Review of Revised Proposed Zoning Regulations

Chapter 1 -
Authority, Purpose, Retroactivity & Severability

1. Delete: §1.1 "Title"

   Although §1.1 is called "Title", it is not a "title." A "title" is a "*name, heading, legend, caption, or inscription.*" What is provided is an *announcement* that the regulations were adopted after notice and a public hearing, which is not a "title, " but is a historic procedure. The "title" is also unnecessary at this location and should be deleted.

2. A definition for "Zoning Regulations" should be added to §2.2.

   Suggestion – "*A general plan to control and direct the use and development of property in the Town of Ledyard by dividing it into districts according to the present and potential use of the properties. Zoning Regulations are also known as the "Comprehensive Plan.""*

3. Replace §1.2 "Authority" with:

   "§1.2 These regulations were enacted under the provisions of Chapter 124 of the Connecticut General Statutes as amended. Together with its zoning map, they constitute the Comprehensive Plan for the Town of Ledyard."

4. Delete the section in §1.4 that states, *""Work" for purposes of this subsection, means all physical improvements required by the approved plan."*

5. Move the above definition of "Work" to §2.2 as follows:

   WORK: *Physical improvements required by an approved site plan.*

   (All definitions should be in §2.2.)

Chapter 2 –
Definitions

1. Add the following after §2.1.A-8.

"9. The word "*must*" is mandatory,
"10. The word "*should*" is advisory."

2. Delete: *"2.1.B.* ***Words and Terms Defined****: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that Chapter."*

Justification: Confusing and not necessary. It is generally understood that definitions in §2.2 are applicable whenever that word or phrase is used in the zoning regulations.

3.. Delete: *"2.1.C :* ***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.*

Justification: Confusing. See #4 as follows for simplification.

4. Insert §2.1.A.11: Definitions in the Ledyard Subdivision Regulations are also applicable to Ledyard Zoning Regulations.

Insert 2.1.A.12: Definitions in the Connecticut General Statutes are applicable to the Ledyard Zoning Regulations.]

Insert 2.1.A.13 Definitions in the New Oxford American Dictionary are applicable to terms and phrases that are otherwise not defined.

5. Regarding §2.2 – consider the following to improve searchability and readability.

   Insert a *§2.2.1 "General Definitions*"

   Under the §2.2.1 "*general definitions*" would be the terms and phrases (in alphabetical order) use in the zoning regulations, *with the exception of the agricultural terms and phrases*.

   Add a *§2.2.2 "Agricultural Definitions"*

   Under the §2.2.2 "*agricultural definition*" section would be the agricultural terms and phrases, in alphabetical order.

   Justification: *The above change* would have the benefit of maintaining alphabetical order throughout §2.2.1 & §2.2.2, which would make the definitions more user friendly.

6. Regarding the definition of "*Farm Stand*" *An accessory building in support of farming, specifically for the seasonal sale of products produced primarily on local farms in accordance with §8.15.E(5)."*

   Note: The words, "accessory", "building", "seasonal", "primarily", and §8.15.E(5) are problematic.

   Suggestion: Replace with: *"Farm Stand: A founded or portable (non-founded) structure on a farm used for the direct sale of products from local farms to the public."*

   Justification:

   1. There is no §8.15.E(5).

   2. The word, "*primarily*" is unclear. Is the primary use of a farm stand determined by the amount its floor allocated to local farm products versus to non-local farm products, or to the dollar value of local farm products versus the dollar value of non-local farm products? Not clear. For example, how much wine from non-Ledyard wineries can be sold from a farm stand? There is a similar argument for the word "seasonal". Can wine be sold from a farm stand in January?

   3. Definitions should not reference forward into the regulations to avoid reference errors and the risk of a circular definitions.

   4. The word "accessory" should be deleted since it requires a principal dwelling and/or a barn (or other principal use) to have an "accessory" farm stand. There is no reason

why a mobile farm stand cannot be a principal strucuture on a bonafide farm that does not have a house or barn.

5. Also, the word, "building" implies permanency. However, a farm stand on a farm could be a 10' x 20' tractor-drawn wood sled., covered wagon, or a converted school bus or travel trailer. What is the intent?

7. Change the phrase: "Apartment, Commercial Caretaker"
To: "Apartment, Caretaker"

Justification: The word "commercial" implies "for profit". There are non-residential uses, (uses not be intended to make a profit), that may require a resident caretaker. For example, a caretaker may be required for a non-profit (non-commercial) museum, gallery, or school.

8. Regarding the definition of "Assisted Living Facility" - delete the phrase ... *"for those who are in otherwise good health" ...* from the definition.

Justification: Inappropriate and unnecessary. Most residents in an assisted living facility are not in "otherwise good health."

8A. When is a "Barn" a principal structure or an accessory structure? Where is this identified?

8B. Why is the definition for a "Barn" not in the boxed area for farming terms and phrases?

9. Age Restricted Housing: Add the following sentence to the proposed definition, *"Age-restricted housing shall be memorialized as a deed restriction for properties approved as an age-restricted developments.*

The requirement for *the memorialization* of a permanent age restriction on a development is important. It should be added somewhere, if not in §2, then perhaps in §11 and/or Appendix B.

10. Add the following definition for *Dog Park*.

"A public or private park for dogs to play off-leash in a controlled environment to exercise and socialize under the supervision of their owners. "

Justification: To differentiate between a park and a dog park. Dog parks should not be permitted until appropriate minimum acreage, fencing, lighting, vaccination, noise, rules, sanitation, signage, and hours of operation requirements (regulations) are adopted. Once adopted, a special permit should be required for dog parks as a principal use. A dog park should not be an accessory use in a residential district. A dog

park as an accessory use in a commercial district should require the owner to be present.

11. Regarding the definition of "*Bed And Breakfast*."

Replace the word, "*dwelling*" with the phrase, "*single-family dwelling.*"

12. Regarding the definition of "*Building Line*".

Is: "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."

Proposed: "A line delineating the minimum required distance between the front property line and the line beyond which a ***principal*** structure may be located on that lot. The front setback line extends the full width of the lot."

Rational: To be consistent with the long-term (since 1963) practice in Ledyard of not permitting accessory structures (sheds, hoop houses) between the extended front of a principal structure and the front property line, also known as the front yard. Also, Ledyard has not permitted free standing garages between the extended front of a principal structure and the front property line (in the front yard) since about 2015.

Retention of this long-established policy also requires a change to the revised §8.2 for accessory structures and uses, which allows sheds and hoop houses between the extended front of a principal single family dwelling, or duplex, and the front property line (i.e., in the front yard.)

13. Regarding the definition of "*Civic Building*".

The proposed definition makes a public parking lot a "civic building." Also, it requires the building to be owned or leased by a public agency or non-profit organization. As such, a for-profit museum or art studio would not be a civic building, but an non-profit museum or art studio would be a civic building. Similarly, the Ledyard food bank building, which does not provide "a service to the general public dedicated to arts, culture, education, recreation, government, transit, or public parking" would not be a civic building.

Is the Ledyard Food Pantry "barn" a "Civic Building"? (IMO, it is, but it is not under the proposed definition).

Suggestion: Replace the definition of Civic Building with: *"A building owned or operated by a public agency and used for providing service to the public."*

14. Regarding the definition of *Coastal Site Plan* – its definition refers forward to §12 of the regulations.

Although regulations can and should reference the definitions, it is usually not a good idea for definitions to reference into the regulations. One risk is that of circular logic, where the regulations reference a definition, and the definition references the same regulation. Another risk is that, when the regulations are amended and their sections renumbered, a reference to a regulation from a definition is unlikely to be updated.

Suggestion: Replace the definition with: *"Coastal Site Plan: The site plans, applications, and project referrals listed in CGS §22a-105."*

15. Regarding the definition of "Community Center" - its definition is, *"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."*

Suggestion: Replace the definition with: "*Community Center: A building, or a group of buildings, available for use by residents for social, educational, and cultural activities."*

Rationale: Ownership of a building has nothing to do with determining if a building or group of buildings is a "community center."

16. Delete "Cottage Cluster Housing"

Rationale: Not used in the zoning regulations.

17. Regarding the definition of "*Home Occupation*"

Suggestion: Restore "*... within a single-family dwelling in a residential district by the resident owner(s) thereof ...*" to the definition of Home Occupation.

Rationale:

The proposed definition for a "*Home Occupation*" includes a requirement that the home occupation must be *"... within a residential dwelling by the resident owner(s) thereof ..."*

The definition of a Home Occupation in the *existing* regulations requires that the home occupation must be *"... within a single-family dwelling in a residential district by the resident owner(s) thereof ..."*

The consequence of this change is that a home occupation will, for the first time, be allowed in condominiums, duplexes, multi-family developments, mobile home parks on leased land, and in owner-occupied accessory apartments – because such units are "residential dwellings" as the phrase is defined.

It means that *customers, vendors, suppliers, raw materials, equipment, Fedex deliveries, and tools would pass through common areas* of property that is not under the control or is the responsibility of the owner of the home occupation. It also means that customers and vendors may consume limited shared parking that is not under the control of the owner of

the home occupation. It also means that the refuse generated by the home occupation could increase the refuse pickup costs of the condo association, which is not fair.

Home occupations should only be allowed in owner-occupied single-family residences, as in the existing regulations. (Essentially, for the same types of reasons STRs are not allowed in multifamily dwellings.)

18. Regarding the definition of "*Lot*."

Suggestion: *"Lot: A designated area of land established by subdivision or as otherwise established by law, and is formally described and recorded with map, block, and lot numbers. A parcel can consist of one or more lots; a lot cannot consist of more than one parcel."*

Rationale: IMO, there is confusion as to the difference(s) between a plot, tract, *lot*, plat, and *parcel*. A "lot" can be a "parcel." However, normally the word "lot" and "lot lines" are used, and not "parcel" or "parcel lines." IMO, the definition should reflect the technical equivalence.

19. Restore the definition of "*Mobile Manufactured Home Land Lease Community*"

Suggestion: Add the following definition.

Mobile Manufactured Home Land Lease Community: *"A land lease community in which two (2) or more mobile homes or mobile manufactured homes are located on a single parcel and occupied as dwelling units."*

Justification: Ledyard has several land lease communities (aka mobile home parks). Stonegate Village is the newest, best, and recently (and may still be) Ledyard's 10th highest paying taxpayer. Hopefully, well-designed and regulated land lease communities will be an important part of providing safe, desirable, and affordable housing, and restored to the Use Table. Note: The suggested definition mirrors the definition in CGS §21-64-(2).

20. Regarding the proposed definition of "*Non-Conforming Lot*"

Suggestion: The definition of a"Non-Conforming Lot" should be: *"A Lot of Record which does not conform to these Regulations*

The definition references §14.3 in the zoning regulations, which adds no value and is unnecessary. More importantly, although regulations can and should reference the definitions, to avoid the risk of circular logic, it is usually not a good idea for definitions to reference into the regulations.

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21. Regarding the proposed definition of "*Non-Conforming, Legally Existing (a.k.a. "Grandfathered Use:"*

Add a close parenthesis after *"... Use:"*

22. Regarding the definition of "*Parcel*"

Suggestion: Add the following at the end of the proposed definition.

"*A parcel consist of one or more lots."*

23. Regarding the definition of "Park/Playground"

Suggestion: Add the following sentence to the end of the proposed definition for "Park/Playground"

"*A park does not include any type of park principally designed and intended for use by "dogs."*

A "dog park" is principally for the benefit of dogs, and not for its owner. A dog park is not principally for (human) recreation; or for scenic, leisure, conservation, historic, or ornamental purposes as in the proposed definition. As such, a "*dog park*" should not be an example of a type of "Park/Playground" encompassed by the definition. A "*dog park*" should, however, be a listed use, have supplemental regulations, and require a special permit. See proposed definition of "dog park".

24. Regarding the proposed definition for "*Personal Service Establishment*"

The definition in the revised application is:

"Personal Service Establishment: Establishments primarily engaged in provided 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."

Problem #1: How an individual is paid (salary or wages) should have nothing to do with the determination of if an establishment constitutes a personal service establishment.

Problem #2: Does an individual who prepares tax returns constitute a "personal service establishment" under the proposed definition? Is this the intent?

Problem #3: Is an HR Block franchilse office with a dozen tax preparers a "personal service establishment?

Problem #4: Is someone who repairs cell phones a "personal service establishment?

Problem #5: Is someone who gives swimming lessons in their backyard pool (as a home occupation) a "personal service establishment"? What about music lessons?

If not, where in the regulations are these "services" allowed? Where is *training* by non-certified, non-registered, or unlicensed instructors (non-professionals) allowed under the regulations?

Suggestion: Replace the definition with: "Personal Service Establishment: Activities intended to make a profiit that do not involve the sale of inventory or require a degree, license, periodic testing, certification, or apprenticeship. Examples include music lessons, art classes, history classes, foreign languages, property management, tax preparation, artistic welding, grant writing, political campaign managment, swimming lessons, tailoring, tattoo parlor, office equipment repair, cleaning, and custom video productions

25. Regarding the proposed definition for "*Sawmill, Temporary*"

Suggestion: Delete the word, "*immediately*" from the proposed definition.

Rationale: Adjacent, and immediately adjacent, mean the same thing.

26. Regarding the proposed definition for "*Setback, Front Yard*"

The proposed efinition for "*Building Setback Line – Front*".

Is: *"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."*

The proposed definition for "Setback, Front Yard"

Is: "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.

THESE TWO DEFINITIONS ARE IDENTICAL (and wrong). WHY HAVE BOTH?

Suggestion: Delete "Setback, Front Yard"

Modify defintion of "Building Setback Line - Front" as follows:

"*A line delineating the minimum required distance between the front property line and the line beyond which a **principal** structure may be located on that lot. The front setback line extends the full width of the lot."*

Rational: Long-term zoning regulations and policies should normally be retained, especially if they are desired by a majority of residents and will benefit the town as a whole. The long-term policy (since 1963) in Ledyard of not permitting accessory structures (sheds, hoop houses) between the extended front of a principal structure and the front property line, also known as in the front yard. This policy is one of the reasons Ledyard is aesthetically more attractive than most rural bedroom communitries. Also, Ledyard has not permitted free standing (detached) garages between the extended front of a principal

structure and the front property line (in the front yard) since about 2015. Both policies should be continued

Note that the retention of these policies also requires a change from the revised §8.2 for accessory structures and uses, which as proposed allows sheds, hoop houses, and free standing garages between the extended front of a principal single family dwelling, or duplex, and the front property line (i.e., in the front yard.) Not good.

27. Regarding the proposed definition of "Sign, Ground"

The proposed definition states, "*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.*"

Suggested definition: *"A permanent sign with no open space between the ground and the sign face."*

28. Regarding the proposed definition of *"Special Permit (Special Exception)"*

The proposed definition, "*The type of permit required for a specially permitted use,*" is technically correct, but is not helpful. It is almost circular logic, essentially representing that a *special permit* is to allow a use that *requires a special permit*.

Suggested Alternative: *"Special Permit (aka a Special Exception): A process, which includes a public hearing, that is intended to allow a generally compatible use in a zoning district, but because of the nature of the proposed use, special attention must be given to its location and method of operation to determine if the proposal satisfies the standards in the regulations for the use, to keep the use compatible with uses allows as of right in that district, and to allow the Planning and Zoning Commission to impose conditions to protect public health, safety, convenience, and property values. Special permits are typically required for churches, schools, medical facilities, multiple-family dwellings, and commercial uses."*

29. Regarding the definition of "*Structure*"

Is a "fence" a "structure" or an "accessory structure"? According to the definition of "structure", it is. Is this the intent? Is a zoning permit required for a fence? Not clear. Similarly, is a paved driveway a structure? A brick driveway? These questions are commong and should be answered.

30. Regarding the definition of "Warehouse"

There is a new warehouse in Groton that is used as a dance studio. Should the definition of a "*warehouse*" allow uses such as a *dance studio, gymnastic training facility, health club, karate training, and other uses where no physical product is manufactured, stored, or sold* – but which require a large open heated and cooled area of mostly enclosed open space?

31. Miscellaneous Suggestions

1. Add a definition for "Special Development Zones

   (Note: The technology park district special development zone should be removed from the regulations. The justification for its removal is provided later.)

2. Add a definition for "Plot Plan"
   Suggestion: Replace the phrase, "Plot Plan" with "GIS Plan" wherever it appears.

3. Add a definition for "Site Plan"

4. Add a definition for "MAP" (as used in Appendix D)

5. Add a definition for each "class" of Survey, such as a "*Class D Survey*".

Chapter 3 -
Establishment of Districts and Special Development Zones

1. The title of this chapter uses the terms "Districts" and "Zones"

   However, in §2.1.A.8- it states that "*8. The words "zone", "zoning district", and "district" have the same meaning."*

   This creates confusion that should be avoided. Also, the word, "establishment" in the chapter title is not necessary.

   Suggestions:

   1. Change the title of Chapter 3 to: "Zoning Districts"
   2. 3.1 should be: "Residential Districts"
   3. 3.2 should be: "Non-Residential & Commercial Districts"
   4. 3.3 should be: " Technology Park Districts" (or deleted).

2. Regarding §3.5 "Zoning District Boundaries"

   Suggestion: Change to "Boundaries"

3. The "*purpose*" (which is not a regulation) of each district is introduced in §5.1 (which should be limited to only regulations). The purpose should be moved into §3.

   (Which is the section intended to be introductory).

4. The "purpose" of permitting a "*Technology Park District*" should be established and moved into §3.

5-A. Regarding §3.4 "*Zoning Map*"

   This section includes "Such maps and any duly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein."

   Such words as "*duly, thereto, thereon, and herein*" are unnecssary and not user friendly. They should be avoided throughout the regulations.

5-B. Regarding §3.4 "*Zoning Map*": This section is written with a mixture of present and future tense. For example, *"The boundaries of said districts shall be shown [future] on a map ... which is on [present] file ... "*

   Suggestions - replace §3.4 with: "*Zoning district boundaries are shown on a map titled, "Zoning Map of the Town of Ledyard", as filed with the Town Clerk. The map, as amended, is part of these regulations."*

6. Questions regarding §3.6 "Permits and Applicability"

The answer to each of the following questions is unclear in the regulations. Clarification is necessary, especially for uses intended to be allowed.

a. Is a zoning permit required for a basketball hoop on a driveway outside the building envelope? Inside the building envelope? If not, where in the regs is a basketball hoop allowed inside or outside the building envelope?
b. Is a zoning permit required for a mailbox? If not, where in the regs is a mailbox allowed?
c. Is a zoning permit required for a 25' tall flagpole in the building envelope? If not, where in the regs is a 25' flagpole allowed? What if the flagpole is attached to the principal dwelling?
d. Is a zoning permit required for solar panels in the building envelope in front yards? If not, where on a lot (in the regs) are they allowed (in front yards)?
e. Is a zoning permit required for solar panels in the front yard outside the building envelope? If not, where in the regs clarifies where on a lot solar panels are allowed?
f Is a zoning permit required for a windmill in the front yard building envelope? In front of the front building envelope? Where in the regs?
g. Is a zoning permit required for a windmill to be attached to a roof peak? Where in the regs?
h. Is a zoning permit required for a 51 square foot tree house? Where in the regs?
i. Is a zoning permit required for an unoccupied tiny house on wheels stored in the rear yard? Where in the regs?
j. Is a zoning permit required to store a trailered boat in a rear yard? Where in the regs?
k. Is a zoning permit required for an above ground pool in the building envelope? Outside the envelope? Where in the regs?
l. Is a zoning permit required to install lights on a tennis court in the building envelope in the front yard? If yes, where in the regulations.
m. Is a zoning permit required for a power pole located in a building envelope? Outside a building envelope? Where is this addressed in the regulations?
n. Is a zoning permit required to install a paved driveway. A driveway apron? Not clear.

7. Regarding §3.6-A - The regulations use the word, "*Commission,*" and the phrase, "*Planning and Zoning Commission*".

The regulations should be uniform and use one or the other, but not both.

Suggestion: Add a definition in §2.2 for "Commission" as "The Planning and Zoning Commission", and then use the word "*Commission*" throughout the regulations when referring to the "Planning and Zoning Commission."

8. Regarding §3.6.D (Prohibited if not permitted:)

a. Replace the title of §3.6.D with "*Prohibited Uses*"

b. Replace the body of §3.6.D with: *"D. Any principal or accessory use not listed in the Schedule of Permitted Uses, or is otherwise permitted in a district, is prohibited."*

9. Regarding §3.6.E – Change "Application of Other Laws" to "Applicability of Other Laws"

17. Regarding §3.6.G (References to Statutes and Regulations)

Delete §3.6.G

Justification: Not necessary. It is always recognized that the most recent version of laws and regulations is always the applicable version – and not an earlier version of those laws and regulations. (There are also no exceptions elsewhere in the proposed regulations.)

18. Regarding §3.7 (Schedule of Uses)

General Comment: This section, and throughout the proposed regulations, uses the phrases "*Specially Permitted*" and "*Specially Permitted Uses*". However, the statutes do not. They use the phrases "*Special Permits*", "*Uses allowed by Special Permit*", and "Special Permit Uses". There appears to be no benefit of deviating from the conventional terminology.

For readability, the common terminology of "*Special Permits*" and "*Uses allowed by Special Permit*" should replace "*Specially Permitted*" and "*Specially Permitted Uses*" throughout the proposed regulations.

19. Regarding §3.7 (Schedule of uses) - The first sentence states, *"The Schedule of Uses found in [????] establishes the Permitted and Specially Permitted uses for each District:"* [Confusing]

§3.7.A states that any use marked with a "P" is a permitted use by-right. However, there are no entries in the Schedules of Uses (§5.3, page 5-2, §6.4, page 6-4), etc.) that show a "P".

Similarly, §3.7.B states that any use marked with a "S" is a permitted use approved by special permit. However, there are no entries in the Schedules of Uses (§5.3, page 5-2, §6.4, page 67-4), etc.) show an "S".

20. Regarding §3.7.D (untitled)

NOTE: The proposed revised regulations (Schedule of Uses, and §8.15 in its supplemental regulations) allow duplexes allowed by right on conforming lots in residential districts, instead of by special permit. The proposed regulations also allow duplexes by-right on 20,000' lots in the LCTD & MFDD by an ordinary zoning permit. Is the Commission certain it wants to allow duplexes in the MFDD intended for multi-families, and does it want to eliminate the existing special permit requirements for duplexes? This is a big change.

Why do you allow big multifamily residences on tiny 10,000' lots in the GFDD, but not duplexes?

21. Note that §3.7 is titled, "*Schedule of Uses*"

However, §3.7.D and §3.7.E have nothing to do with the "*Schedule of Uses*".

Chapter 4 -
Dimensional Requirements – General All Districts

1. The title of Chapter 4 is "*Dimensional Requirements – General All Districts*"

   Change title to "*Dimensional Requirements*"

2. Regarding §4.1 "Minimum Lot Area" §4.1.A provides the following:

   "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."

   §4.1 and §4.1.A (above) are difficult to comprehend. Perhaps the following alternative should be considered:

   "4.1 Minimum Lot Area

   4.1.1 Purpose – To assure sufficient contiguous buildable land exists for a proposed principal use or structure after complying with open space, well, septic, access, parking, wetlands, flood zone, impervious coverage, and other requirements.

   4.1.2 Requirements.

   a. Proposed building lots require a minimum of 75% of its space to be a contiguous buildable area.

   b. The remaining area of a lot may be used for an existing or proposed street, conservation area, easement, deeded rights-of-way, drainage, wetlands, watercourses, or classified as a flood zone A or AE per FEMA maps.

   (What is a flood zone A or a flood zone AE? If important, the terms need a definition in §2.2 If not important, they should be removed from the regulations.)

   c. Easements and rights-of-way with an unspecified width are assumed to be 25 feet in width.

   d. The area of a lot under a body of water, as determined by the high water mark, shall not count towards the minimum required lot area."

   Note that the proposed §4.1.C [*"No portion of land located under a body of water shall **not** count toward the minimum lot area."*], and the proposed definition of "*lot*

coverage" in §2.2, are in conflict due to the double-negative. (As proposed, the underwater land counts towards the minimum lot area.)

Suggestion: *"Land under a body of water shall not count towards minimum lot area requirements."*

3. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of a 25' setback from the front property line to the front of a principal building for both town roads and state roads. THIS IS NEW.

The existing regulations require 35' when fronting on a town road, and 50' when fronting on a state road. Between 1963 and 2012, the setback distances for town roads to the center of the roadway were 75' for town roads and 100' for state highways. The distances were justified by an expected need to widen the streets in the future. WHY IS THE DISTANCE REDUCED FROM THE EXISTING 35' AND 50' TO ONLY 25'?

Percentage-wise, the 10' reduction (28%) and the 25' reduction (50%) are big changes. It is equivalent to zoning for some of New London's urban districts. IT IS NOT APPROPRIATE FOR LEDYARD. What has changed in Ledyard that requires or justifies a reduced front setback? The change will dramatically alter the character of our town over the years. This must be discussed.

4. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of 10' side yard setback in all districts. The existing regulations required a minimum of 12' in an R-20 district.

However, the proposed regulations allow exceptions. For example, although a single-family dwelling can be 10' from a side property line, it can have a canopy, awning, eave, chimney, or bay window project 3' into the setback, which is 30% of the minimum setback distance.

With two single-family dwellings only 20 feet apart, the exceptions allow bay windows on adjacent homes to be only 14' apart. Entry steps or a patio on the side of each house are allowed an intrusion of 5' into the setback, which means two adjacent homes would have side entry steps or an patio only 10' apart. THIS IS TOO CLOSE FOR LEDYARD.

The regulations should restore the original side yard setback distances, and not allow exceptions.

What has changed in Ledyard that requires or justifies a reduced side yard setback, with big exceptions? The proposed changes will alter the character of the town. This must be discussed.

5. §4.3.C-1 uses the phrase, "*right-of-way of any street*"

What is a "right-of-way" of a street? It needs a definition in §2.2

6. §4.3.C *"Fences and Walls"*, as worded, provides that *"... setback distance shall not apply .... to wire livestock fences ...."*

   Does this mean a *"wire livestock fence"* (a chain link fence) 20' high, and used for a permitted tennis court in the building envelope, is permitted if in a setback? Not clear.

7. §4.3.D includes *"A paved terrace or patio shall not be counted as part of impervious surface coverage, ..."*

   "*Impervious surfaces*" is not related to setbacks or setback requirements (§4.3).

   The sentence should be moved into a section appropriate for regulations applicable to impervious and permeable surfaces.

8. §4.3.E states, *"Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed."*

   §7.9.8.E states *"All signs ... must be a minimum of ten (10) feet from the edge of payment if no setback requirement is specified."*

   a. The "*edge of payment*" is not the same as the "*front lot line*."

   b. What is the minimum setback distance required for a construction sign, temporary real estate "for sale" sign, portable or sandwich board sign, or off-site temporary directional signs? Not clear.

   c. What, or where in the regulations, are minimum setbacks "*otherwise prescribed*?" (None?) Not clear.

   If there are no "*otherwise prescribed*" exceptions, then delete "*otherwise prescribed*" so applicants do not have to search for exceptions.

   Suggestion: Setbacks for signs should only be in the sign section.

10. Regarding §4.4-A – *Setback Exceptions for Lawful Pre-Existing Residences* (Under §4.4 Exceptions)

    NOTE: The proposed scheme in §4.4.A means that for a pre-1776 farm home built ≈3' from the street line (common in 1776), the applicable front setback on his property for new construction is also ≈3' from his front property line, and not the proposed front setback distances (25, 30, or 35', depending on district).

    I believe, but am not certain, that Attorney Falvey indicated in response to a question from myself that this is not good policy - that it may constitute the granting of a variance without satisfying the requirements to grant a variance. (HIS STATEMENT SHOULD BE CONFIRMED FROM THE VIDEO).

11. Regarding §4.4.B – *Setback Distances for Vacant Nonconforming Lots* (Under §4.4 exceptions)

NOTE: The proposed scheme in §4.4.B means that an undersized lot created before 1963 can have reduced setbacks for a new home on the lot, which allows for an intensification of a nonconforming use, EVEN IF THE NEW SETBACK REQUIREMENTS CAN BE ACHIEVED on the undersized lot.

A legal opinion should be obtained to determine if the proposed scheme for the regulations to allow the intensification of a non-conforming use on an undersized lot, without a variance, is lawful.

12. Regarding §4.4-A and §4.4-B (Under §4.4 Exceptions)

Suggestion: IF LAWFUL (NEEDS CHECKING) Consider the following alternatives (to avoid the situation of exceptions to required setbacks when the exceptions are not necessary.)

"A. The minimum setbacks for a dwelling on an undersized lot created before 1963 are the distances from the lot lines to the dwelling, or the minimum setbacks in §5.2, whichever is less."

"B. The minimum setbacks for undersized vacant lots created before 1963 are the same as the minimum setbacks for conforming lots in the district, or as shown in the following table, whichever is less:"

13. Regarding the untitled §4.4.B *Setback Exception Table*

a. Suggestion: Add a title to the top of the table: "*Setbacks for Vacant Nonconforming Lots*"

b. Delete the word "Existing" from "Existing Lot Area".

c. Change the word "parcel" to "lot" under the "Exception" block.

c. Change the word "zones" to "districts" under the "Exception" block. (In general, "districts" should replace "zones" throughout the regulations.)

14. Regarding the Title and Contents of Chapter 4.

The title of Chapter 4, "*Dimensional Requirement – General All Districts*" – is inconsistent with its contents. For example, Chapter 4 contains setback exceptions (§4.4) for R20, R40, and R60, but does not list the standard R20, R40, and R60 setbacks, which are in Chapter 5 (§5.2).

Suggestion: Chapter 4 should encompass all setback requirements in all districts.

Suggestions Regarding Chapter 5 -
Residential Zoning District Regulations

1. Regarding the title of Chapter 5 – "*Residential Zoning District Regulations*"

   Change title to "*Residential District Regulations*"

   (IMO, the words "Zoning", "Zone", and "District" are duplicative. Use either "zone" or "district", but not both, throughout the regulations. My preference is "district".)

2. Regarding the first sentence.

   Replace the word "*section*" in the first sentence with the word "chapter".
   The first sentence should not be in italics.
   The first sentence should have a preface heading of "Scope" or "Applicability"
   The word, "zone" should be "district" (for consistency).

3. Regarding the phrase, "*Legally existing*" in the first sentence.

   The first sentence uses the phrase, "*Legally existing*". The phrase is also used throughout the regulations.

   Suggestion: The phrase needs a definition in §2.2.

4. Regarding §5.1.A – *R20 High-Density Districts*

   Consider the following alternative purpose for R20 Districts:

   Replace §5.1.A with: *"The purpose of R20 districts is to encourage more efficient and cost-effective housing developments, dwelling units closer to employment opportunities and commercial services, less expensive road maintenance costs per dwelling unit, less costly police services per dwelling unit, less costly student transportation costs per household, to generate less traffic per dwelling unit compared with medium and low-density residential districts, to foster a community environment, and to reduce suburban sprawl."*

5. Regarding §5.1.B – *R40 Medium-Density Districts*

   Consider the following alternative purpose for R40 Districts:

   Replace §5.1.B with: *"The purpose of R40 districts is to provide areas available for residential development with moderate traffic, moderate privacy, reasonable areas for gardens, pets, and multi-vehicle parking; and a reasonable level of amenities."*

6. Regarding §5.1.C – *R60 Low-Density Districts*

Consider the following alternative purpose for R40 Districts:

Replace §5.1.C with: *"The purpose of R60 districts is to provide areas for residential development with very little traffic, a high level of privacy, that are peaceful, suitable for large gardens, attractive to wildlife, suitable for outdoor pets, suitable for home husbandry, to provide large yards for children to play, allow for larger homes, oversized garages, and to allow for pools, RV parking, tennis courts, and other amenities."*

7. Regarding §5.3 – *"Schedule of Uses – Residential Districts"*

The proposed regulations allow a duplex by right.
The existing regulations require a special permit for a duplex.

Why was the special permit requirement eliminated for duplexes, but not for multi-family developments, which can have fewer units per acre than a duplex? Both uses have the same issues, and both should require a special permt.

8. Regarding §5.3 – *"Schedule of Uses – Residential Districts"*

Suggestion: Do not allow duplexes in R40 and R60 districts. Duplexes should be limited to only R20 districts.

9. Suggestion: Change the title of the §5.3 Chart to: "*Uses Permitted In Residential Districts*"

10. Suggestion: Remove the dark gray (or the added background color) applied to the column headings in the §5.3 chart [for readability, especially for black and white scanned copies of the regulations].

11. Page 5-2, top of chart, it shows: "Residential – Principal Uses"
Page 5-2, near top of chart, it shows: "Residential – Accessory Uses
Page 5-2, in middle of chart, it shows: "Non-Residential Uses, Principal
Page 5-3, near bottom of same chart, it shows: "Non-Residential Accessory"

For readability & consistency, these should be replaced with:

"Principal Residential Uses"
"Accessory Residential Uses"
"Principal Non-Residential Uses"
"Accessory Non-Residential Uses"

12. Regarding the "*Family Day Care Home"* line on page 5-2.

Needs supplemental regulations in §8.

13. Regarding the "*Home Husbandry*" line on page 5-2.

The existing regulations require a special permit for home husbandry in R20, R40, and R60 districts. However, the proposed regulations allow home husbandry by right in R20, R40, and R60 districts. Why the change?

The proposed §8.5.J-E-1 requires that *"All animals shall be suitably and adequately confined or controlled at all times."*

This is a subjective determination, and uses that require subjective determinations should normally require a special permit so conditions of approval can be imposed, where necessary.

The proposed §8.5.1.E-2 requires that shelter areas be "*on well-drained soils*", which is not objectively defined. A special permit is appropriate.

The proposed §8.5.1-E-6 provides that "*Keeping areas for any animal will be evaluated for compliance with [non-identified] best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance."* This is a *subjective "standard"* appropriate for a special permit.

A special permit should be required, as is the case in the existing regulations, for most home husbandry proposals, especially in R20 districts.

14. Regarding the "*Farm Store §8.5H7*" (page 5-3) as a *nonresidential principal use* in residential districts (Allowed by right) line on page 5-2

This section has several issues:

a. There is no §8.5.H.7 as referenced.
b. "Farm Store" is entered 2X under "Non-Residential Uses, Principal"
c. A farm store less than 1000' is allowed by right, a farm store 1000' to 10,000' (no maximum limit) is allowed almost anywhere by site plan review, with no parking, lighting, or other constraints. Is this the intent?

Suggestions:

a. Treat commercial farm stores the same as any other retail store, which means that farm stores are not allowed on farms. They can rent commercial space like any other retail store.

b. Relax the regulations to allow larger farm stands (perhaps up to 1000') on any farm, by right (with ZEO approval).

c. Add more unique objective requirements that must be satisfied for a by-right farm stand on a farm.

d. Farms should be limited to having a maximum of only one farm stand.

15. Regarding "*Membership Club (Firearms) (no-Firearms) §8.21.1 §8.21.2)*" (page 5-2)

It is unclear what the standards are for granting a special permit for a Firearms Membership Club. A "harmony" standard will be a challenge.

A "Membership Club (Firearms)" should not be allowed in any district.

16. Regarding *"Rooming and Boarding"* as an Accessory Use in Residential Districts

It is unclear why *Rooming and Boarding* are prohibited in the proposed regulations under *Residential – Accessory Uses R20, R40, R60*

Add: "*Rooming & Boarding" ZP ZP ZP* in table on page 5-2 (under Residential - Accessory Uses)

In §8.X, add: *Rooming and Boarding (Accessory Use)*

"1. A single-family dwelling may have roomers or boarders if its owner lives in and is domiciled in the home.
2. The health department must inspect and approve the single-family dwelling.
3. There must be one on-site parking space reserved for each roomer or boarder that does not block entry or exit from other parking spaces.
4. A single-family dwelling is limited to not more than two roomers or two boarders at a time.
5. A single-family dwelling with an accessory apartment shall not have roomers or boarders.
6. A single-family dwelling with a short-term rental special permit, or a home occupation permit, shall not have roomers or boarders.
7. Roomers or boarders are required to reside in the home under a written agreement for minimum terms of longer than 30 days.
8. The application for a rooming/boarding zoning permit must include a copy of the proposed rental agreement."

17. Restore "*Construction Trailer – Temporary*" as an allowed accessory use in all districts.

18. §5.4 is titled: Special Residential Zoning Districts, Overlays and Developments

IMO, the word, "special" is overused in the regulations and should be avoided except when referrring to *special* permits.

§5.4.1 is titled "Conservation and Open Space Subdivisions" It is the only entry under §5.4. (There is no §5.4.2.)

Therefore to simplify - Retitle §5.4 to "Conservation and Open Space Subdivisions", and delete line 5.4.1. (§5.4.1.A becomes §5.4.A) (§5.4.1.B becomes §5.4.B, ... etc.)

19. An illustrative drawing is shown for a conventional subdivision and a conservation/open space subdivision, which is educational and ok. However, IMO it is not clear what the differences are between a conservation subdivision and an open space subdivision.

20. Do open space and/or conservation subdivisions require a zoning permit? If not, why are they in the zoning regulations? Duplicative regulations are likely to conflict. As much as possible, the regulations for subdivisions should only be in the subdivision regulations.

21. The chart at the top of page 5-5, titled "*D. Bulk Requirements*" under "Interior or *Special* Lot" show that a "*special interior lot*" can have 0' of frontage.

A special interior lot should be defined in §2.2.

22. A definition is required for the phrase, "*Special Residential Zoning Districts*".