of the maintenance of a building, estate, etc.

**CHANGE OF USE:** A change from one permitted use to another permitted use listed in the Schedule of Permitted Uses for the district. A change within a unit to a use listed in the Schedule of Permitted Uses that exists in another unit within the same structure does not constitute a change of use.

**CHANGE OF USE, MINOR:** A change in the current use of a lot to a different use listed in the Schedule of Permitted Uses for the district that will not result in additional dwelling units, additional employees, additional clients or customers, additional floor space, site modification, additional refuse, additional traffic, a change in building footprint, an increase in impermeable surface, or additional parking requirements.

**CHILD DAY CARE CENTER:** A place that offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis as provided in CGS §19a-77.

**CIVIC BUILDING:** a building owned or leased by a public agency or non-profit organization for the primary purpose of providing a service to the general public and/or dedicated to arts, culture, education, recreation, government, transit, and municipal/public parking.

**CLUB (MEMBERSHIP CLUB):** An establishment operated solely for recreational, social, fraternal, religious, political, or athletic purposes, in which activities are confined to the members and guests of an organization whose primary purpose is not financial gain, and which meets the criteria for exemption from federal income tax under Internal Revenue Code §501(c)(7).

**COASTAL SITE PLAN:** The Site Plans, applications and project referrals listed in §22a-105 of the Connecticut General Statutes and are addressed in §12 of these regulations.

**COMMERCIAL ESTABLISHMENT:** A use or facility intended as a profit-making enterprise.

**COMMERCIAL FISHING, LOBSTERING, SHELL FISHING BASE:** A base of operations for the farming of the waters of the state and tidal wetlands on leased, franchised and public underwater farmlands.

**COMMERCIAL SERVICES:** Business services that generally relate to real or personal property (as opposed to services that are performed on people, such as barbering and hairdressing).

**COMMUNITY CENTER:** A building or group of buildings and associated grounds either privately owned or municipally leased or owned, in or on which members of a community may gather for social, educational, or cultural activities.



**CONSTRUCTION TRAILER:** A temporary structure, which may be mobile, established for the specific purpose of providing contractor office space at a site during the construction phase of a building.

**COST:** As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include but is not limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**COUNTRY INN:** A property providing, for a fee, overnight accommodations for not more than twenty-one (21) consecutive days, meals, and a venue for corporate meetings, retreats, and social events, and which may include a restaurant that can be open to the public.

**C.G.S.:** Shall mean the Connecticut General Statutes, as may be amended from time to time.

**DATE OF RECEIPT, STATUTORY:** The day of the next regularly scheduled meeting of the Commission or Board immediately following the day of submission of an application, or thirty-five (35) days after such submission, whichever is earlier.

**DISTURBED AREA:** An area of land that is subject to accelerated erosion due to the removal of the vegetative ground cover and/or earthmoving activities.

**DWELLING UNIT:** Any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT:** A right established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

**EDUCATIONAL FACILITY:** A public, parochial, or private institution that provides educational instruction to students.

**ELECTRIC VEHICLE CHARGING STATION:** A piece of infrastructure that supplies electric energy for the charging/recharging of plug -in electric vehicles.

**EMERGENCY SERVICES:** Private or public services, such as fire protection, ambulance, and rescue, provided in times of emergency for the general health and welfare of Town residents.

**EXCAVATION:** The removal, relocation or the movement of earth, sand, gravel, clay, rock or other natural earth products.

**EXCAVATION, MAJOR:** The excavating or relocating or the movement of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials to, on, or from any lot.

**EXCAVATION, MINOR:** The excavating or relocating or the movement of less than 300 cubic yards topsoil, sand, gravel, clay, stone or other materials to, from, or on any lot.

**FAMILY:** An individual or any number of individuals living together as a single housekeeping unit in a dwelling unit, with common access to, and with common use of, all living areas, eating areas, and all areas and facilities for the preparation and storage of food.



**FAMILY CHILD DAY CARE HOME:** A facility which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time in accordance with CGS §19a-77 as amended.

**FOOD AND BEVERAGE PRODUCTION, LARGE SCALE:** Any facility of more than 3,000 square feet of production space that engages in commercial on-site production and packaging of food, food related products, and/or alcoholic or non-alcoholic beverages, including wholesale. Examples may include machine-produced bakery and confectionary products, machine processing and jarring or canning of fruits and vegetables, large-scale dairy, meat, fish processing, and the commercial production of wine, beer or spirits which includes wholesale sales, crushing, brewing, distilling, fermenting, blending, aging, storage, bottling, and warehousing. For purposes of Use Classification, Large Scale Food and Beverage Production is considered to be a Heavy Industrial Use.

**FOOD AND BEVERAGE PRODUCTION, SMALL SCALE:** Any facility of no more than 3,000 square feet of production space that engages in commercial on-site production of artisan or small batch food, food related products, and/or alcoholic or non-alcoholic beverages, generally produced by hand or with limited mechanization, and including limited wholesale. Examples may include coffee roasting, ice cream, baked goods, confectioneries, canned and preserved fruits and vegetables, Sodas and seltzers, and small-batch production of wine, beer or spirits which includes brewing, distilling, fermenting, blending, aging, storage, bottling, warehousing, and may include retail sales. For purposes of Use Classification, Small Scale Food and Beverage Production is considered to be a Light Industrial Use.

**FRONTAGE, LOT LINE:** The length of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way.

**GAS STATION (FUELING STATION):** An establishment, with or without an associated convenience store and/or food service, whose primary business is to provide petroleum products for motor vehicles

**GRADE, AVERAGE FINISHED:** A reference plane established by the average of the ground level adjoining the building or structure along all exterior walls, from the exterior wall to a point 10-feet from the building or structure.

**GRADE, FINISHED:** The final vertical elevation of the ground surface after man-made alterations such as grading, excavating, filling or grubbing have been made on the ground surface.

**GROUP CHILD DAY CARE HOME:** A program of supplementary care for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis, or that meets the definition of a family day care home as provided in CGS §19a-77 except that it operates in a facility other than a private family home.

**HISTORIC STRUCTURE:** Any structure that is: (A) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (B) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (C) individually listed on the state inventory of historic places; or (D) individually listed on the local inventory of historic places that have been certified.

**HOBBY MOTOR VEHICLE:** Any antique, rare, special interest, off-road, and/or racing vehicle, regardless of age or condition, not currently designed or intended for daily use, that is being actively restored, repaired, modified, and/or maintained by its owner.

**HOME HUSBANDRY:** The non-commercial cultivation and production of edible crops or the keeping of certain permitted listed livestock and/or poultry as an accessory use of a home for the benefit of its residents.

**HOME OCCUPATION:** An accessory use carried out for intended financial gain conducted within a single-family residence by the resident owner(s) thereof that is clearly incidental and secondary to the residential use of the structure, does not involve the use of other than customary home appliances and equipment, does not involve the use of keeping stock in trade, and does not have any exterior visual, audible, or physical evidence of such incidental secondary accessory use except as may be permitted in these regulations.

**HOOP HOUSE:** (Membrane-Covered Frame Structure): A non-pressurized structure composed of a rigid framework to support a tensioned membrane to provide a weather barrier. A hoop house is also a greenhouse if the membrane is transparent or translucent (a.k.a. High Tunnel).

**HOSPITAL/EMERGENCY TREATMENT CENTER:** A facility for health maintenance, diagnosis or treatment of human diseases, pain, injury or physical condition. Such facility may include overnight accommodations for patients, ancillary services such as pharmacies, cafeterias, and gift shops, and emergency room facilities with accommodations for ambulance traffic.

**HOTEL:** A facility offering transient lodging accommodations for the general public, and which may include additional accessory facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

**IMPERVIOUS COVERAGE:** The percent of a lot covered by impervious surface/cover.

**IMPERVIOUS SURFACE/COVER:** A hard material that prevents the percolation of water into the soil including building roofs, streets, parking lots, driveways, sidewalks, swimming pools, and other impenetrable surfaces.

**INDUSTRIAL, LIGHT:** The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

**LIGHT INDUSTRIAL**

**Examples may include:**

- Manufacture of furniture/ fixtures
- Jewelry assembly
- Musical instruments and parts
- Photo processors and photo labs
- Printing and publishing
- Professional, scientific, and controlling instruments
- Screen printing/embroidery of clothing
- Stone, clay, glass, and firewood production

**INDUSTRIAL, HEAVY:** The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products where the activity is not confined entirely within a building and the process generates fumes, gases, smoke, vapors, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

**INTERIOR LOTS:** a lot which accesses a street but does not have the required minimum frontage of the zoning district. The front lot line of an interior lot shall be considered that lot line where the access strip meets the main portion of the property. Interior Lots are also called “Flag Lots.”

**INTERIOR LOTS, SPECIAL:** A lot that has no direct frontage on a public or private street, but which obtains access to such streets by way of an unobstructed, dedicated Right-of-way (access agreement) across land owned by another party or parties.

**JUNK:** Any worn-out, cast-off or discarded articles, equipment or materials, which are ready for destruction or have been collected or stored for salvage or conversion for some use.

**JUNKYARD:** For the purposes of these Regulations, the term junkyard shall be defined to include Junk Yard as defined by §21-9 of the CT General Statutes, as may be amended; or a Motor vehicle recycler’s business or motor vehicle recyclers yard as defined in §14-67g of the CT General Statutes, as may be amended. Junk yards are not permitted in the Town of Ledyard.

**KENNEL, COMMERCIAL:** A commercial establishment that provides boarding, medical care, breeding, grooming, exercise, whelping, raising, and/or training of puppies, dogs, and other household pets.

**KENNEL, HOBBY:** The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that are owned by the owner or occupant of the premises and are not regularly intended for sale.

**LIVING AREA:** The total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area determination.

**LOT:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed and/or built upon (See also **LOT OF RECORD**).

**LOT AREA, MINIMUM:** The minimum required area of contiguous buildable area as defined herein, excluding any portion of land located under a body of water.

**LOT COVERAGE:** The percentage of the total lot area covered by the combined area of all buildings, structures and other impervious surfaces on the lot.

#### **HEAVY INDUSTRIAL**

**Examples** may include:

- The manufacture of clothing, fabrics, and other textiles
- Production of chemicals, drugs, plastics
- Dry cleaning plants and dyeing facilities
- Fabrication of metal for tools and machines
- Jewelry manufacturing or plating
- Lumber, wood, and paper production
- Foundries and rolling and extruding of metals
- Solid waste disposal facility
- Electrical equipment production

**LOT (PROPERTY) LINE, FRONT:** A boundary line dividing a lot from a public or private road, street, or right-of-way.

**LOT LINE, FRONTAGE:** The length (contiguous) of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way.

**LOT (PROPERTY) LINE, REAR:** A line separating one lot from other lots or from land in different ownership, being the boundary of a lot that is opposite the front lot line.

**LOT (PROPERTY) LINES, SIDE:** Any boundary line other than a front or rear lot (boundary) line.

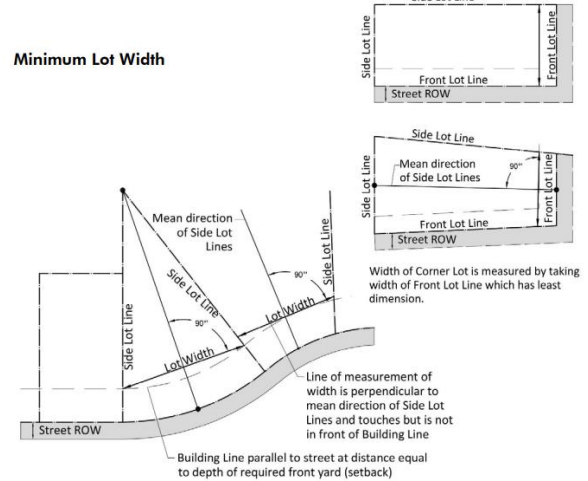
**LOT OF RECORD:** A tract or parcel of land which does not conform to the dimensional requirements of these regulations and which either (A) was owned separately from any adjoining parcel of land prior to the date of enactment of the Ledyard Zoning Regulations (October 11, 1963) or any amendment thereto which rendered such tract or parcel of land non-conforming to these regulations, as evidenced by a deed filed on the Ledyard Land Records or (B) a tract or parcel of land which has received final subdivision approval from the Ledyard Planning and Zoning Commission as evidenced by a duly endorsed and recorded subdivision plan filed on the Ledyard Land Records.

**LOT, THROUGH:** A lot with the front and rear lot lines abutting the rights of way of two (2) Town-accepted or State roads.

**LOT WIDTH:** The distance between the side lots lines, at the required Front Yard Setback line, measured parallel to the front lot line. The width line measurement for lots on the outer or inner arc of a curve (i.e. off a cul-de-sac) is perpendicular to the mean direction of Side Lot Lines and touches, but is not in front of the Building Line.

**LOW IMPACT DEVELOPMENT (LID):** A range of development practices and operational methods, all having the objective of reducing or mitigating environmental impacts. LID may include use of stormwater infiltration, clustering of buildings to reduce land clearing and grading, use of overland (sheet) flow and grass swales, use of pervious pavement or other pervious materials, shared or deferred parking, "rain gardens," and other similar techniques.

**MANUFACTURING:** The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products. (See also **INDUSTRIAL, LIGHT/HEAVY**).



**MEDICAL/HEALTH CARE OFFICE/CLINIC:** A facility where human patients, who are typically not lodged overnight, are treated by physicians, dentists, therapists, other health care professionals or similar professions. Such facility may include ancillary laboratory, rehabilitation, and pharmacy services.

**MEDICAL/HEALTH CARE  
OFFICE/CLINIC**

Examples may include:

- Health Clinic
- Physician or Dentist Office
- Massage Therapist
- Physical Therapy Clinic
- Acupuncture Clinic
- Chiropractic Clinic
- Mental Health Therapist

**MIXED USE (COMMERCIAL/INDUSTRIAL USES):** A single building containing more than one type of commercial and/or industrial land use that is planned, developed, and operated as a coordinated and integrated facility, where each use is permitted in the zone, with consideration for access and circulation, parking, signage, and utility needs.

**MIXED USE (RESIDENTIAL & COMMERCIAL/INDUSTRIAL USES):** A single building containing more than one type of land use, or a single development of more than one mixed-use structure, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOBILE HOME:** A manufactured home produced prior to the passing of the federal Manufactured Home Construction and Safety Standards (MHCSS) of 1976.

**MOBILE MANUFACTURED HOME:** A manufactured home built after 1976 in compliance with the Manufactured Home Construction and Safety Standards (HUD Code) and which displays a certification label on the exterior of each transportable section. Mobile Manufactured Homes are built in the controlled environment of a manufacturing plant and are transported in one (1) or more sections on a permanent chassis, suitable for year-round habitation, and equipped with a means to connect to water, sanitary, and electric facilities.

**MOTEL:** An establishment providing transient lodging accommodations for the general public with a majority of the rooms having direct access to the outside and without additional facilities or services.

**MOTOR VEHICLE:** A man-made object or device, whether motorized or unmotorized, that is designed or used primarily to move persons, materials or goods from one place to another. Includes all automobiles, trucks, trailers, vans, camp trailers, house trailers, recreational vehicles, motor homes, motorcycles or any other powered wheeled vehicle used on or off road and which may be required to be registered by the State of Connecticut Motor Vehicle Department. Devices powered by humans are not considered a vehicle under this definition.

**MOTOR VEHICLE AND EQUIPMENT REPAIR AND SERVICE:** Repair of vehicles and equipment including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, ignition systems, and mufflers are conducted. Includes engine, motor and transmission repair.

**MOTOR VEHICLE DEALER:** The use of any building, land area or portion thereof, for the display, sale, lease or service of new and/or used motor vehicles. Manufacturer certified pre-owned automobiles or vehicles shall also be considered new for this definition

**MOTOR VEHICLE RENTAL:** The use of any building, land area or portion thereof, for the display and rental of automobiles, panel trucks or vans, trailers, or recreational vehicles, including incidental parking and servicing of vehicles for rent or lease.

**NON-CONFORMING LOT:** A Lot of Record which does not currently conform to these Regulations..

**NON-CONFORMING STRUCTURE:** Any building or structure that does not conform to the requirements of these regulations or any amendment thereto upon the effective date of enactment.

**NON-CONFORMING USE:** A use that does not conform to the current use regulations for the district in which the property is situated.

**NON-CONFORMING, LEGALLY EXISTING (a.k.a. “Grandfathered Use”):** A land use or structure that was legal when established but no longer conforms to the standards of the current zoning regulations .

**NURSING HOME:** See Residential Care Home

**OPEN SPACE:** Land areas designated for protection from commercial or residential development, including but not limited to lands reserved for protection of public health and safety, outdoor recreation, natural resource protection, and farmland and/or forest use and preservation. Land may be subject to a Conservation Easement, or other form of development restriction, including that within a Conservation Subdivision or an Open Space Subdivision.

**OPEN SPACE, ACTIVE:** Restricted land that has been consciously planned and designed for active recreation as defined herein.

**OPEN SPACE, PASSIVE:** Restricted land and set aside for parks, gardens, linear corridors, and conservation areas/nature reserves. Passive open space includes functionally natural features that promote and provide facility for non-motorized passive recreation opportunities and typically contain no accessory structures or facilities.

**OPEN SPACE SUBDIVISION:** A subdivision or re-subdivision of land in the Town of Ledyard into individual residential building lots with respect to which not less than sixty percent (60%) of the total area of the land subdivided shall be permanently dedicated as active or passive open space, and with respect to which setbacks and density shall be based upon the applicable provisions of the Ledyard Subdivision and Zoning Regulations for open space subdivisions, and not upon the bulk requirements in the underlying residential Zoning District, and which otherwise comply with **all** municipal requirements of the Town of Ledyard.

**OUTDOOR STORAGE AND SALES:** Storage and/or sales of any materials, merchandise, stock, supplies, machines and the like that are not kept within a structure, regardless of how long such materials are kept on the premises. Outdoor storage shall not include junk or junkyards.

**PARCEL:** (1) A piece or area of land formally described and recorded with map, block & lot numbers, by metes & bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; excluding any parcel of land that is a lot as defined in these Regulations; (2) informally, as land in general.



**PARK/PLAYGROUND:** An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an “amusement park” or any type of park with mechanical rides, games, arcades, or similar amusements

**PERMANENT FOUNDATION SYSTEM:** A permanent rigid structure or structures constructed upon and/or below the surface of a mobile manufactured home site designed for attaching and anchoring a mobile manufactured home, in such a manner that the home will not be subject to movement due to frost, frost heaves, freezing, flooding or wind.

**PERSONAL SERVICE ESTABLISHMENT:** Establishments primarily engaged in providing services based on the intellectual or manual efforts of an individual (as for salary or wages) rather than a salable product of his or her skills.

**PROFESSIONAL SERVICE:** a service requiring specialized knowledge and skill usually of a mental or intellectual nature and usually requiring a license, certification, or registration. Professional Service uses include **MEDICAL/HEALTH CARE OFFICE/CLINICS.**

**PHOTOMETRIC PLAN:** A graphical representation of illuminance used to show the level and/or evenness of a lighting design and how light fixtures will perform on a given site.

**RECREATION (ACTIVE):** Recreational activities and uses that require either: (A) the use of a playing field or playground; (B) the installation of buildings or other structures; or (C) the substantial modification or grading of a tract of land.

**RECREATION (PASSIVE):** Recreational activities such as running, walking, biking, and similar outdoor activities and uses that are not included in the definition of “active recreation.” The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as “active” if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

**RECREATIONAL USE (INDOOR):** A commercial recreational land use conducted entirely within a building, including, but not limited to an arcade, indoor water park, arena, art gallery and studio, art center, assembly hall, athletic clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, and accommodations for a variety of individual or organized non-professional athletic activities, including but not limited to basketball, ice hockey/skating, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide health and fitness club facilities, swimming pool, snack bar, restaurant, and retail sales of related sports, health or fitness items, and other support facilities. Franchised sports facilities and events, and racetracks of any kind are expressly excluded/prohibited.

#### **PERSONAL SERVICES**

**Examples** may include:

- Tailoring and shoe repair
- Beauty and barber services and day spas; Nail Salons
- Tattoo parlor
- Laundry and dry cleaning, self-service or pick-up only
- Repair of office equipment and personal and household items

#### **PROFESSIONAL SERVICES**

**Examples** may include:

- Offices for architects, engineers, lawyers, real estate, insurance, and other professional occupations
- Banks and financial services
- Offices of Government agencies



**RECREATIONAL USE (OUTDOOR):** Recreational uses conducted wholly outdoors or in partially enclosed or screened facilities, and characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood.

Outdoor Recreational Facilities may also include areas consisting of woodlands, water courses, and fields used for active recreational activities that do not require significant modification to the existing setting, including but not limited to, paintball, laser tag, disc golf, and orienteering.

**RECREATIONAL SPACE, ACCESSORY:** An area of a residential complex development that is designated on a Site Plan by the Applicant as exclusively reserved, in perpetuity, for recreation by residents of the development. The area is designated by the applicant but is to be maintained by the owner of the development, or a homeowner's or condominium association as appropriate. Recreational Space shall not be used for residential dwellings, accessory structures to residential dwellings, storage, or parking, but may be used for swimming, hiking, running, picnicking, baseball, exercise, barbequing, tent camping, and similar activities. The Recreational Area may also remain in its natural state.

**OUTDOOR RECREATIONAL  
USE**

**Examples may include:**

- golf driving ranges (not associated with a golf course)
- miniature golf; adventure activity centers
- athletic fields
- Skateboard parks
- Swimming facilities
- Tennis, handball, and basketball courts; batting cages

**RECREATIONAL VEHICLE:** A vehicle which is: (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projection; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use. A Recreational Vehicle is not a dwelling unit (principal or accessory). Includes "travel trailer" and "motorized camper."

**REPAIR FACILITY, MOTOR VEHICLE:** A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of

**REPAIR FACILITY, NON-MOTOR VEHICLE:** A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of appliances, shoes, or other consumer products, but not including motor vehicles.

**RESIDENCE, DUPLEX:** A structure which contains two (2) separate dwelling units located on a lot that does not contain any other principal dwelling units.

**RESIDENCE, MULTI-FAMILY:** A structure, or group of structures, on one (1) lot, each containing three (3) or more dwelling units, with each dwelling unit having either a separate or joint entrance. May include apartments, condominiums, townhouses, and cooperatives.

**RESIDENCE, SINGLE-FAMILY:** A structure containing a single dwelling unit as its principal use located on a lot that does not contain any other principal dwelling units.

**RESIDENTIAL CARE HOME (NURSING HOME):** An establishment which furnishes nursing services and assistance with activities of daily living to a population that is chronic and stable; or nursing supervision under a medical director twenty-four (24) hours per day, or any chronic and convalescent nursing home which provides skilled nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases or injuries.

**RESORT FACILITY:** A resort is a full-service lodging facility that provides access to or offers a range of amenities and recreation facilities to emphasize a leisure experience. Resorts serve as the primary provider of the guests' experience, often provides services for business and meetings and are characteristically located in vacation-oriented settings.

**RESTAURANT, EXCLUDING FAST FOOD:** An establishment where food and/or beverages are prepared, served, and consumed and where customers are served primarily when seated at tables or counters, any food take out is incidental to the primary sit-down restaurant use, and no customers are served in motor vehicles.

**RESTAURANT, FAST FOOD:** An establishment specializing in take out, quick service food, frozen dessert and/or beverage, where such items may be consumed anywhere on the premises or removed from the premises and where orders are placed at a central counter or drive-through/walk-up window.

**RETAIL:** A commercial establishment that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**RETAIL WITH OUTDOOR SALES AND STORAGE:** Any retail establishment with an outdoor area that has been altered, improved or used for the temporary or longer-term storage of equipment, supplies, products, and materials as an accessory use. Such materials are generally in bulk and/or collectively do not serve the purpose of outdoor display.

**SAWMILL:** A place or building in which timber is sawed into planks, boards, etc., by machinery as its principal use. Sawmills typically include a log sort yard, milling machines, sorting and storage areas, and administration and maintenance areas.

**SAWMILL, TEMPORARY:** A place or building temporarily established to process timber cut from the parcel on which it is located or on immediately adjacent parcels.

**SETBACK, FRONT YARD:** A line delineating the minimum required distance between the front property/boundary line and the line beyond which a structure may be located on that lot. The Front Yard Setback line extends the full width of the lot.

**SETBACK, REAR YARD:** A line delineating the minimum allowable distance between the rear property line and the line beyond which a structure may be located on that lot (other than for permitted accessory structures). The Rear Yard Setback line extends the full width of the lot.

**SETBACK, SIDE YARD:** A line delineating the minimum allowable distance between the side property line and the line beyond which a structure may be located on that lot. The Side Yard Setback line extends from the required minimum Front Yard Setback line to the required minimum Rear Yard Setback line.

**SIGN:** Any permanent or temporary device placed in view of the general public; composed of or employing any medium that is man-made or natural; and is freestanding or attached to a building, structure, or natural object, or erected, painted, represented or reproduced inside or outside any building, structure, or natural object (including window display area which displays, reproduces or includes any lettered or pictorial matter), which is used for the purposes of advertising, demonstrating, directing, displaying, identifying, illustrating, or promoting. In no event shall the word "sign" be construed to mean any sign in the interior of any structure that is not visible from the outside, unless specifically set forth in these regulations. Pavement markings and driveway

directional arrows painted on the ground that contain no advertising are to be excluded from this definition. The American Flag is not a sign in the context of these regulations.

**SIGN – DIRECTIONAL:** Used to indicate location, distance, hours of operation of activity concerned, parking, or other functional activity such as bathroom facilities, telephones, entrances, offices, etc., bearing no commercial advertising.

**SIGN, GROUND** - A sign which is different from a free-standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

**SIGN, KIOSK:** A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

**SIGN – SPECIAL:** Banners, pennants, sandwich board signs and sidewalk or curb signs used for special events or sales.

**SIGN – TEMPORARY IDENTIFICATION:** A Temporary Sign intended for pre-development opening or closing, displayed in advance of advertised activity and removed within a specified timeframe.

**SITE PLAN:** A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated.

**SOIL EROSION AND SEDIMENT CONTROL PLAN:** A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**SOLAR ENERGY SYSTEM:** An energy system which directly uses solar radiation to produce space heating, hot water or electricity through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy.

**SPECIAL FLOOD HAZARD AREA:** The land area, as defined by the Federal Emergency Management Agency (FEMA), covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps.

**SPECIAL PERMIT (SPECIAL EXCEPTION):** The type of permit required for a specially permitted use. As used in these Regulations, a “Special Permit” is not a “Zoning Permit.”

**START OF CONSTRUCTION:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either: (A) The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns; or (B) Any work beyond the state of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include: (A) Land preparation, such as clearing, grading and filling; (B) Installation of streets and/or walkways; (C) Excavation for a basement, footings, piers or foundations; (D) The erection of temporary forms; (E) Installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or an attachment to something having location on the ground including, but not limited to, dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages.

Wells, septic systems and utility connections are not considered structures. Mobile coops and high tunnels used in farming, are not considered “structures” under this definition.

**USE:** The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

**USE, PRINCIPAL:** The main or primary purpose for which a structure or lot is used

**USE, ACCESSORY:** A use of land, buildings or structures that is incidental and subordinate to, customarily used in connection with, and located on the same lot as the principal building, structure, or use.

**USE, PERMITTED AS OF RIGHT:** A Permitted Use, as defined herein, approved administratively by the Commission or ZEO (as appropriate) after the submission and approval of a Site Plan and/or Zoning Permit Application that demonstrates compliance with all applicable requirements and standards set forth in these Zoning Regulations for the permitted use.

**USE, SPECIALLY PERMITTED:** A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a Special Permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole. Specially Permitted Uses are so designated in the Schedule of Permitted Uses.

**UTILITY, PUBLIC/PRIVATE:** A publicly or privately owned business that furnishes water, electricity, natural gas, telephone service, and other essentials to the public at large.

**VARIANCE:** A relaxation or modification of the terms of these Regulations by the Ledyard Zoning Board of Appeals pursuant to Connecticut General Statutes §§8-6 and 8-7 as amended.

**WAREHOUSE:** A building or premises, for storing of goods, materials and merchandise, whether for the owner or for others, prior to shipment to final sale.

**WAREHOUSE DISTRIBUTION:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**WASTE PRODUCT:** Any defective, superfluous, or otherwise unusable material destined for disposal or reclamation that is generated from animal or human activity or process or is the byproduct of an operation or service. Earthen materials are excluded from this definition providing they are clean, inert, and uncontaminated (e.g., rock or soil that is natural, crushed, or ground and is free of hazardous wastes, scrap metal, wood, trash, and garbage).

**WATERCOURSE:** Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to §§22a-28 through 22a-35 of the Connecticut General Statutes.

**WETLAND:** Land, including submerged land, that is not regulated pursuant to §§22a-28 through 22a-35 inclusive of the Connecticut General Statutes, and that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include

filled, graded or excavated sites, which possess an aquatic (saturated) soil moisture regime as defined by the National Cooperative Soil Survey.

**ZONING PERMIT:** The type of permit required for a generally permitted use. As used in these Regulations, a “Special Permit” is not a “Zoning Permit.”

## **CHAPTER 3: GENERAL AND SPECIAL DEVELOPMENT DISTRICTS**

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### **3.1 RESIDENTIAL ZONING DISTRICTS:**

R-20	High Density Residential District
R-40	Medium Density Residential District
R-60	Low Density Residential District

### **3.2 NON-RESIDENTIAL ZONING DISTRICTS:**

LCDD	Ledyard Center Development District
LCTD	Ledyard Center Transition District
MFDD	Multi Family Developmentn District
GFDD	Gales Ferry Development District
RCCD	Resort Commercial Cluster District
I	Industrial District
CM	Commercial Marine District
NC	Neighborhood Commercial District
CIP	Commercial Industrial Park District

### **3.3 SPECIAL NON- RESIDENTIAL ZONING DISTRICTS AND DEVELOPMENT ZONES:**

TPD	Technology Park District
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**3.4 ZONING MAP:** The boundaries of said districts shall be shown on a map entitled: "Zoning Map of the Town of Ledyard" which is on file in the Office of the Town Clerk of Ledyard. Such maps and any properly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein.

**3.5 ZONING DISTRICT BOUNDARIES:** The District boundary lines are intended generally to follow the center line of streets, and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

### **3.6 PERMITS AND APPLICABILITY:**

**A.** No structure/building and/or portion of a structure/building shall be erected, moved or structurally altered; nor shall any use be established or changed; nor shall any excavation be made for a proposed building or structure, until a Zoning Permit has been issued by the Zoning Enforcement Officer or the Commission indicating conformance:

- 1.** with these Regulations; or
- 2.** to a Site Plan or Special Permit approval granted by the Commission; or
- 3.** to a variance granted by the Zoning Board of Appeals.

**B.** No structure/building and/or portion of a structure/building shall be erected, moved or structurally altered until a Building Permit has been issued by the Building Official and in most instances, approval has given by Ledge Light Health District.

**C.** No Accessory use/structure shall be established/erected without first establishing/erecting a principal use/structure except as provided for elsewhere in these regulations.



- D. Prohibited if not permitted:** Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular Zoning District, or allowable as an accessory use to such a principal use, is prohibited in that District.
- E. Applicability of Other Laws:** Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals.
- F. Conflicting Standards:** When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.
- G. References to Statutes and Regulations:** Whenever any reference is made in these Regulations to a Federal or State Statute or regulation, the reference shall be interpreted to mean the statute or regulation as it may have been most recently amended, revised or renumbered (i.e., the most current form of the statute or regulation), unless the context of the reference to the statute or regulation requires a different interpretation.

**3.7 SCHEDULE OF USES:** The Schedule of Uses found in Sections 5.3 and 6.4 establishes the Permitted and Specially Permitted uses for each District:

- A.** Any use marked “ZP” or SPL are permitted uses by-right, subject to these regulations (“SPL” means Site Plan and Commission approval Required and “ZP” means Zoning Permit and ZEO approval Required).
- B.** Any use marked “SUP” is a use that requires a Special Permit and subject to standards governing Special Permits in the regulations and to conditions necessary to protect the public health, safety, convenience, and property values. A public hearing, Site Plan review, and approval by the Commission are required for “SUP” applications.
- C.** The Zoning Official (ZEO) may approve an application for a Zoning Permit for:
  - 1. permitted single-family or mobile manufactured home dwellings, duplex residences residential accessory buildings (greater than fifty (50) square feet) and uses, accessory apartments, inground swimming pools, and additions or expansions to such structures. Structures that are less than fifty (50) square feet do not require a permit such as basketball hoops, playscapes, tree-houses, mailboxes, small trash enclosures, bus stops, etc.
  - 2. accessory buildings or expansions of or additions to other existing commercial and industrial uses provided that such building or expansions do not exceed 1,000 square feet;
  - 3. minor changes of uses as defined in these Regulations;
  - 4. boundary line adjustments, lot mergers and free split applications; and
  - 5. such other uses as herein prescribed by these regulations. applications for a Zoning Permit shall be accompanied by a plot plan or Site Plan and shall contain the information specified on the applicable check sheets provided to allow the ZEO to determine compliance with all relevant provisions of these regulations. the ZEO may require that



such plans be certified or otherwise verified by a licensed surveyor, engineer, or other qualified professional when necessary to determine such compliance.

- D. Applications for all other uses and buildings shall be reviewed by the Commission in accordance with this section and further provisions of these Regulations.

### **3.8 PROHIBITED USES:**

- A. Any use not expressly permitted in a District is prohibited. Use Variances are not permitted. Special Permit approval for a use not specifically permitted in a district, is prohibited.
- B. No stand-alone building foundation or root cellar may be used as a dwelling unit. No building shall be occupied until a Certificate of Zoning Compliance and a Certificate of Occupancy are issued.
- C. No person shall occupy a travel trailer, motorized camper, or tent as a residence in the Town of Ledyard.

### **3.9 USES SUBJECT TO MORATORIUM:**

A. **Cannabis Establishments:** *(Effective December 17, 2021)*

Under Public Act 21-1 a “cannabis establishment” is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.

The Town of Ledyard Planning and Zoning Commission shall not accept or consider any application to permit a Cannabis Establishment licensed to sell recreational cannabis or medical marijuana as defined by Connecticut Public Act 21-1 for a period of twelve (12) months commencing from the effective date of December 1, 2021. The reason for the moratorium is to allow the Ledyard Planning and Zoning Commission sufficient time to review Public Act No. 21-1 “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis” and the associated regulation of Cannabis Establishments, and to draft and adopt municipal regulations generally consistent with the Plan of Conservation and Development regarding the retail sale of recreational cannabis or medical marijuana within the Town of Ledyard. The reason for the Moratorium is to allow the Ledyard Planning and Zoning Commission to review Public Act No. 21 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis" and the associated Regulation of Cannabis Establishments, and to draft and adopt Municipal Regulations regarding the retail sale of recreational Cannabis or medical marijuana within the Town of Ledyard.



## CHAPTER 4: DIMENSIONAL REQUIREMENTS – GENERAL

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**4.0 APPLICABILITY:** This Chapter contains general bulk requirements and exceptions applicable to lots and/or structures regardless of the District they are located in. Specific bulk requirements for each District are found in Chapters 5 and 6.

**4.1 MINIMUM LOT AREA:** The intent of the Minimum Lot Area requirement is to assure that a suitable area of buildable land exists to accommodate all required setback areas proposed or required structures, utilities, open spaces, wells, septic systems, driveways, and other improvements; to ensure the ability of on-site septic systems to function indefinitely; and to facilitate appropriate development.

- A. All new building lots must contain seventy-five percent (75%) *contiguous* buildable area, based on actual lot size proposed; therefore, the area of any portion of any lot which is comprised of existing and/or proposed streets, conservation, access or utility easement areas and/or deeded rights-of-way for vehicular access, drainage and utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands or watercourses under §§22a 28 through 22a 45 of the Connecticut General Statutes, (as indicated on the Town of Ledyard Inland Wetlands and Watercourses Map, or as determined in the field by a certified soil scientist), shall not be used to satisfy more than twenty-five percent (25%) of the minimum lot area and the remaining seventy-five percent (75%) shall be contiguous.
- B. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25) feet in width.
- C. No portion of land located under a body of water (as determined by the high-water mark) shall count toward the minimum lot area.

**4.2 FRONTAGE:**

- A. When only one side of a corner lot meets the minimum street frontage requirement, that side shall be considered the lot front and shall comply with the lot width and front yard setback requirements for the zone in which it is located.
- B. When the street frontage on two or more sides of a corner lot complies with the minimum street frontage requirements, the landowner may choose which street line shall be deemed to be the front lot line.
- C. At the time of application for any subdivision, Resubdivision, or development, the proposed frontage (whether a frontage or interior lot) must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) that meets these Regulations' minimum driveway standards. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage.
- D. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee by the same person or persons who owns the remainder of the lot) unless a shared driveway meeting the standards of §7.4C is used.

**4.3 SETBACK REQUIREMENTS:**

- A. No building, structure, or use shall be located within the required setback areas, except as may be expressly provided elsewhere in these Regulations (See Accessory Structures).

- B.** No projections from structures shall be permitted in any required setback except as follows:
1. minor projections of structures, such as pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves, chimneys, bay windows, and similar architectural features may project not more than three (3) feet into any required setback area;
  2. open steps/stoops less than four (4) feet in height and open fire escapes may project not more than five (5) feet into any required setback area; and
  3. ramps for handicapped access may be constructed within required setback areas, provided;
    - i. the ramp cannot reasonably be located in any area that is not within the required setback; and
    - ii. the proposed intrusion into the required setback area is the minimum reasonably necessary to accomplish the desired access objectives.
    - iii. The ramp is removed when no longer necessary.
- C. Fences and Walls:** The required setback distances shall not apply to fences or walls (including retaining walls) seven (7) feet or less in height or to wire livestock fences through which there is at least eighty percent (80%) visibility.
1. No such fence or wall shall be located within the right-of-way of any street.
- D. Terrace or Patio:** A paved terrace or patio shall not extend more than five (5) feet into any required front, rear, or side yard setback area. A paved terrace or patio shall not be counted as part of impervious surface coverage, provided that such terrace or patio is unroofed and without walls, parapets, or other forms of enclosure greater than four (4) feet in height.

#### 4.4 EXCEPTIONS:

- A. For existing residences built on legal lots of record after the adoption of the subdivision regulations in 1963, that are non-conforming with respect to any required front, side or rear yard setback, the required setback shall be reduced to the actual distance between the front, side and/or rear boundary line and the existing principal structure (residence).**
- B. For existing vacant lots in any residential zone, created prior to the adoption of the subdivision regulations in 1963, and therefore not protected by 8-26a(b)(1), and are non-conforming with respect to minimum lot size, the setbacks for any principal or accessory structure shall be that of the underlying zone or as follows, whichever is less.**

EXISTING LOT AREA	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	EXCEPTION
≤ 15,000SF	20	6	10	Minimum Rear Yard Setbacks for Accessory Structures is six (6) feet all zones regardless of lot size
≤ 20,000SF ≥ 15,000SF	25	10	15	
≤ 40,000SF ≥ 20,000SF	25	10	20	
≤ 60,000SF ≥ 40,000SF	30	15	30	

## CHAPTER 5: RESIDENTIAL ZONING DISTRICT REGULATIONS

**5.0 APPLICABILITY:** This Chapter applies to all parcels within the residential zoning districts. Legally existing residential uses on non-residentially zoned parcels are subject to the bulk requirements of the zone in which they are located.

### 5.1 RESIDENTIAL DISTRICTS

#### A. HIGH DENSITY RESIDENTIAL DISTRICT (R-20)

Purpose: To maintain existing higher density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

#### B. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-40)

Purpose: To maintain existing medium density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

#### C. LOW DENSITY RESIDENTIAL DISTRICT (R-60)

Purpose: To maintain the existing low-density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

### 5.2 DIMENSIONAL REQUIREMENTS: RESIDENTIAL ZONING DISTRICTS R20, R40 & R60 (See also Chapter 4 for general dimensional requirements and exceptions)

	Requirement	R20	R40	R60
Front Lots	Minimum Lot Area (sf)	20k	40k	60k
	Minimum Lot Frontage & Lot Width at Front Building Line (lf).	100	150	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	75	100
Interior Lots	Minimum Lot Area (sf)	30K	60k	90k
	Minimum Frontage/Lot Width at Front Building Line (lf) Lot width must be achieved within 400 ft. of property line that abuts the road.	30/100	30/ 150	30/ 200
Front AND Interior Lots	Minimum Front Yard Setback (lf)	25	30	35
	Minimum Side Yard (lf)	10	15	20
	Minimum Rear yard (lf)	20*	25*	30*
	Maximum Lot Coverage (% Area)**	30	25	20
	Maximum Building Height of Principal Structure (ft)***	35	35	35

\*Accessory Structures (detached) can be a minimum of six (6) feet from a rear setback line. (See Diagram Appendix E)

\*\* Hoop Houses, High Tunnels and Mobile/Portable Coops do not count toward the maximum lot coverage.

\*\*\* Maximum Building Height for permitted Non-residential Principal Uses and/or Multi-family Residences in the R20, R40 or R60 Districts is 45ft / 3.5 Stories.

### 5.3 **SCHEDULE OF USES – RESIDENTIAL DISTRICTS**

<b>RESIDENTIAL – PRINCIPAL USES</b>	<b>R20</b>	<b>R40</b>	<b>R60</b>
Assisted Living Facility §8.4	SUP	SUP	SUP
Residence, Mobile Manufactured Home	ZP	ZP	ZP
Residence, Multi-family (Apt. Bldgs., Condos) §8.28	SUP	SUP	SUP
Residence, Two Family (Duplex) §8.30	ZP	ZP	ZP
Residence, Single Family §8.29	ZP	ZP	ZP
<b>RESIDENTIAL – ACCESSORY USES</b>			
Accessory Apartment §8.1	ZP	ZP	ZP
Accessory Structures/Uses §8.2	ZP	ZP	ZP
Bed & Breakfast §8.6	SPL	SPL	SPL
Family Day Care Home	SPL	SPL	SPL
Home Husbandry - Keeping of Animals - §8.5.1	ZP	ZP	ZP
Home Occupation §8.17	ZP/SUP	ZP/SUP	ZP/SUP
Short Term Rentals, Hosted §8.31	SUP	SUP	SUP
<b>NON-RESIDENTIAL USES, PRINCIPAL</b>	<b>R20</b>	<b>R40</b>	<b>R60</b>
Agriculture (Farm & Farming) §8.5	ZP	ZP	ZP
<i>Farm Accessory Dwelling Unit</i> §8.5G(2)	ZP	ZP	ZP
<i>Accessory Uses (See § 8.5G&amp;H)</i>	ZP/SPL/SUP	ZP/ SPL/SUP	ZP/SPL/SUP
<i>Farm Stand (&gt;50SF &lt; 200SF)</i> §8.5G(5)	ZP	ZP	ZP
<i>Farm Store (&lt;1,000sf/&gt;1,000sf)</i> §8.5G(6)	ZP/SPL	ZP/SPL	ZP/SPL
Antenna & Antenna towers §7.1	ZP/SPL	ZP/SPL	ZP/SPL
Campground, Recreational §8.7	-	-	SUP
Cemetery §7.2	SPL	SPL	SPL
Civic/Institutional Building/Use	SUP	SUP	SUP
Country Inn §8.11	SUP	SUP	SUP
Day Care Centers (Adult §8.3; Child §8.8) (Family or Group – See Definitions)	SPL	SPL	SPL

Excavation Operations – Major ( $\geq 300$ cu yds) §8.16	SUP	SUP	SUP
Excavation Operations – Minor ( $< 300$ cu yds) §8.16	SPL	SPL	SPL
Farm Store §8.5H7	ZP	ZP	ZP
Membership Club (Firearms)(No-Firearms) §8.21.1 §8.21.2	-	SUP	SUP
Nursing Home, Residential Care Home §8.25	SUP	SUP	SUP
Parks and Playgrounds	SPL	SPL	SPL
Public & Private Utility Installations §8.27	SPL	SPL	SPL
Solar Energy System- Principal Use §8.33	-	-	SUP
<b>NON-RESIDENTIAL ACCESSORY</b>			
Solar energy systems, (Accessory) §8.33	SPL	SPL	SPL
Small Wind Energy System (Accessory) §8.32	SUP	SUP	SUP
Transformer Substation (Accessory)	SPL	SPL	SPL

(“ZP” Zoning Permit-Staff Approval; “SPL” Site Plan Approval by Commission; “SUP” Special Permit – Public Hearing & Approval by Commission)

## 5.4 **SPECIAL RESIDENTIAL ZONING DISTRICTS, OVERLAYS AND DEVELOPMENTS**

### 5.4.1 **CONSERVATION AND OPEN SPACE SUBDIVISIONS**

- A. **Applicability:** Conservation and Open Space Subdivisions are permitted in the R40 and R60 Districts in accordance with the Town of Ledyard’s Subdivision Regulations *and* all applicable Zoning Regulations.
- B. **Purpose:** This section is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of open space is accomplished by permitting flexibility in the minimum lot size and frontage normally required in specific zones for residential development. The creation of either a Conservation or Open Space Subdivision is intended to:
  1. Protect natural streams, water supplies and watershed areas;
  2. Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;
  3. Promote conservation of soils, wetlands, and other significant natural features and landmarks;
  4. Enhance the value to the public of abutting or neighboring parks and unfragmented forests; wildlife preserves, nature reservations or sanctuaries, or other open spaces;
  5. Enhance public recreation opportunities;
  6. Preserve historic sites;



7. Promote orderly efficient development; and
8. Limit the extent of impervious surfaces and control runoff.

**C. Constraints – General:**

1. **Overall Residential Density:** A Conservation or Open Space development shall not contain a total number of parcels which exceeds the number which could be permitted if the gross lot area were subdivided into conventional lots conforming to the minimum lot size and density requirements applicable to the district or districts in which such land is located and conforming to all applicable requirements of these zoning regulations.
2. All utilities serving the Conservation or Open Space Subdivision shall be located underground. This includes individual lot service as well as any utilities service provided along any new road construction for the development.
3. A public or community water system is required when the density in the developed area exceeds either two (2) lots per 40,000 square feet or six (6) bedrooms per 40,000 square feet. The developed area for this calculation is the total gross lot area minus the sum of the deeded open space and any undevelopable land.
4. A Conservation or Open Space Subdivision development utilizing a community water system shall not be approved unless the applicant obtains one (1) of the following:
  - a. A Certificate of Public Convenience and Necessity pursuant to §§8-25a and 16-262m of the Connecticut General Statutes, as amended; or
  - b. A Water Main Extension Agreement executed by the public water company designated to serve the Conservation or Open Space Subdivision Development.
6. **The following Additional Constraint shall apply only to OPEN SPACE SUBDIVISIONS:**
  - a. Any improved area belonging to or to be conveyed to a water company in conjunction with the development of an *open space subdivision* may be considered open space for purposes of satisfying the minimum open space dedication requirement for an open space subdivision as long as it meets or exceeds the 80,000 square foot requirement in §5.4.1 E(5). The area need not be contiguous with other open space in the development.

**D. Bulk Requirements:**

	Conservation Subdivision		Open Space Subdivision	
	R40	R60	R40	R60
Minimum Total Parcel Size for Subdivision	10ac	10ac	40ac	40ac
Minimum Gross Land Preserved	40%	40%	60%	60%
Maximum Lot Impervious Coverage	30%	30%	30%	40%
Minimum Lot Size				
Frontage Lot	20,000	30,000	12,000	20,000
Interior or Special Lot	30,000	45,000	20,000	30,000
MAXIMUM Lot Size – Any Lot	45,000		40,000	
Minimum Lot Frontage/Lot Width				
Frontage Lot	100/100	100/100	100/100	100/100
Interior Lot	30/100	30/100	30/100	30/100
Special Interior Lot	Not Permitted		0/100	0/100
Required Minimum Building Setbacks Frontage or Interior Lots				
Front Yard Setback	25	30	25	30
Side Yard Setback	10	15	10	15
Rear Yard Setback	20	25	20	25

1. Lot width must be achieved at front setback line for frontage lots except as provided for in subsection 2 below, and within 400 feet of the front property line for interior lots.
2. \*Frontage may be reduced to fifty (50) feet when the proposed frontage on a cul-de-sac . 100 foot width must be achieved within fifty (50) feet of the property line.
3. \*\*A maximum of one (1) Special Interior lot per every ten (10) acres shall be permitted in an Open Space Subdivision provided the following conditions are met:
  - a. No more than two (2) additional residential lots may share any portion of the driveway that ultimately accesses the main portion of the Special Interior lot.
  - b. No more than one (1) Interior and/or Special Interior Lot may be stacked above a frontage lot or above each other.
  - c. The entire length of the driveway servicing the special interior lot beginning at the street and ending at the front property line of the Special Interior lot shall be located within a dedicated twenty-five (25) foot wide right-of-way.
  - d. The easement area shall not count toward the minimum lot size for any lots it crosses.

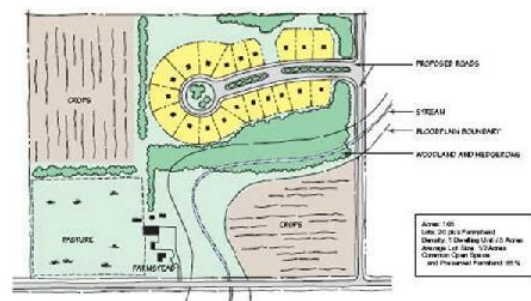
## **E. Open Space Requirements:**

1. Each Conservation/Open Space Development shall result in the preservation of at least 40% / 60% (respectively) of the gross land area for parks, recreation, public trails, conservation, agricultural, or other open space purposes.
2. The applicant shall provide a written statement describing the Primary Conservation Area, what its primary use is (active recreation, habitat conservation, etc.), and how the remainder of the development and open space plan supports the protection of the Primary Conservation Area. The Primary Conservation Area is the part of the parcel which has the highest conservation value given the primary intended use of that area. For instance, a wetland primary conservation area intended for habitat conservation would be supported by ensuring conservation of some adjacent upland to support amphibious species.
3. The open space shall have access, shape, dimensions, character, location, and topography suitable for the purpose intended. In determining which land is to be preserved as open space, the natural and scenic qualities of the site shall be taken into consideration, as well as the ecological significance of the site and its utility as open space.
4. The open space shall be shown on the plat map and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space into perpetuity.
5. Whenever possible, the entire open space on shall be one contiguous unit and contiguous with any open space on adjoining lots, however, no contiguous open space area shall be less than 80,000 square feet.
6. The open space shall never be less than fifty (50) feet wide.
7. The open space shall be deeded to the Town or a designated non-profit Land Trust. In case the recipient of the of the open space is not the Town, the acceptor of the open space shall provide sufficient information to support the ongoing monitoring and maintenance of the open space such that its primary use can be supported in an ongoing fashion and written documentation of same shall be provided prior to endorsement of the mylars for filing.
8. The Open Space area shall be accessible to the public from a public road or right-of-way, and a minimum of fifty percent (50%) of the proposed building lots shall share one or more boundary line with the open space created by the subdivision.

**Conventional Subdivision**



**Conservation/Open Space Subdivision**



## CHAPTER 6: NON-RESIDENTIAL ZONING DISTRICT REGULATIONS

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### 6.1 NON-RESIDENTIAL ZONING DISTRICTS: DISTRICTS AND PURPOSE

#### A. Ledyard Center Development District (LCDD)

**Purpose:** To support and encourage the development of a New England Village Center, identifiable as the center of the community, through the concentration of commercial businesses along a main street.

Future development implies an intensification and mixture of appropriately scaled commercial, residential, and civic uses consistent with these Zoning Regulations, harmonious streetscapes, walkways, and plantings to create a “sense of place” and further develop the LCDD as a destination for shopping, services and social gatherings.

#### B. Ledyard Center Transition District (LCTD)

**Purpose:** To encourage transition between the developed New England village center, identifiable by Mixed Uses, and the surrounding residential areas. The LCTD district is the immediate area abutting the LCDD area to the west.

#### C. Multi-Family Development District (MFDD)

**Purpose:** To encourage development of attractive multifamily developments in a pedestrian-friendly village environment. This District is for high-density residential development.

#### D. Gales Ferry Development District (GFDD)

**Purpose:** To encourage pedestrian-friendly commercial development of unified design and scale to create a higher density in Gales Ferry Village. These regulations are intended to attract and encourage family activities.

1. In addition to the stated purpose, the district is intended to:

- Encourage a blend of low intensity commercial, civic, and residential land uses.
- Encourage cohesive architectural design and coordinated development to ensure safe access and movement of pedestrians and vehicles; minimize curb cuts; and maximize connections to adjacent properties.
- Encourage infill and redevelopment of existing properties and underutilized structures. Allow placement of structures closer to the street to increase business exposure, minimize sign clutter; reduce traffic speeds; and transition away from development with dominant front parking lots.

#### E. Resort Commercial Cluster District (RCCD)

**Purpose:** To encourage development of commercial recreational uses and commercial tourism-oriented uses while maintaining the character of the surrounding area.

1. In addition to the stated purpose, the RCCD District is intended to:

- Cluster new commercial buildings and parking areas on the most developable land within the district while retaining significant contiguous land areas in a natural or landscaped condition.
- Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact. Such development is inconsistent with the maintenance of a rural appearance and maximum traffic safety.

## **6.2 GENERAL GUIDELINES: ALL DEVELOPMENT, CLUSTER & TRANSITION DISTRICTS:**

A. Site Development Standards in Chapter 9.0 apply to all proposed developments.

B. Changes in Use shall be in conformance with §10.3

### **6.2.1 DEVELOPMENT, CLUSTER & TRANSITION DISTRICTS DIMENSIONAL REQUIREMENTS**

	<b>Requirement</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCCD</b>
<b>Front Lots</b>	Min. Lot Area (sf) – Frontage Lot	20,000	20,000	20,000	10,000	200,000
	Min. Lot Frontage (lf) – Frontage Lot	100	150	150	100	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50	75
	Min. Sidewalk Width (ft)	6	5	5	6	6
<b>Interior Lots</b>	<b>Min. Lot Area (sf) – Interior Lot</b>	<b>20,000</b>	<b>30,000</b>	<b>30,000</b>	<b>20,000</b>	<b>200,000</b>
	<b>Min. Lot Frontage (lf) – Interior Lot</b>	<b>50</b>	<b>50</b>	<b>30</b>	<b>50</b>	<b>50</b>
<b>Front AND Interior Lots</b>	Min. Lot Width (lf)	100	150	150	100	200
	Min. Front Yard Setback (lf)	15	25	25	15	25
	Min. Side Yard Setback (lf)	25	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25	50
	Max. Lot Coverage (% Area)	70	60	60	70	70
	Max. Building Height: Principal Structure (ft)	50*	50	50*	50*	50*

\* Maximum height may be increased to sixty-five (65) feet for multi-family and/or mixed-use buildings with full sprinkler systems; located in areas with functioning fire hydrants; and where all sides of the structure are accessible by a ladder fire engine.

## **6.3 GENERAL COMMERCIAL AND INDUSTRIAL DISTRICTS: PURPOSE**

### **A. Industrial District (I)**

**Purpose:** To encourage the adoption, continuation and expansion of manufacturing, research, and industrial uses in a way that protects our natural assets.

## **B. Commercial Industrial Park District (CIP)**

**Purpose:** To allow for a mix of compatible commercial and industrial uses specifically permitted in the zone provided the property and all buildings/structures are appropriately designed or laid out to accommodate each use individually and/or the mixture of proposed uses.

## **C. Commercial Marine District (CM)**

**Purpose:** To maximize the development of appropriate water-dependent and water-related uses on the limited number of waterfront properties in this Zone.

1. Customary Accessory Uses: Typical accessory uses to the permitted uses in this Zone include dockside facilities such as fuel and ice sales, restrooms, and laundry facilities for overnight boaters in a marina; residence for owner of permitted marine use.

## **D. Neighborhood Commercial District (NC)**

**Purpose:** To encourage development of small local businesses that will serve the daily commercial needs of the surrounding residential neighborhoods.

### **6.3.1 GENERAL COMMERCIAL & INDUSTRIAL DISTRICT DIMENSIONAL REQUIREMENTS**

	<b>Requirement</b>	<b>I</b>	<b>CM</b>	<b>NC</b>	<b>CIP</b>
<b>Front Lots</b>	Min. Lot Area (sf) – Frontage Lot	200,000	40,000	40,000	40,000
	Min. Lot Frontage (lf) – Frontage Lot	200	150	150	100
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50
	<b>Min. Sidewalk Width (ft)</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Interior Lots</b>	<b>Min. Lot Area (sf) – Interior Lot</b>	<b>200,000</b>	<b>40,000</b>	<b>40,000</b>	<b>40,000</b>
	<b>Min. Lot Frontage (lf) – Interior Lot</b>	<b>50</b>	<b>50</b>	<b>30</b>	<b>50</b>
<b>Front AND Interior Lots</b>	Min. Lot Width (lf)	200	150	150	100
	Min. Front Yard Setback (lf)	35	25	25	35
	Min. Side Yard Setback (lf)	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25
	Max. Lot Coverage (% Area)	70	60	60	70
	Max. Building Height: Principal Structure (ft)	65	50	50	65

**6.4 SCHEDULE OF PERMITTED AND SPECIALLY PERMITTED USES: ALL NON-RESIDENTIAL DISTRICTS:**

<b>RESIDENTIAL, PRINCIPAL</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Residence, Singlefamily §8.14	-	-	-	-	-	-	-	-	-
Residence, two family (duplex) §8.15	-	ZP		-	-	-	-	-	-
Residence, Mobile Manufactured Home	-	-	-	-	-	-	-	-	-
Residence Multy- family (apts, condos) §8.13	SPL	SUP	SPL	SPL	SPL	-	-	-	-
Assisted Living Facility §8.4	SUP	SUP	SPL	SUP	SPL	-	-	-	-
Bed and Breakfast §8.6 (Permitted in legally existing residence only)	SPL	SPL	-	SPL	SPL	-	-	-	SPL
Nursing Home & Residential Care home §8.25	SUP	SPL	SPL	SUP	SPL	-	-	-	-
<b>RESIDENTIAL, ACCESSORY</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Accessory Structures/Uses	ZP/ SPL	ZP/ SPL	-	ZP/SPL	ZP/SPL	ZP/ SPL	ZP/ SPL	ZP/ SPL	ZP/ SPL
Home Occupation (Accessory to legally <b>existing</b> , single-family or Duplex Residence ONLY) §8.17	SPL/ SUP	SPL/ SUP	-	SPL/ SUP	SPL/ SUP	SPL/ SUP	SPL/ SUP	SPL/ SUP	SPL/ SUP
Adult §8.3 or Child Day Care Center §8.8	SPL	SPL	-	SPL	SPL	-	-	-	-
Short-Term Rental, Hosted (STR) (Accessory to legally <b>existing</b> , single-family or Duplex Residence ONLY) §8.31	SUP	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP
<b>AGRICULTURAL</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Agriculture §8.5	ZP	ZP		ZP	ZP	ZP	ZP	ZP	ZP



Farm Stand (>50sf/ <200sf) §8.5G(5)	ZP	ZP		ZP	ZP	ZP	ZP	ZP	ZP
<i>Farm Store &lt;1,000 / &gt;1,000SF) §8.5G(6)</i>	ZP /SPL	ZP/ SPL	-	ZP/SPL	ZP/SPL	ZP/ SPL	ZP/ SPL	ZP/ SPL	ZP/ SPL
<i>Accessory Uses (See § 8.5G&amp;H)</i>	ZP/SP L/SUP	ZP/SP L/SUP	-	ZP/SPL /SUP	ZP/SPL /SUP	ZP/SP L/SUP	ZP/ SPL/ SUP	ZP/ SPL/ SUP	ZP/ SPL/ SUP
<i>Keeping of Animals - Home Husbandry §8.5.1</i>	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
<b>INSTITUTIONAL/ CIVIC/ MUNICIPAL</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Civic/Institutional Buildings/Uses	SPL	-	SPL	SPL	SPL	-	SUP	-	SPL
<i>Community Center</i>	SPL	SPL	SPL	SPL	SPL	-	-	-	SPL
<i>Educational Facility, Private</i>	-	SUP	SUP		SUP	-	-	-	-
<i>Educational Facility, Public</i>	SPL	-	-	SPL	SPL	-	-	-	-
<i>Religious Facility/Use</i>	SUP	SUP	-	SUP	SUP	-	-	-	SUP
<i>Cemetery §7.2</i>	SUP	SUP	-	SUP	SUP	-	-	-	SUP
<b>COMMERCIAL</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Commercial, General Retail	SPL	SPL	-	SPL	SPL	-	-	SPL	SPL
Commercial, Marine	-	-	-	SPL	-	SPL	-	SPL	-
Commercial Services	SUP	SUP	-	SUP	-	SPL	SPL	SPL	-
Hospital and Emergency Medical Facilities §8.18	SUP	-	-	SUP	-	SUP	SUP	-	-
Membership Club (Firearms) §8.21.1 (No- Firearms) §8.21.2	SPL/ SUP	-	-	SPL/ SUP	SPL/ SUP	SPL/ SUP	SPL/ SUP	-	-
Mixed Use Residential/Commercial §8.22	SPL	SPL	-	SPL	SPL	-	-	SPL	SPL

Mixed Use Commercial/Industrial §8.23	SUP	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP
Motor Vehicle, RV, Boat and/or Equipment Repair (Mechanical) §8.24	SUP	-	-	SUP	-	SPL	SPL	SUP-	SUP
Motor vehicle body repair & painting	SUP	-	-	SUP	-	SUP	SUP	-	-
Office/Business, General	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SPL
Office Research	-	-	-	-	SPL	SPL	SPL	-	-
Hospitality, General (Including: Club, Conference Center, Restaurants, Pub/Tavern)	SPL	SUP	-	SPL	SPL	-	SUP	SPL	SPL
<i>Country Inn §8.11</i>	SPL	SPL	-	SPL	SPL	-	-	-	SUP
<i>Hotel or Motel §8.19</i>	SPL	SUP		SPL	SPL	-	-	-	-
Professional Services	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SPL
<i>Kennel, Commercial §8.20</i>	-	-	-	-	-	SPL	SPL	-	-
<i>Veterinary Office &amp; Clinic</i>	SUP	-	-	SUP	-	SPL	SPL	-	-
Personal Service Establishment §8.26	SPL	SPL	-	SPL	SPL			SPL	SPL
Transportation Services, General	SUP	-	-	SUP	SUP	SUP	SUP	SUP	SUP
<i>Gas Station (Fueling Station, w/ or w/o Conv. Store</i>	-	-	-	-	SUP	SPL	-	-	SUP
<i>EV Charging Station</i>	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL
<i>Motor Vehicle Rental/Sales</i>	-	-	-	SUP	SUP	SUP	SUP	-	-
Recreational Facility, Indoor	SUP	-	-	SUP	SUP	SUP	SUP	-	-
Recreational Facility, Outdoor	SUPU	-	-	SPL	SPL	SPL	SPL	-	-
<i>Campground, Recreational §8.7</i>	-	SUP	-	-	SPL	-	-	-	-

<i>Resort Facility</i>	SUP	-	-	SUP	SPL	-	-	-	-
<i>Amusement Parks and Water Parks</i>	-	-	-	SUP	SUP	SUP	-	-	-
<b>INDUSTRIAL, PRINCIPAL</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Antenna & Antenna Towers §7.1	SUP	SUP	-	SUP	SUP	SPL	SPL	SPL	SUP
Excavation Operations – Major (≥300 cu yds) §8.16	-	-	-	-	SUP	SUP	SUP	-	-
Excavation Operations – Minor (<300 cu yds) §8.16	SUP	SUP	-	SPL	SPL	SPL	SPL	SPL	-
Food and Beverage Manufacturing (Small-scale/Large-scale)	SUP /-	-	-	SUP /-	-	SPL/ SUP	SPL/ SUP	-	-
Industrial, Heavy	-	-	-	-	-	SUP	SUP	SUP	-
Industrial, Light	SUP	-	-	SUP	SUP	SPL	SPL	SPL	-
Public & Private Utility Installations §8.27	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL
Sawmill	-	-	-	-	-	SPL	SPL	-	-
Solar Energy Systems (Principal) §8.33	-	-	-	-	SUP	SUP	SUP	SUP	-
Warehouse/Warehouse Distribution	SUP	-	-	SUP	SUP	SPL	SPL	SUP	-
<b>INDUSTRIAL, ACCESSORY</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Small Wind Energy System §8.32	SPL	SUP	-	SPL	SPL	SPL	SPL	SPL	SPL
Solar Energy Systems (Accessory) §8.33	SPL	SUP	-	SPL	SPL	SPL	SPL	SPL	SPL
<b>MISC/OTHER</b>	<b>LCDD</b>	<b>LCTD</b>	<b>MFDD</b>	<b>GFDD</b>	<b>RCDD</b>	<b>I</b>	<b>CIP</b>	<b>CM</b>	<b>NC</b>
Temporary Outdoor Events §8.34	SPL	SUP	-	SPL	SPL	-	-	SUP	SUP
Drive-thru Windows §8.12	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SUP

(“**ZP**” Zoning Permit-Staff Approval; “**SPL**” Site Plan Approval by Commission; “**SUP**” Special Permit – Public Hearing & Approval by Commission)

## **6.5 SPECIAL DEVELOPMENT TECHNIQUES AND FLOATING ZONES**

### **6.5.1 TECHNOLOGY PARK DISTRICT**

#### **A. General:**

1. The Commission may establish site specific Technology Park Districts (“TPD”) for those properties suitable for the development of high technology industries by approving a Master Plan in conformance with Subsection D below.
2. The TPD is a floating zone governed by a conceptual Master Plan. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the Master Plan may require certain fluidity to accommodate market changes during the complete development of any project. Notwithstanding the foregoing, any substantial and material change, at the Commission’s sole discretion, will be subject to the same procedural requirements for a zone change as required by the original zone change application adopting the TPD. Once approved, the TPD will replace all pre-existing zoning, and any future development on the zoned property will be subject to the specific TPD requirements set forth herein.
3. In that the approval of a TPD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a TPD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

**B. Statement of Purpose:** Technology Park Districts are intended to provide locations for advanced technology industries such as computer software and hardware developers, research and development facilities, data centers, laboratories, highly specialized manufacturing and other similar uses within large-scale, organized, campus-like settings which stimulate economic growth and reinvestment, create quality employment opportunities, and generate significant revenue for the Town through taxes and/or other revenue streams. Factors to be considered by the Commission in approving a TPD include:

1. That the location, uses and layout of the proposed TPD are in conformance with the general intent of, and the goals and objectives contained in, the Plan of Conservation and Development.
2. That there exists harmony between the various uses that are proposed within the TPD and compatibility with neighboring land uses, taking into consideration reasonable buffers and/or screening.
3. That there is a positive economic impact of the proposed TPD to the community, including in terms of both revenue generation and job creation.

**C. Establishment of District:** The Commission shall establish a TPD by approving a Master Plan, which while not intended to be a substitute for the detailed drawings and documentation associated with a Site Plan, does provide sufficient conceptualized information to determine if the proposal is in conformance with Sub-section B above

and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with these Regulations.

1. Numbering of Technology Park Districts. Each TPD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as TPD-1, TPD-2 and so forth.
  2. District Eligibility. The area proposed for a TPD shall:
    - a. Encompass a minimum of 200 acres of contiguous land in one or more parcels under common ownership or other arrangement satisfactory to the Commission; and
    - b. Include road frontage along any arterial road or direct access to and from an arterial road via a public road and/or private right-of-way; and
    - c. Be serviced by adequate underground public utilities or be capable of being serviced by the same or by the provision of sufficient onsite facilities to be constructed.
  3. Additions and Alterations. Any additions or alterations to the Master Plan must comply with the criteria established in Sub-section B above, and any such change shall be made in a manner which will accomplish the purposes stated in §4.13.2 hereof. The Commission may, at its sole discretion, hold a public hearing on any addition or alternation to the Master Plan.
  4. District Expiration. Approval of the zone change shall be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation, unless a Site Plan for the TPD is approved within 24 months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed twenty-four (24) additional months.
- D. Master Plan:** The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Sub-section B above and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the development and design standards of the TPD and its uses. All elements of the Master Plan shall be professionally prepared to provide a conceptual plan for the overall development of the TPD. A Master Plan shall include the following components:
1. Master Plan Narrative demonstrating the submitted Master Plan's consistency with the purpose of the TPD, policies, goals, and objectives of the Plan of Conservation and Development, and the orderly development of the Town.
  2. Existing Conditions Plan showing: (1) existing topography with 5-foot contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, bedrock outcrops, inland wetlands, watercourses, upland review areas, and flood plains; (2) land uses, zoning and approximate location of buildings and driveways within 100 feet of the site, (3) boundary survey; and (4) location map.
  3. Conceptualized Layout Plan showing: (1) general location and nature of proposed land uses; (2) proposed public and private rights-of-way, parking areas, easements,

and public and private open space areas; (3) proposed building footprints, floor areas, and building heights; (4) proposed location of landscaping, buffering, and screening; (5) utility and highway improvements; (6) storm water management areas and structures; and (7) construction and improvement phasing plan.

4. Development Standards for the proposed development provided in a narrative form including, but not limited to: (1) permitted uses subject to Site Plan approval; (2) bulk, dimensional, and density requirements; (3) parking and loading; (4) streets and sidewalks; (5) landscaping and screening; (6) lighting; (7) signage; (8) open space and conservation areas; and (9) any other standards the Commission may reasonably require.
  5. Architectural Standards for the proposed development provided in either narrative form and/or visual representations detailing: (1) architectural styles; (2) massing and scale; (3) materials and colors; (4) roof lines and profiles; and (5) typical building facades and elevations.
  6. Traffic Analysis including: (1) a preliminary traffic memorandum detailing the impact of the proposed development; and (2) a conceptual improvement plan and the measures necessary to mitigate those impacts if necessary.
- E. **Site Plan**: After Master Plan approval and establishment of a TPD by the Commission, an application for a Site Plan must be submitted for approval, following provisions contained in these Regulations. The implementation of a Master Plan approval may be phased by the filing of multiple Site Plan applications.
- F. **Specific Design Standards**: The following design standards shall apply to all TPD Districts:
1. **Area and Bulk Requirements**: All bulk and dimensional requirements shall be established by the Master Plan.
  2. **Architectural Design**: All new construction shall be designed to provide a high-quality appearance consistent with contemporary standards and all selected materials shall be durable with subtle colors and uniform treatments.
  3. **Signage**: A sign plan evidencing a unified signage program for the TPD, including the general position, size, content and appearance of signs visible from any public right of way shall be included in the Master Plan application and shall be approved by the Commission.
  4. **Parking**: On-site parking areas shall be adequate for the uses proposed. Specific parking standards shall be established as part of the Master Plan. Parking should be located onsite to the extent feasible, but not lead to excessive impervious coverage. Design of parking areas should maximize landscaping and prevent large expanses of impervious area. Stormwater management shall be designed to handle anticipated run-off without creating negative impacts on adjacent properties or natural resources.
  5. **Permitted Uses**: Permitted uses shall be established by the Master Plan and implemented by Site Plan approval. The following list of uses is permitted in the TPD, but it is not exclusive. The Commission may approve other uses, provided

said uses are not prohibited by Sub-section F(6) and it is determined said uses are consistent the purposes of the TPD.

- a. Computer software and hardware development.
- b. Research and development facilities.
- c. Data centers.
- d. Laboratories, provided that no onsite patient visits are permitted.
- e. Highly specialized manufacturing, including but not limited to, defense and aviation industries, and electronic and/or communication instruments and devices.
- f. Power generation facilities only as accessory to a principal use and constructed in a manner to prevent distribution to the electric grid.
- g. Professional offices only as accessory to a principal use.

**6. Prohibited Uses:** In addition to the prohibited uses contained in these Regulations, the Commission has determined that the following uses are prohibited in the TPD.

- a. Gasoline filling stations.
- b. Vehicle sales, leasing and renting.
- c. Auto repair, storage, maintenance and paint shops.
- d. Theme parks and amusement parks.
- e. Retail sales.
- f. Outdoor storage as a principal use.
- g. Residential uses.
- h. Commercial Services (Landscaping, construction businesses, etc.).

**7. Buffers:** The purpose of buffer areas is to provide privacy from noise, light glare and visual intrusion to residential dwellings in all locations where uses within the TPD abut a residential district exterior to the TPD. A buffer area shall be required between any developed area in the TPD which is abutting or directly across a street (other than a limited access highway) from any lot used for residential purposes in a residential district exterior to the TPD. Buffer requirements do not apply to internal property lines which are part of the TPD and do not border adjacent property. The Commission may allow the buffering to be located on adjacent property with the consent of the affected property owner; provided that the right to maintain such buffering and/or screening is memorialized by a permanent easement filed for record in the Ledyard Land Records. Such buffer areas shall comply with the following minimum standards:

- a. **Buffers from adjacent residential uses:** The minimum width of the buffer area shall be twenty-five (25) feet from the property line. In the event that the buffer area is not currently vegetated, the Applicant shall install screening within the buffer area in conformance with subsection b.



- b. **Screening** shall consist, at minimum, of plantings not less than six (6) feet in height planted at intervals of ten (10) feet on center and other evergreen and deciduous shade trees and shrubs as may be appropriate. As an alternative, an earthen berm, stabilized with appropriate groundcover and plantings, may be permitted by the Commission in order to provide adequate screening for adjoining residentially used property.
  - c. **The following accessory uses shall be allowed within buffer** areas provided that they are adequately screened from abutting residential properties: access roads, pedestrian sidewalks, utilities, mailboxes and approved signs.
8. **Lighting**: All site lighting shall be designed with full cut-off fixtures and facing in a general downward direction to shield and reduce glare.

## **CHAPTER 7: GENERAL/MISCELLANEOUS REGULATIONS**

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**7.0 Applicability:** This section shall apply to the following uses and requirements regardless of location.

### **7.1 ANTENNAS & ANTENNA TOWERS**

**A. Purpose:** To provide for wireless telecommunication facilities, antennas and towers, while minimizing the adverse visual and operational effects through careful design, siting and screening. This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

**B. Scope:** These regulations are applicable only for Antennas and Antenna Towers that are not subject to the jurisdiction of the Siting Council, which has exclusive jurisdiction for community antenna television towers and head-end structures, including associated equipment, and telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended. Reference CGS §16-50i.

#### **C. Applications must contain the following items:**

1. A written description of all proposed antenna and mounting equipment including size and location on existing tower or building. The description shall include the structure's capacity, including the number and type of antennas it can reasonably accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. A report from a licensed radio engineer indicating that no other existing or planned tower or structure can accommodate the applicant's antenna.
2. A plan showing the location of all proposed towers, structures, fall circle, property lines, buildings, fencing, landscaping (with a list of plant materials), and driveway access to the site. The plan shall indicate how, if failure occurs, the tower will collapse without encroaching outside the site's lease lines (if any) or upon any adjoining property.
3. A design drawing of the proposed tower(s) that includes the cross-section and elevation depictions of the proposed tower, antennas, accessory buildings, boxes, cabinets, and security fencing including sizes and materials.

#### **D. Amateur Radio, CB, Homeowner Antennas, and Towers that may be approved by the Zoning Official:**

1. Amateur Radio Service (including Amateur Radio Emergency Service) Antennas and Amateur Radio Service Tower installations meeting the following standards.
  - a. Towers, transmitters and Antenna installations shall comply with Part 97 of FCC rules and regulations, as amended.
  - b. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.

- c. A copy of the applicant's federal amateur radio license shall be provided to the Zoning Official when applying for a Zoning Permit for an amateur radio service antenna.
  - d. Towers shall meet all setback requirements for the Zoning District.
2. Traditional radio, television, scanner, Citizen Radio Service (CB) Antennas operated in accordance with FCC regulations and emission standards, and miscellaneous antennas used by homeowners that meet the following requirements.
    - a. Height of roof-mounted antenna does not exceed twenty (20) feet above the highest point of the structure.
    - b. Size of roof-mounted dish antennas shall not exceed three (3) feet in diameter.
    - c. Tower and overall antenna height shall not exceed sixty-five (65) feet.
    - d. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.
    - e. Towers shall meet all setback requirements for the Zoning District.

**D. For Antennas and Towers associated with a project subject to Commission review.**

1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed radio engineer, is required with the application.
2. The tower and/or antenna shall comply with the setback requirements of the zoning district in which it is located or be set back from all property lines and lease lines (if any) a distance equal to but not less than the height of the tower. However, if it can be demonstrated that the design and installation of the tower limits the collapse distance to less than the tower's height, or if it is unlikely that a structure will be constructed on adjacent property within the fall circle, the distance to the property line or lease line (if any) may be reduced by the Commission by up to one-third the tower's height.
3. The tower and/or antenna may be considered as either a principal or accessory use.
4. More than one (1) tower on a lot may be permitted if all setback, design, and landscape requirements are satisfied for each tower.
5. The tower and/or antenna may be on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deeded easement presented to the Commission.
6. All towers in residential districts shall be of a monopole design unless the applicant demonstrates that wind loading at the proposed location will exceed monopole tower design specifications, and/or that no monopole tower is available that will satisfy the minimum height, shape, size, or weight requirements of the antenna(s) to be located on the tower.
7. Towers not requiring FAA painting or markings shall be painted a non-contrasting blue, gray, or other neutral color.
8. No lights or illumination shall be permitted unless required by the FAA.
9. No signs or advertising shall be permitted on any tower or antenna, except that no trespassing, warning, and ownership signs are permitted at ground level.

10. The proposed tower, accompanying building and electrical utilities, shall be built to accommodate a minimum of three co-users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These co-users shall include other wireless telecommunication companies, and local police, fire, and ambulance companies. If co-users are not known at the time of application, applicants shall base designs for co-users on equipment requirements similar to their own.

**E. Siting Preferences:** The general order of preference for antenna towers is as follows (most preferred to least preferred):

1. Co-location on existing or approved towers,
2. On existing structures such as non-residential structures/facades, water towers/tanks, utility poles, or chimneys,
3. On new towers located on property currently occupied by one or more existing towers.
4. On new towers in industrial districts.
5. On new towers in commercial districts.
6. On new towers in residential districts.
7. On new towers in Development Districts.

## **7.2 CEMETERIES**

**A.** A twenty (20) foot buffer strip shall be maintained around all cemeteries within any district to prevent desecration. Public Access shall be provided.

## **7.3 CONSTRUCTION TRAILERS**

**A.** A mobile trailer may be used as field offices, tool shops, and/or as storage sheds for construction projects provided it is not used for sleeping or living quarters.

**B.** A Zoning Permit is required for a construction trailer and shall expire after six (6) months.

**C.** Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted provided construction activity continues.

**D.** An application for a new or renewal temporary Zoning Permit for a construction trailer shall include:

1. A certification to the Zoning Official that the construction trailer (a) will be on the construction site in the same location as may be provided on the Site Plan, (b) will be actively used in support of proposed or current construction on the site.
2. Confirmation the construction project has a valid zoning and building permit.
3. A location acceptable to the Zoning Official.
4. Payment of the Zoning Permit fee for a temporary construction trailer.

**E.** The Zoning Office is under no obligation to provide a reminder notice regarding an expiring temporary Zoning Permit for a construction trailer.

G. In no case shall such uses include the storage of oil, fuel, or hazardous chemicals (as defined by Connecticut DEEP).

H. Such mobile units shall be arranged to allow access by emergency vehicles.

#### 7.4 **DRIVEWAYS, RESIDENTIAL**

A. **Applicability:** The following residential driveway design standards shall apply to all driveways used for access to single-family and two-family dwellings. Driveways to multi-family dwellings must comply with the Town's standards for road construction. **Driveways for Non-Residential Uses shall comply with the provisions of §9.5 of these Regulations (Commercial Access Management).**

##### B. **Residential Driveways, General Requirements**

1. **Driveway Location:** The proposed frontage of a lot, whether a frontage or interior lot, must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting these Regulations' minimum driveway standards. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage.
  - a. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed (i.e., it must be owned in fee by the same person or persons who owns the remainder of the lot) unless a shared driveway meeting the standards of §7.4C is used.
  - b. Where multiple lots or dwellings will utilize a shared driveway for any portion of the length the full driveway, they shall be subject to the Shared or Common Driveway regulations contained in §7.4C.
  - c. Minimum separation between physical driveways is twenty-five (25) feet as measured from curve return to curve return.
  - d. No driveway serving a current single-family or duplex dwelling that is located within any zone shall provide access to another lot that is either (A) located in a non-residential zoning district or (B) whose principal use is not a single-family or duplex dwelling.
2. **Connection to Roads:** The portion of any driveway through the road right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require the approval of the Town.
3. **Sightline Distance:** Driveways shall be designed and located to provide an unobstructed sight line distance as specified in the Town Road Ordinance (or as otherwise specified by the DOT where applicable). No obstruction, hedge, bush, tree or other growth, wall, fence, or sign shall be erected, maintained or planted which obstructs or interferes with required sightlines. It is responsibility of the property owner to maintain this sight line.
4. **Snowstack Space:** Driveways shall not be located closer than ten (10) feet to any property line to ensure that snow stacking is provided on the lot(s) on which the driveway is located.
5. **Surface:** Driveways serving single-family residences shall be paved or shall have an all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle (as permitted). A driveway detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.

6. **Grade**: Driveway grade shall not exceed fifteen percent (15%) at any point. When any portion of a driveway has a grade exceeding ten percent (10%) percent, all abutting portions of the driveway having a grade greater than eight percent (8%) shall be paved. Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line.
7. **Width**: All driveways shall be a minimum of twelve (12) feet wide except as provided in subsections B(8) and C(3) below.
8. **Length**: Driveways that exceed 400 feet in length must be fourteen (14) feet wide and shall be designed with a vehicle turnaround to avoid vehicles having to back onto the roadway when exiting the relevant parcels. Turnouts shall also be provided as follows:

Length Turnouts	Number of Turnouts
Less than 400 feet	None
400-800 feet	One turnout within 150 feet of the dwelling unit.
More than 800 feet	Every 400 feet

**C. Shared or Common Driveways:**

1. Common driveways may serve up to three (3) residential parcels in any subdivision, except as otherwise provided in these Regulations.
2. The shared portion of any driveway must be located entirely within the access strip of the farthest lot it services. The individual driveway branching off the shared portion must directly connect to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) it is to serve without crossing over any portion of any other lots. (See exception for Special Interior Lot §7.5A(2)(a)).
3. All shared portions of the driveway shall be a minimum of fifteen (15) feet in width and shall not exceed twelve percent (12%) grade at any point.
4. All shared driveways shall be paved with a bituminous concrete layer, or other suitable all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle. A driveway detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.
5. The boundaries of the shared driveway must be defined in, and the rights and duties of the respective users must be set forth in proper documents. Such document(s). which shall be presented with the application and are subject to review by Town Counsel prior to being filed with the Town Clerk to be placed on the Land Records.
6. The shared driveway access easement area shall not count toward the minimum lot area for all lots utilizing the access easement area or otherwise encumbered by it.

**7.5 INTERIOR LOTS**

**A. Residential Districts:**

1. Interior Lots may be permitted in Residential Districts R-20, R-40 and R-60, subject to the requirements set forth in §5.2 and §5.4.1 if part of an Open Space or Conservation Subdivision, with the following conditions and/or exceptions:

- a. The access strip shall be owned as part of the interior lot and must be a minimum of twenty-five (25) feet wide throughout and a maximum of 400 feet in length.
- b. The access strip shall allow construction of a driveway that can comply with §7.4 (Public Works and/or Wetlands Commission review and approval may be required to determine whether the conceptual driveway can comply with §7.4).
- c. The access strip shall be and remain free of all structures.
- d. The minimum lot area for an interior lot will be a minimum of one and one half (1.5) times the minimum lot area for the zone in which it is located (See Section 5.4.1D for Minimum Lot Sizes for Interior and Special Interior Lots in Conservation and/or Open Space Subdivisions).
- e. The area of the access strip shall not count toward the minimum lot area requirement.
- f. The minimum front yard setback line for interior lots shall be measured from the front lot line where access strip meets the remaining portion of the lot.
- g. An interior lot shall never be "stacked" behind another interior lot (or behind another Special Interior Lot if part of an Open Space Subdivision).

**2. Open Space Subdivision Exemption:**

- a. *Special interior lots* in an Open Space subdivision may be accessed via a driveway in accordance with §5.4.1(D)(3)(b). The easement area shall not count toward the minimum lot area for all lots utilizing the access easement area or otherwise encumbered by it.
- 3. Interior Lots that are created as part of a subdivision or re-subdivision (including Conservation and Open Space Subdivisions) as approved by the Planning & Zoning Commission shall meet any additional criteria set forth in the Subdivision Regulations of the Town of Ledyard.
- 4. Interior lots may be created as part of a division of a parcel of land which is not a subdivision or re-subdivision within the meaning of §8-18 of the Connecticut General Statutes. The Director of Public Works shall review and approve access locations on Town roads and the State Department of Transportation shall review and approve access locations on State highways.

**B. Non-residential Districts:**

- 1. Interior lots may be permitted in the non-residential districts subject to the requirements set forth in §6.2 and 6.3.1 with the following conditions and/or exceptions:
  - a. The frontage requirement along a Town or State Road shall be a minimum of fifty (50) feet.
  - b. The access strip shall be a minimum of fifty (50) feet throughout and a maximum of 400 feet in length.
  - c. The area of the fifty (50) foot access strip shall not be included as part of the minimum lot area requirement.
  - d. The minimum front yard setback line for interior lots shall be measured from the front lot line where access strip meets the remaining portion of the lot.

**7.6 JUNK, AND UNREGISTERED, INOPERABLE AND/OR HOBBY MOTOR VEHICLES**

- A. Junk, as defined by these regulations, and/or partially dismantled motor vehicles, where not fully screened from all property lines, shall not be placed, stored, co-located, or maintained outside



on any lot in any District. No more than one (1) vehicle that has an expired registration, but which can be re-registered in its current physical condition, or registered but currently inoperable may be parked or stored outside on any lot in any district regardless of screening, and may not remain for longer than six (6) months.

- B. A maximum of one (1) hobby motor vehicle, as defined by these regulations, may be located in a side yard or rear yard of a residential property, provided it is screened from view from adjacent properties and access roads. Such screening may be achieved by use of a fence or vegetation, or combination thereof. There is no limitation on the number of hobby motor vehicles that are stored or parked within a permitted building, provided the building is maintained in a structurally sound and safe condition.
- D. It is the intent of these regulations that the term “Junk” not apply to:
  - 1. Farm equipment ordinarily and regularly used with an active farming operation on the same premises,
  - 2. Materials or items being temporarily stored in rodent-proof containers that are placed on the curb on a regular schedule for refuse pickup,
  - 3. Sawmill inventory,
  - 4. Cordwood,
  - 5. “Hobby Motor Vehicles” that are in compliance with these regulations, and
  - 6. Construction materials and associated debris that are directly associated with a construction project on the same premises with a valid and active building permit provided that the construction materials and associated debris are removed from the premises within fifteen (15) days after the construction project is materially completed.

## **7.7 NON-CONFORMING USES, STRUCTURES, AND LOTS**

### **7.7.1 Non-conforming Uses:**

- A. Any nonconforming use lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
- B. A non-conforming use shall not be enlarged nor expanded except as may be expressly allowed elsewhere in these Regulations. A non-conforming use of an existing building shall not be extended to occupy land outside such building or space in another building.
- C. A non-conforming use of land shall not be moved to another part of a lot or to an adjoining lot. A non-conforming use of a building shall not be moved or extended to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. A building containing a non-conforming use shall not be moved unless the use is changed to a conforming use and all zoning requirements are met.
- D. Except as may be expressly allowed elsewhere in these Regulations, a non-conforming use of land or of a building shall not be changed to any other non-conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.
- E. Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use or the building that houses the non-conforming use.

### **7.7.2 Non-Conforming Buildings and Structures:**

- A.** Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
- B.** Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content, and only if (A) such work does not increase the non-conforming aspect of the structure or complies with other applicable parts of these Regulations for the specific use and zone; and (B) any such reconstruction or rebuilding process is commenced within one year of the date of damage. If a foundation of the former structure exists and remains in a condition capable of supporting a new structure, the one-year timeframe may be extended
- C.** A structure that is non-conforming because it does not comply with one or more of the requirements regarding required setbacks, height, percentage of lot coverage, or required parking facilities, or is currently located on a lot that does not meet minimum lot size standards for the zone in which it is located, may be altered or expanded provided that no construction occurs within any required setback and does not create a new or intensify existing non-conformities.
- D.** Normal maintenance and repair to a non-conforming building or structure are permitted provided such work does not further violate the requirements of these Regulations.

### **7.7.3 Non-Conforming Lots:**

- A.** Nothing in these Regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district, on a lawfully existing parcel that does not contain the required minimum area, minimum setbacks, or minimum lot frontage for the underlying zone, provided that: (A) as of the date of initial adoption of these Regulations, and continuously thereafter, the parcel was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the land records; and (B) a previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement. Note: Use specific, required minimum lot size still apply.
- B.** Where two (2) or more nonconforming lots are contiguous, and in single/same ownership, and where at least one (1) of the parcels is undeveloped, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible in conformance with §7.7.6.
- C.** A non-conforming lot shall not be altered in such a way as to increase the degree of non-conformity.
- D.** Any lot that contained more than one (1) residence at the time of adoption of these Regulations may be divided and sold as separate lots, provided that (A) each such lot or lots conforms to the bulk and area requirements of the district in which it or they are situated, and (B) each resulting lot contains at least one (1) of the previously existing residential buildings.

#### **7.7.4 Exceptions:**

- A. Additions may be made to single-family or duplex residences that have become non-conforming solely because of a zone or text amendment change that eliminated residential uses in the zone in which the relevant lot is now located. However, all such additions (A) shall be solely for the use of the house as a residence or for a lawfully permitted Home Occupation (see §8.17), or STR (see §8.31) and (B) must comply with current dimensional/bulk requirements (setback, height, lot coverage, etc.) and any other applicable requirements relevant to the underlying Zone or proposed use.
- B. Where two (2) houses exist on one residential lot, each unit will be considered non-conforming, and each may be expanded in conformance with Subsection A above.
- C. No construction or use shall be permitted on any non-conforming lot unless there is adequate water and sewerage facilities as determined by the Health District.

#### **7.7.5 Abandonment of Non-Conforming Uses and Characteristics:**

- A. When a non-conforming use of property, or of a building or other structure, has been formally abandoned, that use may not subsequently be reestablished except as may be expressly authorized by these Regulations
- B. When a non-conforming characteristic of a building or other structure has been removed and formally abandoned, all subsequent modifications of the structure or property shall be required to conform to these Regulations.

Formal abandonment shall be determined by the Commission when sufficient evidence exists that the intent is abandonment

#### **7.7.6. Rule of Merger:**

- A. Any adjoining non-conforming parcels and/or lots of record in common ownership shall be considered merged until the lot area equals the minimum area of the applicable zoning district unless protected pursuant to the provisions of C.G.S §8-26a(b)(1), as may be amended.
- B. Any lot of record shall be deemed to have merged with an adjoining lot or parcel if:
  - 1. The common property line has had a building or other structure constructed thereupon at any time;
  - 2. Any structure has been constructed on the lot or parcel that is necessary to a principal building or use on an adjoining lot;
  - 3. The lot has been used for required parking for a use on the adjoining lot.
  - 4. The lot has been used in conjunction with a use on an adjoining lot.

#### **7.7.7 Replacement of Lawful Nonconforming Mobile Homes:**

- A. Mobile homes and mobile manufactured homes shall be permitted only on locations occupied by a mobile home on the date Zoning Regulations were adopted (October 11, 1963, as amended).
- B. The replacement of a lawfully non-conforming mobile home or mobile manufactured home is permitted as follows:

1. A “removal permit” to remove, and/or a “demolition permit” to destroy, the mobile home or mobile manufactured home that is being replaced must be issued by the Building Official.
2. The mobile home or mobile manufactured home being replaced shall either be demolished or removed from Ledyard.
3. A mobile home, or a mobile manufactured home, in a licensed mobile home park, may be replaced provided the total number of mobile homes and mobile manufactured homes in the mobile home park does not exceed the number of sites listed on the Park License issued by the Department of Consumer Protection.
4. Replacement mobile manufactured homes shall be constructed to the most recent HUD Code.

**7.8 PORTABLE STORAGE UNIT: SEE ACCESSORY STRUCTURE**

**7.9 SIGNS**

**7.9.1 Purpose:** The purpose of this section is to regulate the height, size and location of advertising signs and billboards in all zones to ensure public safety, to protect both property values and to allow individual, commercial, and public interests to be communicated through signs.

**7.9.2 Application for Sign Permit for a Permanent Sign:**

- A. Permanent new signs, relocation of signs, and modifications to existing signs require an application for a sign permit be made on forms provided by the Land Use Department, and shall include the following information:
  1. Dimensions of the proposed sign. The size of the proposed sign (area, height, width, thickness), illumination and material from which it is to be constructed.
  2. Detailed drawing of the proposed sign. A detailed drawing showing the construction details of the sign and showing the position of lighting or other extraneous devices and support structures.
  3. Proposed Location of the sign in relation to the building and all property lines and streets.
- B. The repainting, changing of parts, or preventive maintenance of lawful signs, with no change in location, design, or structure, shall not be deemed an alteration and does not require a Sign Permit.
- C. The permanent removal of sign face illumination does not require a sign permit.

**7.9.3 Prohibited signs:**

- A. **Signs with moving parts:** Signs which have visible moving parts, including signs which are designed to achieve movement by action of wind currents, or which have mobile or revolving parts, or which have animated parts, are not permitted. Exceptions include time or temperature devices, barber poles, wind socks, open flags, and welcome flags which contain no advertising.
- B. **Flashing signs:** These are illuminated or indirectly illuminated signs that incorporate flashing or moving illumination or animation.

C. **Hazards to public safety**: These are any signs or sign supports which constitute a hazard to public safety, including signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of a driver, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; or which obstruct free ingress to or egress from a fire escape, door, window or other required exit way; or which make use of words such as “stop”, “look”, “one way”, “danger”, “yield”, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic.

D. **Pennants**: String pennants are prohibited, except for the opening of a new business, in which case they shall not exceed fourteen (14) days.

E. **Inflatable signs**

F. **Roof mounted signs**

G. **Signs not specifically authorized by these regulations are prohibited**

7.9.4 **Lawful Non-Conforming Signs**: Existing signs installed prior to the adoption of the Zoning Regulations (as amended) of a size, type, or location currently not permitted in the District in which they are situated, or which do not conform to all the provisions of these regulations, will be considered lawful non-conforming structures under this Section. Any increase in size shall be deemed to be an enlargement or extension producing an unlawful increase in non-conformity. Non-conforming signs shall not be relocated to any other location.

7.9.5 **General Requirements**:

A. No person shall erect, alter, or relocate any sign structure or sign face without first obtaining a Sign Permit except as exempted by these regulations.

B. These regulations shall not apply to indoor signs or interior signs located, for example, within baseball fields, football fields, stadiums, theaters, and parks, provided they cannot be viewed off site.

C. For a proposed development that requires a Special Permit or a Site Plan, the applicant may combine the development application and the sign application into a single application to the Commission.

7.9.6 **Sign Illumination**: Signs may be illuminated either externally or internally provided they comply with the outdoor illumination standards in §9.10 and the limitations set forth below.

A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights. Internally lit LED and/or digital change copy signs are permitted in all non-residential zones.

B. Internally lit LED are also permitted for non-residential uses legally existing in a residential zone. Electronic Message Centers (EMC's) are not permitted in any residential zone.

C. No illuminated sign shall have exposed electrical wires.

D. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time. This prohibition does

not apply if the illumination occurs because of lighting provided for public safety purposes.

**7.9.7 Sign Motion:** No sign or any part thereof shall be moving, whether by mechanical or other means (including wind) (See §7.9.3A for exceptions).

**7.9.8 Sign Location:** The following general conditions apply to sign location:

- A.** no sign shall extend into a vehicular public way (unless associated with a drive-through use), or be lower than eight feet above a pedestrian way;
- B.** no sign shall obstruct free entrance or exit from a required door, window, or fire escape; or be located or constructed in a manner that interferes with access by fire or emergency personnel;
- C.** no sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building;
- D.** no sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in a location that creates a sight-clearance problem for traffic flow on a public way;
- E.** All signs whether they require a permit or not, must be a minimum of ten (10) feet from edge of pavement if no setback requirement is specified;
- F.** No signs, other than those specifically authorized elsewhere within these regulations shall be erected within the right-of-way lines of any street, sidewalk or public way and Signs shall be located on the property they are associated with unless otherwise allowed by this section.

**7.9.9 Miscellaneous Signage General requirements:**

- A. Exterior bulletin boards on premises of civic buildings:** Such signs shall not exceed eighteen (18) square feet total. There shall be not more than one (1) bulletin board per site. Bulletin boards may have two (2) faces placed back-to-back which are at no point more than sixteen (16) inches from one another.

**B. Real Estate and Construction Signs:**

- 1.** In residential zones Real Estate signs not in excess of six (6) square feet in area.
- 2.** In non-residential zones, Commercial Real Estate advertising signs not exceeding sixteen (16) square feet in area.
- 3.** Construction signs with message limited to project name, building name, architects, engineers, contractors, sponsors or other individuals or firms involved with the construction, provided such signs do not exceed one sign per site. These signs shall not exceed an area of twelve (12) square feet for single family or duplex construction and thirty-two (32) square feet for multi-family or non-residential construction and are removed within seven (7) days of issuance of a Certificate of Occupancy.

**7.9.10 Agricultural Signs:**

- 1.** One (1) permanent free-standing or attached sign with an area no larger than sixteen (16) square feet per side, limited to two (2) sides (no size limit applies to “signs” painted

on a barn). Agricultural signs must comply with all other applicable standards specified in §7.9

2. Seasonal Agricultural Sign. One temporary free-standing or attached sign associated with a farm stand, seasonal farm stand, or agriculturally related use. Such signs shall not have an area larger than sixteen (16) square feet per side, with a maximum of two (2) sides.
3. One (1) seasonal agricultural sign per farm stand, seasonal farm stand, and/or agriculturally related use is allowed. One (1) additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm parcel is also allowed. At no time, however, shall any farm have more than six (6) seasonal agricultural signs.
4. Seasonal agricultural signs shall meet all other applicable standards specified in §7.9

**7.9.11 Temporary Signs:**

- A. Temporary signs differ from permanent signs with temporary or changeable messages.
- B. Temporary signs are allowed without a Sign Permit provided they meet the setback requirements for the district in which they are located and notification to the Land Use Office is given indicating location, number of signs, and posting and removal dates for the proposed temporary signs.
- C. Temporary Signs are allowed on a property to advertise a special event, each shall be no larger than eighteen (18) square feet. No more than two (2) temporary signs are permitted.

**D. Temporary Signs shall:**

1. be freestanding and not attached to trees, utility poles, municipal signposts, etc.;
2. be allowed three (3) weeks prior to the event they advertise and must be removed within one (1) week of the completion of the event; and
3. only advertise an event in the Town of Ledyard.

- E. **Off-Site Directional Signs:** Off-Site directional signs are allowed provided the nature and location of such signs do not interfere with required sightlines or pose any potential traffic hazard. The owner of the enterprise/activity for which the Sign is desired shall have permission of the property owner regarding sign location. Placing directional signs in town or state-owned rights of way is not allowed without the permission of the state or town as appropriate. Each sign shall not exceed two (2) square feet in area, whether wall mounted or freestanding.

- F. **Banner signs:** Banners approved by the Mayor and CONNDOT intended to provide notice of municipal events, elections, referendums, fairs, educational, athletic, or other civic events, may be located above roadways provided such banner(s):

1. Do not cause problems with sight lines or clearance, or cause other traffic hazards;
2. Do not exceed minimum and or maximum dimensions specified in state regulations;



3. Are securely attached to permanently installed Town owned poles that comply with design, material, location, installation, height, maintenance, and other applicable regulations; and
4. Are removed within one (1) week after conclusion of the event.

**7.9.12 Sign Standards for Specific Districts:** All permanent signs require a sign permit unless otherwise noted.

**A. Residential Districts (R-20, R-40, R-60 and MFDD Districts):**

1. Neighborhood entrance signs---Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted and do not exceed eighteen (18) square feet in area (per side if freestanding). Signs shall not be elevated more than one (1) foot from the grade level of the site. A neighborhood or named development may have a sign at each main road entrance, denoting only the name and/or address of the development. It shall be permanently affixed to the ground on private property with permission from the owner. Neighborhood entrance signs may be lighted only by a continuous white down light to reflect the light away from the adjoining property and away from the street(s).
2. Approved commercial uses, excluding home occupations, in a residential zone are permitted one (1) free standing sign. The freestanding sign shall not exceed eighteen (18) square feet, shall not be more than six (6) feet in height from grade, shall be setback a minimum of ten (10) feet from any property line and shall not require a minimum sight window, but shall not interfere with driver sight lines. Internal lighting and Electronic Message Center Signs (EMC) are prohibited.
3. All external lighting shall conform to §9.10.

**B. Non-Residential Districts (CM, NC, CIP and I Districts and LCDD, LCTD, GFDD, RCCD):**

**1. Kiosk-- Kiosks are permitted, as follows:**

- a. The upper sign board of the Kiosk bearing the name of the site, building or business complex shall not exceed thirty-two (32) square feet, and each business on the site, in the building or in the business complex may have one 1) lower sign board under the kiosk top board with a maximum of eight (8) square feet. The overall width of the upper signboard shall not exceed eight (8) feet.
- b. Kiosks shall be configured so that there is at least a four (4) foot sight window from grade level to the lowest signboard. The top edge of the Kiosk top signboard shall not exceed eighteen (18) feet from grade level.
- c. One (1) kiosk may be erected at each major entrance to the site if separated by a minimum of two hundred (200) feet, in which case they shall count as only one (1) sign.

2. **Freestanding Sign:** If a kiosk is not being used, one (1) free standing sign is permitted per property which has permitted commercial or industrial uses. Like Kiosks, freestanding signs shall have at least a four (4) foot sight window from

grade level to the lower edge. Maximum height is eighteen (18) feet. Maximum area is eighteen (18) square feet per face.

3. **Wall Mounted Sign**: One (1) wall mounted, single face sign per establishment shall not project more than fifteen (15) inches, and such sign may have a maximum square footage of 200 square feet provided that no such sign shall exceed one half (1/2) the length of the space occupied by the establishment
  - a. Any building with a major parking area located in the rear of the building may have a second wall sign also located in the rear of the building that is limited to twelve (12) square feet.

**7.9.13 In addition to the principal Kiosk or Freestanding sign, and a Wall Mounted Sign the following additional signs are permitted provided the total square footage of ALL additional signs does not exceed forty-eight (48) square feet.**

1. **Hanging Signs**: Each commercial use within a structure is permitted one hanging sign no larger than four (4) square feet in sign area (per face). Hanging signs shall protrude perpendicularly from the front of the building. No portion of any such sign shall interfere with pedestrian traffic.
2. **Awning signs**: A business may have awning signs less than ten (10) square feet in area when such awning is designed to be used for the walkway or main entrance of a business.
3. **Analog clocks, analog time and/or analog temperature displays**: Such signs may not exceed eighteen (18) square feet and shall have no advertising on the unit. The same setbacks and heights for signs in the district shall be observed and may use low power indirect illumination by down-lighting only.
4. **Digital electronic displays / Digital Electronic Message Centers (EMCs)**:
  - a. EMCs are signs that utilize computer generated messages or some other electronic means of changing copy. These signs include displays utilizing incandescent lamps, LEDs, or LCDs.
  - b. LED, plasma, neon, or flat screen electronic displays are permitted. Such signs may not exceed eighteen (18) square feet per side.
  - c. One (1) EMC sign is permitted as either the primary sign or as an additional permitted sign.
  - d. LED signs shall have a maximum pixel pitch of eight (8) mm.
  - e. Digital signs / EMCs shall display messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement. The use of animation, dissolve, fade, flashing, frame effects, scrolling and travel are prohibited.
  - f. EMCs shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the EMC according to the intensity of ambient light or be programmed to automatically dim to an acceptable level from one hour before dusk to one hour after dawn.

- g. EMC's shall not change from one message to another message more frequently than once every fifteen seconds.
  - h. EMC's shall be designed to freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.
5. **Portable signs and sandwich board Signs:** One (1) portable or sandwich board sign is permitted per business address per road frontage, during business hours only, not to exceed nine (9) square feet per side.
  6. **Window signs:** A business may have window signs permanently erected or maintained which are visible to any public street or highway. Any such sign shall not cover more than thirty-percent (30%) of the window in which it is placed and shall count toward the maximum additional signage permitted.
  7. **Service signs:** These are accessory signs incidental to a business, or a profession conducted on the premises indicating hours of operation, credit cards, variable pricing, business affiliations and the like, provided the total area of all such signs for a single business does not exceed eighteen (18) square feet. These signs do NOT count toward the maximum additional signage permitted.

## **7.10 STONE CRUSHING AND TEMPORARY (PORTABLE) SAWMILLS**

**7.10.1 To facilitate the clearing of land on** parcels that are actively being developed, temporary sawmills and stone crushing equipment may be utilized under the following conditions:

- A. A Zoning Permit shall be required for stone crushing activity or use of a portable sawmill and shall expire after six (6) months.
- ~~B.~~ Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.
- C. Hours of operation shall be between 8am and 5pm, Monday-Saturday (excluding Holidays).
- D. Operation shall be limited to cutting of trees that are grown on the site or the crushing of stone found on the property.
- E. The portable sawmill or rock crushing equipment shall not be located closer than one hundred (100) feet to any property line or five hundred (500) feet to the nearest residence.
- F. No later than sixty (60) days after the completion of work, the rock crushing equipment and sawmill shall be dismantled and removed from the site.

## CHAPTER 8: SUPPLEMENTAL REGULATIONS

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- 8.0 APPLICABILITY:** All structures and uses are required to conform with constraints imposed by the applicable regulations unique to each zone (see the Zoning District Map), plus the applicable constraints imposed by the Schedule of Permitted Uses, and Dimensional Requirements/Area and Bulk Schedule.

The following regulations are supplemental to many uses listed in the Schedule of Permitted and Specially Permitted Uses in Chapters 5 and 6 and for specific uses that may fall under a general use category but due to their nature, must satisfy additional criteria to protect the public health, public safety, public convenience, and/or property values.

**8.1 ACCESSORY APARTMENT (Effective 8/4/22)**

- A. General Requirements:** An accessory apartment is allowed as an accessory use to a legally existing, single-family residence on an approved single-family residential lot in any zone pursuant to these regulations and as required by C.G.S.A 8.2 (o).

The following requirements apply to all accessory apartments:

1. No more than one (1) accessory apartment is allowed per parcel.
2. No accessory apartment shall be approved as an accessory to a duplex residential or multi-family residential use.
3. The accessory apartment may be either attached or detached.
4. The net floor area of an attached or detached accessory apartment shall not exceed 30% of the net floor area of the primary residence (not including unfinished basements/attics, decks or detached accessory structures) with an overall maximum of 1,000 square feet. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.
5. If the accessory apartment is located entirely within a one-story detached garage, or within the second story of an attached or detached garage, the maximum size may be increased to 1,000 square feet in size regardless of the size of the principal residence. Maximum height shall be in accordance with the bulk table for a principal structure (80% size/ height rule does not apply to detached accessory apartments).
6. Recreational vehicles, travel trailers, manufactured or mobile manufactured homes, structures that previously operated as or were intended to be motor vehicles, and/or structures on wheels (i.e. Park Model Trailers; Tiny Homes) shall not be used as accessory apartments, except that manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards homes shall be permitted provided they comply with these and all applicable regulations (particularly those pertaining to location and size limits).
7. The accessory apartment shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).
8. A new driveway curb cut to serve the principal unit, or an accessory apartment shall not be permitted.
9. One (1) dedicated parking space shall be provided for the accessory apartment.
10. **An accessory apartment (and the utilities necessary to service it) shall meet all applicable health, building and fire code requirements.**

## **8.2 ACCESSORY STRUCTURES AND USES**

- A. Accessory buildings and structures with a floor space larger than fifty (50) square feet require a Zoning Permit.
- B. A building attached to a principal building by a covered passageway or having a wall or part of a wall in common with it, is an integral part of the principal building and not an accessory building.
- C. Accessory buildings and uses require a principal building or use on the same parcel, unless otherwise specified.
- D. Accessory structure building area is limited to eighty per-cent (80%) of the living area of the principal structure or building, and the maximum building height shall be 80% of the height of the principal structure. Accessory structures are subject to all other bulk requirements in the underlying zone including setbacks, and maximum lot coverage unless otherwise specified.

## **8.3 ADULT DAY CARE CENTER**

- A. Minimum lot size shall be two (2) acres.
- B. A single-family residence may coexist on the same lot or in the same building as the Adult Day Care Center.
- C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting. Circular driveways are permitted.

## **8.4 ASSISTED LIVING FACILITY**

- A. If the Assisted Living Facility is located in a residential zone, the minimum lot size shall be five (5) acres, the maximum building height shall be thirty-five (35) feet and the maximum lot coverage shall be thirty percent (30%) regardless of the Zone.
- B. Any Assisted Living Facility must have direct access to a collector or arterial street (See Road Ordinance 300-025 for list).
- C. Accessory uses and structures are permitted within the facility, such as recreation facilities, or personal and/or professional services for residents, or on the parcel provided all bulk requirements are met.

## **8.5 AGRICULTURE (FARM & FARMING)**

- A. **Purpose:** Preserving the Town's existing farms and encouraging new farming activities are strong goals of the Town. Ledyard's farms are central to the community's rural image and overall value by providing many obvious benefits such as providing tax revenue with little demand on Town services; providing wildlife habitats and tracts of open space, essential to maintaining the high quality of life enjoyed by Town residents; and by providing local produce, meat and dairy products year-round. *The purpose of these regulations is to clearly define agriculture and to promote the economic and operational viability of existing agricultural operations while facilitating and promoting new operations.*
- B. Agriculture is permitted in Residential and Non-residential Zoning Districts as a principal use or in addition to any existing permitted principal use.
- C. The Uses identified in §§8.5 G and H below are only permitted as accessory to a farm greater than five (5) acres that has been in operation of "farming" as defined under agriculture, for a

minimum of two (2) years prior to the application for such a use. At no time shall the permitted accessory use become the principal use of the property.

**D. The following activities/uses require a Zoning Permit and/or Commission Review:**

1. The establishment of a new agricultural principal use as defined in §2.2 (Established farms do not have to obtain a permit unless one of the situations listed in 8.5D(2-5) below apply.
2. The construction of any new structures on a property.
3. The establishment of new accessory uses, and activities specifically identified in §8.5 G and H.
4. The expansion or modification of an existing commercial farm/agricultural operation (such as the addition or expansion of a permitted accessory use specifically identified in §8.5 G and H and/or the construction of new structures, and/or new activity that would require and excavation permit per these regulations).
5. Any other use/activity specifically identified as requiring a permit.

**E. Application Requirements:**

1. For uses requiring either Staff or Commission review, in addition to the Site Plan and/or Plot Plan requirements per the respective check sheets in Appendix B or D, plans and supporting material for an accessory use and/or activity must address the following.
  - a. Plans must show the anticipated maximum parking and parking spaces necessary to safely accommodate all existing and proposed agricultural uses. Parking areas may be permeable or paved, and striped or not striped – but must have suitable all-weather surface and accessible by Emergency Vehicles..
  - b. On-street parking is not permitted. Accessible parking spaces and signage required in accordance ADA requirements.
  - c. If accessory uses are proposed, proof of adequate existing or planned sanitary facilities, subject to local health district approval, to support the maximum number of expected daily visitors. Sanitary facilities may include portable toilets (for large events or seasonal use).
  - d. A detailed plan for solid waste management based on the maximum number of expected visitors, must be provided.
  - e. Location of existing and/or proposed permanent outdoor stages, pavilions, and seating must be shown on the plan.
  - f. Signs shall be in accordance with §7.9.10.

**F. General Requirements:**

1. **Setbacks**: Building setbacks for the underlying zone are applicable, except where these regulations explicitly modify them.
2. **CT Public Health Code**: Nothing in this section diminishes the property owner's separate responsibility for addressing compliance with the keeping of livestock and storage and disposal of waste under the State of Connecticut Public Health Code.

**G. Farm Accessory Uses:** The following activities require a Zoning Permit and/or Commission review (as indicated). For activities that require Commission review, all site development standards in Chapter 9 and Site Plan standards per check sheet, and applicable requirements set forth in Chapter 11 apply.

1. **Agricultural Tourism:** A Site Plan review by the Commission shall be required when agricultural tourism is to be conducted on any parcel six (6) or more times in any calendar year, or when any agricultural tourism event may reasonably be expected to require parking on any single day for twenty (20) or more motor vehicles at a time, used by agricultural tourists. Otherwise, agricultural tourism requires only a Zoning Permit.
2. **Farm Accessory Dwelling Units:** A farm which contains an occupied primary residence and has ten (10) or more acres actively used for a farming may have an additional dwelling unit not to exceed 2,000 square feet and to be occupied by a full or part-time caretaker or seasonal workforce. The unit shall be occupied only by individuals responsible for caretaking of the farming activities on the parcel and not involved in caretaking of the primary residence or its occupants. This second dwelling unit may be in addition to an accessory apartment in conformance with §8.1.
3. **Farm Breweries** require a Special Permit/Site Plan review by the Commission. A Farm Brewery shall be considered accessory to an established agricultural operation if the farmer makes and sells beer from ingredients primarily grown on the farm. A Farm Brewery is permitted wherever agriculture is permitted [Note: A “Brew Pub” would fall under Hospitality Uses, permitted in nonresidential Zones per §6.4. In addition to the requirements of Site Plan approval, the following additional regulations shall apply.
  - a. The brewery shall be considered a “Pilot” or “Nano” brewery if it has production capabilities of no more than 15,000 barrels a year. However, in the Industrial (I) or Commercial Industrial Park (CIP) Zoning District, the manufacturing of greater quantities of beer and full-scale distribution operations may also be permitted as part of Site Plan approval.
  - b. The brewery must be clearly subordinate to a primary residence that is owner occupied (or that houses a full-time caretaker/manager)
  - c. **Minimum lot size required:** Ten (10) acres
4. **Farm Winery:** A farm winery is a farm that holds a CT State farm winery manufacturers permit, as defined in CGS 30-16. The land is used for growing, bottling and the production of wine and wine products and include activities such as: retail sale of wine, beer, Connecticut Craft Beverages and a tasting room. A farm winery requires a Site Plan review by the Commission and would require separate permitting for any additional accessory uses as defined in 8.5.G or H. See § 8.5 H(1-3) if events are planned.
  - A. **Minimum lot size required:** Five (5) acres (Ten (10) acres if large-scaled events are planned).
5. **Farm Stand:**
  1. Purpose: To allow the sale of agricultural and farm products grown on the farm where the Farm Stand is located or that is grown on other local farms.
  2. Farm Stands are permitted in all districts with the following provisions:



- a. Farm Stands greater than fifty (50) square feet require a Zoning Permit only and shall not exceed a gross floor area of 200 square feet.
  - b. Farm stands shall be on private property setback at least ten (10) feet from the paved roadway surface, not in a right-of-way, and at least fifty (50) feet from any intersection.
6. **Farm Stores** greater than 1,000 square feet require a Commission approval , otherwise only a Zoning Permit is required.

#### **H. Non-agriculturally Related Accessory Uses:**

1. **Recreational Uses:** Activities that are part of an agricultural operation’s overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, outdoor recreation such as bird watching, snow-shoeing, and other passive recreational activities open to the public. A Site Plan review by the Commission shall be required when such uses may reasonably be expected to require parking for thirty (30) or more motor vehicles used by visitors to the farm. Otherwise, such uses require only a Zoning Permit.
  2. **Small Events Venue** for uses such as, but not limited to, retreats, workshops, classes (i.e. yoga, karate, etc.) are permitted, but no outdoor amplified music is permitted and the events shall be limited to less than thirty (30) motor vehicles. (**Note:** Small speakers, home stereos, etc. are not considered “amplified music”)
- Parking areas and any outdoor event space should be appropriately screened so as to mitigate headlight glare/light trespass onto abutting residentially zoned properties or existing residences.
- In all residential zones, Small Event Venues must be set back a minimum of 50ft from all property lines that directly abut a residentially zoned parcel or existing residence.
3. **Large-scale Events Venue** for large-scale events, such as but not limited to, weddings, catered events, parties, seasonal festivals, etc.; any events in which the use of outdoor amplified music is planned or anticipated; and any events where greater than thirty (30) motor vehicles are expected require a Special Permit/Site Plan review by the Commission.

#### **Minimum Lot Size required: Ten (10) acres**

- a. **Special Permit Standards:** Special Permit Standards for Large Events Venues: In order to satisfy the conditions of a Special Permit, the following criteria apply:
  - i. **Noise:** The Commission may limit the number of events per year and/or prohibit the use or the locations of amplified music outdoors.
  - ii. Wine tastings, weddings, catered events, meetings, conferences, parties, and workshops shall end not later than 11:00 PM.
  - iii. Music and amplified sounds for events shall be limited to three (3) days per week, shall not be allowed after 11:00 PM, and shall comply with C.G.S. § 22a-69 as amended, and all DEEP regulations promulgated from such. (**Note:** Small speakers, home stereos, etc. are not considered “amplified music”)

- iv. **Screening**: Parking areas and any outdoor event space should be appropriately screened so as to mitigate headlight glare/light trespass onto abutting residentially zoned properties or existing residences.
- v. In all residential zones, the Commission may require setback distances **up to** 100ft between indoor and outdoor event venues/space and property lines that directly abut a residentially zoned parcel or existing residence.
- vi. Provide, and regularly update, the proposed months, days, and hours of operation.
- vii. The location of outdoor events and activities associated with Agritourism on the farm shall take into consideration the current use of surrounding properties. The Commission may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties for activities requiring a Special Permit as provided above.
- viii. Exterior lighting for walkways and parking areas if any. All lighting shall be full cutoff lights or other acceptable form of lighting in conformance with the lighting standards in §9.10.

4. **Food trucks**: Food trucks are permitted as an accessory use to a working farm and only require a Zoning Permit, with a plot plan showing adequate parking for the food truck use in addition to parking required for other uses on the farm.

I. **Signage**: See §7.9 of these Regulations

8.5.1 **Keeping of Animals- Home Husbandry**:

- A. **Purpose**: This section is intended to promote, protect, and encourage keeping animals for personal and/or educational, non-commercial private home use in an appropriate and responsible manner within the Town. The keeping of animals, subject to the following limitations, is permitted as accessory to a legally existing, single-family residence in any Zoning Districts *regardless of farm status*.

- 1. No person shall keep or maintain livestock and/or poultry in any District on a property that is not a working farms greater than five (5) acres without first obtaining a Site Plan or Zoning Permit as further indicated herein. **Note**: there is no limit on the number of animals that may be kept on a workingfarms having five (5) acres or more, provided all other applicable provisions of these Regulations are met.
- 2. For lots less than 40,000 square feet in size, the keeping of six (6) or fewer small animals as defined herein, or eight (8) or fewer poultry with no roosters may be permitted after the issuance of a Zoning Permit issued by the Zoning Official.
- 3. Livestock and/or poultry kept on Residential properties that are not working farms, shall be owned by residents or owners of the premises on which they are kept.

- B. **Additional Permit requirements**: The ZEO shall inspect the premises before issuing a permit to ensure that the land is capable of livestock and/or poultry keeping in accordance with the requirements of this Section. The ZEO may consult with any agency as it deems appropriate for assistance in application review and property inspection.

C. **Definitions**:

1. Large Animals include but are not limited to horses, ponies, donkies, cows, bison, and/or other similar animals whose mature weight exceed 400 pounds. Pigs shall be considered large animals regardless of their mature weight.
2. Medium Animals include but are not limited to sheep, goats, miniature horses, and/or animals whose mature weight is between thirty (30) and 400 pounds.
3. Small Animals include but are not limited to fowl and/or animals whose mature weight is less than thirty (30) pounds

**D. Number of Animals permitted:**

1. The keeping of any one (1) large animal or three (3) of any medium animals (other than domestic cats or dogs) as defined in Subsection 2a and 2b above or the keeping of a flock of more than eight (8) in the aggregate of any fowl, or eight (8) in the aggregate of any other small animal (other than domestic cats or dogs) as defined in Subsection 2c above, whose mature weight is less than thirty (30) pounds, shall require a parcel of land with a minimum contiguous buildable area no less than 40,000 square feet.
2. For each one (1) additional large animal OR three (3) additional medium animals, OR for each additional flock of fowl or group of eight (8) small animals, the parcel must contain an additional 20,000 square feet of contiguous buildable area. Limits do not apply to un-weaned animals less than six months in age.
3. A flock of six (6) or fewer fowl or a group of any six (6) or fewer small animals, as defined in Subsection 2c above, may be kept on lots having less than 40,000 square feet of contiguous buildable area, except that no roosters shall be permitted and provided all applicable provisions of these regulations are met.
4. There is no limit on the number of animals that may be kept on working farms having five (5) acres or more, provided all other applicable provisions of these Regulations are met.

**E. Confinement – Keeping Area Requirements:**

1. All animals shall be suitably and adequately confined or controlled at all times. An appropriate shelter shall be provided for the keeping of livestock and/or poultry.
2. All shelter areas regardless of animal size shall be located on well-drained soils.
3. Setback distances between any shelter housing livestock and/or poultry shall be a minimum of seventy-five (75) feet from any well located on applicant property and abutting properties and fifty (50) feet from any residence on abutting properties. Setback distances for outdoor paddock/keeping area shall be a minimum of twenty (20) feet from property lines where property abuts any residentially zoned parcel or parcel with an existing residential use (Applicable to new permits for the Keeping of Animals only).
4. The living quarters of the livestock and/or poultry and the handling and disposal of solid and liquid wastes shall not create a public health hazard or have an adverse effect on the environmental quality of the surrounding area. An appropriate fly and rodent proof container or structure for manure and bedding waste storage shall be provided and maintained to prevent run-off to adjacent lots or to watercourses.
5. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not be allowed to pollute surface or subsurface water supplies.

6. Animal-keeping areas shall not be permitted directly over land containing an onsite sewage disposal system. No keeping area permitted in wetlands. Keeping areas for any animal will be evaluated for compliance with best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance.

**F. Animal Waste- Storage and Disposal Best Management Practices:**

1. The keeping of animals and fowl and all plans for the storage and disposal of their associated wastes, shall conform to all applicable local, state and federal health, air and water pollution regulations (Note: these may be available through the U.S. Department of Agriculture, Natural Resources Conservation Service, or the UCONN Cooperative Extension Service).
2. No persistent, offensive odors shall be detected off the premises.
3. No condition shall be created that will adversely affect the performance of sewage disposal systems or water supplies located on the property or adjacent properties.
4. **Enforcement:** The ZEO shall have the power to determine Best Management Practices after consulting with appropriate State and/or Local Agencies.

**G. Additional Plan Requirements:** Applications that involve Home Husbandry shall provide the following information in addition to information required per the Site Plan or the Plot Plan Check Sheets in Appendix B & D as applicable.

1. The amount of contiguous area available to keep the livestock and/or poultry.
2. Location, type and size of fences, waste storage area and shelters to be used
3. Distances from fences and shelters to property lines, streets, houses on abutting properties, and wells on applicant and abutting properties.
4. Location of septic system.
5. The total number, size and type of animal(s) to be kept.

**8.6 BED AND BREAKFAST (ACCESSORY USE)**

- A. Purpose:** To allow for the offering of overnight accommodations and meals to travelers for a fee where an existing home has unique structural or site characteristics which lend themselves to a Bed and Breakfast-type setting. It is the intent of this Section to ensure that Bed and Breakfast operations do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or real value of surrounding properties.
- B. Requirements:** In addition to the Site Plan requirements and Site Development Standards, the following additional criteria apply:
1. The lot on which the Bed and Breakfast is located shall consist of a minimum of three (3) acres.
  2. Bed and Breakfasts shall be owner-operated, and the Bed and Breakfast establishment shall be the principal residence of the owner. The applicant shall be the owner at the time of application.
  3. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.

4. The proprietor may serve meals to guests only. A public dining room and/or bar is prohibited. Small special events are permitted only for the guests staying at the B&B
5. A maximum of five (5) guest rooms will be allowed.
6. Maximum length of stay per guest is twenty-one (21) days.

## **8.7 CAMPGROUNDS**

### **A. Recreational Campgrounds shall conform to the following General Criteria:**

1. A responsible attendant or caretaker shall be in charge at all times to keep the recreational campground, including facilities and equipment in a clean, orderly, and sanitary condition.
2. The campground shall be located on a well-drained site that is properly graded to ensure drainage and freedom from stagnant pools of water.
3. Each recreational vehicle space shall be at least 1,000 square feet and the total number of spaces shall not exceed fifteen (15) per acre of campground.
4. No campground shall be permitted on a site of less than twenty-five (25) acres.
5. All utilities shall be underground (applies to new installation).
6. There shall be a fence inside the property line between the campground and any public highway or street.
7. A recreational campground may conduct business and accommodate tents and currently registered travel, recreational camping equipment, and vehicles from April 1st to November 1st.
8. From November 1st to April 1<sup>st</sup>, campgrounds may store currently registered unoccupied travel, recreational camping equipment, and vehicles accessible by emergency vehicles during the off-season winter months. Such equipment and vehicles shall not be connected to campground utility services.
9. No campground may accommodate or rent space to any person or group of persons for more than 179 total days per year.

### **B. Parking and Access:**

1. Parking shall not be permitted on roadways or driveway, which shall be kept open for emergency use by the fire department or ambulance.
2. Off-street parking space shall be provided for visitors and employees per §9.4 of these regulations.
3. All recreational vehicle spaces shall abut upon a driveway not less than twelve (12) feet wide for one-way traffic or less than twenty-four (24) feet wide for two-way traffic.

### **C. Buffer Requirements:**

1. There shall be a minimum fifty (50) foot buffer strip between the recreational campground and property boundary. The strip shall contain a screen of existing dense vegetation, shrubbery or trees not less than four (4) feet above the ground level at the time of occupancy and shall thereafter be suitably and neatly maintained. The screen shall consist of at least fifty (50) percent of evergreens to maintain a dense screen at all seasons of the year.

2. No space shall be closer than one hundred (100) feet to any existing off-site residence.

**D. Recreational Space** shall be provided in accordance with the following standards:

1. A minimum of five hundred (500) square feet per recreational vehicle space shall be developed for recreational or playground uses.
2. Playgrounds shall be protected from main highways and parking areas.
3. Recreational facilities shall be designed and maintained to promote maximum safety for the users, adjacent property owners, and the public.

**E. Recreational campgrounds shall provide the following supporting facilities:**

1. Sanitary facilities, consisting of flush toilets, lavatories, and showers with hot and cold running water shall be provided at all recreational campgrounds.
2. Each recreational campground shall have a lobby or office with a registration clerk.
3. Campgrounds shall provide facilities for the dumping and disposal of wastes from holding tanks.

**F. Additional Permitted Uses:**

1. A recreational campground may maintain a store and coin-operated laundry as an accessory use for the convenience of its campers.
2. A recreational campground may include a single-family residence for the caretaker of the campground.
3. A recreational campground may provide entertainment facilities, including but not limited to, pavilions, pole barns, stages, small sport facilities, piers, boating rentals, and similar accessory structures and uses.

**8.8 CHILD DAY CARE CENTER**

- A. Minimum lot size shall be two (2) acres.
- B. A single-family residence may coexist on the same lot or in the same building as the day care/nursery school.
- C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting.
- D. A minimum twenty-five (25) foot buffer area must be established around the perimeter of the lot.
- E. No building, parking lot, driveway (except for the entrance of the driveway onto the street), play area, or any other use is permitted in this buffer area.

**8.9 COMMERCIAL CARETAKER APARTMENT, ACCESSORY**

- A. One (1) dwelling unit may be permitted as an accessory use, either attached to or detached from the permitted, non-residential principal use.
- B. **General provisions:**
  1. Only one accessory Commercial Caretaker apartment shall be allowed on property.
  2. The occupant must be employed as an overseer or caretaker (i.e., manager, groundskeeper, or security guard) by the permitted non-residential principal use.

3. Accessory structures (e.g., sheds, carports, etc.) to the Commercial Caretaker accessory apartment are prohibited.
4. Dedicated parking shall be provided for a Commercial Caretaker Accessory Apartment in addition to those required for the principal non-residential use.

#### **8.10 COMMERCIAL SERVICES**

- A. Commercial services may be provided either on the customer's site (e.g., landscaping, construction, excavation, custom building, painting, and plumbing) or on the provider's site (e.g., copy shops, self-service laundry, photo processing, appliance repair, pet grooming/training, and package and postal services).
- B. Commercial vehicles associated with any commercial service and stored on the property must be registered and operational (see additional regulations in §8.17 if associated with a Home Occupation).
- C. The location for any areas to be used for outdoor storage of material, vehicles, and equipment associated with the Commercial Service shall be approved by the Commission and clearly designated on the approved Site Plan. The outdoor merchandise is not permitted.
- D. No material, vehicles, and equipment associated with the Commercial Service shall be allowed in areas required for parking.
- E. No material shall be stacked higher than six (6) feet from the ground.
- F. There shall be no additional outdoor storage of any kind other than what has been approved. The Commission may require additional landscaped buffering around approved outdoor storage areas if located adjacent to residential properties and/or zoning districts.

#### **8.11 COUNTRY INN**

- A. **Purpose:** To allow for the offering of overnight accommodations and meals, and to provide a venue for corporate meetings, retreats, and social events, in homes and buildings that have unique structural and site characteristics including the use of properties containing historic structures or within historic districts, and do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or property values of surrounding properties. In addition, the following shall be considered:
- B. **General Requirements:** In addition to the Site Plan Requirements and Site Development Standards, the following additional criteria apply:
  1. The parcel or lot on which the Country Inn is located shall consist of a minimum of five (5) acres. A maximum of thirty-two (32) overnight guests will be allowed housed in either the principal structure or within both the principal structure and any additional structures that contain only guest bedrooms. Indoor dining facilities seating capacity shall be limited to a maximum of sixty-four (64) seats. Maximum length of stay per guest is twenty-one (21) continuous days.
  2. Country Inns must be either owner-operated and the principal residence of the owner-operator, or the principal residence of a full-time resident manager/innkeeper who is employed by and authorized to act as the agent of the owner.

3. The Country Inn shall be located on an arterial or collector road as designated by the Planning & Zoning Commission, as incremental increases in traffic due to the operation are easily absorbed on these roads and will not be likely used by children at play.
4. The Country Inn may include a restaurant operated under an independent name that is open to the public.
  - a. If located in a residential district, no additional patrons will be seated after 10PM and alcohol bar service will be limited to a service bar with no bar seating.
5. **Adaptive reuse of properties** containing historic structures or within historic districts is encouraged. Historic structures are those recognized by the town or the state (evidenced by a listing in the Historic Resources Inventory filed with the Connecticut Historical Commission) and/or listing on the National Register of Historic Places.

#### **8.12 DRIVE-THROUGH WINDOW**

- A. The purpose of this section is to promote good access management by regulating the location and design of drive-through windows. The requirements for drive-through windows are as follows.
- B. Off-street stacking for waiting automobiles between the drive-through entrance and drive-through windows (“dedicated stacking lane”) shall be provided based on the following ratios:
  1. fast food/drive-through restaurant with drive-through service window: ten (10) stacking spaces;
  2. drive-through financial institutions/drive-through ATM: eight (8) stacking spaces; four (4) stacking spaces per service window if more than one (1) service window is provided;
  3. pharmacies: four (4) stacking spaces; and
  4. all other drive-through service windows shall have a minimum of four (4) stacking spaces per window.
- C. Stacking provision shall also be made for at least one (1) exiting automobile between the service window and the drive-through exit. Such stacking space shall be no less than twenty (20) feet long and no less than ten (10) feet wide (twelve (12) feet wide if adjacent to building) and shall be designed not to interrupt the smooth flow of traffic within the subject site.
  1. Dedicated stacking lanes shall be provided separately from any other drive aisle.
  2. All potential conflict between pedestrian traffic and stacking lanes shall be minimized through the use of pavement markings and signage and may include internal walkways and speed bumps in stacking lanes.
- D. The minimum distance between the street and the drive-through entrance, and the distance between the drive-through exit and the street line, shall be equal to or greater than the minimum setback required for the zone.
- E. No exit or entrance for such facilities shall be within 100 feet of an intersection.

#### **8.13 DWELLINGS, MULTI-FAMILY (SEE RESIDENCE, MULTI-FAMILY**

#### **8.14 DWELLING, SINGLE-FAMILY (SEE RESIDENCE, SINGLE-FAMILY)**



**8.15 DWELLING – TWO-FAMILY (DUPLEX) (SEE RESIDENCE, TWO-FAMILY)**

**8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)**

- A. Filling, excavating, or the relocation of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by Special Permit and requires a Plan of Operation.
- B. Filling, excavating, or the relocation of less than 300 cubic yards (per calendar year) of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by a Zoning Permit issued by the Zoning Official (except if part of an approved construction site of a permitted building, part of a farming operation, or is an exempt activity as permitted by these regulations.)
- C. The sale, destination, or ultimate use of the removed topsoil, sand, gravel, clay, stone, or other materials does not determine whether a Zoning Permit or Special Permit is required.
- D. The purpose of these regulations is to insure the following:
  - 1. the landscape is not needlessly marred during and after operations;
  - 2. the work will not be a source of dust, pollution, and/or siltation;
  - 3. the site will not be generally characterized by unsightliness as evidenced by open pits, rubble or other indications of completed digging operations which would have a deteriorating influence on nearby property values; and
  - 4. the site will have future usefulness when the operation is complete.
- E. **Exception:** Provided the purpose stated above is satisfied, a permit is not required if the removal is associated with:
  - 1. construction or grading activity associated with an approved Site Plan for which a Zoning and/or Building Permit has been issued;
  - 2. maintenance or operation associated with a farm or farming activity provided the topsoil, subsoil, sand, gravel, clay, stone or other materials from the operation are stockpiled for the farm's future use and not sold or brought off site; or
  - 3. road construction where no additional permits or approvals are necessary from the Zoning Official.
- F. Any removal of topsoil, sand, gravel, stone or other materials occurring beyond the stated extent of an existing operation shall be considered a new operation requiring a permit and subject to conditions contained herein.
- G. **Bond:** Before a permit is granted to an applicant starting an operation regulated by Special Permit under this Section, the applicant shall post a bond to the Town of Ledyard in an amount and form approved by the Commission to guarantee that the premises shall be excavated, graded and landscaped in conformance with the approved Plan of Operation.
- H. Deviation from the approved Plan of Operation, without the Zoning Official's, or Commission's approval, shall be a violation of these regulations.
- I. The use of explosive devices and rock crushing equipment may be limited as a condition of the permit.
- J. The Commission may impose hours and days of operation as conditions of the permit.

- K. A permit for the removal of topsoil, sand, gravel, clay, stone or other materials shall expire after three (3) years. The Zoning Office may, but is under no obligation, to provide a reminder notice regarding an expiring permit for soil, gravel, and stone removal.
- L. A renewal permit can be granted for three (3) years during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.

**M. The applicant for a permit shall:**

1. Provide a completed application form indicating the nature and extent of the operation, the proposed land use with supporting data, a Site Plan in conformance with applicable criteria per Check Sheet in Appendix B (note, not all may apply), a plan for sediment and erosion control, and a Plan of Operations including a closure plan prepared and approved by a licensed Professional Engineer showing how the entire site will be closed/restored upon completion of the excavation. For phased operations, no permit shall be issued for a subsequent phase until the prior phase has been completed and a report provided by a licensed Professional Engineer.
2. Applications that involve filling, excavating or relocation of topsoil, sand, gravel, clay, stone or other minerals shall also contain:
  - a. Applicable Site Plan information per check sheet
  - b. The proposed truck access to the excavation.
  - c. The hours of operation.
  - d. The machinery to be used on site.
  - e. The type of buildings or structures to be constructed on site.
  - f. Location of existing structures on the subject parcel and adjacent properties, including information regarding depth to the ground water table and a log of soil borings taken to the depth of the proposed excavation.
  - g. details for final grading and landscaping after completion of operations, and proper drainage of the area of the operation during and after completion of the work.
3. Applicant shall sign a document provided by the Zoning Official to certify that the excavation/Filling Operation will be conducted in conformance with these regulations, the approved Plan of Operations, and the plan for sediment and erosion control.
4. For a permit renewal application, the applicant shall provide a report on the excavation operation prepared by a licensed Professional Engineer, which shall attest that the excavation, as completed to date, conforms to the approved Plan of Operation.

**N. Operations:**

1. The gravel bank floor area shall be graded not less than one percent (1%) or more than four percent (4%) to provide for surface drainage.
2. A twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inch crushed stone shall be installed prior to the start of operations.
3. For Excavations involving Special Permit approval, no removal shall take place within twenty-five (25) feet of a property line, nor within fifty (50) feet of a highway property line: such distances to be measured from the top of the bank. If removal area is within sight of a Town/State Road, the Commission may require additional screening as part of a Special Permit approval. The Commission may require a similar screening if isolation

of adjacent property is deemed necessary. No operation shall take place closer than fifty (50) feet from any wetlands, watercourse or waterbody.

4. Upon completion of operations, no bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance. The disturbed area shall be covered with a minimum of four (4) inches of topsoil and graded. On completion of grading, the area will be limed, fertilized, and seeded in accordance with the approved Plan. The site shall be maintained until the area is stabilized;
5. The active gravel removal area shall not exceed a total of ten (10) acres at any time.
6. Temporary seeding, used to control erosion, is permitted during the time that the operation is being completed.
7. All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in site restoration.
8. Any surface water flowing from the excavated area shall flow through appropriate sediment control devices before leaving the site.
9. If excavation has occurred below the seasonal high-water table, the pond banks should be no steeper than a two to one ratio (2:1).

#### **8.17 HOME OCCUPATION (ACCESSORY USE)**

- A. **Applicability:** Home Occupations are permitted as an accessory use to all legally existing single-family residences.
- B. **Definition:** Home occupations are defined as the use of a portion of a residence or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling.
- C. **General Provisions:**
  1. Activity associated with the home occupation shall not result in conditions or impacts inconsistent with, or detrimental to the residential character of, the premises and the neighborhood.
    - a. The proposed Home Occupation must be a use that is specifically permitted in the Town of Ledyard (as in, contained within the Table of Uses in Chapters 5 and/or 6) except that there shall be no industrial uses permitted as a home Occupation. Uses such as hospitality, funeral homes, commercial kennels, and animal hospitals are also not considered incidental and accessory to a residential use and shall not be deemed a home occupation.
    - b. Semi-trailers and special handling equipment typically associated with commercial services, are not permitted at the residence.
    - c. The boarding, breeding, grooming, whelping, raising, and/or training of puppies and dogs for show, sport, or sale changes the character of the property and is not permitted as a home occupation.
    - d. No Zoning Permit Required for a simple home office where there is occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-resident employee(s) and no patron, client, or associate visits to the business, and in either case meets the following:

- No business is conducted on the premises except by computer, mail, telephone or future communication technology;
  - No external evidence of the business is visible;
  - No business signs are erected; and
  - No pedestrian or vehicular traffic is generated by the business.
2. The owner of the property shall actively participate in the conduct of the home occupation.
  3. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line.
  4. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use.
  5. No more than one (1) non-resident shall be engaged in the activity (or parked) at the site. Additional employees are permitted but shall provide their services remote from the residence and shall not park on or about the premises. (No mustering of employees permitted on-site).
  6. Waste materials generated by the home occupation shall be limited to a type and quantity that do not require collection service, handling procedures, or disposal locations that differ from what would otherwise be required for a single-family residence if there was no home occupation. Medical and hazardous waste is not permitted. Dumpsters are not permitted.
  7. There shall be no exterior indication of the home occupation, other than a sign that does not exceed two (2) square feet in size identifying the name of the business. Personal vehicles not associated with the business shall not contain any signage, and there shall be no outdoor storage of small equipment, parts or any other material related to the home occupation.
  8. Home occupations are subject to inspection, with a minimum of twenty-four (24) hour notice, by the Zoning Official to determine compliance with these regulations.
  9. No more than twenty-five percent (25%) the gross floor space of all inside heated areas of the principal residence or garage/out building shall be used for a home occupation, except those vehicles and equipment associated with the permitted home occupation may be parked or stored within the garage or a completely enclosed permanent accessory structure. "Waiting rooms" or "lobby" areas, used to seat customers, clients, and vendors of the home occupation, shall count towards the space limit of the home occupation.
  10. All visiting customers, clients, vendors, and delivery trucks shall not exceed a combined total of five (5) vehicular visits per day. On site group promotion, training, and teaching is permitted provided the total of the number of customers, clients, and students that come to the residential location of the home occupation shall not exceed a total of twenty-five (25) in any consecutive five (5) day period.

**D. For Home Occupations involving Off-site Commercial Services (e.g., Landscaping, Contractors, Oil Delivery, etc.)** a Special Permit is required and, in addition to the General Provisions 1-9 above, the following additional provisions apply:

1. No more than four trips shall be generated per day from the site.

2. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.
3. All vehicles and equipment, regardless of gross vehicle weight shall be registered and operational and shall be stored out of sight from all property lines. Size restrictions for all accessory structures as set forth in § 8.2 apply.
4. Commercial Services Home Occupations shall not be permitted on a parcel with a shared driveway.
5. As part of the Special Permit approval, the Commission may impose additional restrictions on hours of operation, require additional buffering, and/or require that all vehicles and equipment be stored inside a building.

**E. For any Home Occupation accessory to a legally existing Single-family Residence in a non-residential zone, a Site Plan or Special Permit (if Commercial Service) shall be required.**

1. **Purpose:** The purpose of this section is to acknowledge the existence of several single-family residences within non-residential zones and allow for an intensification of a traditional home occupation use on these parcels as a way of slowly transitioning the parcel to a conforming commercial principal use or allowing the owner to “try out” a business in that location without losing the single-family residential designation..
2. **The following exceptions to the provisions contained in this §8.17 apply:**
  - a. A detached structure *that complies with the height and size limits for accessory structures* may be used entirely for the home occupation use (§8.17C (9) does not apply). If a detached structure is used, the principal use of the property will not be considered a “mixed-use” development per §8.22. The non-conforming residential principal use of the parcel shall remain until a formal change of use application is submitted to change the SFR to a permitted non-residential principal use (which could include mixed-use residential/commercial).
  - b. The square-footage of the sign identifying the name of the business may be increased to sixteen (16) square feet. Signage may not be internally lit. An additional wall sign not to exceed twenty-four (24) square feet may also be placed on any detached accessory structure being used for the Home Occupation.
  - c. The detached building may utilize its own access drive in conformance with §9.5 or standard driveway standards as appropriate.
  - d. All vehicles and equipment shall be stored out of sight from abutting residentially used parcels, but may be visible from the street provided that buffering conforms to all property lines

**F. In addition to the submission requirements for the Zoning Permit, Site Plan or Special Permit (as applicable), the application for any type of Home Occupation shall also include:**

1. A certification by its Owner to the Zoning Official that the home occupation will be conducted in conformance with the “conditions of approval and required conduct” as listed in these regulations,
2. A certification by the owner of the proposed home occupation to the Zoning Official that they are (a) a *domiciled* lawful resident of the single-family residence or (b) an owner of the single-family residence, and (c) residing in the residence where the home occupation will be conducted, and (d) will actively participate in the conduct of the home occupation.

3. If the owner of the proposed home occupation is not an owner of the single-family residence, they shall provide a copy of their lease attached to the application that clearly shows they have authorization from the owner of the single-family residence to conduct the proposed home occupation.
4. Payment of the home occupation permit fee.

**8.18 HOSPITAL AND EMERGENCY MEDICAL FACILITIES**

- A. All ingress and egress from the facility shall have frontage and direct access to a state or town-owned Road.
- B. Where any off-street parking, ambulance, or delivery areas that abut any residential district, screening shall be provided as per §9.3D.

**8.19 HOTEL**

- A. These Regulations are intended to establish large, high-quality, temporary accommodations for the traveling public that are located and operated to minimize their impact on local traffic, the environment, and community services and utilities; and to ensure that surrounding property values are maintained. The nature of activities associated with hotels such as the accommodation of large numbers of guests for sleeping, eating, and entertainment; and their frequent late arrival and early departure dictates that requirements be imposed to ensure that guests' needs, safety, and welfare are met and that the impact of the activities on surrounding properties is minimized.
- B. **General Requirements:** Hotel use shall be subject to the following standards:
  1. the minimum number of units in any hotel shall eighty (80); and
  2. no structures or parking shall be located within the required side or required rear setback areas; and required side and rear setback areas shall contain only landscaping, required buffers, permitted signs, driveways, and sidewalks.
- C. **Occupancy:** The duration of stay of any guest in a hotel shall be not more than thirty (30) consecutive days. In no case shall a hotel unit be used as a permanent residence.
- D. **Accessory Uses:** If a site is used for a hotel, the site and all structures on the site shall be limited to accessory uses incidental to the operation of the hotel. All accessory uses for the hotel shall be planned as an integral part of and shall be located on the same site as the proposed hotel. Such accessory uses shall be limited to the following:
  1. one (1) apartment with kitchen facilities to be used by the hotel manager or caretaker;
  2. restaurants with or without a full-service bar and other hospitality uses for serving hotel guests and the general public;
  3. theaters, auditoriums, convention centers, ballrooms, exhibition halls, conference suites, or other similar facilities serving hotel guests and the general public;
  4. recreation and health facilities for use by hotel guests and limited public with a membership;
  5. supportive retail shops and service establishments secondary to the principal hotel use;
  6. an outdoor patio, terrace, veranda, gallery, portico, or similar structure for leisure use by patrons for entertainment and the consumption of food or drink;

7. a lobby or lobbies, registration desk, manager's office, and public or patron accommodation facilities; and
  8. off-street parking lot or parking garage for the use of hotel guests, patrons, and employees.
- E. **Accessory Use Access:** All normal access to hotel accessory uses, except recreation and banquet facilities, shall be from within the hotel through a lobby or foyer.

## 8.20 **KENNEL, COMMERCIAL**

- A. **Purpose:** To allow for kennels where they will not be a nuisance or a risk to public safety, health, convenience, or detrimental to nearby property values.
- B. Kennels, as defined in these zoning regulations, shall comply with the provisions of CGS §22-344 as amended, and the following regulations:
1. The Minimum Lot Area shall be ten (10) acres.
  2. Open exercise areas and buildings containing animals shall be a minimum of one hundred (100) feet from any property line.
  3. Kennel areas shall be designed to minimize the visual impact from abutting properties. Landscaping and/or fences or walls shall comply with all applicable provisions of §9.3 and shall be so designed as to provide an all-season visual buffer a minimum of twenty-five (25) feet wide between the kennel area and any incompatible use of adjacent properties.
- C. **Best Management Practices:** The applicant shall provide plans describing the design, installation, and maintenance of a system that will collect, store, and subsequently dispose of any animal wastes generated on site.

## 8.21 **MEMBERSHIP CLUB**

8.21.1 **Membership Club (Firearms)**: This Section deals with membership clubs that focus on sporting activities and allow the use or handling of firearms on the premises in connection with such activities.

A. **General Provisions:**

1. The membership club must be a registered or incorporated non-profit establishment (under CGS §501(c) (7)).
2. The minimum acreage required for a membership club (firearms) shall be 100 acres and requires a Special Permit.
3. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.
4. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of, the membership club; except that overnight camping may be permitted for members.
5. Food service may be provided to members and their guests. Alcoholic beverages may not be *sold* for consumption on the premises.

**B. Accessory Uses:** Accessory uses to a membership club (firearms) include, but are not limited to, the following:

- a. hunting;
- b. fishing;
- c. overnight camping (e.g., tent camping);
- d. hiking and nature walks;
- e. keeping of game birds;
- f. organized shooting and archery competitions;
- g. safety courses and training events;
- h. special events such as club dinners, holiday parties, fundraisers, and field day events that may include basic food service; and/or
- i. gun ranges, provided the club submits satisfactory evidence to the Commission that such ranges may be used safely and that sufficient measures will be used to protect all nearby properties from danger and harm.

**8.21.2 Membership Club (No-Firearms)** This section deals with membership clubs other than those described in §8.21.1 (i.e. Elks Club, VFW).

**A. General Provisions:**

1. The minimum acreage required for a membership club (no-firearms) shall be that of the underlying zone.
2. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.
3. Except for living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with or located on the property of the membership club (no-firearms).
4. Food service may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises is permitted in conjunction with normal food service operations only.

**B. Accessory Uses:** Accessory uses to a membership club (no-firearms) include, but are not limited to, special events such as club dinners, banquets, fundraisers, community events and picnics.

## **8.22 MIXED USE (RESIDENTIAL & COMMERCIAL USES)**

**A.** The mixture of uses shall include residential uses, and any non-residential uses *currently allowed* in the Zone.

**B.** No individual building associated with a mixed residential and commercial use shall have residential uses allowed on or beneath the first floor, except that residential storage shall be permitted in a basement, and as excepted below.

1. For commercially zoned properties that have a legally existing Single-family Residence or Duplex as of the adoption of these regulations, any proposed new commercial



construction, may maintain the residential use of the entire structure, where the commercial activity takes place in a separate building. **Note: any such residential property that has converted to Mixed-use and may not convert back to its former Single-family or Duplex residential status.**

2. Where residential uses and commercial uses occur within separate buildings on the same parcel, they shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering. **Note:** A Home Occupation that occurs in a detached structure accessory to a legally existing residence in a non-residential zone per §8.17 E, is not considered a “Mixed-use” development for the purposes of these regulations.
- C. Each residential dwelling unit shall contain its own designated kitchen and bath facilities.
- D. There is no minimum number of dwelling units.
- E. For all new Mixed-Use developments, and subsequent changes in use the applicant is encouraged to meet with the Building Official and Fire Marshal to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

#### **8.23 MIXED USE (COMMERCIAL AND INDUSTRIAL USES)**

- A. The mixture of uses in one structure or multiple structures, where each proposed commercial and/or industrial use is currently permitted in the underlying zone. There shall be no residential use allowed.
- B. Mixed-use (Commercial/Industrial) developments involving multiple structures shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering.
- C. For all new Mixed-Use developments, the applicant is encouraged to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

#### **8.24 MOTOR VEHICLE, RECREATIONAL VEHICLE, BOAT AND/OR EQUIPMENT REPAIR FACILITIES**

- A. This use is considered a commercial service and subject to the provisions provided in §8.10 above as well as the following additional provisions.
  1. Repair facilities may not locate pick up/drop off areas or storage areas for such repair services in front of the principal building. All such areas shall be located along the side or rear of the facility in compliance with applicable setback requirements of the district.
  2. Pickup areas, drop-off areas, and storage areas for repair facilities shall be screened to provide an all-season visual buffer between area and any incompatible use of adjacent properties and shall be provided using a combination of grade separation, attractive landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.
- B. All proposed/provided accessory uses shall be require additional permits if not approved under the original Site Plan or Special Permit approval (i.e. equipment rental, U-haul rental, etc.).

- C. There shall be no Vehicle, Boat or Equipment sales associated with this use unless a Mixed-Use development has been approved and the location approved in accordance with State Statutes governing location approval for Motor Vehicle Dealers and Repairers.

#### **8.25 NURSING HOME AND RESIDENTIAL CARE HOME**

- A. **Purpose:** To provide for establishments that provide nursing services, assistance with activities of daily living, twenty-four (24) hour medical supervision and/or skilled nursing care for residents.
- B. Nursing or Residential Care Homes shall comply with any applicable provisions of the Connecticut General Statutes and the following requirements:
  - 1. Development Standards – Residential Care Homes with more than twelve (12) residents shall be located on lots of one (1) acre or more and shall have a density of no more than twenty (20) beds (residents) per acre.

#### **8.26 PERSONAL SERVICE ESTABLISHMENT**

- A. Personal service establishments include but are not limited to: health spa/beauty salons; tanning salons; nail salons; barber shops; tattoo and body piercing studios, pet grooming establishment; dressmaker/tailor shop, shoe repair shop; small appliance repair shop including watches, locks and similar small items.
- B. For the purposes of these Regulations, a Laundromat is considered to be a “Commercial Service.”

#### **8.27 PUBLIC OR PRIVATE UTILITY INSTALLATIONS**

- A. A public utility substation or telephone equipment building **located in any Residential Zoning District** shall conform to the following special standards.
  - 1. Any building in connection with the use shall have a design that is in harmony with residential style/architecture in the surrounding neighborhood.
  - 2. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.
  - 3. There shall not be any rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or offices.

#### **8.28 RESIDENCE, MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)**

- A. Apartment/Condominium complexes may consist of a single or multiple buildings, and if located within the R20, R40 or R60 districts, shall not be permitted on lots of less than five (5) acres.
- B. **Density:** The density for an Apartment/Condominium complex shall be limited only by applicable building, fire and public health codes and applicable bulk/dimensional requirements of the particular zone.
- C. **Water and Sewer:** A community water system, or public water, shall be provided in accordance with CT Public Health Code.

**D. Buffers:**

1. A suitable landscaped buffer strip not less than ten (10) feet wide shall be provided along the parcel's side and rear boundary lines.
2. All buffer areas shall be planted with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet. The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations.
3. Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

**E. Off-street Parking:** Off-street parking shall be provided as required by §9.4.

**F.** No Short-term Rental (STR) shall be permitted in a multi-family development.

**G.** Maximum Building Height for a Multi-family Residence in a the R20, R40 or R60 Districts **is forty-five feet / 3.5 Stories**

**8.29 RESIDENCE, SINGLE-FAMILY**

- A. No more than one (1) Single-family Residence shall be permitted on a lot unless otherwise specified herein.
- B. Maximum height as defined by these Regulations for Single-family Residence shall be thirty-five (35) feet.
- C. The "Site Plan" for a Single-family Residence shall comply with the Checklist provided in Appendix C.

**8.30 RESIDENCE – TWO-FAMILY (DUPLEX)**

- A. Two-family Residences (Duplex) shall satisfy the Area and Bulk requirements of the schedule with the following exceptions:
  1. In an R-20 District, the minimum lot area is: 30,000 square feet
  2. In an R-40 District, the minimum lot area is: 50,000 square feet
  3. In an R-60 District, the minimum lot area is: 70,000 square feet
- B. Only one (1) Duplex is allowed per lot unless otherwise specified herein. Accessory Apartments are not permitted within or on a lot containing a Duplex.
- C. Maximum height as defined by these Regulations for Duplex shall be thirty-five (35) feet.
- D. The "Site Plan" for a Duplex shall comply with the Checklist provided in Appendix C.

**8.31 SHORT-TERM RENTALS, HOSTED**

- A. **Purpose:** To permit the public use of a furnished single-family residence or duplex or accessory apartment in a residential district, or in a legally existing single-family residence or Duplex or accessory apartment in a non-residential district, as a short-term rental in accordance with the requirements of this section.

**B. General Requirements:** In addition to compliance with the Special Permit Standards in §11.3.4, the following requirements must be satisfied:

1. An STR must be (a) within a single-family residence or duplex used as its owner's primary residence (domicile), or (b) within a permitted accessory apartment located within the single-family residence or on the same parcel as the single-family residence. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The single-family residence and its accessory apartment, if any, shall not be simultaneously used as STRs.
2. Apartments, and condominiums in multi-family residences, shall not be used as STRs.
3. The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR.
4. The proposed STR shall not have Zoning, Building, Fire, or Health Code violations, and shall not be blighted under the Town's Blight Ordinance.
5. The STR shall not constitute or create a risk to public health, safety, convenience, and/or general welfare.
6. STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office), less the number of bedrooms reserved for use by its host.
7. Unaccompanied minors are not permitted in an STR.
8. Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms available for use by STR guests, a limit on guest vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, pet rules, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate).
9. An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e. noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.
10. Non-lodging uses by STR guests, such as weddings, receptions, banquets, and corporate retreats, are prohibited.
11. There shall be no signage, lighting, or other indication the residence is an STR.
12. The Host is responsible for the conduct of his guests.
13. The host, or a designated representative, must be reachable at all times by providing a card listing their name, address, phone number, and email address to their guests, adjacent neighbors, the Zoning Enforcement Official, Fire Department, and the Police Department.
14. A duplex, single-family residence or its accessory apartment, shall not be used as an STR if it is serviced by a shared driveway.
15. A dwelling used as an STR without a Special Permit is prohibited.

**C. Application Submittal Requirements:**

1. A copy of the LLHD approval of the proposed STR. (An application for an STR does not constitute a Change of Use and only requires LLHD approval if additional bedrooms are being added or an addition is proposed etc.)
2. A copy of the applicant's official Connecticut photo ID or Connecticut Driver's License showing their primary residence (domicile) is the same as the address of their proposed STR.
3. A copy of the property card showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License.
4. A detailed floor plan, drawn to scale, of the single-family residence or duplex or accessory apartment to be used as an STR, showing room dimensions, bedrooms that will be used by guests, and bedroom(s) reserved for the host.
5. A Site Plan of the property. Pursuant to §11.2B, the Site Plan does not require a new signed and sealed A-2 survey, but must satisfy the Site Plan requirements listed in Appendix B, items – specifically B-1 (A), B-2 (A) (Survey does not have to be to A-2 Standards), B-4 (A-C), B-% (A, C-E) and B-6 (A-B).
6. A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of the proposed STR use.

**D. Parking:**

1. Suitable off-street parking space(s) for the STR owner/host and his STR guests shall be provided.
2. On-street parking, and parking on non-designated spaces, is prohibited.
3. Covered parking (garages & carports) may be used for STR guest parking.
4. All parking spaces shall have an all-weather surface.

**E. Lighting:** Exterior permanent and temporary site lighting shall comply with applicable Zoning Regulations and be of a design that does not illuminate or create glare on nearby properties.

**F. Refuse And Recycling:** All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

**G. Change of Ownership:** In the event ownership of an STR is transferred, its new owner, if the intent is to continue the use, must update and resubmit the documents listed in §C(1-6) for the Commission to review and approve as a minor amendment to its Special Permit.

**H. Enforcement:**

1. The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these requirements.
2. These regulations may be enforced pursuant to §13.1 and §13.2 of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations).
3. The Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with the requirements in these regulations.

- I. **Exceptions:** All STRs that are currently permitted under Ordinance #300-030 shall be governed by said Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

### 8.32 **SMALL WIND ENERGY SYSTEMS**

- A. **Purpose:** To allow for on-site wind generation of electricity for personal use while:
1. Protecting nearby properties from acoustic nuisance and a reduction in property values;
  2. Reducing the potential of damage to neighboring properties in the event of a system failure;
  3. Reducing the potential of injury to wildlife;
  4. Protecting scenic vistas, nature preserves, and scenic roadways.
- B. **Applicability:** These regulations are applicable to Small Wind Energy Systems designed for on-site residential, farm, and small private commercial uses.
- C. **Definitions:**
1. “Small Wind Energy System” means a wind energy system that is used to generate electricity; has a nameplate capacity of fifty (50) kilowatts or less; and a tower height of one hundred (100) feet or less.
  2. “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.
  3. “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
  4. “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- D. A small wind energy system as defined in these zoning regulations, is permitted in accordance with the Schedule of Uses, provided the following regulations are met:
1. A Small Wind Energy System shall provide electricity only in support of a principal or accessory use of the parcel on which it is located.
  2. **Setbacks:** A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height (including its top rotor tip) from any public road right of way; any overhead utility lines; and/or all property lines.
  3. Small Wind Energy Systems, including towers or alternative turbine support structures, and supporting guy wires (if any), shall not encroach on any required setbacks.
  4. The small wind energy system shall be designed and sited such that entry onto abutting property is not required for its installation, removal, maintenance, or repair.
  5. A Small Wind Energy System shall not be permitted if it requires an easement OR variance for setbacks, fall radius or any other dimensional/bulk requirement.

**6. Access:**

- a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
- 7. Electrical Wires:** All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- 8. Lighting:** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- 9. Appearance, Color, and Finish:** The wind generator and tower shall remain painted or finished with the color or finish that was originally applied by the manufacturer.
- 10. Signs:** All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- 11. Expiration:** A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within Twenty-four (24) months from the date the permit is issued, or the small wind energy system is out of service or otherwise abandoned per subsection E below.

**E. Abandonment:**

1. A small wind energy system that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The ZEO shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The ZEO shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower on which it is mounted at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator and tower, the ZEO may pursue a legal action to have the wind generator and tower removed at the Owner's expense.
3. The proposed small wind energy system design is required to be certified by a recognized national safety program such as Underwriter Laboratories or the equivalent.

**F. Application Requirements:**

1. In addition to the required standard Site Plan elements listed on the Check Sheet in Appendix B, the location of any overhead utility lines and required "fall-zones" shall be shown on the Plan.

2. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), tower foundation blueprints or drawings shall be provided with the Application.
  - a. The application shall include the make, model, year, specifications, noise level charts, power output, maintenance requirements, and an overview description of the proposed Small Wind Energy System, including footings, tower, rotor or blade system, the associated control or conversion electronics, the generator, the minimum and maximum heights above ground of the turbine blade tips, and appropriate drawings illustrating such dimensions of the various structural components.
  - b. Sufficient information to show that the proposed site shall have sufficient access to unimpeded air flow for adequate operation in accordance with the Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference.
  - c. Sufficient information to show that noise generated by the Small Wind Energy System will comply at the nearest property line with requirements of the Connecticut Regulations for the Control of Noise and Connecticut General Statutes Title 22a (Environmental Protection) Chapter 442 (Noise Pollution Control).

### **8.33 SOLAR ENERGY SYSTEMS**

#### **A. General Requirements:**

1. Solar Energy Systems must meet all Site Plan Requirements per the Check Sheet in Appendix B and all Bulk Requirements of the applicable zone.
2. Accessory ground mounted solar energy systems in the Ledyard Center Development District or Gales Ferry Development District are prohibited, and accessory roof mounted panels are not permitted on front facing roofs in these districts.
3. **Septic System Avoidance:** The Solar Energy System shall not be located over a septic system, leach field area or identified reserve area unless approved by LLHD or the CT Department of Energy and Environmental Protection as applicable.
4. **Floodplain Avoidance:** If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and shall not otherwise create a fire or other safety hazard.

#### **B. Solar Energy Systems as a Principal Use (Large Solar Systems not under CT Siting Council Jurisdiction):**

1. Solar Energy Systems are allowed as a principal use as listed in the Schedule of Permitted Uses.
2. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
3. A minimum twenty (20) foot-wide landscaped buffer/screening a minimum six (6) foot height shall be provided to abutting properties/parcels. Fencing alone shall not satisfy this screening requirement.



**C. Solar Energy Systems as an Accessory Use (Small Solar Systems):** Accessory Solar Energy Systems are ground mounted or rooftop systems that provide energy primarily for on-site use and are permitted as Accessory Uses in all zones. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a Solar Energy System. The following requirements for the installation and use of accessory solar energy systems shall apply.

1. Accessory solar energy buildings or structures are permitted subject to the following conditions:
  - a. No solar energy building or structure shall be permitted in any front yard.
  - b. Solar energy buildings or structures are permitted in the side and rear yard provided they meet the setback requirements.
  - c. The total of all solar energy buildings or structures shall not occupy more than forty percent (40%) of the side and rear yards combined.
  - d. No freestanding accessory solar energy building or structure shall exceed fifteen (15) feet in height.

### **8.32 TEMPORARY FORMS OF OUTDOOR ENTERTAINMENT**

**A. Purpose:** To allow Temporary Forms of Outdoor Entertainment events in the Gales Ferry Development District (GFDD) and Ledyard Center Development District (LCDD) with an Administrative Site Plan approval. Such activities permitted under this provision shall be open to the public for entertainment or education and include fairs, bazaars, concerts, exhibitions, rodeos, circuses, carnivals, festivals, outdoor theater productions.

**B. Application Process:**

An application for approval of such activity shall be submitted to the Zoning Official *at least* thirty (30) days prior to the event and subject to the requirements in 8.32C. The Zoning Official may, at his/her discretion, refer said application to the Planning & Zoning Commission for review and approval. The application shall indicate the address(es) of the event, the type of entertainment to be provided, the period of time over which the event is to occur, the expected number of guests, and whether amplified music will be included. Such application shall be accompanied by a sketch of the site, indicating the location and method of sanitary facilities, on-site parking, traffic controls, provisions for fire safety, proposed seating arrangements, location of all temporary booths, canopies, and/or tents, and such other information as the Zoning Official may require in order to assure that the public health, safety, and welfare is addressed.

**C. Requirements:**

1. **Minimum Lot Area:** There must be a minimum lot area of ten (10) acres for a temporary event.
2. **Time Period:** No single event shall exceed a time period of seven (7) consecutive calendar days. The total of activities permitted that include amplified entertainment shall not exceed twenty-five (25) days within a single calendar year. The total of all activities permitted under this Section on a single property shall not exceed sixty (60) days within a single calendar year.
3. **Noise:** The operating hours of all events shall not exceed:

- a. Sunday through Thursday: 8am to 8pm
  - b. Friday and Saturday: 8am to 11pm
4. **Lighting**: Lighting from the installation of outdoor lights and illuminated signs shall be properly shielded so that such lighting does not adversely affect abutting property or public streets.
  5. **Sanitary Facilities**: The application will include a detailed description of the number and location of all sanitary facilities as approved by LLHD.
  6. **Code Compliance**: Prior to the start of the event, all required code compliance approvals shall be obtained, including, but not limited to, the Fire Marshal, the Building Official and Ledge Light Health District.
  7. **Parking**: The application shall include a detailed description of how parking for the expected number of guests will be accommodated on site. Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved by the Town and written agreements for overflow parking have been secured from abutters.
  8. **Buffering**: A fifty (50) foot buffer shall be provided between a designated event area and any parcel currently containing a residential use sufficient to provide an all-season visual buffer and shall be provided using a combination of grade separation, landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.
  9. **Signage**: Event signage shall be installed in accordance with § 7.9.10 (Temporary Signs) of these Zoning Regulations.

## CHAPTER 9: SITE DEVELOPMENT STANDARDS

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- 9.0 Applicability:** All the Site Design Requirements in Chapter 9 of these Regulations shall be applicable to any use that requires a Commission Review of a Site Plan, Special Permit or Master Plan. The parking requirements in §9.4 and the outdoor lighting requirements in §9.10 shall be applicable to all uses, regardless of whether the application requires Commission Review.
- 9.1 Intent:** The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and in keeping with the general architecture, rhythm, aesthetics, and existing development pattern/layout in the immediate neighborhood.

### **9.2 SUSTAINABLE DEVELOPMENT**

- A. Energy Efficient Design:** The Commission encourages all applicants to provide energy-efficient site designs and patterns of development, including but not limited to:
1. passive solar energy techniques that maximize solar heat gain and minimize heat loss during the various seasons;
  2. renewable energy sources for heating, cooling, and electricity; and
  3. appropriate building orientation, street and lot layout, vegetation, natural and man-made topographical features, and solar access.
- B. Low Impact Development (and Design):** To minimize the negative impacts of development on the environment, all proposed developments, including municipal developments, should, where feasible, implement Low Impact Development (LID) practices and techniques.
- C. Performance Standards:** Uses shall be designed to minimize any injury or nuisance to nearby premises by reason of noise, vibration, radiation, fire and explosive hazard, electromagnetic interference, humidity, heat, glare, and other physical impacts that may be caused by the use. For Special Permit applications, the Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the physical impacts of the use are causing a nuisance to nearby properties.

The following performance standards shall apply to all uses of land subject to Chapter 9 of these Regulations.

1. No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.
2. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
3. With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings or other structures, no noise which is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.
4. With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.

5. Any glare or radiant heat produced shall be shielded so as not to be perceptible at or beyond the boundaries of the lot on which it originates.
  6. Fire and explosion hazards. Uses shall conform to the fire safety code of the State of Connecticut, the regulations of the Town of Ledyard, and any other applicable regulation.
- D. Infrastructure and Utilities:** Internal roads and travel ways must be designed to accommodate all projected traffic flows. **For new developments, all utilities shall be located underground.**
- E. Environmental Protection:** In accordance with CGS §22a-19, uses that are subject to Commission review and approval shall be designed in such a manner as to avoid any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state.

### **9.3 LANDSCAPE DESIGN STANDARDS AND REQUIREMENTS**

- A. Purpose:** In addition to the purposes set forth in §§9.1 and 9.2 of these Regulations, these landscaping design standards are intended to reduce excessive heat, glare, and accumulation of dust; provide privacy from noise and visual intrusion; prevent the excessive runoff of storm water and erosion of soil; and preserve or improve the quality of the environment and attractiveness of the Town of Ledyard.
- B. General Requirements:**
1. When determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening, due consideration should be given to the overall mix and intensity of current uses, building styles, existing type and presence of street trees, landscaped yards, existing landscaped buffering, stonewalls and/or type of fencing, and the presence of natural or historic features and assets within the surrounding neighborhood or district.
  2. Landscape designs shall only use native species. Invasive species shall be prohibited as part of any landscape plan.
  3. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.
  4. Any disturbed area of a lot or property which is not being used for the location of buildings, accessory structures or uses, parking, loading, storage areas, or other similar purposes shall be landscaped and maintained in such a manner as to minimize stormwater runoff.
  5. The retention of existing topography and vegetation in the buffer areas is preferable to regrading and new plantings, however, if natural site conditions are not adequate to meet the purposes of the buffer requirement, then landscaping shall be required to comply with criteria set forth herein.
- C. Perimeter Landscape Area Requirements:** Any use subject to Site Plan/Special Permit review shall provide an ornamental landscaped area along the perimeter of the property, excluding areas specifically reserved for vehicular or pedestrian access or for other accessory uses designated on the proposed Site Plan. The landscaped areas shall be a minimum of ten (10) feet in width, unless otherwise specified, and shall be designed with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer between adjacent properties and to enhance the aesthetic appearance of the district.

- D. Landscape Buffer Requirements:** When a Site Plan or Special Permit application is submitted for the establishment of a new non-residential use, and the parcel is located within, or abutted by any Residential Zoning District or abutted by a parcel containing an existing use that would be allowable as of right in a Residential District, a landscaped buffer no less than twenty-five (25) feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and substantially dissimilar aesthetics.
- E. Outdoor storage areas associated with motor vehicle repair facilities and similar repair facilities shall be fully screened from view from any road or access way, and/or any neighboring building/structure including parking areas. Screening shall include a mixture of landscaping (including evergreens) and hardscape meeting the intent of §9.3. Fencing alone shall not be used for screening.**
- F. Completion of Landscaping:** All landscaping shown on the approved Site Plan shall be completed before issuance of a Certificate of Occupancy unless the landowner provides surety, in a form and amount satisfactory to the Commission, assuring completion within a specific time, not to exceed one year. Such surety shall be forfeited if the work shall not have been completed within such time limit.

#### **9.4 PARKING REQUIREMENTS AND DESIGN STANDARDS**

***Design Objective:** To locate parking lots behind, below, or between structures, appropriately screened with attractive landscaping in accordance with these regulations. It is the intent of the Commission to ensure safe access for all pedestrians and bicyclists. This is to be achieved by limiting curb cuts, providing clearly marked and designated crosswalks through the use of brick, stamped asphalt, and bollards. All new developments should provide parking at the rear of the building, accessible through either a shared entrance, alley or side streets. This will consolidate and eliminate the need for multiple entrance and egress points for vehicles, slowing vehicle traffic, and forcing entry towards a single shared entrance.*

- A. Application and Scope:** For any use hereafter established, off-street parking and loading shall be provided in accordance with this §9.4.
- B. Maintenance Required:** All spaces required to be provided per this §9.4 shall be permanently maintained and made available for occupancy in connection with, and for the full duration of, the use of land or structure(s) for which such spaces are required.
- C. Change of Use:** Any change of use or the addition of one or more uses to an existing use shall require that the aggregate off-street parking specified in this §9.4 be provided. If such changes are proposed in connection with an existing use that is already non-conforming with respect to parking requirements, such existing use(s) shall also be brought into compliance at such time.
- D. Number and Size of Parking and Loading Spaces and Berths:** Plans for all existing and proposed uses shall provide sufficient on-site parking to accommodate the motor vehicles of all occupants and visitors that may reasonably be expected at any one time, and sufficient loading berths to accommodate the anticipated needs of all planned uses. The standards set forth in §9.4E shall be deemed to specify the necessary and appropriate number and size of parking and loading spaces, berths and areas in the absence of any contrary evidence. However, as part of a proposed Site Plan, an applicant may submit evidence that the same or similar uses can be reasonably accommodated with fewer or smaller spaces or berths, or that

more or larger spaces or berths will be needed. The Commission shall weigh the credibility of any such evidence in deciding whether the proposed parking and loading plans are adequate.

1. **Shared Parking**: Nothing in this section shall be deemed to prohibit a cooperative action to provide in common the parking spaces required for individual uses, provided that the area or a sufficient portion thereof, is located within 600 feet of the building which it serves. Common spaces of two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.
2. **On-street parking** is encouraged throughout the LCDDs and discouraged in the GFDD. In these Districts, on-street parking need not be contiguous with the building or the use it serves. Plans must be reviewed by the Public Works Director and Town Planner. If on-street parking is provided, it shall meet the requirements of the Americans with Disabilities Act (ADA).

E. **Parking Ratios**: The following off-street parking ratios shall apply to all uses and combinations of uses in the absence of any contrary evidence provided in accordance with §9.4D. If the proposed number of parking spaces is greater than ten percent (10%) above the minimum number of spaces required by this §9.4E, and any such spaces are located outside of a parking garage, the applicant must demonstrate why so many spaces would be necessary or desirable. For purposes of the following ratios, the term “maximum shift” means the time or times during which the greatest number of workers (including management, staff, and all other persons employed by the relevant business) are located at the site on a regular (but not necessarily daily) basis. When the calculation results in a fraction, the number shall be rounded to the next highest whole number. The abbreviation “GFA” means gross floor area.

1. **Motor Vehicle Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 500 square feet of internal display area, plus one (1) space per 2,000 square feet of outdoor display area, plus two (2) spaces per service bay.
2. **Financial Institution**: One (1) space per employee on the maximum shift, plus one (1) space per 200 square feet of floor area accessible to the general public.
3. **Bed and Breakfast/Country Inn**: Two (2) spaces, plus one (1) space per guest bedroom, plus one (1) space per employee at maximum shift, in addition to resident parking. Adequate parking shall be provided for patrons if Country Inn contains a restaurant that is open to the public.
4. **Drive-through Restaurant (Fast Food)**: One (1) space per two (2) permanent seats, plus one (1) space per employee on the maximum shift, plus one (1) space per fifty (50) square feet of floor area devoted to customer service.
5. **School**: Two (2) spaces per classroom, plus one (1) space per four seats in any auditorium or gymnasium, and one (1) space per employee on the maximum shift.
6. **Funeral Home**: One (1) space per fifty (50) square feet of public area.
7. **Home occupation**: Two (2) spaces for the dwelling unit, plus one (1) space for the non-resident employee (if applicable). Adequate parking shall be provided for patrons if applicable.
8. **Hospital**: One (1) space per five beds, plus one (1) per full-time employee on maximum shift and fleet vehicle (if applicable).

9. **Hotel**: One and one quarter (1.25) spaces per guest room, plus one (1) space per employee on the maximum shift. Additional spaces must be provided for accessory uses open to the general public.
10. **Library**: One (1) space per 500 square feet.
11. **Lumber Yard/Building Material Sales/Construction Supply Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 250 square feet of floor area accessible to the general public.
12. **Heavy Manufacturing Facility/ Light Manufacturing/ Warehousing/Distribution Facility**: One (1) space per employee on the maximum shift, plus one (1) space per fleet vehicle. Required parking shall be in addition to any loading areas/spaces.
13. **Medical Office/Clinic/Outpatient Care**: One (1) space per employee (including doctors) on the maximum shift, plus three and one-half (3.5) spaces per treatment room.
14. **Assisted Living Facility**: One (1) space per employee on the maximum shift, plus one and one quarter (1.25) spaces per bedroom.
15. **Mixed - use Commercial or Commercial/Industrial Development**: Four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses, plus one (1) space per employee on the maximum shift, for each use.
16. **Multiple-use Commercial Developments with Gas Station**: Ten (10) spaces for gas station, plus four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses plus one (1) space per employee on the maximum shift.
17. **Day Care/Nursery School**: One and one-half (1.5) spaces per employee on the maximum shift, plus four (4) spaces, plus adequate drop-off and pick-up areas for children attending the day-care facility or nursery school.
18. **Office or Professional Building**: One (1) space per 300 square feet of GFA.
19. **Restaurant/General Hospitality**: One (1) space per employee on the maximum shift, plus one (1) space per three (3) seats.
20. **Retail Stores**: One (1) space per 250 square feet of GFA, but no fewer than four (4) spaces.
21. **Places of Public Assembly (including places of worship)** : One (1) space per (3) three single-person, fixed seats or, where capacity is not determined by the number of single-person, fixed seats, one (1) space per sixty (60) square feet of floor area available to patrons.

#### **9.4.2 Uses Not Listed:**

- A. The minimum number of parking spaces required for certain uses not listed above are set forth elsewhere in these Regulations. If no minimum number of parking spaces has been established in these Regulations for a particular use, the minimum number shall be determined by the Commission based on such evidence as may be provided or available in the record.

An applicant for any such use must submit sufficient information to the Commission to allow it to estimate the number of motor vehicles of all occupants and visitors that may reasonably be expected at any one time. Such information may include, without limitation, evidence regarding the nature, intensity, and mix of the proposed use;

projected attendance figures; the number of anticipated employees, visitors or customers; and the experience of similar facilities elsewhere.

The Commission may deny or require modifications for an application that fails to provide sufficient, credible information to enable the Commission reasonably to determine the number of parking spaces likely to be required. The Commission may, alternatively, require the applicant to designate an overflow-parking area in the event the parking plan results in insufficient spaces.

#### 9.4.3 **Off-Street Loading Requirements**

- A. **Size:** Except as provided elsewhere each required loading berth shall be at least twelve (12) feet wide, fifty (50) feet long and fifteen (15) feet high. Such berths shall be in addition to an access driveway and required parking spaces.
- B. **Location:** All permitted or required berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within fifty (50) feet of any street intersection. Such loading berths may be enclosed or outside, but in no case shall they be located in a front yard.
- C. **Access:** Unobstructed access, at least (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.
- D. **Number:** For every structure used for commercial or industrial purposes, or for public institutions and facilities, loading berth requirements shall be as set forth below:

Floor area	# of Berths
10,000 - 25,000 sq. ft	1 Berth
25,000 - 40,000 sq. ft	2 Berths
40,000 -150,000 sq. ft	3 Berths
Each additional 50,000 sq. ft	1 Additional Berth

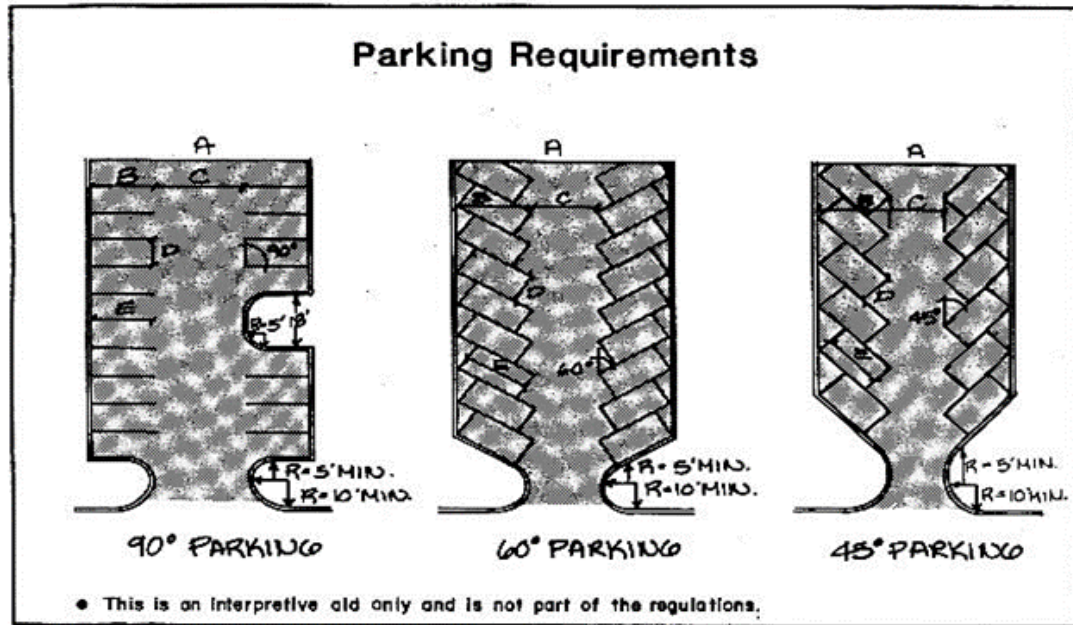
#### 9.4.4 **Parking Facilities:**

- A. The dimensions for parking spaces and drive aisles shall conform to the following table.

		Angle to Drive Aisle		
		90°	60 °	45 °
A)	Double parking bay	60 ft.	58 ft.	53 ft.
B)	Depth of bay	18 ft.	20 ft.	19 ft.
C)	Aisle width	24 ft.*	18 ft.	15 ft.
D)	Width of space	9 ft.	9 ft.	9 ft.
E)	Depth of space	18 ft.	18 ft.	18 ft.

*\*Aisles for single-loaded parking bays may be twenty-two (22) feet wide.*





B. Aisles for 90-degree parking are for two-way circulation, and aisles for 60- degree and 45- degree parking are for one-way circulation.

C. **Other Standards:**

1. The outside radius of parking lot end islands shall be ten (10) feet minimum.
2. All other radii shall be five (5) feet minimum.
3. All interior landscaped islands shall be a minimum width of eighteen (18) feet.

D. Where parking spaces abut a concrete or bituminous walk the depth of the parking space may be reduced by two (2) feet.

E. **Reduction in parking spaces:**

1. **Permanent shared use reduction:** The Commission may permit a reduction of up to twenty-five percent (25%) of the required parking spaces due to shared use of parking facilities when the parking needs of the uses occur at different hours of the day.
2. **Permanent compact space reduction:** In parking lots in excess of fifty (50) spaces, the Commission may allow the installation of eight (8) by sixteen foot (16) foot compact spaces, not to exceed twenty-five (25) percent of the total number of spaces installed. These spaces shall be clearly designated as compact-car parking.

F. **Parking Lot and Driveway Design:**

1. **For uses requiring a Special Permit,** in order to protect the public safety, where traffic volumes, patterns or street geometry warrants, the Commission may require that only one driveway serve any lot, regardless of the length of street frontage, and may designate the location of any driveway.
2. In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot. In the case of a corner lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as is practical.

Driveways entering streets at a curve or near the crest of a hill shall be located to provide the maximum sight distances possible.

3. Driveways shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the driveway centerline be less than sixty (60) degrees.
4. Parking lots designed for ninety (90) degree parking are encouraged and may be required by the Commission. However, where a one-way circulation pattern is desired due to traffic safety considerations, the Commission may require angled parking.
5. Parking lot aisles longer than forty-five (45) feet may not be dead-ended and must provide continuous circulation unless the Commission finds that sufficient turnaround areas and adequate overall site circulation has been provided.
6. No parking area or driveways shall be closer than ten (10) feet from any portion of a building other than its garage entrance or loading area apron. This ten-foot area may be used for walkways and/or landscaping.
7. See §7.5 for additional requirements for Interior Lots.

#### **9.4.5 Parking for Buses and other Large Vehicles**

- A. In addition to the required automobile parking, a minimum of one bus parking space shall be provided for every forty (40) units in a hotel and for every eighty (80) seats in a restaurant, except that, if a restaurant is an accessory use to a hotel, the number of bus parking spaces shall be determined by the greater of the two requirements.
- B. Minimum bus parking space dimensions shall be ten (10) feet wide by forty (40) feet long.
- C. The Commission may require additional parking spaces that can accommodate larger vehicles that include, but are not limited to, shuttle vans or limousines that may be typically associated with the proposed use or expected to be parked on site.

**9.4.6 Parking Lot Landscaping Requirements:** Any lot that contains parking facilities for more than ten (10) cars shall provide landscaped end islands and at least one (1) landscaped center island (per twenty (20) twenty) within the parking area. Such islands shall be designed and located to maximize the attractiveness of parking lots by providing ornamental landscaped areas and shade. The design of such islands must assure adequate circulation, aesthetic appeal, shade, and capacity for snow storage as a result of plowing.

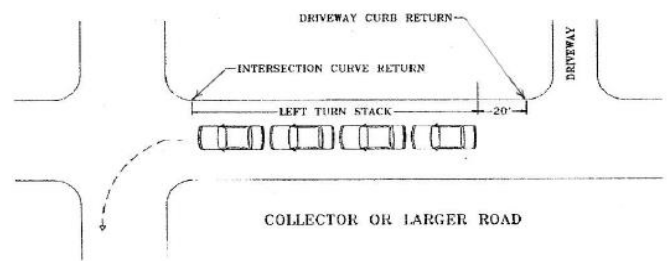
### **9.5 ACCESS MANAGEMENT**

**9.5.1 Purpose.** This section is intended to control the number, size, and location of driveways and access points for business uses to promote overall traffic control and promote public safety and welfare.

#### **9.5.2 Commercial Access**

- A. Commercial access is defined as an access way providing a vehicular connection from a public or private roadway to a parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.

- B. Commercial access** shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the access-way centerline be less than sixty (60) degrees.
- D. Sightline Distance:** Access shall be designed and located to provide a minimum sight distance, clear of all obstructions, natural or man-made, of 250 feet in either direction on secondary roads, 325 feet on primary roads, and 375 feet on primary and secondary arterial roads.
- E. Connection to Roads:** The portion of driveway through the right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require a Zoning Permit (unless the access is part of a road approved as part of a subdivision or Site Plan approval) and the approval of the Town Public Works Director.
- F. Commercial access** shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed.
1. **Local access or low volume road:** a minimum distance of fifty (50) feet shall be maintained from the driveway curve return to the edge of the right-of-way at the intersection.
  2. **Primary road or larger road:** a minimum distance consisting of the left turn stacking distance (described below) plus twenty (20) feet, as measured from the intersection curve return to the driveway curve return, shall be maintained.
  3. The **left turn stacking distance** shall be calculated using the following formula (or based on a traffic study, if available or required).
    - a. Peak Hour Traffic = Average daily traffic/10
    - b. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections
    - c. Peak hour left turns = 1/4 of peak hour traffic for T-intersections
    - d. Driveway to intersection spacing = [1.5 x peak hour left turns x 20 feet] + 20 feet.



#### **4. Intersection Spacing:**

- 9.5.3 Frontage Requirements:** The project's frontage may be traversed by not more than one (1) driveway, unless the Commission finds that more than one driveway is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.

**9.5.4 Traffic and Access:** Access to the lot and internal circulation shall be designed to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The Site Plan and/or Special Permit shall be evaluated on the following basis:

- A. the effect of the development on traffic on adjacent streets;
- B. circulation pattern of vehicular and pedestrian traffic on the site;
- C. provision for parking and loading;
- D. adequacy of sight lines;
- E. relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with special attention to promoting pedestrian traffic among adjacent parcels; and
- F. emergency vehicle access (to the satisfaction of Fire and Police).

**9.5.5 Access Driveway Design:**

A. **Access Driveway Widths:** Unobstructed access to and from a street shall be provided on each lot to serve principal and accessory uses thereon. One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twelve (12) feet. Two-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet except that an access way may be configured as a boulevard so long as each entrance and exit lane is a maximum of fifteen (15) feet wide, and the median design is appropriately landscaped. **Shared entrances are allowed and encouraged, as well as use of side entrances that provide access to multiple developments.**

B. Driveways shall not be located within ten (10) feet of a side or rear property line

Access Driveway Widths				
Type of Use	Minimum Access Driveway Width	Opening Width (Including flares)		Minimum Centerline Radius of Curvature
		Minimum	Maximum	
Non-Residential	12 feet (one-way) 24 Feet (two-way)	24 feet	TBD at SPL Review	65 feet

abutting a lot that is in a residential Zoning District or that is currently used for single-family or two-family residential purposes. Adequate space for snow stacking must be provided on all lots.

C. In all nonresidential Zoning Districts, parking areas, parking spaces, and internal access drives may be located within half of the required front yard setback area, when screened from the street and abutting property by landscape materials, including trees, shrubs and/or earthen berms.

- D. Curbing:** The front or primary driveway, entrance, and exit shall be lined, for its entire length on both sides, with curbing unless the Stormwater Management Plan demonstrates that stormwater will be properly controlled without such curbing.
- E. Surface treatment:** All parking spaces, loading facilities, and access driveways/roadways shall have at least six inches (6") of process stone and two- and one-half inches (2½") of bituminous concrete as surface treatment unless the applicant can demonstrate that an alternate treatment would provide an adequate all-weather surface consistent with LID techniques and capable of H2O Loading. In these cases, the applicant shall submit a maintenance plan to the Commission for their approval.
- F. Grade:** Driveways serving commercial or industrial uses shall have a maximum grade of six percent (6%). Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line. The driveway shall maintain a grade equal to or less than the crown slope of the road from the point where the driveway meets the road right-of-way to where the driveway crosses the gutter line. This transition is needed to eliminate plows catching their blades on driveways with abrupt grade changes in the vicinity.
- G. Handicapped Access:** Parking spaces and general access designed and designated for handicapped persons shall be provided in all parking lots in accordance with all applicable state and federal laws and regulations.
- H. Modification of Site Plans:** The Commission may require the modification of any Site Plan if it finds such modifications necessary to satisfy the requirements of these Regulations. Such modifications may include, but are not limited to, the following:
1. closing existing curb cuts, limiting proposed curb cuts, or closing temporary curb cuts when alternative access points become available;
  2. limiting turning movements to right turns in or out of curb cuts;
  3. aligning access drives or roads with opposing access drives or roads wherever practical;

## **9.6 REFUSE STORAGE**

- A. Purpose:** This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.
- B. Requirements:**
1. Refuse storage facilities shall be located in such a manner as to be inconspicuous to the general public and neighboring properties.
  2. Refuse storage areas shall be designed on a concrete pad a minimum of six inches (6") thick and shall be enclosed and screened from view with fencing, wall, hedge/shrubs, or other suitable means.
  3. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or circulation on and off the site.
  4. No refuse storage area shall be located in the required front yard setback area or within ten (10) feet of any property line.

## **9.7 OUTDOOR STORAGE**

All uses requiring Site Plan approval may store materials and equipment outside of a building only if such storage is a customary accessory use of the principal use and only under the following conditions:

### **A. Materials:**

1. All outdoor bulk storage items, including recyclable materials, shall be fully enclosed within approved storage containers (Three-sided bins may be permitted as appropriate).
2. No outside-storage materials shall be permitted that will attract animals or insects.
3. No perishable merchandise shall be stored outdoors.

### **B. Location:**

1. The location of all structures to be utilized for outdoor storage must be designated on an approved Site Plan as outdoor storage.
2. No outdoor storage shall be allowed in the required front, side, or rear yard setbacks, required buffer areas and/or areas required for parking on the site.
3. With the exception of mulch, dirt, stone, and other similar material typically associated with landscaping businesses or services if stored in customary, three-sided enclosures, outdoor storage areas shall be screened so as not to be visible from any street in accordance with applicable provisions of §9.3.
4. Maximum height of stored material and storage structures shall be six (6) feet except as provided in subsection C below.

### **C. Industrial (I) and Commercial Industrial Park (CIP) Districts**

1. All areas for outdoor storage of equipment (including vehicles) or materials shall be located to the rear of the principal building and shall be screened so as not to be visible from any street or abutting properties. Box trailers are permitted.
2. Vehicles (or box trailers) shall not be stacked, and storage of materials shall not exceed a maximum height of twenty-five (25) feet.

## **9.8 OUTDOOR MERCHANDISE DISPLAY**

All uses requiring Site Plan approval may display merchandise for sale outside of a building only under the conditions listed below.

### **9.8.1 Merchandise:**

- A. No perishable items shall be displayed outside, except as permitted for farm stands.
- B. No merchandise shall be displayed outdoors that will attract animals or insects.
- C. No goods that are leaking or have broken packaging shall be displayed.

### **9.8.2 Location:**

- A. The location of any area to be used for outdoor merchandise display must be designated on an approved Site Plan.
- B. No merchandise display shall be allowed in areas required for parking on the site.

- C. Displayed merchandise shall not be stacked higher than six (6) feet from the ground. Individual display items that are not stacked may exceed six (6) feet (for example, a kayak leaned against the building of an outdoor recreation store).
- D. Outdoor merchandise display shall be screened from adjacent residential properties, as required in accordance with intent and applicable provisions of §9.3.
- E. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:
  - 1. as part of a permitted roadside stand or farm store; or
  - 2. if the display is located within ten (10) feet of the principal structure and does not block any sidewalks, parking spaces, or entrances. The total area of any such display may not exceed 200 square feet.

## **9.9 ARCHITECTURAL CHARACTER, AND HISTORIC AND LANDSCAPE PRESERVATION**

**9.9.1 General Provisions:** The overall character of the proposed site layout and the architectural character of proposed structures shall be designed, to the extent feasible, to protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and preserve public access to scenic views and vistas and to water courses.

- A. **Historical and Archaeological Sites:** When a site or portion of a site has been identified by the State Historic Preservation Officer, or the State Archaeologist, as historically significant, the applicant shall identify on the plans the nature and location of the resource and shall indicate what measures are being taken to protect such resource.

### **9.9.2 Encouraged Materials and Practices:**

- A. Materials, texture, and color used on the exterior walls and roof should emphasize the use of natural materials or should be those associated with traditional New England architecture. Preferred façade materials are brick, stone, and wood, including narrow-width siding, clapboards, wood shingles, or a reasonable equivalent. Metal, unfinished concrete, and concrete block, as well as asphalt siding, are discouraged.
- B. Architectural details characteristic of the particular style and period proposed should be incorporated into the design for new construction and should relate harmoniously to adjacent buildings. Architectural details of a period need not be duplicated precisely, but they should suggest the extent, nature, and scale of the period.
- C. Large structures should have well-articulated façades to reduce the appearance of significant bulk. Provision shall be made to coordinate site architecture with that of the surrounding district. Rooflines should be varied to provide architectural interest.

### **9.9.3 Development District Design Objectives**

- A. When feasible, cluster new commercial buildings and parking areas on the most developable land within the district and retain significant contiguous land areas in a natural or landscaped condition.

- B. Assure that the design of new structures, parking, access ways and landscaping is compatible with the natural features and topography of the area.
- C. Limit and control access for new development from public roads so that traffic safety is maintained, and a sense of the rural landscape is retained and enhanced (RCCD District only).
- D. Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact.
- E. Minimum five (5) ft Sidewalks required. Wider sidewalks (8 feet) are encouraged in areas of high pedestrian traffic and commercial activity – especially where opportunities for outdoor dining may exist.
- F. New Structures strongly encouraged to be built to the sidewalk in the LCDD and GFDD.

## **9.10 OUTDOOR ILLUMINATION**

**9.10.1 Purpose:** The purpose of this §9.10 is to encourage lighting practices and systems that minimize the degradation of the night-time visual environment, thereby maintaining night-time safety and security while preventing glare, light trespass and light pollution.

**Design Objective:** *The fixtures chosen, and their illumination qualities should complement and enhance the architectural style and unique features of the building and those typical to the surrounding district.*

**9.10.2 Exempt Light:** The term “outdoor lighting” includes all exterior lighting systems except those associated with the following:

- A. airports;
- B. emergency lighting, provided such lighting is temporary and is disconnected, or otherwise ceases, immediately upon termination of the emergency condition;
- C. fossil fuel lamps; and
- D. temporary residential holiday lighting, provided it is illuminated for fewer than ninety days per year.

### **9.10.3 Lighting Design Requirements**

- A. All exterior lighting systems shall be designed, installed and maintained in such a manner as to minimize or substantially reduce disability glare at any location on or off the property; and to minimize or substantially reduce light trespass beyond the property lot line, minimize sky illumination, and present an overall appearance appropriate to the rural/suburban setting. All searchlights are prohibited unless expressly allowed elsewhere in these Regulations.
- B. The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet above grade.



- C. The maximum average-maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The maximum lighting level for a parking lot lighting fixture shall be ten (10) foot-candles.
- D. Photometric Plans shall be required for all Site Plans that contain proposed lighting and shall include a description of the proposed lighting fixtures and shall demonstrate compliance with subsection B & C above.
- E. Poles and standards used for outdoor lighting shall not exceed twenty (20) feet in height (the Commission encourages twelve (12) foot to fifteen (15) foot light poles).
- F. Lighting fixtures shall be full cut-off and shall be located, aimed, and shielded to minimize the glare that is emitted on objects other than a building's façade or landscape walls.
- G. All lighting not essential for security purposes shall be turned off after hours. Exterior lighting should be off when sufficient daylight is available and when the lighting is not required during nighttime hours.
- H. Area illuminators for parking lots, driveways, pedestrian walkways, and yards shall be pole-mounted or building-mounted. Flood lighting shall be avoided except for loading areas. Building-mounted floodlights may be installed where full cut-off luminaires are impractical, provided top and side shields are attached and maintained to prevent light emission above a vertical cut-off angle of forty-five (45) degrees.
- I. Fixtures shall be designed and mounted such that neither the light source nor the lens are visible from above a height of five (5) feet at the property lot line. Luminaires with sag lens or drop lens shall be shielded.
- J. Luminaires are not permitted in buffer areas between adjacent properties and in buffer areas adjacent to roads, except that recessed low intensity up-lights, well lights, louvered lights, and cone lights may be used for landscaping purposes only.
- K. The Commission may approve a height greater than twenty (20) feet for sports area luminaires and other commercial, outdoor recreational uses provided the luminaires are designed, located and directed to prevent glare and light trespass.
- L. Temporary events shall be exempt from the luminaire height and cut-off requirements of these Regulations, provided a Zoning Permit has been granted for the event and the illumination system will be used only during the temporary event.
- M. The ZEO may approve temporary floodlights higher than twenty (20) feet at a construction site for which a Zoning Permit has been issued, provided the luminaires are designed, located and directed to prevent glare and light trespass.

#### **9.11 STORMWATER MANAGEMENT & SOIL EROSION AND SEDIMENT CONTROL REQUIREMENTS**

**All Stormwater Management systems, Flood and Soil Erosion & Sediment Control measures shall be designed and installed as applicable in accordance with TOWN ORDINANCES #300-16, #300-17 and #300-24**

- A. The following additional criteria apply to applications that require Utilities, Drainage, and/or Storm Water Control in addition to the Site Plan information required per Check Sheet Appendix B.

1. **Drainage**: Storm water control measures shall be provided within the site.
  2. All storm water control measures shall be approved first by the appropriate Town of Ledyard staff member, or its consultant, followed by a review by the Commission.
  3. All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Drainage Ordinance.
- B.** Applications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than .5 acre) must include the following information in addition to the Site Plan information required per Check Sheet in Appendix B :
1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;
  2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features etc.;
  3. Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;
  4. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, etc. The narrative shall indicate design criteria used in the design of control measures;
  5. A description of procedures to be followed to maintain sediment control measures;
  6. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and
  7. **The plan map shall show the words:** "Erosion and Sediment Control Plan Approved by:" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.

## **9.12 CONSOLIDATED PARCELS**

### **A. Purpose and Applicability:**

1. This §9.12 encourages the consolidated development of parcels located in the non-residential zoning districts to preserve the capacity and safety of existing arterial roadways; to provide flexibility in meeting bulk requirements; to facilitate integrated development of large areas of land; to reduce parking requirements through shared parking; and, to facilitate consolidation of stormwater management systems among smaller parcels.
2. Any number of contiguous parcels may be consolidated for the purposes of development regardless of ownership, and the consolidated parcel shall be considered to be one lot for the purposes of meeting the requirements of these Regulations.
3. Consolidated parcels shall be permitted only in the LCDD, LCTD, MFDD, GFDD, RCCD, CIP and I Zoning Districts and shall only consist of uses permitted in the underlying Zone. All consolidated parcels must be located within the same zone.

**B. Basic Requirements:** The consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping, lighting and signage. Applicants for consolidated parcels shall be required to:

1. provide for shared access to abutting properties through common driveways, parking lots, service roads and/or cross-easements (whether existing or future);
2. construct all or a portion of a shared driveway or service road to provide for shared access, where appropriate; and
3. file easements on the land records, acceptable to the Commission and Town Attorney, in favor of the abutting properties and/or the Town to allow for their future interconnection.

**C. Additional Requirements:**

1. Within a consolidated parcel, the yard, buffer, parking, and building setback requirements shall not apply to individual lots within a consolidated parcel but shall instead apply to the consolidated parcel as a whole.
2. The Commission may limit direct highway access to individual parcels within a consolidated parcel in accordance with the access management requirements of §9.5.



## CHAPTER 10: APPLICATIONS REQUIRING STAFF APPROVAL

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**10.0 The following requirements/procedures pertain to all uses and activities that do not require a Site Plan or Special Permit, and therefore may be approved by staff.**

### **10.1 ZONING PERMITS**

- A. **Applicability:** No structure/building and/or portion of a structure/building shall be constructed, reconstructed, altered, excavated for, moved or structurally altered in whole or in part for any purpose, nor shall any use be established or changed in the Town of Ledyard, without a Zoning Permit issued by the Land Use Department in conformance with:
1. the provisions of these Regulations; or
  2. an approval granted by the Commission; or
  3. a variance granted by the Zoning Board of Appeals; or
  4. Any combination of the above.
- B. A Zoning Permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.
- C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the footprint and/or floor area of any building or structure and does not change the use thereof.
- D. The ZEO shall not approve any Zoning Permit for any property on which there exists a zoning violation, unless the implementation of such permit would remedy such violation.
- E. **Contents of Application:** All applications shall set forth such information as may be required in order to allow the appropriate Land Use staff/official to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The ZEO or Planning Director may require submission of additional information, including any information that might be required for a Site Plan (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to ensure compliance with these Regulations. The ZEO may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a Zoning Permit. For new dwellings and for staff approved commercial/business and industrial construction, the ZEO shall require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor.
- F. **Application Procedures:**
1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with applicable requirements in the Appendix C (for residential dwellings) or Appendix D (plot plan) of these Regulations.
  2. If all requirements of these Regulations are met, the Zoning Permit shall be issued within thirty (30) days unless the applicant agrees, in writing, to extend the time for decision; otherwise, the application shall be denied and the reasons for denial shall be stated by the ZEO.

3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the ZEO or Commission (as appropriate) may declare such Zoning Permit null and void, provided no such decision may be made until after the Commission has provided the permit-holder an opportunity for a hearing.

- G. Expiration of Zoning Permits:** Zoning Permits issued by the ZEO for construction, erection or alteration of a building or structure are valid until a Certification of Zoning Compliance is issued, or until applicable time limits described herein expire. A Zoning Permit issued by the ZEO that is not associated with any other Commission approved site work (e.g., Site Plan, Special Permit) shall expire after one (1) year if no work has commenced or if the site work has ceased for a period of one (1) year. The ZEO may grant one extension of one (1) additional year to allow the applicant to commence or continue approved work.
- H. Building Permits:** No Building Permit shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non- conforming use under these Regulations. A Zoning Permit shall constitute the required certification of zoning compliance for purposes of issuing a Building Permit.

## **10.2 POST –DEVELOPMENT CERTIFICATIONS OF ZONING COMPLIANCE**

- A. Applicability:** It shall be unlawful for any newly erected building or any structural addition and/or use for which a Zoning Permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a post-development Certification of Zoning Compliance has been issued by the ZEO (see also §10.3, Change of Use). The ZEO may require an as-built Site Plan to facilitate this review. In the absence of the ZEO, the Planning Director and/or Chairman of the Commission may issue a Certification of Zoning Compliance. A Certification of Zoning Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certification of Zoning Compliance shall be issued within fifteen (15) business days after a written request is made to the ZEO, provided that:
1. any building, structure or alteration and/or use of property for which the Certification is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any Zoning Permit or approval for such building, structure or use have been fulfilled; and
  2. that the Ledge Light Health District or the responsible regulatory agency (regional/state/federal) has inspected the premises and has given written approval of the installation of the sewage disposal facility and water supply system.

**B. Application Procedures**

1. A request for a Certification of Zoning Compliance shall be accompanied by plans and/or other information that demonstrate compliance with applicable regulations and approvals.
2. Within ten (10) days of such application, the ZEO or other authorized official shall

inspect the premises.

3. If all requirements of these Regulations are met, including requirements of approved site and plot plans, the Certification shall be issued within five (5) days; otherwise, the Certification shall be denied for stated reasons.
4. A Certification of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

**C. Notice Provisions**

1. In accordance with CGS §8-3(f), the recipient of a Zoning Permit or Certification of Zoning Compliance *may* publish notice of issuance of the Zoning Permit or Certification in order to establish the appeal period per CGS §8-7.
2. Any such notice to be published by the recipient shall contain:
  - a. a description of the building, use or structure and its location;
  - b. the identity of the applicant; and
  - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS §8-7.

- D. Certificate of Occupancy:** No Certificate of Occupancy shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.

**10.3 CHANGE OF NON-RESIDENTIAL USE OF BUILDINGS AND PROPERTIES**

- A. When any change of ownership occurs to an existing non-residential use, a Change of User form must be submitted to update the Land Use file for the property.
- B. Any proposed change to a permitted non-residential use that **does not** involve any enlargement or modification to, or reconfiguration of, existing building/structure footprint, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and subsequent review and approval by the ZEO.
- C. Any proposed change in use of a non-residential use that does involve any enlargement or modification to, or reconfiguration of existing buildings/structures, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and review by the Commission. If the Commission finds that the proposed change of use and any related modification to existing buildings/structures and/or site lay-out would not be considered significant, it may, at its discretion, direct the ZEO to issue a Zoning Permit.
- D. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per these Regulations (See Chapter 11).
- E. All changes to uses existing at the time of adoption of these regulations that require a Site Plan or Special Permit approval will require upgrading of signs, landscaping, lighting, access ways, and common design elements to the current standards of the district to the extent possible.

- F. Any outstanding enforcement issues associated with the parcel shall be resolved prior to the approval of any Change of Use Application.

#### **10.4 PROPERTY LINE ADJUSTMENT/ LOT DIVISION (“FREE SPLIT”)**

- A. **Applicability**: Any and all property line adjustments or lot divisions (splits) within the Town of Ledyard shall require a review by the ZEO or Director of Planning to determine compliance with the Zoning and Subdivision Regulations (as applicable).
- B. A property line adjustment is any change in the location of an existing property line that does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with respect to the dimensional requirements of the Zoning Regulations. Such property line adjustment shall not be considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map and does not affect any area reserved for public use or established as open space on an approved subdivision plan.
- C. A “Free Split” is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.
- D. The ZEO may require one or more of the following if he/she deems it necessary to determine whether a proposed property line adjustment or lot division is consistent with these Regulations:
  - 1. deeds;
  - 2. a certified title search;
  - 3. a property history map; and/or
  - 4. a survey with Class A-2 level of accuracy.
- E. The applicant shall record the approved survey in the office of the Town Clerk of Ledyard, and any survey not so recorded within ninety (90) days following its approval, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period. A signed copy of the approved survey shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.



## **CHAPTER 11: APPLICATIONS REQUIRING COMMISSION APPROVAL**

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**11.0 The following requirements/procedures pertain to all uses and activities that require a Site Plan or Special Permit, and therefore review and approval by the Commission. All applications for Site Plan approval must show conformance with Chapter 9 (Site Design Requirements).**

### **11.1 PRELIMINARY CONCEPT PLAN**

- A. **Applicability:** If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission prior to formal application submission.
- B. **Concept Plan Review:** Pursuant to CGS §7-159b, for applications requiring Commission approval, an applicant may request the Commission conduct a pre-application review. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes and shall not be binding on the applicant or any authority, Commission, department, agency or other official having jurisdiction to review the proposed project.
1. A Concept Plan shall be submitted to the Land Use Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.
  2. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.
  3. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

### **11.2 SITE PLAN APPLICATION**

- A. **Applicability:** Except as may be expressly provided elsewhere in these Regulations, a Site Plan application shall be submitted:
1. for any proposed new use designated in the Regulations as requiring Site Plan or Special Permit approval. If a proposed Site Plan is being submitted in connection with a Special Permit application, the Commission's review of the Site Plan application shall be deemed to be an integral component of the Special Permit review;
  2. in a Residential zone, for any construction, development, expansion, or major alteration of any non-residential use; and/or
  3. for any expansion or other alteration of any existing use designated in the Regulations as requiring Site Plan or Special Permit approval if such change would affect the layout of any structure, facility, parking or loading area, or other physical feature shown on a previously approved Site Plan or, if no previous Site Plan was approved for such use, and such physical feature(s) would have been required to be shown on a Site Plan for a new use under any other provision of these Regulations. As used in this §11.2, the term "expansion" includes, but is not limited to, any change that does or is likely to increase the number of parking spaces required by §9.4 of these Regulations.

**B. A new or revised Site Plan shall not be required for:**

1. interior remodeling work;
2. changes in exterior mechanical equipment, dumpsters or storage structures that occupy less than 200 square feet of floor area;
3. changes in the location of existing fences, or new fence locations;
4. minor modifications as determined by the Zoning Official or Commission, provided the plan submitted is sufficient to demonstrate that the proposed location complies with all bulk requirements of the zoning district; and
  - a. there is no additional information needed to know the location of boundary lines, interior lot lines, and/or street lines, and;
  - b. there is no need for additional monumentation, and;
  - c. The exact horizontal and/or vertical locations of existing buildings and the proposed structure, or other improvements, are not necessary to determine compliance with the zoning regulations.

**11.2.1 Submission Requirements**

- A. A **Site Plan application** shall be submitted to the Land Use Office and shall include a completed application form and the **appropriate fee**.
  1. No fees will be charged if the proposed development will be located on Town or state-owned land and/or is in support of a Town of Ledyard Board or Commission, such as the Cemetery Commission, Library Commission, Historic Commission, Economic Development Commission, Conservation Commission, Planning & Zoning Commission, and similar agencies.
  2. Site Plans may be reviewed by outside experts and consultants, as determined by the Commission or Zoning Official. A fee may be charged to the Applicant for expert outside review per the Fee Schedule.
- B. Copies of the current **tax map, property card** and **deed** associated with the property.
- C. Signed permission authorizing Commission members, the Zoning Official, and Town staff to conduct a site walk of the property. (May contain reasonable dates and time limits)
- D. If required by the Commission, evidence of submission, review and acceptability of plans to other State and Local regulatory agencies with jurisdiction over some or all of the proposed structures and/or uses including but not limited to the following permits: Inland/Wetland permits, Ledge Light Health District Approval, Dept. of Transportation Encroachment Permit and/or State Traffic Commission permit, DEEP, Water Diversion Permit Floodway Encroachment Permit, WPCA, Groton Utilities, and/or SCWA approval for water supply.
- E. A **Site Plan** application shall be accompanied by detailed plans, signed and sealed by one or more appropriate professionals. Generally, in order to determine the compliance of a Site Plan with the applicable provisions of these Regulations, the Commission will require the applicant to provide all information specified in the “Site Plan Check Sheet” in **Appendix B** of these Regulations. However, the Commission may approve or

modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will be in compliance with the substantive provisions of these Regulations.

**Note: All signatures must be live, and date of signature provided (including that of the Soil Scientist).**

- F. A **Soil Erosion and Sediment Control Plan** shall be submitted for applications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than one-half (.5) acre) which shall provide a mapped and written description of the following:
1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;
  2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like; Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;
  3. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, and the like. The narrative shall indicate design criteria used in the design of control measures;
  4. A description of procedures to be followed to maintain sediment control measures;
  5. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and
  6. The plan map shall show the words: "Erosion and Sediment Control Plan" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.
- G. **Stormwater Management Plan**: All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Stormwater and Stormwater Runoff Ordinances of the Town of Ledyard Ordinance #300-016 & 017 and shall be reviewed and approved by the Town Engineer and the Commission.
- H. **A Utilities Plan** shall be submitted to demonstrate the adequacy of on-site water supply and sewage disposal facilities to serve the needs of all proposed uses. The Utilities Plan should also include comment on the availability of water for any fire-fighting needs that may arise in connection with the proposed uses. The applicant must submit a copy of the Utilities Plan to the Town's Director of Health and Fire Marshal no later than the date the application is filed with the Commission.
- I. **A Landscape Plan** shall be submitted with any applications for new construction, or alterations to the size of existing buildings, parking, loading, and driveway areas, or a change in use that will expand the size of the building or parking, loading, and driveway

areas demonstrating conformance with applicable sections of Chapter 9 and all other specific landscaping standards required for a particular use or district.

1. Landscape plans and designs shall include the layout, type, and size of all buffers, landscaping, plant materials, fencing and screening materials and shall include a proposed a planting list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing plantings shall also be identified on the plan.
  2. The landscape plan should include a description of the natural resources located on the parcel and clearly delineate construction boundaries to minimize disturbance of the site's existing vegetative features.
  3. Location of existing trees with a caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated.
  4. For development within any Development District, the Commission may require such plans to be prepared by a professional landscape architect (e.g., American Association of Landscape Architects, ASLA).
- J. **A Lighting Plan (photometric plan)** shall be submitted demonstrating conformance with §9.10. Plan shall also include the location, size, height, orientation, and design of all outdoor lighting.
- K. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

### **11.2.3 Proceedings**

- A. An incomplete Site Plan application may be denied in accordance with §11.6.3.
- B. If a Site Plan application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Commission.
- C. If the Commission finds that any proposed new construction or other activity is significant, the Commission:
  1. may hold a public hearing on the application; and
  2. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with the requirements of §11.6.8 of these Regulations.
- E. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing by the Commission (such as a Special Permit application or a Zone Change application), the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application.
- F. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application, regardless of whether the Commission holds a public hearing on the application, except that the applicant may consent to one or more extensions of such

period, provided the total period of any such extension or extensions shall not exceed an additional sixty-five (65) days.

- G. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35<sup>th</sup>) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.
- H. Approval of a Site Plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
- I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

#### **11.2.4 Considerations**

- A. On a Site Plan application involving an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the Commission shall:
  - 1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and
  - 2. give due consideration to any report of the IWWC when making its decision.
- B. On a Site Plan application involving notice to adjoining municipalities, the Commission shall give due consideration to any report or testimony received from such municipalities.
- C. No Site Plan application shall be approved unless it is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Development Standards in Chapter 9.
- D. The Commission may modify and approve any proposed Site Plan if it determines such modifications are needed to satisfy the applicable requirements of these Regulations.
- E. The Commission may, as a condition of approval of a Site Plan or modified Site Plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.
- F. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless the implementation of such Site Plan would remedy such violation.
- G. The submission of any application for Site Plan approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Site Plan by the Commission will be made in reliance on that

certification. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Site Plan shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Site Plan.

#### **11.2.5 Action Documentation**

- A. Whenever it modifies or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
- B. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
- C. The Commission shall cause notice of the approval or denial of Site Plans to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.
- D. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
- E. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

#### **11.2.6 Following Approval:**

- A. Following approval of a Site Plan application, one (1) fixed-line mylar copy and one (1) paper copy of the approved plan(s) shall be submitted to the Land Use Office:
  - 1. bearing the raised seal and live signature of the appropriate professionals who prepared the drawing(s) (including the Soil Scientist as applicable);
  - 2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity; and
  - 3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- B. Following signature by the Chairman, and other Town regulatory agencies authorizing the activity, the applicant shall record the Site Plan in the office of the Town Clerk of Ledyard, and any plan not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Commission to act, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

#### **11.2.7 Expiration and Completion:**

- A. The approval of such Site Plan shall state the date on which such period expires.
- B. Any Site Plan approval under which the construction of any proposed building has not been commenced within twelve (12) months from the date of such approval, shall expire unless the Commission, upon a showing of good cause for the delay, allows a

longer time period, not to exceed twenty-four (24) months from the date of approval. For the purposes of this section, the construction of a building will be deemed to have commenced when foundation or exterior walls have begun to be emplaced or built.

- C. Except as may be provided by state law, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan. Failure to complete all work within such five-year or other required period shall result in automatic expiration of the approval of such Site Plan unless the Commission, upon a showing of good cause for the delay, grants an extension of the time to complete work in connection with such Site Plan.
- D. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Plan, provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan, unless otherwise provided or allowed by state law. "Work" means all physical improvements required by the approved plan.

The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

- E. Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period of time specified by CGS §8-3(i) & CGS §8-3(j).
- F. If a Commission approved Site Plan for a non-residential development expires, a new application for development of the property is required which must conform to the regulations that are in effect at the time of reapplication.
- G. Pursuant to CGS §8-3(h), if (A) development work under a Commission approved Site Plan for a residential development is not completed, (B) the Site Plan for the residential development has not expired, (C) the original approved Site Plan was recorded with the Town Clerk, and (D) the applicable zoning regulations for the residential development are amended, the development of the property may conform with the Site Plan and regulations that were in effect when the original application and Site Plan were approved, or alternatively, a new application and Site Plan can be submitted that is in conformance with the regulations that are in effect at the time of reapplication.

#### **11.2.8 Certificate of Use and Compliance:**

- A. A Certificate of Use and Compliance will be issued only if the Zoning Official determines that the "as-built" development is (A) located and constructed in substantial compliance with its approved Site Plan and in conformance with these regulations; and (B) for development proposals pursuant to a Special Permit, is also in compliance with the conditions of approval imposed by the Commission.
- B. Pursuant to §20-300-10b-(b) of the Department of Consumer Protection Rules and Regulations for Professional Engineers and Land Surveyors, in situations where (A) there is a need to measure, evaluate, and/or map topographic conditions; or (B) there is a need to know the exact location of boundary lines, interior lot lines, and/or

street lines; or (C) there is a need for additional monumentation; or (D) the exact horizontal location of new structure(s) is necessary; or (E) the exact vertical location of existing and new buildings, structures, or other improvements, is necessary to determine a development's compliance with its approved Site Plan, the zoning regulations, and with any conditions of approval imposed by the Commission – the Zoning Official may require the applicant submit an Improvement Location (a.k.a. "As-Built") plan certified by a licensed land surveyor to confirm the as-built structures are in substantial compliance with the approved Site Plan, these zoning regulations, and any conditions of approval.

### **11.3 SPECIAL PERMIT APPLICATION**

#### **11.3.1 Applicability:**

- A. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
- B. Notwithstanding the above, a Special Permit application shall not be required for any modifications to a previously approved Special Permit use if such modifications would not change the essential character of the use and would not require the submission of a new or modified Site Plan pursuant to §11.2 of these Regulations.

#### **11.3.2 Submission Requirements:**

- A. A Special Permit application and supporting material (original & eight (8) copies) shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.
- B. Each application for a Special Permit shall be accompanied by a Site Plan application. If the applicant believes that the proposed use will not require any changes in a previously approved Site Plan, he or she may submit a copy of the previously approved Site Plan and need not submit any of the additional information or materials noted in the "Site Plan Check Sheet" found in Appendix B of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria. However, the Commission may require the submission of additional materials or information from the "Site Plan Check Sheet" if it finds that the application materials are inadequate to evaluate the application or if the proposed Special Permit uses may require modifications to the previously approved Site Plan.
- C. The Commission may require the submission of any additional information it may deem necessary to determine compliance with any applicable provisions of these Regulations.

#### **11.3.3 Proceedings:**

- A. An incomplete Special Permit application may be denied in accordance with §11.6.3.
- B. If a Special Permit application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Commission.
- C. The Commission shall hold a public hearing on the Special Permit application and:



1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations, and
  2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with §11.6.8 of these Regulations.
- E. The Commission shall process the Special Permit application and any accompanying Site Plan application within the period of time specified in §11.6.4.
- F. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35<sup>th</sup>) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.
- G. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**
- 11.3.4 Special Permit Criteria:** In considering an application for a Special Permit, the Commission shall evaluate the merits of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:
- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 9, and that the standards for approval of any accompanying Site Plan application have been met;
  - B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
  - C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the Zoning District in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
  - D. that no adverse effect would result to the property values or historic features of the immediate neighborhood;
  - E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use, existing historic/natural assets/features and architectural design;
  - F. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and
  - G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the Ledyard Plan of Conservation and Development.

### **11.3.5 Decision Considerations:**

- A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:
  - 1. the Special Permit criteria in §11.3.4 of these Regulations; and
  - 2. all other applicable provisions of these Regulations.
- B. On a Special Permit application involving an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the Commission shall:
  - 1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and
  - 2. give due consideration to any report of the IWWC when making its decision.
- C. On a Special Permit application involving notice to adjoining municipalities, under **§11.6.8**, the Commission shall give due consideration to any report or testimony received from such municipalities.
- D. The Commission may approve an application for a Special Permit, deny the application, or approve the application subject to such conditions as it may deem necessary to protect the public health, safety, welfare, property values, and natural resources of the state. The Commission may also require that some or all conditions of approval be met prior to the issuance of the Zoning Permit by the Zoning Enforcement Officer.
- E. The approval of any Special Permit for any property on which there exists a zoning violation shall be deemed conditioned, whether expressly specified in the decision or not, upon the remediation of such violation, and no Zoning Permit or Certification of Zoning Compliance may be issued for such Special Permit uses until any such violation has been remediated.
- F. The submission of any application for Special Permit approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Special Permit by the Commission will be made in reliance on that certification and that such approval is conditioned on continuing conformance with those standards, whether or not such condition is expressly stated on the record. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Special Permit shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Special Permit.

### **11.3.6 Action Documentation:**

- A. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
- B. The decision to grant a Special Permit shall:
  - 1. state the name of the owner of record;
  - 2. contain a description of the premises to which it relates;

3. identify the section and/or sections of the Regulations under which the Special Permit was granted or denied; and
  4. specify the nature of the Special Permit.
- C. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.
  - D. The Commission shall cause notice of the approval, approval with conditions, or denial of the Special Permit application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.
  - E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

#### **11.3.7 Following Approval:**

- A. Within **ninety (90) days** after the Commission's approval of a Special Permit and Site Plan, the applicant shall submit to the Land Use Office three (3) sets of final plans, one (1) on mylar and two (2) on paper. Such plans shall be identical to those approved by the Commission, except that they shall incorporate any conditions or modifications required in the Commission's approval. Such plans shall be signed and sealed by the surveyor, engineer and/or other professional who has participated in the preparation of such plans.

If such plans are found to be in accordance with the final approval, the Chairman of the Commission shall endorse such plans. The endorsed mylar plans shall be filed by the applicant in the land records no later than ninety (90) days after the approval by the Commission, except that the Commission may act to extend this filing period for an additional ninety (90) day period upon the request of the applicant.

**A Special Permit granted by the Commission shall become effective only upon the filing of a copy of the Special Permit, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS §8-3d.**

- B. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
- C. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the original permit, provided, however, that no such revocation shall be ordered unless the Commission or its agent provides written notice of the violations to the current landowner and the Commission provides the landowner with an opportunity for a hearing on the violations.
- D. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit, except those amendments the Commission finds to be of a minor nature, that result in no significant change in the use or its intensity, and that do not materially alter the Special Permit, may be authorized with Commission approval only, without another public hearing.

## **11.4 TEXT AMENDMENT APPLICATION**

**11.4.1 Applicability:** A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any provisions of these Regulations.

### **11.4.2 Submission Requirements:**

- A. A Text Amendment application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.
- B. A Text Amendment application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment.
- C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- D. The Commission may, but shall not be required to, hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months.

### **11.4.3 Proceedings:**

- A. The date of receipt for the Text Amendment application shall be determined in accordance with §11.6.2.
- B. An incomplete Text Amendment application may be denied in accordance with §11.6.3.
- C. The Commission shall hold a public hearing on the Text Amendment application and shall cause a legal notice to be published in accordance with the requirements of §11.6.4 and §11.6.6 of these Regulations.
- D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality in accordance with Section 11.6.11.
- E. Notification to adjoining municipalities may be required in accordance with §11.6.8.
- F. Notification to water companies may be required in accordance with §11.6.9.
- G. A copy of the proposed Text Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- H. The Commission shall process the Text Amendment application within the period of time specified in §11.6.4.
- I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

### **11.4.4 Decision Considerations:**

- A. The Commission may approve, modify and approve, or deny the changes requested in such Text Amendment application.

- B. Zoning regulations shall be established, changed or repealed only by a majority vote of all the members of the Commission (5 member Commission - 3 votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property affected by the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (5 member Commission - 4 votes required).
- C. On a Text Amendment application involving notice to adjoining municipalities, water companies, or SCCOG:
  - 1. any report received from those agencies shall be made a part of the record of such hearing; and
  - 2. the Commission shall give due consideration to any report or testimony received.
- D. In making its decision the Commission shall:
  - 1. consider whether the Text Amendment would be in accordance with a comprehensive plan; and
  - 2. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.
- E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

**11.4.5 Action Documentation:**

- A. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.
- B. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
- C. The Commission shall establish an effective date for any Text Amendment. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard. A copy of the Text Amendment, as approved, must also be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Text Amendment in the Town Clerk's office, whichever is later.
- D. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
- E. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

- F. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

## **11.5 ZONE CHANGE APPLICATION**

**11.5.1 Applicability:** A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

**11.5.2 Submission Requirements:**

- A. A Zone Change application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.
- B. A Zone Change application shall be accompanied by fifteen (15) copies of a map showing the location and boundaries of all lots, or portions of lots, proposed to be rezoned. If, and to the extent that, the zone change does not follow established lot lines, the proposed new zone boundaries must be shown on a map signed and sealed by a land surveyor licensed in the State of Connecticut.
- C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- D. A Zone Change application may be submitted only by:
  - 1. an owner of the real property proposed for the zone change; or
  - 2. persons who submit evidence of a substantial legal interest in the property proposed for the zone change.
- E. The Commission also may propose and consider a Zone Change on its own initiative.
- F. The Commission may, but shall not be required to, hear a Zone Change application that has been rejected for a period of one (1) year after the date of rejection.

**11.5.3 Proceedings:**

- A. The date of receipt for the Zone Change application shall be determined in accordance with §11.6.2.
- B. An incomplete Zone Change application may be denied in accordance with §11.6.3.
- C. The Commission shall hold a public hearing on the Zone Change application and shall:
  - 1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations; and
  - 2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.
- D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a proposed Zone Change is located within 500 feet of the boundary of another Connecticut municipality in accordance with §11.6.11.
- E. Notification to adjoining municipalities may be required in accordance with §11.6.8.
- F. Notification to water companies may be required in accordance with §11.6.9.

- G. The Commission may refer any Zone Change application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
- H. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- I. The Commission shall conduct the public hearing within the period of time specified in §11.6.4.
- J. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

#### **11.5.4 Decision Considerations:**

- A. **The Commission may approve, modify and approve, or deny the changes** requested in such Zone Change application.
- B. On a Zone Change application involving notice to adjoining municipalities, water companies, or SCCOG:
  - 1. any report received from those agencies shall be made a part of the record of such hearing; and
  - 2. the Commission shall give due consideration to any report or testimony received.
- C. Changes in Zone District boundaries should be:
  - 1. in harmony with the Plan of Conservation and Development for the Town of Ledyard, as amended;
  - 2. consistent with a comprehensive plan;
  - 3. where possible, constitute logical extensions of like or compatible districts; and
  - 4. where appropriate, along property lines or easily distinguishable geophysical features.
- D. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.
- E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed Zone Change with the Plan of Conservation and Development.
- F. Zone boundaries shall be established, changed or repealed only by a majority vote of all the members of the Commission (five-member Commission – three (3) votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (five-member Commission – four (4) votes required).

#### **11.5.5 Action Documentation:**

- A. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
  - 1. the reasons for its decision; and
  - 2. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
- B. The Commission shall establish an effective date for any Zone Change. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard, and a copy of the Zone Change must be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Zone Change in the Town Clerk's office, whichever is later.
- C. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
- D. The Commission shall cause notice of the approval or denial of the Zone Change application to be published, within fifteen (15) days after such decision is rendered, in a newspaper having a substantial circulation in Ledyard.
- E. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

## **11.6 PROCEDURAL REQUIREMENTS**

### **11.6.1 Application Submittal Requirements:**

- A. Applications to the Commission shall be submitted to the Land Use Office.
- B. Applications shall be submitted on forms obtained from the Land Use Office for the type of application being submitted.
- C. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any Planning and Zoning application fee.
- D. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
- E. Applications shall be signed by the applicant.
- F. Applications shall also be signed by an owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

### **11.6.2 Date of Receipt:** For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:

- A. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Land Use Office; or
- B. thirty-five (35) days after submission, whichever is sooner.

### **11.6.3 Incomplete Applications:**



- A. The ZEO and/or Planning Director shall review each application and shall advise the Commission whether they believe the application is substantially complete and, if not, what information or materials it believes are missing. The Commission shall have the final discretion to determine whether an application is substantially complete.
- B. *It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application. The Commission may deny an incomplete application, or an application submitted without the requisite fee.*

**11.6.4 Hearings:** Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate. Whenever a public hearing is required on an application described in this Chapter 11, the Commission shall process the application within the period of time permitted under CGS §8-7d, as follows:

- A. the public hearing shall commence within sixty-five (65) days after the official date of receipt of the application;
- B. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
- C. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
- D. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
- E. the provisions of Sections (a) through (d) shall not apply to any action initiated by the Commission.

**11.6.5 Consultations:**

- A. On any application, the Commission may seek the advice and opinion of other officials, boards, or Commissions to assist it in evaluating applications.
- B. On any application, the Commission may retain an engineer, architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

**11.6.6 Notice by Newspaper:**

- A. When a public hearing is required by these Regulations or scheduled by the Commission, the Land Use Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Ledyard.
- B. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen (15) days, nor less than ten (10) days, before the date of the hearing, and the last not less than two (2) days before the date of the hearing.

**11.6.7 Notification to Property Owners:**

- A. When required by these Regulations, the applicant (other than the Commission) shall notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or

outside Ledyard, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.

**B.** At a minimum, such notice shall consist of:

1. a description of the proposed activity;
2. notification of the date, time, and place of the first scheduled hearing; and
3. a copy of the application form submitted to the Commission.

**C.** The applicant shall prove such mailing by submitting, at or prior to the first scheduled hearing regarding the application:

1. a copy of the complete package of information sent to abutters;
2. a list of the abutters to whom the notices were sent; and
3. certificates of mailing from the U.S Postal Service, provided that the Commission may accept other proof of mailing or delivery that it deems equivalent to such certificates.

**D.** The most recent Assessor's records on file in the Ledyard Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

**11.6.8 Notification to Abutting Municipalities:**

**A.** As required by CGS §8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:

1. any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;
2. a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site;
3. a significant portion of the sewer or water drainage from the project would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
4. water runoff from the improved site would impact streets or other municipal or private property within the adjoining municipality.

**B.** Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Land Use Office of the application, petition, request or plan.

**C.** No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this section.

**D.** Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**11.6.9 Notification to Water Companies:**

**A.** As required by CGS §8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission concerning any project on any site that is within:

1. an aquifer protection area, provided such area has been delineated in accordance with CGS §22a-354c; or
  2. the watershed of a water company, provided such water company or said Commissioner has filed a map with the Commission and on the Ledyard land records showing the boundaries of the watershed.
- B. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Land Use Office.
- C. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Land Use Office, or the application may be considered incomplete:
1. a copy of the complete package of information; and
  2. proof of mailing.
- B. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**11.6.10 Notification of DEEP:**

- A. If any portion of the property which is the subject of an application is located within an area designated as “State and Federal Listed Species & Significant Natural Communities” on the most current Natural Diversity Data Base Areas map for Ledyard prepared by the Connecticut Department of Energy and Environmental Protection (DEEP), the applicant must notify DEEP of the application.
- B. A report from DEEP shall be a required for any application for Site Plan approval or a Zoning Permit for any such property, and any such application submitted without a DEEP report shall be considered incomplete (see §11.6.3).

**11.6.11 Notification to Southeastern CT Council of Governments:**

- A. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SCCOG on its Internet web site for receipt of such notice, not later than thirty (30) days before the public hearing to be held on the Zone Change application.
- B. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SCCOG confirming receipt of such notice, then not later than twenty-five (25) days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SCCOG.
- C. SCCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SCCOG does not disapprove of the proposal.

**11.6.12 Beneficiaries of a Trust:** Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall

file with the application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

**11.6.13 Bonds:**

- A.** Where a bond or surety is required by any Commission decision, it shall be in one of the following forms, and the ZEO shall require evidence of compliance with the following standards before accepting any bond:
    - 1. cash deposited with the Town;
    - 2. certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC;
    - 3. bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC; or
    - 4. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
  - B.** Any required bond shall not be released by the Commission until:
    - 1. the release has been requested, in writing, by the applicant;
    - 2. the ZEO has submitted a letter stating that all pertinent conditions and requirements of the Commission's approval have been satisfied; and
    - 3. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work pertinent to the bond are in accordance with submitted Site Plans;
  - C.** Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in §11.6.13B
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## CHAPTER 12: COASTAL AREA MANAGEMENT AND FLOOD PROTECTION

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### 12.1 COASTAL AREA MANAGEMENT (CAM)

- A. **Purpose:** All buildings, uses, and structures fully or partially within the coastal boundary, as defined in Chapter 444, §22a-94 of the Connecticut General Statutes and depicted on the Town of Ledyard Zoning Map, shall be subject to the Coastal Site Plan review requirements and procedures in §§ 22a-105 through 22a-109 of the Connecticut General Statutes.
- B. The following applications are subject to the Coastal Site Plan review requirements and procedures if located fully or partially within the coastal area:
1. Site Plans submitted to the Commission in accordance with §22a-109 of the Connecticut General Statutes;
  2. Applications for a Special Permit submitted to the Commission in accordance with §8-2 of the Connecticut General Statutes and §11.3 of these regulations;
  3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of §8-6 of the Connecticut General Statutes and §14.0 of these regulations; and,
  4. A referral of a proposed municipal project to the Planning & Zoning Commission in accordance with §8-24 of the Connecticut General Statutes.
- C. The following activities are hereby exempted from Coastal Site Plan review requirements under the authority of subsection (b) of §22a-109 of the Connecticut General Statutes:
1. Gardening, grazing, and the harvesting of crops,
  2. Minor additions to, or modifications of, existing Buildings or Accessory Buildings,
  3. Construction of new or modification of existing Structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, tennis courts, and accessory buildings,
  4. Construction of new, or modification of existing, on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by §22a-93 (7) of the Connecticut General Statutes,
  5. Construction of a single-family dwelling except in or within one hundred (100) feet of the following coastal resource areas as defined by §22a-93 (7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes,
  6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources,
  7. Interior modifications to buildings, and
  8. Minor change in uses of buildings, structures, or property, except those changes occurring on properties adjacent to or abutting coastal waters.
- D. **Coastal Site Plan:** In addition to meeting the other requirements of these regulations, all applicants for Zoning Permits, Special Permits, or variances relating to uses proposed for location fully or partially within the coastal area shall submit a Coastal Site Plan which shall accomplish the following:
1. Show the location and spatial relationship of coastal resources on and contiguous to the site;

2. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;
3. Assess the capability of the resources to accommodate the proposed use;
4. Assess the suitability of the project for the proposed site;
5. Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources; and
6. Demonstrate that the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in §22a-92 of the Connecticut General Statutes.

**E. Coastal Site Plan Review:** In addition to any other applicable Site Plan review criteria prescribed by these Zoning Regulations and Appendix B, a Coastal Site Plan required under this Section shall be reviewed and may be modified, conditioned, or denied in accordance with the procedures and criteria listed in this Section of these Zoning Regulations.

1. The Commission may, at its discretion, hold a public hearing on any Coastal Site Plan submitted to it for review.
2. In determining the acceptability of potential adverse impacts of the proposed activity described in the Coastal Site Plan on both the coastal resources and the future water dependent development opportunities, the Commission shall:
  - a. Consider the characteristics of the site, including the location and condition of any coastal resources defined in §22a-93 of the Connecticut General Statutes;
  - b. Consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and
  - c. Follow all applicable goals and policies stated in §22a-92 of the Connecticut General Statutes and identify any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning or denying a Coastal Site Plan based on the criteria herein prescribed, the Commission shall state, in writing, the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.
3. In approving any activity proposed in a coastal area, the Commission shall make a written finding that the proposed activity, with any conditions or required modification:
  - a. Is consistent with all applicable goals and policies in §22a-90 of the Connecticut General Statutes; and
  - b. Incorporates as conditions or modifications all reasonable measures that would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

**F. Bond:** As a condition to a Coastal Site Plan approval, the Commission may require a bond or other surety or financial security arrangement to secure compliance for any public improvements stated in its approval of the plan.

**G. Violations:** Any activity within the defined coastal area not exempt from Coastal Site Plan review pursuant to §12.1(C) above, which occurs without having received a lawful approval from the Commission under all the applicable procedures and criteria prescribed by these Zoning Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and appropriate legal remedies will be taken by the Commission for the abatement of such nuisance.

- H. Time Limitations:** Whenever the approval of the Coastal Site Plan is the only requirement to be met or remaining to be met under these regulations for a proposed building use or structure, a decision on an application for approval of such Site Plan shall be rendered within sixty-five (65) days after receipt of such plan. The applicant may consent to one (1) or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one (1) additional sixty-five (65) day period per CGS §8-7d(b), or may withdraw such plan.

## **12.2 FLOOD PROTECTION**

- A. Purpose:** To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Ledyard are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. Definitions:** Unless specifically defined below, words or phrases used in this regulation shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.
- 1. AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.
  - 2. BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
  - 3. BASE FLOOD ELEVATION (BFE):** Is the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
  - 4. BASEMENT:** Is any area of the building having its floor subgrade (below ground level) on all sides.
  - 5. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, a manufactured home park or subdivision for which the construction of facilities for servicing the lots of which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before March 11, 1981, the effective date of the floodplain management regulations adopted by the community.
  - 6. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
  - 7. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).
  - 8. FINISHED LIVING SPACE:** For this Section only, means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but not limited to, heated and/or cooled, contains finished floors, (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

9. **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waves, or the unusual and rapid accumulation/runoff of surface waters from any source.
10. **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the National Flood Insurance Program Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
11. **FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood related erosion hazards.
12. **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
13. **FUNCTIONALLY DEPENDENT USE OR FACILITY:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
14. **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement).
15. **MANUFACTURED HOME:** For purposes of the National Flood Insurance Program, means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
16. **MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section, means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.
17. **MARKET VALUE:** For this Section, means the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
18. **MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
19. **NEW CONSTRUCTION:** The purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after March 11, 1981, the effective date of floodplain management regulations adopted by the community and includes any subsequent improvements to such structures.
20. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** For the purpose of this Section, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 11, 1981, the effective date of the floodplain management regulation adopted by the community.



21. **STRUCTURE:** For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
  22. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
  23. **SUBSTANTIAL IMPROVEMENT:** For this Section, any combination or repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (A) the appraised value of the structure prior to the start of the initial repair or improvement, or (B) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, if that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Zoning Official and are solely necessary to assure safe living conditions.
  24. **VARIANCE:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
  25. **VIOLATION:** Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest flood elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be a violation until such time as that documentation is provided.
  26. **WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- C. **General provisions:** These regulations shall apply to all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011 (as may be amended from time to time), and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011 (as may be amended from time to time), and other supporting data applicable to the Town of Ledyard are adopted by reference and declared to be a part of these regulations.
1. Since mapping is legally adopted by reference to this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
  2. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM.
  3. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

4. A Zoning Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.
5. The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.
6. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages.
7. This regulation shall not create liability on the part of the Town of Ledyard or by any officer or employee thereof for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made thereunder.
8. The Town of Ledyard, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Ledyard.
9. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**D. Duties and responsibilities of the Commission or its Designated Agent shall include, but not be limited to:**

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
2. Advise permitted that additional Federal or State permits may be required and notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse;
3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
4. Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood proofing is utilized for a particular structure the Zoning Official shall obtain certification from a Licensed Professional Engineer or architect;
5. When base flood elevation data or floodway data have not been provided, then the Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source to administer the provisions of § 12.2(E); and
6. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Official shall make the necessary interpretation. All records pertaining to the provisions of this regulation shall be maintained in the Zoning Office.

**E. Provisions for flood hazard reduction:**

1. **General standards:** In all areas of special flood hazard the following provisions are required:
  - a. **New construction and substantial improvements shall be:**
    - i. anchored to prevent flotation, collapse, or lateral movement of the structure,
    - ii. constructed with materials and utility equipment resistant to flood damage, and

- iii. constructed by methods and practices to minimize flood damage.
  - b. **Water supply and sanitary sewage systems:**
    - i. New and replacement Water Supply Systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
    - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.
    - iii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - c. **Manufactured Homes:** All manufactured homes to be placed within Zones A and AE on the Town's Flood Insurance Rate Map shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement:
    - i. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
    - ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
  - d. **Utilities.** Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.
2. **Specific standards:** In all areas of special flood hazard where base flood elevation data has been provided, as set forth in §12.2(C) or as determined in §12.2(D)(5), the following provisions, in addition to those in §12.2(E)(1), are required:
- a. **Residential structures:** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
  - b. **Non-residential structures:**
    - i. New construction, substantial improvement of any commercial, industrial, or non-residential structure located in a Special Flood Hazard Area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.
    - ii. **Flood proofing:** Non-residential structures located in all A and AE Zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
    - iii. A Licensed Professional Engineer or Architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
  - c. **Manufactured Homes shall:**

- i. Have the lowest floor elevated to or above the base flood elevation.
  - ii. Be placed on a permanent foundation which is securely anchored and to which the structure is securely anchored. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood.
- d. Recreational vehicles placed on sites in all A and AE Zones shall either:**
- i. Be on a site for fewer than one hundred and eighty (180) consecutive days, Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
  - ii. Meet the permit requirements of this Section and the elevation and anchoring requirements for “manufactured homes” in §12.2(E)(1)(c) of the General Standards Section.
- e.** In AE Zones where base flood elevations have been determined, but before a floodway is designated, it is required that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point in the community when all anticipated development is considered cumulatively with the proposed development.

**3. Floodways:**

- a.** In areas where floodways have been designated or determined, these regulations shall prohibit encroachments, including fill, new construction, substantial improvements and other developments within the floodway unless demonstrated through hydraulic and hydrologic analysis performed in accordance with standard engineering practice and certified by a Licensed Professional Engineer that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.
- b.** When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any one (1) point.

**F. Variances:** The Zoning Official shall maintain a record of all flood protection variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the National Flood Insurance Program Administrator.

- 1.** An applicant for a variance to this Section shall be notified by the Zoning Official that the issuance of a variance to construct a structure below the base flood level will result in increased rates for insurance coverage up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and that such construction shall be maintained with a record of all flood protection variance actions.

2. A variance shall not be granted if the Zoning Board of Appeals determines that:
  - a. No exceptional hardship would result from the failure to grant the variance, and
  - b. Granting of the variance would result in increased flood heights, additional threats to public safety, extraordinary public expenses, or creation of nuisances.
- G. **Equal Conveyance:** Within the floodplain, except those areas that are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for Ledyard, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure is prohibited.
  1. **Exception:** If the applicant provides certification by a licensed professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments will not result in any (0.00 feet) increase in flood levels (base flood elevation).
  2. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way to cause an increase in flood stage or flood velocity.
- H. **Compensatory storage:** The water holding capacity of the floodplain, except in those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in the footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain.
  1. **Storage shall be:**
    - a. Provided on-site, unless easements have been gained from adjacent property owners,
    - b. Provided within the same hydraulic reach and a volume not previously used for flood storage, and/or
    - c. Hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
  2. **Above ground storage tanks:** Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
  3. **Portion of structure in flood zone:** If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA.
  4. The entire structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.
  5. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
  6. **Structures in two (2) flood zones:** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE).

7. The structure includes any attached additions, garages, decks, sunrooms, or any other structure
8. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive.

## **CHAPTER 13: ADMINISTRATION AND ENFORCEMENT**

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### **13.1 Enforcement**

- A. Pursuant to CGS §8-3(e), CGS §8-12, and CGS §8-12a, these regulations shall be enforced by the Zoning Official appointed by the Mayor pursuant to Chapter IV §4 of the Ledyard Town Charter and as designated by the Planning & Zoning Commission. The Zoning Official is an Agent of the Commission and is given the power and authority to enter and inspect property at reasonable times as required in the performance of his duties, and may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

### **13.2 Violation Procedure**

- A. Procedures to be followed in the event of violations of these regulations shall be pursuant to CGS §8-12, CGS §8-12a as amended, and/or Ordinance #300-009 as appropriate.

### **13.3 Fees:**

- A. Pursuant to CGS §8-1(c) and Town Ordinance #300-008, the Town of Ledyard shall establish a schedule of Zoning Fees for zoning review of residential and commercial building permits, Site-plan and Special Permit reviews, Subdivision review, Home Occupation, Change of Use (permits), certificates of use and compliance, and all other planning and/or zoning applications to reasonably defray the municipal costs of administering the State of Connecticut General Statutes and the Ledyard Zoning Regulations and publishing the public hearings and decisions of the Commission. The fee schedule may be amended from time to time.
- B. The Zoning Official shall not issue any permit, and the Commission shall take no final action, until the Zoning Official or his representative has received payment of applicable fees.
- C. All Fees are non-refundable regardless of application withdrawal by applicant or denial by staff or Commission.
- D. No fee shall be charged for zoning applications for projects by or for the Town of Ledyard, or for permits for repair or replacement of owner-occupied single-family residential buildings that have been destroyed or damaged by fire, storm, or other casualty.





## CHAPTER 14: ZONING BOARD OF APPEALS

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**14.1 Powers and Duties:** The Zoning Board of Appeals (ZBA) shall have such powers and duties as may be provided in the Connecticut General Statutes (CGS), including, but not limited to, CGS §8-6. The Zoning Board of Appeals shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Official charged with the enforcement of Chapter 124 or any bylaw, ordinance or regulation adopted under the provisions of Chapter 124. Such appeal shall be taken within fifteen (15) days of the action of said official.
- B. To determine and vary the application of the zoning bylaws, ordinances or 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 such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship, and so that substantial justice will be done and the public safety and welfare secured if the variance is granted.
- C. Hear and decide all matters required by the specific terms of the Connecticut General Statutes.

**14.2 Limitations on Use Variances:** The ZBA shall be prohibited from granting any variance for a use in any district in which such use is not otherwise permitted.

**14.3 Procedures:** Procedures for submission of applications to the Zoning Board of Appeals shall be as provided in the Connecticut General Statutes, including, but not limited to, CGS §8-7, or as may be established by rule or regulation of the Zoning Board of Appeals.

**14.4 Decisions:**

- A. Prior to granting a variance there must be a finding by the ZBA that all the following conditions exist:
- B. If the owner complied with the provisions of these regulations that he would not be able to make any reasonable use of his property.
- C. The difficulties or hardship are peculiar to the property in question, in contrast with other properties in the same district.
- D. The hardship was not result of the applicant's own action.
- E. The hardship is not merely financial or pecuniary.

**14.5 Following Approval:**

- A. A variance granted by the Board shall become effective only upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the following provisions.
  - 1. The applicant shall record the variance in the office of the Town Clerk of Ledyard, and any variance not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Board to act, shall become null and void.
  - 2. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

3. A signed copy of the approved variance shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

B. A variance shall authorize only the particular activities specified in the Board's approval.

## **14.6 FLOODPLAIN VARIANCES**

### **14.6.1 Specific Situation Variances:**

- A. **Buildings on a Historic Register:** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- B. **Functionally Dependent Use or Facility:** Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of subpart C below.
- C. **Floodway Prohibition:** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**14.6.2 Considerations for Granting Floodplain Variances:** In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The necessity of the facility to waterfront location, in the case of a functionally dependent facility.
- F. The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety access to the property in times of flood for ordinary and emergency vehicles.

- J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**14.6.3 Conditions for Floodplain Variances:**

- A. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.
- B. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
- C. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
- D. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.



## **CHAPTER 15:      AQUIFER PROTECTION AGENCY**

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### **15.1    Designation of Membership:**

- A. In accordance with the provisions of CGS §22a-354a et seq., and the Town of Ledyard Ordinance #300-007, the Commission is designated as the Aquifer Protection Agency (the “Agency”) of the Town of Ledyard. The staff of the Commission shall serve as the staff of the Agency.
- B. Members of the Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.
- C. At least one (1) member of the Agency or staff shall complete the course in technical training formulated by the Commissioner of Energy and Environmental Protection (DEEP) of the State of Connecticut, pursuant to CGS 22a-354V.

### **15.2    Adoption of Regulations:**

- A. The Agency shall adopt regulations in accordance with CGS §22a-354p, as amended and Regulations of Connecticut State Agency (RCSA) §22a-354i-3, which shall provide for:
  - 1. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
  - 2. Procedures for the regulation of activity within the area.
  - 3. The form for an application to conduct regulated activities within the area.
  - 4. Notice and publication requirements.
  - 5. Criteria and procedures for the review of applications.
  - 6. Administration and enforcement.

### **15.3    Inventory of Land Use:**

- A. To carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use to assess potential contamination sources.
- B. Within and not to exceed three (3) months following the Commissioner’s approval of Level A mapping of aquifers, the Agency shall inventory land use within and overlying the mapped zone of contribution and recharge areas of such mapped aquifers in accordance with guidelines established by the Commissioner pursuant to CGS 22a-354r. Such inventory shall be completed not more than one (1) year after the authorization of the Agency pursuant to CGS §22a-354e.

## APPENDIX A

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### **History of Zoning Code Amendments:**

The provisions of these regulations and the boundaries of any Zoning District established hereunder may from time to time be amended, modified, changed or repealed by the Commission in accordance with the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958, as amended. Any petition requesting a change in these regulations shall be in writing and in a form prescribed by the Commission. Such petitions shall be accompanied by a filing fee to be deposited with the Commission to defray the cost of publication of the notice for a hearing on such change.

These regulations became effective on October 11, 1963, as amended on May 5, 1968; October 6, 1970; August 3, 1971; October 1, 1975; April 30, 1977; June 8, 1978; January 4, 1979; June 1, 1979; July 15, 1979; December 1, 1979; January 7, 1980; February 1, 1980; March 1, 1980; July 15, 1980; August 15, 1980; January 1, 1982; April 1, 1982; October 1, 1983; December 15, 1983; February 1, 1984; July 1, 1984; July 15, 1984; October 10, 1984; June 1, 1985; July 15, 1985; August 1, 1985; November 1, 1985; April 16, 1986; October 16, 1986; August 25, 1987; March 30, 1988; March 30, 1988; June 30, 1988; July 15, 1988.

### **Amended as of July 1, 1989:**

The amendment of these regulations was for the purpose of reformatting without substantive change of content.

### **Amended as of July 18, 1990:**

Section 3.0 Residential Districts: **3.1.5** Allowance of accessory apartments; **3.4.3** Allowance of farm animals as of right in R-80 Districts; **3.6.1.4** Clarification of cluster lot sizes and increase in minimum lot area required for an R-40 District; **3.7.3** Allowance of interior lots as part of a non-subdivision; **3.8.5** Review of residential institutional uses by Zoning Commission; **3.9** Deletion of family apartments; **3.10.3** Increase in height allowance on accessory structures; **3.10.4** Allowance of accessory structures closer to street than principal structure.

Section 17.0 Definitions: Deletion of family apartment; Changes in child day care centers and barns; New definitions: accessory apartment, accessory building, and family day care home.

### **Amended as of December 18, 1990:**

Section 3.12 Home Occupation Permits: All sections changed.

Section 17.0 Definitions: Home Occupation.

### **Amended as of February 21, 1992:**

Section 4.0 Ledyard Center Design District: **4.3.8** Allowance of Alcoholic Liquor; **4.4** Clarification of Prohibited Uses; **4.6.4** Clarification of Site Plan Requirements; **4.6.5** Allowance of Waiver of A-2 Survey Requirement.

Section 5.0 Resort Commercial Cluster District: All sections new.

Section 6.0 Industrial District: Deletion of Zones I-1, I-2, and I-3; clarification of all sections.

Section 7.0 Commercial Districts: Deletion of Commercial Marine.

Section 8.0 Special Use Districts: All sections new.

**Amended as of September 3, 1992:**

Section 13.12 Bed and Breakfast Operations: Entire section changed.

**Amended as of June 8, 1993:**

Section 3.0 Residential Districts: **3.5.3** Clarify travel trailer use; **3.11.6** Allowance for replacement of mobile homes within a State approved mobile home park.

Section 9.0 Bulk Requirements: Correction of R-80 requirements.

Section 13.0 Special Exceptions: **13.1.9** One year waiting period for hearing substantially same application.

Section 17.0 Definitions: Changes in Bed and Breakfast.

**Amended as of August 25, 1994:**

Section 5.3.1.2 Principal Uses: To allow all restaurants, including fast food restaurants, to be developed as stand-alone establishments within the RCCD.

**Amended as of September 22, 1994:**

Section 13.6 Central Oil Distribution Systems: Entire section deleted.

**Amended as of September 14, 1995:**

Section 3.0 Residential Districts: **3.1.3** Clarification of letting of rooms or furnishing of board. **3.11.5** Deletion of sub-section which eliminates the requirement of a ZBA variance for replacement mobile homes.

Section 17.0 Definitions: New definitions: Boarder, Guest at a Bed and Breakfast, Roomer. Clarification: Bed and Breakfast.

**Amended as of April 25, 1996:**

Section 13.12 Country Inn: All sections new.

Section 17.0 Definitions: Country Inn.

Section 15.5 Miscellaneous: Temporary Mobile Units For Construction in Non-Residential Zones. All sections new.

**Amended as of August 8, 1996:**

Section 4.5.1.2 (minimum 100 ft. lot frontage): Deleted.

Section 13.1.5 (minimum frontage): Deleted.

Section 10.5.17.1: New section.

**Amended as of October 31, 1996:**

Section 3.12 Home Occupations: Entire section changed.

**Amended as of May 3, 1997:**

Section 4.3.3 Ledyard Center Design District (LCDD) Permitted Uses: Addition of Country Inns.

Section 3.10.6 Residential Districts Accessory Buildings: Addition of membrane-covered frame structures (hoop houses).

Section 17.0 Definitions: Membrane-covered Frame Structures.

Section 15.6 Miscellaneous: Addition of handicap ramps in residential districts.

**Amended as of January 29, 1998:**

Section 12.3 Flood Protection: Updates to comply with State and Federal mandates consistent with minimum standards of The National Flood Insurance Program as administered by the Federal Emergency Management Agency.

Section 13.5 Mobile Manufactured Home Land Lease Communities For Older Persons Formerly Known As (Mobile Home Retirement Villages [RM-40 Zones]): Entire section changed.

**Numerical typographical error corrected ~ Section 13.3.5 Screening change to 13.3.6, also sequence 13.3.6 change to 13.3.7 and 13.3.7 change to 13.3.8.**

**Amended as of July 4, 1998:**

Section 14.0 Wireless Telecommunication Facilities, Antennas, and Towers: Entire New Section.

**NOTE: All section previously numbered 14 - 20, hereby numbered 15 - 21, respectively.**

**NOTE: June 15, 1999 ~ typographical error corrected in Section 13.3.5.1 {Section 11.4 changed to Section 12.4} and typographical error corrected in Section 13.5.2.5 {convents changed to covenants}.**

**NOTE: Visual aids showing building setback envelope for attached and detached structures in Section 9, updated February 9, 2000.**

**Amended as of April 15, 2000:**

Section 16.2 Junk and Hobby Vehicles: Amended to include Junk and Hobby Vehicles.

Section 18 Definitions: Junk and Hobby Vehicles.

**Amended as of May 10, 2000:**

Section 6.6.1 Industrial District: Amended.

Section 6.6.1.1 Industrial District: New subsection.

**Amended as of September 19, 2001:**

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Increase the maximum building height from 30 feet to 35 feet.

**Amended as of September 19, 2001:**

Section 4.5.1.7 Ledyard Center Design District: Amended to authorize the zoning commission to waive the 100-ft. setback from the centerline of a state highway.

**Amended as of February 2, 2002:**

Section 4.8 through 4.17 Gales Ferry Design District (G.F.D.D.): All new section (former C-2 and C-3 zones and the former Gales Ferry School site which was zoned R-20).

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Amended to include G.F.D.D. requirements.



**Amended as of April 6, 2002:**

Section 3.1.7 and 3.2.1: Amended to allow an accessory parking lot on a contiguous lot via a Special Permit.

Section 11.2.14: New section to specify the number of parking spaces for a museum.

Section 11.3.5: New section to describe buffer requirements for a parking lot in a residential zone.

Section 11.3.6: New section to describe lighting requirements for a parking lot in a residential zone.

Section 11.3.7: New section to limit noise from parking lots approved via a Special Permit.

**Amended as of September 21, 2003:**

Section 4.11.1.3 Gales Ferry Design District: Amended to describe types of laundries and laundromats allowed.

Section 4.11.1.6: Amended to allow outdoor recreation with exclusions.

Section 4.11.1.12: New subsection .2 to allow a restaurant, pub or tavern to sell alcoholic liquor as an accessory use.

Section 4.11.1.14: New subsection .1 to allow hotels and motels throughout the zone.

Section 4.11.1: New subsection .22 to allow stores that sell power equipment, recreational vehicles and accessories throughout the district with outside display restricted to business hours.

Section 4.11.5: Adjust subsection numbers to accommodate hotels and motels as an allowed use throughout the zone, and to add text to new subsection .3 that prohibits the discharge of volatile organic compounds.

Section 4.11.5.3: Add new subsection .1 to define recreational vehicles. Add new subsection .2 to describe the restriction on the size of trailers. Add new subsection .3 to describe the location and screening of repair facilities, pick up, drop off and storage areas. Add new subsection .4 to further clarify where other motor vehicles may be sold.

Section 4.12: Add definitions of Prohibited Uses, which were moved to the “Definition” section.

**Amended as of November 2, 2003**

Section 6.4.3: Add new subsection .6 to allow the consideration of the construction of a water tank/tower in Industrial Zones without full screening from view, through a special permit process.

**Amended as of April 3, 2004**

Section 18: Add new definition of Age Restricted Housing.

Section 13.3.2.1: Amended to allow three (3) bedroom apartment/condominiums for age restricted housing only.

**Amended as of October 16, 2005**

Section 4.0 through 4.13 Ledyard Center Village District (LCVD): All new section (former Ledyard Center Design District [L.C.D.D.] and LCDD zone) now four (4) new zones: LCVD-1, LCVD-2, LCVD-3, MFVD.

**NOTE: All sections previously numbered 4.8 through 4.17, hereby numbered 4.14 through 4.23 respectively.**

**Amended as of December 30, 2005**

Section 8.3.10 Amended to allow fast food restaurants if entry and exit are on Route 12.

Add new Section 8.3.13 to CIP Zone to include convenience stores, gas stations with fast-food facilities and drive-thru's.

**Amended as of February 17, 2006**

Section 13.5: Amended to render the regulation compatible with requirements for Federal National Mortgage Association financing of dwelling units in Mobile Manufactured Home Land Lease Communities for Older Persons and make certain additional technical amendments.

**Amended as of April 15, 2006**

Section 3.6: Deleted "Cluster Residential Developments" add new "Conservation Subdivision Developments."

**Amended as of August 5, 2006**

Section 3.7.1: Add new Section 3.7.1.6 to allow interior lots in a Conservation Subdivision not to comply with Sections 3.7.1.1 and 3.7.1.2.

**Amended as of October 8, 2006**

Section 5.3 Add principle uses to the Resort Commercial District, and a change to Section 5.5.1.4 – building height. Also new definition "Resort Facility."

**Amended as of February 3, 2007**

Corrections of Internal References, and a change to Section 13.5 to remove regulations that are governed by the State of Connecticut Building Code. Also new definition "Mobile Manufactured Home."

**Amended as of October 20, 2008**

Section 10.2.5 change to banner regulation and new regulation to add signage on municipal water towers.

**Amended as of July 6, 2009**

New Section 8.7 Permitting interior lots in CIP Zones

**Amended as of January 28, 2010**

Section 17.2 amend entire section

**Amended as of September 1, 2010**

Section 13.3 Apartments/Condominiums

**Amended as of October 15, 2010**

Section 3.1.1 to allow one additional residential unit for farm employees on properties of 50 acres or more.

**Amended as of June 1, 2011**

Section 12.3 Flood Protection regulations to incorporate changes required by FEMA and DEEP (includes updated flood maps).

**Amended as of January 11, 2012**

Section 2.2 (Definitions) & Section 8.18 (Country Inn) to allow for (i) a restaurant, if part of a Country Inn, to be open to the general public; (ii) operated under its own name; (iii) the contracting out or leasing of the restaurant; and (iv) non-resident ownership of a Country Inn.

**Amended as of October 18, 2012**

Sections 1.0 through Section 17.0 (Replacement of Ledyard Zoning Regulations)

Attachment A – “Schedule of Permitted Uses” (New)

Attachment B – “Area and Bulk Schedule” (New)

Attachment C – “Parking Table” (New)

Attachment D – “Design Guidelines” (New)

**Amended as of November 4, 2013**

Section 13.1 B(2) Non-conforming Uses, Structures and Properties to allow the Planning and Zoning Commission to approve a non-conforming use to be changed to another non-conforming use.

**Amended as of January 1, 2015**

Attachment A – “Schedule of Permitted Uses” Legend for RM-40 District – removed “for older persons districts” and replaced with “(Overlay to underlying R-40 Districts)”

Section 4.3 Mobile Manufactured Home Land Lease Community (RM-40) added 4.3.B to allow R-40 uses in all areas marked RM-40 on the zoning map

**Amended as of June 1, 2015**

8.11 Dwellings, Multiple Family (Apartments, Condominiums, Townhouses)

**A. Apartment/Condominium complexes may consist of multiple buildings and shall not be permitted on lots of less than five acres.**

B. Density. The permitted density for an Apartment/Condominium complex shall be determined as follows:

- (1) No public sewers: A maximum average density of four (4) bedrooms per acre.
- (2) Public sewers: A maximum average density of eight (8) bedrooms per acre.
- (3) Age restricted housing developments (with or without public sewers): A maximum average density of twelve (12) bedrooms per acre.
- (4) Deleted
- (5) No building shall contain more than eight (8) dwelling units except that a building may contain no more than thirty-two (32) dwelling units when the following criteria are met:
  - (a) At least fifty percent (50%) of the units are affordable housing, as defined in CGS §8-39a, with income and rent or sale price limits;
  - (b) Restrictions, consistent with CGS §8-39a, are recorded in the Land Records, maintaining the affordability for at least forty (40) years;
  - (c) Occupancy for units in the development requires at least one (1) person age fifty-five (55) or older, and no persons under age eighteen (18) or younger are permitted;

- (d) Common spaces for socializing and gathering are provided in the building;
- (e) The building is fully accessible to persons with disabilities, including installation of an elevator if on more than one (1) floor; and
- (f) Parking provided at a minimum rate of 1.25 spaces per dwelling unit, which shall take precedence over the minimum requirement in §10.0 of these regulations.

C. Water and Sewer.

A community water system, or public water, shall be provided.

D. Minimum floor size. One-bedroom units shall contain a minimum of 540 square feet, and two-bedroom or larger units shall contain a minimum of 750 square feet of habitable living area. Apartment and condominium units with zero (0) bedrooms are not permitted.

E. Buffers:

- (1) A suitable landscaped buffer strip not less than fifty (50) feet wide shall be provided along the parcel's boundary with any other lot or parcel unless such adjacent lot or parcel is already zoned for multi-family residential uses in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.
- (2) The amount of screening required for Apartments/Condominiums & Multifamily Developments, will be reviewed by the Commission, who will take into consideration existing topography and foliage, the structure's use, location, size and aesthetic impact on the adjoining properties, and the use of adjoining properties.
- (3) All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a minimum height of ten (10) feet.
- (4) Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, recreation facilities, and drainage facilities. This determination will be made by the Commission, after evaluating existing and potential adjacent land uses, if it is satisfied that adequate screening is provided; and, in the Commission's opinion, the structure, its location, and/or its use will not adversely affect the buffering intent of the overall project.
- (5) No building shall be erected within fifty (50) feet of a property line.

F. Recreational Space

- (1) For any multi-family housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips may be included in the computation of open space. The Commission shall approve the location of recreational space
- (2) The condition, size and shape shall be readily usable for recreational space purposes.
- (3) Such areas shall be easily accessible and balanced in design and location to preclude grouping of recreational space into the extremities of the parcel except for good cause.

G. Screening. deleted

H. Off-street Parking. Off-street parking shall be provided as required by §10.0.

I. The Commission may require the posting of a bond to assure completion of public improvements under the conditions noted in §15.6.

J. Rooming and/or Boarding are not permitted within the apartments in a multi-family development.

**Amend “Attachment A: Schedule of Permitted Uses” Effective: November 1, 2015**

Amend the Use Table by adding "public educational use (schools) permitted by Special Permit in R20, R40, R60, R80, GFDD1, GFDD2, LCVD1, LCVD2, LCVD3 zones"

And "Note 47 Schools - Public: minimum lot size: 3 acres; building setback: 50 feet from the property line; parking setback: minimum 5 feet from the property line."

**Amend “Attachment A: Schedule of Permitted Uses” Effective: November 1, 2015**

Add Recreation Facility Outdoor P(CR) as permitted in the CIP District with the Commission Review of the site plan

**Amend “Attachment A: Schedule of Permitted Uses” Effective: April 4, 2016**

Make "Recreational Facility, Outdoor" Permitted by Special Permit in the LCVD 1,2,3 Zones.

**Amend “Attachment A: Schedule of Permitted Uses” Effective: August 8, 2016**

Modify Note 47 to read minimum lot size 3 acres, building setback of 50 feet to the property line, parking setback 5 feet from the property line, **the Commission may approve a maximum building height of 65 feet.**

**Amend Application PZ#4830, Effective September 1, 2017**

Amend Ledyard Zoning Regulations Section 2.0 Definitions, Section 8.0 Supplemental Regulations & Attachment A relating to Personal Services.

**Amend Application PZ#4870 – Effective September 1, 2017**

Complete text of zoning regulations as proposed by “Ad Hoc” Committee, updated thru public hearing comments for Applications 4354 & 4540.

**Amend Application PZC #4896 & #4923, effective April 1, 2018**

Comprehensive revision of the Town of Ledyard Zoning Regulations and Zoning Map.

**Amend Application #4935, effective February 1, 2019**

Comprehensive revisions to Zoning Regulations, including text & map amendments.

Include Appendix “1” Design Guidelines and Zoning Map Amendments, including Zoning Map Properties List.

Clerical revisions, i.e., spelling, grammar, formatting only.

**Amended as of March 9, 2020**

PZ#19-04RC – Zoning Regulation change to add Section 4.13 (Technology Park District) to the Ledyard Zoning Regulations

1. Sec. 4.13.1.2, Line 6 – Add the words “at the Commission’s sole discretion” after the words “Notwithstanding the foregoing, any substantial and material change.”
2. Sec. 4.13.1.2, Line 10 – Substitute the word “approved” for the word “enacted” and the word “replace” for “supersede.”
3. Sec. 4.13.1.2, Line 11 – Add the word “future” after the words “pre-existing zoning.”

4. Sec. 4.13.2, Line 2 – Add the word “as” after the word “such.”
5. Sec. 4.13.3.3, Line 4 – Add the sentence “The Commission may, at its sole discretion, hold a public hearing on any addition or alteration to the Master Plan.”
6. Sec. 4.13.3.4, Line 1 – Delete the words “become null and” and add the words “be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation.”
7. Sec. 4.13.6.6.6 – add the words “as a principal use” after the words “Outdoor storage.”

**Amended as of May 1, 2021**

SECTION 8.27 – Temporary Forms of Outdoor Entertainment: New Section (Supplemental Regulation).

SECTION 3.5 (USES BY DISTRICT) TO ADD TO SCHEDULE OF PERMITTED USES (Page 16)

DESIGN DISTRICT USES	LCDD	LCTD	MFDD	GFDD	RCDD
Temporary Forms of Outdoor Entertainment				P	

**Map Amendment PZ#21-08 Effective October 2, 2021**

Amend Ledyard Zoning Map to reflect new Zoning District designation for MBL 121/2120/1528 -1528 Rte 12, Gales Ferry . Property changed from the CIP District to the GFDD.

**Regulation Amendment Application #PZ21-13RA Effective December 17, 2021**

Add New Section 3.5B: Uses Subject to a Moratorium. Cannabis Establishments. Moratorium approved for 12-months.

**Regulation Amendment Application #PZ21-14RA Effective February 28, 2022**

Add new section 8-28: Short-Term Rentals (Hosted) and associated definitions and usage table insertions

**Regulation Amendment Application #PZ22-6RA Effective August 4, 2022**

Amend Section 8.1 Accessory Dwelling Unit.

**Regulation Amendment Application #PZ22-7RA Effective September 28, 2022**

Comprehensive rewrite/re-organization all sections of the regulations.

## **APPENDIX B: SITE PLAN REQUIRED STANDARD ELEMENTS (SITE PLAN CHECK SHEET)**

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Standard Elements of the Site Plan. As indicated in Chapter 11 of the Zoning Regulations, the following information is usually required with any application for Site Plan approval. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will comply with the substantive provisions of these Regulations. The Commission may also require additional information if necessary to determine compliance.

All Applications for a Special Permit must be accompanied by a Site Plan Application. See also Supplemental Regulations for additional required elements. *These standards elements do not apply to Single-family and Duplex Dwelling applications (see Check Sheet in Appendix C) or for basic Zoning Permits for Accessory Structures and Uses See Appendix D for required elements of a Plot Plan.)*

For modifications to Site Plans produced prior to 1996, additional boundary information shall be required.

The Site Plan is only one element of an application. See additional submission requirements for Site Plan (§11.2), Special Permit Applications (§11.3), and Procedural Requirements in §11.6

### **B-1 General Information**

The following information shall be provided on a 24 x 36 inch plan, with scale of 1" = 40'. Applicant shall submit three (3) full size plans. Eight (8) additional copies of the Site Plan shall be provided on an 11 x 17 (reduced copy) plan.

**A. Property and applicant information:**

1. address of the property and Map/Block/Lot;
2. name and address of owner of record; and
3. name of and address of the applicant.

**B. A zoning compliance chart or table that indicates the dimensional, use, and other relevant standards such as parking and loading requirements for the property in the Zone and how the proposed structure and uses will comply with the requirements.**

**C. An approval block on the Site Plan for Commission Chairman or Secretary, date of approval, and date of expiration. (Required only for Site Plans requiring Commission approval, including Site Plans submitted as part of Special Permit applications.)**

**D. Names and addresses of current owners of property within 100 feet of the parcel as shown in the Assessor's records, including properties across from any street/road, right of way, river, and/or municipal boundary, and properties sharing a driveway with the subject property.**

**E. Zone of site and of all property within 500 feet.**

**F. North arrow (if other than North American Datum (NAD) 83 the applicant shall state why and provide standard for alternative), scale, name(s) of person(s) preparing plan, date of drawing, and any revision dates with description of revisions (revision dates shall appear on each plan sheet that has been revised and shall include a description of the revisions).**

**B-2 Parcel Information – Boundary, Topography, Wetlands and Watercourses, Soils, etc.**

- A. Property boundaries (Class A-2 with dimensions, angles, and area of the parcel and/or parcels subject to the application).
- B. Existing and proposed street and lot lines and the dimensions of applicable setbacks.
- C. Existing and proposed contour lines. For all areas of the parcel within 100 feet of any proposed work (including construction, excavation, filling, grading, and clearing of vegetation), the contour interval shall be no greater than two (2) feet (T-2 or T-3 accuracy). Topography taken from USGS Quadrangle interpolation shall not be acceptable for such areas, but may be used for other portions of the site. The Commission may require the applicant to submit design drawing(s), including cross sections and elevation, of all proposed activity. Additional spot elevations may be required where necessary to indicate drainage patterns.
- D. Any existing or proposed easements and deed restrictions affecting the property including Utility Easements, Right's of way, Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission.

**B-3 Soils Data, Wetlands and Waterbodies, CAM, FEMA and Watersheds**

- A. Identification of surface and groundwater resources on and around the site, including any public or private domestic users of such waters; the depth to groundwater and description of adjacent soils, and an evaluation of the impact of the proposal on existing and potential surface and ground drinking water supplies. The Commission may require additional information necessary to ensure protection of water resources and may require that the report be prepared by a hydrogeologist or other qualified professional.
- B. Where appropriate, the mean high-water line, the flood hazard boundaries, and the channel encroachment line should also be shown.
- C. If an inland wetlands and watercourses permit is required, an application to the wetlands agency shall be made prior to, or on the same day, as submission of the application for the Zoning Permit.
- D. Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps." When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area."
- E. Any boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Energy and Environmental Protection including the boundaries of Groton Utility Watershed Areas.
- F. All soil types per "Soil Survey of New London County, Connecticut." Provide signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property shall be placed on the plans.
- G. Demarcation line showing CAM boundary.



**B-4 Site Features; Structures and Uses; Site and Building Detail**

- A. A brief written description of the proposed use or uses and the type of work proposed.
- B. Locations and specifications of all existing and proposed structures and uses including, but not limited to, buildings, stone walls, fences, sidewalks, driveways, decks, overhangs, staircases, parking and loading areas, exterior storage areas, recreational amenities (i.e. pools, tennis court, gazebos, firepits etc.), dumpsters, signs, abutting streets, utility structures, fuel tanks and hydrants.
- C. Existing and proposed buildings and structures shall detail the number and type of rooms including the total number of bathrooms.
- D. Identification of any chemicals or potential contaminants to be used, stored or produced on site or discharged on or off the site, and a detailed description of methods and procedures by which any chemicals or potential contaminants on site will be stored, used, applied, discharged, and disposed.
- E. Renderings of any proposed building, specifying siding materials, should be provided; front, side, and rear elevations shall be shown.
- F. Any stonewalls, monuments, and other structures having historical significance.
- G. Any archaeological sites including but not limited to those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.
- H. Any historic buildings and sites listed on the National Register of Historic Places.
- I. All wooded areas, specimen trees (exceeding 30 inches diameter at breast height (dbh), five feet above the ground), rock outcroppings (greater than 200 square feet surface area) and any unique and fragile natural features.
- J. The general location of any endangered special and/or species of special concern per DEEP NDDB Map.

**B5 Access and Parking**

- A. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.
- B. Sight line information at proposed driveway cut(s), and statement that plans have either been submitted to DOT for review or that DOT review is not required.
- C. Location, arrangements and dimensions of loading and unloading areas.
- D. Location and dimensions of pedestrian walkways, entrances, and exits.
- E. Surface treatment and detail of all driveways/Accessways, parking areas and loading areas.

**B6 Utilities and Drainage**

- A. Locations and descriptions of water supply wells or other public water connection, septic system or connection to public sewer line.
  - 1. Fire Protection: The applicant shall identify the source of water for fire protection.

- B.** Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within 75 feet (on or off the tract) together with percolation and test pit data.
- C.** Locations of existing and proposed drainage facilities on the site and those off-site that may be affected by the proposed activity, as well as any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off the site.

**B7 Other**

- A.** Any other information deemed necessary by the Commission to determine compliance with these Regulations. The Commission may require evaluation reports by Commission-approved independent professionals and other experts, including and not limited to: civil or traffic engineers, hydrologists, soil scientists, and/or geologists.

## **APPENDIX C: SINGLE FAMILY OR DUPLEX DWELLING PLAN REQUIRED STANDARD ELEMENTS (CHECK SHEET) & AS-BUILT CHECK SHEET**

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The following steps and associated required information are all part of the Single-Family or Duplex Residence Application Process and are necessary to properly review the application:

### **STEP 1: COMPLETE ZONING APPLICATION & PAY FEE.**

#### **NOTE: FEES ARE NON-REFUNDABLE**

**STEP 2:** If the property is subject to any Easements (i.e. Conservation Easements), **NOTIFY THE OWNERS OF ANY EASEMENTS LOCATED ON THE SUBJECT PROPERTY** and submit proof that written notice of this application was made, by certified mail, to the party holding such restriction not later than 60 days prior to filing this permit application or submit a letter from the holder of the restriction verifying that the application is in compliance with the terms of the restriction.

**STEP 3: SUMBIT PROFESSIONALLY PREPARED PLOT/SITE PLAN** Plan must be prepared, signed and sealed (with live signatures and seals) by a licensed Surveyor; **drawn to A-2/T-2 Standards.** and contain the following information:

- North Arrow and Scale
- All Improvements to proposed building lot showing:
- Boundary points, angles and or bearings & distances.
- Required Zoning District setback lines **AND** Zone District line (if applicable)
- Proposed buildings, accessory structures, porches, decks, stoops, stairs, patios & pools, etc.
- Driveway location, **existing and proposed grades, AND type of driveway surface.** In some cases – proof of adequate Site-lines must be shown from proposed driveway location
- Location of any easements \* see above pertaining to restrictions
- Location of Wetlands & water courses (if applicable) **OR** note stating that there are no wetlands on the property
- Location of ledge outcrops (if applicable)
- Flood Zone classification (if applicable)
- Location of ALL proposed utilities (water, septic, electric, gas, solar, telephone, cable TV, etc.)
- Location of footing and/or gutter drains and outlets
- Limits of lot clearing
- Location and detail of Erosion & Sediment controls to be used
- Existing and Proposed Contours at 2' intervals based on **actual field data**
- A Bench Mark set on the property and location of all existing monumentation \*\*
- Location of adjacent structures, wells and septic, when applicable
- Zoning Compliance Chart showing required and proposed bulk requirements

\*\* Missing monumentation (IP, DH, RB or Monument) that as part of any prior approval, has been certified in writing as having been set, must be reset and verified by ZEO prior to approval of As-built and issuance of a final C.O.

**For lots abutting a State Road: If your driveway will front on a State highway, an encroachment permit is required. Contact CONNDOT District II at (860) 889- 3301 for instructions.**

**STEP 4: SUBMIT BUILDING PLANS** drawn to scale showing dimensions of building and individual rooms. Label use of all rooms and provide profile views from all sides. Footprint of house and outbuildings proposed must match the footprint shown on the site Plan.

**STEP 5: PROVIDE COPIES OF THE FOLLOWING ITEMS \*:**

- Current Property Card and Deed describing the property being developed (See Assessor and Town Clerk).
- Wetlands Permit (if applicable)
- ZBA variance (if applicable)
- Driveway Permit
- Proof of notification to holder of conservation or preservation restriction (if applicable)

***\*NOTE: It is the applicants' responsibility to supply this information – Land Use Office can assist applicant with these items.***

**STEP 6: ZEO WILL REVIEW APPLICATION AND ALL PLANS, CONDUCT A SITE VISIT, AND ISSUE A ZONING COMPLIANCE PERMIT IF ALL IS IN COMPLIANCE WITH APPLICABLE REGULATIONS.**

NOTE: While you are free to begin the Building Permit Application process at the same time you submit your initial Zoning Permit Application, please note that (1) the Zoning Permit Application must be approved by the ZEO and an approved Zoning Compliance Permit issued and (2) and application must be submitted, reviewed, and approved by Ledge Light Health District before the Building Official can issue a Building Permit to allow construction to begin.

**STEP 7: CERTIFICATE OF ZONING COMPLIANCE** (NOTE: This is different than the Zoning Compliance Permit. The Certificate of Zoning Compliance is issued AFTER all construction and site work have been completed and you demonstrate that the work complies with the approved Plans. A Zoning Compliance Permit and Building Permit are required before you BEGIN any construction.)

Five (5) days' notice required from permittee that premises are ready for occupancy before Certificate of Zoning Compliance can be issued.

All disturbed soils are to be stabilized with a permanent vegetative cover or seeded and mulched.

An As-Built plan, prepared by a licensed surveyor (At least a Class B), showing all site improvements in relation to the boundary lines including actual building location, decks, retaining walls, footing and gutter drain outlets, driveway (Location and final grade), septic system (per installer's as-built), utilities (water-lines, septic, electric, gas, solar, telephone & cable, etc.) and well location will be required (**SEE AS-BUILT CHECKSHEET**)

**THE BUILDING DEPARTMENT WILL NOT ISSUE A FINAL CERTIFICATE OF OCCUPANCE WITHOUT A CERTIFICATE OF ZONING COMPLIANCE ISSUED BY THE ZEO**

## **RESIDENTIAL SINGLE FAMILY/DUPLEX AS-BUILT REQUIREMENTS FOR CERTIFICATE OF ZONING COMPLIANCE**

**AS BUILT (2 COPIES), PREPARED SIGNED & SEALED BY A LICENSED SURVEYOR TO AT LEAST CLASS B STANDARDS, IS REQUIRED TO SHOW THE FOLLOWING IN RELATION TO THE PROPERTY LINES AND BUILDING SETBACK LINES. THE PLAN MUST BE DRAWN TO THE SAME SCALE AS THE SITE PLAN APPROVED FOR THE SINGLE FAMILY/DUPLEX ZONING PERMIT.**

1. Building footprint, including all decks, steps, bulkhead doors, enclosed mechanicals, and overhangs.
2. The location of all accessory structures. (Sheds, garages, barns, gazebos, screen houses, patios, carports, pools etc.)
3. Location of benchmark and installed monumentation. Any monumentation (IP, DH, RB or Monument) shown on initial Site Plan or Subdivision Plan or that as part of any prior Site Plan or Subdivision approval, was certified in writing as having been set, must be reset and re-certified by the licensed Land Surveyor preparing the As-built Survey.
4. The **location**, **type of surface** and **percent grade** of the driveway.
5. The location of the well.
6. The location of the septic system.
7. The location of any footing and/or gutter drains and their point of origin. (Rodent proof cover required on footing drains)
8. The location of any drainage structures or pipes installed on the property.
9. The approximate location of the utilities servicing the new home.
10. The location and height of installed retaining walls.

**Spot elevations** confirming any proposed significant regrading may be required.

**PRIOR to final As-built inspection and issuance of the Certificate of Zoning Compliance**, all disturbed soils on the site are to be stabilized with a permanent vegetative cover or seeded and mulched. In some instances, the Zoning Compliance may be conditioned on the completion of seeding and mulching if the house is completed during the winter months. In these cases, a signed contract with an appropriate contractor will be required.

**Site Erosion and Sediment Controls** are to remain in place until the permanent cover is established.

**A street identification number, visible at night**, is to be placed at the end of the access driveway to the house.

Be advised. Final Approvals/Signoffs may be required from Ledge Light Health District and/or the Director of Public Works, (As applicable) before a Certificate of Zoning Compliance can be issued.

The Building Official may not issue the Final Certificate of Occupancy until you have received your Certificate of Zoning Compliance.

## APPENDIX D: PLOT PLAN CHECK SHEET

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**Applicability:** A Plot plan is required for applications for accessory uses and structures that do not require a Site Plan such as sheds, pools, barns, decks, additions, minor change of use etc. (See Section 3.5(3))

Your Plot Plan need not be prepared professionally, but it must contain a Map of your property, a Floor Plan of the building you will use for your Accessory Use or Structure and a Sign Sketch that shows the design of your sign, if applicable.

### **All DRAWINGS must:**

- Show the total acreage of the property and all property boundaries with lengths indicated in feet. Applicant may submit any of the following provided all information necessary to show compliance is included on the drawing:
  - o a Class D survey;
  - o a detailed plan drawn to scale utilizing CAD;
  - o GIS maps prepared by town staff; or
  - o a neatly drawn to scale plan with applicable labels and legends
- Be on 8 ½” x 11” or larger white paper (larger is preferred);
- Be in ink or be a copy-machine reproduction

### **The MAP must contain the following information:**

- Your name, the property owner’s name, and the property address;
- The name of the frontage road;
- The location of all existing buildings/structures;
- The location of all existing driveways, parking areas, and turn-around areas;
- The location of your well and septic system (if applicable);
- Location of wetlands, watercourses and wetlands buffers;
- Any existing or proposed easements and deed restrictions affecting the property including Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission;
- Any stone walls monuments, and other structures having historical or archeological significance;
- **The location of the proposed building or the building in which your activity will occur;**
- **Provide accurate setback distances from proposed structures to existing property lines and any other applicable setback line;**
- The words “Prepared By” followed by the preparer’s signature and date.

### **Property Information:**

- **Please provide a copy of your current property card and deed. (See Assessor and Town Clerk)**

**The FLOOR PLAN (if applicable) must contain the following information:**

- Show all interior and exterior building walls to scale;
- Labeled uses for all rooms;
- **For Home Occupations:** Show the area (in square feet) of the residence and the area (in square feet) of the space in which the Home Occupation activity will occur; and show all indoor storage areas, partitions, and other features to be installed or constructed. Outside storage of materials associated with a Home Occupation is prohibited.

**Note: For all applications for change of use, boundary line adjustments, additions to existing structures, new accessory uses, accessory structures >200sf, and all pools, a LEDGE LIGHT HEALTH DISTRICT application and approval is required. For all proposed structures >200sf, a BUILDING PERMIT is required.**