A Review of Application PZC #22-07-RA

Analysis of Proposed Rewrite of the Ledyard Zoning Regulations

Eric Treaster
14 July 2022

A Preliminary Review of Application PZ #22-07RA
Proposed Comprehensive Revisions to the Ledyard Zoning Regulations

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The proposed rewrite of the Zoning Regulations was a major undertaking. It is clear that Juliet spent hundreds of hours working on it, and that she has created an impressive and comprehensive document. Chapter I4, which is the Chapter regarding the Zoning Board of Appeals, is excellent. I admire her for her effort and expertise.

I believe our town is special, and like most residents, I want to preserve the good things about Ledyard for our children and grandchildren. Although I believe in smart growth, I do not believe in growth and high density for the sake of growth and high density. Although the proposed regulations are comprehensive and are technically excellent, they appear to have been developed without public input and, as a result, are too generic and probably do not represent the will of the public.

Some of the proposed regulations are in conflict with the POCD, such as its failure to help ensure the preservation of agricultural land (bottom of page 5, top of page 6), its failure to encourage the development of a primary site for community events in Ledyard Center (page 9), its failure to permit well-regulated land lease communities in its mix of housing types (page 13 & 18), and its many provisions, such as its increases in density, increases in heights, and reductions in setbacks, that conflict with the POCD goal of protecting the character of Ledyard (page 10).

This handout is identical to the information that I entered into the record on Tuesday. It is in two sections. The first has to do with its readability and user-friendliness. The second lists concerns regarding policy and legal issues. I am assuming that everyone has read both sections and there is no need to go into its details and specific suggestions. Does anyone have any questions?
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Although the proposed revisions are technically excellent, some chapters are too difficult to understand. One of the reasons is because the chapters appear to have been copied from zoning regulations for other towns and, as a result, are sometimes inconsistent with other chapters. For example, the first sentence in Appendix D references §3.5(3) in the zoning regulations, which does not exist.

Another example is represented by §4.1.A, which is a single sentence that states: *"All new building lots must contain seventy-five (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."*

You are not alone if you did not understand §4.1.A after a single reading. However, Juliet does understand it, and she and her staff will be able to explain the regulations to the public when needed. The concern is that this style of writing is not appropriate for Ledyard. Zoning regulations, which are publically available on the town's website, represent the town's policies regarding its development. Regulations with clear policies and are easy to understand help to encourage its development. Regulations that are unclear and require interpretation tend to discourage development.

The second reason the proposed regulations are difficult to understand is because some chapters use archaic, legal English. For example, §3.4 states, *"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 **duly adopted revisions thereto**, with the **explanatory matter thereon**, are a part of these regulations as if **set forth herein**."*

The last sentence contains the phrase, ***"set forth herein***," and the words, ***duly, thereto, thereon, and herein***. Why not simply say, "*Zoning districts, which are part of these regulations, are shown on the "Zoning Map of the Town of Ledyard" that is filed with the Town Clerk."*

The word, "***herein,***" is used 21 times in the proposed regulations.
The word "***pursuant***" is used 33 times,
the word, "***elsewhere***" 11 times, and
the phrase, "***set forth"*** is used 19 times.

The regulations use the word "***your***" 12 times, which should not be in the regulations. The word "***your***" should usually be replaced with the phrase, ***"The Applicant", or the "Property Owner"***.

The word "***No***" is used about 180 times. Regulations that begin with the word "***no***" are not user-friendly, but can usually be made user-friendly. For example, a regulation that states, "*No building shall be occupied until a Certificate of Zoning Compliance is issued*" should be changed to, *"A Certificate of Zoning Compliance is required before a building can be occupied."* Both have the same meaning, but the second sentence, without the word, "**no**", is more user-friendly.

The regulations use the words "***unless***", "***otherwise***" and "***elsewhere***" in a manner that creates uncertainty for the user. Examples include ***"unless otherwise specified***", "***unless it is provided elsewhere in the regulations***", and "***unless authorized elsewhere in these regulations***." Unless there is no choice, the words "***elsewhere***" and "***otherwise***" should not be in regulations that are intended for use by the public.

The regulations use the word "***expressly***", 12 times. There is no difference between a regulation being in the regulations and a regulation being "**expressly**" in the regulations. The word, exp***ressly"***, is unnecessary and should be deleted throughout the regulations.

The proposed regulations use the phrase, "*in no **case***" 5 times. For example, the regulations state, "*In no case shall such use include storage*", or "*but in no case shall they be located in a front yard setback*." It would be better if the regulations said, *"Storage is not an allowed use"* or *"Storage is not allowed in a front yard setback"*. There is never a need to use the word "*case*" in land use regulations.

Surprisingly, the regulations use the word "***please***", which is a pleasant request that is inappropriate in formal regulations. For example, the proposed regulations include a sentence that states, "*Please note that the zoning application must be approved."* Another example states, "*Please provide a copy of your current property card*." It would be better if the regulations simply stated, "*The zoning application must be approved."* Or, "*A copy of the property card is required."* Admittedly, the word "please" is in an appendix where it might be OK. However, the appendix is an enforceable part of the regulations, and in my opinion, regulations should never include the word "*please*".

The regulations use the word "**staff**" 14 times, sometimes in a manner that makes it unclear if the town planner, in addition to the ZEO, is authorized to approve by-right zoning permit applications. It is confusing. It is also important, because normally, the ZBA can hear appeals of decisions made by the ZEO, but not the town planner, unless the regulations clearly give the town planner the authority to make zoning permit decisions.

The proposed regulations incorrectly use the word "***shall***". §2.1.A.4 states that "*The word "shall" is always mandatory"*, which is OK. The problem is that the proposed regulations use the word "*shall*" when it is not appropriate. For example, the regulations state that "*The ZBA shall be prohibited from granting any variance for a use in any district in which such use is not otherwise permitted."* The regulations should say, *"The ZBA is not permitted to grant use variances."* Simple, and it means the same thing. The proposed regulations state, *"At least one member of the agency or staff shall complete the course."* In my opinion, there is no need for this requirement in the zoning regulations, and it is unclear what the word, "agency" refers to. But if it is important, the regulations should say, *"at least one member of the Commission or its staff is required to complete the course."*

The proposed regulations state that *"The applicant shall record the variance in the office of the Town Clerk of Ledyard."* It should say, "*the applicant is responsible for recording the variance with the Town Clerk."* The regulations state, "*Ledyard shall establish a schedule of Zoning Fees."* The responsibility for who establishes zoning fees is not important, but if retained in the regulations, it should state that *"Zoning Fees are established by the Town."* These are simple changes that have the same meaning, but are more readable and user-friendly. I recommend that the number of "*shalls*" in the proposed regulations be reduced.

The proposed regulations also contain too many words and phrases that are underlined, bold, bold & underlined, in all capital letters, in all capital letters and in bold, in all capital letters in bold & underlined, in all capital letters, bold, and double underlined, and words that are in italic, underlined italic, bold italic, and bold underlined italic. This writing style, which is presumably to clarify and emphasize certain regulations over others, is not appropriate in formal regulations.

And last, the proposed regulations use an inappropriate font. Fonts used in statutes, ordinances, and formal regulations should be simple, such as Calibri, Ariel, Helvetica, or Palatino.

In summary, the proposed regulations should be edited into a simple, uniform, modern style of English, with as little legalease and as few uncommon words as possible, with a simple font, and with less bold, capitilzed underlined, and italicized text, with the goal of making the regulations as user-friendly as possible.

The **second section** is titled "***Analysis of Proposed Rewrite of the Ledyard Zoning Regulations – Chapters 1 to 10*".** It documents the results of my review of the first 10 chapters. I did not do a review of Chapters 11 through 15, or the appendixes. I used a black font to identify a subject area, a red font to describe the problem or issue, and a blue font to document my suggestions.

I discovered some surprises in the regulations, which I call nuggets. They represent changes to existing policies that are so important they should each have a separate decision by the commission. I also found changes regarding the expansion of nonconforming uses, without a variance, that should be reviewed by a land-use attorney.

The 1st nugget is that the proposed regulations allow duplexes in R20, R40, and R60 districts with a by-right zoning permit issued by the zoning official. The existing regulations require a special permit for duplexes in residential districts, which is a big change.

In my opinion, a duplex in an R20, R40, or R60 district should require a special permit for the same reasons triplexes and multifamily developments require a special permit in an R20, R40, or R60 district. I urge you to consider the unintended consequences and risks of not being allowed to impose conditions of approval to satisfy the subjective standards in §11.3.4 required for duplexes. For example, even with a required site plan review, without the special permit requirement, you will not be able to impose conditions of approval regarding if an applicant's Low Impact Development proposal, landscape proposal, or his required plans to retain and protect existing trees, stonewalls, and unique site features, are reasonable.

The 2nd nugget is that the proposed regulations contain changes to setbacks, scale, mass, height, and density that will result in the development of complexes with excessive density. For example, the proposed changes allow the height of multi-family developments to be increased from 50' to 65', and for the health code to determine density instead of the number of bedrooms per acre as in the existing regulations.

If these changes are approved, and if there is sufficient public water, public sewer, and parking available, the proposed regulations will allow apartment complexes with well over 400 units on less than 3 acres in a single flat-roofed 65' six-story apartment building that overlooks all the other buildings in Ledyard Center. In comparison, the Fox Run Apartments on Flintlock Road, which consists of about 192 units in 24 New England style buildings on 27 acres, is only two-stories tall. The new Docks apartment complex on the corner of Bank Street & Howard Street in Shaws Cove in New London contains 137 units on 2 1/2 acres and is four stories tall. Do we really want to allow six-story multi-hundred unit flat-roofed apartment complexes in Ledyard center? They will dramatically change appearance of Ledyard Center, and in my opinion, will diminish the desirability of our town. I urge that density not be established by the health code and the department of health, but that the

density of multifamily developments continue to be controlled by imposing a reasonable limit on the number of bedrooms per acre.

The 3rd nugget is the discovery of substantially changed setback requirements.

In 1963, when the regulations were first adopted, the minimum front setback distance was 100' to the center of state highways, 75' to the center of major town roads, and between 50' and 65' to the center of secondary town roads depending on the zoning district. The 100' and 75' distances were justified by the expected future need to widen these roads.

The current regulations require a minimum 35' setback from the front property line when fronting on a town road, and a minimum 50' setback from the front property line when fronting on a state road, which are minor reductions from the setback to centerline distances in the original 1963 zoning regulations.

The issue is that the proposed regulations reduce the 35' and 50' setbacks to only 25' for major town roads and for state highways. These are big changes, a 28% reduction for town roads, and a 43% reduction for state roads.

Perhaps you believe that if the state does not care if a house is only 25' from a highway, then why should you care. There are at least three answers. The first is that the state, by its nature, does not have a vested interest in the impact of traffic noise, sirens, headlight glare, and exhaust odors on the quality of life of nearby residents.

The second is that when a new house is setback only 25' from the road, and the other houses in the neighborhood are set back 50' or 75', it is natural to wonder what is wrong with the house that is too close to the road, or if something is fundamentally wrong with the neighborhood. This is true even if all the homes are equivalent and are well cared for. A home with a significantly different setback than nearby homes diminishes the appearance and desirability of a neighborhood.

The third is that many people believe reasonable land-use limitations are necessary when people live in proximity to each other. The existing setback limitations have worked well for over 60 years to create attractive desirable neighborhoods. People who choose to live and raise their families in Ledyard should not have to worry about changes in the regulations that may harm their neighborhoods. If the goal is to allow residents to have the right to use more of the land that they pay taxes on, then to be fair, the proposed reduced minimum setbacks should be applicable only for new subdivisions.

The following photos are of the 3-unit multifamily at 83 Inchcliff Drive, which is in a high-end residential neighborhood in Gales Ferry that has public water. The building has 3 one-bedroom apartments, is about 40' tall, and is only about 25' from the front property line. It was allowed as the result of an 8-30g affordable housing proposal. Even though it is nowhere near being in compliance with our existing regulations, with the exception of lot size, it is close to complying with the proposed setback, height, and density requirements in the proposed regulations. Try to visualize what this building would look like if it were a 50-unit 5-story 50' tall flat-roof building, which would be allowed


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on a 3-acre lot in our residential districts with public water and sewer if you adopt the proposed setback and height regulations, and allow density to be established by the health code. I urge that you retain the existing setback, height, lot size, and density regulations, especially for multifamily developments in residential districts.

The 4th nugget consists of changes to other setback distances. Some changes increase minimum setback distances, while others decrease setbacks. The minimum side yard setback distance in the CM, NC, and CIP districts is increased from 12' to 25'. Most of the proposed changes decrease the minimum setback distances. Each of the proposed changes should be reviewed to determine if they will be beneficial to Ledyard, and their likelihood of creating unintended consequences.

For example, the existing regulations require a minimum of a 12' side yard setback in an R-20 district, 16' in an R40 district, and 20' in an R60 district. The proposed regulations reduce the minimum side yard setbacks to 10' in an R20 district, 15' in an R40 district, and 20' in an R40 district. I initially thought these reductions were not enough to be important.

However, the proposed regulations allow exceptions to the side yard setback requirements. For example, although a single-family dwelling can be 10' from a side property line in an R20 district, the proposed regulations allow the home to have a canopy, awning, eave, chimney, or bay window to project 3' into that 10' setback, which is 30% of the 10' minimum setback distance. A side entry patio is allowed to intrude 5' into the minimum 10’ setback distance.

As a result, two single-family dwellings in an R20 district that are required to be 24 feet apart under the current regulations can, under the proposed regulations, be as close as 14' apart if they have bay windows facing toward each other. If they have a side entry patio, the two patios could be only 10' apart. Although 10' between patios may be OK on tiny lots in New London, it is much too close for Ledyard, especially considering its 20,000' minimum lot size. In my opinion, the original setback distances should be retained, and there should be no exceptions for windows, awnings, eaves, patios, or canopies. The changes in side yard setback distances, and the proposed exceptions, are important and should be individually discussed and evaluated.

The 5th nugget is the *Accessory Dwelling* entry in the proposed §5.3 *Schedule of Uses on page 5-2 of the proposed regulations and the corresponding changes in the §8.1 supplement regulations for accessory apartments.* Our existing regulations allow accessory apartments within and attached to a principal single family dwelling. The proposed regulation not only allows an accessory apartment within or attached to a single-family dwelling, but will also allow a one, two, or three-story 420' to 1000' 35' tall accessory apartment, which can be a mobile home, in rear, side, and in a front yard only 25' from the front property line. A 1000' detached free-standing apartment or mobile home in someone's front yard will have a deleterious effect on the neighborhood and is unnecessary. The existing regulations that allow accessory apartments within and attached to single-family homes are adequate. You may think that no one is going to install a mobile home in their front yard. Are you confident enough to place a bet that it will never happen? I doubt it.

The 6th nugget also has to do with changes to uses that require a special permit and uses allowed by right. For example, the existing regulations require a special permit for hotels and motels. The proposed regulations allow hotels by right in the Ledyard Center Development District, Gales Ferry Development District, and the Resort Commercial Cluster District, but retain the special permit requirement for hotels and motels in the Ledyard Center Transition District and the Multi-Family Development District.

There are several examples in the proposed regulations where uses that require special permits in the existing regulations are proposed as being allowed by right. The commission should review each of these changes. Uses with subjective evaluation standards, including the criteria in §11.3.4, should require a special permit, and uses with objective evaluation criteria should be permitted by right.

The 7th nugget has to do with the proposed farm regulations, which I reviewed on pages 64 through 67 in the handout.

The purpose of the farm regulations, as stated in §8.5.A, includes a provision that the regulations are intended to promote the economic and operational viability of existing agricultural opertions. The proposed regulations do the opposite. For example, §8.5.D.1 requires a zoning permit or a commission review whenever a farmer wants to change the principal use of his farm, such as from the raising of chickens and producing eggs to growing corn or wheat. In my opinion, there is no need for the town to require a zoning permit or a commission review whenever a farmer desires to establish a new principal use on his farm.

The proposed farm regulations also regulates the accessory uses of farms in a manner that is unnecessary and will significantly reduce farming income. For example, the proposed regulations limit *the number of guests, the days per week, the number of events per year, the hours of operation, and the sizes of on-farm events for* wine tastings, farm weddings, and farm festivities, even though there have been few or no complaints.

The regulations, in addition to being unnecessary, are inconsistent. For example, the regulations do not *limit the number of guests, days per week, events per year, the hours of operation, or the size of events in community centers, campgrounds, schools, parks, clubs, hotels, indoor and outdoor recreational facilities, resort facilities, theaters, churches, pubs, or in restaurants*. Why are you imposing these constraints only on farms? Farms are not near residential development, and there is little or no history of problems. I urge that you take a close look at §8.5 and remove the size limit, days per week limit, number of events per year limit, and the hours of operation limit on the accessory uses of farms. You should also review and confirm that the proposed farm regulations do not conflict with the marketing rights farmers have under the state's right-to-farm law, and under the definition of a farm in §2.2.

I also discovered some legal issues that should be examined by a land-use attorney.

The first is in §4.4.A. Section 4.4 is titled "Exceptions", which refers to exceptions to the minimum setback requirements. §4.4.A states, "*For existing residences built on legal lots of record before or after the adoption of the subdivision regulations in 1963, that are nonconforming 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 non-conforming portions of the principal structure."*

This means, for example, that for a pre-1963 home built 10' from the front property line, which was not unusual for pre-1850 farm homes, the applicable minimum front setback for additions to the house, and for new accessory structures, such as a detached accessory apartment, shed, barn, or garage, would continue to be 10' from the front property line, and not the required 35' in the current regulations or the 25' in the proposed regulations. This is true even for all lots.

As a result, the pre-1963 house can be expanded, and its accessory structures can be built, in perpetuity, only 10' from the front property line, even if there is no hardship, without a variance.

In my opininion, any expansion of a nonconforming use is illegal unless the ZBA grants a variance. The Zoning Board of Appeals exists to address these types of issues, and the same rules should apply to everyone. The proposed exception to the setback requirements means that a nonconforming residential use can be expanded, without limitation, for any or no reason, by right, in perpetuity – while his neighbor cannot. It is unfair, and I believe it may be unlawful. To protect the town, I urge the Commission to obtain a written legal opinion to determine if the proposed setback waiver in §4.4.A is legal.

The second is in §4.4.B – which reduces the minimum s*etback distances for vacant nonconforming lots in residential districts.*

§4.4.B is a scheme where a vacant undersized lawfully nonconforming lot is allowed to have reduced minimum setbacks, without a variance, for new residential construction. In my opinion, allowing reduced setbacks constitutes an expansion of a nonconforming use, and is illegal without a variance.

The proposed regulation, in many instances, is unfair and may not be needed. For example, as worded, the proposed regulations would allow a new home to be built on a 15,000' lot in an R20 district only 20' from the front property line, even though the home could be built on the lot in compliance with the setback requirements in the current regulations. To protect the town, I recommend that you obtain a written legal opinion to determine if it is legal to allow a setback waiver, by right, for undersized lawfully nonconforming lots, especially when the reduced setback is not necessary to comply with the standard setback requirements for the district.

The third has to do with permits to allow home husbandry in commercial districts. The proposed regulations allow a nonconforming home husbandry use on commercial lots with a pre-existing nonconforming duplex or single-family dwelling.

In my opinion, although the residential use of a nonconforming dwelling in a commercial district is protected, it cannot be expanded. For example, a nonconforming house in a commercial district cannot be enlarged because its residential use would have an expanded footprint, which would constitute an expansion of a nonconforming use. Similarly, animal husbandry, which is not allowed in commercial districts, would create a new nonconforming use in the district without a variance.

I recommend that you obtain a written legal opinion to determine if the proposed regulations that allow a new nonconforming use, such as animal husbandry in a commercial district, is lawful.

The fourth is also related to the expansion of a nonconforming use without a variance. The proposed §7.7.4.A states that "*Additions may be made to single-family or duplex residential dwellings that have become non-conforming solely because of a zone or text amendment ... .*"

Almost all nonconformities are due to a zone or text amendment. This particular change will allow for the expansion, by right, for lawfully nonconforming single-family dwellings into the front setback, but conforming single-famiy dwellings in the same neighborhood would need a variance. I urge that you obtain a written legal option to confirm if the proposed regulations that will allow single-family dwellings to be expanded into the setbacks, without a variance, is lawful.

WORDS AND PHRASES THAT MAKE THE PROPOSED ZONING REGULATIONS UNNECESSARILY COMPLICATED

Prepared for the July 14, 2022 Public Hearing
Application PZC #22-07-RA*

Eric Treaster

REGARDING FRIENDLINESS & READABILITY
OF THE PROPOSED LEDYARD ZONING REGULATIONS

Prepared for the June 9, 2022 Public Hearing
For Application #22-5RA Regarding the Proposed Rewrite of the Ledyard Zoning Regulations

Eric Treaster

The proposed regulations use legalistic terminology, which makes them difficult to understand and efficiently use.

For example, §3.4 of the proposed regulations states, "*Such maps and any **duly** adopted revisions **thereto**, with the explanatory matter **thereon**, are a part of these regulations as if **set forth herein**."*

This single sentence uses the words, "**duly**", "**thereto**", "**thereon**", "**herein**", and "**set forth**", which slows down the reader, adds no value to the sentence, and makes the regulation more difficult to understand. §3.4 should simply state, "*The zoning maps, as revised, are part of these regulations."*

The word, "***herein,***" is used 21 times in the proposed regulations, even though the word is used only 3 times in Chapter 124 of the Connecticut General Statutes, which are the entire set of statutory laws regarding zoning.

The proposed regulations use the word, "***pursuant****"*, 33 times, the word, "***elsewhere***" 11 times, and the phrase, "***set forth"*** 19 times.

The regulations use the word "***your***" 12 times, which is a word that should not be in regulations. The word "***your***" can usually be replaced with the phrase, ***"The Applicant"***.

The word "***No***" is used about 180 times. Regulations that begin with the word "***no***" are not user-friendly, but can easily be made user-friendly. For example, a regulation that states, "*No building shall be occupied until a Certificate of Zoning Compliance is issued*" should be changed to, *"A Certificate of Zoning Compliance is required before a building can be occupied."* Both have the same meaning, but the second sentence, without the word, "**no**", is friendlier.

The regulations use the words "***unless***", "***otherwise***" and "***elsewhere***" that create unnecessary uncertainty for an applicant. Examples include **"*unless otherwise specified***", "***unless it is provided elsewhere in the regulations***", or "***unless authorized elsewhere in these regulations***."

The regulations use the word "***expressly***", 12 times. The word is unnecessary and should be deleted throughout the regulations.

The regulations use the word "***please****"*, which is inappropriate in a book of regulations.

The regulations use the word, "**staff**" 14 times in a manner that makes the reader uncertain if the zoning official, building official, town planner, or a secretary in the land use department has approval authority. As used in the proposed regulations, the word "staff" sometimes implies that in addition to the zoning official, the town planner is authorized to approve by-right zoning permit applications. It is confusing.

a **duly** endorsed and recorded subdivision plan ?led on the Ledyard Land Records.

any **duly** adopted revisions thereto, with the explanatory matter thereon, are a part of

amendment **thereto)** if the development work is completed according to such plans within the

buildings **thereto,** nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other

revisions **thereto,** with the explanatory matter thereon, are a part of these regulations as

changes **thereto,** with these Regulations. The ZEO or Planning Directormay require submission of additional

amendment **thereto)** if the developmentwork is completed according to such plans within the period

matter **thereon,** are a part of these regulations as if set forth herein. 3.5

uses **thereon.** One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use

- hearing **set forth** in §8—3,Connecticut General Statutes, Revision of 1958, as amendedand
- as **set forth** in that Chapter. C. Words and Terms Not Defined: Words and terms
- specifically **set forth** in these regulations. Pavement markings and driveway directional arrows painted on the
- standards **set forth** in these Zoning Regulations would be met and that such speci?c
- if **set forth** herein. 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow
- requirements **set forth** herein. 3. In that the approval of a TPD constitutes a change
- be **set forth** in proper documents. Such document(s). which shall be presented with the
- requirements **set forth** in the" Area and Bulk Requirements," with the following conditions and/or
- criteria **set forth** in the Subdivision Regulations of the Town of Ledyard. 4. Interior lots
- requirements **set forth** in the "Area and Bulk Schedule," with the following conditions and/
- minimum **set forth** in applicable building codes, whichever is greater. For an ADU located entirely
- **set forth** in Chapter 11 apply. 1. Agricultural Tourism: A Site Plan review by
- as **set forth** in § 8.2 apply. 4. Commercial Services Home Occupations shall not be
- purposes **set forth** in §§9.l and 9.2 of these Regulations, these landscaping
- criteria **set forth** herein. . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/
- standards **set forth** in §9.4E shall be deemed to specify the necessary and appropriate
- **set forth** elsewhere in these Regulations. If no minimumnumber of parking spaces has been
- shall **set forth** such information as may be required in order to allow the appropriate
- as **set forth** in §l2.2(C) or as determined in §l2.2(D)(5),

- to **herein** as “these Regulations.” AUTHORITY: These regulations are enacted pursuant to the
- Nothing **herein** contained shall require any change to approved Site Plans, or to the
- ned **herein** and inoperable, damaged, Solid waste disposal facility - dismantled partially dismantled vehicles
- **herein,** excluding any portion of land located under a body of water. LOT
- ned **herein.** OPENSPACE,PASSIVE:Restricted land and set aside for parks, gardens, linear corridors,
- used **herein,** does not include an “amusement park” or any type of park
- ned **herein,** approved administratively by the Commission or ZEO (as appropriate) after the
- forth **herein.** 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow the
- provided **herein,** these Regulations operate independentlyfrom laws and regulations established by agencies other than
- as **herein** prescribed by these regulations. applicationsfor a Zoning Permit shall be accompanied by
- forth **herein.** 3. In that the approval of a TPD constitutes a change of
- ned **herein,** or eight (6) or fewer poultry with no roosters may be
- ed **herein.** Maximumheight as defined by these Regulations for Single-family Dwellings shall be
- ed **herein.** Accessory Dwelling Units are not permitted within or on a lot containing
- contained **herein.** . Bond: Before a permit is granted to an applicant starting an
- Regulations **herein** to continuethe STR use. SMALLWINDENERGYSYSTEMS A. Purpose: To allow for on-site
- forth **herein.** . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/Special
- described **herein** expire. A Zoning Permit issued by the ZEO that is not associated
- Nothing **herein** contained shall require any change to approved Site Plans, or to the
- ed **herein** provided the total extension of all such periods shall not be for
- criteria **herein** prescribed, the Commission shall state, in writing, the ?ndings and reasons

enacted **pursuant** to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958

Appeals **pursuant** to Connecticut General Statutes §§8-6 and 8-7 as

pursuant to §§22a-28 through 22a-35 of the Connecticut General

regulated **pursuant** to §§22a-28 through 22a-35 inclusive of the Connecticut

Necessity **pursuant** to §§8-25a and 16-262m of the Connecticut General

protected **pursuant** to the provisions of C.G.S §8-26a(b)(l),

zone **pursuant** to these regulations and as required by PA 21-29. The following

property. **Pursuant** to §l1.2B, the Site Plan does not require a new signed

enforced **pursuant** to §l3.l and §l3.2 of the Zoning Regulations, and

issued **pursuant** to this ordinance shall expire if the small wind energy system is

Plans **pursuant** to CGS §22a-325 to §22a-329 based on the

Review: **Pursuant** to CGS §7-159b, for applications requiring Commission approval, an applicant

Plans **pursuant** to CGS §22a-325 to §22a- 329 based on the

regulated **pursuant** to CGS §22a-36 to §22a—45, inclusive, the applicant

regulated **pursuant** to CGS §22a~36 to § 22a-45, inclusive and the

regulated **pursuant** to CGS §22a-36 to § 22a—45, inclusive, the Commission

G. **Pursuant** to CGS §8—3(h), if (A) developmentwork under a

proposals **pursuant** to a Special Permit, is also in compliance with the conditionsof approval

B. **Pursuant** to §20-3 0O—l0b—(obf)the Department of Consumer ProtectionRules

Plan **pursuant** to §ll.2 of these Regulations. 11.3.2 ?ubmissionRequirements: A. A

regulated **pursuant** to CGS §22a-36 to § 22a-45, inclusive, the applicant

regulated **pursuant** to CGS §22a—36 to §22a-45, inclusive and the

regulated **pursuant** to CGS §22a- 36 to §22a—45, inclusive, the Commission

pursuant to CGS §8-23. . In accordancewith CGS §8-3a(

prepared **pursuant** to CGS §8-23. . In accordance with CGS §8—

review **pursuant** to §l2.l(C) above, which occurs without having received a

A. **Pursuant** to CGS §8-3(e), CGS §8—12, and CGS

Mayor **pursuant** to Chapter IV §4 of the Ledyard Town Charter and as

be **pursuant** to CGS §8-12, CGS §8—l2a as amended, and/

A. **Pursuant** to CGS §8—l(c) and Town Ordinance #300-008,

Connecticut, **pursuant** to CGS 22a-354V. 15.2 Adoption of Regulations: A. The Agency shall

Commissioner **pursuant** to CGS 22a-354r. Such inventory shall be completed not more than

Agency **pursuant** to CGS §22a—354e.

for **elsewhere** in these regulations.

provided **elsewhere** in these Regulations (See Accessory Structures). No projections ?'om structures

allowed **elsewhere** in these Regulations. A non-conforming use of an existing building shall

allowed **elsewhere** in these Regulations, a non-conforming use of land or of a

authorized **elsewhere** within these regulations shall be erected within the right-of~waylines of

occurring **elsewhere)** or a home-based business involving n_o non-resident employee(s)

forth **elsewhere** in these Regulations. If no minimumnumber of parking spaces has been established

facilities **elsewhere.** The Commission may deny or require modi?cations for an application that

provided **elsewhere** each required loading berth shall be at least twelve (12) feet

elsewhere in these Regulations. B. The maximum horizontal foot-candle measurement at any

provided **elsewhere** in these Regulations, a Site Plan application shall be submitted: 1. for

pick- **your—** ownoperations, retailing farm and

If **your** driveway will front on a State highway, an encroachment permit is required.

your initial Zoning Permit Application, please note that (l) the Zoning Permit

received **your** Certi?cate of Zoning Compliance.

Your Plot Plan need not be prepared professionally, but it must contain a

of **your** property, a Floor Plan of the building you will use for your

for **your** Accessory Use or Structure and a Sign Sketch that shows the design

of **your** sign, if applicable. All DRAWINGS must: 0 Show the total acreage of

Your name, the property owner's name, and the property address; 0 The name

of **your** well and septic system (if applicable); 0 Location of wetlands, watercourses

which **your** activity will occur; 0 Provide accurate setback distances from proposed structures to

of **your** current property card and deed. (See

d. **No** driveway serving a current single—familyor duplex dwelling that is located within
applicable). **No** obstruction, hedge, bush, tree or other growth, wall, fence, or sign shall
sightlines. **No** vehicle shall be parked in such a way as to obstruct the
District. **No** more than one (1) vehicle that
is **no** limitationon the numberof hobby motor vehicles that are stored or parkedwithin a
no construction occurs within any required setbackand does not create a new or
No construction or use shall be permitted on any non-conforming lot unless
with **no** change in location, design, or structure, shall not be deemed a modification
contain **no** advertising. Flashing signs: These are illuminated or indirectly illuminated signs
A. **No** person shall erect, alter, or relocate any sign structure or sign face
No illuminated sign shall have exposed electrical wires. D. No sign shall be
D. **No** sign shall be illuminated between the hours of ll pm. and 6
Motion: **No** sign or any part thereof shall be moving, whether by mechanicalor other
A. **no** sign shall extend into a vehicular public way (unless associatedwith a
no sign shall obstruct free entrance or exit from a required door, window,
no sign shall be constructed or located in a manner that obstructs light
no sign shall be placed in such a location as to confuse or
if **no** setback requirement is speci?ed; . No signs, other than those speci?
No signs, other than those speci?cally authorized elsewhere within these regulations shall
at **no** point more than sixteen (16) inches from one another. . Real
area **no** larger than sixteen (16) square feet per side, limited to two
no size limit applies to "
no time, however, shall any farm have more than six (6) seasonal
no larger than eighteen (18) square feet. No more than two (
feet. **No** more than two (2) temporary signs are permitted. Temgoragy Signs shall:
that **no** such sign shall exceed one half (1/2) the length of
sign **no** larger than four (4) square feet in sign area (per
building. **No** portion of any such sign shall interfere with pedestrian traffic. 2. Awning
have **no** advertising on the unit. The same setbacks and heights for signs in
No more than one (1) ADU is allowed per parcel. No ADU
No ADU shall be approved as an accessory to a duplex residential or
be **no** maximum size limit. If the ADU is located entirely within a one-
be **no** in-street drop-off or waiting. Circular driveways are permitted. ASSISTEDLIVINGFACILITY A.
of **no** more than 15,000 barrels a year. However, in the Industrial (I)
d. **No** more than one (1) Farm Stand shall be permitted on a

of **no** more than 3,000 square feet of production space that engages in commercial

has **no** direct frontage on - Fabrication of metal for tools a public or

contain **no** accessory structures or facilities. OPENSPACESUBDIVISION:A subdivision or re—subdivisionof land in

and **no** customers are served in motor vehicles. RESTAURANTF,ASTFOOD: An establishment specializingin take

In **no** event shall the word "sign" be construed to mean any sign

contain **no** advertising are to be excluded from this de?nition. The American Flag

bearing **no** commercial advertising. SIGN,GROUND- A sign which is different from a free-

with **no** open space between the ground and the sign face. SIGN,KIOSK: A

A. **No** building and/or portion of a building shall be erected, moved or

B. **No** building and/or portion of a building shall be erected, moved or

C. **No** Accessory use/structure shall be established/erected without first establishing/erecting a

No stand-alone building foundation or root cellar may be used as a

unit. **No** building shall be occupied until a Certificate of Zoning Compliance and a

No person shall occupy a travel trailer or motorized camper as a residence

Act **No.** 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult~

Act **No.** 21 "An Act Concerning Responsible and Equitable Regulation of Adult-Use

No building, structure, or use shall be located within the required setback areas,

No projections ?'om structures shall be permitted in any required setback except

when **no** longer necessary. Fences and Walls: The required setback distances shall not apply

No such fence or wall shall be located within the right-of-way

ms)(**No—** ireFarms) §8.2l.1 §8.2l.2 ~ S S Nursing Home,

a. **No** more than two (2) additional residential lots may share any portion

however, **no** contiguous open space area shall be less than 80,000 square feet. The

No- Firearms) §8.2l.2 Mixed Use (Residential/Commercial) §8.21.2 Mixed

in **no** event will the extensions exceed twenty-four (24) additional months. .

that **no** onsite patient visits are permitted. e. Highly specialized manufacturing, including but not

that **no** other existing or planned tower or structure can accommodatethe applicant's antenna. 2.

that **no** monopole tower is available that will satisfy the minimum height, shape, size,

No lights or illumination shall be permitted unless required by the FAA. No

No signs or advertisingshall bepermitted on any tower or antenna, except that no

that **no** trespassing, warning, and ownership signs are

is **no** limit on the number of times a renewal permit can be granted

under **no** obligation to provide a reminder notice regarding an expiring

In **no** case shall such uses include the storage of oil, fuel, or hazardous

but **no** ampli?ed music is permitted and the events shall be limited to

is **no** limit on the number of animals that may be kept on active

with **no** roosters may be permitted after the issuance of a Zoning

area **no** less than 40,000 square feet. For each one (1) additional large

that **no** roosters shall be permitted and provided all applicable provisions of these regulations

system. **No** keeping area permitted in wetlands. Keeping areas for any animal will be

No persistent, offensive odors shall be detected off the premises. No condition shall

No condition shall be created that will adversely affect the performance of sewage

No campground shall be permitted on a site of less than twenty—?ve(

No campground may accommodate or rent space to any person or group of

No space shall be closer than one hundred (100) feet to any

be **no** in—streedt rop—ofofr waiting. . A minimumtwenty-?ve (25) foot

No building, parking lot, driveway (except for the entrance of the driveway

No material, vehicles, and equipment associated with the Commercial Service shall be allowed

No material shall be stacked higher than six (6) feet from the

be **no** additional outdoor storage of any kind other that what has been approved.

district, **no** additionalpatrons will be seated after 10PM and alcohol bar service will be

with **no** bar seating. 5. Adaptive reuse of properties containing historic structures or within

be **no** less than twenty (20) feet long and no less than ten

and **no** less than ten (10) feet wide (twelve (12) feet

E. **No** exit or entrance for such facilities shall be within 100 feet of

contain **no** parking areas or buildings. The Commission may allow other structures within the

No Short-term Rental (STR) shall be permitted in a multi-family

No more than one (1) Single-family Dwelling shall be permitted on

where **no** additionalpermits or approvals are necessary from the Zoning Official. Any removal of

under **no** obligation, to provide a reminder notice regarding an expiring permit for soil,

is **no** limit on the number of times a renewal permit can be granted.

operations, **no** permit shall be issued for a subsequent phase until the prior phase

approval, **no** removal shall take place within twenty—?ve(25) feet of a property

necessary. **No** operation shall take place closer than ?fty (50) feet from

operations, **no** bank shall exceed a slope of one (1) foot Vertical rise

no steeper than a two to one ratio (2:1). 8.17 HOMEOCCUPATION(

be **no** industrial uses permitted as a home Occupation. Uses such as hospitality,

d. **No** Zoning Permit Required for a simple home office where there is occasional

and **no** patron, client, or associate visits to the business, and in either case

and **no** patron, client, or associate visits to the business, and in either case

No business is conducted on the premises except by computer, mail, telephone or

No external evidence of the business is visible; 0 No business signs are

No business signs are erected; and I No pedestrian or vehicular traffic is

I **No** pedestrian or vehicular traffic is generated by the business. The owner of

No permanent dedication of the residential structure to non-residential uses shall result

No more than one (1) non-resident shall be engaged in the

No mustering of employees permitted on—site). Waste materials generated by the home

was **no** home occupation. Medical and hazardous waste is not permitted. Dumpsters are not

be **no** exterior indication of the home occupation, other than a sign that does

no outdoor storage of small equipment, parts or any other material related to

No more than twenty-five percent (25%) the gross ?oor space

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

be **no** more than three vehicles in excess of 26,000 pounds of gross vehicle

no structures or parking shall be located within the required side or required

In **no** case shall a hotel/motel unit be

where **no** additional facilities are grmitted. 8.20 KENNEL,COMMERCIAL A. Purpose: To allow for

be **no** other dwelling units or overnight accommodationsprovided in association with, or located on

Club **No-** Firearms This section deals with membership clubs other than those described in

no-? rearms) shall be that of the underlying zone. The use of the

be **no** other dwelling units or overnight accommodations provided in association with or located

no-? rearms). 4. Food service may be provided to members and their guests.

no-? rearms) include, but are not limited to, special events such as club

No individual building associated with a mixed residential and commercial use shall have

is **no** minimum number of dwelling units. . For all new Mixed-Use developments,

be **no** residential use allowed. Mixed-use (Commercial/Industrial) developments involving multiple structures

be **no** Vehicle, Boat or Equipment sales associated with this use unless a Mixed-

of **no** more than twenty (20) beds (residents) per acre. PERSONALSERVICEESTABLISHMENT A.

is **no** limit on the number of times a renewal permit can be granted.

No later than sixty (60) days after the completion of work, the

be **no** signage, lighting, or other indication the dwelling is an STR. The Host

a. **No** solar energy building or structure shall be permitted in any required front

No freestanding accessory solar energy building or structure shall exceed ?fteen (

Period: **No** single event shall exceed a time period of seven (7) consecutive

No dust, dirt, ?y ash or smoke shall be emitted into the

No offensive odors or noxious, toxic or corrosive fumes or gases shall be

structures, **no** noise which is unreasonable in volume, intermittence,frequency or shrillness shall be

structures, **no** vibration shall be transmitted beyond the boundaries of

buffer **no** less than twenty—?ve(25) feet in width shall be provided along

but **no** fewer than four (4) spaces. Places of Public Assemblv(includir;g_

If **no** minimumnumber of parking spaces has been established in these Regulations for a

accessory. **No** entrance or exit for any off-street loading area shall be located

in **no** case shall they be located in a front yard setback area. C.

no case may the angle between the street line and the driveway centerline

No parking area or driveways shall be closer than ten (10) feet

in **no** case may the angle between the street line and the access—way

No refuse storage area shall be located in the required front yard setback

No outside—storagematerials shall be permitted that will attract animals or insects. No

No perishable merchandise shall be stored outdoors. B. Location: 1. 2. The location

No outdoor storage shall be allowed in the required front, side, or rear

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.

C. **No** goods that are leaking or have broken packaging shall be displayed. Location:

B. **No** merchandise display shall be allowed in areas required

E. **No** outdoor merchandise display shall be allowed within the front yard setback with

Applicability: **No** building and/or portion of a building shall be constructed, reconstructed, altered,

provided **no** such decision may be made until after the Commission has provided the

if **no** work has commenced or if the site work has ceased for a

Permits: **No** Building Permit shall be issued by the Building Of?cial for a

or **no** longer maintained. Notice Provisions 1. In accordance with CGS §8-3(

Occupancy: **No** Certi?cate of Occupancy shall be issued by the Building Of?cial

and **no** development rights shall attach to the review or consideration of any Concept

make **no** decision on the plan, and its review shall not be binding on

if **no** previous Site Plan was approved for such use, and such physical feature(

is **no** additional information needed to know the location of boundary lines, interior lot

is **no** need for additional monumentation, and; The exact horizontal and/or vertical locations

No fees will be charged if the proposed development will be located on

Marshal **no** later than the date the application is ?led with the Commission.

C. **No** Site Plan application shall be approved unless it is materially in conformance

which **no** action has been taken, the Commission shall send a letter of approval

that **no** adverse effect would result to the property values or historic features of

and **no** Zoning Permit or Certification of Zoning Compliance may be issued for such

records **no** later than ninety (90) days after the approval by the Commission,

that **no** such revocation shall be ordered unless the Commission or its agent provides

in **no** signi?cant change in the use or its intensity, and that do

C. **No** hearing shall be conducted on any such application unless the adjoining municipality

assume **no** liability for another person's reliance on any maps, data or information provided

has **no** permanently attached additions, or ii. Meet the permit requirements of this Section

that **no** new construction, substantialimprovement, or other development (including fill) be permitted which

No exceptional hardship would result from the failure to grant the variance, and

take **no** ?nal action, until the Zoning Of?cial or his representative has

D. **No** fee shall be charged for zoning applications for projects by or for

creates **no** additional threat to public safety and meet all the requirements of subpait

C. **No** variance may be issued within a regulatory ?oodway that will result

No public sewers: A maximum average density of four (4) bedrooms per

No building shall contain more than eight (8) dwelling units except that

contain **no** more than thirty—two(32) dwelling units when the following criteria are

and **no** persons under age eighteen (18) or younger are permitted; (d)

contain **no** parking areas or buildings. The Commission may allow other structures within the

No building shall be erected within ?fty (50) feet of a

be **no** greater than two (2) feet (T-2 or T-3

are **no** wetlands on the property Location of ledge outcrops (if applicable) Flood

as **otherwise** speci?cally de?ned, the words "agriculture" and "farming" shall

otherwise good health, that provides the support of services, both licensed and unlicensed,

as **otherwise** permitted by law, to be separately owned, used, developed and/or built

or **otherwise** unusable material destined for disposal or reclamation that is generated from animal

or **otherwise** veri?ed by a licensed surveyor, engineer, or other quali?ed professional

otherwise prescribed. EXCEPTIONS: A. For existing residences built on legal lots of record

as **otherwise** speci?ed by the DOT where applicable).No obstruction, hedge, bush, tree

or **otherwise** encumberedby it. INTERIORLors A.

unless **otherwise** specified. e. The area of the access strip shall not count toward

or **otherwise** encumberedby it. 3. Interior Lots that are created as part of a

or **otherwise** interferes with the proper functioning of a building; no sign shall be

otherwise noted. A. Residential Districts (R-20, R-40, R-60 and

otherwise speci?ed. . Accessory structure building area is limited to eighty per-

unless **otherwise** speci?ed. ADULTDAYCARECENTER A. B. C. Minimum lot size shall be two

as **otherwise** specified. D. The following activities/uses require a Zoning Permit and/or

tourists. **Otherwise,** agricultural tourism requires only a Zoning Permit. 2. Farm Worker Dwelling Unit:

farm. **Otherwise,** such uses require only a Zoning Permit. Small Events Venue for uses

unless **otherwise** speci?ed herein. Maximumheight as defined by these Regulations for Single-family

unless **otherwise** speci?ed herein. Accessory Dwelling Units are not permitted within or on

whatwould **otherwise** be required for a single—familydwelling if there was no home occupation.

or **otherwise** abandonedper subsectionE below. . The ZEO shall issue a Notice of Abandonment

not **otherwise** create a fire or other safety hazard. B. Solar Energy Systems as

unless **otherwise** specified, and shall be designed with a combination of grass, shrubs, ?

otherwise ceases, immediately upon termination of the emergency condition; C. fossil fuel lamps;

otherwise, the application shall be denied and the reasons for

days; **otherwise,** the Certi?cation shall be denied for stated reasons. 4. A Certi?

otherwise provided or allowed by state law. "Work" means all physical improvements

manner **otherwise** prohibited and where speci?c enforcement would result in unnecessary hardship. 25.

not **otherwise** permitted. Procedures: Procedures for submission of applications to the Zoning Board of

are **expressly** excluded/prohibited.

not **expressly** permitted by these Regulations as a principal use in a particular Zoning

as **expressly** provided herein, these Regulations operate independentlyfrom laws and regulations established by agencies

not **expressly** permitted in a District is prohibited. Use Variances are not permitted. Special

be **expressly** provided elsewhere in these Regulations (See Accessory Structures). No projections ?'

be **expressly** allowed elsewhere in these Regulations. A non-conforming use of an existing

be **expressly** allowed elsewhere in these Regulations, a non-conforming use of land or

expressly authorizedby these Regulations . When a non-conforming characteristic of a building

unless **expressly** allowed elsewhere in these Regulations. B. The maximum horizontal foot-candle measurement

be **expressly** provided elsewhere in these Regulations, a Site Plan application shall be submitted:

whether **expressly** speci?ed in the decision or not, upon the remediation of such

expressly stated on the record. If the use, as actually established and operating,

Application, **please** note that (I) the Zoning Permit Application must be approved by

Please provide a copy of your current property card and

- Requiring **Staff** Approvals 10.1 10.2 10.3 Zoning Permit Post-Development Certi?cations of Zoning
- **Staff** Approval). Any use marked "P" is a permitted use by-right,
- either **Staff** or Commission review, in addition to the Site Plan and/or Plot
- includingmanagement, **staff,** and all other persons employed by the relevant business) are located at
- Ledyard **staff** member, or its consultant, followed by a review by the Commission. All
- by **staff.** 10.1 Zouluc PERMITS A. Applicability: No building and/or portion of a
- Use **staff/** of?cial to determine the conformance of any proposed buildings, structures or
- for **staff** approved commercial/business and industrial construction, the ZEO shall require the submission
- **staff** to conduct a site walk of the propeity. (May contain reasonable
- **staff** or Commission. D. No fee shall be charged for zoning applications for
- The **staff** of the Commission shall serve as the staff of the Agency. B.
- the **staff** of the Agency. B. Members of the Commission shall serve coexisting terms
- or **staff** shall complete the course in technical training. formulated by the Commissioner of
- town **staff;** or o a neatly drawn to scale plan with applicable labels and

- hearing **set forth** in §8—3,Connecticut General Statutes, Revision of 1958, as amendedand
- as **set forth** in that Chapter. C. Words and Terms Not Defined: Words and terms
- specifically **set forth** in these regulations. Pavement markings and driveway directional arrows painted on the
- standards **set forth** in these Zoning Regulations would be met and that such speci?c
- if **set forth** herein. 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow
- requirements **set forth** herein. 3. In that the approval of a TPD constitutes a change
- be **set forth** in proper documents. Such document(s). which shall be presented with the
- requirements **set forth** in the" Area and Bulk Requirements," with the following conditions and/or
- criteria **set forth** in the Subdivision Regulations of the Town of Ledyard. 4. Interior lots
- requirements **set forth** in the "Area and Bulk Schedule," with the following conditions and/
- minimum **set forth** in applicable building codes, whichever is greater. For an ADU located entirely
- **set forth** in Chapter 11 apply. 1. Agricultural Tourism: A Site Plan review by
- as **set forth** in § 8.2 apply. 4. Commercial Services Home Occupations shall not be
- purposes **set forth** in §§9.l and 9.2 of these Regulations, these landscaping
- criteria **set forth** herein. . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/
- standards **set forth** in §9.4E shall be deemed to specify the necessary and appropriate
- **set forth** elsewhere in these Regulations. If no minimumnumber of parking spaces has been
- shall **set forth** such information as may be required in order to allow the appropriate
- as **set forth** in §l2.2(C) or as determined in §l2.2(D)(5),

Parking **should** be located onsite to the extent feasible, but not lead to excessive

areas **should** maximizelandscaping and prevent large expanses of imperviousarea. Stormwater management shallbe designed to

banks **should** be no steeper than a two to one ratio (2:1).

consideration **should** be given to the overall mix and intensity of current uses, building

roof **should** emphasize the use of natural materials or should be those associated with

or **should** be those associated with traditional New England architecture. Preferred facadematerials are brick,

proposed **should** be incorporated into the design for new constructionand should relate harmoniouslyto adjacent

constructionand **should** relate harmoniouslyto adjacent buildings. Architectural details of a period need not be

they **should** suggest the extent, nature, and scale of the period. C. Large structures

structures **should** have well-articulated facadesto reduce the appearance of signi?cant bulk. Provision

ines **should** be varied to provide architectural interest. 9.9.3 Development District Design Objectives A.

qualities **should** complement and enhance the architectural style and unique featuresofthe building and those

lighting **should** be off when suf?cient daylight is available and whenthe lighting is

should also include comment on the availability of water for any ?re—?

plan **should** include a description of the natural resources located on the parcel and

boundaries **should** be: 1. in harmony with the Plan of Conservation and Development for

structure **should** be (A) the appraised value of the structure prior to the

and **should** be veri?ed with the BFEs published in the

line **should** also be shown. If an inland wetlands and watercourses permit is required,

materials, **should** be provided; front, side, and rear elevations shall be shown. Any stonewalls,

Analysis of Proposed Rewrite of the Ledyard Zoning Regulations
Chapters 1 – 10

Eric Treaster
For 7/14/22 Public Hearing

Suggestions Regarding Chapter 1 - Authority, Purpose, Retroactivity & Severability

1. "*Chapter 1.0*: ..." at the top of the page should be renumbered as *"Chapter 1: ..."* so it is consistent with the Chapter # shown in the Table of Contents.

   Chapter 1.0 implies that there is also a *Chapter* 1.1, and perhaps a *Chapter* 1.2 etc. However, there is no *Chapter* 1.1, 1.2, etc. in the regulations.

2. 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. Its historic adoption procedure is not important.

   However, its date of adoption or approval, which is important, should be on the cover, top of the table of contents, and in the §XXX listing of the history of changes.

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

   Suggestion – perhaps the definition should be: "*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. Modify: §1.2 "Authority"

   What does *" .... in consideration of the Plan of Conservation and Development adopted under §8-23*" mean? Does it mean consistent with? No. What does a conflict between the Plan of Conservation and Development and the "Comprehensive Plan" signify? Usually nothing. If a provision is not clear or adds no value, it should be deleted.

   §1.2 should also be written in the past sense.

   §1.2 includes *".... and serve as the Town's Comprehensive Plan ...."*

   §1.2 should state *".... and, together with its Zoning Map, is the Comprehensive Plan for the Town of Ledyard ..."*

   §1.2 includes "These regulations are enacted pursuant to .... "

   §1.2 should state, "These regulations were enacted under.... "

4. Suggestion: 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."

5. Amend §1.3 "Purpose" as follows:

The proposed §1.3 Purpose includes, *"... (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; ...."*

§1.3 should include, *"... (G) consider the impact of permitted land uses on contiguous municipalities and on the Southeastern Planning Region; ...."*

(The regulations should be for Ledyard, not generic regulations for any CT town.)

6. Amend §1.3 "Purpose" as follows:

Delete: *"(I) promote efficient review of proposals and applications; "*

Although the regulations are required to be *designed to promote efficient review of proposals and applications*, it is not a "*purpose*" of the regulations.

Delete: *"(J) affirmative further the purposes of the federal Fair Housing Act ... "*

Although the regulations are required to be *designed to further the purpose of the Fair Housing Act*, it is not a "*purpose*" of the regulations themselves.

7. Amend §1.3 "Purpose" as follows:

Add the following purposes (after the above deletions):

"(I) encourage the most appropriate use of land;
(J) provide for the development of housing opportunities, including opportunities for multifamily dwellings;
(K) promote housing choice;
(L) promote economic diversity in housing, including housing for both low and moderate-income households;
(M) allow for the development of housing to meet the housing needs in the Southeastern Planning Region;
(N) reduce hypoxia, pathogens, toxic contaminants, and floatable debris on Long Island Sound;
(O) protect the existing and potential public surface and ground drinking water supplies."

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

Move the definition of "Work" to §2.2 as follows: (All definitions should be in §2.2.)

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

Suggestions Regarding Chapter 2 -
Definitions

1. "*Chapter 2.0*: ..." at the top of the page should be renumbered as *"Chapter 2: ..."* so it is consistent with the Chapter # shown in the Table of Contents.

   (Chapter 2.0 implies that there is also a *Chapter* 2.1, and perhaps a *Chapter* 2.2, etc. However, there is no *Chapter* 2.1, 2.2, etc. in the regulations.)

2. Add the following after §2.1.A-8.

   "9. The word "*must*" is mandatory; the word "*should*" is advisory."

3. For consistency, each in a series of entries under a subsection should end with either a semicolon or a comma.

   For example, semicolons separate each entry under §1.3. To be consistent, semicolons should also separate each entry under §2.1.A, §2.1.C, etc. Or, periods, or commas. Consistency is the goal.

4. §2.1.B is *"Words and Terms Defined: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that chapter."*

   Suggested alternative:

   "Words and Terms Defined: The definition of words and phrases defined in §2.2 take precedence over the definition of the same words or phrases defined elsewhere."

5. Sections 2.1.C -1, 2, & 3 – *"Words and Terms Not Defined: ..."* is not clear as to which definition takes precedence in the event of conflicts.

   a. The heading for §2.1.C includes the phrase, *"... not defined:"* However, the first entry under §2.2.C-1 states, "If the word or phrase *is defined* ...." Confusing.

   b. What does "1. If *the* word or phrase *is defined* or *used* in the Ledyard Subdivision Regulations, it [the word] *shall be* interpreted *to be consistent* with *such* [???] *definition* or *usage*"

      What does this sentence mean? Not clear. It appears to be circular logic. Perhaps an example would be helpful.

   c. If a word is defined in the subdivision regulations, does that definition take precedence over a different definition for the same word in the CGS? Not clear. (It should not.)

   d. In the event of a conflict, does the definition of a word in the subdivision regulations take precedence over a different definition for the same word in §2.2 of the zoning regulations? Not clear. (Should not.)

e. If a word is defined in the *zoning* regulations, and there *is no definition* for the word in the *subdivision* regulations, is the definition for the word in the zoning regulations applicable to the planning regulations? (Should be no.)

f. Similarly, if a word is defined in the *zoning* regulations, and there is no definition for the word in the *subdivision* regulations, is the definition for the word in *Webster's dictionary* or the zoning regulations applicable to the planning regulations?

g. If a word is defined in the *subdivision* regulations, and there is no definition for the word in the *zoning* regulations, is the definition in the *subdivision* regulations applicable to the *zoning* regulations?

Note: The proposed §2.1.C -1, 2, & 3 are new and important, and it is good that the subject is addressed in the zoning regulations. But §2.1.C - 1, 2, & 3 needs clarification to be useful.

6. A general suggestion regarding §2.2 – perhaps the following idea should be considered to improve searchability.

Add a *§2.2.1 "General Definitions*"

Under the §2.2.1 "*general definitions*" would be the terms and phrases associated with the zoning regulations, *except for the agricultural terms and phrases*.

Add a *§2.2.2 "Agricultural Definitions"*

Under the §2.2.2 "*agricultural definition*" section would be the terms and phrases associated with "*Agriculture*" and "*Farming*."

For example, §2.2.2 would define *agriculture, agricultural buildings and structures, agricultural tourism, ag-tivities, ... farm store, livestock, etc.*

This would have the benefit of maintaining alphabetical order throughout the definition section, which would make the definitions more easily searchable.

6.1 Access Strip: (should be in §2.2.1)

Is: *"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."*

Suggested: *"The narrow strip of a lot or easement that is used to provide street access to a flag lot."*

6.2 Access, Unobstructed: (should be in §2.2.1)

Is: *"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."*

Suggested: *"An area of a site that can be designed and developed using established engineering practices and legally used for vehicular entry and exit."*

6.3 Accessory Apartment (Accessory Dwelling Unit) (should be in §2.2.1)

Change to: "*Accessory Apartment*" (in suggested §2.2.1)

Rationale: The phrases "*dwelling unit*" and "*accessory dwelling unit*" are not used in the statutes, including in PA21-29. The phrase, *"accessory apartment*" is extensively used.

To be consistent with the statutes, the regulations should use the same terminology. There is no need, benefit, clarification, or purpose in using alternative phrases, such as "*Accessory Dwelling Unit*" or "*ADU*." As such, there is no need for the phrase to be defined, and it should be replaced with "*accessory apartment*" wherever "*Accessory Dwelling Unit* or "*ADU*" occurs in the proposed regulations.

6.4 Under the proposed definitions, is a *detached* "*accessory apartment*" an "*accessory use,*" an "*accessory building*" or an "accessory structure"?

If the answer is yes (an *accessory structure* & an *accessory building)*, then a *detached accessory apartment* is limited in §8.2.D to 80% of the living area of the principal structure, but is also limited under §8.1.A-4 to 30% of the total floor area and the same height as the primary dwelling. Which takes precedence, §8.2.D or §8.1.A-4, in the regulation of the floor area and height of an *accessory structure/accessory apartment/ADU?* Not clear.

Suggestion: Add the following to the §2.2.1 definition of "*Accessory Apartment*."
"A detached accessory apartment is not an accessory structure or use."

Suggestion: Add the following to the definition of *"Accessory use/Accessory Building"*: *"A detached accessory structure/accessory building is not an accessory apartment."*

6.5 The last sentence in the definition of "*Accessory Apartment*" states, *"Accessory Apartments are not permitted within or on the same parcel as a Duplex Dwelling."*

The "*are not permitted*" part in the last sentence is not "definitional," but is regulatory. It is also unnecessary because it is replicated in §8.1.A-2 *"No ADU shall be approved as an accessory [use] to a duplex residential or multi-family residential use."*

6.6 Accessory Use/Accessory Building (should be in §2.2.1)

Suggestion: Split into three definitions - one for "*Accessory Use*," one for "*Accessory Structure*," and one for "Accessory Building."

Rationale: IMO, there is a difference between an *Accessory Use*, an *Accessory Structure*, and an *Accessory Building*, and their definitions should not be combined into a single definition. (If there is no difference, then delete the redundant terminologies from throughout the regulations.)

For example, an *accessory use* might be the storage of a lawnmower in a garage. An *accessory structure* might be a swimming pool, tennis court, or a fence. An *accessory building* might be a detached garage or a storage shed. A definition for each (use, structure, building) would be helpful.

6.7 Age Restricted Housing: The proposed zoning regulations deleted the last sentence in the existing definition, which stated, *"Age-restricted housing proposed for development shall be so designated on any site plan submitted to the Zoning Commission for approval."*

Admittedly, the last sentence is regulatory, not definitional, and should not be in the §2.2.1 definitions. But the phrase is important to assure an age restriction is memorialized. I cannot find a requirement in the proposed zoning regulations requiring a proposed age-restricted development to be so noticed (memorialized) on its site plan or elsewhere. The requirement for *the memorialization* of a permanent age restriction on a development is important and should be added somewhere, perhaps in §11 and/or Appendix B.

6.8 Farm, Accessory Dwelling Unit: *"An accessory dwelling unit on a Home or Commercial Farm that is used by a caretaker/worker of the farm and/or the farm's livestock.* (Should be in §2.2.2)

a. Is an accessory dwelling unit (farm accessory apartment) on a farm limited for use only by a caretaker/worker of the farm? If not (as expected), why is a definition needed for a *farm accessory dwelling unit*?

b. If multiple temporary farmworkers are required, is only one farm accessory dwelling unit (farm accessory apartment) permitted on a farm? If yes, (as expected) why? (A limit, if any, should be addressed in the section on farms.)

c. Is a Farm Accessory Dwelling Unit (farm accessory apartment) subject to the 30% net floor area requirement of PA21-29? If yes, (as expected), there is no need for a definition for a farm accessory dwelling unit (farm accessory apartment), and the phrase should be removed from the definitions.

d. Is it subject to 80% of the size /height of the principal structure limits for accessory structures?

e. Can a single-section (14' wide) mobile home be used as a farm accessory dwelling unit if it is used *only* for housing *temporary* farmworkers? (The answer is no, but it is unclear and should be addressed in the regulations for farms.)

Suggestion for §2.2.2: Either delete in its entirety, or replace "*Farm, Accessory Dwelling Unit*" with: "*Farm, Accessory Apartment: An accessory apartment on a farm*."

Suggestion: The phrase, "*home farm,*" as used in the definition, needs a definition in §2.2.2.

6.9 The definition (in §2.2.2) for "Farm, Commercial" is: *"A farm producing farm products for sale by wholesale, or for sale at locations (not including Farmers' Markets) other than the farm property on which they were produced. A minimum of five (5) contiguous acres is required to be considered a commercial farm for the purposes of these Regulations (Tracts of land used for agriculture that are separated by a road, but otherwise abutting, are considered contiguous for the purpose of these regulations.)."*

The important part of the proposed definition is not its minimum 5-acre size, but how its farm products are marketed. A *commercial farm*, per the proposed definition, requires its products to be sold wholesale or offsite (excluding farmers' markets).

However, its 5-acre requirement means that a 4.9-acre apple "tract" is not a commercial farm and, as a result, cannot sell its apples *wholesale* to the Village Market. However, by definition, a 25-acre tract that grows apples it sells at retail using a farm stand on its property, or with "*pick your own*" *retail* marketing, is *not a commercial farm*.

Is this the intent? Probably not. Is it important? The regulations are not clear.

Suggestion: If the phrase, "*Farm, Commercial*" is important, it should be defined in §2.2.2 as follows:

"Farm, Commercial: Land that produces income or a loss from an agricultural use or uses, and that income or loss is required by law to be recorded on a "Form 1040 Schedule F: Profit or Loss From Farming," and its owner manages the agricultural use or uses as a business with the intent to make a profit."

6.10 The proposed definition of "*Farm Stand*" is: *"An accessory building in support of farming, specifically for the seasonal sale of products produced on local farms in accordance with §8.5.G(5).*

a. The definition references §8.5.G(5) in 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 a regulation references 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.

b. Its definition as an "*accessory building*" means that a farm without a principal structure (no single-family dwelling, no barn) is not allowed to have an *accessory* farm stand. Is this the intent?

Suggestion for §2.2.2: "*Farm Stand: A structure on a farm to support the direct sale to the public of agricultural products produced in Ledyard."*

(See comments on §8.5.G(5)-2)

6.11 The proposed definition for "*Amusement Park*" includes, *"... A theme park is a type of amusement park that ..."* (should be in §2.2.1)

Suggestion: Delete the "*theme park*" sentence, which is a definition. Insert it as a separate definition for "*Theme Park*" in §2.2.1

6.12 Add a definition for *Dog Park*. (should be in §2.2.1)

6.13 The definition for "*Apartment*" includes *"(b) above or behind a commercial use; ..."*

Suggestion: Replace (b) with *"(b) above, behind, or attached to a commercial use; ..."*

6.14 Regarding the proposed definition of "*Barn*." (should be in §2.2.2)

Suggestions:

a. Replace "*shall be considered*" with "*is*".
b. Add "*the*" before "*parcel*."
c. Delete the word, "*considered*."

6.15 Regarding the definition of "*Bed And Breakfast*." (should be in §2.2.1)

Suggestion: In the definition, replace the word, "*dwelling*" with the phrase, "*single-family dwelling.*"

See comments regarding §8.6 (Bed & Breakfast (ACC USE))

6.16 Regarding the definition of "*Building Height*" (should be in §2.2.1).

The proposed definition includes, *"The vertical distance from ... to the highest point of the following elevations ... : • to the highest point of the highest dome ...; • to the mean level ... ; • to three-quarter of the distance ...; • to the highest point of ..."*
IMO - confusing.

Suggestion: *"Building Height" "The vertical distance from the average finished grade to the top of the highest dome, flat, shed, mansard roof, or parapet; the halfway point between the highest ridge and its lowest corresponding eve of a gable, hip, gambrel, or saltbox roof; the three-quarter point of the distance to the height of an A-Frame structure; or the highest point of any other structure, including rooftop equipment, screening, fencing, and other structures placed on a roof, unless exempted in these regulations."*

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

Suggestion: Replace the definition with*: "Building Line: The line or lines on a site plan that establishes a building envelope.*

Add a definition to §2.2.1: *"Building Envelope: An area on a lot where a principal structure is allowed."*

6.18 Regarding the definition of "*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."*

6.19. 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."*

6.20 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."*

IMO, the ownership of a building has nothing to do with determining if a building or group of buildings is a "*community center.*"

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."*

6.21 Regarding the definition of "Cottage Cluster Housing" - what is a *"... live work unit ..."* as used in its definition?

Suggestion: For consistency in the regulations, replace "*housing units*" with "*dwelling units*"

6.22 Suggestion: Change "C.G.S." to "CGS"

6.23 The proposed definitions deleted the definition for "*Design Guidelines*" I am saddened by this, but understand they may hinder commercial development. The Dime Bank, police station, and the most recent gas station in Ledyard Center were developed under the guidelines. Village Market was developed under the predecessor to the design guidelines. They turned out well (IMO). Hopefully, sections of the design guidelines can be reused.

6.24 Regarding the phrase, "*Dwelling, Single-Unit*"

Presumably, this phrase replaces the "*Dwelling, Single-Family*" entry in the existing zoning regulations. It is not clear why.

The statutes, case law, training manuals, and the existing zoning regulations, do not use the term, "*Dwelling, single-unit,*" but near-universally use the term, "*Single-family dwelling."*

As such, if the new term, "*Dwelling, Single-Unit*" is adopted, then the term "*single-family dwelling*" must be replaced by "*Single-Unit Dwelling*," or "*Dwelling, Single-Unit*" wherever it appears throughout the regulations.

IMO, this proposed change in commonly recognized terminology offers little or no benefit, is in conflict with the land use statutes and case law, and will be confusing. It also has the

appearance of discriminating against "*families*." The benefits of the change, if any, are not worth the confusion and disadvantages.

Suggestion: Retain the phrase and the existing definition for "*Dwelling, Single-Family*," and not change it to "*Dwelling, Single-Unit*."

6.25. Regarding the phrase, "Dwelling, Multi-Unit"

The comments above in §6.23, in red, for "*Dwelling, Single-Unit*," are similarly applicable to the phrase, "*Dwelling, Multi-Unit.*"

Suggestion: Retain the existing phrase and the existing definition for "*Dwelling, Multiple-Family*," and not change it to "*Dwelling, Multi-Unit*."

6.26. Regarding the phrase, Dwelling, Two-Unit (Duplex)

The proposed definition includes, *"... on a lot that does not contain any other principal dwelling units."* This part of the definition is regulatory, not definitional, and should be removed from the definition.

Suggestion: In §8.15 (Dwelling – Two-Family (Duplex)), – add: "*E. No other dwelling units are allowed on a lot with a duplex."*

6.27 Regarding the phrase, "*Dwelling, Two-Unit Duplex."*

The comments above in §6.24 for "*Dwelling, Single-Unit*," are similarly applicable to the phrase, "*Dwelling, Two-Unit (Duplex).*"

Suggestion: Retain the existing phrase and the existing definition for "*Dwelling, Two-Family (Duplex)*," and not change it to "*Dwelling, Two-Unit (Duplex).*

6.28 Regarding the definition of "*Home Occupation*"

The definition of "Home Occupation" includes, *"... except as may be permitted in these regulations."*

Exceptions to a use *constrained by its definition* are always a possibility in the body of the regulations. As such, the possibility of an *exception* is unnecessary *in the definition*.

Suggestion: Delete *"... except as may be permitted in these regulations"* from the definition of Home Occupation.

6.29 Regarding the definition of "*Home Occupation*"

The proposed definition for a "*Home Occupation*" also 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 most significant consequence of the change is that a home occupation will, for the first time, be allowed in condominiums, duplexes, mobile home parks, and in owner-occupied accessory apartments – because such units are "dwelling units" as the phrase is defined.

It means that *customers, vendors, suppliers, raw materials, manufacturing equipment, and tools would pass through common areas* of private property that are not under the control of the owner of the home occupation. It is a big change.

Likewise, it means that if something goes wrong (overloaded electrical, creation of odors, creation of noise, waste materials, UPS deliveries to the business *in the common areas*, a clogged sewer due to the business, insufficient parking, etc.), the impact would not be limited to the home of the owner of the home occupation. The impact could affect the common areas (including the parking ares), and the residents below, above, and adjacent to the unit with the home occupation. A home occupation would be unfair to those neighbors. Home occupations should only be allowed in owner-occupied single-family dwellings, as in the existing regulations. (Essentially, for the equivalent reasons that STRs are not allowed in multifamily dwellings.)

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

6.30 Regarding the definition of "*Lot*."

IMO, there is confusion as to the difference(s) between a plot, tract, *lot*, plat, and *parcel*.

For practical purposes, a "lot" is *technically* equivalent to 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.

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."*

6.31 Regarding the definition of "*Lot Area, Minimum*"

The proposed definition is: *"The minimum required area of contiguous buildable area as defined herein, excluding any portion of land located under a body of water."*

If a 40,000 lot in an R20 district is one-half underwater (on a pond, for example), and 20,000 feet of the lot is dry and buildable, is its owner allowed to construct a *cantilevered* home above the pond? Can he build a principal dwelling on pilings that go into the pond? Should these possibilities be addressed in the regulations? Just curious.

Suggestion: Such designs should be allowed to encourage the development of interesting homes.

6.32 Regarding the definition of "Lot Line, Frontage"

The proposed definition, at the end of the definition, includes, *"(Uninterrupted? Or combined total)"* This is (presumably) a reminder note and should be deleted from the application.

Suggestion: Delete *"(Uninterrupted? Or combined total)"* from the end of the definition.

6.33 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 seriously considered as an important part of providing safe, desirable, and affordable housing, and restored to the Use Table. The suggested definition mirrors the definition in CGS §21-64-(2).

6.34 Regarding the definition of "*Motor Vehicle*."

Presumably, the definition is important since it will be applied to "*motor vehicle dealers"* and other business uses.

The proposed definition, first line, includes "*A man-made object or device, whether motorized or unmotorized, ..."*

The second sentence includes, *"Includes all automobiles, ... or any other powered wheeled vehicle used on or off road and which may be required to be registered ... . Devices powered by humans are not considered a vehicle under this definition."*

The problem is that the proposed definition appears to lump *unmotorized* and *motorized* objects or devices together as a *motor vehicle*, which is confusing.

A possible definition for "Motor Vehicle" is:

"A vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle: (1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or (2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or (3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry."

6.35 Regarding the proposed definition of "*Non-Conforming Lot*"

The definition references §14.3 in the zoning regulations, which is titled "Zoning Board of Appeals – Procedures," and does not apply to the definition of a "*non-conforming lot*".

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.

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

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

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

6.37 Regarding the definition of "*Open Space*"

The last sentence states, *"Land may be subject to a Conservation Easement, or other form of develoment restriction, including that within a Conservation Subdivision or an Open Space Subdivision."*

What does the word "*that*" refer to in the last sentence? (Not clear)

Suggestion: Replace the last sentence with: *"Land areas designated as open space, including open space areas in Conservation Subdivisions and Open Space Subdivisions, may be subject to a Conservation Easement or other forms of development restriction."*

6.38 Regarding the definition of "*Parcel*"

Add the following at the end of the proposed definition.

"*A parcel can consist of one or more lots; a lot cannot consist of more than one parcel."*

6.39 Regarding the definition of "Park/Playground"

IMO, 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*" (like an "air park," "skate park," "water park," or an "amusement park"), should not be a type of "Park/Playground" that is encompassed by the definition. A "*dog park*" should, however, be a listed use, have supplemental regulations, and require a special permit.

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."*

6.40 Add a definition for "*Dog Park*"

Also, add supplemental regulations for dog parks.

Suggestion: Add: "*Dog Park: A dog park is a fenced or secured area for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners."*

6.41 Regarding the proposed definition for "*Personal Service Establishment*"

a. Is a business that offers "*training*" a "*personal service establishment*"?

For example, if someone who is not certified, registered, or licensed operates a business that teaches computer programming, tennis lessons, swimming lessons, art classes, history classes, foreign languages, property management, welding, or classes on grant writing, is his training business a "*personal service establishment*? It is not clear under the proposed definition for "Personal Service Establishment", "Professional Service", or §8.26.

b. If not, where is *training* by non-certified, non-registered, or unlicensed instructors (non-professional) allowed under the regulations?

6.42 Regarding the proposed definition for "*Sawmill*"

Suggestion: Delete the "*as well*" at the end of the last sentence.

6.43 Regarding the proposed definition for "*Sawmill, Temporary*"

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

6.44 Regarding the proposed definition for "*Setback, Front Yard*"

The last phrase in the proposed definition,*"(or Front Building Setback Line),"* is confusing. Also, the use of the word "*Yard*" is inconsistent with its common definition. (A "*yard* "is commonly defined as a piece of ground adjoining a building or house, which means a "*front yard*" would commonly be understood as the ground area between the front of a house and the street.) If possible, the alternative use of the word "*yard*" should be avoided.

Also, as shown in the following suggestion, freestanding accessory structures (i.e., sheds, hoop houses, garages, carports, accessory apartments, swimming pools, jungle-gyms, tree houses, solar panels, wind mills, ground-mounted satellite dishes, antennas, etc.) should not be in front yards, as provided in the existing regulations. (A flag pole should be ok.)

Suggestion: Replace the proposed definition of "*Setback, Front Yard*" with:

"*Setback, Front: A line extending the full width of a lot delineating the minimum required distance between the front property line or boundary line and the front boundary of the building envelope for a principal structure.*

6.45 Regarding the proposed definition for "*Setback, Rear Yard*"

See comments regarding "*Setback, Front Yard*"

Suggestion: Replace the definition of "*Setback, Rear Yard*" with:

"*Setback, Rear: A line extending the full width of a lot delineating the minimum required distance between the rear property line or boundary line and the rear boundary of the building envelope for a principal structure.*

6.46 Regarding the proposed definition for "Setback, Side Yard"

See comments regarding "*Setback, Front Yard*"

Suggestion: Replace the definition of "*Setback, Side Yard*" with:

"Setback, Side: A line extending the full depth of a lot delineating the minimum required distance between a side property line or boundary line and the side boundaries of the building envelope for a principal structure."

6.47 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."*

6.48 Regarding the proposed definition of "*Solar Energy System*"

The proposed definition includes a statement that it produces "*cooling*". I am not aware of solar energy systems that are intended to provide "*cooling*."

The word "cooling" should be deleted from the definition (unless I am mistaken).

6.49 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."*

6.50 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?

6.51 Regarding the definition of "Use, Specially Permitted"

The last sentence *("... designated in the Schedule of Permitted Uses.")* refers to the regulations. Generally, the regulations can refer to the definitions, but definitions should not reference specific areas of the regulations.

6.52 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*" encompass 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?

6.53 Miscellaneous Suggestions

a. 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.)

b. Add a definition for "Plot Plan"

c. Add a definition for "Site Plan"

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

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

Suggestions Regarding Chapter 3 -
Establishment of Districts and Special Development Zones

1. Change §3.1 "Residential Zoning Districts:"
   To: §3.1 "Residential Districts"

   Change §3.2 "Non-Residential Zoning Districts"
   To: §3.2 "Commercial Districts"

   Change §3.3 "Special Non-Residential Zoning Districts and Development Zones"
   To: §3.3 "Special Development Districts"

   Justification: The words "*Zoning*" and "*Districts*" are nearly synonymous. As such, the word "Zoning", or the word "District", should be deleted. My recommendation is to retain the term, "*district(s)*" and eliminate the word "*zone*", wherever possible.

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

   (Which is a section intended to be introductory, not regulatory).

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

   (I suggest deleting technology park districts and floating zones. See comments for §6)

4. Regarding §3.3 regarding the "*TPD*" district:

   It should be moved to §3.2, and §3.3 deleted.
   (*Commercial Districts*) [Or *Non-Residential Zoning Districts*].

5. Regarding §3.4 "*Zoning Map*"

   This section uses the words, "*duly*", "*thereto*", "*thereon*", and "*herein" – in a single sentence*.

   Such words are too legalistic and unnecessary. They should be avoided throughout the regulations.

6. 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 ... "

   Suggested alternative: "*Zoning district boundaries are shown on a map titled, "Zoning Map of the Town of Ledyard", as filed with the Town Clerk. The map is, by reference, incorporated as part of these regulations."*

7. Regarding §3.5 "*Zoning District Boundaries*".

   Change to: §3.5 "*District Boundaries*" or "*Zoning Boundaries*"

   (Use of the words "zone", "zoning", and "district" should be consistent throughout the regulations.)

8. Regarding §3.5 "*Zoning District Boundaries*"

   This section is not necessary because the subject of district boundaries is addressed in §3.4 (Zoning Map).

   Although knowing that boundary lines are "*intended generally to follow* ..." is interesting, that information is of no value to an applicant, staff, or the PZC or ZBA. The only thing important is the location of the boundaries on the map, not the intended location of boundaries.

   Suggestion: §3.5 should be deleted.

9. 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.

10. 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."

11. Regarding §3.6-A – which includes, *"... has been issued by the Zoning Enforcement Officer or the Commission indicating conformance: ...."*

Suggestion: Consider the following alternatives (more readable).

a. Replace the definition of "*Zoning Permit*" in §2.2 with:

"A zoning permit, issued by the Zoning Official, or a Special Permit, issued by the Commission, indicates that a proposed use, building, or portion of a building intended to be developed, erected, moved, or structurally altered, or a use proposed to be established or changed, including excavation, conforms with these zoning regulations, or the conditions of a variance."

b. Replace §3.6-A with *"A zoning permit, or a special permit, as determined by the Schedule of Permitted Uses, is required to develop a use, or to construct, erect, move, or structurally alter a building or structure."*

c. Delete §§'s 3.6.A-1, 2, & 3 (because they are addressed in the expanded §2.2 definition of a zoning permit).

12. Regarding §3.6.B

Replace §3.6.B with: *"A zoning permit and a building permit are required to develop, erect, move, excavate, or structurally alter a building."*

13. Regarding §3.6.C

Replace §3.6.C with: *"An accessory use or accessory structure on a lot requires a principal use or a principal structure on the same lot."*

14. 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."*

15. Regarding §3.6.E (Application of Other Laws) (Note: §3.6.E is a "*lecture*", not a regulation.)

    a. Replace the title of §3.6.E with "*Other Requirements*"

    b. Replace the body of §3.6.E with "*E. A zoning permit does not signify a proposed use is lawful or does not require other permits or approvals."*

16. Regarding §3.6.F (Conflicting Standards)

    Replace with: *"F. Conflicting Regulations: In the event of conflicting regulations, the most restrictive is applicable."*

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

    Delete §3.6.G

    Justification: Not necessary. It is generally 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 in the proposed zoning 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 and case law do not. They use the phrases "*Special Permits*", "*Uses allowed by Special Permit*", and "Special Permit Uses".

    I do not see a 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*" in 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 should be titled, "*Schedule of Permitted Uses*"

20. Regarding §3.7.A (untitled)

Replace § 3.7.A with *"Legend"*

ZP	*Uses allowed by right – with Zoning Official approval of applications*
P	*Uses allowed by right – with Commission approval of site plans*
S	*Uses that require a special permit (see definition) and Commission approvals*

21. Delete §§'s 3.7.A, B, & C.

(Replaced with above Legend codes)

22. <u>Regarding §3.7.D (untitled)</u>

NOTE: The proposed regulations (Schedule of Uses, and §8.15 in its supplemental regulations) allow duplexes allowed by right in residential districts, instead of by special permit. The proposed regulations also allow duplexes by-right on any sized lot in the MFDD district in Ledyard Center, which was intended to be reserved for multifamily developments. 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? LET'S DELIBERATE! This is a big change.

23. Regarding §3.7.D. and D.1 -

Replace 3.7.D and D.1 with: *"The Zoning Official is authorized to approve zoning permit applications for:*

1. Single-family dwellings, two-family (duplex) dwellings, and additions or expansions to such dwellings; accessory apartments; mobile manufactured homes in mobile home parks and mobile manufactured homes that replace existing mobile manufactured homes; accessory buildings and accessory uses in residential districts; and additions or expansions to accessory buildings and accessory uses in residential districts."

24. Regarding §3.7.D.5 -

§3.7.D.5 states, "*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."*

Replace with: *"5. Any other use that does not require Commission approval."*

25. 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*". They should be deleted and moved into §3.10. titled, "*Application Requirements*"

26. Add §3.10 titled, *"Application Requirements"*

"1. Zoning Permit applications require a plot plan or site plan consistent with Appendix B, Appendix C, or Appendix D, as appropriate."

2. When necessary, the ZEO may require an applicant to have a qualified professional certify compliance of a proposed development, use, or structure(s) with the Zoning Regulations."

27. General Comment regarding §3 and the entire set of proposed regulations.

The regulations excessively use a **BOLD FONT** together with ALL CAPS together with **BOLD FONT AND UNDERLINING** (and sometimes double underlining) – which is TOO MUCH.

Use either a Bold Font, or all caps, or underlining – but not all three, especially in one sentence.

28. General Comment regarding font selection.

Use a font intended for regulation manuals, instruction manuals, and formal documents – such as Calibri (my preference) or Arial.

Suggestions Regarding 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 and §4.1.A 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 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. Replace §4.2 (*Frontage*) -A, B, C, & D with the following:

"*A. When one side of a corner lot conforms with the minimum frontage requirement, that side is considered the front of the lot and must satisfy the width and front setback requirements for the district.*

B. When two or more sides of a corner lot conform with the minimum frontage requirement, its owner specifies the front of his lot.

C. The proposed frontage for frontage and interior lots must accommodate a driveway into the building envelope that conforms with the driveway standards.

D. A right-of-way, or part of a right-of-way, is not part of the required frontage.

E Land on which a driveway is to be located must be owned in fee by the same entity who owns the remainder of the lot, unless a shared driveway is proposed in accordance with the requirements in §7.4C."

NOTE: The proposed regulations do not have a §7.4.C.

4. 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.

5. 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.

6. §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

7. §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.

8. §4.3.D includes *"A paved terrace or patio shall not be counted as part of impervious surface coverage, ..."*

   The subject of the sentence is "*impervious surfaces*", which is not related to setbacks or setback requirements. The sentence should be moved into a section appropriate for regulations applicable to impervious and permeable surfaces.

9. §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: Signs constitute a unique land use because they are not a principal use or accessory use (as defined). For example, a for "sale sign" can be on a vacant lot, with no principal use of the property, which means the for sale sign is also not an accessory use.

Because signs are unique (not principal and often not accessory uses, as defined), setbacks for signs should only be in the sign section.

10. Regarding §4.4-A – *Setback Exceptions for Occupied Lots* (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 existing required 35' (or the proposed 25').

And this means that if the lot is wide, a freestanding garage, a storage shed, and a detached accessory apartment can be constructed, by right, ≈3' from the front property line of the lot.

A new garage, shed, or accessory apartment ≈3' from the front property line is an *intensification of a nonconforming use*, which may be illegal unless the ZBA grants a variance. A legal opinion should be obtained to determine if the proposed scheme is lawful.

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 is an intensification of a nonconforming use.

For example, a new home built 20' from the front property line instead of 35' (or the proposed 25'), as in the proposed regulations for a pre-existing 6000' lot, is an *intensification of a nonconforming use*, (reduced setback, excessive density, % of lot coverage, etc.) and may be illegal unless the ZBA grants a variance.

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) – Difficult to understand.

Suggestion: Consider the following alternatives:

"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. Replace the word, "parcel" with "lot" (within the table)

    c. Replace the words, *"[in] all zones"* with "*in all residential districts*" (within the table)

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 "*Regulations for Residential Districts*"

   (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"

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*

   The "*purpose*" of each district is too generic and difficult to understand. For example, what does "*To maintain existing higher density residential development ...* " actually mean?

   Does it mean that without R-20 districts, existing higher-density residential development would vanish? Of course not. Is R-20 to allow *"additional housing types and other residential and civic uses compatible in design, mass, and scale"* as stated in the section? The same provision is duplicated in the *purpose* sections for R40 and R60 districts. What is unique about R20 districts that deserve unique regulations? Not clear.

   Suggestion: 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.C – *R60 Low-Density Districts*

   Suggestion: 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."*

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

   Suggestion: 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."*

7. Regarding the table of dimensional requirements for R20, R40, and R60 districts. (Bottom of Page 5-1) – Header Line at the top of the table

   Replace: "*Requirement*" with "*Requirement - (in linear feet or square feet)"*

8. Suggestions for the "*Front Lots*" section (at the top of the table in §5.2):

   a. Replace "*Minimum Lot Area (sf)*" with: "*Minimum Lot Size"*
   b. Replace "*Minimum Lot Frontage AND Lot Width at Front Building Line (lf*)" with: *"Minimum Lot Frontage"*
   c. Add a new line entry in table: "*Lot Width at Front Building Line" [100' 100' 100')*
   d. Replace "*Minimum Lot Frontage for lots on a cul-de-sac (lf) (Min. Lot Width still applies)"* with: "*Minimum frontage for cul-de-sac lots."*
   e. Add a line entry: "*Minimum width for cul-de-sac lots*"

9. Suggestions for the "*Interior Lots*" section of the table in §5.2

   a. Replace "*Minimum Lot Area (sf)"* with: *"Minimum Lot Size" [30k, 60k, 90k]*
   b. Replace *"Minimum Frontage/Lot Width at Front Building Line (lf) Lot width must be achieved within 400 ft. of property line that abuts the road."* with: "*Minimum Lot Frontage" [25' 25' 25')*
   c. Add a new line entry in the "Interior Lots" section of the table: *"Lot Width at Front Building Line*" [100' 100' 100']*
   d. Add an (*) at the bottom of the chart: *"*Must be within 400' of the front property line"*
   e. Remove the dark gray (or the added background color) applied to the lines in the Interior Lots section of the table.

   [for readability, especially for black and white scanned copies of the regulations.]

10. Suggestions for the "*Front and Interior Lots*" section of the table in §5.2

    a. Replace the *(20*), (25*), and (30*)* entries with *(20**), (25**), and (30**).*
    b. Replace the single (*) entry below the chart with (**).
    c. Delete *"** Maximum Building Height for permitted Non-residential Principal Uses and/or Multi-family Dwellings in the R20, R40 or R60 Districts is 50 feet."*

       (Repetitive, the 50' limit is provided in §8.13-G. Also, the schedule of uses does not impose height limits for single-family or duplex dwellings. To be consistent, it should also not impose a height limit on multi-family dwellings.)

11. Regarding §5.3 – *"Schedule of Uses – Residential Districts" (Duplexes)*

    The proposed regulations allow a duplex by right. The existing regulations require a special permit for a duplex. It is likely, especially in an R20 district, that a 35' high duplex will be inappropriate if surrounded by single-story ranch-style homes. 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.

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

    A duplex in an R40 district, or in an R60 district, is not consistent with the "*purpose*" in §5.1.B and §5.1.C of an R40 district or an R60 District.

    Suggestion: Do not allow duplexes in R40 and R60 districts.

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

14. 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].

15. Regarding the *"Accessory Dwelling, Apartment §8.1"* entry in the §5.3 *Schedule of Uses.*

    a. The statutes and PA 21-29 do not use the phrase, "*Accessory Dwelling, or Accessory Dwelling Unit*", but use the phrase, "*Accessory Apartment*"

       Suggestion: To be consistent with the statures, replace *"Accessory Dwelling*" and "*Accessory Dwelling Unit*" with "*Accessory Apartment*" throughout the proposed regulations.

    b. Do not include references into the §8 supplemental regulations.

       It is likely that the supplement regulations will often be renumbered to maintain their alphabetical order. The process of renumbering will likely overlook references to §8 in §5.3.

16. Regarding the "*Bed & Breakfast*" entry as a "*Residential - Accessory Use*" in the table on page 5-1:

The existing regulations require a special permit for a bed and breakfast establishment in residential districts. The proposed regulations allow a commercial bed and breakfast establishment in residential districts, by right, with site plan approval by the Commission. Why the change?

a. Why should a commercial bed and breakfast establishment in a residential district be allowed, by right, considering its *subjective requirements* in §8.6. These include:

"[The] *... existing home has unique structural or site characteristics ...) and the intent is "... 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."*

If ever there was a need for a special permit, it would be for a commercial bed and breakfast establishment in a residential neighborhood.

b. Why is a commercial bed and breakfast establishment in a residential district considered an "*accessory use*", even though the (B&B) use will likely be more intense than its residential use. (IMO, a B&B is a subset of an "*Inn*" or "*Motel*" use.)

Suggestions: Make the "*bed and breakfast*" "use" a commercial use, and retain its existing special permit requirement if in a residential district.

17. Regarding the "*Accessory Structures/Uses §8.2*" line on page 5-2,

The line should be divided into two lines as follows:

"Accessory Structures"
"Accessory Uses"

Although "*Structures"* and "*Uses*" are similar in the zoning context, they are defined differently in §2.2, and are not identical.

A "*structure*" is defined as "*Anything constructed or erected, the use of which requires location on the ground including, but not limited to, dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages. ... "*

A "*Use*" is defined as "*The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained."*

An "*Accessory Use*" is defined as "*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."*

An "Accessory Use/Accessory Building" is defined as 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."*

These are different. There should be separate entries on page 5-2, and separate entries in the §8 Supplemental Regulations, for "*Accessory Uses*" and for "*Accessory Structures*".

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

Are there any unique requirements? Are the statutes sufficient (should be referenced)? Why are there no supplemental regulations?

19. 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 §8.5J-B requires an inspection of the premises *to ensure that the land is capable of livestock or poultry keeping*. It also states the *"Commission" may consult* with any agency it deems appropriate for assistance .... . However, a home husbandry "use" is allowed by right, where the approval authority is the zoning official, not the Commission.

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.J-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.J-E-6 also 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 sounds like a *subjective "standard"* appropriate for a special permit.

Perhaps a special permit should be required, as is the case in the existing regulations, for most home husbandry proposals. These concerns are more important for home husbandry in high density R20 districts.

20. Regarding the "*Educational Facility - Public or Private*" (allowed by right with Commission site plan approval) line on page 5-2.

Presumably, these would be a commercial use, if privately owned, in residential districts. If public, they would be a public school.

Suggestions: Due to traffic and other concerns, an educational facility in a residential district should always require a special permit. They should also have appropriate standards in the regulations.

Alternatively, do not permit public or private profit oriented educational facilities in residential districts, but instead establish a new district designation for educational facilities (public or private).

21. Regarding the "*Farm Store §8.5H7*" (page 5-2) as a nonresidential principal use in residential districts (Allowed by right with Commission site plan approval) line on page 5-2

This section has several issues:

a. There is no §8.5.H.7 as referenced.
b. As worded, §8.5.G.5-3 allows a farm store of any size anywhere in any residential district, and does not require a farm store to be on a farm.
c. As worded, it is unclear if a Farm Store requires a zoning permit from the ZEO, or a site plan approval by the commission.
d. As worded, it is unclear what requirements must be satisfied for a permit to construct and operate a farm store.

Suggestions

a. Prohibit farm stores in residential districts. (Delete use from table on page 5-2)
b. Treat commercial farm stores the same as any other retail store.
c. Add unique requirements, if any, that must be satisfied for a by-right farm store.
d. Allow a farm stand on any farm in any district.
e. Allow a farm stand on any farm, by right (with ZEO approval).
f. Add more unique objective requirements that must be satisfied for a by-right farm stand on a farm.

22. 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 100-acre *Firearms Membership Club* should be limited to R60 districts. (Otherwise, an excessive amount of R20 or R40 land is lost for new housing, which is a more important use of developable land.)

23. 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 blank rental agreement."

24. Restore "*Construction Trailer – Temporary*" as an allowed principal use in all districts.

25. Add "*Multi-family – Age Restricted*" as an allowed principal use in residential districts.

26. Add "*Dwelling, Two family (Duplex) – Age Restricted*" as an allowed principal use in residential districts.

27. Regarding §5.4 – Special Residential Zoning Districts, Overlays and Developments

1. Reference: §5.4.1.A "Applicability" should be deleted. *Conservation Subdivisions* should be added as an entry under R40 and R60 in the "Schedule of Uses – Residential Districts" under Residential – Principal Uses (top of page 5-2).

2. Reference: §5.4.1.A "Applicability" should be deleted. *Open Space Subdivisions* should be added as an entry under R40 and R60 in the "Schedule of Uses – Residential Districts" under Residential – Principal Uses (top of page 5-2).

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

4. 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 be in conflict. As much as possible, the regulations for subdivisions should only be in the subdivision regulations.

5. It appears that the evaluation of many of the requirements in §5.4.1.E-2, 3, & 5 requires subjective decisions by the Commission, and will likely require conditions of approval. Why is a special permit not required for conservation and open space subdivisions? If a special permit is not required, how are conditions of approval imposed?

6. The chart on page 5-4, 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 have its own definition, preferably in §2.2.

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

Suggestions Regarding Chapter 6 -
Non-Residential Zoning District Regulations

1. The title of Chapter 6 is "*Non-Residential Zoning District Regulations*"

   Change title to "*Regulations for Commercial Districts*"

2. Regarding *§6.1.- A, C, D.*

   Delete the word "*Development*" from the titles of the commercial districts.

§6.1.A.	*Change LCDD*	*to LCD*	*For:*	*Ledyard Center District*
§6.1.C.	*Change MFDD*	*to MFD*	*For:*	*Multifamily District*
§6.1.D.	*Change GFDD*	*to GFD*	*For:*	*Gales Ferry District*

   The word "*development*" in the proposed name of each of the commercial districts adds no value, clarification, or meaning to the intended appearance or character of development.

3. Regarding §6.1.A - LCDD

   This section is appropriate for a design or village district, but is misleading for a district that is no longer a design or village district.

   The section uses terms such as *"village", "scale", "harmonious streetscapes", "sense of place", and "intensification",* none of which are required or encouraged in the regulations for the LCDD (LCD) district.

4. Regarding §6.1.B - LCTD

   This section uses the term *"... village center ..."* which is misleading because Ledyard Center is not a "village". The term "*village*" should no longer be used in the zoning regulations.

   This section also includes a statement, *"The LCTD district is the immediate area abutting the LCDD area to the west."* Although this is true, the zoning map is controlling (as for all districts), which means the statement is unnecessary, and the regulations do not specify the relative locations of other districts in or around Ledyard Center.

5. Regarding §6.1.C - MFDD

   This section includes, "*This District is intended to accommodate primarily high-density residential development and limited non-residential uses."*

   This is OK. However, the regulations allow "*small wind energy systems and solar energy systems"* by right as "*limited non-residential uses*" in the MFDD, which are incompatible with high-density residential developments.
   Suggestion: Delete *wind energy systems* and *solar energy systems* as permitted uses in the MFDD district. Replace the last sentence in §6.1.C with, "*This District is for high-density residential development."*

6. Regarding §6.1.D - GFDD

This section is appropriate for a design or village district, but is wrong for a district that is no longer a design or village district.

The section uses terms and phrases including, *"village", "unified design and scale", "intended to encourage family activities", "encourage cohesive architectural design", "encourage coordinated development", and "minimize sign clutter"* — none of which are addressed, required or encouraged in the regulations for the GFDD (GFD) district.

7. Regarding the "§6.2.1 *Design, Cluster & Transition District Dimensional Requirements*" table on page 6-2.

The bottom of the page, below the table, is an exception to the height limits to allow the height of a multifamily development or mixed-use building to be increased from 50' to 65' in the LCDD, LCTD, MFDD, and RCCD districts if there are fire hydrants and the building has a full sprinkler system. The 15' increase is a 30% increase from the maximum height in the existing regulations. At 11'/story, 65' will allow six-story flat-roof apartment buildings, which is too high (and too ugly) for Ledyard. Why is the increase in the height limit proposed?

Suggestion: Delete the maximum height exception at the bottom of page 6-2.
Suggestion: Limit the height to 35' in all except industrial and RCCD districts.

8. Regarding the *"§6.3.1 General Commercial and Industrial District Dimensional Requirements"* on page 6-3.

The table allows the principal building height to be 65' in "I" and "CID" districts. The existing regulations limit the heights to 50'. Is 65' too high for Ledyard, especially in CID? Percentage-wise, it is a big change. Why is it being proposed? Is the change consistent with the POCD?

9. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Lot Size - Commercial)

The minimum lot area in the proposed regulations is:	100k	for the "I" district.
The minimum lot area in the existing regulations is:	200k	for the "I" district.

Why is there a 50% reduction in the minimum lot size?
What are the benefits to the town?
Is the proposed change consistent with the POCD?

10. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Frontage - Commercial)

The minimum lot frontage in the proposed regulations is:

200'	for the "I" district
150'	for the "CM" district
150'	for the "NC" district
50'	for the "CID" district

The minimum lot frontage in the existing regulations is:

100'	for the "I" district
100'	for the "CM" district
100'	for the "NC" district
50'	for the "CIP" district

Why is there a 50' increase in the frontage requirement for the "CM" and "NC" districts? What are the benefits?

And, why is there a 100' increase in the frontage requirement for the "CID" districts? What are the benefits?

Why is there a 50% decrease in the minimum lot size together with a 100' increase in the required lot frontage in the "I" district?

Is the intent to require or allow smaller, wider lots? Why?
What are the benefits to the town?

Do these changes create new nonconformities? (Probably yes when going from larger to smaller). Are they consistent with the POCD?

11. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Sidewalks - Commercial)

The proposed regulations require 5' wide sidewalks in "NC" and "CID" districts.
The existing regulations do not require sidewalks in "NC" and "CID" districts.

Why is a new, expensive sidewalk requirement imposed in "NC" and "CID" districts? What are the benefits? Are the benefits justified by the cost of installation, maintenance, etc.?

12. Regarding the table in §6.3.1 (page 6-3) for Interior Lots (Frontage - Commercial)

The minimum lot frontage in the proposed regulations is:

50'	for the "I" district
50'	for the "CM" district
30'	for the "NC" district
50'	for the "CID" district

The minimum lot frontage in the existing regulations is:

20'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
20'	for the "CIP" district

The proposed regulations require significantly more frontage, sometimes by over 200%, than the existing regulations. Why? What are the benefits of the increases?

Do these changes create any new nonconformities? (Probably yes when going from smaller to larger). Are they consistent with the POCD?

13. Regarding the table in §6.3.1 (page 6-3) for All Lots (Lot Width at Building Line - Commercial)

The minimum lot width in the proposed regulations is:

200'	for the "I" district
150'	for the "CM" district
150'	for the "NC" district
100'	for the "CID" district

The minimum lot width in the existing regulations is:

500'	for the "I" district
100'	for the "CM" district
100'	for the "NC" district
100'	for the "CIP" district

Why are some width requirements increased, and some decreased?
Do these changes create any new nonconformities? (Probably yes when going from smaller to larger).
Are the changes consistent with the POCD?
What is the goal of the changes?

14. Regarding the table in §6.3.1 (page 6-3) (Front Setback - Commercial)

The minimum front setback in the proposed regulations is:

35'	for the "I" district
25	for the "CM" district
25'	for the "NC" district
35'	for the "CID" district

The minimum front setback on state roads in the existing regulations is:

50'	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
50'	for the "CIP" district

The minimum front setback on town roads in the existing regulations is:

35'	for the "I" district (on town roads)
35'	for the "CM" district
35	for the "NC" district
35'	for the "CIP" district

Why is the front setback reduced to only 25' for "CM" and "NC" districts? This is barely enough for parking a full size pickup. UGLY.

15. Regarding the table in §6.3.1 (page 6-3) (Max Front Setback - New - Commercial)

The *maximum* Front Setback in the proposed regulations is:

50'	for the "I" district
None	for the "CM" district
None	for the "NC" district
50'	for the "CID" district

The *maximum* Front Setback in the existing regulations is:

None	for the "I" district
None	for the "CM" district
None	for the "NC" district
None	for the "CIP" district

Are the proposed changes consistent with the POCD? Why are they being imposed at this time? What are the goals of the changes? Not obvious.

16. Regarding the table in §6.3.1 (page 6-3) (Side Yard Setback - Commercial)

The minimum side setback in the proposed regulations is:

25'	for the "I" district
25'	for the "CM" district
25'	for the "NC" district
25'	for the "CID" district

The minimum side setback in the existing regulations is:

30'	for the "I" district
12'	for the "CM" district
12'	for the "NC" district
12'	for the "CIP" district

Why are the side yard setback requirements increased, and some decreased? Do these changes create new nonconformities? (Probably yes when going from smaller to larger). Are the changes consistent with the POCD? What is the goal of the changes?

17. Regarding the table in §6.3.1 (page 6-3) (Rear Yard Setback - Commercial)

The minimum rear yard setback in the proposed regulations is:

25'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
25'	for the "CID" district

The minimum rear yard setback in the existing regulations is:

30'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
35'	for the "CIP" district

Why are some rear yard setback requirements decreased? Are the changes consistent with the POCD? What is the goal of the changes? Not obvious.

18. Regarding the table in §6.3.1 (page 6-3) (Lot Coverage - Commercial)

The maximum lot coverage % in the proposed regulations is:

70%	for the "I" district
60%	for the "CM" district
60%	for the "NC" district
70% f	for the "CID" district

The maximum lot coverage % in the existing regulations is:

80%	for the "I" district
80%	for the "CM" district
80%	for the "NC" district
80%	for the "CIP" district

These are big reductions! Do they create nonconformities? Probably.
Are they consistent with the POCD?
Why are they being imposed at this time?
What is the "source" of the changes?
What are the goals of the changes?
What is the justification? Not obvious.

19. Regarding the table in §6.3.1 (page 6-3) (Building Height - Commercial)

The maximum Building Height in the proposed regulations is:

65'	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
65'	for the "CID" district

The maximum Building Height in the existing regulations is:

None	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
None	for the "CIP" district

Are the proposed changes consistent with the POCD?
Why are they being imposed at this time?
What are the goals of the changes? Not obvious.

20. Question Regarding impact of min/max "front" setback in "I" & "CID" districts – §6.3.1 (page 6-3)

The *minimum* front setback in the "I" and "CID" districts is 35'
The *maximum* front setback in the "I" and "CID" district is 50'

Does this mean the front setback line (front of the building envelope) must be between 35' and 50' in "I" and "CID" districts? If yes, why?

What are the criteria for how the actual front setback line of the building envelope is established? And, who decides if the front setback of the building envelope is required to be 35' or 50', or somewhere in between? Not Clear.

If this is the intent, *change the minimum front setback:*
from 35' to 35'-50 '(for both "I" and "CID")

Delete *"maximum front setback entry*"

21. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) *(Residential Principal Uses in Commercial Districts)*

1. Change the title of the table to: "Commercial Uses" (For simplification)
2. Delete "Dwelling, single-family" (No need for entry)
3. Delete "mobile manufactured home" (No need for entry)
4. Delete "Duplex" as a permitted use in the MFDD.

   By definition, a duplex is not a multi-family, and will be out of character if surrounded by multifamily developments. (If a duplex is allowed in the MFDD, then single-family dwellings should also be permitted for the same reasons.)

5. Require a special permit "S" for a duplex in the LCTD

   For the same reasons, a special permit is required for a duplex in residential districts – to allow for conditions of approval to be imposed if necessary.

6. Delete "Dwelling, Multi-family" as a permitted use in the LCDD.

   The "purpose" of the LCDD (§6.1.A) is to concentrate commercial businesses along a main street. The LCDD, per its "purpose", is to be developed as a *destination for shopping, services, and social gatherings*.

   Although "residential" is listed as a use in §6.1.A, it is intended to be minor, such as for mixed uses with apartments above commercial businesses. Large multi-family developments are not intended for "downtown" Ledyard.

7. Require a special permit for "*Dwelling, Multi-family" in the MFDD, GFDD & RCCD'*
8. Require a special permit for "*Assisted Living Facility" in the LCTD, MFDD, & RCCD"*
9. Require a special permit for "*Bed & Breakfast*" wherever the use is allowed.

10. Require a special permit for *"Nursing Home & Residential Care Home" in LCTD, MFDD, and RCCD*."

    Large developments, including multi-family developments, assisted living facilities, large bed and breakfast establishments, and nursing homes, should always require a special permit, so conditions of approval can be imposed where necessary for health, safety, convenience, and the protection of property values. For example, additional screening may be appropriate to block headlight glare, or a fence to block noise or create privacy. A wider turn radius may be needed for refuse trucks or fire trucks, or an area established for exercise. These are areas where appropriate conditions of approval may be necessary, which were not anticipated in the regulations. (The Commission does not have the authority to impose conditions of approval for by-right uses.)

22. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) *(Residential Accessory Uses in Commercial Districts)*

    1. Accessory Uses should be allowed by-right with ZEO approval (ZP)
    2. Home occupations should be allowed by-right with ZEO approval (ZP)
    3. Adult or Child Day Care Centers should require a special permit (S) where allowed.
    4. An STR should not be allowed in a DUPLEX in any district.

23. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) (*Agriculture)*

    Why is a commission ("P") site plan approval required for a proposed new agricultural farm use (from §2.2) in a commercial district, but only a ZEO (ZP) approval is necessary for a new agricultural use (new farm) in a residential district?

    What are the application requirements for ZP approval of a new farm (agriculture use) as the principal use of land?

    What are the application requirements for P approval of a new farm (agriculture use) as the principal use of land?

    Are the application requirements reasonable for a new agriculture use as a principal use? (Not clear for a new farm.)

24. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-5) (*Agriculture)*

The *existing* regulations do not permit home husbandry in commercial districts.
The *proposed* regulations allow home husbandry in commercial districts on lots with lawful pre-existing dwellings (single-family dwellings, duplexes)

The regulations should not allow animal husbandry in commercial districts.

Note: There may be a disagreement on this technical issue.

A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that pre-existing lawfully nonconforming structures have the right to be used in an equivalent manner as if they were conforming. IMO, nonconforming uses are protected, but do not have the right to be expanded. A single-family dwelling with an accessory home husbandry use is a more expansive use (land area, foot print, odors, etc) than is a single-family dwelling without an accessory home husbandry use.

25. Animal Husbandry should not be an allowed accessory use on a non-farm if there is a multifamily or duplex on the lot.

(The neighbors may not want a goat or chickens in common or shared areas of the property.)

26. Regarding Agriculture and the §8.5 Supplemental Regulations for Agriculture

Section 8.5 (Agriculture) contains many "*subjective*" requirements, such as "what is the *anticipated maximum* parking *necessary* to *safely accommodate all existing and proposed agricultural uses*; parking must be *a suitable* all-weather surface ..., *adequate* existing or *planned* sanitary facilities, a solid waste management plan based on the number of *expected visitors*, when any agricultural tourism event *may reasonably be expected* to require parking for 20 or more vehicles".

The Commission cannot impose conditions of approval unless a use requires a special permit.

Most commercial accessory uses of farms (weddings, apple picking, wine tasting, farm stores --- should require a special permit if the regulations are *subjective* as proposed.

27. Regarding the Institutional Civic/Municipal & Commercial Uses in Commercial Districts (page 6-6)

Suggestion: Revisit all listed uses to determine if they should require a special permit.

The criteria should be if (a) a public hearing is appropriate *(may bring important insight to the decision-making process)* (b) there are *subjective* (vs objective) *requirements* in the regulations for the use, (c) there are *few or missing regulations* for the use, and/or (d) it is likely that *conditions of approval may be necessary.*

For example, conditions of approval are often necessary for safety, such as improving sightlines, improving ventilation, facilitating internal traffic circulation, moving a dumpster to keep out of the reach of children, etc., or improving queuing for drive-throughs, or making exiting of property safer.

IMO, almost all principal commercial, civic, or municipal uses that will be extensively used by the public should require a special permit.

Examples include - Hotels and Motels, which are proposed as allowed by right in the LCDD, GFDD, and RCCD districts – with site plan approval by the Commission. However, hotels should always require a special permit, especially if they have a restaurant, swimming pool, area for bus pickup, dumpsters, live music, EV overnight charge stations, etc. Conditions of approval are almost guaranteed to be necessary.)

28. Miscellaneous – Regarding Institutional Civic/Municipal/Commercial Uses in Commercial Districts (page 6-6)

1. Hotels and motels should not be allowed in the MFDD, even with a special permit.
   Hotels and motels are commercial uses that should not be commingled with residential uses.

   It is unclear why an indoor recreational facility is allowed by right (commission approval) in the GFDD, but requires a special permit in the LCDD?

   What is the underlying policy that determines if a special permit or site plan review is required?

2. Motor vehicle sales/rentals should be allowed in the LCDD (by special permit).
3. Indoor recreation facilities should require a special permit in the GFDD.
4. Campgrounds should not be allowed in the LCTD.
5. Warehouses should not be allowed in the LCDD (do not attract people to downtown)
6. LCDD should replace LCCD throughout.
7. Mixed uses should require a special permit in the LCDD.
8. Small wind energy systems should not be allowed in Ledyard Center or Gales Ferry.
   (Too noisy, eyesores, do not attract people to downtown)
9. Solar energy systems should not be allowed in Ledyard Center unless roof-mounted & out of view.
   (Too much land coverage, an eyesore, does not attract people to downtown.)

10. Drive-through windows should either have or reference regulations regarding speaker boxes, volume, headlight glare, screening of lane, etc., or require a special permit.

29. Miscellaneous – Regarding §6.4 Schedule of Permitted and Specially Permitted Uses (Pages 6-4, 6-5, 6-6, 6-7) and §5.3 Schedule of Uses – Residential Districts (pages 5-1, 5-2, 5-3)

The subheadings in §6.4 *[(Residential, Principal), (Residential, Accessory), (Agricultural), Institutional/Civic/Municipal), (Commercial), (Industrial, Principal), (Industrial, Accessory), and (Misc/Other)*] are too "fine-grained", making the table more difficult to comprehend.

Take, for example, a "*small wind energy system*". A "*small wind energy system*" is not an accessory use, as the phrase is defined in §2.2, and is correctly listed as an allowed accessory use under the "Industrial, Accessory" subtitle in all commercial districts.

However, a "small wind energy system" should also be allowed if there is a duplex, multi-family structure, bed & breakfast, nursing home, civic building, church, or a car dealership as a principal use on a lot in commercial districts. But it is not. Does this mean small wind energy systems are prohibited if there is a civic building on the property? The answer is yes, as shown in the table, but is this the intent?

Suggestions:	Retitle the §6.4 table to:	Non-Residential District Uses
	Limit subheadings to:	Principal Uses
		Accessory Uses
	Retitle the §5.3 table to:	Residential District Uses
	Limit subheadings to:	Principal Uses
		Accessory Uses

30. Regarding the legend for the §5.3 and §6.4 tables:

The proposed tables have a legend that assigns "P" to uses that require site plan approval by the Commission, "S" that require a special permit granted by the Commission, and "ZP" for uses that require approval by the ZEO or staff.

§3.7.D - 1 & 2 list the uses that can be approved by the ZEO. §3.7.E shows that *"... all other uses and buildings shall be reviewed by the Commission ...*" [either site plan review or special permit).

There is too much redundancy between §3.7.D-1 and the tables in §5.3 and §6.4.

Suggestion: Delete §3.7.D-1. In the §5.3 and §6.4 tables, assign the letter "P" to permitted uses allowed by right approved by the ZEO.
(This change is to maintain consistency with the convention in the list of uses in the existing regulations. Note that “staff” should not have approval authority for land-use applications.)

In the tables, assign the letter "S" to permitted uses that require a special permit. (This maintains consistency with the convention in the existing regulations.)

In the tables, assign the letters "PC" to permitted uses allowed by right, but require a site plan approval by the Commission.

Amend the §8 supplemental regulations to eliminate unnecessary situations (if possible), where a type of use can sometimes require approval by the ZEO, sometimes require a special permit, and sometimes requires a site plan approval by the Commission.

For situations where there is no choice, add a separate line, with a reference to a particular section (usually into §8), to differentiate those situations when different levels of approvals are required based on the intensity, frequency, or differences in the characteristics of the use.

31. Regarding §6.5 and §6.5.1 (Special Development Techniques and Floating Zones) & (Technology Park Districts)

The proposed regulations are difficult to comprehend. For example, under §6.5.1.A.1, the proposed regulations state, *"... may establish site specific ... Districts for those properties suitable for the development of high technologies by ..."*, while §6.5.1.2 says a TPD is a [non-site specific] "*floating zone*."

Floating zones, by definition, are not site-specific, and cannot be predicted exactly where they will land.

Floating zones should be discouraged, and only be allowed to land within existing specific districts based on *objective* criteria.

In addition, §7.5.2 states, *"... It is recognized that the Master Plan may require certain fluidity to accommodate market changes ... "*. What does "*certain fluidity*" mean? What does "*market change*" mean in the context of land use? Where can a TPD "land"? Unclear.

The entire section is a "*word salad*".

The TPD section in the existing regulations (§4.13) was drafted and submitted by an attorney for a possible "*data center*". The proposal originally specified a minimum of 200 acres for a TPD for a "*data center*". The data center never materialized.

Subsequently, it was learned that data centers consume huge amounts of electricity, require diesel generators running 24 hours per day forever, with backup diesel generators, and the highest level of security, including security fencing and security perimeter lighting. Does Ledyard want such a use? Originally, yes, for tax dollars, which is why the regulations were adopted. But do we really want it? It seems that a data center (in a TPD) has the same characteristics as a private prison. The benefits are not worth the costs.

SUGGESTION: DELETE §6.5 IN ITS ENTIRETY.

Suggestions Regarding Chapter 7 -
General/Miscellaneous Regulations

1. Regarding §7.1 – "Antenna & Antenna towers

   a. The Residential - Accessory Use table (page 5-2), non-residential principal subheading, shows that ZP/P allows antenna and antenna towers in R20, R40, and R60 districts. However, §7.1 does not *clearly* differentiate when an ordinary zoning permit from the ZO is required, and when a permit approved by the Commission is required.

   b. For example, §7.1.D states "Amateur Radio... Antennas, and Towers *that **may** be approved* by the Zoning Official if they meet ... standards [in §7.1.D.1.a, b, c, & d]." The word, "**may**" is one cause of the confusion.

   c. §7.1.D.1.a requires towers, transmitters, and antenna installations to comply with Part 97 of FCC rules and regulations. Does this mean that if the installation does not comply with Part 97 of FCC rules and regulations, the installation requires a permit issued by the Commission? Not clear.

   e. §7.1.D.1.b requires the distance to the nearest property boundary *"shall not be less than two-thirds of the tower height..."* Does this mean that if the installation is less than 2/3rd of the tower height to the tower height, the Commission is the approval agent? Not clear.

   f. §7.1.D.1.c requires a copy of the applicant's amateur radio license. Does this mean that if it is a CB antenna, and the applicant does not have an amateur radio license, then the Commission is the approval agent? Not clear.

   g. As worded (§7.1.D), "*Homeowner Antennas*" ***may*** require a zoning permit. Is a permit required for an ordinary TV antenna, or a Direct TV dish antenna? It appears dish antennas are not permitted if over 3' in diameter, but it is unclear if a permit is required for smaller dish antennas. Is a definition necessary for "Homeowner Antennas"?

   h. The "Purpose" section indicates that the regulations are intended to *"... minimize the adverse visual and operational effects through careful design, siting and screening."* However, §7.1 does not include regulations applicable to visual, operational, careful design, or screening.

   i. What is the *maximum* height limit for antennas approved by the Commission? Not clear.

   j. There is no need to state (§7.1.A) *"This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate ...."*

   k. What are "head-in" structures (in §7.1.B)? Does it need a definition in §2.2?

   l. This section needs clarification as to exactly, within a district, are the characteristics of a proposed antenna tower that the zoning official approves, and exactly what are the characteristics of a proposed antenna tower that the Commission approves.

   m. Preferably, the differentiation will be via a second entry in the accessory use table (page 5-2)

n. Replace §7.1.C with "*Application Requirements*"
o. Add specific requirements for all antennas and towers.
p. Add specific requirements for antennas and towers, requiring approval by the ZEO.
q. Add specific requirements for antennas and towers, requiring approval by the Commission.

r. There are two §7.1.D (bottom of page 7-1 and middle of page 7-2) – Renumbering required.

s. §7.1.D.10 (top of page 7-3) states *"... a minimum of three co-users [are required] ..."* However, it also states that *"These co-users* shall *include other wireless telecommunication companies, and local police, fire, and ambulance companies." This is a minimum of four co-users. Which is correct?*

t. The requirements in §7.1.D.2 (page 7-2) require *"... or if it is unlikely that a structure will be constructed on adjacent property within the fall circle, the distance to the property lines ... may be reduced by the Commission ...."* The "*unlikely*" determination is a subjective safety decision, where a special permit should be required.

u. It is unclear why Antennas and Towers were moved from the §8 supplemental regulations to the §7 General/Miscellaneous regulations. Suggestion: Restore Antennas and Antenna Towers into the supplemental regulations.

v. This section could use a more thorough review and possibly a rewrite.

2. Regarding §7.2 – "Cemeteries"

a. Cemeteries are one of the few uses that should reference the appropriate state statutes and require a special permit.

b. There may be locations where a special permit should be required. For example, should a vacant 20K foot lot in the Highlands become a cemetery? Perhaps.

c. Does a mausoleum or columbarium require a zoning permit? What kind and who issues? Does the 20' setback apply?

d. The regulations for cemeteries should be restored into the §8 supplemental regulations. §7 should be reserved for uses that do not fit well into §8.

3. Regarding §7.3 – "Construction Trailers"

a. Reference §7.2.A - the word "*mobile*" is not necessary. All trailers are mobile.
b. Reference §7.2.A - Replace the phrase, "mobile trailer" with "construction trailer" to be consistent with the title of §7.3
c. Add: A construction trailer consisting of multiple connected trailers requires a single construction trailer permit.
d. Add: *"A construction trailer must be on the construction site, or on a site adjacent to the construction site."* (Sometimes necessary if there is not enough room on a site for a construction trailer, or if a developer is building two or more houses simultaneously on contiguous lots.)
e. Reference §7.2.A - the phrase, "*provided it is not used for sleeping or living quarters",* is not necessary. (The first sentence *lists the allowed uses of a construction trailer.)*

f. *The phrase "valid* zoning permit" should be replaced with "*zoning permit*". (An invalid zoning permit is not a zoning permit.)

g. Replace §7.3.C with "Zoning Permits are issued with renewable 6-month terms".

h. Delete §7.3.G (In no case shall such uses include the storage of oil, fuel, or hazardous chemicals ..." (Not necessary – §7.3.A lists the allowed uses for a construction trailer.)

i. Replace §7.3.H *"Such mobile units shall be arranged to allow access by emergency vehicles."* with "*Construction trailers must be accessible by emergency vehicles"*

Suggestion: Throughout the proposed regulations, replace "*shall", "can", and "may"* with "*must*" or "*are required*" where appropriate. Where it is inappropriate, *be consistent* in the use of "*shall*", "*can*", "*may*", and "*should*". "*Shall be*" should often be "*is required to be*". My preference is to use the word "*must*", or the phrase, "*are required*", or "*is required*", instead of "*shall*," when possible.

4. Regarding §7.4 Driveways, Residential

a. §7.4 should be retitled, "Residential Driveways". (My preference, no good reason.)

b. The bold, underlined part of §7.4.A under "*Applicability*" should state, in normal non-underlined font, *"Non-residential driveways are required to comply with §9.5 "Access Management" requirements." (It can also be omitted, since it is in §9.5, and internal references increase the likelihood of errors when regulations are amended.)*

c. Why does a three-unit multifamily building require compliance with *"... the Town's standards for road construction"*? The costs will be at least double the cost of an ordinary driveway. Is it necessary? Also, the Town's standards for road construction are exhausting. Is the Commission certain it wants to impose these standards (width, design, thickness, curbing, material, curve radius, slope, sightlines, road markings, etc.), on small multi-family developments? What does the building code require?

d. §7.4 appears to be a cut-and-paste effort from a set of regulations applicable to larger cities, and may not be appropriate to Ledyard. Their appropriateness for Ledyard should be discussed.

e. There are several requirements that are subjective, which means they should require a special permit.

For example, §7.4.B.6 requires a "reasonable transition in terms of grade between the driveway and the gutter line." What happens if the ZEO or the Commission (not clear) determines a transition is not reasonable, but the applicant claims the transition is reasonable. Without a special permit, the Commission cannot impose a condition regarding transition.

f. Are permeable driveways allowed? Encouraged? Where?

5. Regarding §7.5 Interior Lots

a. §7.5.1 states, *"Interior Lots may be permitted in all Residential Districts subject to the requirements set forth in the "Area and Bulk Requirements," with the following conditions and/or exceptions: ..."*

It should state, *"Interior Lots **are** permitted in all Residential Districts subject to area and bulk requirements and the following conditions or exceptions: ..."*

Note: There is no specific chart or table titled, "*Area and Bulk Requirements*" or "*Area and Bulk Schedule*" It is a challenge to find the information. Confusing. I prefer only a single "Area and Bulk Schedule".

b. Is it necessary or appropriate for "Driveways" to be an entry in the zoning regulations? It seems these regulations, or part of the regulations, are more appropriate in the subdivision regulations. For example, the requirement *"The proposed frontage of a lot ... must be capable of accommodating a driveway ..."* is more oriented to the design of a subdivision than to the regulation of land use.

Similarly, the "sightline distance," and the *driveway width and length constraints*, are more oriented to lot design and location than to the regulation of land. Just my thoughts.

6. Regarding §7.6 Junk, and Unregistered, Inoperable and/or Hobby Vehicles

a. This section (§7.6.A) addresses registered *inoperable* motor vehicles, which is new.

It provides that *"Junk .... , where not fully screened ..., shall not be placed, stored, co-located, or maintained on any lot in any District."* This means that *screened junk* is OK. This is different from what is in the existing regulations. Is this the intent?

b. It also provides that *"... 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."* As such, it treats "*partially dismantled motor vehicles*" as junk, and, like junk, must be screened to be on a lot. Is this the intent?

Question: What is the definition of "*partially dismantled*"? For example, is a car with a missing taillight, a missing bumper, or a missing spare tire, prohibited outside unless it is screened from all property lines? A definition of "*partially dismantled*" may be appropriate.

c. §7.6.A added (from the existing regulations) *"... No more than one (1) vehicle ... or* [that is] *registered but currently inoperable may be parked or stored outside ... regardless of screening, and may not remain for longer than six (6) months."*

Question: Why is a non-operational, registered or non-registered, non-dismantled "hobby motor" vehicle", regardless of age or condition, maintained by its owner, allowed to be stored outside indefinitely, but a non-operational, registered, non-dismantled motor vehicle can only be stored outside for six months? Not clear.

This section needs improvement. (Why was the existing §14.7 amended?)

7. Regarding §7.7 – Non-conforming Uses, Structures, and Lots

a. To simplify the regulations, consider the definitions in §2.2 when writing the regulations.

For example, §7.7.1.A states, "*Any nonconforming use lawfully existing at the time of adoption of these regulations, or any amendments hereto, may be continued as a nonconforming use.*"

Replace §7.7.1.A with: *"Legally nonconforming uses may be continued."*
Replace §7.7.2.A with "*Legally existing nonconforming structures may be continued.*"

b. §7.7.1 Delete the words "*expressly*", "hereto", "*thereafter*", and other unnecessary legal terminology from the regulations.

The proposed regulations should be reviewed in their entirety, with the goal of simplification, moving definitions into §2.2, eliminating redundancy, and confirming that conditions of approval are unlikely to be needed for by-right uses. I believe several "standards" and "requirements" for some uses are subjective, and a special permit should be required for those uses.

8. Regarding §7.7.4 – Exceptions

The proposed regulations (§7.7.4.A) state that *"Additions may be made to single-family or duplex residential dwellings that have become non-conforming solely because of a zone or text amendment ...."*

Note: There may be disagreements on this technical issue. IMO, the physical enlargement of a nonconforming use constitutes an expansion of its nonconformity. Although nonconforming uses are protected, they do not have the right to be expanded except by variance from the ZBA.

Increasing the footprint of a 750' single-family 2-bedroom dwelling by adding a large master bedroom, which changes the dwelling from a two-bedroom single-family dwelling into a larger 1,200' three-bedroom single-family dwelling, constitutes an expansion of a nonconforming use of the original 750' two-bedroom single-family dwelling.

This regulation appears to be an attempt to bypass the ZBA, and may be an unlawful method of allowing what is effectively a variance without an appeal to the ZBA.

A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that pre-existing lawfully nonconforming structures and uses have the right to be physically enlarged or expanded, without a variance.

9. Regarding §7.7.6 – Rule of Merger of Non-Conforming Lots.

   a. Delete *"(process?)"* at the end of the title line of §7.7.6

   b. §7.7.6.A states that, *unless protected by CGS §8-26a(b)(1),* adjoining non-conforming parcels and/or lots of record in common ownership shall be considered merged. However, CGS §8-26a(b)(1) is silent and not applicable regarding lot mergers or the protection of property rights associated with the ownership of land.

      It seems fundamentally unfair that a person who purchases two adjacent lots in an approved subdivision is prohibited from building on each, while the two lots could each have a principal structure, via variance (to allow a reasonable use) if different entities had purchased the lots.

      A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that adjacent non-conforming lots owned by the same entity constitute a permanently merged single lot, but constitute two separate lots if owned by different entities. (I cannot find this in the statutes, or in the training materials.)

   c. What prevents the owner of one of the two lots from donating one lot to one child, and the other lot to another child? Are the two children forever prohibited from building on their nonconforming lots? Unfair.

10. Regarding §7.8 – Portable storage unit: See accessory structure.

    It is unclear where the regulations are for accessory structures applicable to portable storage units. If it is §8.2 (Accessory Structures and Uses), it should so state. (If yes, it is not a good match - §8.2 is intended for non-portable structures and uses.)

11. Regarding the "purpose" of the sign regulations (§7.9.1).

    §7.9.1 states, "*The purpose of this section is to regulate the number, height, size, brightness 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."*

    Suggestion: Replace with: *"To ensure public safety and to protect property values, while allowing individual, commercial, and public interests to be communicated through signs."*

12. Regarding §7.9.2 – Application for Sign Permit for a Permanent Sign'

    §7.9.2.A.3 states, "*Permanent new signs .... require an application..., and shall include the following information: Proposed Location of the sign in relation to the building and all property lines and streets."*

    The existing regulations (in §9.6.A-3) reference the specific site plan requirement (in §6.6-B- (5)) for a new sign. Where, specifically, are the equivalent site plan requirements for a new sign in the proposed regulations? Not clear.

13. Regarding §7.9.6 - Sign illumination

§7.9.6.A allows LED and digital signs *in commercial districts*.

IMO, such signs in Ledyard are an eyesore, inappropriate, and not necessary. They are in conflict with the quiet and low-key bedroom community of Ledyard. LED changeable signs are sometimes risky by distracting drivers, and their benefits, if any, do not outweigh their disadvantages.

Such signs should not be allowed in Ledyard. (This should be discussed.)

14. Regarding §7.9.6 - Sign illumination

§7.9.6.B allows LED signs in residential zones for non-residential uses.

This means that neighborhood identification signs, home occupation signs, resident identification signs, farm identification signs, and farm stands (& directional signs) can be internal LED signs.

Internally lighted signs should absolutely be prohibited in residential districts.

Residential districts should be protected as much as possible from commercialization. There is no need for illuminated signs in residential districts. This should be discussed.

15. Regarding §7.9.6 – Sign Illumination

§7.8.6 states, *"Signs .... provided that comply with the outdoor illumination standards in §9.10 and the limitations set forth below."*

However, §9.10, which is titled "Outdoor Illumination", is silent regarding sign illumination.

The reference to §9.10 should be removed.

16. Regarding §7.9.6. – Sign Illumination

§7.9.6.D states, *"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."*

It also conflicts with §7.9.13.4-f - which provides that EMC's automatically dim to an acceptable level from one hour before dusk to one hour after dawn.

Suggestions: Replace §7.9.6.D with "No sign shall be illuminated unless the premises on which it is located is open for business at that time." Delete the dusk to dawn dimming requirement for EMC's in §7.9.13.4-f. Move the definition of an EMC in §7.9.13.f-a into §2.2.

17. Regarding §7.9.8.E (Setback for signs).

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

However, all signs have a setback requirement.

Reference §4.3.E, which states, "*Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed.*" I am unable to find any "*otherwise prescribed*" setbacks for signs.

18. Regarding §7.9.8 – Sign Location

§7.9.8-F - the second sentence states, *"Signs shall be located on the property they are associated with unless otherwise allowed by this section."*

The sentence is not related to the subject of signs in the right-of-way, which is the purpose of §7.9.8-F.

The sentence should be a stand-alone sentence with its own identification, §7.9.8-G.

19. Regarding §7.9.13 – Additional Signs

§7.9.13 is a three (3) line title that includes regulatory constraints, such as a combined limit of 48 square feet for hanging, awning, portable, window, and clock signs. Confusing.

Suggestion: Replace §7.9.13 with *"Constraints on Other Sign Types" and*
delete the 48' combined limit.

Note: If retained, it is unclear if it applies to one side or both sides of hanging signs. If on both sides, it would limit a building with multiple commercial units to only six hanging maximum size signs. Is this the intent?

It is also unclear how the 48' constraint applies to window signs, which is in §7.9.13-6. For example, is a large store (i.e., a CVS, with lots of big windows) limited to not covering more than 30% of its windows with product signs (§7.9.13.6), and the 30% covered cannot exceed 48'. Perhaps. Why is the 48' important? Complicated and unclear.

Suggestions Regarding Chapter 8.0
Supplemental Regulations

1. Regarding §8.1 – Purpose (Missing)
§8.1 needs a purpose.

Replace §8.1.A with:

"§8.1.A Purpose: To allow an accessory apartment on lots with a single-family dwelling."
"

OR – IF THE PZC & COUNCIL ELECT TO OPT OUT (RECOMMENDED)

"§8.1.A Purpose: To allow an accessory apartment within or attached to a single-family dwelling if density, setbacks, heights, off-street parking, sunlight, ventilation, screening, and other conditions are satisfied such that the appearance of its neighborhood is not diminished." [Requires a special permit.]

2. Regarding §8.1.A "General Requirements."

Delete §8.1.A "General Requirements"
Replace with: *"§8.1.B Requirements"*

There is no need for the word "*General*".
In addition, because there is a §8.1.A, there should also be a §8.1.B.

3. Regarding § 8.1.A.4 – Primary Dwelling Unit & Primary Dwellings

§8.1.A.4 uses the phrases "*primary dwelling unit*" and "*primary dwellings*".

The statutes (PA #21-29, §§'s 6(a)(2), (3), (4), (6)-(A), (6)-(D), (6)-(F), & (6)(c)(2)) use the phrase "*principal dwelling*". The regulations should mirror the statute, unless there is a substantial reason to not do so.

Add the following definition of *Principal Dwelling* in §2.2.
PRINCIPAL DWELLING: A single-family dwelling located on a lot with an accessory apartment.

In §8.1.A.4 – Replace "*primary dwelling unit*" with "*principal dwelling*".
In §8.1.A.4 – Replace "*primary dwellings*" with "*principal dwellings*".

4. Regarding the terms, "lot" and "parcel"

The applicable statute (PA #21-29) uses the term "*lot*", but not "parcel." A "*parcel*" is seldom the same as a "*lot*."

The existing §2.2 definition of "*parcel*" includes: *"(1) A piece or area of land formally described and recorded with map, block & lot numbers, by metes and 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; ... "*

The existing §2.2 definition of "*Lot*" is defined as *"A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon."*

A "lot" can be a "parcel". A "parcel" can, *but is not required*, to have more than one lot. (The definitions of "lot" and "parcel" in §2.2 are circular and should be improved)

Replace the word *"parcel"* with the word *"lot"* throughout §8.1.

For example, in §8.1.A.1

Replace, "No more than one (1) ADU is allowed per parcel".
With: "One accessory apartment is allowed on a lot."

5. The mandate does not use the term "Accessory Dwelling Unit" or "ADU", but instead uses the term "Accessory Apartment."

However, the proposed regulations only use the phrase "*Accessory Dwelling Unit*" and its abbreviation, "*ADU*". The regulations should mirror the statute, unless there is a substantial reason to not do so.

The phrase, "*Accessory Dwelling Unit*" and its abbreviation, *"ADU*" as used *in the title of §8.1, in the table of contents, and in the §2.2 definitions*, should be replaced with the phrase, "*Accessory Apartment*".

The phrase, "*Accessory Dwelling Unit*" and its abbreviation, *"ADU*", as used *throughout the balance* of the proposed application, should be replaced in each instance with the phrase, "*Accessory Apartment*".

6. The definition of "accessory apartment" in §2.2 is inconsistent with the definition of "accessory apartment" in the mandate.

   The definition of the phrase "*accessory apartment*" in §2.2 should be amended to mirror the definition in the mandate.

   The definition of an accessory apartment should be, *"A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations."*

   The regulations should mirror the statute, unless there is a substantial reason to not do so.

7. Regarding §8.1.3 – Regarding locations allowed for accessory apartments

   The proposed §8.1.A-3 states, "*The ADU may be either attached or detached."*
   The problem, as worded, is that it is unclear exactly what can be attached or detached from what.

   Replace*: "The ADU may be either attached or detached."*

   With: "An accessory apartment may be located within a proposed or existing single-family dwelling, or if within the building envelope, may be attached to or detached from a proposed or existing single-family dwelling.

8. §8.1.A.4 in the proposed regulations uses the phrase "*Total Floor Area*."

   However, Section 6-(a)-(3) of the mandate uses the phrase "*Net Floor Area*".

   The proposed regulations should mirror the mandate and only use the phrase "*net floor area*", unless there is a substantial reason to not do so.

9. §8.1.A.4 in the proposed regulations excludes the area of *finished basements in determining the net floor area of the principal dwelling.*

   Although it may be reasonable to exclude unfinished rooms, including unfinished basements and unfinished attics, the exclusion of a finished part of a home does not make sense.

   More importantly, the exclusion of finished basements is in conflict with the last sentence of §6(e) in the mandate, which states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section."* The *exclusion of the area of a finished basement* in determining the *"net floor area*" is an *additional standard*, which is not allowed under the mandate.

A legal opinion should be obtained regarding this issue.

10. Regarding §8.1.A.4 – A Definition for Net Floor Area

    Add the following definition for the phrase, "*net floor area*" in §2.2:

    NET FLOOR AREA: The finished area of a dwelling unit.

    Rationale: An accessory apartment, with no size limit, is permitted in a basement. As such, the area of a finished heated basement, if it complies with the building code, should be considered part of the net floor area of the home.

11. §8.1.A.1 and §8.1.A.2 in the proposed regulations are not user-friendly.

    For example, §8.1.A.1 states, "No more than one (1) ADU is allowed per parcel."

    It would be better if it mirrored §6(a)(1) of the mandate by stating, "One accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling."

    Similarly, §8.1.A.2 in the proposed regulations states, *"No ADU shall be approved as an accessory to a duplex residential or multi-family residential uses."*

    This sentence is not necessary, but if retained, it should state, *"An accessory apartment is allowed for single-family dwellings."*

12. §8.1.A.4 in the proposed regulations contains a mathematical error regarding the maximum net floor area allowed for an accessory apartment.

    The proposed regulations allow the net floor area of an accessory apartment to be 420' if the net floor area of the principal single-family dwelling is less than 1200'.

    If the net floor area of the principal single-family dwelling is larger, say 1201', the net floor area of the accessory apartment is limited to 30% of the net floor area of the single-family dwelling, which for a 1,201' single-family dwelling, would be 360'.

    This creates a situation where a smaller principal single-family dwelling (under 1,200') can have an accessory apartment larger than the size of the accessory apartment allowed for a larger principal single-family dwelling (between 1201' and 1,400').

    The error can be remedied by replacing the proposed 1,200' cutoff threshold with a 1,400' cutoff threshold for 420' accessory apartments.

13. Regarding the size of a principal dwelling and its accessory apartment. (Reference #12)

Consistent with the 1988 Builders Service Corporation vs. the East Hampton Planning and Zoning Commission decision, which determined that zoning regulations cannot impose minimum dwelling sizes, the proposed comprehensive rewrite of the zoning regulations correctly *deletes the minimum size requirement for single-family dwellings*.

However, deleting the minimum size requirement also means a 1-bedroom *421' single-family dwelling* (a large tiny-house) can have a 420' detached accessory apartment (also a large tiny-house) under the proposed §8.1.A.4.

Or, a 400' 1-bedroom single-family dwelling (also considered a large tiny-house) can have a 399' detached accessory apartment (a tiny-house).

As such, the proposed §8.1.A.4 creates the situation where an accessory apartment can be taller and almost the same size as the single-family dwelling on the lot. (Whichever structure is "larger" becomes the "single-family dwelling on the lot".)

This problem cannot be avoided (unless the PZC opts out of the mandate) if a 420' accessory apartment is allowed as proposed for small single-family dwellings (less than 1,200' (or 1,400') in §8.1.A.4).

14. Regarding §8.1.5 – Height

Suggestion: Delete §8.1.5. Replace with:

"The maximum height of an attached or detached accessory apartment is the maximum height permitted for a single-family dwelling."

Note: An opt-out from PA #21-29 would allow removal of this quirk in the mandate.

15. §8.1.A.8 in the proposed regulations states that a new driveway curb cut to serve the principal unit, or the accessory apartment, shall not be permitted.

The only reason a new curb cut would be necessary would be to provide required access. As proposed, it means an accessory apartment would not be allowed if it or its principal dwelling requires a new curb cut.

The proposed prohibition on a new curb cut would be a "*standard*" that conflicts *with* the mandate, which states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section."* As such, an accessory apartment must be allowed, even when it may require a new curb cut.

A legal opinion may be appropriate on this issue.

16. §8.1.A.9 in the proposed regulations states that *"One (1) additional parking space shall be provided for a studio or one-bedroom ADU, and two (2) additional parking spaces shall be provided for a two-bedroom ADU."*

    §6(a)(6)(C) in PA 21-29 (the mandate) prohibits the regulations from requiring more than one parking space *for any accessory apartment*, even if it has two or three bedrooms.

    As such, if a lot has three or more parking spaces, the *addition* of another parking space for a proposed accessory apartment cannot be required. However, as proposed, one or two *additional* parking spaces would be required.

    To comply with the mandate, §*8.1.A.9 should state, "A minimum of one parking space must be provided for an accessory apartment, and a minimum of two parking spaces must be provided for a single-family dwelling with two or more bedrooms."*

    [This is, of course, inadequate for a large 3, 4, or 5 bedroom house with a large 2 or 3 bedroom accessory apartment, but the only way to fix it is to opt out of the mandate.]

17. §8.1.A.7 in the proposed regulations is a duplicate of the definition of an accessory apartment.

    It is not necessary and should be deleted.

18. §8.1.A.10 requires an accessory apartment to comply with health, building, and fire codes.

    This requirement is unnecessary and should be deleted – because all habitable buildings must comply with health, building, and fire code requirements.

19. Regarding – "Passageways, Exterior Doors, and Utility Service"

    The following suggestion should be adopted to notify the property owner/applicant that it would be a good idea for the design of an accessory apartment to provide its residents with access to the principal dwelling to restore electric power, water, or unclog sewer lines when necessary, especially during times when the principal dwelling may be vacant.

    Suggestion: Add §8.1.A.11: "An accessory apartment may have its own electrical service, water service, door, or passageway into the principal dwelling."

    Note: An opt-out of PA #21-29 would allow removal of this quirk so a regulation could be adopted that requires an accessory apartment to have its own electrical service and water service, or as a minimum, direct access to the electric panel that controls electricity to the apartment.

20. §8.1.A.6 in the proposed regulations is intended to identify structures that are not permitted as accessory apartments.

It lists recreational vehicles, travel trailers, and structures on wheels as not allowed. However, it allows mobile homes as an exception if they are 22' or larger in width if their (net) floor area complies with the regulations. (The floor requirement is unnecessary because it is applicable to all types of accessory apartments.)

§8.1.A.6 should be replaced with something simpler, such as *"Accessory apartments must comply with the Connecticut Building Code or the Manufactured Home Construction and Safety Standards, as amended."* This change would prevent RV's, travel trailers, and other structures not built to either the HUD (mobile manufactured home code) or the Connecticut building codes from being an accessory apartment.

However, the change would also allow 420' to 1000' *single-section* mobile homes, if built to the HUD code (which is normal), to be used as detached accessory apartments. This is because *single-section* mobile homes comply with the definition of "*accessory apartment*" in Section 6 of the mandate, which is:

"A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations."

The first paragraph on page 3 of Section 6 in the mandate states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section".*

The imposition of the 22' "standard" [in an unrelated section of PA21-29] is applicable only for mobile homes *used as single-family dwellings*, and is not applicable for mobile homes used as accessory apartments – because the 22' "*standard*" would be in conflict *with subsection (a) to (d)* of Section 6 of the mandate.

The keyword is "*applicable*", and if the HUD code is *applicable*, then single-section mobile homes (HUD homes) must be allowed as accessory apartments. However, it can be argued that perhaps the HUD code is not an "*applicable*" building code.

But if this were true, then no mobile manufactured homes, including mobile homes that are 22' or wider, can be an accessory apartment.

I believe *subsections (a) to (d) take precedence, and the HUD code is an "applicable" code.*

As such, single-section mobile homes, under the mandate, must be allowed as accessory apartments. (Which means a *single-section mobile home* can be in a rear, side, or front yard as a detached accessory apartment.)

21. Regarding §8.2 – Accessory Structures and Uses

The proposed regulations allow accessory structures in front yards.

This is a big change. Most Connecticut communities prohibit storage sheds, garages, and swimming pools in the front yard. Is the PZC certain it wants to allow hoop houses, sheds, pools, gazebos, garages, and carports in the front yard, only 25' from the front property line?

Suggestion: Restore the prohibition on accessory structures in front yards.

Add §8.2.E as follows: *"In Residential Districts, Accessory Buildings shall be located in rear yard or side yards (exclusive of the required rear and side yard setbacks) and are prohibited in front yards."*

This is important and should be discussed.

22. Regarding §8.3 – Adult Day Care

This section includes (§8.3.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. ... "*

Question: Why are children dropped off in an Adult Day Care Facility?

The proposed regulations also include *subjective* criteria (i.e., no in-street drop-off, must accommodate all vehicles dropping off ... at any one time). However, it is listed as a by-right use that requires commission review. It is likely that approval conditions will be necessary. Why is a special permit not required for this type of commercial use, especially in residential districts?

Suggestion: Require a special permit for Adult Day Care, and for Child Day Care.

23. Regarding §8.3 – Adult Day Care

§8.3.A – Why are two acres required to have an "Adult Day Care Center". It seems too big, especially for a small facility. (A special permit would be appropriate to determine if the proposed size of the day care facility and lot are compatible.)

24. Regarding §8.4 – Assisted Living Facility

§8.4.A – Why are five acres required, and only 35% lot coverage allowed, especially if there is public water and sewer. It seems extreme. The minimum size should be a function of the number of apartments and proposed facilities.

25. Regarding §8.5.A - Purpose of Zoning Regulations for Agriculture

a. The introductory purpose section (§8.5.A) implies that the regulations *"... preserve existing farms, ... encourage new farming activities, to clearly define agriculture, to promote the economic and operational viability of existing agricultural operations while facilitating and promoting new [farming] operations."*

However, the proposed regulations are obviously not designed for Ledyard, are intimidating, unreasonable, and will discourage, not encourage, farming and agriculture.

For example, §8.5.D states that the following activities require a zoning permit or Commission review. §8.5.D.1 requires "new agriculture principals use[s] ..." to have a zoning permit or Commission review. Why do "*new agricultural principal uses*" require a zoning permit? Does it mean a zoning permit is required to transition from corn to wheat to pumpkins? A major purpose of zoning is to protect public health, safety, convenience, and property values. The proposed regulations do not.

b. §8.5.D.5 requires a zoning permit or commission review for *"any other use/activity specifically identified as requiring a permit"*. This requirement forces a user to search the regulations to determine if what he wants to do needs a permit. A need to search the regulations to *satisfy a specific requirement* makes the regulations *user unfriendly*, and *should be avoided.*

c. The indirect costs of the proposed regulations will exceed their value.

d. The town adopted zoning regulations on October 11, 1963, for several purposes, including *"to conserve the value of buildings and encourage the most appropriate use of land ... "* and *"... to conserve and improve the physical appearance of the Town."*

The original 1963 zoning regulations did not list "*farms or farming*" as a principal land use. This means that after 1963, pre-existing farms were protected from the new regulations, but new farms and the expansion of existing farms were technically not allowed. Fortunately, the regulations were changed, and the existing regulations are clear that *farming*, and most *accessory uses* of farms, are allowed by-right in all districts *without supplemental regulations and without zoning permits,* except for farm stands and some types of home husbandry. As such, under the existing zoning regulations, *new farms, the expansion of existing farms, and their accessory (customarily incidental) uses, are allowed by-right without zoning permits*. It also means that, as in 1963, *existing farms and their existing accessory uses will be protected* if the regulations are amended, but *new farms, the expansion of farms, and their new accessory uses,* would be subject to changes in the regulations.

e. The POCD recognizes that *"Maintaining and growing Ledyard's agricultural base contributes to public health and happiness, provides job and agritourism opportunities, and contributes to the pastoral vistas that residents have come to associate with our community."* Two goals in the POCD (page 12) are for the town to "*encourage agriculture*" and "*promote agribusiness*." Other POCD goals include the *"protection of farming*" (page 71), to *"... encourage agritourism"* (page 80 & 81), and to adopt *"... right-to-farm regulations"* (page 83). The proposed farming regulations do not *encourage agriculture* or *agritourism*.

f. Farming is important in Ledyard, and caution is warranted to ensure the benefits of its regulation outweigh the costs resulting from those regulations.

The Commission, before it considers changes to the farming regulations, should have workshops with our farmers and reach a consensus as to exactly what are the goals the PZC wants to achieve. The ad-hoc meetings on the proposed farming regulations did not establish goals.

For example, is the goal to protect farms from existing or future nearby residential development? Is the goal to protect residential developments from existing, expanding, or new farms? Is the goal to limit population growth, encourage more farming, protect farms from nearby farms, or ? Not clear.

If the current Department of Health regulations, Department of Agriculture regulations, Fire Code regulations, OSHA regulations, and Building Code regulations are sufficient, is there a need for land use regulations to achieve the farming goals in the POCD? Probably not.

g. Potential goals could or should include:

(1) To protect the general welfare of the agricultural community from the encroachment of unrelated uses that, by their nature, would be detrimental to the physical and economic well-being of the agricultural community and the community at large.

(2) To prevent or minimize land-use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.

(3) To prevent or minimize the negative interaction between agricultural uses.

(4) To disburse intensive animal agricultural uses to avoid air, water, or land pollution that would otherwise result from the compact distribution of such uses.

(5) To establish a minimum standard for a farm, such that a further breakdown would adversely affect the well-being of the agricultural community and the community at large.

(6) To function as a holding area retained for agricultural uses until conditions warrant conversion of such land uses to other uses.

h. Whatever the goals are, they should be identified in the proposed §8.5 and be consistent with the POCD.

i. The goals should also be achievable with as little regulation as possible. However, in the real world, some goals may not be achievable, because Connecticut's "right-to-farm" law may make corresponding farming regulations unenforceable.

j. The following is Connecticut's CGS §19a-341 right-to-farm law:

"19a-341 Agricultural or farming operation not deemed a nuisance.

Exceptions. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable

(1) odor from livestock, manure, fertilizer or feed,

(2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures,

(3) dust created during plowing or cultivation operations,

(4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the commissioner of environmental protection or, where applicable, the commissioner of public health and addiction services, or

(5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the commissioner of environmental protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the commissioner of agriculture or his designee shall be prima fascia evidence that such operation follows generally accepted agricultural practices."

k. As far as farming is concerned, due to CGS §19a-341, there is little that can be "regulated" related to farm odors, noise, dust, chemicals, and/or water pollution. For example, *setbacks* for grazing, fences, horse tracks, manure management, crop plantings, outdoor food storage, weed control, and fertilizer application cannot be regulated if the intent of the regulations is to reduce odors, noise, dust, and pollution nuisances at the property lines.

l. Contrary to the POCD (page 83 top), in Ledyard, there is little or no history of "complaints" regarding the impact of farms on nearby commercial or residential developments, and there is little or no history of "complaints" regarding the impact of nearby commercial and residential developments on farms. Even though they may occasionally create nuisances, farms often cause adjacent or nearby residential developments to be more valuable than similar developments that are not adjacent to farms. Fortunately, most farms in Ledyard are in low-traffic areas and far from residential dwellings. Ledyard's population growth is near

zero, and there is little risk of new subdivisions affecting farms, or of farms affecting new subdivisions.

m. The proposed agricultural regulations conflict with Ledyard's POCD guidance to encourage agriculture. If adopted, they would limit farming, increase farming costs, reduce farm values and net farm income, and do more harm than good. They require zoning permits for many ordinary aspects of farming. In addition, several of its proposed regulations conflict with CGS §19a-341 and CGS §8.2.(a) zoning enabling statutes. For example, screening cannot be regulated for uses allowed by right.

n. The proposed regulations also conflict with the POCD as they apply to *agritourism*. They unnecessarily l*imit the number of guests, days per week, events per year, hours of operation, and sizes of farm events* in a manner that will significantly reduce the income from *customarily incidental accessory uses* of farms.

o. The proposed regulations would reduce income from wine tastings at farm wineries, wedding festivities at apple, vineyard, and horticulture farms, cut-your-own Christmas tree farms, and pick-your-own apples on apple farms.

p. Such regulations would be inconsistent, make little sense, are generally unneeded, and are hypocritical. For example, why should Ledyard *prohibit amplified music* and *limit the size, number, hours, and days per week* that *on-farm* weddings are allowed, but *not prohibit amplified music or limit the size, number, hours, and days per week that weddings on church property* are allowed? And few, if any, farms are near dense residential developments.

q. Under the §2.2 definition for *accessory uses* and accessory structures in the *existing* zoning regulations, *customarily incidental uses of farms* include, but are not limited to weddings, reception venues, meetings, gatherings, festivities, art shows, wine tasting events, microbreweries, conferences, riding lessons, animal competitions, horse and animal shows, recreational horse riding, horse competitions, pumpkin picking patches, corn mazes, "u-pick" operations, petting and feeding zoos, sheep shearing, hayrides, snowshoeing, cross-country skiing, and cut-your-own Christmas trees.

r. They [*Accessory uses* and *accessory structures]* are, by definition, *synonymous* and *allowed by-right* in the *§3.5 Schedule of Permitted Uses* in the *existing* zoning regulations, most without requiring a zoning permit and without supplemental regulations. If conflicting regulations are adopted, these current customarily incidental (*accessory)* uses of farms would become pre-existing, protected, and not subject to changes in the regulations. So why bother?

s. As with all land uses, farms should be regulated only to the extent necessary for the protection of public health, safety, convenience, and property values. In my opinion, there is no need to require a zoning permit (as appears in the proposed §8.5.D.1 and the table on page 5-2 "*Agricultural (Farm & Farming"* entry) for the town to know when a farmer changes the acreage or types of new crops he plants, when he allows his farm to lie fallow, or when he applies fertilizer. (If this is not the intent of the proposed regulations, then they should be clarified so it is clear exactly what farm *events* need zoning permits.)

26. Regarding §8.5.1 – Home Husbandry

a. Animal husbandry is an accessory use in residential districts, and has little to do with agriculture and farming as a principal use.
Home Husbandry should have its own entry in the table of contents and in §8.

b. §8.5.1 "*Purpose*" includes, *"... and encourage keeping animals ..."*
Although the regulations should regulate the keeping of farm animals on non-farms, they should not *encourage* people to keep goats and other farm animals on non-farms.

c. §8.5.1.A.1 includes, *"No person shall keep or maintain livestock and/or poultry in Residential Districts without first obtaining a Site Plan or Zoning Permit as further indicated herein."*

Where possible, regulations should not begin with "*No*", and should not include the words "*further, indicated, and herein*", which force the reader to search the regulations to find where "*further, indicated, and herein*" additional requirements may be applicable.

Suggestion: Replace with: *"A zoning permit or Commission site plan approval is required to keep livestock or poultry in residential districts."*

d. The above means that home husbandry is not permitted in the RCCD and other commercial districts. Is this the intent? IMO, home husbandry on a lot with a single-family home in the LTDD would constitute an expansion of a nonconforming use, and a variance required.

e. §8.5.1.A.1 - the statement, *"Note: there is no limit on the number of animals that may be kept on active commercial farms having five (5) acres or more ..."* should be in the farming regulations, not in the home husbandry section.

27. Regarding §§'s 8.5.D.3, 8.5.G & 8.5.H, (New Accessory Uses - Specifically Agritourism)

8.G.1 The (Agricultural Tourism Use) requires the Commission to approve a site plan if agricultural tourism is conducted six or more times per year. WHY. What difference does it make if it is five times per year and does not affect the neighbors, or 365 days per year and does not affect the neighbors?

28. Regarding §§'s 8.5.D.3, 8.5.G & 8.5.H, (New Accessory Uses - Specifically Agritourism)

§8.G.1 The use also requires a site plan approval by the Commission if 20 or more motor vehicles are "*reasonably expected*". "*Reasonably expected*" is a *subjective standard*, which means it should require a special permit for its evaluation. For example, if the ZEO believes that a proposed 19 parking spaces on an application are inadequate, who has the authority to impose a change? The ZEO does not. And the Commission does not, unless a special permit is required. In addition, as proposed, such uses are allowed by right, which means the Commission cannot impose conditions of approval.

If adequate parking is important, and requires a subjective evaluation, then agritourism should require a special permit.

29. Regarding §8.5.G.4 – Farm Winery

The first two sentences are the definition of a farm winery. They should be in §2.2

30. Regarding §8.5.G.4.A – Lot Sizes for small and large-scale events.

Agritourism should not be allowed or prohibited based on 5 or 10-acre lot sizes, but on its effect on the surrounding area. As long as the land's principal use is a "farm", agritourism should be allowed, provided it does not harm nearby properties or create health and safety issues.

Suggestion: Replace §8.5.G.4.A with: *"Agritourism is allowed as an accessory use on farms."*

31. Regarding §8.5.H.1 – Recreational Uses

The first sentence is a definition, which should be in §2.2.

32. Regarding §8.5.H.1 – Recreational Uses

§8.5.H.1 provides that "Recreational Uses" require a site plan approval by the Commission if 10 or more motor vehicles are "*reasonably expected*".

"*Reasonably expected*" is a *subjective standard*, which means it should require a special permit for its evaluation. For example, if the ZEO believes that a proposed 9 parking spaces on an application are inadequate, who has the authority to impose a change? The ZEO does not. He also does not have the authority to deny the application because it only has 9 parking spaces. The Commission also does not, unless a special permit is required. In addition, as proposed, "Recreational Uses" are allowed by right, which means the Commission cannot impose conditions of approval, and the ZEO or the Commission cannot deny the application unless it does not conform to the regulations. *Adequacy of parking* is a subjective standard for a special permit, not a criterion for approval or denial for a by-right use.

33. Regarding §8.5.H.2 – Small Events Venue

Although unclear, it appears that a small events venue, if there are fewer than 10 parking spaces, may be allowed by right and may require a zoning permit from the ZEO.

However, §8.5.H.2 - 2nd paragraph - requires screening with *"... a mix of plants, shrubbery and trees (including evergreen trees) ..."*

Screening requirements cannot be imposed for uses allowed by right.

Suggestion: Delete the 2nd paragraph of §8.5.H.2.

34. Regarding §8.5.H.2 – Small Events Venue

§8.5.H.2 - lst sentence - states, *"... Event Venues must be set back a minimum of fifty (50) feet from all property lines that directly abut a residentially zoned parcel or existing residence."*

Regarding the 50' setback requirement for an Event Venue on the same property as an existing residence, must the abutting property have an existing residence, or is it simply 50' from any residentially zoned parcel? If the latter, why include any reference to an existing residence? It is improper to impose regulations for uses on one site as a function of how an adjacent property is used. What is the setback required if the adjacent parcel is not residentially zoned? Confusing.

35. Suggestion: The proposed regulations for "Small Events Venue" are deficient. Delete the entire concept of "small events venue" on farms from the proposed regulations. Replace with alternative regulations similar to those suggested in #39.

36. Regarding §8.5.H.3 – Large-scale Events Venue

Apparently, small scale events are determined by if the number of expected motor vehicles is fewer than 10, but can be more than 10; and a large scale events venue is determined by if the events include weddings of any size, or if there will be amplified music, or if 31 or more vehicles are expected.

Confusing!

37. Regarding §8.5.H.3.a.i, which states, "*The Commission may limit the number of events per year ...*"

What, or where, are the criteria the Commission will use to limit the number of events per year?

Why, for example, limit a large event venue to 20 events per year if the neighbors will not be affected by having 50 events per year? Is the goal to limit income to the farm owner? If yes, it is improper. What is the reason a large event venue should be limited to music 3 days per week if the music does not affect the neighbors? If there is not a good reason, then do not limit the number of days music is allowed.

38. Suggestion: The proposed regulations for "Large-Scale Events Venue" are deficient. Delete the entire concept of "Large-scale Events Venue" on farms from the proposed regulations. Replace them with alternative regulations similar to those suggested in #35.

39. <u>An Alternative Proposal for Agritourism Regulations</u>

8.X <u>Agritourism</u>

A. Purpose: To encourage agritourism as an accessory use of a farm and its farm buildings and equipment without undue risks to public health, safety, convenience, and property values; without commercial development incompatible with the rural character of Ledyard; and without the risks of accelerating commercial development in rural areas, which may eventually undermine the viability of agricultural operations as the principal use of farms.

B. Types of Agritourism: Agritourism includes, but is not limited to, wine tastings, apple cider tastings, apple picking, reception venues (with or without alcohol), wedding venues (with or without alcohol), concerts, art shows, classes and workshops related to farming, the retail sale of farm produce from farm stands on the farm, horse riding lessons, animal training, horse racing, "petting zoos", the hosting of hunting and fishing clubs, corn mazes, snowshoeing, cross-country skiing, hayrides, and guest or summer camps. Agritourism does not include the boarding of dogs, dog training, or dog shows.

C. Standards for review and approval:

In addition to determining if the [*generic*] §8.X.X "Special Permit Standards" are satisfied, the Planning and Zoning Commission shall determine if:

(1) There will be adequate off-street parking for the number of tourists, guests, or customers allowed to participate in the proposed agritourism use at one time.

(2) The agritourism use will not create significant areas of impervious surfaces.

(3) The agritourism use will not generate significant additional traffic.

(4) There will be adequate parking for oversized vehicles, if allowed.

(5) There will be adequate sanitary facilities.

(6) There will be adequate refuse and waste management service.

(7) There will be sufficient sight line distances for safe entry and exit.

(8) There will be an acceptable amount of sky glow.

(9) There will be adequate seating.

(10) There will be adequate electricity.

(11) There will be adequate heat and hot water.

(12) The health and safety regulations applicable to the proposed agritourism use, including sanitation, will be satisfied.

(13) The proposed agritourism use will not constitute a nuisance, or a risk to public health, safety, convenience, or property values.

(14) That sounds associated with the agritourism will likely not exceed 40 DB at the property lines of adjacent properties.

(15) That odors associated with the agritourism use will likely not be detectable at the property lines of adjacent properties.

(16) That the agritourism use, except for signage, will be virtually invisible from public roads.

(17) The agritourism will have a substantial link to the agricultural use(s) of the farm.

(18) The agritourism use will not generate hazardous waste.

(19) That overnight guest parking shall not be allowed.

(20) That overnight tenting for guests will not be allowed.

(21) That the agritourism identification sign, if any, is not a digital electronic display or a changeable digital electronic message center.

(22) The amount of land, including adjacent property owned, leased, or otherwise under the control of the agritourism owner, that supports the proposed agritourism use, including its parking, does not exceed 25% of the amount of land available on the farm for agriculture.

(23) The parking and signage for the agritourism use are on the farm, or on an adjacent property owned, leased, or otherwise under the control of the agritourism owner.

[Note – the schedule(s) of permitted uses will need to show that agritourism is allowed in all districts by *special permit*]
[Note – the table of contents will need to show that agritourism is addressed in the supplemental regulations.]

40. Regarding §8.6 – Bed and Breakfast

§8.6.A states the purpose is to allow for the *"... offering of overnight accommodations and meals to travelers .... where an existing home has unique structural or site characteristics ... ."* The regulations also require that a B&B not alter the residential nature of the neighborhood or the character of the dwelling as a residence. B&B's are also limited to only "small special events" for its guests.

However, the bed and breakfast use is allowed by right, requiring only a site plan approval by the Commission. As such, under the proposed regulations, the commission cannot deny a B&B application based on the "*unique structural or site characteristics*" requirements, the alteration of the nature of the neighborhood, or impose a size or number limit for its special events – unless a special permit is required.

Suggestion: Either require a special permit for B&B's or delete the subjective standards for a B&B.

41. Regarding §8.6 – Bed and Breakfast

Suggestion: In §8.6.B.6, increase the maximum length of stay from 21 days to 30 days to be consistent with Connecticut's transient housing laws.

42. Regarding §8.7 - Campgrounds

Delete campgrounds as an allowed use in the LCTD district.
(Ledyard should not allow campgrounds, especially 10-acre campgrounds, so close to Ledyard Center.)

43. Regarding §8.7 - Campgrounds

§8.7.3 allows a minimum size of 1000' per campground site, with a maximum of 15 sites per acre. §8.7.4 requires a campground to consist of at least 25 acres. Together, these mean that a campground, if proposed, will likely have 375 sites on 25 acres. It means that if the average number of campers per site is 3, the campground could have almost 1200 campers at one time on 25 acres, and far more if larger than 25 acres. Is this density excessive? Should there be an upper limit? Are our police and emergency services able to handle it? Also, by allowing continuous stays of 179 days, would children in the campground be required to enroll in our school system? Does the town benefit? How? The density, costs, and educational issues associated with a large campground should be discussed, especially since campgrounds are proposed as allowed by right, with only a commission approval of its site plan if in the RCCD.

44. Regarding §8.12 – Drive-Through Window

A drive-through window is not a "land" use. It should be relocated into §7.0 "General/Miscellaneous Regulations", along with the regulations for antennas, temporary construction trailers, driveways, and portable storage units, which are also not land uses in the traditional sense.

45. Regarding §8.13 - Dwellings, Multiple Family

§8.13.G states the maximum height for a multifamily dwelling in a residential district is 50 feet. However, the table (§6.2.1) shows the maximum height to be 65 feet if in the LCDD, MFDD, GFDD, and the RCCD (if sprinkled).

Suggestion: Add §8.13.H *"The maximum height for multifamily dwellings is 65' in the LCDD, MFDD, GFDD, and the RCCD districts, if sprinkled."*

46. Regarding §8.13 and the table in §6.4

The table shows that multifamily dwellings are allowed by right, with site plan approval by the commission, for multifamily developments in the LCDD, MFDD, GFDD, and RCDD.

However, §8.13.D.1.2 requires that *"... buffer areas ... be planted ... with other vegetative materials skillfully designed to provide a visual landscaped buffer ... and present a reasonably opaque, natural barrier to a height of ten (10) feet."* And, "*The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations.*" §8.13.D.1.3 states that *"The Commission may allow other structures within the buffer area, ..."*

The problems are that, for by-right uses, even with site plan approval by the Commission, the Commission does not have the authority to "may allow", or determine if a barrier will be *reasonably opaque*, or if the proposed plan meets the (vague or missing) *intent* of the regulations.

If these are important, a special permit is required.

47. Regarding §8.13 - Dwellings, Multiple Family

§8.13.B limits the density for multiple-family dwellings to whatever is allowed by the health code, the 50' or 65' height limit, and the size of the building envelope.

The existing regulations generally control the density by specifying the maximum number of bedrooms per acre, with variations based on age restriction, and public water and sewer.

Why was this changed in the proposed regulations to whatever density is allowed by the health code? (IMPORTANT)

48. Regarding §8.13 - Dwellings, Multiple Family

The change in #43 will lead to unintended consequences.

For example, assume there is public water and sewer, and a two-acre 80,000’ lot in the MFDD. Half, or 40,000’ of the lot, with the required 10' wide buffer, based on a 60% lot coverage, would have about a 24,000' building envelope. Most of the remaining 40,000' of the lot could be used for parking.

If 65' high (and sprinkled), a multifamily building could be five stories (with a flat roof) on the 24,000' building envelope, where each floor could have as many as 44 540' apartments. This would theoretically be about 220 1-bedroom apartments on two acres, by right, if in the MFDD. The limitation is the parking requirement of one space per apartment. The remaining 40,000' can support about 166 angled parking spaces. Is the PZC certain it wants to allow this level of density in the MFDD in our little town?

Admittedly, the above is an unlikely worse-case situation, but it shows the absurdity of allowing density to be controlled by the health code. Density should be a function of the neighborhood, neighborhood attractiveness, uniformity, and compatibility with the nature of our town.

Suggestion: Specify a maximum number of bedrooms per acre for multiple family developments for each district.

49. Regarding §8.14 - Dwelling, Single-Family

§8.14.A states that "No more than one (1) single-family dwelling shall be permitted on a lot unless otherwise specified herein."

However, the proposed regulations allow an accessory apartment wherever there is a single-family dwelling.

Suggestion: Change §8.14.A to: "*One single-family dwelling is allowed on a lot in the R20, R40, and R60 districts.*"

50. Regarding §8.14 - Dwelling, Single-Family

§8.14.B states that "Maximum height as defined by these Regulations for Single-Family Dwellings shall be thirty-five (35) feet".

Suggestion: Change §8.14.B to: *'A single-family dwelling is limited to a maximum of 35' in height*."

51. Regarding §8.15 – Dwelling, Two Family

§8.15.B states that "*Accessory Dwelling Units are not permitted within or on a lot containing a Duplex Dwelling.*"

However, §8.1.2 prohibits accessory apartments on lots with duplexes or multifamily developments.

Suggestion: To avoid unnecessary redundancy, delete the sentence in §8.15.B that states "*Accessory Dwelling Units are not permitted within or on a lot containing a Duplex Dwelling.*"

52. Regarding §8.17 – Home Occupation

§8.17.B is a definition for a home occupation.
It should be moved into §2.2.

53. Regarding §8.17 – Home Occupation

1. The proposed regulations need a "purpose".
   The purpose described in the existing §8.16.A should be retained.

2. The existing §8.16.C.3.b limits a home occupation to only having a single 14,000-pound GVW class 3 heavy-duty motor vehicle or trailer on the property.

   The proposed §8.17.D.2 allows three vehicles to each be in excess of 26,000 pounds in weight, which is in conflict with the requirement in §8.17.C.1.a, which requires the home occupation to be consistent with the residential nature and use of the premises.

   Three 26,000+ pound trucks in a residential neighborhood, even if stored out of sight, are excessive in a residential neighborhood. Restore the single-vehicle 14,000-pound limit to better protect our residential neighborhoods.

3. The proposed §8.17.E. will allow a resident homeowner in a commercial district to *expand* his commercial home occupation use into its accessory structures and into nearly 100% of his home to "try out" his business in that location, and forever retain the option to change the commercial use of his property to a nonconforming residential use without a variance.

§8.17.E.2.a states, *"The non-conforming residential use of the parcel shall remain until a formal change of use application is submitted to change the SFR to a permitted non-residential use ... ."*

It means some property owners will forever be allowed to co*nvert* a conforming commercial use into a non-conforming residential use, without a variance. This is in direct conflict with the purposes of zoning, and is unlawful.

Suggestion: *Delete the proposed §8.17.E in its entirety*.
Juliet and I will likely disagree on this. A legal opinion should be obtained. It is an important change in the regulations.

54. Regarding §8.22 – Mixed Uses

1. §8.22.A states, *"The mixture of uses shall include residential uses, and any non-residential uses currently allowed in the Zone."* "Zone" should be "district".

2. What does "*currently allowed in the Zone*" mean? Does currently refer to the date these regulations were adopted, or uses allowed in the district per these regulations? Not clear.

3. Are there any duplexes in the commercial districts? If not, the word "duplex" can be deleted throughout §8.22.

55. Regarding §8.30. – Small Wind Energy Systems

1. §8.30.C, the proposed definition for *small wind energy system*, *tower*, *total height*, and *wind energy system* should be moved into the §2.2 definition section.

2. §8.30.E is the abandonment section. §8.30.E.3 states, "The proposed small wind energy system design is required to be certified ...". "Certification" is unrelated to abandonment. §8.30.E.3 should be relocated into §8.30.D, which should be titled, "Requirements".

56. Regarding §8.31 – Solar Energy Systems

1. §8.31.A.2 states that *"Accessory ground mounted solar 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."*

Solar energy systems in the LCDD and GFDD are allowed by right (P) - with Commission site plan approval. [A special permit is required for solar panels in the LCTD.] Presumably, the purpose of the proposed requirement is to protect the aesthetics and character of the LCDD and GFDD districts.

Solar panels can be prohibited, and they can be limited to certain areas of a lot. However, it is uncertain if it is lawful to prohibit their location on front facing roofs, unless the roof is in a design or village district. The LCDD and GFDD are no longer design or village districts. It is a gray area, and a legal opinion may be appropriate.

2. The chart on pages 6-5, 6-6, & 6-7 mistakenly shows "LCCD" as the column headings for "*Commercial*," "*Industrial*, "*Principal*," *Industrial*, *Accessory*", and "*Misc/Other*" use classifications. It should be LCDD.

57. Regarding §8.32 – Temporary Forms of Outdoor Entertainment

1. To be consistent with the §8.32.A "*Purpose*", which is to allow for an "*Administrative Site Plan approval*" of "Temporary Forms of Outdoor Entertainment" event applications – the corresponding entries in the §6.4 table (page 6-7) should be "ZP" (zoning permit), and not the "S" (special permit) as shown for the LCTD and CM districts, or the "P" (commission site plan approval) as shown for the LCCD, GFDD, and RCDD districts.

   (To address the possibility of hundreds or thousands of event attendees, a "Temporary Outdoor Entertainment" event, especially if an annual event, should require a special permit*.)*

2. "*Temporary Forms of Outdoor Entertainment*" requires a definition in §2.2.

3. §8.32.A includes the statement, "*Such activities ... shall be open to the public ...* " This is a regulatory requirement, not a purpose. It should be moved to §8.32.C.10.

4. §8.32.B states that the application *shall* be submitted to the zoning official at least 30 days prior to the event. As proposed, this means the zoning official, or the commission if referred, is required to deny the application if it is submitted to the zoning official 29 days before the event, because the application did not comply with the regulations. (It is the same justification for denial as if the application fee is not paid, or the application is not signed.) Is this the intent? (If there is not enough time to process the application, so be it.) 30 days is not enough time if a special permit or commission site plan approval is required.

   Suggestion – change "*shall*" to "should".

5. §8.32.B includes the phrase, *"... at his/her discretion ...".*
   The phrase is necessary and should be deleted...

6. §8.32.B includes the phrase, *"... and such other information as the Zoning Official may require ..."*

   The phrase should be deleted, because zoning regulations for by-right uses must prescribe the information required in an application. The applicant must know, by reading the regulations, the information he is required to provide to have a complete and compliant application.

   The Zoning Enforcement Officer can identify missing information that makes an application incomplete, and advise the applicant, but he does not have the authority to *require information not required or identified in the regulations.*

7. §8.32.C.4 states that *"Lighting ... shall be properly shielded so that* [it] *does not adversely affect abutting property or public streets."*

   The phrases, "*properly shielded*" and "*adversely affect*" are requirements that require a subjective determination of compliance, which is not permitted for land uses allowed by right. Temporary forms of outdoor entertainment, as proposed in §8.32, are allowed by right.

   If "*properly shielded*" and "*adversely affect*" are important, either a special permit is necessary so the shielding can be evaluated and, if necessary, conditions of approval can be imposed, or the regulations must reference *objective criteria* regarding light shielding.

   (Do such lighting regulations exist for carnival rides? Perhaps this requirement should be relaxed for a carnival event.)

8. §8.32.C.1 states, "There must be a minimum lot area of ten (10) acres for a temporary event."

   The §6.4 table (page 6-7) is unclear if "*Temporary Outdoor Events*" constitute accessory or principal uses. §8.32 is also unclear regarding this question. As such, is the minimum 10 acres required to be clear, other than for the proposed temporary event, or can the 10+ acres have an existing principal use, or an existing principal and accessory use?

   For example, the Riverside Mall on Route 12 in the GFDD is on about 11 acres, but has about two acres used for its shopping center buildings as the principal use. This leaves about 9 acres, which is a paved parking lot. It is unclear in the proposed regulations if "temporary outdoor events" are permitted on the Riverside Mall property. This is important and needs clarification.

9. §8.32.C.7 includes the sentence: *"Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved.*"

   A determination of whether the proposed "*parking*" will or will not *spill over* into the surrounding neighborhood will be *subjective*. Subjective decisions are improper for uses allowed by right. A special permit is necessary if this is important.

10. §8.32.C.7 includes the sentence: *"Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved.*"

    It is unclear what town entity is responsible for reviewing and approving the *"parking plan*?" What criteria is applicable? What happens if, as is likely, there is no town-approved "parking plan"? Not clear.

11. §8.32.C.8 requires, "*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 ... "*

    Setbacks and buffer sizes should only be a function of the zoning designation of the subject property, and not the use of an adjacent or nearby property.

12. Why are *potentially intrusive* "*temporary outdoor entertainment*" events (circuses, rodeos, etc.) that could draw thousands of people a day allowed *by right instead of by special permit*?

13. Suggestion:

    A special permit requirement could include an administrative license renewal provision for annual "events". A special permit could also provide automatic expiration if it is unused for a specified period. Ordinary zoning permits do not offer this adaptability, and it is difficult for an ordinary zoning permit for a single use, such as for a fair, to also be applicable for a circus.

    (Reference *"International Investors v Town Plan And Zoning Commission Of The Town Of Fairfield" ET AL. Docket No. AC 43035 Trial Court Docket No. FBTCV186074152S*)

14. Suggestions:

    The *conditions of approval for a special permit*, if in the regulations and/or if imposed by the PZC, could include:

    (i) *Subjective* (and objective) "conditions" that would better protect the public regarding noise, nuisance, parking, lighting, sanitation, congestion, etc.;

    (ii) A provision for the land-use office to issue a *renewable "license*" for annual temporary outdoor entertainment events;

    (iii) A provision that the special permit for an "event" will remain valid *only* if the permit is used at least one day per year. *This would make it easier for the event sponsor to make long-term plans for annual temporary outdoor entertainment events, and would also help protect the town from the risks of inappropriate use of the permit in the future after several years of having no events on the property.*

15. Who must be the applicant?

    The proposed regulations do not address who the applicant must be. This normally means the applicant must be the landowner. However, perhaps the applicant should be the sponsor of the special event, with written permission from the landowner? "*Who must be the applicant*" should be clarified in the proposed regulations.

16. Reference § 8.32.A. Under the proposed regulations, is ice skating allowed as a temporary form of outdoor entertainment?

As proposed, the ZEO (or PZC) will not be able to administratively approve an application for a small temporary outdoor ice skating event. This is because ice skating is not recognized in the regulations as "entertainment" or "educational. "Ice skating" is also not a "fair, bazaar, concert, exhibition, rodeo, circus, carnival, festival, or outdoor theater production.

The best approach to avoid these technical issues is to require temporary outdoor entertainment "events" to require a special permit. This would enable the PZC to evaluate subjective criteria, make subjective decisions, and impose conditions of approval where necessary.

Or for the ice skating example, replace §8.32.A *"... shall be open to the public for entertainment or education ..."* with *"... shall be open to the public for entertainment, exercise, recreation, sports, or education ..."*

Suggestions Regarding Chapter 9.0
Site Development Standards

1. Regarding §9.0 - Site Development Standards

1. §9.0 states, "*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.*"

   However, uses that require a Commission Review of a Site Plan are "by right" uses, not special permit uses. The §9 regulations impose *several requirements* that require subjective evaluations, but are not appropriate for uses allowed by right. For example, §9.2.B requires, *where feasible*, the implementation of *Low Impact Development* practices and techniques.

   The ZEO, and the Commission, do not have the authority to determine *"LID feasibility*" for by-right uses. Another example is in §9.3.B.3, which requires, "*To the extent possible, existing trees, vegetation, and unique site features ... shall be retained and protected.*" The ZEO, and the Commission, do not have the authority to determine the "*extent possible*" requirement or what are "*unique site features*". Too subjective. There are many other examples throughout the regulations.

   If important, a special permit should be required for uses that are required to comply with *subjective requirements*.

2. §9.4.2 states, *"... 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 ..."*

   Without criteria, the Commission does *not have the authority to determine the minimum amount of required parking* for uses allowed by right. If important, the regulations should impose a formula for determining the minimum amount of parking for uses allowed by right.

3. §9.2.D states, *"For new developments, all utilities shall be located underground."*

   This requirement may have costly, unintended consequences. For example, it means new subdivisions will not have power poles. Technically, propane tanks and fuel oil tanks (if considered utilities) will have to be buried. There will be no overhead wires. Very costly, especially when a "new utility" is desired in the future. It also means that streetlights will have their own poles, instead of sharing power poles. Is the PZC certain it wants to impose this *performance standard* on *all new developments* (homes, subdivisions, apartments, offices, etc.,)?

4. §9.4.4 (page 9-6) specifies dimensions for "*bays*" and "*spaces*". What is the difference? It also uses the term, "*single-loaded parking bays.*" Not clear. Perhaps "parking bay", "double parking bay", "parking space", and "single-loaded parking bay" should be defined in the §2.2 definitions.

5. §9.4.5 (page 9-8) is titled "Parking for Buses and other Large Vehicles

§9.4.5.C is applicable only for hotels and restaurants. It provides that *"The Commission may require additional parking spaces that can accommodate larger vehicles ..."*

Hotels are allowed by right, with site plan approval by the Commission, in the LCDD, GFDD, and the RCCD districts (page 6-6).

Restaurants are allowed by right, with site plan approval by the Commission, in the LCDD, GFDD, RCCD, CM, and NC districts (page 6-6).

The issue is that, because hotels and restaurants are allowed by right in these districts, it is improper for the Commission to "*... require additional parking spaces that can accommodate larger vehicles"* in these districts. If it is important, a special permit is required for the Commission to evaluate compliance with subjective requirements and impose conditions of approval, where needed.

6. §9.12 – Regarding "*Consolidated Parcels*"

What is a consolidated parcel?

A §2.2 definition is needed.

It is unclear if a "*consolidated parcel*" is a grouping of merged lots, or can it be something else.

If not, what kind of permit is required to consolidate lots?

What are the site plan requirements for a group of lots to be consolidated? What, if any, are the benefits to the property owner?

Not clear.

Suggestions Regarding Chapter 10 -
Applications Requiring Staff Approval

1. Suggestion: Replace Chapter 10 with the following:

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CHAPTER 10: ZONING PERMIT REQUIREMENTS

10.1 Fundamentals

A. A zoning permit is required to construct, alter, install, move, excavate for, or expand a structure; establish or change a use; or remedy a zoning violation.

B. Zoning permits will be issued for new buildings, structures, and/or uses allowed in the district if the application complies with (a) these regulations, (b) with these regulations as varied by the Zoning Board of Appeals, or (c) is approved by the Commission.

C. A zoning permit is required for a building permit for a new building, use, or structure, subject to these regulations.

D. A Certification of Zoning Compliance is required before a Certificate of Occupancy can be issued to use a newly erected building, structure, or addition; or to begin a new or amended use.

E. A zoning permit is not necessary for repairs, maintenance, or alterations that do not increase the area, height, or footprint of a structure."

F. A zoning permit will not be issued for a property with a zoning violation unless (a) it is to remedy the violation, or (b) the violation is exempt under CGS §8-13a(a)(1) for permanently founded structures.

G. A zoning permit based on false information may be annulled, provided the Commission has provided the permit holder a hearing opportunity.

H. A zoning permit may be annulled if its conditions of approval are not satisfied, provided the Commission has provided the permit holder a hearing opportunity.

I. A decision to issue or deny a zoning permit or a certificate of zoning compliance may be appealed by an aggrieved party (a) within 15 days of receipt of the decision, (b) upon actual or constructive notice of the decision, or (c) upon publication of a notice per CGS §8-3(f).

10.2 Application Requirements for Residential Principal Uses Allowed By-right

The zoning permit application and site plan requirements for new residential uses (single-family dwellings, duplexes, mobile manufactured homes on individual lots) allowed by-right are in Appendix C – Step 3.

10.3. Application Requirements for Accessory Uses and Accessory Structures Allowed By-right

The zoning permit application and plot plan requirements for new accessory uses and accessory structures (accessory apartments, sheds, pools, barns, decks, gazebos, tennis courts, storage pods, home occupations (selected), animal husbandry (selected), towers, and antennas) are in Appendix D.

10.4 Zoning Permit Application Requirements for Minor Changes of Use

A "Change of Use" application, as specified in Appendix D, must be filed for changes in use that do not involve the enlargement, modification, or reconfiguration of an existing building footprint, parking area size, or the number of spaces, access drives, or site layout design.

10.5 Zoning Permit Application Requirements for Changes in Ownership of Non-residential Uses

A "Change of User" form must be filed when the ownership changes for a principal or accessory non-residential use listed in the §5.3 and §6.4 Schedules of Permitted Uses.

10.6 Zoning Permit Application Requirements for Property Line Adjustments & Lot Divisions

A. Property line adjustments and lot divisions (splits) must comply with the zoning and subdivision regulations.

B. A property line adjustment is allowed if it does not create an additional lot, does not create a lot or a condition that violates the zoning regulations, and does not increase existing dimensional nonconformities.

C. A property line adjustment that does not create a lot, affects a street layout, or affects an area designated as open space is not a subdivision or re-subdivision.

D. A "free-split" division into two or more conforming lots is permitted, without Commission approval, if the parcel was not divided after October 18, 1963.

E. A division of a parcel created after October 18, 1963, into two or more conforming lots is permitted with Commission approval.

F. The ZEO may require an application for a property line adjustment or a lot division to include a copy of the property deed, certified title search, property history map, and/or a survey with a Class A-2 level of accuracy.

G. The Applicant is allowed 90 days, plus one or two 90-day extensions, if requested, to file a copy of the approved survey with the ZEO, the Town Assessor, and the Town Clerk. The approval of the survey is annulled if not filed within the time allowed.

10.7 Time Limits

A. Zoning permits are issued within 30 days if the application satisfies (a) these regulations, (b) these regulations as varied by the Zoning Board of Appeals, or (c) is approved by the Commission.

B. The ZEO may request, with the applicant's consent, an extension of time to amend an application. The request and consent must be in writing.

C. A zoning permit application is denied if the requested permit is not issued within 30 days, unless an extension is granted.

D. The ZEO will provide the reasons for a denial.

E. A zoning permit is annulled if, after one year, no work has commenced.

F. A zoning permit is annulled if the required work commenced, but has ceased for a year.

G. The ZEO may grant a one-year extension to commence or resume work.

10.8 Certification of Zoning Compliance

A. A Certification of Zoning Compliance must be requested for any newly erected building or structural addition and/or use to determine compliance with these regulations and the conditions of approval of its zoning permits.

B. A Certification of Zoning Compliance must be issued before a newly erected building or structural addition is used, or a new or amended use begins.

C. The request for a Certification of Zoning Compliance must include information sufficient to demonstrate compliance with these regulations and any conditions of approval.

D. The ZEO may require an "As-Built" plan prepared by a licensed surveyor to determine if the zoning regulations and zoning permit conditions of approval are satisfied.

E. A Certification of Zoning Compliance may be annulled if the building, structure, lot, or use no longer conforms with these regulations, or to the conditions of approval of a zoning permit.

F. A Certification of Zoning Compliance may be requested for any property to determine compliance with these regulations and the conditions of approval of its zoning permits.

G. A Certification of Zoning Compliance will be issued within 15 days of request if the building, structural addition, and/or use is completed; the conditions of its zoning permit(s) are satisfied; and its sewage disposal and water supply systems, if any, are approved.

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Note: *§10.2 & §10.4 reference* Appendix D. The first sentence in Appendix D references §3.5(3) in the proposed regulations. However, §3.5(3) does not exist.

The above-suggested replacement for Chapter 10 is intended to include all requirements in the proposed Chapter 10, even though some may be inappropriate. For example, it is unclear why the ZEO, instead of the applicant, would ask for an extension to grant a zoning permit. It is also unclear why the fee for an application for a zoning permit does not include the fee for the mandatory Certification of Zoning Compliance. The above-suggested replacement for Chapter 10 "fixes" the issues identified in the following comments. As such, the following comments (#2 - #6) can be disregarded if the Replacement Suggestion (#1) for Chapter 10 is adopted.

2. Regarding §10.1.E – Contents of Application – contains:

"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."

As proposed, the regulations give the town planner authority traditionally reserved for the ZEO. They also give both the ZEO and the town planner the authority to *demand any information he or she chooses,* under the implied threat that a zoning permit will not be issued unless the applicant complies with his or her demands, even if the information is not identified in the regulations.

For example, the proposed 2nd sentence states that the ZEO or Planning Director may require additional information including **but not limited** to soils data, topography, drainage computations, **etc**." The word, "*et cetera*" means unlimited, and is representative of the problem.

In addition, it may be difficult or impossible for an applicant to get a licensed land surveyor to seal a "plot plan" that complies with the relaxed requirements in Appendix D.

3. §10.1.E – Content of Application – contains:

"*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."*

A ***plot plan***, per Appendix D, is for applications that do not require a site plan. It may be difficult or impossible for a property owner to get a licensed land surveyor to set location makers for a building foundation, such as a storage shed, based on a "plot plan" that complies with the relaxed "plot plan" requirements in Appendix D.

As proposed, the ZEO **may, but not necessarily will, require** location markers, which is a problem. How will an applicant know from the regulations if location markers are required, or if he has to hire a " Connecticut licensed engineer and/or land surveyor to set location markers"? What are the criteria? It should be clear in the regulations.

4. §10.1.E – Content of Application – contains:

"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."

Appendix C Step 3 is for new dwellings. There are no commercial/business or industrial construction "uses" in the schedule of permitted uses that the ZEO approves. As such, the phrase "... *and for staff approved commercial/business and industrial construction*" should be deleted from §10.1.E.

In addition, Appendix C Step 3 is for residential uses, not commercial/business or industrial construction uses.

The *regulations* must be made clear *exactly* what information is necessary for an application to be approved.

5. §10 is unclear as to what are "*activities*" or what is the *difference* between a "*use*" and an "*activity*"?

   Is a definition for "*activity*" needed?

   In addition, there is never a need to *explicitly* justify a regulation – which means there is never a need to use the word "*therefore*" in zoning regulations.

6. §10.1.A, as proposed, is virtually identical to §3.6. Is the duplication necessary?