Zoning Regulations

Montville, Connecticut

Adopted: October 14, 1970

Effective November 16, 2026

Town of Montville
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1.0 PREAMBLE

1.1 Purpose

These zoning regulations ("Regulations") are designed to further the purposes set forth in Chapter 124, Section 8-2 of the C.G.S. as may be amended from time to time, particularly in the following ways:

a. Use land in accordance with the comprehensive plan, in consideration of the Plan of Conservation and Development and designed to lessen congestion in the streets;
b. To regulate the height, number of stories and size of buildings and other structures;
c. To regulate the percentage of the area of the lot that may be occupied, the size of yards, courts, landscaping, visual appeal, and open spaces;
d. To regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes, including water dependent uses, as defined in Section 22a-93;
e. To regulate the height, size, location, brightness and illumination of advertising signs and billboards within the limits of said town;
f. To divide said town into districts of such number, shape and area as may be suited to carry out the purposes of such act;
g. To regulate the erection, construction, reconstruction, alteration or use of buildings or structures;
h. Promote cohesive site, landscape and architectural design compatible with the vision of the Town, each zoning district and adjacent neighborhoods;
i. Secure safety from fire, panic, flood and other dangers;
j. Promote health and the general welfare;
k. Provide adequate light and air;
l. Prevent the overcrowding of land;
m. To avoid undue concentration of population;
n. Protect the state's historic, tribal, cultural and environmental resources;
o. Facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;

p. Reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies;
q. Consider the impact of permitted land uses on contiguous municipalities and on the planning region, in which the Town is located;
r. Address significant disparities in housing needs and access to educational, occupational and other opportunities;
s. Promote efficient review of proposals and applications;
t. Affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;
u. Give reasonable consideration as to the physical site characteristics of the districts and their particular suitability for particular use;
v. Encourage the most appropriate use of land throughout said town and amend such Regulations as may be necessary to achieve the goals and objectives of the Town's Comprehensive Plan.

1.2 Enacting Clause, Short Title

The Montville Planning and Zoning Commission (The Commission), acting under authority of Chapter 124 of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the "Town of Montville Zoning Regulations". Originally adopted on October 14, 1970.

Adopted:	December 6, 1996
Amended:	October 11, 1997
Amended:	February 16, 1999
Amended:	April 10, 1999
Amended:	June 27, 2002
Amended:	May 9, 2003
Amended:	October 20, 2004
Amended:	August 10, 2005
Amended:	November 1, 2007
Amended:	October 1, 2008
Amended:	June 1, 2011
Amended:	March 20, 2012
Amended:	March 12, 2016
Amended:	October 16, 2016
Amended:	October 15, 2018
Amended:	May 18, 2020
Amended:	August 16, 2021
Amended:	September 13, 2021
Amended:	October 18, 2021
Amended:	November 15, 2021
Amended:	May 1, 2023
Amended:	October 30, 2023
Amended:	January 29, 2024
Amended:	April 29, 2024
Amended:	October 28, 2024
Amended:	December 30, 2024
Amended:	February 17, 2026
Amended:	April 27, 2026
Amended:	July 14, 2026

2.0 DEFINITIONS

The terms defined in this section are organized by topics. All terms shall hold the meaning as defined unless specifically noted elsewhere.

2.1 Use of Certain Words

For the purposes of these Regulations certain terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

a. The words "will", "shall" or "must" are always mandatory and not discretionary. The words "may" or "should" are permissive.
b. Defined terms are Capitalized within these Regulations. A phrase or term which may not be capitalized shall have the same meaning as the definition.
c. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
d. Words in the present tense include the future; the singular number includes the plural, and vice versa, unless the context clearly indicates to the contrary.
e. The word "lot" includes the words "plot" or "parcel".
f. The word "building" or "structure" includes any part thereof. Any building shall be considered a "structure".
g. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity.
h. The word "used" shall be deemed also to include "designed, intended or arranged to be used".
i. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
    i. The term "and" indicates that all connected items, conditions, provisions or events shall apply.
    ii. The term "or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.

iii. The term "either…or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

j. Unless otherwise specified, all distances must be measured horizontally.

2.2 Reference

In the event a definition is not included herein, the meaning of a word shall be determined by the Zoning Enforcement Officer based upon the Town's common application of the term and related terms. If necessary, the Zoning Enforcement Officer may reference the most current version of one or more of the following resources to determine the meaning or application of a word, phrase or land use:

a. *Merriam Webster Dictionary*
b. *Black's Law Dictionary*
c. *A Planner's Dictionary* published by the American Planning Association

2.3 General

Accessory. The term applied to a building, structure, or use which is clearly incidental or subordinate to, and customary in connection with, the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the Bulk Regulations to such building.

Antenna. A device used to receive and/or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel and dish antennae.

Aquifer. A water bearing rock formation, strata, which are capable of yielding useful amounts of water.

BMP. Best Management Practice.

Brownfield. As defined by Connecticut General Statutes §32-760, as it may be amended from time to time, as "any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment, reuse and expansion of the property."

Brownfield Redevelopment. The redevelopment of a Brownfield and may or may not include the reuse of existing buildings.

Bulk. The size and shape of buildings and non-building uses; and the physical relationship of their exterior walls or their location to lot lines and other buildings or other walls of the same building and all open spaces required in connection with a building. Bulk Regulations include regulations dealing with building height, lot area per dwelling unit, lot frontage, required yards, courts, usable open space, spacing between buildings on a single lot, and length of buildings in a row.

Bulk, Non-Conforming. That part of a building or non-building use which does not conform to one or more of the applicable Bulk Regulations of these Regulations.

C.G.S.. Connecticut General Statutes.

Commission. The Planning and Zoning Commission of the Town of Montville.

Commission, Wetlands. The Inland Wetland and Watercourses Commission of the Town of Montville.

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

Decision-Making Authority. The Planning and Zoning Commission or Director of Land Use and Development. Zoning Board of Appeals only applies to matters which are specifically being reviewed by the ZBA.

DEEP. Connecticut Department of Energy & Environmental Protection.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Director. Means the Director of Land Use and Development, as the title may be amended from time to time.

D.O.T.. Connecticut Department of Transportation.

Disturbed Area. An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Easement. A right, created by an express or implied agreement, of one owner of land to make lawful and beneficial use of the land of another.

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

Exterior Appurtenances. Structures, equipment, facilities, or installations that are necessary for the provision of public or private utility services for a principal or accessory use's operation, maintenance,

safety, or service. Site appurtenances may include, but are not limited to poles, wires, conduits, transformers, pipes, meters, valves, hydrants, manholes, handholes, vaults, cabinets, switchgear, junction boxes, guy wires, solar panels and arrays, anchors, ground mounted or raised pads, HVAC equipment, control equipment, generators and similar devices. Exterior Appurtenances may be located above or below ground, upon roof tops or wall mounted upon buildings or structures. These systems generally include but are not limited to:

a. Trash and Recycling Enclosures
b. Roof Mounted Equipment
c. Wall-Mounted Equipment and Service Lines
d. Ground-Mounted Utility Equipment
e. Generators
f. Heat Pumps and Condensers
g. Transformers
h. Fuel Storage Systems

Fire Lane. An unobstructed area which may be required by the Fire Marshal.

Grading. The act of altering the ground surface to a desired grade or contour by cutting, filling, leveling and/or smoothing.

Group. Two (2) or more persons, objects or items.

Hazardous Material. Means (a) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (b) any hazardous waste as defined in Section 22a-449(c)-101 of the Regulations of Connecticut State Agencies, (c) any pesticide as defined in 22a-47 of the C.G.S. as maybe amended from time to time, or (d) any oil or petroleum as defined in Section 22a-448 of the C.G.S. as may be amended from time to time.

Hazardous Waste. Means waste as defined in Section 22a-449c-101 of the Regulations of Connecticut State Agencies as may be amended from time to time.

Historic Building or Structure. Any Building that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or (d) Individually listed on a local inventory of historic places in communities with historic preservation

programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Inland Wetlands and Watercourse. As defined in Section 22a C.G.S. as may be amended from time to time.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Non-Building Use. A principal use of land to which the buildings on the lot, if any, are accessory, including but not limited to, a junkyard, public parking lot, or an open storage yard for materials.

Non-Conforming Lot. A parcel of land owned individually and separately and separated from any adjoining tract of land on the effective date of these Regulations which does not meet the dimensional area, width, or design requirements for the zoning district in which it is located.

Open Space. Open Space is land or a permanent interest in land that is used for or satisfies one or more of the criteria listed in subsection (b) of section 7-131d of the general statutes.

> **Open Space is also** an area that is designed or anticipated to be set aside for either environmental, scenic, or recreational (passive and active) purposes. Open space may include, but is not limited to, lawns, natural areas, decorative planting, active and passive recreation areas.

Performance Bond. The term Performance Bond shall have that meaning set forth in Section 15.4 of these Regulations.

Performance Standards. Standards specified by the Commission or referred to in these Regulations.

Person. Means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, federal agencies as permitted by law, or other legal entity of any kind.

Pet. A domesticated animal that is customarily kept in a residential dwelling as a companion or for enjoyment and is included in one of the following groups dogs, cats, common cage birds, rodents, rabbits, ferrets, aquarium-kept fish, reptiles or amphibians. A Farm animal is not a Pet.

Premises. A lot and all the buildings and uses thereon.

Property Boundary Survey. It shall be prepared, signed and sealed by a Licensed CT Land Surveyor in accordance with the Standards for Surveys and Maps in the State of Connecticut (Sections 20-300-10 and 300-10b) as may be amended from time to time.

Public Improvements. Any improvements to existing public facilities or construction of new public facilities which are approved by the Commission as part of a Final Plan. These include, but are not limited to, public streets or roadways, drainage structures, utilities, and any other installations which provide a benefit to the general public or constitute required amenities on the site, such as landscaping, stormwater

management systems, lighting, pedestrian walkways, and street furniture. "Public Improvements" shall not include private buildings or leasable/saleable structures.

Public Water Supply. Any water supply which has received a Certificate of Convenience and Necessity from the State of Connecticut Public Regulatory Authority and the State of Connecticut Department of Health Services pursuant to C.G.S. Section 16-262m as may be amended from time to time.

Public Water Supply Watershed. The region, as determined by DEEP, which drains into a surface water supply which has been identified by the State of Connecticut as an existing or future water supply source.

Recreational Vehicle. A vehicle commonly referred to as a camper, trailer, bus, boat trailer, motor bus used for recreational purposes. For floodplain management purposes as found in Section 15.2 of these Regulations, a vehicle which is: (a) built on a single chassis; (b) four hundred square feet (400sqft) or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Slope (Steep). The degree of deviation of a surface from horizontal, measured as a percentage, as a numerical ratio, or in degrees. Slopes greater than 25% are considered Steep Slopes.

Soil. All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

Soil Erosion. Detachment and movement of soil from the land surface by water or wind.

Soil Erosion and Sediment Control Plan. A scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a plan and narrative which conform with the Connecticut Guidelines for Soil Erosion and Sediment Control 2002, as may be amended from time to time.

Start of Construction. Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of columns, or any work beyond the stage or excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street. Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Planning and Zoning Commission; or (b) on a map or plan duly filed and recorded in the office of the Town Clerk of the Town of Montville prior to November 1963, provided such street shall have been suitably improved to the satisfaction of the Planning and Zoning Commission after October 13, 1970.

Street, Center Line. A line equidistant from each street line; or if no street line is established, the centerline of the existing pavement, or if the street is unpaved, the centerline of the existing traveled way.

Street, Private. Any road not lawfully accepted by the Town or the State of Connecticut for public vehicular use.

Street Line. The right-of-way (R.O.W.) line of a street.

Structural Alteration. Any change in the supporting members of a structure, such as bearing walls or any partitions, beams, or girders or any substantial change in the exterior walls or roof of a structure.

Subdivision. The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Planning and Zoning Commission on October 10, 1970, for the purpose, whether immediate or future, sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

Summary Review. The review process established under Section 17 Site Plans of these Regulations.

Tower. A structure intended to support equipment used to receive and/or transmit electromagnetic waves. Examples of towers include, but are not limited to, self-supporting lattice, guyed, and monopole.

Town. The Town of Montville, general government.

Trailer. A structure designed to be transported on wheels and not having motive power of its own.

Underutilized Building. Structures which may or may not be located on a Brownfield or considered a Historic Building and may be a structure or portion of a structure which is;

i. 50 years or older within R-20, R-20-M or R-40: or
ii. 25 years or older within C-1, C-2, I or LI districts

In each of the above instance at least 50% of the gross building area shall have remained vacant for five (5) or more years and the building configuration is demonstrated to not be suitable to meet the needs of the previously intended use either by the nature of their configuration, market economics, or are restricted by state regulations that govern its previous use.

An Underutilized Building is also;

i. a building
   a. owned or formerly owned by the State, Federal or local government;
   b. is, or is imminently being, vacated; and
   c. cannot in its current condition reasonably be restored to its vacated use.

ii. a building whose use
   a. Is a special use, in that its design is driven by special needs and legal requirements, such as, but not limited to, a convalescent, nursing or group home; and

b. Can no longer reasonably continue due to an inability to meet current and applicable state or federal building and use standards.

Buildings used for single family or two-family residential or multi-family up to five dwelling uses shall not be considered an Underutilized Building unless it is an Historic Building.

Underutilized Site. A property which is or, was a Brownfield within the last five (5) years and which does not contain a building or structure. Buildings or structures may have been fully or partially demolished.

U.S.G.S.. United States Geological Survey.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Wireless Communication Facilities. The equipment involved in receiving and/or transmitting electromagnetic waves associated with wireless communication services.

Wireless Communication Service. Wireless services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio and paging.

Zone, Floating. A special zoning district with an undetermined location until its location, and if applicable its requirements, are approved by the Commission following a legislative action which is based upon specific criteria outlined in these Regulations.

Zone, Overlay. A special zoning district adopted by the Commission which is superimposed over other zoning districts and allows the optional application of the Overlay Zone's requirements and permissions. This zone does not remove the rights vested in the underlying zone.

Zone, Underlying. The zoning district below an Overlay Zone. Also known as a base zone.

2.4 Architecture & Urban Design

Architectural Façade Element. A permanent, three-dimensional component or treatment applied to, integrated with, or projecting from, or recessed within a building's facade that contributes to the visual articulation, scale, rhythm, or architectural character of the building façade. Architectural façade elements may include, but are not limited to, windows and window groupings, doors, porches, stoops, balconies, bay windows, columns, pilasters, canopies, awnings, arcades, reveals, projections, recesses, changes in plane, and decorative or functional architectural detailing. Architectural façade elements do not include applied graphics, murals, signage, or temporary features unless expressly permitted elsewhere in these Regulations.

Blank Wall (Building and Structure). A segment of a building's or structure's wall of 250 SF or greater which contains no Architectural Façade Element. See image for application of Architectural Façade Elements to avoid Blank Walls.



Fenestrations. The arrangement, placement, size, proportion, spacing, and design of windows, doors, and other openings in a building façade, including the relationship of such openings to one another and to the overall architectural composition of the building. Fenestration includes glazing, framing, and operable or fixed elements that admit light, air, or access, but does not include solid wall areas without openings.

2.5 Building & Height

Accessory Building or Structure. A Structure that is subordinate in area, extent, and purpose to the Principal Building on the same Lot, and which is customarily incidental to the Principal Use of the Lot. See also ***Principal Building or Structure***.

Attic. (See also Story) The space between the ceiling joists of the top story and the roof rafters or beams.

Basement. a basement is any area of the building having its lowest finished floor below ground level on all sides.

Building. A Structure used for the occupation of persons, for work, leisure or living, or keeping of animals. The definition shall include any independent units into which a building is divided by party walls.

a. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building, except in the case of a private garage so attached to a dwelling.
b. The term "building" shall not include mobile homes or trailers.

Building Line. A line drawn along the building façade facing the street and extending to each side property line.

Cellar. A story having more than half of its clear unobstructed height below the average finished grade of the ground adjoining the building.

Height, Structure (Building). The vertical distance measured from the average elevation (see below) of the proposed finished grade along the wall of a structure to the top of the roof of such building or structure. For gable and gambrel roofs, Structure Height shall be measured to the midpoint between the ridgeline and eave. Flat roofs shall be measured to the top of the parapet.

The average elevation shall be calculated from the finished grade of all structure's corners measured ten (10) feet from the corner, extending from the mid angle point of each corner.

Chimneys, cupulas, elevator shafts, towers and similar vertical architectural elements are excluded from this calculation when:

a. the cumulative length measured along a facade is less than ¼ of the facade's length; or
b. no longer than twenty (20) feet on any Structure's side; and
c. when such feature is stepped back from the building wall is no more than fifty (50) percent visible.

Principal Building or Structure. The Structure on a Lot in which the Principal Use of the Lot is conducted. There may be multiple Principal Structures. See also ***Accessory Building or Structure***.

Story. The portion of a Building between a finished floor surface and the finished floor surface of the habitable space directly above. Should the space directly above not be habitable (i.e. attic), a Story is the space between the finished floor and the finished ceiling. A Basement is a Story when a building responds to topography and creates a stepped condition in the building with the lowest floor having access to grade and is habitable. A mezzanine is a story if it contains a Dwelling Unit or occupies more than 50% of the space below. (See also Basement and Attic)

Structure. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, "structures" as used in these Regulations shall be deemed to include buildings, swimming pools, open entries, pier signs, and fences or walls. See Section 15.2 of these Regulations for the definition of structure for floodplain management purposes.

2.6 Cannabis

Cannabis. Marijuana, as defined in section 21a-240 of the Connecticut General Statutes.

Cannabis Establishment. a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter; as defined in CGS §21a-420(4).

Cultivator. A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Delivery Service. A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Dispensary Facility. A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f and any regulations adopted thereunder.

Food and Beverage Manufacturer. A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Grow Space. The portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Laboratory. A laboratory located in the State that is licensed by the department to provide analysis of cannabis that meets the licensure requirements set forth in section 21a-246.

Manufacture. To add or incorporate cannabis into other products or ingredients or create a cannabis product.

Micro-Cultivator. A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

Producer. A person that is licensed as a producer pursuant to section 21a-408i and any regulations adopted thereunder.

Product Manufacturer. A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

Product Packager. A person that is licensed to package and label cannabis.

Research Program. A program approved by the Connecticut Department of Consumer Protection and meeting the requirements of CGS 21a-408t and any State regulations adopted thereunder.

Retailer. A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

Transporter. A person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

2.7 Flood (Special Flood Hazard Area)

Base Flood. The flood having one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE). The elevation of the crest of the base flood or one hundred (100) year flood. The height in relation to mean sea level expected to be reached by the water of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Final Plan. Any plan submitted by an applicant for approval by the Commission to conduct activities under these Regulations which is finally approved by the Commission; which plan reflects all conditions or modifications of approval; which is accompanied by all deeds and other documents required by these Regulations; which has not been appealed or which appeal has been dismissed by a court of competent jurisdiction; and which plan is otherwise ready to be filed with the Montville Town Clerk and a Zoning Permit issued.

Finished Living Space. As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.) has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry lands area from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

Flood Hazard Variance. A grant of relief by a community for the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Flood Insurance Study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain Violation. A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, an area other than a basement area is not considered a building's lowest floor.

Market Value. As related to substantial improvement and substantial damage, the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

New Construction. Structures for which the "start of construction" commenced on or after July 2, 1980, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

Special Flood Hazard Area of (SFHA). The land in the flood plain having a one percent (1%) or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 15.2 of these Regulations. (Special Flood Hazard Area Federal Insurance Administration) requirements for the purposes of interpreting and enforcing Section 15.2 of these Regulations.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement. Shall mean for the purposes of Section 15.2 of these Regulations any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of

the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

2.8 Housing, Dwelling, Family & Residential

Accessory Dwelling Unit. 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.

Accessory Dwelling Unit (Affordable). An accessory dwelling unit that is subject to binding recorded deeds which contain covenants or restrictions that require such accessory dwelling unit be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less income, where such income is less than or equal to eighty per cent of the median income.

Apartment. A Dwelling Unit located within or accessory to a Principal Building associated with an approved Commercial use a. No more than two (2) Apartments shall be permitted on single lot containing said Principal Building. Any residential configuration of three (3) or more dwelling units on a single lot shall not constitute apartments as defined herein, but shall instead be classified and regulated as a Multi-Family Development or Middle Housing.

Cottage Cluster. a grouping of at least four detached housing units, or live work units, per acre that are located around a common open area (CGS 8-1a (4)).

Dwelling Unit. Any house or building, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons (CGS 47a-1(c))

Duplex. A building on a lot containing two (2) dwelling units each having separate utility connections, designed for occupancy by not more than two (2) families.

Attached Single-Family Flats. A building containing three (3) or more dwelling units incorporated into a single building with internal stairways, elevators and/or corridors providing access to the dwelling units contained therein, with each such dwelling unit being located on one (1) living level within such building.

Family. A single person keeping house separately or any number of individuals related by blood, marriage, civil union, or adoption, living together as a single housekeeping unit. A group of not more than six (6) unrelated persons keeping house together, shall also be considered a family for the purpose of these Regulations. This definition shall also be deemed to include community residences for the mentally

handicapped, authorized by Section 8.3e of the C.G.S. (housing eight (8) or fewer persons) as may be amended from time to time, who occupy a Single Family Home, but shall not include a group occupying a bed and breakfast, Airbnb, lodging or rooming house, a tourist home, inn, motel, or hotel, club or supervised group quarters not authorized elsewhere by law or these Regulations regardless of ownership.

Home. A Dwelling Unit.

Live-Work Unit. A building or a space within a building used for both commercial and residential purposes by an individual residing within such building or space (CGS 8-1a (5))

Multifamily Housing (Development). A building or multiple buildings totaling three or more dwelling units on a lot.

Seasonal Dwelling. A dwelling unit in which occupancy is limited to a maximum of six (6) months in any one calendar year, from May to October.

Middle Housing. Duplexes, triplexes, quadplexes, cottage clusters and townhouses.

Median Income (Area). After adjustments for family size, the lesser of the state median income, as determined by the most recent decennial census or American Community Survey, or the area median income for the metropolitan area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development. Abbreviated as AMI.

Single Family Home. A building accommodating a Dwelling Unit for one Family on a lot occupied for residential purposes. May contain an Accessory Dwelling Unit.

Single-Family Detached Dwelling Unit. A building accommodating a Dwelling Unit for one Family, and which is on a lot with at least one of the following: Single Family Detached Dwelling Unit, Middle Housing or Attached Single Family Flat and that is separated by lease lines or open space. A Single Family Detached Dwelling Unit shall not solely reside on a single lot.

Temporary Health Care Structure. A portable residential structure intended for occupancy by an impaired person requiring caregiver assistance or occupied by the caregiver that is rendering assistance to the impaired person.

Set-Aside. A portion of housing reserved for a specific sale price or rent which will preserve the unit(s) as Dwelling Units serving persons and families whom will pay thirty per cent or less of their annual income, where such income is less than or equal to the Median Income.

Transit Community Middle Housing Development. A residential building containing not less than two Dwelling Units but not more than nine such units, including, but not limited to, Townhouses, Duplexes, Triplexes, Perfect Sixes and Cottage Clusters.

Triplex. A three-story building with one dwelling unit per story and one common entrance and corridor servicing each dwelling unit.

Townhouse. A residential building consisting of single-family dwelling units constructed in a group of three or more attached units in which each unit extends from foundation to roof and has exterior walls on at least two sides.

Perfect_Six. A three-story residential building with a central entrance containing two dwelling units per story.

Quadplex. A two-story residential building with a central entrance containing two dwelling units per story.

2.9 Landscaping

Architectural Vegetation. A tree or shrub whose natural growing habit is uniform in shape and utilized to accent, complement or reinforce building elements or guide a person's movement or sightline.

Deciduous Tree or Shrub. A plant which generally drops leaves in fall, blooming in late winter or spring.

Desire Line. A pedestrian's preferred direction of travel between two points.

Evergreen Tree or Shrub. A plant which maintains leaves year-round.

Groundcover Vegetation. For the purpose of these regulations, includes evergreen plantings no higher than eighteen inches at maturity and is planted with spacing to create a continuous mat of ground coverage. Groundcover Vegetation may be one or more plant species planted in a uniform manner. Lawn is not considered ground cover.

Invasive Plants. Plant material listed on the CT Invasive Plant List as maintained by the CT Invasive Plant Council.

Landscape(d). An area of permeable surface containing vegetation such as turf, shrubs, perennials and/or annual plantings. Landscaped areas do not include solely stone or natural mulched materials.

Landscaped End Island. A raised curbed Landscaped area located at the end of a Parking Row.

Landscaped Intermediate Island. A raised curbed Landscaped area located within a Parking Row.

Landscaped Median Island. A Landscaped area which Parking Stalls are perpendicular to and are raised by curbing when not used for stormwater/LID measures.

Large Deciduous Tree. Mature Height: Greater than 50 feet; Mature Spread: 40 feet or greater.

Large Evergreen Tree. Mature Height: Greater than 50 feet; Mature Spread: 20-30 feet or greater.

Medium Deciduous Tree. Mature Height: 30 - 50 feet; Mature Spread: 20 - 40 feet.

Medium Evergreen Tree. Mature Height: 30 - 50 feet; Mature Spread: 15 – 25 feet.

Small Deciduous Tree. Mature Height: less than 30; Mature Spread: 15 – 25 feet.

Small Evergreen Tree. Mature Height: less than 30; Mature Spread: 10 - 15 feet.

Size Reference for above: Dirr, M. A. (2009). Manual of Woody Landscape Plants

Non-Invasive Native/Adaptive Plant Material. Trees, shrubs and groundcover, including cultivars, which are native to, and have demonstrative adaptability to, the climate of the USDA Hardiness Zone and which are not Invasive Plants.

Screen or Screening. A method of visually shielding or buffering one (1) abutting or nearby residential structure or use from a commercial use by fencing, walls, berms, or densely planted vegetation.

Shade Tree. A deciduous tree which at maturity achieves a canopy width of 25' or greater and height of 30' or greater and offers dense leaf coverage. Intended to reduce heat gain.

Street Tree. A deciduous tree which has high or upright branching habit to achieve safe sight lines and overhead clearance for pedestrians and vehicles; generally, provides dense leaf coverage for shade and are generally of medium to large size depending upon application.

2.10 Lighting

BUG. Refers to Backlight, Uplight, and Glare

Footcandle(s). A unit of illumination equivalent to the illumination produced by one candle at a distance of one foot and equal to one lumen per square foot

Full Cut-Off. A fixture which prevents light from emitting above ninety degrees from Nadir.

Glare. The visual impact of a light emission resulting from insufficient shielding of a source of light which may create hazards or discomfort to any person off of the property. Glare may be created directly from a light fixture

Light Trespass. Light measuring above 0.0 Footcandles at and beyond the property line.

Nadir. The point on the ground perpendicular to the light source above.

Photometric Plan. A site plan depicting lighting levels measured in Footcandles to the tenth decimal place of all light fixtures existing and proposed on the site and mounted on the exterior of the building.

Security Lighting. Lighting at its minimal level which is essential for ensuring property enforcement from trespass, theft or vandalism and as required by insurance underwriting.

2.11 Lot, Parcel & Yard

Corner Lot. A lot or parcel of land abutting on two or more streets at their intersection. The front lot line on a corner lot shall be designated as the lot line opposite the front of the structure.

Frontage Lot. The linear distance measured along full length of the front lot line. A front lot line along an expressway is not considered to be lot frontage.

Lot. One or more contiguous parcels of land under single ownership or control, designated by its owner, at the time of filing an application for building permit, as a tract to be used, developed, or built upon as a unit, and it may be subsequently divided into two or more lots, provided all such lots conform to all Regulations of the district.

Lot Line: A boundary line of a lot.

Front Lot Line. The lot line separating a lot from a street right-of-way (R.O.W.).

Lot Width. The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines of measurement shall touch, but not in front of, the building setback line required by these Regulations.

Rear Lot Line. A rear lot line is any lot line, other than another front lot line on another street, which is the farthest lot line from the street.

Required Yard. The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in these Regulations.

Required Front Yard. Required unoccupied space between the building line and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Required Rear Yard. Required unoccupied space between the building line and the rear lot line and measured perpendicular to the building closest point of the rear lot line.

Required Side Yard. Required unoccupied space between the building line and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Side Lot Line. A side lot line is any lot line not a front lot line, or a rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.

Through Lot. A through lot is a lot having frontage on two (2) streets. The front lot line on a through lot shall be designated as the lot line opposite the front of the structure.

2.12 Parking

Access Drive. A drive providing access into, out of and through a site and does not accommodate Parking Stalls.

Drive Aisle. A vehicular travel-way which provides direct access to Parking Stalls.

Parking Area. The area between all surface areas which accommodate parking stalls and all drives, islands and aisles serving parking that serves the use(s) located on or off the property.

Parking Row. The sequence of Parking Stalls running parallel to the Drive Aisle

Parking Stall. A space intended for the temporary parking of a motor vehicle that serves visitors or employees of a principal use and accessed by a Drive Aisle.

Off-Street Parking. Parking space as required for specific uses which is located off road or street and has connection to a public right-of-way (R.O.W.).

2.13 Signs

Area Sign. The area within the shortest line that can be drawn around the outside perimeter of a sign.

Billboards. A sign, off-site commonly known as a billboard, which directs attention to a business, commodity, service, or entertainment, which location existed prior to the adoption of these Regulations.

Business Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same lot where such sign is displayed.

Directional Sign. A sign with sign area of not over two square feet (2sqft) indicating the direction or route to an establishment.

Electronic Sign. A sign, whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign. The sign may not project a message or symbol which projects towards or distracts a driver.

Flashing Sign. Any directly or indirectly illuminated sign on which the artificial light is used to warn of traffic hazards. Flashing LED lit signs for business may not be directed to distract vehicular traffic.

Illuminated Sign. Any sign designed to give forth any artificial light including LED and LED scrolling message signs.

Sign. Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, flag insignia, device or representation which is used as an announcement, direction, or advertisement for commercial purposes or otherwise. A sign includes a billboard, a neon tube, string of lights, digitalized/LED message or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Signs shall be located on the same premises as the product or service offered. All signs must be in accordance with State and Local Building Codes (BOCA) as may be amended from time to time.

2.14 Uses

Active Adult Housing Community. a residential housing development designed to provide housing and amenities predominantly for persons fifty-five (55) years of age or older which complies with the requirements of Section 16.12 hereof.

Adaptive Reuse Development. A mixed-use, commercial or residential development use that converts sites with Underutilized Buildings, Brownfields or former Brownfield sites into functional facilities that, by their nature of design and redevelopment, will enhance and protect surrounding properties values and reinforce the surrounding neighborhood.

Adaptive Reuse Eligibility Criteria. Physical infrastructure, architectural, landscape (natural or manmade) characteristics used by the Commission to determine a property's appropriateness to support Adaptive Reuse Development.

Bed and Breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation; may also include such accommodations such as an Airbnb.

Camp, Recreational (Campground). A site conforming to the provisions of these Regulations for the location of trailers, mobile camping facilities, tents or other recreational camping facilities of a temporary and transitory nature for limited periods of time in accordance with these Regulations.

Change of Use. The replacement of an existing use by a new use, or a change in the nature, character, or intensity of an existing use. A change of use shall be deemed to occur when:

a. The use is changed from one defined use category to another (e.g., from *Retail* to *Restaurant*); or
b. The new use requires a greater amount of parking, loading, or public utilities than the previous use; or
c. The new use generates different or greater impacts regarding traffic volume, hours of operation, noise, light, glare, odor, or vibration.

Club. An association of persons which is the owner, lessee, or occupant of an establishment, building or premises operated solely for a specific purpose (i.e., such as recreational, social, fraternities and sororities, religious, political, athletic, and the like) and whose activities are confined to members and guests, are not extended to the general public and include the establishment so operated. This definition shall be deemed not to include such activities which involve services customarily carried on primarily for business or gain.

Community Center. A meeting place used by members of a community for social, cultural, or recreational purposes.

Commercial Uses. An establishment involving the exchange of goods or services directly to the end consumer or patron. Includes such uses as Retail, Office, Personal Service Establishments, Professional Services and Hospitality. Excludes parking areas and interior/exterior storage as Principal Uses. Infrastructure type uses such as water towers, solar arrays of any capacity, generators, pump stations, sub stations are not considered Commercial Uses.

Community Residence. A Community Residence as defined in Section 19a-507a (3) of the C.G.S. as may be amended from time to time.

Convalescent Home. The term shall include (a) Home for the Aged; (b) a Rest Home with Nursing Supervision; (c) a Chronic and Convalescent Home with authorization to care for persons suffering from harmless chronic mental unsoundness; (d) a Children's Nursing Home; and (e) a Children's Nursing home with authorization to care for persons suffering from harmless chronic mental unsoundness. Above items are defined in the "Public Health Code of the State of Connecticut", as may be amended from time to time.

Convenience/Gasoline Sales Establishment. A premises at which common retail goods, including but not limited to motor fuels, lubricants, other motor vehicle supplies and parts, groceries and assorted convenience items, are made available for retail sale, in conjunction with the proposed or existing use of a gasoline filling station.

Day Care. Child care center, group child care home or family child care home as defined in Section 19a-77 of the C.G.S. as may be amended from time to time.

Existing Manufactured Home Park (MHP) or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 2, 1980, effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park (MHP) or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farm. A Farm shall consist of at least five (5) acres of land and may include buildings which are mainly used for, or are incidental to farming or the keeping of Farm Animals. Farms are subject to the provisions of Section 17 and shall comply with all applicable sections of these Zoning Regulations.

Farm Animals. Any domestic animal that is owned or raised for the production of milk, food or is used or housed primarily for work, commerce, recreation or exhibition. This includes but is not limited to cattle, oxen, horses (includes mini-horses), sheep, goats, llama, alpacas, pigs, and poultry. The keeping of over twelve (12) poultry and/or chickens (hens) shall be included in this definition. Farm Animals shall be kept only on a Farm.

Farm Building. A building in which farm animals are housed or fed. No farm building or manure pile may be within one hundred fifty feet (150') of any property line. Farm buildings shall meet the height requirements of the principal structure.

Farm Winery. Any place or premises at which fruit is grown and wine is manufactured, stored and sold in a manner which meets the requirements of Section 30-16a of the C.G.S. as may be amended from time to time.

Functionally Dependent Use or Facility. A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and the unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Home Occupation. A home occupation is defined as any business or commercial activity that is conducted from property that is zoned exclusively for residential use and that meets the requirements of Section 4B.2 of these Regulations.

Home Office. A home office for any business or commercial activity that is conducted entirely off the premises of the owner or occupant.

Hospital. A facility licensed by the State of Connecticut for the treatment and care of patients.

Hotel. A facility offering transient lodging accommodations on a daily or weekly rate to the general public and providing additional services such as restaurants, retail shops for guests, meeting rooms which may serve outside visitors, and recreational facilities for guests only. Access to guest rooms are through a centralized interior lobby and corridors. A hotel room may contain kitchen facilities.

Industrial. This use can vary in intensity and often requires unique considerations to address noise, light, odor, vibration, traffic generation or other potential nuisances which may be required to support the use. Uses include manufacture, fabrication, wholesale, chemical processing, earth processing, construction equipment storage, textiles, wholesale of goods, assembly, disassembly, packaging, treatment of materials, goods, or products, storage, junkyard, scrap yard, recycling, storage or use of hazardous materials, dry cleaning, plating and jewelry, foundries, solid waste, waste reclamation, infrastructure warehousing, distribution of such products either interior or exterior of buildings, includes technology laboratories, printing and publishing, furniture production, creation of art products (clay, ceramics), light assembly where manufacturing of components is done off premises, or similar uses.

Junkyard. Any place in or on which old metal, glass, paper, cordage or other waste or discarded or secondhand material, which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited. It also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Additionally, it includes any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof.

Kennel. A commercial operation, open and/or enclosed, in which a total of four (4) or more pets limited to dogs or cats, are kept for breeding, boarding, grooming, or medical attention.

Manufactured Home. A prefabricated or transportable single family dwelling unit, which is transported in one or more sections. A manufactured home must be not less than 22 feet at is narrowest dimension and must be constructed in accordance with Federal Manufactured Home Construction and Safety Standards (HUD Code). The manufactured home must be suitable for year round habitation, and equipped with a means to connect to water, sanitary and electric facilities. A manufactured home must comply with all applicable flood management regulations and be built on a permanent chassis, and designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, tiny houses, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park (MHP). A private development consisting of not less than twenty (20) acres under single ownership which is owned, operated and maintained by or through the owner and its successors. The ownership and maintenance of all roads drainage, and sewer facilities within the park shall remain vested in the owner.

Manufactured Home Park (MHP) or Subdivision. For floodplain management purposes as found in Section 15.2 of these Regulations, a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Mobile Home: See: ***Manufactured Home.***

Micro-Breweries. A business which manufactures beer in accordance with C.G.S. Chapter 545 (Liquor Control Act) - as may be amended from time to time.

Micro-Distilleries. A business which manufactures alcoholic liquor in accordance with C.G.S. Chapter 545 (Liquor Control Act) as may be amended from time to time.

Mixed Use Development. A development containing more than one use that is allowed in that zoning district. May contain multiple buildings each with different uses or varying uses within a building.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 2, 1980, the effective date of the floodplain management regulation adopted by the community.

Non-Conforming Use. A nonconforming use is a use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment and has been lawfully operated in accordance with existing laws since the establishment, but that is no longer allowed by the use regulations of the zoning district in which the use is now located.

Nursery School. A school for children who are not old enough to attend kindergarten.

Principal Use. The primary purpose or function for which a premise is used, designed or intended to be used.

Professional Services. An office establishment which provides services such as accounting, medical, legal, engineering design, real estate or architecture. Generally, includes consulting type services.

Public Parking Lot. A lot used for the storage of motor vehicles which contains space available to the general public by the hour, day, week, month, or year.

Personal Service Establishment. An establishment which offers specialized services to the consumer such as barbers, beauty salons, mail delivery/shipping w/o lockers, laundry, cleaning, tailoring, massage, clothing repair. The sale of goods permitted and is clearly secondary and subordinate to the service provided.

Principal Building. That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

Principal Use. The primary purpose or function for which a premise is used, designed, or intended to be used.

Retail. An establishment that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

School or Educational Institution: A place for instruction in any branch of knowledge which has been accredited by proper authorities.

Senior Housing. Housing designed for, and occupied by, a person or persons sixty-two (62) years of age or older with limit of two persons per dwelling unit, and which has significant facilities and services specifically designed to meet the physical or social needs of older persons as described.

Use. The term employed to refer to any purpose for which buildings or other structures or land may be occupied.

Veterinary Hospital. A facility licensed by the State of Connecticut for the treatment and care of animals, as in-patient or out-patient care.

Water Dependent. Those uses and facilities which require direct access to, or location in, marine or tidal waters, and which cannot be therefore be located inland, as further described in C.G.S. 2a-93(16), as may be amended from time to time.

3.0 DISTRICTS

3.1 Establishment of Districts

The Town of Montville is hereby divided into the following districts, the respective symbol for each type of district being set forth opposite the title:

SYMBOL	TITLE
Residential Districts	
WRP-160	Water Resource Protection R-160 District
OS	Open Space (OS) District
R-120	Residential R-120 District
R-80	Residential R-80 District
R-40	Residential R-40 District
R-20	Residential R-20 District
R-20-M	Residential R-20-M Multifamily District
Commercial and Mixed-Use Districts	
C-1	Commercial -1 (C-1) District
C-2	Commercial -2 (C-2) District
Industrial Districts	
LI	Light Industrial (LI) District
I	Industrial (I) District
Special Districts	
G	Government
CZE	Cannabis Overlay Zone East
CZW	Cannabis Overlay Zone West
OZ	Route 32 Overlay Zone

3.2 Zoning Map

The areas and boundaries of such districts are hereby established (a) as shown on a map entitled "Zoning Map, Town of Montville" and (b) as specified in Section 3.3. Such map referred to herein as the "Zoning Map", together with everything shown thereon, is hereby made part of these Regulations. A copy of the Zoning Map and any amendments thereof shall be maintained in the office of the Town Clerk and the Planning and Zoning Department.

3.3 Districts on Zoning Map

District boundaries and map dimensions on the zoning map shall be determined according to the following rules:

3.3.1 Where district boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, R.O.W. or easement, such lines shall be construed to be such district boundaries.

3.3.2 Where district boundaries are indicated as approximately following lot lines of record at the time of adoption of these Regulations, such lot lines shall be construed to be such boundaries.

a. Where a district boundary line divides a lot which was in single ownership at the time of adoption of these Regulations, the Planning and Zoning Commission or Enforcement Officer may permit the extension of the regulations for either portion of the lot a maximum of one hundred feet (100') beyond the district line into the remaining portion of the lot.

3.4 Scope of Controls

After the effective date of these Regulations, all new construction or development, and every change, enlargement, or relocation of use, and every reconstruction or Structural Alteration of a building or non-building use shall conform to these Regulations.

4.0 ADMINISTRATION

4.1 Classification of Uses & Change of Use

Uses of land or buildings are classified and regulated by these Regulations as either Zoning Permit Uses, Permitted Uses or Special Permit Uses.

4.1.1 Changes of Use. All Changes of Use are subject to the provisions of Section 17 Site Plans and may be subject to Section 16 Special Permits.

4.1.2 Zoning Permit Uses are reviewed by the Zoning Enforcement Officer and generally allow for a more streamlined application process, assuming the applicant provides the necessary information required by the ZEO subject to Section 4.2 Zoning Permits.

4.1.3 Permitted uses are those which are allowed in a zoning district and subject to the provisions of Section 17 Site Plans. Permitted uses may be reviewed by the Commission under the provisions of Section 17.2 Decision Making Authority

4.1.4 Special Permit uses are permitted only after meeting the special provisions of Section 16 Special Permits of these Regulations. Special permits require a public hearing and may be subject to the provisions of Section 17 Site Plan in addition to Section 16 Special Permits.

4.2 Interpretation of Use

A permit may not be issued for buildings or for uses of land for which the use is not clearly permitted by these Regulations in the various zoning districts.

In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Zoning Enforcement Officer by reference to the most clearly similar use or uses permitted by these Regulations; it shall be declared that the use is similar. When the status of a use has been so determined, as permitted or prohibited, such determination shall thereafter have a general applicability to all uses of the same type.

The Purpose of a Zoning district shall be used to assist in interpreting if a use is permitted.

4.3 Zoning Permits

4.3.1 A Zoning Permit shall be obtained prior to the commencement of construction as follows:

a. For fences seven (7) feet or higher in all Districts.

b. Following Site Plan approval and prior to issuance of a Building Permit by the Building Official.

c. In Residential Zones:

i. Single-Family Homes,
ii. One Duplex on a single lot
iii. Accessory Structures
iv. Additions to Structures

d. In Commercial and Industrial Zones:

i. Additions or Structures, (including accessory) not to exceed 1,000 SF
ii. Replacement of any Structure due to demolition regardless of size.

e. Other Zoning Permits:

i. Home occupations
ii. Filing of Trade Names
iii. E-Business (internet) where no physical product is manufactured in the home

4.3.2 All activities which involves a Change of Use or activity not specifically listed above shall be subject to either Section 16 Special Permits or Section 17 Site Plans.

4.3.3 Non-conforming Lots, Structures and Uses are subject to the provisions of Section 4.10 Non-Conforming Lots, Uses and Structures.

4.3.4 The Zoning Enforcement Officer may require site plans prepared, signed and sealed by a licensed land surveyor or registered professional engineer to ensure compliance with these Regulations. This may include site surveys, landscape, grading and drainage plans.

4.3.5 The Zoning Enforcement Officer may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to commencement of construction.

4.3.6 No Building Permit shall be issued by the Building Official until a Zoning Permit is issued by the Zoning Enforcement Officer.

4.3.7 No Certificate of Occupancy or Certificate of Approval, whichever is applicable, shall be issued by the Building Official prior to the issuance of the Certificate of Zoning Compliance as outlined in Section 4.3.

4.4 Certificate of Zoning Compliance

It shall be unlawful for any newly erected building; or addition for which a zoning permit has been issued to be occupied or used; or for any building or premises or part thereof to be converted or changed from one type of use or occupancy to another until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer. The Certificate of Compliance shall be issued by the Zoning Enforcement Officer upon completion of the work if the building and use comply with these Regulations and the approved application. The Zoning Enforcement Officer may require an adequate as-built site plan to facilitate this review.

4.4.1 A Certificate of Compliance shall remain valid only so long as the building, the use thereof, or the use of the land remains in full conformity with these Regulations or of an amendment thereto.

4.4.2 A Substantial Certificate of Compliance may be issued by the Enforcement Officer for a period up to one hundred eighty (180) days after issuance of the appropriate bond.

4.4.3 After the effective date of these Regulations, the Zoning Enforcement Officer will issue, upon request of the owner or occupant, a Certificate of Compliance for any legal non-conforming building or use existing on the effective date of these Regulations upon provision of adequate proof of same, except where such building or use was in violation of regulations in force prior to the effective date of these amended Regulations.

4.5 Recording

No variance or special permit shall become effective and no subsequent permit shall be issued until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special permit, including the zoning provision which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner will pay for such recording.

4.6 Expiration

All Site Plan and Zoning Permits shall expire in accordance with the Connecticut General Statutes.

4.7 Administration & Enforcement

4.7.1 These Regulations shall be administered and enforced by the Commission or its designated agent, the Zoning Enforcement Officer, as provided in these Regulations.

4.7.2 The Commission or its designated agent may inspect any building or land at any reasonable time and order in writing any violation of these Regulations to be corrected or terminated.

4.8 Penalties

In accordance with Chapter 124, Section 8-12 of the C.G.S. as may be amended from time to time, the Planning and Zoning Commission shall have such other remedies as are provided by law to restrain, correct or abate any violation of the Zoning Regulations.

4.9 Interpretation of Regulations

These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulations, or other provisions of law, or any easement, or other private agreement or legal relationship. When these Regulations or any section thereof impose restrictions on use or dimensions different from those imposed by any other section of these Regulation, or statute, ordinance, covenant, or private agreement or legal relationship whichever provisions are more restrictive, or impose higher standards, shall control.

4.10 Non-Conforming Lots, Uses, & Structures

A non-conforming use, lot, or structure is one which existed lawfully, whether by variance or otherwise, prior to the original date of these Regulations, or any amendment thereto became effective, and which fails to conform to one or more of the applicable requirements of these Regulations or any amendment thereto.

4.10.1 No non-conforming Use of land or Structure shall be enlarged, extended, expanded or altered except in changing the use to a use which is permitted in the District in which the use is located.

4.10.2 When a non-conforming Use has been changed to a conforming use, it shall not hereafter be changed to any use not permitted in the District in which the use is located.

4.10.3 A nonconforming Use or Structure shall not be terminated or deemed abandoned unless the property owner of such Use or Structure voluntarily discontinues such Use or Structure and such discontinuance is accompanied by an intent to not reestablish such Use or Structure. The demolition or deconstruction of a nonconforming Useor Structure shall not by itself be evidence of such property owner's intent to not reestablish such Use or Structure.

4.10.4 For the purposes of these Regulations, a non-conforming Lot shall be defined as a Lot which was separately owned prior to the enactment of the Zoning Regulations or any amendment thereto or which is located in and part of a subdivision plan which has been given final approval by the Planning and Zoning Commission and filed in the land records of the Town prior to the date of the Zoning Regulations. No lot may be divided or subdivided if the division or subdivision will result in the creation of a non-conforming lot.

4.10.5 Lots for Single Family Homes which meet the definition of nonconforming lot may be built on if the minimum applicable setbacks of the zone are met.

LOT WIDTH	**MINIMUM SIDE YARD WIDTH**
0 to 55 Feet	5 ft, but the sum of both yards not less than 35% of lot width
56 to 65 Feet	8 ft, but the sum of both yards not less than 33% of lot width
66 to 75 Feet	10 ft, but the sum of both yards not less than 33% of lot width
76 to 85 Feet	12.5 ft, but the sum of both yards not less than 33% of lot width
86 to 95 Feet	15 ft, but the sum of both yards not less than 33% of lot width

Lots having less than thirty feet (30') of frontage on a town accepted road must be served by a perpetual right-of-way as evidenced by deed recorded in the Town Land Records. Said right-of-way must be unobstructed and maintained so as to be accessible for emergency vehicles as approved by the Fire Marshal.

4.10.6 In order to assure that Structures containing non-conforming uses will be maintained in a safe condition for so long as such non-conforming use continues nothing in these Regulations shall be deemed to prohibit work done as ordinary maintenance, or repair or replacement of walls, ceilings, floors, fixtures, electrical or plumbing provided such work does not expand or increase the non-conformity.

4.10.7 For residential structures in residential zones, nothing in these Regulations shall prohibit the alteration or expansion of a non-conforming building lawfully existing prior to the effective date of these Regulations or any amendments thereto, provided the alteration or expansion does not further violate the dimensional requirements of the district in which the building is located. Vertical and lateral extensions of existing buildings shall be permitted so long as the applicable existing setback of the structure being extended is not further reduced.

4.10.8 Change in Use. A nonconforming use may be changed to another non-conforming use provided that the Commission has reviewed such change and determined it more closely adheres to the intent and purposes of these Regulations. A nonconforming use may not be changed to a more intensive nonconforming use. Intensive includes but is not limited to increase in the number parking space, increase building size, increased traffic trip generation, increased hours of operation, including later hours.

4.10.9 As of January 1, 2018, an existing residential lot abutting Route 32, which does not have the minimum required frontage on Route 32, may change its use to a commercial use allowed in the zone. When changing the use to a commercial use, the property owner may choose to reduce one (1) of the lot setbacks to five feet (5') and may maintain the front yard setback of original house. The purpose of this section is to encourage commercial development on Route 32.

4.10.10 No requirement contained in Section 4.9 through 4.9.10 shall supersede the provision of Section 8.26a, 8-28a, 8-29, 8-6, and 8-7 of the C.G.S. as may be amended from time to time.

4A.0 GENERAL REQUIREMENTS

The requirements in this section may apply to more than one zoning district and/or to specific uses, regardless of where they may occur.

4A.1 Multiple Uses & Buildings

The Commission may permit more than one principal building and use to be located and conducted on a lot under the same ownership for multi-family, commercial, industrial, recreational, institutional, governmental, educational and farming purposes. Such buildings or uses shall be planned as a unit, with integrated parking, access, building design and landscaping and shall meet the requirements of these Regulations.

4A.2 Sidewalks

Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located are required to access the main entrance of each building on the property and connect to the public right of way sidewalk. Should a sidewalk not exist along the street, the Applicant shall install a sidewalk along the frontage of the subject property if (1) the Property has frontage on Route 32 right-of-way; (2) an existing sidewalk system exists nearby or a sidewalk system is proposed in the POCD (3) the project is within a commercial zone, or (4) located within 1,000 feet of an existing commercial center, school or place of public gathering. All sidewalks shall be privately maintained even when located in the public-right of-way.

4A.3 Lot Frontage Reductions

Minimum lot frontage requirements may be reduced to no less than fifty feet (50') for lots facing a circular turnaround at the end of a dead-end street, provided that the frontage requirement is maintained at the Building Line.

4A.4 Extensions into Setbacks & Exceptions

There shall be no extensions of any Structure or material attached to a Structure extending into a Setback. However, roof overhangs, including gutters may project into side and rear yard Setbacks no more than twenty-four inches (24”).

Replacement of existing stairs, landings and ramps may be extended no further into a setback to meet the minimum building code requirements. No additional extension shall be permitted.

4A.5 Accessory Buildings & Structures

Accessory buildings shall meet the following requirements:

4A.5.1 An accessory structure attached or connected to the principal structure by walls or roofs shall be considered a part of the principal structure and shall conform to the yard requirements of the district in which it is located.

4A.5.2 No accessory structure shall be built on a lot that does not contain a principal structure or use except for farm equipment storage.

4A.5.3 Conex type storage boxes shall be permitted in Industrial and Commercial areas only and shall comply with the standards of Section 4A.5.1

4A.6 Soil Erosion & Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application which disturbance 0.5 acres or more. The soil erosion and sediment control plan shall be submitted pursuant to Section 15.1 of these Regulations. A Single-Family Home that is not part of a subdivision of land shall be exempt from this soil erosion and sediment control plan requirement.

The Zoning Enforcement Officer may require the use of certain erosion control measures to control soil erosion and pollution for applications disturbing less than one-half acres. This may include but not be limited to the installation of silt fences, hay bales, silt sacks, and erosion control blankets on slopes greater than 3:1.

4A.7 Inland Wetlands & Watercourses

If an application for a permitted use or special permit involves an activity regulated under the provisions of Chapter 440 of the C.G.S. as may be amended from time to time, the applicant shall submit an application for a permit to the Montville Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning and Zoning Commission.

The decision of the Planning and Zoning Commission shall not be rendered until the Montville Inland Wetlands and Watercourses Commission has submitted a report with its final decision to the Planning and Zoning Commission.

In making its decision, the Planning and Zoning Commission shall consider the report of the Inland Wetlands and Watercourses Commission and if the Commission establishes terms and conditions for approval that are not consistent with the final decision of the Inland Wetlands and Watercourses Commission, the Commission shall state on the record the reasons for such terms and conditions.

4A.8 Notice to Neighboring Municipalities

4A.8.1 The Commission shall notify the clerk of any adjoining municipality of the pendency of any site plan or special permit concerning any project on any site when:

a. any part of the property affected by the Commission's decision is within five hundred feet (500') of the adjoining municipality;
b. a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site;
c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer systems within the adjoining municipality; or
d. water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

4A.8.2 Such notice shall be made by certified mail return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan.

4A.9 Certificate of Public Convenience & Necessity

In accordance with Section 8.25a of the C.G.S. as may be amended from time to time, any applicant proposing development providing water by means of a "water Company", as the term is defined in the C.G.S. Section 16-262m(a), as may be amended from time to time, shall provide the Zoning Enforcement Officer, prior to the issuance of any zoning permit, a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Public Utility Regulatory Authority.

The Town shall not be considered the water company for an approval unless it consents. No application involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Town Council waiving said Certificate and

agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its customers.

4A.10 Public Streets: Classification & Design Standards

All public streets and improvements within the public right of way or which will become the responsibility of the Town in ownership or covenant shall conform to the Town of Montville Road Standards and Improvement Details.

The Town Engineer and Director of Public Works in consultation with public safety officials may require or allow alternative designs to street designs and other infrastructure improvements based upon unique circumstances associated with such matter that include, but may not be limited to, site conditions (i.e. wetlands, topography, cultural resources and other natural conditions), anticipated traffic volumes and intersection alignments.

4A.11 Accessibility & Accommodations for Persons with Disabilities

Accessibility and accommodations for persons with disabilities shall take precedence in the design of site features. All site improvements shall conform to the most current versions of applicable federal and state standards, including but not limited to:

a. State of Connecticut Building Code (and referenced ICC A117.1)
b. 2010 American with Disability Act Standards for Accessible Design
c. Public Right-of-Way Accessibility Guidelines (PROWAG)

4A.12 Special Flood Hazard Area Referral

All applications which involve property that contains a Special Flood Hazard Area shall be referred to the CT DEEP at time of application by the Town, regardless if the proposed activity is within or outside of the SFHA.

4B.0 USE SPECIFIC STANDARDS

Determination of required permits and obtaining such permits is the responsibility of the applicant and/or property owner.

4B.1 Above Ground Swimming Pools & Sheds

4B.1.1 An above-ground swimming pool, pool pump and filter installations shall not encroach within the ten foot (10') required setback. Any lighting used to illuminate the swimming pool area shall be so arranged so as to prevent the light from shining or reflecting on adjoining properties.

4B.1.2 A shed, (1-story, 324 square foot maximum) if accessory to a residential use, may be located anywhere on the premises except in a required Front Yard provided it shall not be located less than ten feet (10') from any side or rear lot line.

4B.2 Home Occupation Permits

4B.2.1 Purpose**.** The purpose of this section is to regulate the conduct of business in residential areas; ensure compatibility of home occupations with other uses permitted in residential districts; maintain and preserve the character of residential neighborhoods.

4B.2.2 Conditions and Criteria.

1. Not more than twenty-five percent (25%) of the floor area of the principal building shall be used for a home occupation.

2. The occupation shall be carried on wholly within an enclosed building. No outside storage of material shall be permitted. Indoor storage of materials or products shall not exceed the limitations imposed by Building, Fire, or Health Codes.

3. No one other than bonafide residents of the dwelling shall be employed in the conduct of the home occupation. The applicant must show proof of residency. The property owner must sign the request for the home occupation permit.

4. There shall be no entrance or exits specifically provided in the dwelling or on the premises for the conduct of the home occupation.

5. Direct sales of products off display shelves or racks is prohibited.

6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by such home occupation shall be met off the street and other than in a required front yard. Deliveries from commercial suppliers shall not restrict traffic circulation.

7. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the provisions of any applicable government code. There shall be no illegal discharge of any materials, fluids, or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.

8. The following uses are specifically prohibited from being home occupations (1) vehicle repair and modification; (2) restaurant; (3) tavern; (4) club; (5) tattoo shop; (6) storage or repair of heavy equipment or machinery; (7) massage facility for more than one (1) person at a time.

9. Animal hospitals and veterinarians' office are restricted to R-120 and WRP-160 zones. A barber or beautician is limited to two (2) stations and the location must be served by public water and sewer.

10. There shall be no exterior evidence that a home occupation exists on the premises other than a sign which does not exceed two square feet (2sqft) in size.

11. Permits for Home Occupations or Home Offices shall be approved by the Enforcement Officer prior to the filing of a trade name certificate in the Office of the Town Clerk.

4B.3 Bed & Breakfast Operations as Home Occupations

The purpose of this provision is to allow for a subordinate use of existing residential building to have guest rooms, without their own separate kitchen facilities, for overnight use by transients. It is the intent of this section to ensure that bed and breakfast operations do not infringe upon the privacy, peace and tranquility of surrounding residents nor decrease the aesthetic or real value of surrounding properties and comply with the following:

1. The owner of the property shall reside in the principal dwelling throughout the duration of its use as a bed and breakfast. The use shall become void if the principal dwelling ceases to be owner-occupied.

2. The bed and breakfast facilities shall be limited to no more than four (4) guest rooms or fifty percent (50%) of the building's square footage area, whichever is less. The livable floor area for the principal residential use may not be reduced below the required maximum of six hundred square feet (600sqft).

3. There shall be no efficiency apartment configuration and breakfast shall be the only meal provided. Breakfast is served only to overnight lodgers. There shall be no cooking facilities in guest rooms.

4. Rooms available to lodgers shall be limited to the main residential building and no accessory or other building shall be used for the renting of rooms or furnishings of meals.

5. At least one (1) complete bathroom shall be dedicated to the guest room or rooms.

6. The applicant shall obtain written certification for the Local Health District that the plans for water supply and sewage disposal systems are adequate to support the intended use and that all other requirements of the Public Health Code, as they apply, can be met.

7. The applicant shall provide written confirmation from the Fire Marshal that all requirements of the State Fire Code, as they apply, can be met. The applicant shall provide written confirmation from the Building Official that all requirements of the State Building Code, as they apply, can be met.

8. Parking for the bed and breakfast must be designated on the site plan. There shall be at least two (2) off-street parking spaces designated on the site plan for the owner and one (1) additional off-street parking space for each guest room.

   Parking must allow for access by emergency vehicles, and no cars may be blocked in. Parking for all guests must be located behind the principal structure or screened

by a combination of distance, vegetation, or fencing so as not to be seen from the street and adjacent properties.

9. The length of stay shall not exceed seven (7) days per guest.

4B.4 Parking Uses

The Commission may approve, subject to the requirements of Sections 17 and 18 of these Regulations, the construction of a free-standing parking lot in any district zoned commercial, light industrial or industrial, associated with a permitted commercial or industrial project on a separate lot. All parking areas serving passenger vehicles shall conform with Section 18B Landscape Design Standards. However, Parking Uses in light industrial and industrial districts shall comply with all provisions of 18B.7 Landscaped Buffer Requirements.

4B.5 Interior Lots (Rear Lots)

In order to permit a reasonable degree of development on parcels of land which access a street, but do not have the required minimum frontage of the Zoning District, permitted uses may be located on an interior lot if the following provisions have been met:

4B.5.1 The lot must be connected by a continuous, contiguous strip of land providing vehicular access to a street. The interior lot driveway must be shared with an adjoining lot for an adequate distance so the two lots have only one (1) entrance and exit on the adjacent street. Any shared driveway for an interior lot must contain a shared driveway agreement, which must be approved by the Commission's attorney and filed on the land records if the application is approved.

4B.5.2 Such strip shall be owned in a fee simple by the owner of the interior lot.

4B.5.3 Such strip of land shall be at all points a minimum of twenty-five feet (25') wide. For zoning bulk calculations only, the total lot area shall be the proposed lot lines, excluding the length and width of the access strip.

4B.5.4 All interior lots shall have a lot area equal to at least 1.5 times the minimum lot area for the Zoning District in which the lot is located.

4B.5.5 The minimum side yard and rear yard requirements for the Zoning District in which the lot is located shall be required. The front lot line shall be measured at the point closest to the street where the lot width is equal to the minimum lot frontage for the subject zone. There shall be a minimum of 1.5 times the front yard setback required in the Zoning District from the front lot line to the principle building.

4B.5.6 Adequate ingress, egress and maneuvering for emergency vehicles shall be provided.

4B.5.7 The map shall conform to all applicable requirements of Section 17 of these Regulations and all applicable requirements of the Town of Montville Subdivision Regulations.

4B.6 Middle Housing, Multi-Family Housing & Mixed-Use Developments

An applicant proposing to establish either of these uses shall comply with the provisions of all applicable sections of these Zoning Regulations including the following additional requirements:

1. The site shall be served by public water and public sewer systems unless alternate septic is approved by local health district and/or the Connecticut Department of Health, if applicable.
2. No outside storage or clothes drying area will be provided unless it is completely screened from view from any adjoining property or street.
3. All parking and landscaping shall be in accordance with Section 18 and 18B respectively.
4. All Exterior Lighting and Appurtenances shall be in accordance with Section 18C and 18D.
5. Sidewalks shall conform with Section 4A.2 Sidewalks.
6. Active recreation areas shall be located, prepared, and equipped as determined by the Commission so as to adequately meet the needs of the occupants of the development. Required yard areas and insignificant wetlands may not be counted as open space.
7. Utilities shall be placed underground.
8. Fire hydrants shall be installed as required by the Fire Marshal.
9. Architecture shall be in accordance with Section 18E
10. The Applicant shall submit all information as required under Section 16 and 17, as applicable.

4B.6A Accessory Dwelling Units (ADU)

Accessory Dwelling Units, as defined by these regulations, are only permitted on lots with a principal Single Family Home and subject to the provisions of Section 17 and Table 4B.16. ADUs shall comply with the provisions of all applicable section of these Zoning Regulations including the following:

1. Shall be an accessory use to a Single Family Home located on the same lot.
2. An ADU may be detached, attached or interior to the Single Family Home, or associated with a detached garage.
3. ADUs, including those associated with a detached garage, shall comply with principal structure bulk standards.
4. Maximum Accessory Dwelling Unit Size
    a. For Single Family Homes under 800 square feet, the ADU shall not be more than 70% of the floor area of the principal structure.

b. For Single Family Homes of 800 – 2,500 square feet in size, the ADU shall not be more than 750 square feet.
c. For Single Family Homes of greater than 2,500 – 3,000 square feet, the ADU shall not be more than 30% of the floor area of the principal structure.
d. For Single Family Homes greater than 3,000 square feet, the ADU shall not be more than 1,000 square feet.

5. One parking space shall be provided for the ADU and shown on the site plan.
6. Recreational vehicles, travel trailers, and any other wheeled or transportable structures shall not be used as an ADU.
7. Single Family Home may be converted to an ADU only in conjunction with the construction of a new Single Family Home at the size ratio prescribed herein.

4B.7 Telecommunication Towers

All applications shall be approved by the Connecticut Siting Council.

4B.8 Kennels

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements:

1. The site shall contain at least five (5) acres.

2. All structures and animal enclosures shall be located no closer than one hundred feet (100') from the nearest property line.

4B.9 Keeping of Chickens (Hens)

1. Purpose. This regulation provides for the keeping of chickens (hens) as an accessory use to an owner-occupied, single-family residence for non-commercial, private home use with an approved zoning permit. It is not intended to limit the keeping of poultry for agricultural uses where allowed.

2. No more than twelve (12) chickens (hens) may be kept on a property under five (5) acres, but at least .50 acre as shown on the tax assessor's records, and shall be kept in a structure/enclosure at all times. No free range chickens (hens) are allowed.

3. All manure piles must be located no closer than seventy-five feet (75') to any well. Verification must be provided by the Local Health District. The compost/manure pile must conform to the State of Connecticut's Best Management Practices for Agriculture.

4. No part of any structure or enclosure shall be located closer to the street than the rear of the primary residence and must meet the side and rear yard setbacks for the zone.

5. The structure/enclosure and all food products shall be kept as to prevent the presence of pests or predators. Any presence of pests or predators shall be considered a public health nuisance.

6. No Roosters are allowed.

4B.10 Trailers

No trailers shall be permitted in any district except as follows:

1. The Enforcement Officer may authorize the issuance of a zoning permit for a trailer to be used in connection with a residential reconstruction project. Such temporary permit shall not exceed one (1) year and the Enforcement Officer may authorize renewal for the permit up to six (6) month increments not to exceed twenty-four (24) months. If the trailer is to be connected to sanitary facilities, the Enforcement Officer shall not issue the permit until the Local Health District has determined that the sanitary facilities comply with the state health code.

2. The Enforcement Officer may authorize the issuance of a zoning permit for a trailer to be used in connection with a construction project. Said trailer shall be removed within thirty (30) days of project completion.

4B.11 Gasoline Filling Stations & Convenience/Gasoline Sales Establishment

An applicant proposing to establish this use shall comply with the provisions of these Regulations including the following additional requirements:

1. Prior to applying for permit, the applicant must have received a certificate of location approval in accordance with Title 14 of the C.G.S. as may be amended from time to time; an existing gasoline filling station that has been approved previously by the Zoning Board of Appeals need not reappear before the Zoning Board of Appeals.

2. The site of a gasoline filling station or convenience/gasoline sales establishment shall have a frontage of at least two hundred feet (200') on a public street.

3. Fuel pumps shall be set back from the street line a minimum of twenty-five feet (25'). All other buildings and structures, except underground storage tanks, shall be set back a minimum of twenty-five feet (25') from the street line, ten feet (10') from each side line and twenty feet (20') from the rear lot line, unless larger front, side or rear yards are required by these Regulations. All structures shall be set back a minimum of fifty feet (50') from the

side line of a contiguous lot in a Residential District. A suitably landscaped and screened area minimum of ten feet (10') wide, or six feet (6') high, stockade type, wooden fence, with finished side facing the Residential District shall be maintained between a gasoline filling station or convenience/gasoline sales establishment and a contiguous lot in a Residential District.

4. These provisions shall not be intended to prohibit the conversion of existing gasoline filling stations with non-conforming bulk or lot area to convenience/gasoline sales establishments, provided that said conversion or change of use does not increase the degree of or create a non-conforming bulk and complies with all other regulations applicable to such use.

5. The area designed for fuel deliveries at a gasoline filling station or convenience/gasoline sales establishment shall be designed to promote safe and efficient circulation of vehicles on site. Said delivery area shall be of sufficient size to accommodate delivery trucks, and shall not be located within off-street parking spaces, or exit or entrance roadways, or driveways to the site. The type and location of the gasoline storage tank must be approved by the Fire Marshal prior to approval of the Site Plan.

6. All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

7. Landscaping shall conform to Section 18B Landscape Design Requirements

8. Lighting shall conform to Section 18C Lighting Standards

9. All Buildings shall conform to Section 18E. Blank Walls

4B.12 Excavation, Processing (Crushing) & Quarrying of Earth Materials

4B.12.1 Purpose.

The purpose of this section is to provide for reasonable opportunities for excavation and processing (crushing) of earth materials; minimize safety hazards which can be created by open excavations; protect groundwater, and maintain the aesthetic features of the Town. These Regulations require the use of Best Management Practices for storm water treatment, land restoration, and to ensure that fuels and lubricants used by earth moving or processing (crushing) equipment are handled properly. Excavation, processing (crushing) of earth materials and quarry operations for commercial use and sale may be allowed in the Industrial and Light Industrial zones subject to the applicable sections of this regulation.

4B.12.2 Definitions.

1. Excavation Operations, including excavation, filling, grading and regrading. The removal of native soil material from the same property and/or the stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition to create new grades.

2. Processing (Crushing) Operations, including the processing (crushing) of excavated materials, either independent of or as part of an Excavation Operation. Processing by screening, sorting, hammering, crushing and/or other forms of processing (crushing) and treatment of native soils, mulch, sand, gravel, rock, asphalt, concrete or other construction aggregate based products for sale, resale or reuse.

3. Quarry Operations. The removal of stone from a quarry, as by cutting, digging, or blasting, including excavation and processing (crushing) operations as defined in this section.

4B.12.3 Excavation and Processing (Crushing) Operations Procedures.

1. Excavation operations involving the removal of excess materials up to five hundred (500) cubic yards in all zones may be allowed with a zoning permit approved by the Enforcement Officer after the submittal of an excavation plan in accordance with this Section 4B.12.3.2(b) of these Regulations, as applicable.

2. Excavation operations involving the removal of excess material greater than five hundred (500) cubic yards and/or Processing (Crushing) Operations, may be allowed in Industrial, Light Industrial and Commercial zones by the Planning and Zoning Commission following approval of a site plan in accordance with Section 17 of these Regulations, as applicable, and shall comply with the additional requirements:

   a. Operations shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. No processing (crushing) shall take place on Sundays or on the following Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Hour and day restrictions do not apply in the case of municipal, state or federal emergencies.

   b. Excavation / Processing (Crushing) Plan. The Applicant shall submit an excavation/processing (crushing) plan prepared by a Connecticut Licensed Land Surveyor and Certified Professional Engineer, which shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control, comprehensive site safety, erosion and

sediment control, site stabilization, storm water management and site reclamation. The plan shall contain a sequence narrative and the following items:

1. Name and address of the property owner, the excavator (if different) and all abutting property owners, including those across local or state rights-of-way.
2. Existing and proposed internal access roads, including width and surface materials.
3. Any access road within the area of operations shall have a dustless surface, which is maintained at all times.
4. Locations for processing (crushing) areas, excavation areas, access roads, stockpiles and equipment storage shall be selected so as to minimize adverse effects on surrounding properties. Provisions to prevent dust from blowing onto neighboring properties from site operations shall be shown on the plan.
5. The elevation of the highest annual average ground water table within or next to the proposed excavation.
6. Test pits that extend to the seasonal high-water table, ledge, or a minimum of six feet (6') below the maximum proposed excavation depth, including location, soils data and boring logs. Test pits shall be located within the proposed excavation area. A minimum of three (3) permanent benchmark monuments shall be set outside the limits of excavation prior to the start of excavation.
7. The plan shall contain a Class A-2 property boundary survey and a vertical control survey with Class T-2 Topographic survey.
8. The area in acres to be disturbed, quantity to be removed in cubic yards, depth and slope of excavation.
9. No excavation shall be permitted within fifty feet (50') of a street line or interior property line unless the finish grade conforms to the street grade or will be the same as the grade of the adjoining property along the property line. No excavation shall be located within one hundred feet (100') of a residence in a residential zone without written permission of the affected residential property owner. The maximum area allowed by the permit shall be ten (10) acres, exclusive of areas occupied by buildings and sorting areas. The maximum area allowed by permit for a working excavation area shall be five (5) acres. Each five (5) acres shall be reclaimed in accordance with the approved reclamation plan before excavation of the next five (5) acre unit may begin.

10. Where an excavation will have a depth of ten (10) or more feet and/or slopes of one to one (1:1) or greater, there shall be a suitable fence at least six feet (6') in height with suitable gates and such fence shall be located fifty feet (50') or more from the active edge of the excavation.
11. Proposed fencing, including height and materials.
12. A listing of equipment that will be used on site and locations of storage of same.
13. Location of truck and/or equipment fueling areas and spill prevention controls and plans.
14. A Soil Erosion and Sediment Control Plan shall be submitted that meets the requirements of Section 4A.6 of these Regulations.
15. The Commission may require a landscaped buffer strip along adjacent property lines. Such a strip shall consist of an inter-planting of evergreen trees, shrubs and/or opaque fencing that is suitable, in the judgement of the Commission to provide, in a reasonable time period, a visual barrier.
16. A traffic impact study if required by the Commission or the Planning Director.
17. A listing of all required municipal, state and federal permits.

c. Permits for Excavation or Processing (crushing) operations shall not be issued for periods exceeding one (1) year for a new operation and may be renewed for periods of up to five (5) years if it can be shown that the operation is in compliance with these Regulations.

d. Before a zoning permit for an excavation or processing (crushing) operation approved by the Commission is issued, The Applicant shall post a Performance Bond in accordance with Sections 15.4 and 17.6 of these Regulations in an amount approved by the Commission as sufficient to guarantee conformity with the applicable provisions of these Regulations.

4B.12.4 Quarry Operations.

1. Quarry Operations may be allowed in the Industrial, Light Industrial and Commercial zones by the Planning and Zoning Commission following approval of a site plan in accordance with Section 17 and this Section 4B.12.3.2(b) of these Regulations, as applicable.

2. In addition to a Site Plan and an Excavation Plan, the Applicant shall submit a Quarry Plan prepared by a Connecticut Licensed Land Surveyor and Certified Professional

Engineer that shall address the overall stability of the excavation based on the rock strengths, the jointing and discontinuities within the rock mass, failure modes, the external influences including hydrogeology, and internal stressors such as old mining, landslip, use of explosives, proximity of housing and infrastructure and equipment to be used and shall include the following:

a. Bench elevations shall be selected to minimize the production of large rocks at the highest face elevations.
b. Details of excavation method.
c. The competencies, duties and authority of those involved in the design of the quarry and how they fit into the management structure.
d. Details of what must be done before the quarry ceases operations or is abandoned to ensure that it is left, in so far as is reasonably, in a safe condition.

4B.12.5 Additional Requirements for Excavation, Screening and Processing (Crushing) In Residential Zones.

Excavation and screening and processing (crushing) of materials may be accomplished at a valid construction site as shown on a site plan approved by the Enforcement Officer and/or the Planning and Zoning Commission, in a Residential Zone when the following conditions are met:

1. The processing (crushing) equipment shall be portable and self-contained.
2. Only material excavated at the permitted construction site may be processed on site.
3. In a residential zone processing (crushing) is only allowed with a thirty (30) day temporary zoning permit.
4. Processing (crushing) excavation and screening is allowed Monday thru Friday in a Residential Zone from 8 a.m. and 5 p.m. No excavation, screening or processing (crushing) shall take place following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

4B.12.6 Additional Requirements for Bituminous Concrete and Concrete Manufacturing Operations (Restricted to Industrial and Light Industrial Zones Only):

In addition to approval of site plan in accordance with Section 17 and this Section 4B.12 of these Regulations, as applicable, the Applicant/Owner must show evidence that an air quality permit has been obtained from the DEEP as a prerequisite to obtaining a zoning permit.

4B.13 Temporary Health Care Structures

4B.13.1 Purpose. This regulation provides for the placement of a portable, residential structure intended for occupancy by an impaired person requiring caregiver assistance or their caregiver, in accordance with definition Section 4B.13.2, definition number 1, and offers an alternative for impaired residents to obtain handicapped-accessible housing on their or their caregiver's property.

4B.13.2 Definitions.

1. Caregiver: means a relative, legal guardian or health care agent who is responsible for the care of a mentally or physically impaired person.
2. Mentally or Physically Impaired Person: means a person who requires assistance, as certified in writing by a physician licensed in this state, with two or more activities of daily living, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.
3. Temporary Health Care Structure: means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that:
   a. Is primarily assembled at a location other than the site of installation.
   b. Has one occupant who is the mentally or physically impaired person or caregiver.
   c. Is not larger than five hundred gross square feet (500sqft).
   d. Is not placed on or attached to permanent foundation
   e. Complies with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code and Section 15.2 of these Regulations.

4B.13.3 A Temporary Health Care Structure shall be allowed as an accessory use in any single-family residential zoning district, on a lot zoned for single-family detached dwellings. Such structures shall comply with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures in such zoning district.

4B.13.4 Not more than one (1) Temporary Health Care Structure shall be installed on a lot zoned for a single-family detached dwelling. No signage advertising or otherwise promoting the existence of the Temporary Health Care Structure shall be permitted either on the exterior of the structure or elsewhere on the lot.

4B.13.5 No person shall install a Temporary Health Care Structure without first obtaining required permits, including, but not limited to, Zoning, Building, Fire Marshal, Local Health District, and Water Pollution Control Authority. The Town shall not be required to hold a public hearing on the permit applications.

4B.13.6 A Temporary Health Care Structure installed pursuant to this section shall be accessible to emergency vehicles and be connected to private water or septic systems or to water, sewer and electric utilities that serve the primary residence.

4B.13.7 Following the issuance of permit, the Applicant shall provide written evidence of compliance with this section, on an annual basis, as long as the Temporary Health Care Structure remains on the property. Evidence of compliance may be obtained through an inspection by the Enforcement Officer of the Temporary Health Care Structure at reasonable times convenient to the caregiver. The Enforcement Officer shall be notified within 30 days if the mentally or physically impaired person no longer resides on the property.

4B.13.8 Removal. Any Temporary Health Care Structure installed pursuant to this section shall be removed no later than ninety (90) days after the mentally or physically impaired person no longer occupies the structure. Prior to issuance of a Zoning Permit, the Enforcement Officer may require a five hundred dollar ($500) removal bond.

4B.13.9 Revocation. The Town may revoke any permit issued pursuant to this section if the permit holder violates any provision of this section.

4B.14 Family Child Care Home or Group Child Care Home

A family child care home or group child care home located in a residence is permitted.

4B.15 Regulations Concerning Cannabis Establishments

4B.15.1 Purpose. The purpose of this section of the regulations is to permit Adult-Use Cannabis ("Cannabis"), in accordance with CGS Chapter 420h (Regulation of Adult-Use Cannabis) §21a-420 to 22a-422s, as may be amended, in a manner that protects public safety and limits negative impacts on the surrounding community. The Commission may grant permits for the various types of Cannabis Establishments in the zoning districts specified herein.

4B.15.2 General Provisions

1. Cannabis Establishments shall not be permitted through the "Change of Non-Conforming Use" process in Section 4.9.8.
2. Retail cannabis sales shall not be permitted as an accessory use to any other non-cannabis use or activity.

3. The Montville Zoning Board of Appeals shall be prohibited from approving variances to any of the use, zone, design, operational or application requirements governing Cannabis establishments.

4B.15.3 Permissible Uses

There shall be three classes of permissible Cannabis uses, as follows:

1. Class I

Class I uses shall be limited to Delivery Services and Transporters. Class I uses shall not be subject to the requirements of section 4B.15. For zoning purposes, Class I uses shall be regulated in the manner applied to like conventional uses permitted by the Zoning Regulations at the time of adoption of section 4B.15.

2. Class II

Class II uses shall be limited to Cultivators, Micro-cultivators, Food and Beverage Manufacturers, Product Manufacturers, Producers and Product Packagers. Class II uses may be permitted by Site Plan approval in Industrial (I) and Light Industrial (LI) zoning districts provided they meet the requirements of Section 4B.15 and any other applicable Site Plan application requirements.

3. Class III

Class III uses shall be limited to Dispensary Facilities, Retailers and Hybrid-Retailers. Class III uses shall only be permitted in the Cannabis Overlay Zone East (CZE) and Cannabis Overlay Zone West (CZW), subject to approval of a Special Permit and Site Plan application, meeting the applicable requirements of this section 4B.15 and the requirements of the CZE or CZW contained in section 14B of these regulations, as applicable.

4B.15.4 Mandatory Referrals

All applications submitted pursuant to this section 4B.15 shall be referred by the Commission or its duly appointed agent to the Montville Chief of Police, WPCA Director, Public Works Director, Town Engineer and ConnDOT District for review and comment. Failure to receive comments shall not be construed as a recommendation in favor or against the application and the Commission shall act on the application in accordance with the timeframes in CGS 8-7d. Conditions of approval and/or modifications imposed by the Commission in acting on an application shall be limited to those permissible based on the applicable Site Plan and/or Special Permit regulations.

4B.56.5 Supplemental Application Requirements

In addition to meeting any and all Site Plan application requirements in place upon the effective date of the adoption of this section 4B.15, applications for Class II and III uses shall include the following supplemental application materials:

1. Detailed project narrative describing:

    a. The scope and nature of the use, hours and days of operation, and staffing.
    b. Odor control
    c. Water and potable or process wastewater
    d. Site security
    e. Site lighting
    f. Parking, including areas to be restricted from parking/loading
    g. Site access conditions, proposed vehicular access/egress and sightlines
    h. Deliveries/shipping
    i. Refuse/recycling
    j. Adjacent land uses and zoning districts

2. Scaled and accurate floor plans, depicting the use of all interior areas

3. Scaled elevations for all building sides, showing proposed materials, attached lighting, and screening of roof mounted mechanicals

4. Existing and proposed site lighting details, including fixture specifications/details and BUG rating, as well as an isometric plan showing foot candle or lumen distribution.

5. A scaled plan showing that internal drive aisles are sufficient to accommodate delivery vehicle movements onto, off of and within the site in a manner that does not encroach upon required parking areas, landscaping, pedestrian walks or other areas not approved for vehicular use.

4B.15.6 Design and Operational Standards

Class II and III Uses

In addition to meeting any and all Site Plan application requirements in place upon the effective date of the adoption of this section 4B.15, applications for Class II and III uses shall address compliance with the following design and/or operational standards specific to these uses:

a. Odor Control

Applicants shall provide detailed odor control plan based on industry-specific best control technologies and best management practices. The building shall be designed or equipped and operated so that cannabis odors and/or other objectionable odors emanating from on-site activities are not detectable from the property line by a person

with an unimpaired and otherwise normal sense of smell. No operable windows or exhaust vents shall be located on any building façade. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones. The odor control plan shall be reviewed by a third-party consultant chosen by the Town with expertise in odor control measures for cannabis growers. Such review shall be paid for by the applicant. Upon operation of the business, the approved odor control plan shall be continuously implemented by the applicant.

b. Site and Building Lighting

Exterior lighting shall conform to Section 18C.

c. Loading, Appurtenances, and Delivery

Loading, appurtenances, and delivery shall conform to Section 18D.

d. Hours and Days of Operation

Hours of operation for patrons shall be limited to 7:00 am to 10:00 pm, Monday through Saturday and noon to 6:00 pm on Sundays, unless otherwise approved by the Commission, based on the specific location of the use in terms of proximal or abutting land uses and/or zones.

e. Parking

Parking shall conform with Section 18.

f. Drive Thru

Drive through lanes and pick up windows shall be prohibited.

Class III Uses

Due to the unique nature of these uses and the permissible locations, in order to promote orderly development, limit land use conflicts, avoid or mitigate potential traffic impacts, and otherwise assure that establishment of these uses sufficiently addresses the unique characteristics of a given location, in addition to the requirements of 4.11.15.5 and 4.11.15.6 above, special permit and site plan applications for Class III uses shall also comply with the following:

a. Traffic Impact Study

Applications for Class III uses shall include a Traffic Impact Study ("TIS"). The purpose of the TIS shall be to identify and evaluate the impacts on existing levels of service at impacted intersection and upon affected public roads; to evaluate the existing vertical and horizontal geometrics of public roads and intersections within the study area; to

evaluate the sufficiency of existing sight lines, based on actual 80th percentile travel speeds; and to identify measures proposed to mitigate development impacts.

Such mitigation measures may include but are not necessarily limited to:

1. Physical improvements to roadway vertical and horizontal geometry
2. Clearing or grading within available rights of way to address sight line deficiencies
3. Additional traffic controls and/or adjustments to existing traffic controls
4. turning lanes, widening of road shoulders, increased radii and/or similar adjustments
5. limitations on site access locations, design and/or traffic circulation
6. prohibitions of off-site parking and/or on-street parking
7. drainage improvements related to other necessary mitigation

4B.16 Residential Uses by District

Residential uses and associated density, open space and Set-aside are prescribed in *Table A: Residential Uses by District.*

4B.16 TABLE A: RESIDENTIAL USES BY DISTRICT

NOTE: In the event there is a conflict between the requirements of this Table and the text of these Zoning Regulations, the requirements of this Table shall prevail.

X Prohibited | P Permitted | SP Special Permit | SPL Special Permit: Location Specific | P Permitted

		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
				DISTRICT													DENSITY: Maximum per AC (3)										
	1	Dwelling Type	Applicable Section	WP-160	OS	R-120	R-80	R-40	R-20	R-20M	C1	C2	LI	I	G	OZ	Residential 160 / 120 / 80	OS	R-40	R-20	R-20-M	C1	C2	OZ	Open Space /Recreation Required (2)	Set-Aside Required	Set Aside Schedule 0% / 5% / 10% (4) (6) (7) (8)
	2	Single Family Home		P	P	P	P	P	P	X	X	X	X	X	X	X	1 Unit / Lot	1 Unit / Lot	1 Unit / Lot	1 Unit / Lot	NA	NA	NA	NA	NA	NO	NA
	3	Single Family Detached Dwelling Unit	4B.6	X	X	X	X	X	P	P	X	X	X	X	X	P (1)	NA	NA	NA	4 / AC	4 / AC	NA	NA	See Note 1	10%	YES	0-19 Units = None Required 0-49 Units = 5% of this subtotal 50+ Units = 10% of the amount over 49 units + the subtotal of the initial 5%
Transit Community Middle Housing	4	Cottage Cluster	4B.6	X	X	X	X	X	P	P	P	P	X	X	X	P (1)	NA	NA	NA	1 Cluster / AC (4 bldgs)	2 Clusters / AC (8 bldgs)	2 Clusters / AC (8 bldgs)	3 Clusters / AC (12 bldgs)	See Note 1	10%	YES	0-19 Units = None Required 0-49 Units = 5% of this subtotal 50+ Units = 10% of the amount over 49 units + the subtotal of the initial 5%
Transit Community Middle Housing	5	Duplex	4B.6 (when more than 2 units)	X	X	X	X	P	P	P	P	P	X	X	X	P (1)	NA	NA	2 Units / AC (1 bldg)	4 Units / AC (2 bldg)	4 Units / AC (2 bldgs)	4 Units / AC (2 bldgs)	6 Units / AC (3 bldgs)	See Note 1	10% (none in R-40 & R-20)	YES	
Transit Community Middle Housing	6	Triplex	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P (1)	NA	NA	NA	NA	6 Units / AC (2 bldgs)	6 Units / AC (2 bldgs)	9 Units / AC (3 bldgs)	See Note 1	10%	YES	
Transit Community Middle Housing	7	Quadplex	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P (1)	NA	NA	NA	NA	8 Units/ AC (2 bldgs)	8 Units/ AC (2 bldgs)	12 Units/ AC (3 bldgs)	See Note 1	10%	YES	
Transit Community Middle Housing	8	Perfect Six	4B.6	X	X	X	X	X	X	P	P	P	X	X	X	P (1)	NA	NA	NA	NA	12 Units / AC (2 bldgs)	12 Units / AC (2 bldgs)	18 Units / AC (3 bldgs)	See Note 1	10%	YES	
Transit Community Middle Housing	9	Live Work Unit	4B.6	X	X	X	X	X	X	X	P	P	X	X	X	P (1)	NA	NA	NA	NA	NA	10 Units / AC	15 Units / AC	See Note 1	15%	YES	
Transit Community Middle Housing	10	Townhouse (min. 3 units per building)	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P (1)	NA	NA	5 Units / AC	5 Units / AC	15 Units / AC	15 Units / AC	20 Units / AC	See Note 1	15%	YES	
Transit Community Middle Housing	11	Attached Single Family Flats	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P (1)	NA	NA	5 Units / AC	5 Units / AC	20 Units / AC	20 Units / AC	30 Units / AC	See Note 1	15%	YES	0-19 Units = None Required 0-49 Units = 5% of this subtotal 50+ Units = 10% of the amount over 49 units + the subtotal of the initial 5%
Transit Community Middle Housing	12	Any Mix of Middle Housing w/ or w/o Attached Single Family Flats (8)	4B.6	X	X	X	X	SP	P	P	P	P	X	X	X	P (1)	NA	NA	5 Units / AC	5 Units / AC	20 Units / AC	20 Units / AC	30 Units / AC	See Note 1	15%	YES	
	13	Cluster Development	16A.4	SP	SP	SP	SP	SP	SP	X	X	X	X	X	X	X	NA	NA	NA	NA	NA	NA	NA	NA	per 16A.4	NO	NA
	14	Senior Housing (5)	16A.5	SP	X	SP	SP	SP	P	P	P	P	X	X	X	P (1)	8 Units / AC	NA	8 Units / AC	10 Units / AC	10 Units / AC	10 Units / AC	15 Units / AC	See Note 1	per 16A.5	YES	0-19 Units = None Required 0-49 Units = 5% of this subtotal 50+ Units = 10% of the amount over 49 units + the subtotal of the initial 5%
	15	Active Adult (5)	16A.6	SP	X	SP	SP	SP	P	X	P	P	X	X	X	P (1)	6 Units / AC	NA	6 Units / AC	6 Units / AC	6 Units / AC	6 Units / AC	10 Units / AC	See Note 1	per 16A.6	YES	
	16	Adaptive Reuse (5)	16A.7	X	X	X	X	SPL	SPL	SPL	SPL (5)	SPL (5)	SPL	SPL	X	SPL (1)	NA	NA	No Max.	No Max.	No Max.	No Max.	No Max.	See Note 1	per 16A.7	YES	
	17	Manufactured Home Park	16A.3	X	X	SP	SP	SP	SP	X	X	X	X	X	X	X	NA	NA	4 Units / AC	4 Units / AC	4 Units / AC	NA	NA	4 Units / AC	20%	YES	30% of Total Units: 15% @ 80% AMI & 15% @ 60% AMI
	18	Accessory Dwelling Unit		X	X	P	P	P	P	X	X	X	X	X	X	X	1 ADU/Lot in 120 & 80 (NA 160)	NA	1 ADU/ Lot	1 ADU/ Lot	NA	NA	NA	NA	NA	NA	NA

Notes:

1 Density for a Dwelling Type shall be the density permitted in the underlying zone. If a Dwelling Type is not permitted in the underlying zone but permitted otherwise (i.e. Overlay), the density shall be the next lowest density for that Dwelling Type as permitted in another zoning district; Refer to Section 14A.0 Route 32 Overlay Zone for additional information

2 Percent of total lot area; if the application consists of a development which results in more than one lot, open space is based upon each final lot area.

3 Density is rounded down to nearest unit; No developable land calculation required.

4 Total set-aside units are rounded up to the nearest whole unit. All set-asides shall be deed restricted units at 80% AMI as stipulated and for the durations required under 8-30g unless specfic government assisted project financing requires otherwise. However, this section 4B.16 set aside shall be the minimum required regardless of financing terms.

5 When proposed with 2-9 Community Transit Middle Housing Dwelling Units, no Special Permit is required.

6 All set-aside shall be in a fashion to contribute achieving the Town's goal of 10% affordable units under 8-30g.

7 Phased developments shall provide set-asides for each phase proportional to the total required set-aside.

8 In the case of a mixture of Dwelling Types the set-aside shall be proportional for that Dwelling Type, the applicant shall NOT arbitrarily assign the set-aside.

5.0 WRP-160 DISTRICT

5.1 Purpose

The Commission recognizes the direct correlation between the overall level of development that exists in a drainage basin or aquifer recharge area and water quality. The water resources protection zone is designed to protect public water supply watersheds and groundwater sources which are capable of yielding a long term water supply. The clearing of natural ground cover and the filling of wetlands should be kept to an absolute minimum in this district. Public sewers should be extended to correct existing pollution problems only, not for the purposes of accommodating new development at increased density. The intent of the district is to limit land use to low density uses.

5.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

5.2.1 Residential uses per Section 4B.16.

5.2.2 Farm, as defined in these Regulations

5.2.3 Parks and playgrounds

5.2.4 Government offices, libraries, schools, public safety facilities and public utilities

5.2.5 Seasonal roadside stands for farm produce

5.2.6 Accessory buildings and uses

5.2.7 Nursery schools, family child care home and group child care home facilities

5.2.8 Home occupations in accordance with Section 4B.2 of these Regulations

5.2.9 Churches and other places of worship

5.2.10 Telecommunications tower in accordance with Section 4B.7 of these Regulations

5.2.11 Excavation of earth materials in accordance with Section 4B.12 of these Regulations

5.2.12 Interior lots in accordance with Section 4B.5 of these Regulations

5.2.13 Kennels in accordance with Section 4B.8 of these Regulations

5.2.14 Temporary gatherings such as fairs or outings

5.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

5.3.1 Wineries

5.3.2 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and reserved open space.

5.3.3 Residential uses per Section 4B.16.

5.4 Minimum Lot Size

The minimum lot size in this district is 160,000 square feet

5.5 Minimum Lot Frontage

Each lot in this district shall have at least two hundred feet (200') of frontage on a street

5.6 Minimum Setbacks

5.6.1	FRONT YARD	75 FEET
5.6.2	SIDE YARD	30 FEET
5.6.3	REAR YARD	75 FEET

5.6.4 No farm building or manure pile may be located within one hundred fifty feet (150') of any property line.

5.7 Maximum Building Height

No building shall exceed thirty-five feet (35') in height. Accessory uses fifteen feet (15').

5.8 Prohibited Uses and Environmental Protection

5.8.1 The following uses and/or activities are prohibited within this district:

a. Underground storage tanks
b. Salt storage

c. Hazardous waste storage
d. Septage lagoons
e. The use of pesticides within one thousand feet (1,000') of the high-water mark of a public water supply reservoir.
f. Sewage disposal systems within one hundred feet (100') of a high water mark of a public water supply reservoir or within seventy-five feet (75') of a watercourse flowing into a reservoir.
g. Cemeteries
h. Sanitary landfills

5.8.2 The location of any building within seventy-five feet (75') of any regulated wetland, body of water, or watercourse.

5.8.3 The Commission may require special drainage facilities to insure groundwater recharge and/or non-point source pollution containment for stormwater runoff or hazardous materials spills. Land clearing activity for new construction shall be kept to the minimum necessary for building and road development. The Commission may require the submission of an environmental impact study for any special permit or subdivision activity in this district.

5.9 Off-Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

5.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

5.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

5.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

5.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

5.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

5A.0 OS DISTRICT

5A.1 Purpose

The open space zone is designed to protect environmentally fragile areas particularly those with steep slopes. In addition, it is to define areas of scenic, historical, recreational and other natural areas. The clearing of natural ground cover and the filling of wetlands should be kept to an absolute minimum in this district. Public sewers should be extended to correct existing pollution problems only, not for the purposes of accommodating new development at increased density. The intent of this district is to limit land use to low density uses.

5A.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

5A.2.1 Residential uses per Section 4B.16.

5A.2.2 Cemeteries. New cemeteries shall contain a minimum of five (5) acres

5A.2.3 Parks and playgrounds

5A.2.4 Government offices, libraries, schools, public safety facilities and public utilities

5A.2.5 Accessory buildings and uses

5A.2.6 Home occupations in accordance with Section 4B.2 of these Regulations

5A.2.7 Interior lots in accordance with Section 4B.5 of these Regulations

5A.2.8 Telecommunication tower in accordance with 4B.7 of these Regulations

5A.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

5A.3.1 Residential uses per Section 4B.16

5A.4 Minimum Lot Size

The minimum lot size in this zone shall be four (4) acres (174,240SF

5A.5 Minimum Lot Frontage

Each residential lot in this district shall have at least one hundred fifty feet (150') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

5A.6 Minimum Setbacks

5A.6.1	FRONT YARD	50 FEET
5A.6.2	SIDE YARD	30 FEET
5A.6.3	REAR YARD	50 FEET

5A.7 Maximum Building Height

No building shall exceed thirty-five feet (35') in height. Accessory uses fifteen feet (15').

5A.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

5A.9 Off-Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provision of Section 18 of these Regulations.

5A.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

5A.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

5A.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

5A.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

5A.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

6.0 R-120 DISTRICT

6.1 Purpose

The zone is intended to provide a transition area between the higher density R-80 District and the lower density WRP-160 and OS Districts. These areas of the R-120 District are usually remote from existing or planned public water and sewer services and may present physical obstacles for development.

6.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

6.2.1 Residential uses per Section 4B.16.

6.2.2 Farm as defined in these Regulations

6.2.3 Parks and playgrounds

6.2.4 Government offices, libraries, schools, public safety facilities and public utilities

6.2.5 Seasonal roadside stands for farm produce.

6.2.6 Nursery schools, family child care home and group child care home facilities

6.2.7 Accessory buildings and uses

6.2.8 Home occupations in accordance with Section 4B.2 of these Regulations

6.2.9 Interior lots in accordance with Section 4B.5 of these Regulations

6.2.10 Temporary gatherings such as fairs or outings.

6.2.11 Kennel in accordance with Section 4B.8 of these Regulations

6.2.12 Telecommunication tower in accordance with Section 4B.7 of these Regulations

6.2.13 Churches and other places of worship

6.2.14 Excavation of earth materials in accordance with Section 4B.12 of these Regulations

6.2.15 Cemeteries. New cemeteries shall contain a minimum of five (5) acres

6.2.16 Water Dependent Uses

6.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

6.3.1 Winery

6.3.2 Recreational camps and other large scale uses such as riding academies, stables, sportsmen's clubs and golf courses

6.3.3 This section left intentionally blank.

6.3.4 Residential uses per Section 4B.16.

6.4 Minimum Lot Size

The minimum lot size in this district is 120,000 square feet

6.5 Minimum Lot Frontage

Each lot in this district shall have at least two hundred feet (200') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

6.6 Minimum Setbacks

6.6.1 FRONT YARD 60 FEET
6.6.2 SIDE YARD 25 FEET
6.6.3 REAR YARD 60 FEET
6.6.4 No farm building or manure pit may be located within one hundred fifty feet (150') of any property line.

6.7 Maximum Building Height

No building shall exceed thirty-five feet (35') in height. Accessory uses fifteen feet (15').

6.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

6.9 Off-Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provision of Section 18 of these Regulations.

6.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

6.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

6.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

6.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

6.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

7.0 R-80 DISTRICT

7.1 Purpose

These areas contain large amounts of reasonably good building land, but are not conveniently located with respect to existing and planned utility service areas. The intent is that the density of development in these areas be low enough to permit dependence on individual wells and septic systems far into the future.

7.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

7.2.1 Residential uses per Section 4B.16.

7.2.2 Farm as defined in these Regulations

7.2.3 Parks and playgrounds

7.2.4 Government offices, libraries, schools, public safety facilities and public utilities

7.2.5 Nursery schools, family child care home and group child care home facilities

7.2.6 Seasonal roadside stands for farm produce

7.2.7 Accessory buildings and uses

7.2.8 Home occupations in accordance with Section 4B.2 of these Regulations.

7.2.9 Interior lots in accordance with Section 4B.5 of these Regulations

7.2.10 Temporary gatherings such as fairs or outings

7.2.11 Water dependent uses

7.2.12 Kennels in accordance with Section 4B.8 of these Regulations

7.2.13 Churches and other places of worship

7.2.14 Excavation of earth materials in accordance with Section 4B.12 of these Regulations

7.2.15 Cemeteries. New cemeteries shall contain a minimum of five (5) acres

7.2.16 Telecommunication tower in accordance with Section 4B.7 of these Regulations

7.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

7.3.1 Winery

7.3.2 Recreational camps and other large scale uses such as riding academies, stables sportsmen's clubs and golf courses.

7.3.3 Residential uses per Section 4B.16.

7.4 Minimum Lot Size

The minimum lot size in this district is 80,000 square feet

7.5 Minimum Lot Frontage

Each lot in this district shall have at least one hundred eighty feet (180') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

7.6 Minimum Setbacks

7.6.1 FRONT YARD 50 FEET
7.6.2 SIDE YARD 20 FEET
7.6.3 REAR YARD 50 FEET
7.6.4 No farm building or manure pit may be located within one hundred fifty feet (150') of any property line.

7.7 Maximum Building Height

No building shall exceed thirty-five feet (35') in height. Accessory uses fifteen feet (15').

7.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

7.9 Off-Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

7.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

7.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

7.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

7.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

7.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

8.0 R-40 DISTRICT

8.1 Purpose

The areas provide an opportunity for medium to high density residential development. These areas generally contain good building land generally serviceable by existing and planned public utilities. The major portion of future residential growth should be directed towards these areas.

8.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

8.2.1 Residential uses per Section 4B.16.

8.2.2 Farm as defined in these Regulations

8.2.3 Seasonal roadside stands for farm product

8.2.4 Parks and playgrounds

8.2.5 Governmental offices, libraries, schools, public safety facilities and public utilities

8.2.6 Accessory buildings and uses

8.2.7 Nursery schools, family child care home and group child care home facilities

8.2.8 Home occupations in accordance with Section 4B.2 of these Regulations

8.2.9 Telecommunication tower in accordance with Section 4B.7 of these Regulations

8.2.10 Interior lots in accordance with Section 4B.5 of these Regulations

8.2.11 Temporary gatherings such as fairs or outings

8.2.12 Cemeteries. New Cemeteries shall contain a minimum of five (5) acres

8.2.13 Churches and other places of worship

8.2.14 Water Dependent Uses

8.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

8.3.1 Residential uses per Section 4B.16.

8.4 Minimum Lot Size

The minimum lot size in this district is 40,000 square feet.

Cluster Developments shall conform to the provisions of Section 16A.4 of these Regulations.

8.5 Minimum Lot Frontage

Each residential lot shall have at least one hundred fifty feet (150') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

8.6 Minimum Setbacks

8.6.1 FRONT YARD 40 FEET
8.6.2 SIDE YARD 15 FEET
8.6.3 REAR YARD 40 FEET
8.6.4 No farm building or manure pit may be located within one hundred fifty feet (150') of a property line.

8.7 Maximum Building Height

Use	Max. Height
Single Family Home	35'
Duplex	35'
Townhouse	35'
Attached SF Flats	45'
All Other Uses	35'
Accessory Uses	15'

8.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or

watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

8.9 Off Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

8.10 Signs

All signs in this district shall conform to the provision of Section 19 of these Regulations.

8.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

8.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

8.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

8.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

9.0 R-20 DISTRICT

9.1 Purpose

These areas comprise most of the urban portions of Montville. In addition to being served by existing or planned public utilities, these areas are close to governmental, commercial and transportation facilities. They are also close to or include areas of existing high-density residential developments.

9.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

9.2.1 Residential uses per Section 4B.16.

9.2.2 Parks and playgrounds

9.2.3 Governmental offices, libraries, schools, public safety facilities and public utilities

9.2.4 Accessory buildings and uses

9.2.5 Nursery schools, family child care home and group child care home facilities

9.2.6 Home occupations in accordance with Section 4B.2 of these Regulations

9.2.7 Interior lots in accordance with Section 4B.5 of these Regulations

9.2.8 Convalescent home

9.2.9 Temporary gatherings such as fairs or outings

9.2.10 Telecommunication tower in accordance with Section 4B.7 of these Regulations

9.2.11 Churches and other places of worship

9.2.12 Cemeteries. New Cemeteries shall contain a minimum of five (5) acres

9.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

9.3.1 Adaptive Reuse Development

9.3.2 Residential uses per Section 4B.16

9.4 Minimum Lot Size

a. 20,000 square feet when served by public sewers.
b. 40,000 square feet when served by on site septic.
c. Cluster developments shall conform to the provisions of Section 16A.4 of these Regulations.

9.5 Minimum Lot Frontage

Each lot shall have at least eighty feet (80') of frontage on a street. Cemeteries are not required to have frontage but shall have a deeded access.

9.6 Minimum Setbacks

9.6.1	FRONT YARD	40 FEET	MULTI-FAMILY	40 FEET
9.6.2	SIDE YARD	10 FEET	MULTI-FAMILY	20 FEET
9.6.3	REAR YARD	40 FEET	MULTI-FAMILY	40 FEET

9.7 Maximum Building Height

Use	Max. Height
Single Family Home:	35'
SF Detached:	35'
Duplex:	35'
Townhouse:	35'
Cottage Cluster:	35'
Attached SF Flats	45'
All Other Uses:	35'
Accessory Uses	15'

9.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or

watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

9.9 Off-Street Parking

Off-street parking shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

9.10 Signs

All signs in this district shall conform with the provisions of Section 19 of these Regulations.

9.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

9.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

9.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

9.14 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls



9A.0 R-20M

9A.1 Intent & Purpose

This regulation is adopted for the following purposes:

a. To allow, on a long-term basis, for the development of diverse housing types, to help address identified housing needs, to recognize existing multi-family housing developments and clusters;

b. To encourage the construction of housing that is consistent with design and construction standards present in the surrounding community;

c. To promote housing choice and economic diversity;

d. To efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing public and private open space and recreational areas;

e. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and

f. To encourage energy-efficient patterns of development;

g. To promote housing near public transportation routes.

9A.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

a. Residential uses per Section 4B.16.

b. Government offices, libraries, schools, public safety facilities and public utilities

c. Nursery school, family child care home and group child care home facilities

d. Transmission tower

e. Adaptive Reuse Development

9A.3 Permitted Accessory Uses & Structures

a. On-site facilities for active and passive recreation, including community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds and picnic areas.

b. Uses or structures accessory to the primary uses to the extent permitted by and subject to the procedures, limitations and conditions of Section 4A.5 of the Zoning Regulations.

c. Uses of a residence for personal business purposes to the extent permitted by and subject to the procedures, limitations and conditions of the Zoning Regulations.

d. Parks and Playgrounds and Community Buildings.

e. Public utility and infrastructure uses.

f. Water supply tanks.

9A.4 Minimum Lot Size

a. The Minimum Lot Size shall be 20,000 square feet if the lot is served by public sewer.

b. The Minimum Lot Size shall be 40,000 square feet if the lot is not served by public sewer.

9A.5 Height, Area & Yard Requirements

Minimum Setback from Existing Public Road Right-of-Way: 50 feet

Minimum Setback from Proposed Public Road Right-of-Way: 25 feet

Minimum Setback from Existing or Proposed Private Road: 20 feet

Minimum Side yard Setback: 15 feet

Minimum Rear yard Setback: 30 feet

Minimum Principal Building Separation: 30 feet

Minimum Accessory Building Separation: 10 feet

Minimum Frontage: 80 feet

Building Height

Use	Max. Height
Single Family Detached:	35’
Duplex:	35’
Triplex:	45’
Townhouse:	35’
Perfect Six:	45’
Cottage Cluster:	35’
Attached SF Flats:	55’
All Other Uses:	45’
Accessory Building:	25’

9A.6 Road Construction Standard & Road Dedication Requirements

All roads within a multi-family housing project in the R-20-M Zoning District, which are proposed for dedication to the Town of Montville as municipal streets shall be constructed in conformance with the Town of Montville Road Standard and Improvement Details, as may be amended. All access drives, roads and maneuvering lanes and aisles included in a proposal for a multi-family dwelling project on any lot in the R-20-M Zoning District which are not proposed for dedication as municipal streets shall be constructed of materials required pursuant to the construction specifications and improvement details contained in the Town of Montville Road Standard and Improvement Details. However, the horizontal and vertical layout of such driveways, maneuvering aisles, roads and access ways and drainage specifications shall only be required to comply with good engineering practices and best management practices for stormwater quality and stormwater runoff management based upon the unique characteristics of each project parcel and development design.

9A.7 Parking Requirements

Parking shall be provided in accordance with Section 18 of these Zoning Regulations.

9A.8 Signs

Signage shall comply with Section 19 of these Zoning Regulations.

9A.9 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

9A.10 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

9A.11 Sidewalks & Inter-connected Lots

Sidewalks shall be provided in conformance with Section 4A.2 Sidewalks.

A sidewalk shall be provided from each Building's main entrance to all public rights of way abutting the Lot and connect to existing sidewalks in said right of way.

When abutting an R-20-M, C-1, or C-2 District, or an existing Commercial Use, Residential Use other than Single Family Home, regardless of zoning district, all effort shall be made to provide and plan for interconnected sidewalks between properties. The Decision-Making Authority may require an easement upon the Applications subject property to be filed on the land records to allow future connections between adjacent properties.

9A.12 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards.

9A.13 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

9A.14 Blank Walls

All Buildings shall conform to Section 18E Blank Walls

9A.15 Utilities

a. All utility lines shall be located underground.

b. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall provide to the Commission a Certified Copy of a Certificate of Public Convenience and necessity issued for

the development by the Connecticut Public Utility Regulatory Authority. The Town shall not be considered the water company for an approval unless it consents.

No application for Site Plan approval involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Montville Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

c. For any site which is to be served and is capable of being served by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority (WPCA) that it is willing to and capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in C.G.S. Section 7-245, as may be amended may be from time to time, a report from the WPCA indicating that all requirements of C.G.S. Statutes Section 7-246(f), as may be amended from time to time, have been satisfied shall be provided. For sites to be served with individual septic systems, the applicant shall provide a written report from the Town Sanitarian indicating that the site is capable of supporting the proposed development.

10.0 C-1 DISTRICT

10.1 Purpose

This zone is intended for Commercial Uses that provide day-to-day convenience goods and services to nearby residents. Activities would be limited to those uses which are compatible in scale with the intensity of development in the surrounding area. It is the intention of the Commission to require Traffic Access Management within this District.

10.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

10.2.1 Commercial Uses as defined by these Regulations.

10.2.2 Customer service establishments

10.2.3 Business and professional offices

10.2.4 Restaurants, including drive-up or drive-thru facilities used for the delivery of food or beverages

10.2.5 Government offices, libraries, schools, public safety facilities and public utilities

10.2.6 Child care center, twelve (12) or more children

10.2.7 Accessory buildings and uses

10.2.8 Mixed Use Development comprised of uses allowed in this District and provided residential uses are on second floor or above when buildings are within one hundred feet of the right of way line and the front faced faces a public right of way. Residential is permitted on the ground floor when located more than one hundred feet from the right of way line or behind a Mixed Use building with ground floor commercial uses.

10.2.9 Telecommunication tower in accordance with Section 4B.7 of these Regulations

10.2.10 Residential uses per Section 4B.16.

10.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

10.3.1 Convenience/gasoline sales establishments in accordance with Section 4.11.10 of these Regulations.

10.3.2 Adaptive Reuse Development when solely Commercial or more than 10 residential units.

10.3.3 Residential uses per Section 4B.16.

10.4 Minimum Lot Size

The minimum lot size in this district is 10,000 square feet if the lot is served by public sewers. If the lot is not served by public sewers, minimum lot size is 40,000 square feet.

10.5 Minimum Lot Frontage

Each lot in this district shall have at least eighty feet (80') of frontage on a street. The minimum frontage may be reduced to sixty feet (60') by a vote of the Commission for contiguous commercial developments that combine driveways.

10.6 Minimum Setbacks

10.6.1	FRONT YARD	30 FEET
10.6.2	SIDE YARD	15 FEET
10.6.3	REAR YARD	30 FEET
		15 FEET (Commercial to Commercial or Industrial)

10.7 Maximum Building Height

Use	Max. Height
Duplex:	35'
Triplex:	45'
Townhouse:	35'
Perfect Six:	45'
Cottage Cluster:	35'
Attached Single Family Flats	45'/55' (Flat Roof/Other)
All Other Uses:	45'
Accessory Building:	25'

10.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

10.9 Off-Street Parking

Off-street parking, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

10.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

10.11 Sidewalks & Inter-connected Lots

Sidewalks shall be provided in conformance with Section 4A.2 Sidewalks.

A sidewalk shall be provided from each Building's main entrance to all public rights of way abutting the Lot and connect to existing sidewalks in said right of way.

When abutting an R-20-M, C-1, or C-2 District, or an existing Commercial Use, Residential Use other than Single Family Home, regardless of zoning district, all effort shall be made to provide and plan for interconnected sidewalks between properties. The Decision-Making Authority may require an easement upon the Applications subject property to be filed on the land records to allow future connections between adjacent properties.

10.12 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

10.13 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

10.14 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

10.15 Blank Walls

All Buildings shall conform to Section 18E Blank Walls

11.0 C-2 DISTRICT

11.1 Purpose

This zone allows for a full range of Commercial Uses. It is the intention of the Commission to require Traffic Access Management within this District.

11.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

11.2.1 Commercial Uses as defined by these Regulations.

11.2.2 Hotels

11.2.3 Conference centers

11.2.4 Recreation facilities, museums

11.2.5 Child care center, twelve (12) or more children

11.2.6 Accessory buildings and uses

11.2.7 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on premise tasting room, food service and gift shop

11.2.8 Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on premise tasting room, food service and gift shop.

11.2.9 Gasoline filling and repair stations

11.2.10 Convenience/gasoline sales establishments in accordance with Section 4.11.10 of these Regulations.

11.2.11 Water dependent uses

11.2.12 For profit trade and technical schools and facilities of higher learning.

11.2.13 Telecommunication towers in accordance with Section 4B.7 of these Regulations.

11.2.14 Residential uses per Section 4B.16.

11.2.15 Mixed Use Development comprised of uses allowed in this District and provided residential uses are on second floor or above when buildings are within one hundred feet of the right of way line and the front faced faces a public right of way. Residential is permitted on the ground floor when located more than one hundred feet from the right of way line or behind a Mixed Use building with ground floor commercial uses

11.2.16 Medical facilities such as diagnostics, hospitals, out-patient services and clinics.

11.3 Special Permits

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

11.3.1 Adaptive Reuse Development when solely Commercial or more than 10 residential units.

11.3.2 Residential uses per Section 4B.16.

11.4 Minimum Lot Size

The minimum lot size in this district is 40,000 square feet.

11.5 Minimum Lot Frontage

Each lot in this district shall have at least eighty feet (80') of frontage on a street. The minimum frontage may be reduced to sixty feet (60') by vote of the Commission for contiguous commercial developments that combine driveways.

11.6 Minimum Setbacks

11.6.1	FRONT YARD	50 FEET
11.6.2	SIDE YARD	30 FEET
11.6.3	REAR YARD	30 FEET

One side yard may be reduced to zero feet (0') for contiguous commercial developments that combine driveways and share a common property line. The side yard reduction shall be adjacent to the common property line.

11.7 Maximum Building Height

Use	Max. Height
Duplex:	35’
Triplex:	45’
Townhouse:	35’
Perfect Six:	45’
Cottage Cluster:	35’
Attached Single Family Flats	55’/65’ (Flat Roof/Other)
All Other Uses:	55’
Accessory Building:	25’

11.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

11.9 Off-Street Parking

Off street parking, including shared parking lots, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

11.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

11.11 Sidewalks & Inter-connected Lots

Sidewalks shall be provided in conformance with Section 4A.2 Sidewalks.

A sidewalk shall be provided from each Building’s main entrance to all public rights of way abutting the Lot and connect to existing sidewalks in said right of way.

When abutting an R-20-M, C-1, or C-2 District, or an existing Commercial Use, Residential Use other than Single Family Home, regardless of zoning district, all effort shall be made to provide and plan for interconnected sidewalks between properties. The Decision-Making Authority may require an easement upon the Applications subject property to be filed on the land records to allow future connections between adjacent properties.

11.12 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

11.13 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

11.14 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards

11.15 Blank Walls

All Buildings shall conform to Section 18E Blank Walls

12.0 LIGHT INDUSTRIAL (LI) DISTRICT

12.1 Purpose

These areas are intended to provide a range of industrial office and research facilities that can be located relatively close to residential uses without negative influences and which will have minimum impacts on the natural resource base of the Town.

12.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

12.2.1 Business, professional offices

12.2.2 Office buildings

12.2.3 Research, design and development facilities

12.2.4 Warehousing, wholesale businesses, interior or exterior storage

12.2.5 Studios for recording, television, radio, and motion pictures including transmitters, antennae, and ancillary equipment

12.2.6 Governmental offices, libraries, schools, public safety facilities and public utilities

12.2.7 Accessory buildings and uses

12.2.8 Other industrial uses which can be operated using on-site septic systems which have been approved by the Health District

12.2.9 Automobile and heavy equipment dealers

12.2.10 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on-premise tasting room, food service and gift shop.

12.2.11 Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on-premise tasting room, food service and gift shop.

12.2.12 Indoor recreation and cultural facilities such as a bowling alley, tennis court, swimming pool, skating rink, art gallery, museum or theater (excluding drive-in theater)

12.2.13 Temporary gatherings such as fairs, outings or job marts

12.2.14 Ambulance facilities

12.2.15 Nursery school and child care center serving more than twelve (12) children

12.2.16 Excavation and processing (crushing) operations in accordance with Section 4B.12 of these Regulations

12.2.17 Bituminous concrete and concrete manufacturing operations in accordance with Section 4B.12 of these Regulations

12.2.18 Telecommunication towers in accordance with Section 4B.7 of these Regulations

12.2.19 Cannabis Establishments including Cultivators, Micro-cultivators, Food and Beverage Manufacturers, Producers, Product Manufacturers, Delivery Services, Transporters and Product Packagers, subject to the requirements of section 4B.16 of these Regulations.

12.3 Special Permits:

The following uses may be permitted if approved by the Commission in accordance with the provisions of Section 16 Special Permits of these Regulations:

12.3.1 Adaptive Reuse Development regardless of uses.

12.4 Minimum Lot Size

The minimum lot size in this district is 40,000 square feet

12.5 Minimum Lot Frontage

Each lot in this district shall have at least one hundred feet (100') of frontage on a street

12.6 Minimum Setbacks

12.6.1	FRONT YARD	50 FEET
12.6.2	SIDE YARD	30 FEET
12.6.3	REAR YARD	50 FEET to Residential
		30 FEET to Commercial or Industrial

12.7 Maximum Building Height

Maximum building height in this zone is 55'.

12.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

12.9 Off-Street Parking

Off-street, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

12.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

12.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

12.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

12.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards.



13.0 INDUSTRIAL (I) DISTRICT

13.1 Purpose

The intent of this district is to provide for a full range of industrial and manufacturing facilities which benefit the residents of Montville and have minimum impacts on the natural resources base of the Town.

13.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

13.2.1 Those fields of economic activity including forestry, fishing, hunting and trapping, mining; construction, manufacturing, transportation, communication, electric, gas, and sanitary services, wholesale trade, general business & office buildings and warehousing.

13.2.2 Government offices, libraries, schools, public safety facilities and public utilities.

13.2.3 Micro-Breweries allowing for the manufacture, storage, bottling, sale and distribution of beer with an on premise tasting room, food service and gift shop.

13.2.4 Micro-Distilleries allowing for the manufacture, storage, bottling, sale and distribution of alcoholic liquor with an on premise tasting room, food service and gift shop.

13.2.5 Temporary gatherings such as fairs, outings, job marts

13.2.6 Excavation and processing (crushing) operations in accordance with Section 4B.12 of these Regulations.

13.2.7 Bituminous concrete and concrete manufacturing operations in accordance with Section 4B.12 of these Regulations.

13.2.8 Telecommunication towers in accordance with Section 4B.7 of these Regulations.

13.2.9 Shared Parking.

13.2.10 Water Dependent Uses

13.2.11 Cannabis Establishments except retail sales is prohibited.

13.3 Special Permits:

None.

13.4 Minimum Lot Size

The minimum lot size in this district is 40,000 square feet

13.5 Minimum Lot Frontage

Each lot in this district shall have at least 80 feet of frontage on a street or a fifty foot (50') wide R.O.W. said easement must be approved by the Planning and Zoning Commission.

13.6 Minimum Setbacks

13.6.1	FRONT YARD	30 FEET
13.6.2	SIDE YARD	15 FEET
13.6.3	REAR YARD	30 FEET

13.7 Maximum Building Height

There is no maximum building height in this zone

13.8 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

13.9 Off-Street Parking

Off-street parking, including shared parking, shall be provided for each lot in this district in accordance with the provisions of Section 18 of these Regulations.

13.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations.

13.11 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

13.12 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

13.13 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards.



14.0 G DISTRICT

14.1 Purpose

This zone is intended for state, local government, and utility land uses, such as schools, fire stations and municipal buildings. These uses may be site specific depending on the needs of the community.

14.2 Permitted Uses

The following uses are subject to the provisions of Section 17 Site Plans & Summary Review:

14.2.1 Government offices, private or public libraries, public schools, public safety facilities and public utilities.

14.2.2 Public works facilities and associated equipment and storage yards

14.2.3 Public utility substation or equipment facility, utility right-of-way & railroads

14.2.5 Accessory buildings and uses

14.2.6 Temporary gatherings such as fairs or community functions.

14.2.7 Telecommunication towers in accordance with Section 4B.7 of these Regulations

14.3 Special Permits

None

14.4 Minimum Lot Size

None

14.5 Building Height

The maximum building height shall be fifty-five (55) feet.

14.5 Minimum Frontage

None

14.6 Minimum Setbacks

Twenty-five feet from side or rear lot lines when abutting a residential district and fifty feet from front lot lines when a residential district resides directly across the public right of way. Otherwise there are no minimum setbacks in this zone.

14.7 Environmental Protection

Any improvements proposed to be located within a regulated area, as set by the Montville Inland Wetlands and Watercourses Commission, or that may have any impact on the regulated wetlands or watercourses, shall require approval by the Montville Inland Wetlands and Watercourses Commission and meet the requirements of the health code of the State of Connecticut.

14.8 Off-Street Parking

Shall conform with Section 18 of these regulations.

14.9 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations. Government signs are exempt from size restrictions.

14.10 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements

14.11 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards.

14.12 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances.

14.13 Blank Walls

All Buildings shall conform to Section 18E. Blank Walls

14A ROUTE 32 OVERLAY ZONE (OZ)

14A.1 Purpose

The intent if this Overlay Zone is to promote economic development and housing diversity.

14A.2 Location

The Route 32 Overlay Zone consists of the areas designated on the insert map of the official Town of Montville Zoning Map.

14A.3 Permitted Uses

Commercial Uses and Residential Uses are permitted in accordance with Section 17 of these Regulations as follows:

a. Residential uses per Section 4B.16
b. Commercial Uses which are allowed in any Commercial District in Montville.
c. Mixed Use and multiple structures are permitted on any lot. No residential units shall be allowed in basements.

14A.4 Bulk Standards and Density

a. Bulk Standards shall conform to the underlying zone.
b. Density for Residential Uses shall conform to Section 4B.16.

14A.5 Parking

Parking shall conform to Section 18 Off Street Parking

14A.6 Landscaping

Landscaping shall conform to Section 18B Landscape Design Requirements. When applications are subject to the provisions of Section 14A.5 above, only new buffer plantings may be proposed. All other landscape requirements shall be met.

14A.7 Exterior Lighting

Lighting shall conform to Section 18C Lighting Standards for all applications.

14A.8 Exterior Appurtenances

All Exterior Appurtenances shall conform to Section 18D Siting of Necessary Exterior Appurtenances for all applications.

14A.9 Blank Walls

All Buildings shall conform to Section 18E Blank Walls for all applications

14A.10 Signs

All signs in this district shall conform to the provisions of Section 19 of these Regulations. Government signs are exempt from size restrictions. When applications are subject to the provisions of Section 14A.5 above, alternative signs standards may be proposed subject to review and approval by the Commission as part of the Master Plan review and subject to the Special Permit Review criteria. A comprehensive sign plan and design document shall be provided for each sign, denoting a cohesive design palette.

14A.11 Sidewalks

Sidewalks shall be provided in conformance with Section 4A.2 Sidewalks.

A sidewalk shall be provided from each Building's main entrance to all public rights of way abutting the Lot and connect to existing sidewalks in said right of way.

Developments consisting of multiple buildings shall provide walkway connecting each primary building's primary entrance and parking areas. When feasible such walkways between buildings shall be in conformance with Section 4A.11.

14A.12 INTEGRATED DEVELOPMENTS

14A.12.1 Purpose

The purpose of an Integrated Development ("ID") is to facilitate development within the Route 32 Overlay Zone by (1) managing access to Route 32 by consolidating land parcels and minimizing curb cuts along Route 32, (2) promoting cohesive site and building design, (3) providing flexibility in combining separately owned land and land interests for singular development and use, (4) encouraging the contributed use of shared facilities, rights of way, and public and private improvements and infrastructure; and (5) establishing vehicular and pedestrian circulation networks.

14A.12.2 Definitions

INTEGRATED DEVELOPMENT: Land consisting of two or more contiguous or functionally connected parcels of land and improvements thereon configured to be developed and used as an integrated unit, provided the applicant demonstrates at the time of application sufficient legal interests and rights in such property to use such land as necessary for the development's complete viability. All land comprising an Integrated Development shall be located entirely within the Route 32 Overlay Zone

An Integrated Development may encompass more than one underlying zoning district and may include legally pre-existing nonconforming lots, uses, buildings, structures, or site improvements, subject to all other applicable provisions of these Regulations.

INTERNAL BOUNDARIES: Property lines, ownership boundaries, lease boundaries, public and private rights of way and easement boundaries, physical improvement boundaries, and other boundaries located between or within the land areas comprising an ID shall be considered internal boundaries for purposes of these Regulations.

14A.12.3 Eligibility for Site Plan Review

An ID subject only to review and approval under Section 17 shall meet the following requirements:

a. Consist of residential, commercial, mixed uses, or other uses permitted pursuant to this Section 14A.

b. Satisfy one of the following:

   i. Has direct access to Route 32; or

   ii. Has access to an existing approved local or state roadway which has direct access to Route 32 and (b) where at least one access point to the ID, measured from the access drive's centerline to the nearest right of way line of Route 32, is no greater than 500' and over which at least 80% of the traffic generation of the ID shall utilize the local or state roadway's intersection to Route 32, as determined by using standard traffic engineering practices employed by the CT Office of the State Traffic Administration.

c. No portion of the ID shall be located more than two thousand (2,000) feet from Route 32.

d. Be served by public municipal water and sanitary sewer infrastructure operated by the Town of Montville Water Pollution Control Authority (WPCA) and which exists in Route 32 right of way

and both (water and sewer) connection points shall be 500' or less from the ID as measured from the point of the existing sanitary line to the point the new service enters the property of the ID's perimeter boundary. On-site potable water wells and subsurface sewage disposal systems shall not be permitted within an ID site unless approved under Section 14A.12.4.

14A.12.4 Special Permit

An ID that does not qualify for approval under Section 14A.12.3 may be permitted in accordance with the provisions of Section 16 Special Permit only if said development has direct access to public water and sanitary sewer infrastructure which will be operated by the Town of Montville Water Pollution Control Authority (WPCA) with said service connections at the frontage of one parcel associated with the ID.

14A.12.5 Applications to be Developed in Multiphases: Master Plan Review

a. An ID that qualifies for approval under Section 14A.12.3 may be developed in phases in accordance with a master plan approved under Section 17 Site Plan Review. An applicant may submit preliminary level plans for future phases rather than fully engineered drawings, provided that such preliminary plans contain sufficient detail to demonstrate zoning compliance and feasibility. Site plan review in accordance with Section 17 must be completed prior to each phase.
b. An ID that does not qualify for approval under Section 14A.12.3 may be developed in phases subject to Section 16 Special Permit. For the Special Permit review, an applicant may submit preliminary level plans for future phases rather than fully engineered drawings provided that such preliminary plans contain sufficient detail to demonstrate zoning compliance and feasibility. Site plan review in accordance with Section 17 must be completed prior to each phase.
c. Notwithstanding the above, said preliminary level plans must be based upon a Class A-2 and T-2 survey, and include detailed traffic studies, utility analysis to convey capacity and feasibility, and drainage calculations to support assumptions.

14A.12.6 Treatment as a Single Lot

For purposes of determining compliance with applicable bulk standards and other site development requirements, including, but not limited to, requirements for parking, loading, access, circulation, landscaping, buffering, screening, lighting, open space, coverage, and setbacks, an ID shall be treated as a single lot and any internal boundaries shall be disregarded as if they did not exist.

Notwithstanding any other provision of these Regulations, buildings, structures, parking areas, loading areas, drive aisles, pedestrian improvements, landscaping, utilities, drainage and stormwater facilities, lighting, and other site improvements may be located upon or extend across internal boundaries within an ID.

14A.12.7 Setbacks and Buffers

Any setback, yard, buffer, landscaping, screening, or similar dimensional standard required by these Regulations shall apply exclusively to lot lines designated as the perimeter of the ID and shall not apply to any internal boundaries.

Notwithstanding any other provision of these Regulations, an ID comprised of parcels located in more than one underlying zoning district shall be subject to the following minimum setbacks:

FRONT YARD	30 FEET
SIDE YARD	15 FEET
REAR YARD	15 FEET
	30 FEET (if abutting Residential Zone)

14A.12.8 Building Height

Notwithstanding the bulk standards of the underlying zoning districts, the maximum allowable building height within an ID shall be the greatest maximum building height permitted within any underlying zoning district encompassed by the ID.

Alternative building heights may be permitted subject to the provisions of Section 16, Special Permit.

14A.12.9 Shared Improvements

Required parking, loading, vehicular access, pedestrian access, circulation, landscaping, open space, utilities, lighting, stormwater management, and other site improvements may be located throughout an ID and may collectively serve multiple buildings, structures, uses, land areas, or ownership interests.

Compliance with such requirements shall be determined for the ID as a whole and shall not be required independently for each building, structure, use, land area, ownership interest, leasehold interest, or legal description.

Notwithstanding Section 18.6 or any other provision of these Regulations, parking areas, loading areas, drive aisles, pedestrian improvements, landscaping, utilities, stormwater facilities, and other Site Improvements may be located upon or extend across an internal boundary within an approved ID.

Vehicular access and circulation shall be designed, to the extent practicable, to provide an integrated internal circulation system, facilitate connections among uses within the ID, and consolidate and minimize curb cuts providing direct access to Route 32. The Commission may require an applicant to provide for traffic connection between an ID and contiguous parcels not within the ID.

14A.12.10 Creation, Division and Reconfiguration of Land

Land within an approved ID may subsequently be divided, combined, conveyed, leased, or otherwise reconfigured provided that the overall ID continues to comply with the Town of Montville Zoning Regulations. In the event of the foregoing, the resulting parcel(s) shall be deemed to meet all applicable zoning requirements so long as such parcel(s) remain within the ID and the overall ID complies with these Town of Montville Zoning Regulations. Any such division or reconfiguration of land shall be in accordance with the requirements governing subdivisions, resubdivisions, or lot line adjustments, as applicable.

14A.12.11 Easements, Covenants and Maintenance

Where an ID includes land under separate ownership or control, the applicant shall demonstrate sufficient legal rights to construct, use, operate, access, and maintain the development as proposed. In furtherance, the applicant shall provide evidence of the anticipated longevity of the ID.

Cross-access easements, shared parking agreements, common utility easements, joint maintenance agreements, declarations, and such other instruments as the Commission determines reasonably necessary to ensure the continued operation and maintenance of the ID shall be subject to review and approval by Town Counsel and shall be recorded on the Montville Land Records prior to issuance of any Zoning Permit or endorsement of the final Site Plan, as applicable.

Such instruments shall run with the land or otherwise remain legally binding upon the affected land or interests for so long as necessary to maintain compliance with the approved Site Plan during the term of the ID and shall not be amended, terminated, released, or allowed to expire in a manner that would cause the ID to become inconsistent with the approved Site Plan or these Regulations, without prior approval of the Commission.

14A.12.12 Zoning Approval Does Not Convey Property Rights

Approval of an ID constitutes zoning approval only and shall not be construed to convey, create, expand, modify, or determine any ownership, leasehold, easement, access, development, or other property right.

The applicant and owners or parties in control of land within the ID shall be responsible for obtaining and maintaining all legal rights necessary to construct, use, operate, and maintain the development in accordance with the approved Site Plan.

14A.12.13 Applicability and Conflict

All other applicable provisions of this Section 14A and these Regulations shall apply to an ID.

Where the provisions of this Section conflict with another provision of these Regulations concerning setbacks, yards, buffers, landscaping, screening, parking location, access, circulation, coverage, or the location of buildings, structures, or site improvements in relation to an internal boundary, the provisions of this Section shall control.

14B.0 CANNABIS OVERLAY ZONES

14B.1 Purpose

The sole purpose of the two cannabis overlay zones is to permit Class III adult use cannabis facilities in locations that will promote economic development, while avoiding proliferation of these uses throughout Montville's commercial zones.

14B.2 Cannabis Overlay Zones

There shall be two cannabis overlay zones. The locations of these are depicted on the Montville Zoning Map. There shall be only one Class III use permitted in each COZ.

Cannabis Overlay Zone East ("CZE")

The purpose of the CZE is to further codify the legal standing of the one Class III facility already permitted and operating in this zone. Accordingly, this use and the physical plan upon which it was established, shall remain as a lawful, conforming use and plan. Notwithstanding this, any changes to the approved use or to the physical improvements approved and required as part of its original establishment, shall be subject to these regulations.

Furthermore, unless otherwise established by the Commission by enactment of additional zoning regulations affecting the CZE, the applicable bulk, parking, landscaping and other design and operational standards in effect at the time of approval of this established use, shall continue to govern.

Cannabis Overlay Zone West ("CZW")

The purpose of the CZW is to allow for one additional Class III facility to be established in this overlay zone. In that no such use has yet been approved and established in this CZW, the Commission chooses to create a set of design standards that are unique to this CZW, with the intention being to promote the consolidation of nonconforming properties at a scale sufficient to encourage the private investments necessary to provide a catalyst for improvement of this general area, in support of the goals and objectives contained in the Town's POCD.

In evaluating a special permit and site plan application for a use in the CZW, in the event of a conflict between zoning regulations, this section shall prevail.

14B.3 Design Standards

1. Minimum Buildable Lot Area

The lot shall contain a minimum of 60,000 square feet of area that is devoid of inland wetlands, 100-year flood area and slopes over 25%.

2. Minimum Lot Frontage

The lot shall contain a minimum of 150 feet of contiguous and continuous frontage along an existing State of Town road.

3. Zero Side/Rear Lot Line

Subject to the Commission's sole discretion, the Commission may allow one or more side or rear setbacks to be reduced to zero feet. The purpose of this discretionary standard is to take advantage of site conditions as a means of mitigating other project impacts, without creating other conflicts. In the event such a modification is not deemed necessary or appropriate, the setback minimum side and rear yard standard shall be 20 feet.

4. Maximum Front Yard Setback

In order to promote the location of parking to the rear of the building, to begin creating a more viable pedestrian interface between the public and private spaces, to enhance the streetscape in this area and to recognize and accommodate the excessive State right of way in this area, the Commission may allow a reduction of the front yard setback to zero. In any event, the maximum front yard setback shall be no more than 25 feet.

5. Building Height

Maximum building height shall be 30 feet.

6. Minimum Floor Area

In order to promote the project scale necessary to accomplish the intentions of the CZW, the building shall have a gross floor area of at least 5,000 square feet.

7. Maximum Impervious Area

The maximum impervious area shall not exceed 75% of the subject lot.

8. Landscaping

All landscaping shall be in accordance with Section 18B.

9. Lid Stormwater Design Features

In order protect the environment and assist the Town in accomplishing its stormwater management plan obligations, the proposed design shall incorporate low impact design features and best management practices, including but not necessarily limited to rain gardens, vegetated swales, disconnection of existing piped systems and other such methods.

10. Public Sidewalks and Pedestrian Safety

Depending on the unique circumstances of the site and its environs, the Commission may require concrete public walks to be installed along the property frontage, with connections into the site to access the main "patron" door. In addition, all site designs will incorporate internal walks designed to facilitate the safe movement of patrons and staff during all seasons, within the parking areas and leading to/from the building.

11. Interlot Access

Where deemed appropriate by the Commission in its sole discretion and based upon the required traffic impact study, as well as input from the Town Engineer and/or ConnDOT District staff, the Commission may require the approved plan to show provisions to allow for future pedestrian and vehicular interlot access between the site and directly abutting commercially zoned property.

15.0 OTHER REQUIREMENTS

15.1 Soil Erosion & Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is 0.5 acres or more. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification shall follow the guidelines set forth in the most current State of Connecticut guidance documents. Alternative principles, methods and practices may be used with prior approval of the Town Engineer.

15.1.1 The Soil Erosion and Sediment Control plan shall include the following:

a. All elements required under the current State guidance shall be provided, including calculations, narratives, details and sequence of construction.
b. Drainage analysis deemed acceptable by the Town Engineer may be required by the Town Planner.

15.1.2 After review of the Soil Erosion and Sediment Control Plan by the Commission or its designated agent, the Commission shall vote to certify, modify and certify, or deny that the Soil Erosion and Sediment Control Plan complies with these Regulations. A vote of the Commission to approve a site plan shall mean certification of the Soil Erosion and Sediment Control Plan, as well.

15.1.3 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, must be covered by a Performance Bond or other assurance acceptable to the Commission and the Director of Finance. The Performance Bond shall comply with the requirements of Section 15.4 of these Regulations.

15.1.4 The Designated Agent of the Commission shall periodically conduct inspections to verify compliance with the certified plan and that control measures are properly performed or installed and maintained. The Designated Agent may require the applicant to submit

progress reports which show that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained. To facilitate this review, the Designated Agent may require as-built plans.

15.1.5 It is the applicant's/developer's responsibility to obtain authorization under DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (construction general permit) if their project disturbs more than one (1) acre of land. A copy of the storm water pollution control plan and DEEP permit shall be filed with the Town prior to issuance of a zoning permit.

15.2 Special Flood Hazard Area (SFHA) Requirements

All applications which involve property that contains a Special Flood Hazard Area shall be referred to the CT DEEP at time of application by the Town, regardless if the proposed activity is within or outside of the SFHA.

The Special Flood Hazard Areas (SFHA) identified by the FEMA in its FIS for New London County, Connecticut, dated July 18, 2011, and accompanying FIRM, dated July 11, 2011 and other supporting data applicable to the Town of Montville, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the Flood Insurance Rate Map (FIRM) as Zones A and AE including areas designated as a floodway on a FIRM. SFHA are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE's provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location. The FIRM and FIS are on file with the Commission.

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the SFHA or uses permitted in such areas will be free from flooding and flood damages. These Regulations shall not create a liability on the part of the Town of Montville or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Montville, its officers and employees shall assume no liability for another person's reliance on any maps, date or information provided by the Town of Montville.

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement,

covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

The following requirements are intended to reduce the threat of public safety and loss of property values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Montville in the National Flood Insurance Rate Program (NFIP). In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the requirements of this subsection shall control. The following Regulations apply within the SFHA:

15.2.1 All applications for zoning permits or special permits for new development (including manufactured home parks and developments) greater than fifty (50) lots or five (5) acres shall include with such applications base flood (a flood having a one percent (1%) chance of being equaled or exceeded in any given year, also knowns as a "100'year flood") elevation date for that portion of development located within the SFHA.

15.2.2 The following development standards and requirements shall apply to uses permitted within designated areas of the SFHA in accordance with these Regulations:

a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.
b. All new construction and substantial improvements to non-residential structures shall have the lowest floor (including basement) elevated or flood proofed to or above the base flood level;
c. Non-residential structures may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Building Inspector.
d. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the BFE shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect to meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
2. The bottom of all openings shall be no higher than one foot (1') above grade;
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
4. Electrical, plumbing, and other utility connections are prohibited below the BFE level and
5. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

e. All manufactured homes, including recreational vehicles placed on a site for 180 consecutive days or longer, or substantially improved, shall be elevated so that the lowest floor is above the BFE. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. The manufactured home shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored and so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the general standards of Section 15.2.3 and the elevation and anchoring requirements for a manufactured home in this Section 15.2.2.e. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by a quick disconnect type utilities and security devices, and has no permanently attached additions.

f. When BFE data or floodway data are not available, then the Commission shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source in order to administer the provisions of these Regulations.

15.2.3 Prior to issuing a zoning permit for proposed construction or development within the A or AE Zones, the Enforcement Officer or the Commission shall review plans for such construction or development and require that (a) all sites are reasonably free from flooding; (b) new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; (c) new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood

damage; (d) new construction or substantial improvement shall be constructed by methods and practices that minimize flood damage; (e) new or replacement water supply systems and/or sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; (f) on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; and (g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. In AE-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one foot (1') at any point within the community when all anticipated development is considered cumulatively with the proposed development.

15.2.4 In order to protect the public health, welfare, and safety in times of flooding, only those uses/activities listed below shall be permitted within the Floodway as designated on the FIRM, provided they meet the standards of Section 15.2.5.

a. Agricultural operations, excluding buildings and other habitable structures
b. Private and public recreational uses including golf courses, tennis courts, parks, picnic areas, and other such similar open recreational uses permitted in the underlying zone.
c. Open parking areas and drives, paved or otherwise, associated with land uses adjacent to such floodway.
d. Open storage yards for suitably anchored equipment and material permitted in the underlying zone, provided the stored items are not flammable or toxic, or able to contaminate public waters.
e. Any other non-structural use permitted in the underlying zone
f. Open yard areas associated with land uses adjacent to such floodway.
g. Utility connections and installations
h. Public utility substations, equipment facilities and appurtenances
i. Sand, gravel and earth product excavation
j. Railroad rights-of-way
k. Activities conducted for the specific purpose of preserving soils, vegetation, water, fish, shellfish, wildlife and other water resources.

15.2.5 Applicants for development within the SFHA shall submit with their respective permit applications, assurances that the flood carrying capacity of the flood plain is maintained within any altered or relocated portion of any watercourse, and in the case of development within a designated floodway as designated on the FIRM certification, with supporting technical data, by a licensed professional engineer is provided demonstrating, through

hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments, use or activity (including fill, new construction or substantial improvements and other developments) shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

The Commission may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such date is available from any other sources (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot (1') at any point with the community.

15.2.6 The Commission shall notify, in riverine situations, adjacent communities and the State Coordinating Office, the Water Resource Unit of the Connecticut DEEP, prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Administrator.

For all new applications for permits within the SFHA, the Commission shall: (a) record the elevation (in relation to mean sea level) of the lowest floor (including basement) or the floodproofing level of all new or substantially improved structures, in accordance with Section 15.2.2 above; and (b) review permits to assure that sites are reasonably free from flooding and require that all state and federal permits are obtained.

15.2.7 Any applicant to whom a flood hazard variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE and that (1) the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as twenty-five ($25) dollars for one-hundred ($100) dollars of insurance coverage; and (2) such construction below base flood level increases risks to life and property. The Community shall (1) maintain records of all appeal variance actions, including justification for their issuance and; (2) report such variances issued to the FEMA in its annual or biennial report.

15.2.8 C.G.S. Volume 2, Title 8, Chapter 124, Sections 8-21, as may be amended from time to time, requires the following:

a. Equal Conveyance: Within the floodplain, except those areas which are tidally influenced, as designated on the FIRM for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and

hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels BFE. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause any increase in flood stage or flood velocity.

b. Compensatory Storage: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

15.2.9 Aboveground Storage Tanks – Above ground storage tanks (oil, propane, etc.), which are located outside or inside of the structure must either be elevated above the BFE on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

15.2.10 Portion of Structure in Flood Zone - If any portion of a structure lies within the SFHA, the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, deck, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

15.2.11 Structures in Two Flood Zones- If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V Zone is more restrictive than A Zone, structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone).

15.2.12 No Structures Entirely or Partially Over Water – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be

constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

15.2.13 Any activity proposed within a FEMA-designated V, VE, A, AE or Limit of Moderate Wave Action (LiMWA) area shall be referred to the Commissioner of Energy and Environmental Protection within fifteen days of its receipt by the Commission or Zoning Board of Appeals. Day of receipt is the date of the next regularly scheduled meeting after the application is filed in the Land Use office.

15.3 Coastal Area Management

15.3.1 Definition of Coastal Area: The coastal area is that area contained by the Coastal Boundary which shall be a continuous line delineated on the landward side by the interior elevation of the one hundred (100) year frequency coastal flood zone, as defined and determined by the FEMA, or a one thousand foot (1,000') linear setback measured from the mean high water mark in coastal waters, or a one thousand foot (1,000') linear setback measured from the inland boundary of tidal wetlands mapped under the provisions of Section 22a-20 of the C.G.S. as may be amended from time to time, whichever is the farthest inland. The waterside of the coastal area shall be the Town boundary. Coastal boundary maps are on file for public inspection in the offices of the Planning and Zoning Commission and Town Clerk.

15.3.2 Requirements and Exemptions: All buildings, uses, and structures fully or partially within the coastal boundary as defined in Chapter 444, Section 22a-94 of the C.G.S. as may be amended from time to time, and described in Section 15.3.1 of these Regulations, shall be subject to the coastal site plan review requirements and procedures in Sections 221-105 through 22a-109 of the C.G.S. as may be amended from time to time, with the exception of gardening, grazing, and harvesting of crops which shall be exempt from the above requirements; however, the following activities may be exempted from the coastal site plan review requirements under the authority of subsection (b) of Section 22a-109.

a. Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds.
b. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings;
c. Construction of new or modification of existing on-premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not

substantially alter the natural character of coastal resources or restrict access along the public beach;

e. Activities conducted for the specific purpose of preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal and water resources;
f. Interior modifications to buildings;
g. Minor changes in use of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters;
h. The foregoing exemptions from coastal site plan review requirements apply to the following site plans, and applications:
    1. Site plans submitted to the Planning and Zoning Commission in accordance with Section 22a-109 of the C.G.S. as may be amended from time to time.
    2. Applications for special permits submitted to the Planning and Zoning Commission in accordance with Sections 8-2 of the C.G.S. as may be amended from time to time, and as required by Montville Zoning Regulations.
    3. Applications for variances and particular exemptions submitted to the Zoning Board of Appeals in accordance with subsection (3) of Section 8-6 of the C.G.S. as may be amended from time to time, and subsection (3) of Section 20 of these Regulations.
    4. A referral of a proposed municipal project to the Planning and Zoning Commission in accordance with Section 8-24 of the C.G.S. as may be amended from time to time.

15.3.3 Coastal Site Plan: Except where exempted under the provisions of Section 15.3.2 of these Regulations, in addition to meeting the other requirements of these Regulations, all applicants for zoning permits, special permits or variances relating to uses proposed for location fully or partially within the coastal area shall submit a coastal site plan which shall accomplish the following:

a. Show the location and spatial relationship of coastal resources on and contiguous to the site;
b. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;
c. Assess the capability of the resources to accommodate the proposed use;
d. Assess the suitability of the project for the proposed site;
e. Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources;
f. Demonstrate the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in Section 22a-92 of the C.G.S. as may be amended from time to time.

15.3.4 Coastal Site Plan Review: In addition to any other applicable site plan review criteria prescribed by these Zoning Regulations, a Coastal Site Plan required under Section 15.3.2 of these Regulations shall be reviewed and may be modified, conditioned, or denied in accordance with the procedures and criteria listed in this section of these Zoning Regulations.

a. The Commission may, at is discretion, hold a public hearing on any coastal site plan submitted to it for review.
b. In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both the coastal resources and the future water-dependent development opportunities, the Commission shall (1) consider the characteristics of the site, including, the location and condition of any coastal resources defined in Section 22a-93 of the C.G.S. as may be amended from time to time; (2) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and (3) follow all applicable goals and policies stated in Section 22a-92 of the C.G.S, as may be amended from time to time, and identifying any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning, or denying a coastal site plan on the basis of the criteria herein described, the Commission shall state in writing the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.
c. In approving any activity proposed in a coastal site plan, the Commission shall make a written finding that the proposed activity with any conditions or required modifications (1) is consistent with all applicable goals and policies in Section 22a-92 of the C.G.S. as may be amended from time to time; and (2) incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

15.3.5 Bond: As a condition to a coastal site plan approval, the Commission may require a Performance Bond to secure compliance with any modifications, conditions, or other terms stated in its approval of the plan. The bond shall be in an amount sufficient in the opinion of the Commission and approved as to form by the Director of Finance and shall comply with Section 15.4 of these Regulations.

15.3.6 Time Limitations: Whenever the approval of the coastal site plan is the only requirement to be met or remaining to be met under these Regulations for a proposed use or structure,

a decision on an application for approval of such site plan shall be rendered as prescribed by law.

15.3.7 Violations: Any activity within the defined coastal area not exempt from coastal site plan review pursuant to Section 15.3.2 above, which occurs without having received a lawful approval from the Commission under all of the applicable procedures and criteria prescribed by these Zoning Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and a zoning violation and appropriate legal remedies will be taken by the Commission for the abetment of such nuisance.

15.4 Project Security

15.4.1 Performance Bonds

a. For any improvement to be conveyed to the Town of Montville upon completion, a Performance Bond shall be posted by the applicant to ensure completion of all such required public improvements and utilities shown on the Final Plan in the event the applicant shall fail to install the same within the term of such Performance Bond or any extension thereof. A Cash Performance Bond for Erosion and Sedimentation Control Measures shall be posted by the applicant prior to the commencement of the construction of any improvement or work on any project. The cash bond shall be a passbook account with the town named as trustee. If the applicant shall fail to complete all such improvements to be conveyed or controlled by the Town in accordance with these Regulations and the approved Final Plan, and within the time limits set forth in these Regulations, the Commission may recommend that the Town utilize the Performance Bond, and any accrued interest, to complete construction and for any attendant costs, such as costs of advertising for contracts, supervision and inspection of work, legal fees, and the like.

b. In computing the amount of the Performance Bond, the Commission shall include the construction cost of the following items:

1. The construction cost of all required public improvements to be conveyed to or controlled by the Town, including storm drainage system, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for applicant's plan approval or depicted on the endorsed Final Plan, Plan and Profile, or any other plan as approved by the Commission. In addition, the cost to install and maintain the elements of the Erosion and Sedimentation Control Plan shall be bonded. The cost of erosion and sediment control measures shall be stated separately. In the case of water mains, electric lines or other utilities to be installed by a public utility, a written statement from such utility that the work will be done within the period required for other

improvements in such approved Final Plan, and at no expense to the Town of Montville, will be accepted in lieu of the requirements of this section.

2. Estimated costs shall be those that would allow for the town advertising and awarding a contract for construction of the improvements, or the installation of soil erosion and sediment controls and for engineering review and supervision.
3. Costs shall be projected to a point at the end of the Performance Bond term. Any extension of the term of the Performance Bond or the Site Plan approval may result in an adjustment as to the Bond total.
4. The total estimated cost of the Performance Bond shall also include a 10% addition to cover contingencies.
5. Where a Final Plan is to be developed in phases, the applicant may post a Performance Bond covering the costs itemized in subparagraphs (b) 1 through 4 above, related to those public improvements and utilities located within or required to serve one or more phases rather than for the entire development.

c. As used in these Regulations, the term "Performance Bond" shall refer to one of the following methods of assuring completion of Final Plan public improvements and utilities:
   1. Performance Bond from a third part surety: The surety providing the performance bond needs to be authorized to do business in the State of Connecticut, must appear on the Federal Department of Treasury's list of approved sureties and must act only within the underwriting limitation listed therein, and must have a Best's Rating A or A- (Excellent) or better as published by the A.M. Best Company and must be approved by the Director of Finance.

15.4.2 Performance Bond Release

a. A written application for the release of any Performance Bond upon completion of all required public improvements shall include the submission of scale as-built drawings which shall include all changes in the approved Final Plans as authorized by the Commission or the Engineer during the course of construction. The as-built drawings shall be signed and sealed by both a Connecticut Registered Professional Engineer and a Land Surveyor licensed in the State of Connecticut. The Commission, or its designated agent, shall grant any bond release requested within sixty-five (65) days of written application for release therefore, unless the Commission provides to the applicant a written explanation as to the additional work that must be done before such bond shall be released.
b. Upon submission of a written report from the Engineer that all or a certain specified stage in the construction of improvements has been satisfactorily completed, the applicant may request that the Commission reduce any outstanding bond to reflect the cost of construction of the remaining improvements. The Commission may refuse such

reductions if it finds that the construction of any improvements are in violation of any provisions of these Regulations, including any required road specifications, or the plans conditions for any Final Plan approved hereunder.

15.4.3 Warranty of Improved Town Roads

The applicant shall, when notified by the Public Works Director promptly and at its own expense, repair all defects, settlements and irregularities in the construction and operation of any improvements for an improved town road and its appurtenant structure, including drainage system pipes, mains or conduits, curbs, gutters, sidewalks, road surfaces, land turfing and bridges which may arise during a period of one (1) year after acceptance by the Town.

15.4.4 Certificate of Compliance

a. Before release of any Public Improvement bond required by this section, the applicant shall present a statement and a copy of "as built" construction plans, each signed and sealed by a professional engineer licensed to practice in the State of Connecticut, which statement shall certify that the Public Improvements to be conveyed to or controlled by the Town of Montville including but not limited to streets, ditched, watercourses, head walls, storm drains, catch basins, manholes, sidewalks, gutters, curbs, bridges, culverts, and other structures, and improvements have been installed in the location and at the elevation of grade shown on the construction plans. Any revisions of the approved construction plan must be approved and initialed by the Commission or their agent. Such revision shall be incorporated on the "as built" construction plans.
b. Before the issuance of any Certificate of Compliance in accordance with Section 4.3 of these Regulations, all improvements not to be conveyed to the Town of Montville, including but not limited to, storm drainage systems, roads and pavements, sidewalks and curbs, trees, grading, setting of monuments, and any other requirements made as a condition for applicant's plan approval or depicted on the endorsed Final Plan, Plan and Profile, or any other plans as approved by the Commission or otherwise required by these Regulations, shall be completed, as certified by an as-built plan in accordance with this Section. The applicant may offer, and the Zoning Enforcement Officer may accept, a bond in accordance with this Section to guarantee completion of such improvements if, due to weather or other reasonable cause, they cannot be completed prior to occupancy; provided, however, that no such bond shall be accepted for the completion of any improvements which might affect the safety of occupants of, or visitors to, the site, or members of the general public.



16.0 SPECIAL PERMIT

16.1 Intent

In dividing the Town of Montville into Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. Therefore, those uses are permitted only upon the issuance of a Special Permit by the Commission. The Commission must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Permit for the proposed location.

16.2 Special Permit

In any instance involving a use or uses requiring a Special Permit no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit in accordance with this Section 16, or amend a previously granted Special Permit.

The Commission may determine that the requirement for a Special Permit is not required where it finds that: (a) One Special Permit use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission; (b) the new use will require no greater parking or loading than the original, as set forth in Section 18 of these Regulations; (c) The new use shall entail no exterior change to the building or site other than signs which conform to Section 19 of these Regulations; and (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 16.4 of these Regulations.

16.3 Required Information for Special Permit

The following information shall at a minimum, be provided by an applicant for Special Permit:

a. A complete application form prescribed by the Commission, and an application fee as prescribed by Town ordinance.

b. Site Plan: The applicant shall provide a completed Special Permit application form and Site Plan Application and which shall include the information listed below and the requirements of Section 17.

A site plan shall be submitted which is, composed of one (1) or more sheets none of which shall exceed twenty-four inches (24") by thirty-six inches (36"), which shall conform to Section 17 and the following requirements, and contain the following information:

1. Property Boundary Survey: A type of survey that accurately depicts property lines, boundary monumentation and existing/proposed property improvements. It shall be prepared, signed, and sealed by a Licensed Connecticut Land Surveyor in accordance with the Standards for Surveyors and Maps in the State of Connecticut (Sections 20-300b-1 through 20 of the Regulations of State Agencies) and meet the minimum standard of "Class A-2" horizontal accuracy.

2. Location Map A location map, at a scale of one inch equals one thousand feet (1" = 1,000') showing location of the site in relation to existing roads, major watercourses, and adjoining properties, and other features which would assist the Commission / Board and the public to orient themselves to the site and its boundaries.

3. General Information

   a. The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record all properties adjacent to, or across any street from, the subject property.
   b. The name, address and professional seal of each design professional responsible for, or participating in, the design of the site.
   c. The assessor's map, block and lot numbers for the subject property and properties within five hundred feet (500') of the perimeter of the site.
   d. The date of the site plan, a north arrow, and the scale of the plan.
   e. A description of any existing deed restrictions, covenants, easements, R.O.W, or similar encumbrances which run with the land, the volume and page of the Montville Land Records where the same are recorded, and the date upon which they will expire, if any.

4. Site Features, Existing: On the site, and within one hundred feet (100') of the perimeter of the site using existing or available information, unless otherwise required by the Commission:

   a. All existing uses of land, including uses not requiring buildings or structures, such as outside storage, property lines, streets, traffic sight lines, road widths, utility lines,

ledge outcrops, major tree or shrub areas, and other significant features of the site, both natural and manmade.

b. Wetlands and watercourses on or near the site as defined by the Inland Wetlands and Watercourses Regulations of the Town of Montville, CT, and a statement indicating the quality thereof.
c. Areas having slopes in excess of twenty percent (20%).
d. Flood hazard areas as designated on the most current Federal FIRM for the Town of Montville, and the rate map designation for such areas.
e. Existing structures and their uses, general type of construction, height, and the like.
f. The location of all existing wells, public water supply watersheds, and other public or private water supplies, and fire protection facilities.
g. Existing monuments, iron pins, and other boundary indicators.
h. Erosion and Sediment Control Plan which complies with Section 4A.6 of these Regulations.
i. Existing contours of the land at intervals of two feet (2'), or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.
j. Existing roads, paths, major and unique natural, scenic, historic and open space features of the parcel.
k. Traffic volumes, if requested.

5. Site Features, Proposed: On the site, and for any area off the site where any alteration whatsoever is proposed:

   a. Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: Proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two feet (2') contours or less; any signs, accessory structures, fences, walls, or other similar structures; location and details for the collecting and handling of refuse; the location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.
   b. The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Local Health District.
   c. Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.
   d. The percentage of building coverage, combined building and paved area coverage.
   e. Phase lines, proposed future division of the property, long term lease boundaries, and the like.

f. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed and sealed by a Connecticut Registered Professional Engineer.
g. The location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.
h. The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings; including exterior elevations, building mounted signs, drive in windows, building or roof lighting and roof drainage/gutters.

6. Parking and Drainage

a. The site plan shall include all information necessary to establish conformance with the requirements of Section 18 of these Regulations, Off-Street Parking and Truck Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
b. The site plan shall depict the dimensions of all parking and loading spaces the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Town Engineer to properly evaluate the storm water management plan for the site.
c. The site plan shall include provisions to retain storm water runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed in the Connecticut Storm Water Quality Manual 2004 as may be amended from time to time and by the Town Engineer.
d. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

c. Sanitary Waste Disposal Plan: For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site.
If the applicant proposes to utilize a community sewerage system, as defined in C.G.S. Section 7-245, as may be amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of C.G.S. Section 7-245f, as may be amended from time to time, have been satisfied shall be provided.

For any site which is not to be served by public sanitary sewers, the applicant shall submit a sanitary waste disposal plan which shall be approved by the Local Health District.

d. Soil Erosion and Sediment Control for Land Development: Every application for Special Permit shall include an Erosion and Sedimentation Control Plan which conforms to the requirements of Section 4A.6 of these Regulations.

e. Protection of Surface and Ground Water Supply: Pursuant to C.G.S. Section 8-2, as may be amended from time to time, every application for Special Permit, located in a Public Water Supply Watershed, shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

1. A statement describing the nature of the use of any buildings or areas of the site and their method of disposal.
2. The nature of any discharges anticipated.
3. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
4. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
5. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
6. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development.

Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e), and (f) need only be provided when the information set forth in paragraphs (a), (b), and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

f. Water Supply; Certificate for Community Wells: The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications,

hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall, prior to the issuance of a zoning permit for such development, provide to the Commission a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The town shall not be considered the water company for an approval unless it consents.

g. Inland Wetlands and Watercourses: No application for Special Permit shall be deemed complete without the submission of a copy of a report and motion for approval of an Inland Wetlands Permit from the Montville Inland Wetlands and Watercourses Commission, provided such a permit shall be required under Regulations adopted by said commission. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Montville Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said commission.

h. Covenants and Restrictions: The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.

i. General Provisions

1. Sufficiency of Information Presented: Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.
2. Additional Information: The Commission may require additional information as may be need to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to; Information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof or ground mounted heating and air conditioning equipment and ventilation ducts, samples of construction materials and the like; the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

3. Number of Copies: The applicant shall submit no less than nine (9) copies of all plans, reports and other documents enumerated above.
4. Determination of Required Information: The commission may, upon the written request of the applicant or upon its own motion, determine that one or more of the required site plan elements or submission requirements set forth in Section 17 and/or Section 16.2 are not required in order to fully evaluate an application.
5. Signature Block: All plans shall contain the words "Approved by the Montville Planning and Zoning Commission" located within the lower right corner, with a designated place for the signature of the Chairman, Vice Chairman, or Secretary of the Commission and the date of signing.
6. Adequacy of Information to Establish Compliance: All applications shall contain sufficient information to permit the Commission to make the findings required in Section 16.5 of these Regulations.

16.4 Application Procedure

a. Who May Apply (Standing to Apply): The following persons may apply for a Special Permit: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

b. Informal Discussion: Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other Municipal, State or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit.

c. Submission of Application

1. Complete Application: A complete application shall consist of the application form and fee, together with the required information set forth in this Section 16. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission, as the case may be, or thirty-five (35) days following, the submission of such application, whichever shall first occur.
2. Notices Mandated by Statute: In accordance with C.G.S. Section 8-7(d)(f), as may be amended from time to time, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in which (1) any portion of the property affected is within five hundred feet (500') of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit in the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality (4) water run-off from the improved site will impact streets or other municipal or private property with the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the submittal of the subdivision application, and no public hearing shall be held on any Special Permit application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

   In accordance with C.G.S. Section 8-3i, as may be amended from time to time, in any Special Permit application for any property which is within the watershed of a water company, as defined in C.G.S. Section 25-32a, as may be amended from time to time, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application. The applicant shall also notify the State Director of Health.
3. Submission for Review: In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees or other governmental agencies for comment and recommendations.
4. Time Limits: The Commission shall, within sixty-five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the C.G.S. as may be amended from time to time. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application.

Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of the said public hearing, the Commission shall act upon said application. The applicant may consent to one or more extensions of time to commence the public hearing, complete any such hearing, and make the decision, provided the total period of all such extensions do not exceed sixty-five (65) days. These time limits are in accordance with C.G.S. as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding without amendment of these Regulations.

5. Action: The Commission shall review the application for conformance with the criteria of this Section 16. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission, may in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

   The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 16. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

   The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by C.G.S. as maybe amended from time to time. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

6. Endorsement and Filing: Within sixty-five (65) days of the Commission approval, the applicant shall submit two (2) sets of final plans on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find

them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 17.9 of these Regulations have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. In accordance with (C. G. S.) Section 8-3d, no Special Permit shall be effective until a copy thereof containing a description of the premises to which it relates and specifying the nature of such Special Permit and stating the owner of record, is recorded in the land records in the Office of the Town Clerk. Boundary Survey, Lot Layout, Plan & Profile and any sheets that show public improvements shall be filed on the Land Records in the Office of the Town Clerk within ninety (90) days of the date of approval.

16.5 Criteria of Decision

In reviewing an application for Special permit, the Commission shall consider the following criteria and shall make a finding that:

a. Complete Application: The application shall contain all information required by this Section 16, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with the criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

b. Compliance with Regulations: The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 4.9 of these Regulations.
Further, the application shall conform to the Town of Montville Subdivision Regulations; the Inland Wetlands and Watercourses Regulations of the Town of Montville, CT, as evidenced by the submission of an Inland Wetlands permit issued by the Town of Montville Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Local Health District; and all relevant provisions of the C.G.S. as may be amended from time to time, whether or not cited in these Regulations.

c. Frontage Improvements: Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

d. Traffic Access: All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include right-of-way to the town and/or to the adjacent property owner(s). In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and sight lines shall comply with State standards, where applicable.

e. Emergency Access: All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like, as required by the Office of the Montville Fire Marshal.

f. Erosion, Sediment, and Runoff Control Standards: Complies with Section 4A.6of these Regulations.

g. Surface and Groundwater Protection: In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the granting of the Special Permit.

h. Water Supply: No site plan depicting a development to be served by a water company, as defined hereinabove, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Montville Town Council, has been obtained in accordance with Section 17.6.24 of these Regulations.

i. Public Health and Safety: The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; floodproofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.

j. Appropriateness of Use: The proposed use shall be consistent with the Plan of Conservation and Development and appropriate for the designated location with regard to: The size and intensity

of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

16A.0 SPECIAL PERMIT USE STANDARDS

16A.1 Winery

An applicant proposing to establish a winery shall comply with the provisions of these Regulations including the following additional requirements:

1. The entire facility shall be located on a site containing not less than twenty-five (25) acres.
2. Any structure used for the retail sale or manufacture of wine shall have a setback on a minimum of one hundred fifty feet (150') from the centerline of the nearest street.
3. Single-family dwellings located within the facility are limited to one (1) for the owner of the property and one (1) for the superintendent or manager of the facility.
4. Any required off-street parking shall be screened from all adjacent lots in any residential district.
5. The winery shall be operated and maintained in accordance with the requirements, standards and specifications and regulations of the Connecticut Liquor Control Commission and any other applicable laws, regulations, and conditions.
6. No structure used for the manufacturing, storage, or sale of wine shall be located within six hundred feet (600') of any school, place of worship, library, or hospital.
7. One sign not exceeding sixteen square feet (16') in area shall be permitted at each entrance from a public street.
8. No manufacturing, storage, or sale of wine shall occur until all improvements are completed according to the site plan.

16A.2 Recreational Camps

An applicant proposing to establish or expand a Recreational Camp shall comply with the provisions of Section 16 of these Regulations and the following additional requirements:

1. The site shall contain a minimum of forty (40) acres.
2. The maximum number of campsites per acre shall average ten (10). Sites shall generally be rectangular in shape. Each individual campsite for accommodation of recreational vehicles

shall contain a minimum of twenty-five hundred square feet (2,500sqft). Tent sites may contain a minimum of sixteen hundred square feet (1600sqft). Minimum campsite widths shall be fifty feet (50') and forty feet (40') respectively. All sites shall have direct access only to interior circulation roads and shall be provided with a minimum of fifteen feet (15') of frontage thereon. All sites shall have permanently posted, chronological lot or site numbers.

3. A landscaped screen and buffer strip a minimum of fifty feet (50') wide shall be provided or retained along the entire perimeter of the camp property. The buffer area shall include evergreen plantings of such type, height, spacing and arrangement as, in the opinion of the Commission, will, to the extent possible, soften the impact to and screen the recreational vehicles from the neighboring residential lots and uses. Non-evergreen plantings or existing landscaping may supplement evergreen plantings. Walls, ornamental fences, earthen berms or other architectural materials may also be utilized in conjunction with natural screening. The buffer shall be designed to provide a continuous screen within one (1) year of installation when viewed horizontally at grade from adjacent or contiguous properties, including those across streets, watercourses, waterbodies, and the like. In the event existing topography and/or landscaping provides adequate buffering in accordance with the intent of these Regulations, the Commission may modify this requirement.
4. Access and interior circulation roads shall be provided with a suitable dustless and all-weather surface, and shall be graded, drained and properly maintained to ensure the safe and convenient passage of patron and public safety vehicles. Road grades shall not exceed ten percent (10%) unless, in the opinion of the Commission, such increase in grade is necessary and will not adversely affect the public safety. Minimum width of interior roads shall be fifteen feet (15') for one-way traffic and twenty-four feet (24') for two way traffic. All interior roads, access ways and travel ways shall have radii designed to accommodate and facilitate movement of vehicles and equipment on and through the site. Roads to be used by recreational vehicles over twenty feet (20') in length shall have a minimum internal radius of sixty feet (60'). Dead end roads in excess of one hundred feet (100') shall be provided with turnarounds containing internal radii of sixty feet (60'), unless exclusively reserved for tent sites.
5. Maximum length of recreational vehicles which are not self-transporting shall be thirty-six feet (36') and maximum width of all recreational vehicles when in transit shall be eight foot six inches (8'6"). All requirements of the Public Health Code of Connecticut, as may be amended from time to time, shall be complied with.
6. Water supply and sewage disposal facilities, and restrooms shall be provided in accordance with the Public Health Code of Connecticut for campgrounds, as amended, and shall comply with any other municipal regulatory, or statutory requirements governing development of same; however, no individual facilities shall be provided for individual camp or tent sites.

7. Recreational campground sites shall be occupied only by a recreational vehicle or tent, and not by any type of permanent dwelling unit or structure not authorized herein or elsewhere by these Regulations.
8. No camp or tent site, recreational building or facility (other than a beach area for camp patrons), or accessory building or structure shall be located within one hundred feet (100') of any property line.
9. A sign not more than twelve square feet (12sqft) in area shall be permitted at the entrance to a Recreational Camp. Maximum height shall be eight feet (8'). Such sign shall be a minimum of ten (10') from the street or lot boundary and shall not pose a traffic hazard. Directional signs shall be permitted within the Recreational Camp provided they are suitably located and do not exceed two and a half feet (2.5') in height and three square feet (3sqft) in area.
10. The storage, collection, and disposal of refuse shall be so managed as to avoid a health hazard or an odor nuisance. Adequate numbers of containers shall be provided within one hundred feet (100') of each individual site. Dumpsters shall be effectively screened and enclosed.
11. A single family home for the owner or manager of the Recreational Camp is permitted on site. A camp store, snack bar, communications facilities, maintenance and storage facilities, and the sale of camp supplies shall be permitted accessory uses provided each is designed and intended for, and used by, campground patrons, and same do not exceed six hundred square feet (600sqft) of floor space.
12. Each Recreational Camp shall provide a minimum of fifteen percent (15%) of the gross land area of the camp for one (1) open space and recreational use. Active recreational areas shall be provided as deemed proper by the Commission and shall be centrally and strategically located to the extent possible. Recreational buildings and facilities shall be located within designated open space areas unless expressly permitted elsewhere by the Commission. A recreation area shall contain facilities including, but not necessarily limited to swings, ball fields, playground apparatus and the like. A facilities plan shall be provided with the plan and be approved or modified by the Commission. Open space may remain in its natural state.
13. The Plan must be approved by Building Official and Fire Marshal prior to submission to Planning and Zoning Commission.
14. Although all other regulations apply in the case of new or subsequent applications, valid development sites for Recreational Camps approved by the Commission prior to the adoption of this amendment but after the inception of Zoning in Montville, shall not be required to reconstruct or rearrange their existing physical facilities to provide compliance with same unless such work is required through some other statute, ordinance, covenant, regulations, agreement, or legal relationship. Non-conforming Recreational Camps existing prior to the effective date of Zoning in Montville, which have not subsequently received special permit approval, shall comply with the requirements of Section 4.9.

15. Recreational Camps shall be used for active camping between April 1 and October 31 of each calendar year. Upon the close of the camping season, all recreational vehicles shall be disconnected form utilities including, but not necessarily limited to, electric, water, sewer or sewage disposal, gas and the like and all camp permit holders and/or proprietors shall certify to the Commission's Agent and the Building Official by November 10 that such measures have been accomplished and no camping is taking or shall take place between November 1, and March 31, of the following year. Each operator of a Recreational Camp shall maintain occupancy records which must be available for inspection by the Commission or its agent. This section shall not be deemed to require removal of vehicles from the Camp or Individual sites between November 1 and March 31.

16A.3 Manufactured Home Park (MHP)

The purpose of the manufactured home subdivision is to allow for single family manufactured home dwellings to be located on ten thousand square foot (10,000sqft) lots or a 10,000 lease area. Manufactured home parks must be serviced by public water and sewer. MHP should afford the private sector the opportunity to make available housing stock which would be accessible to the first time home buyer, single head of household, and the retired segment of the community. A diversified type of housing within the park will be strongly encouraged by the Commission.

1. MHP's may be permitted in R-20, R-40, R-80 and R-120 districts.
2. The minimum land area required for a MHP is twenty (20) acres.
3. Each dwelling unit shall have a minimum of ten thousand square feet (10,000sqft) of land area. The Commission may require a maximum of fifteen percent (15%) of the total gross land area to be set aside for passive or active recreational use. The open space set aside may not be significant regulated wetlands. A clubhouse may be considered as active recreational use.
4. Internal park roads may be reduced to a width of twenty-two feet (22'). Sidewalks maybe required in accordance with Section 4A.2 The ownership and maintenance of all roads, drainage, and sewer facilities within the park shall remain vested in the owner or owners. Water distribution facilities may be owned and operated by the owner of a public utility. The location of all fire hydrants and emergency access must be approved by the Fire Marshal prior to the granting of a special permit. All road drainage, and sewer designs must be approved by the appropriate town agency or official. Refuse collection is the responsibility of the owner.
5. Lot/Lease area: ten thousand square feet (10,000sqft).
6. Frontage: 100' – 80' frontage shall be varied to provide for maximum variety and aesthetic appeal. Loop roads, in lieu of cul-de-sacs, may be constructed provided that the center line

radius of any such road is not less than forty-five feet (45') and the central angle of the curve of such road is not less than one hundred eighty degrees (180˚).

7. Side yard setback: Fifteen feet (15') minimum
8. Building Separation: Thirty feet (30') minimum between buildings
9. Rear yard setback: Twenty-five feet (25') minimum
10. Front yard setback: The minimum average of all front yards shall be twenty-five feet (25') with no front yard of any MHP lot or lease area being less than fifteen feet (15'). Front yard setbacks shall be staggered to provide a maximum variety in the size of such yards.
11. All utilities shall be placed underground. Suitable landscaping as determined by the Commission shall be provided. All refuse areas shall be screened.
12. The minimum floor area of a manufactured home shall not be less than six hundred square feet (600sqft).
13. If a solid concrete or masonry perimeter foundation is not used, exterior wall covering material shall extend to the ground.
14. The main roof shall have sloping lines with a minimum of 1:6 slope.
15. All foundation, slab, and tie downs must comply with the most recent edition of the BOCA, FEMA and HUD codes.

16A.4 Cluster Developments

The Commission recognizes the concept of clustering dwelling units is neither new nor revolutionary in concept. The original New England villages were usually clustered around a village green. Today, these 17th and 18th century village homes are highly sought after not only for their antiquity; but also, of the amenities that their location affords. The common open space is still the hub of recreational activity, local markets and service stores are usually within walking distance, and there is generally access to public transportation and/or main arterials. In more recent decades, communities have experienced suburban and urban sprawl, perpetuated primarily by the cookie cutter approach to subdivision development and the personal mobility which the automobile affords. Sprawl has proven to be costly to the community, the land developer, and the prospective home buyer. This regulation is designed to encourage sound land use planning, to reduce infrastructure costs, to minimize the impact on the natural resources of the community, to preserve open space, and to promote reasonable housing costs.

1. FINAL PLAN

   A final plan submission shall contain all of the following information:

   - Comply with Section 17 of these Regulations
   - A copy of the homeowners association's proposed restrictive covenants for the common open space land.

2. MINIMUM TRACT SIZE

The minimum tract size for a cluster development shall be fifteen (15) acres if public sewers are not available. The minimum tract size shall be ten (10) acres if public sewers are available. The developer may not extend an existing sewer line more than one thousand feet (1,000') unless all of the following conditions are found to exist:

- The Town has received an order signed by the Commissioner of DEEP to construct public sewers which will service the tract or terminate within one thousand feet (1,000') of the tract.
- The area has been designated for the installation of public sewers in the Town's state approved water pollution control facilities plan
- The proposed additional peak flow will not result in average daily flows at the waste water treatment plant in excess of ninety percent (90%).

3. Cluster development is permitted in all residential zones.

4. MINIMUM LOT SIZE

The minimum lot size in each cluster will be determined as follows:

- The minimum lot size shall be eighty thousand square (80,000sqft) feet for lots not served by public sewer if any of the following conditions are found to exist on the proposed lot:
- A minimum soil percolation rate faster than one inch (1") per minute
- A soil percolation rate slower than one inch (1") per thirty (30) minutes
- A maximum ground water level less than three feet (3') below ground surface
- Ledge rock less than five feet (5') below ground surface
- Soils with slopes exceeding twenty-five percent (25%)
- Consisting of soil types interpreted as having severe limitations for on-site sewage disposal by the most recent edition of the National Cooperative Survey of the Soil Conservation Service
- Designated wetlands are within fifty feet (50') of the proposed dwelling unit or septic system
- If the lot is located within the drawdown area of an existing public water supply well with a withdrawal rate in excess of fifty (50) gallons per minute, or within five hundred feet (500') of land owned by a public water supply utility and approved for a future well site by the Commissioner of Public Health

- If none of the above conditions are found to exist, the minimum lot sizes shall be as follows:

ZONING DISTRICT	REQUIRED LOT AREA
WRP-160	80,000 SQ. FT.
R-120	80,000 SQ. FT.
R-80	40,000 SQ. FT
R-40	20,000 SQ. FT.
R-20	10,000 SQ. FT.

Lots in the R-40 zone may be reduced to 10,000 SQ. FT if served by public sewer and water.

5. DENSITY

The overall density may not exceed the maximum density allowed in the applicable district unless the developer submits a proposal in conformance with item 10 below of these Regulations.

6. BULK REQUIREMENTS

Frontage, side yards, front yards, and rear yards may be reduced by twenty-five percent (25%) (See requirement in applicable zone.); provided, however, that lots in the R-40 zone that had, either interior to such lot or within the limits of that portion of a public street or highway immediately abutting such lot, the existence and availability of municipal sewer and a public water supply as of November 15, 2021, may be developed in accordance with the following bulk requirements: lot frontage 80 feet, front yard setback: 30 feet, rear yard setback: 30 feet, side yard setback: 10 feet. In no case shall any side yard be less than ten feet (10'). Applicable height restriction shall remain in effect.

7. OPEN SPACE REQUIREMENTS

Not less than fifteen percent (15%) of the site shall be set aside as permanent open space. At least five percent (5%) of the required open space shall be improved and usable by the homeowner's association for active recreation. Wetlands will not be considered for the fifteen percent (15%) set aside unless they are determined to be significant by the Town of Montville Inland Wetland and Watercourses Commission.

8. The internal roadways may be reduced to a width of twenty-two feet (22') if the ownership of all roads, drainage, and sewage facilities remain vested with the owner or are transferred to homeowner's association.

9. Duplexes are permitted in developments served by public sewer and water.

10. The Commission may negotiate an overall density increase with the developer if the developer proposes to include affordable housing units within the cluster development. Affordable housing units must meet federal, state and/or regional guidelines.

16A.5 Senior Housing

1. The following regulations are established to promote the development of housing for older persons (age sixty-two (62) or older) within either (1) a Common Interest Community created pursuant to the provisions of C.G.S Section 47-200 Et. Seq. or (2), as may be amended from time to time, pursuant to an arrangement (leasehold or otherwise) in which all of the land is owned by a single entity responsible for the maintenance of the community for the benefit of its residents. The development of communities to meet the specialized needs of this age group shall be designed in a manner which is sympathetic to the surrounding neighborhood and sensitive to the ability of the site and infrastructure to accommodate the project.

2. All applications for sixty-two (62) and over Age Restricted Housing Communities shall comply with the requirements of Sections 18B-E of these regulations. Applications may be submitted for phased developments; provided, however, that (1) a conceptual master plan for the remainder of the community is submitted as an integral component of the Site Plan application and (2) each proposed phase of the phased community can be constructed, operated and maintained without the development of any subsequent phase.

3. An application for a sixty-two (62) and over Age Restricted Housing Community shall include:

   a. An application form as prescribed by the Commission.
   b. A site plan which also contains all additional data and information required by this Section.
   c. A Drainage Report and Drainage Area Map prepared and certified by a licensed professional engineer.
   d. A draft of all covenants and restrictions applicable to the 62 and over Age Restricted Housing Community. These covenants must provide assurances that the restrictions shall remain in place until a different use is approved for the whole property by the Planning and Zoning Commission.
   e. Typical front, side and rear elevations of structures to be erected in the 62 and over Age Restricted Housing Community.
   f. If the 62 and over Age Restricted Housing Community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project.

g. Verification from the Montville Water Pollution Control Authority that the Community is authorized to interconnect to municipal sewers.

h. An agreement from a municipal authority or public instrumentality formed to operate community water systems to own and operate a public water supply for the Community.

4. Development Standards

a. Internal community roads shall be owned and maintained by the Property Owner or an Association of Community Owners in the event that the Community is a Common Interest Community pursuant to Section 47-200 of the C.G.S. as may be amended from time to time. Internal community roads shall be a minimum of twenty-two feet (22') in width (or such greater width as the Commission may determine) and shall be constructed in accordance Best Management Practices for stormwater management and shall be approved by the Town Engineer.

b. The Property shall be served by public water and sewer.

5. The minimum lot frontage for Community shall be fifty feet (50') on a public street.

6. The minimum lot size for a sixty-two (62) and over Age Restricted Housing Community shall be 1 acre.

7. There is no minimum habitable floor area except for that required by State Building Code.

8. Open space as Required by Section 4B.16. And the following accessory uses and buildings exclusively serving the Residents of the Community may be included with the approval of the Commission:

a. Swimming pools and tennis courts.
b. Community center.
c. Off street parking for recreational vehicles.
d. Community maintenance building.
e. Shared parking facilities located within one hundred feet (100') of the Unit served.
f. Other similar accessory uses acceptable to the Commission.

9 Each building in a group shall not be closer than twenty-five feet (25') from any other building in the group measured in a straight line between the nearest parts of the building.

10. Each sixty-two (62) and over Age Restricted Housing Community which contains in excess of thirty (30) housing units shall provide a community/recreational building for the exclusive benefit of community residents which shall contain not less than the greater of

(1) two thousand square feet (2,000sqft) or (2) ten square feet (10sqft) for each unit in the community.

11. All utilities shall be underground.

12. Community Entry Requirements.

    a. Each Unit must be occupied by at least one Resident who is sixty-two (62) years of age of over.
    b. No Unit shall be occupied by any individuals who have not attained the age of sixty-two (62) years.
    c. The Community documents shall contain covenants insuring that the community entry requirements are maintained for all Units in the Community.
    d. One (1) housing unit in each Community may be occupied by an onsite manager, including such manager's spouse and family, which do not comply with the community requirements; provided, however, that such manager is a full time owner or employee of the Community.

16A.6 Active Adult Housing Community

1. The following regulations are established to promote the development of housing for older persons (age fifty-five (55) or older) within either (1) a Common Interest Community created pursuant to the provisions of C.G.S. Section 47-200 Et. Seq. or (2), as may be amended from time to time, pursuant to an arrangement (leasehold or otherwise) in which all of the land in the Common Interest Community is owned by a single entity responsible for the maintenance of the Community for the benefit of its Residents. The development of Communities to meet the specialized needs of this age group shall be designed in a manner which is sympathetic to the surrounding neighborhood and sensitive to the ability of the site and infrastructure to accommodate the project.

2. All applications for Active Adult Housing Communities shall comply with the requirements of Sections 16 and 17 of these Regulations. Applications may be submitted for phased developments; provided, however, that (1) a conceptual master plan for the remainder of the community is submitted as an integral component of the Special Permit Application and (2) each proposed phase of the phased community can be constructed, operated and maintained without the development of any subsequent phase.

3. An application for an Active Adult Housing Community shall include:

    a. A draft of all covenants and restrictions applicable to the Active Adult Housing Community shall be filed in the land records after final approval.

b. Typical front, side and rear elevations of structures to be erected in the Active Adult Housing Community.
c. If the Active Adult Housing Community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project.
d. Verification from the Montville Water Pollution Control Authority that the community is authorized to interconnect to municipal sewers.
e. An agreement from a municipal authority or public instrumentality formed to operate community water systems to own and operate a public water supply for the community.

4. Development Standards

a. Internal community roads shall be owned and maintained by the Community Owner or an Association of Community Owners in the event that the Community is a Common Interest Community pursuant to Section 47-200 of the C.G.S. as may be amended from time to time. Internal community roads shall be a minimum of twenty-two feet (22') in width (or such greater width as the Commission may determine) and shall be constructed in accordance Best Management Practices for Stormwater Management and shall be approved the Town Engineer.
b. The Community Development be served by public water and sewer.

c. The minimum lot frontage for an Active Adult Housing Community shall be two hundred feet (200') on a public street.
d. The minimum lot size for an Active Adult Housing Community shall be five (5) acres.
e. The maximum density per Section 4B.16.
f. The minimum habitable floor area of each dwelling unit shall comply with the State Building Code, State of Connecticut, as may be amended from time to time.
g. Open Space shall be provided per Section 4B.16. And the following accessory uses and buildings exclusively serving the residents of the community may be included with the approval of the Commission:

1. Swimming pools and tennis courts.
2. Community center.
3. Off-street parking for recreational vehicles.
4. Community maintenance building.
5. Shared parking facilities located within one hundred feet (100') of the Unit served.
6. Other similar accessory uses acceptable to the Commission.

h. Each building in a group shall not be closer than twenty-five feet (25') from any other building in the group measured in a straight line between the nearest parts of the building.
i. Each Active Adult Housing community which contains in excess of thirty (30) housing units shall provide an office on-site and may provide a community/recreational building for the exclusive benefit of community residents.
j. All utilities shall be underground.

16A.7 Adaptive Reuse Development

1. PURPOSE

The intent of Adaptive Reuse Development is to allow flexibility to promote the renovation and reuse of sites and existing structures that are determined to be no longer viable for their prior intended use. This determination is based upon specific Adaptive Reuse Eligibility Criteria and generally includes restrictions imposed by:

i. environmental remediation requirements of property;
ii. aging building infrastructure;
iii. arrangement of building patterns and floor plan;
iv. influences of evolving economic market dynamics; or
v. unsafe building conditions.

The Commission recognizes that the promotion of the Adaptive Reuse of Underutilized Buildings and sites classified as Brownfields reduces the demand on building resources and is vital to protecting undeveloped landscapes, protecting the environment, protecting property values and community identity, and focusing redevelopment in locations which support traffic and utility infrastructure.

2. GENERAL

a. Each application shall be acted upon by the Commission acting in its capacity as Zoning Commission in accordance with the provisions of Section 8-3(c) of the Connecticut General Statutes as may be amended.

b. The Commission, at the applicant's expense, may hire a third party to review submitted material, testimony or other information deemed necessary for the Commission to render a decision. The Commission may request a deposit to cover anticipated expenses.

3. APPLICATION REQUIRED

a. Site Plan Review and Special Permits. Applications which include Middle Housing or Mixed Use and which are located in commercial or mixed-use districts are subject to Section 17 Site Plan Review. All Adaptive Reuse Developments which are solely commercial or not within a residential district, regardless if the Adaptive Reuse Development includes Middle Housing or Mixed-use, shall be subject to Section 16, Special Permit.

b. Preliminary Review Encouraged. Applicants are encouraged to file a preliminary application to solicit staff comments and discuss with the Commission the property's eligibility under this Section 16.13.4 Adaptive Reuse Eligibility Criteria. The applicant should provide sufficient details to help Staff and the Commission in providing guidance based upon information known at the time of this informal review. This includes pertinent reports, site plans, building plans (existing and proposed), applicable studies, and other documentation that may be available. Comments provided from Staff and the commission are non-binding and may be subject to change based upon reasons such as additional future information that is brought forth by any party.

c. Formal Application. All applications filed under this Section 16.3 Adaptive Reuse Development shall file applications for Site Plan review with Special Permit as provided in Sections 15, 16 and 17 of these regulations. Review criteria outlined in subsection 16.3.9 Criteria of Decision shall be used to assist the Commission in making a decision and in addition to that listed in *Section 16.5 (Special Permits) Criteria of Decision*.

d. Minor Modification. Following an approval of an Adaptive Reuse Development by the commission, minor modifications to a plan may be, at the discretion of the Director of Land Use and Development or designee, reviewed and approved administratively by the Director unless determined by the Director to warrant a review and approval by the Commission. Minor modifications include the addition or elimination of no more than 10% of the approved total number of parking spaces, or an increase of impervious coverage of more than 10% from the approved plan. Any change in building size, location, or configuration will require review by the Commission.

e. Plan Review by Third Party. The Commission may require the services of a third party to assist in the review of application materials and may place the burden of such review costs and expenses upon the Applicant, to be paid in full prior to approval.

4. ADAPTIVE REUSE ELIGIBILITY CRITERIA

In order for a property to be redeveloped as an Adaptive Reuse Development as defined by these regulations, the Commission shall determine the property meets these Adaptive Reuse Eligibility Criteria. This burden of proof shall be placed upon the Applicant whom shall submit all necessary information to assist the Commission in making such determination, which determination will coincide with the overall application provided under the provisions of 16.13.3. Site Plan Application with Special Permit.

To be eligible as an Adaptive Reuse Development, the application must meet both items 1 and 2 below, and referred to as the Adaptive Reuse Eligibility Criteria:

1. Location. The Property must meet each of the following:
   i. The property shall be entirely located within a C-1, C-2, I, LI, R-20-M, R-20 or R-40 district;
   ii. The parcel shall have frontage upon or located within three hundred feet (300') of State Routes 32 or RT 163 from RT 32 to east side of Chesterfield Road intersection, as measured along the roadway center line from the properties nearest point and to the intersection of the centerlines; and
   iii. The property shall be connected to both public sewer and water with demonstrated capacity to support the intended use as determined by a licensed professional engineer and documented in correspondence by the Montville WPCA.

And;

2. Characteristics: The Property must meet one of the following:

   i. Is a Historic Building as defined by these Regulations;
   ii. Is determined by the Commission to meet the definition of an Underutilized Site as defined by these Regulations;
   iii. Is determined by the Commission to meet the definition of an Underutilized Building as defined by these Regulations; or
   iv. Is classified or was classified as a Brownfield.

5. SPECIAL PERMITTED USES AND PROHIBITED USES

1. Uses allowed either as Permitted or Special Permit subject to the respective Zoning District :
   a. All Permitted Uses and Special Permit Uses as listed in the underlying zone.
   b. Mixed use

e. Artists and craft persons studio, museums, and libraries

2. The following uses are specifically prohibited in the C-1 and C-2 Districts:
   a. Warehousing
   b. Outdoor storage (excluding that associated with a principal building and located in the side or rear yard and adequately screened from view)
   c. Self-storage
   d. Earth excavation
   e. Industrial
   f. Kennels
   g. Data Center
   h. Heliport/airport
   i. Equipment/vehicle sales/rental
   j. Fueling stations
   k. Uses not specifically listed in the underlying zone

6. RESIDENTIAL DWELLING USES

1. Affordable Housing Required. When a residential use is proposed, including as part of a mixed-use development, at least 10% of the dwelling units must be deed restricted affordable for families earning 80% or less of U.S. HUD's Area Medium Income (AMI). The above calculations shall be determined utilizing the requirements outlined in CGS 8-30g.
2. Dwelling Unit Design. All dwelling units shall be comparable to one another in size, configuration and amenities regardless of affordability.
3. Dwelling Unit Mixture and Density. In order to offset project costs and define a feasible project, density, dwelling unit size, type and mix shall be based upon a market analysis prepared by a licensed/accredited real estate professional with demonstrated experience in preparing related market studies, which shall be submitted to the Commission with the application. This will be reviewed in tandem with the appropriateness of each unit's design as it is integrated into the floor plan(s) and building exterior design.
4. Open Space and Recreation. When a project includes residential uses, the project shall include open space, social spaces or recreational opportunities. For multifamily buildings consisting of more than eight (8) units at least one interior area, such as fitness room or lounge, shall be provided. All Adaptive Reuse Developments shall provide usable exterior spaces for residents of the development, such as courtyard, play area, or passive landscaped area. When determining the appropriateness of the spaces provided,

the Commission will consider lot size, number of units, and developable land. The applicant shall provide industry standard metrics for such comparison when available.

7. BULK STANDARDS

1. All bulk standards of the underlying districts apply. However, to provide flexibility in Adaptive Reuse, and as part of the special permit review, the Commission may allow different bulk standards established by the applicant to meet the requirements of the Adaptive Reuse Development. This includes front, side and rear setbacks, building coverage, impervious coverage, and building height.

8. BUILDING DEMOLITION

Underutilized Buildings may be demolished and new buildings erected to accommodate the intended purpose of this regulation only if:

1. More than 50% of the total of all building area has been deemed unsafe by the Building Official; or
2. Substantial evidence is provided that the building's physical condition cannot support a use as a result of floor plan configuration, land use restrictions, or costs to renovate; in making such a determination, the Commission shall review evidence submitted by the applicant to support such a decision. This shall include the certification from an Architect, Structural Engineer and/or LEP, as may be applicable, licensed in the state of Connecticut, and which addresses the functionality of the existing building.
3. The Commission may consult with their own professional to guide its decision regarding the appropriateness of demolition.

9. DESIGN STANDARDS

The architectural and site design of all buildings and improvements for an Adaptive Reuse Development, including floor plans and building elevations drawn to scale showing the proposed exterior materials and treatments to be used, shall be submitted. The plans submitted shall demonstrate how the adaptively reused building is consistent with the neighborhood in which it is located and, if applicable, how it transitions from denser Adaptive Reuse Developments to neighboring properties.

1. Parking. Parking for all uses shall meet the requirements set forth in Section 18 regardless of use. The Commission may allow flexibility by the Applicant providing a Parking Plan prepared by a Connecticut Licensed Professional Engineer which has been reviewed and approved by the Town Engineer and the Director of Planning in lieu of parking requirements listed in Section 18.3. The Commission shall use this Parking

Plan to determine if the number of parking spaces is adequate to meet the needs of the proposed development.

2. Preservation. If a building is a Historic Building, or eligible to be listed as an Historic Building, the applicant shall provide a detailed report on how any new construction or renovation complements the historic nature of the structure and is integrated into the overall site in a manner consistent with these regulations and with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing (SOIS). The SOIS shall apply to the exterior of the building only.
3. Building Siting. Building design shall be compatible with traditional New England architectural styles with use of materials, place of fenestrations, entry styles and roof types customary to the selected style. However, the Commission may allow alternative design approaches which demonstrate unique qualities in place making, identify, sustainability measures and responsiveness to the landscape by reducing disturbance or visual impacts. For new construction along the Route 32 corridor, new buildings shall be sited within 10'-25' of the front lot line. Additions to existing buildings to remain shall, to the extent feasible, be extended toward the street frontage. The Commission may allow alternatives if the applicant demonstrates constraints exist that prohibit such placement.
4. Siting of Parking, Loading/Refuse, and Appurtenances. Parking, loading/refuse and appurtenances shall be located in the side or rear yard. Such elements in side yards shall be screened from view from public rights of way with landscaping, decorative fencing or combination thereof.
5. Building Reuse. For Underutilized Buildings to be adaptively reused, the applicant shall certify through a licensed architect or structural engineer that the building is capable of being adaptively reused in the manner proposed.
6. Site Reuse. For Underutilized Site's to be adaptively reused, a Connecticut Licensed Environmental Professional (LEP) shall certify the site's remediation meets the standards for the intended use.
7. Landscaping. The entire parcel on which the proposed Adaptive Reuse Development is to be established shall be landscaped and screened in such a manner as to insure a safe and cohesive layout and one appropriately related with and not detrimental to nearby uses. The Commission may require the installation of fencing or the provision of suitable landscaping treatment to provide effective opaque buffers between an Adaptive Reuse Development and adjacent property on which single-family residences are located. Suitable landscaping, as determined by the Commission, shall be provided on all lots on which an Adaptive Reuse Development is located, and the existing natural landscaping shall be preserved whenever possible.

8. Streetscapes and Sidewalks. Notwithstanding other provisions of these Zoning Regulations, the project shall provide for sidewalks along the entire frontage of the property unless it is determined by the Commission sidewalks are not feasible based upon existing nearby public infrastructure, topography, or natural resources. Shade trees at a minimum size of 3-3 ½" caliper shall be provided for each forty feet of frontage, or fraction thereof. When adequate space is not provided, said trees shall be planted on site at another suitable location.
9. Buffer Required. A landscaped buffer shall be provided when abutting another Dwelling use, industrial use/zone, outdoor storage area or higher intensity commercial use. Said buffer shall include a combination of densely planted evergreen and deciduous shrubs and trees, fences if appropriate, and arranged in a manner to limit visual impact to the greatest degree possible. The depth of the buffer may vary based upon adjacent use, topography and exiting vegetation.
10. Phasing. When the Adaptive Reuse Development is to be developed in more than one phase, a phasing plan shall be provided at time of application outlining work limits, sequence and timeframe for each development phase.

10. CRITERIA OF DECISION

The Commission shall base their decision to approve, approve with conditions, or deny an application based upon Section 16 Special Permits and the following criteria:

1. Use Suitability. The Commission shall determine that the existing Underutilized Building and its environments will be suitable for conversion to the use(s) and will not adversely impact the health, safety and welfare of the existing neighborhood.

2. Neighborhood Compatibility. The commission shall determine if the total number of units in new construction and/or reuse of existing buildings can be appropriately accommodated in a manner that is compatible with the surrounding neighborhood and without impacting the health, safety and welfare of the neighborhood. In order to meet this requirement, the Commission may reduce the total density by an amount deemed compatible with the context of the parcel.

3. Building and Site Design. The Commission may allow the Adaptive Reuse Development to deviate from the underlying bulk standards by making such a decision that shall take into account exceptional site and building design, restoration and preservation of historic buildings, contribution to streetscapes and traffic calming and enhancement of the property's neighborhood.

5. Streetscapes. The Commission shall determine that the frontage design creates or promotes a cohesive streetscape compatible with the location.

6. Density and Intensity. The Commission shall determine if the intensity and density of the use is suitable for the Site and neighborhood. The Commission may take into consideration such factors as, but not limited to, access, trip generation, architectural and site design, stormwater management (quality and quantity), and parking.

7. Connectivity: Sidewalks and Public Waterfront Access. The Commission shall determine that the application has provided appropriate sidewalks in commercial, mixed use, and residential areas. When existing sidewalks are not present, the commission has the discretion to require sidewalks when determined to be in the best interest of public safety, convenience and promote walkability. Public waterfront access shall be provided for all parcels along tidally influenced watercourses. This may include signage to direct the public from public rights of way, walking trail, public accessible parking, seating and/or passive recreation amenities.

8. Bulk Standards Review. When the applicant selects to establish its own bulks standards as defined in 16.3.6.A, the Commission shall determine that the use of landscaping and architectural design appropriately respond to the established standards.

9. Conditions. The Commission may impose reasonable conditions as provided in these Regulations including provision for vehicular and pedestrian traffic patterns, hours of any commercial use, open space use, and recreational areas.



17.0 SITE PLAN & SUMMARY REVIEW

17.1 Purpose

A site plan is intended to provide the Commission with information that will enable it to determine that the proposed structures and uses shall be arranged in a manner that enhances the health, safety, and welfare of the Citizens of Montville and shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect natural resources and the appearance and beauty of the community and to avoid undue traffic congestion.

This section also outlines the Summary Review requirements associated with Transit Community Middle Housing.

17.2 Decision Making Authority

1. The Commission hereby delegates to the Director, or his/her designee, Decision-Making Authority of Site Plan Applications submitted pursuant to Section 17 of these Regulations except for the following applications:

    a. A Site Plan Application in conjunction with a Special Permit;

    b. Residential Uses over twenty (25) units;

    c. Commercial and Mixed Uses over 25,000 SF;

    d. Industrial Uses;

    e. A deviation is requested as set forth in Section 17.3. Deviations.

2. The Director shall have the sole discretion to refer any application to the Commission.

17.3 Deviations

1. To provide flexibility for the rehabilitation of existing buildings, the efficient use of lots created prior to the town adopting Zoning or Subdivision Regulations, and flexibility for

new construction, the Commission may approve an application that deviates from the minimum or maximum requirements associated with setbacks, open space, building height, buffer depths, plant quantity only associated with landscaped buffers and blank wall requirements of these regulations by up to 15 percent as permitted in this Subsection 17.3 only in I, LI, C-1, C-2, R-20-M, and RT 32 Overlay districts if the Commission finds that:

a. The adjustment from the minimum or maximum requirements is consistent with all relevant purpose and intent statements of these zoning regulations and with the general purpose and intent of the plan of conservation and development.

2. Deviations are prohibited after the issuance of the maximum deviation for a particular standard.

3. The provisions of this section shall not be construed to allow the Applicant or Applicant's agent/contractor independent ability to modify during construction without advanced approval.

4. Deviations are limited to a 15% increase or decrease, whichever is more restrictive, of the quantitative dimension (e.g., feet, units, or percentage). All such calculations shall be proportional to the standard itself.

5. Deviations shall not be applied to the following:

a. The increase of density of residential units;
b. Standards along a property line abutting a residential district;
c. Standards which will create a non-conforming lot;
d. Minimum open space/recreation requirements;
e. Site Landscape Design Standards not specifically stated in 17.3.1.

17.4 Procedure

A site plan shall be submitted for any application to the Planning & Zoning Commission.

17.4.1 Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered by the Commission within sixty-five (65) days after the date of receipt, except that the applicant may consent to one or more extensions of time to make the decision provided the total period of all extensions does not exceed sixty-five (65) days.

17.4.2 A decision by the Commission to deny or modify a site plan shall set forth the reasons for which such denial or modification is required to conform with these Regulations.

17.4.3 A copy of any decision by the Commission on a site plan shall be sent by certified mail to the applicant within fifteen (15) days after such decision is rendered.

17.4.4 A site plan shall be prepared by either an architect, professional engineer and/or land surveyor licensed and registered to practice in Connecticut. The Commission shall have the right to require that a site plan be prepared by a Connecticut Licensed Professional Engineer if the proposed development will include the design of roads, storm drainage facilities, water systems and sewerage systems. The signed seal(s) of those who prepared the site plan shall be included on the site plan. A site plan shall contain a type of survey that accurately depicts property lines, boundary monumentation and existing/proposed property improvements.

It shall be prepared and sealed by a Licensed CT Land Surveyor in accordance with the Standards for Surveys and Maps in the State of Connecticut (Sections 20-300b-1 through 20 of the Regulations of State Agencies). It shall meet the minimum standard of "Class A-2" horizontal accuracy and a Topographic Survey which depicts the configuration (relief) of the earth's surface (ground) and the location of natural and artificial objects thereon. The topographic and Vertical Classes of Accuracy, as defined in Section 20-300b-11, shall be noted. Bench marks shall be depicted or noted on all Class T-1, T-2, and T-3 Surveys. Horizontal and Vertical Survey datum and contour interval shall be depicted or noted, if property lines depicted do not present a surveyor's property / boundary opinion, there shall be a note clearly indicating this fact.

17.4.5 A written statement describing the proposed use or uses in sufficient detail will be submitted with each site plan to determine compliance with the permitted uses or special permits in the applicable zone.

17.4.6 A location map at a scale of one inch (1") equals one thousand feet (1,000') shall be submitted showing the subject property, streets, lot lines, and zoning district boundaries within one thousand feet (1,000') of the subject property. If space permits, the location map may be included as an insert on the site plan as required in Section 17.4.

17.5 Electronic Document Filing

17.5.1 PDF (Portable Document Format) files shall be provided for all initial and subsequent application filings. Such documents shall be provided in a manner as prescribed by the Decision-Making Authority.

17.6 Site Plan Content

In addition to the site plan requirements set forth in Section 16, if applicable, and 17.5, a site plan drawn at a scale of one inch (1") equals forty feet (40'), maximum size of 24" x 36" unless approved

by the Town Planner shall be prepared and clearly show to the satisfaction of the Town Planner the following information:

17.6.1 The name and address of the applicant and owner of record.

17.6.2 North arrow, scale, date of the drawing or its revision and the name(s) and seal(s) of those persons preparing the site plan.

17.6.3 Buildings off site located within 100' of all property lines utilizing GIS information..

17.6.4 An existing conditions plan, on a separate sheet, prepared by a Connecticut Licensed Land Surveyor to a Class A-2 Horizontal Accuracy and Class T-2 Vertical Accuracy shall be provided and signed and sealed by a CT licensed Land Surveyor. All proposed improvements shall be depicted as an overlay upon this existing condition plan.

17.6.5 Zoning districts and dimensions of all yards as required by these Regulations. This information will be shown in both mapped and tabular forms.

17.6.6 Existing and proposed contour lines at two foot (2') intervals. The Town Planner or Town Engineer may require a one foot (1') contour interval in order to clearly show topography and drainage. Spot elevations shall be provided at critical locations depicting drainage patterns, including high points, low points, ridgelines and changes in drainage patterns.

17.6.7 Location, width, and purpose of all existing and proposed easements and right-of-way on the property.

17.6.8 Location of all existing watercourses, wetlands, public water supply watershed boundaries, bedrock, outcrops, and where appropriate, the mean high water line, flood hazard areas, and channel encroachment lines.

17.6.9 Location and size in square feet of all existing and proposed structures including underground storage tanks and uses on the property and the approximate locations and size of all existing structures on the abutting properties which are within one hundred feet (100') of the property lot lines.

17.6.10 Building Floor Plans. General floor plans for each floor with finished or unfinished spaces depicting:

a. circulation patterns to required egress
b. doors (interior and exterior) and windows
c. utility connection points

d. Location of all storage areas for materials, supplies, products, vehicles and equipment that will not be kept inside a structure as required by these Regulations.

17.6.11 Building elevations. Elevations of all building sides depicting windows, doors, utilities, siding materials (including changes between materials), roof lines, vertical elements (i.e. chimney, towers), screens and other building improvements shall be provided.

17.6.12 Location, size, and arrangement of all parking and loading areas including existing and proposed driveway entrances and exits.

A parking table tabulating total area in square feet of each use classification and number of units.

The Town Planner may require the applicant to submit a traffic evaluation or pedestrian report prepared by an engineer, licensed in the State of Connecticut, if the proposed development has the potential to impact traffic flow or significantly impact peak period traffic counts.

17.6.13 Location, size, and arrangement of all pedestrian walkways and sidewalks.

17.6.14 Location, layout, type, and size of buffer or landscape area, plant materials, fencing, screening devices, or other materials proposed for use.

17.6.15 Location, size, height, lighting, and orientation of all signs.

17.6.16 Location, size, height and orientation of all outdoor lighting facilities.

17.6.17 The stormwater drainage system, including the location and evaluations of all existing and proposed street drainage facilities within one hundred feet (100') of the property. The Town Planner or Town Engineer may require additional information and / or details regarding off-site drainage features affected by, or impacting upon the proposed development. Stormwater management systems shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual as may be amended from time to time.

17.6.18 Location, size, and type of all water and fire protection facilities.

17.6.19 Location, size, and type of all sewerage disposal facilities.

17.6.20 Location of all loading and Appurtenances.

17.6.21 In cases where the applicant intends to develop in stages, an overall site and staging plan shall be required.

17.6.22 The Commission may require the applicant to submit an environmental evaluation report for a proposed development located in an environmentally sensitive area. Evaluation reports by independent professionals and other experts such as hydrologists, geologists and soil scientists may be required at the expense of the applicant.

17.6.23 All signature blocks must be located in lower right corner.

17.6.24 Certificate of Public Convenience and Necessity: in accordance with Section 4A.9 of these Regulations

17.6.25 Sanitary Waste Disposal Plan: For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in C.G.S. Section 7-245 as may be amended from time to time, a report from the Montville Water Pollution Control Authority indicating that all requirements of C.G.S. Section 7-246 as may be amended from time to time have been satisfied shall be provided.

17.6.26 An Erosion and Sediment Control Plan designed in accordance with Section 15.1 of these Regulations.

17.6.27 Special Requirements for Uses in Public Drinking Water Supply Watersheds The following special requirements shall apply to all Special Permit uses located within the Lake Konomoc and Stony Brook Reservoir watershed:

1. All septic systems shall be designed by a Sanitary Engineer registered in the State of Connecticut, and shall include a renovation analysis demonstrating compliance with current standards adopted by the DEEP.

2. No stormwater discharge from parking areas, roadways, rooftops or areas covered with similar impervious surfaces shall be deposited directly into any wetland or watercourse, nor discharged directly into the ground. Suitable surface and/or subsurface measures shall be taken to detain, filter, renovate and otherwise improve the quality of any such waters before discharge to surface or subsurface waters on or off the site. Existing wetlands may be employed for final treatment

of stormwaters to the extent of their capacity to do so, but only after initial treatment by new wetlands or structural filtration methods.

17.6.28 Landscaping and lighting as required in Section 18B and 18C respectively.

17.6.29 Location of all snow storage areas.

17.6.30 When a Structure is proposed to be located within ten (10) feet of a Setback line, a cross-section depicting the property line, setback line, and location of the Structure shall be provided. The cross-section shall clearly depict the Structure's foundation/slab, exterior wall, all finished siding, eave projections, and gutters, with clear notations of distance to the property line and setback line.

A note shall be added to the plan stating:

"The Contractor shall be responsible for ensuring no portion of the Structure or foundation will be closer to the setback line than depicted upon these approved plans. The Contractor shall submit to the Zoning Enforcement Officer an as-built survey of the foundation footings or slab, whichever is applicable, prior to erecting the walls of the Structure. Said as-built shall be to Class A-2 accuracy, signed and sealed by a CT Licensed Land Surveyor, and depict the location of all property boundaries and setbacks."

17.7 Determination of Applicability

The Decision-Making Authority may determine that one (1) or more of the site plan requirements of Section 17.6 is not required. A determination of applicability must be requested in writing by the applicant.

17.8 Final Plan Submission

Following final approval and prior to signing of plans by the Chairman of the Planning and Zoning Commission, each plan set shall include one or more sheets solely containing the letters of approval from the Inland Wetlands and Watercourse Commission (if applicable) and the letter of approval from the Planning and Zoning Commission and all conditions of approval from each commission.

Said plans shall be provided to the contractor of record, or contractors if more than one, and shall be maintained on the job site at all times.

17.9 Site Plan Review

In reviewing a site plan application, the Commission shall take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may

prescribe reasonable conditions and safeguards to insure compliance with the following general objectives:

17.6.1 Conformance with all applicable standards of these Zoning Regulations.

17.6.2 Any proposed structures and uses shall be designed and located on the property so that there will be adequate access for emergency vehicles.

17.6.3 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provisions for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

17.6.4 All proposed traffic access ways are adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street intersections, places of public assembly and other access ways; adequate in design for other similar safety considerations.

17.6.5 Adequate off-street parking and loading spaces shall be provided to prevent on-street traffic congestion and the interior circulation system shall provide safe and convenient access to all required off-street parking.

17.6.6 The landscaping of the property shall comply with the appropriate sections of these Regulations; existing trees will be preserved to the maximum extent possible; and parking and service areas shall be suitably screened at all seasons of the year from the view of adjacent residential districts.

17.6.7 Lighting from the installation of outdoor lights and illuminated signs will be properly shielded so that such lighting does not adversely affect abutting property or public streets.

17.6.8 Development of the property should preserve to the maximum extent possible sensitive environmental land features such as areas of steep slopes, wetlands, large bedrock outcrops, scenic views and historically significant features.

17.6.9 In those cases where a development proposal must be reviewed by other local, state, and federal agencies, the Commission will give due consideration to any report(s) presented to it by these agencies.

17.10 Bonding

The Commission may require a bond estimate as part of the submission of a site plan application, which estimate shall separately state the cost for public improvements to be conveyed to or controlled by the Town; and erosion and sedimentation control measures. All aspects of bond posting, release, and administration shall be governed by Section 15.4 of these Regulations.

18.0 OFF-STREET PARKING STANDARDS

18.1 General

No building or structure shall be erected, enlarged, modified, or its use changed unless permanently maintained parking and loading spaces are provided in accordance with the provisions of these Regulations. In addition, no alterations, improvements or modifications to an existing parking area or the establishment of a new parking area until a site plan in accordance with Section 17 of these Regulations has been approved by the Decision-Making Authority.

An existing parking area and appurtenances legally existing prior to the establishment of these Regulations or amendments thereto, which does not comply with the requirements of this section shall be considered a non-conforming use of land.

The Decision-Making Authority shall review the location of access drives across a public right-of-way proposed as part of a site plan. The applicant shall be responsible for obtaining an encroachment review from the DPW and/or State of CT DOT. Applicant shall be responsible for obtaining a traffic review from the State of CT Office of State Traffic Authority (OSTA) as required.

It is the intent of these Regulations to allow flexibility in addressing vehicle parking, loading areas, parking lot landscape design, storm water management and to promote transit orientated development.

18.2 Applicability

These Regulations apply to all uses in all districts.

18.3 Parking Space Dimensions & Parking Reduction

18.3.1 A parking space shall have a minimum rectangular dimension sufficient to provide one hundred eighty square feet (180sqft) of parking area exclusive of driveways and shall be permanently reserved for the temporary parking of one (1) automobile. Spaces may be either 9’ x 20’ or 10’ x 18’. The dimension of the parking spaces shall be consistent for all spaces.

18.3.2 Compact parking spaces are permitted in parking areas of 50 spaces or greater. No more the 20% of the total number of spaces shall be designated as compact parking spaces. The size of compact spaces shall be 8' wide by 16' in length. Each compact parking space shall be signed as "Compact Vehicle Parking Only" and at a dimension and mounting height equal to ADA standards, equally grouping with a minimum of five spaces in each group and located within proximity to building entrance(s) when feasible. Landscape median islands shall be widened as required to ensure the end of all parking stalls at the drive aisle are aligned.

18.3.3 A parking reduction plan may be submitted which supports reduction of the parking requirements listed herein and prepared by a Professional Engineer. Said parking reduction plan is subject to the review and approval of the Town Engineer and Decision-Making Authority. The Decision-Making Authority may require the final parking reduction plan to identify a deferred parking area set aside equal to or greater than the reduction requested. If a deferred parking area location is required to be set aside, it shall be depicted on the site plan and designated as future parking area upon all plans. Said area shall demonstrates it can accommodate the required deferred parking quantity in a manner which meets these Regulations. All infrastructure shall be designed to accommodate said parking and stormwater calculations shall be provided. Deferred installation of stormwater management areas is permitted so long as the areas are depicted on the site plan and accurately sized. The Zoning Enforcement Officer shall have the authority to determine if the deferred parking area is no longer needed after a sufficient period of time has passed that demonstrates that its removal will not have an adverse impact on the approved plan.

18.4 Parking & Loading Requirements

Adequate parking facilities located off the street or highway right-of-way shall be provided to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting each building or premises at any one time in accordance with the following requirements:

18.4.1 For One-Family or Two-Family Dwelling Units: Two (2) spaces for each family unit; driveways may be included as a required space for single-family dwellings. For permitted home occupations, spaces shall be provided as required for the occupational uses specified herein:

18.4.2 Sixteen (16) or fewer Dwelling Units. There shall be no parking minimum.

18.4.3 Greater than sixteen (16) Dwelling Units:

a. Studio and one-bedroom Dwelling Units: 1 parking space per Dwelling Unit

b. Two or more-bedrooms Dwelling Units: 2 parking spaces per Dwelling Unit

c. Fewer parking spaces may be proposed subject to the applicant submitting a parking needs assessment prepared by a Connecticut licensed professional engineer addressing how the following criteria supports the lesser parking ratio without impact health and safety:

i. available existing public and private parking that may be used by residents of the proposed development,

ii. public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking,

iii. projected future needs for off-street parking for such proposed development, and

iv. any relevant local traffic, parking or safety study.

18.4.4 For Business or Professional Office or Governmental Office Space: One (1) space for each two hundred fifty square feet (250sqft) of gross floor space.

18.4.5 Retail Stores and Restaurants containing drive through facilities:

a. Pick up facilities / windows which include required stacking lanes, shall be located in the rear or side yards only. Provisions shall be made to park the minimum stack of vehicles between the street line and the drive through window, with provisions also made to allow at least one exiting automobile to park between the window and the street. The space at the pick-up window shall not be counted as a stacking space.

b. Stacking lanes shall be a minimum of ten feet (10') wide and twenty feet (20') long.

c. Stacking lanes shall be separate from internal aisles, which allow traffic to circulate through the site without entering the drive-through lane.

d. Stacking lanes shall be designated and located so as to minimize traffic congestion and to promote pedestrian safety through the use of pavement markings, signs, and designated walkways.

e. Drug Stores: A minimum of three (3) stacking spaces.

f. Bank: A minimum of five (5) stacking spaces.

g. Car Wash: A minimum of five (5) stacking spaces and two (2) stacking spaces at car wash bay exit.

h. Restaurant Fast Food: A minimum of five (5) stacking spaces.

18.4.6 For Retail Stores less than twenty thousand square feet (20,000sqft) of gross floor area, Personal Service Shops, Repair Shops and similar Commercial Uses: One (1) space for each two hundred fifty feet square feet (250sqft) of gross floor area. For Retail stores or similar uses greater than twenty thousand square feet (20,000sqft), the applicant shall submit a parking plan designed by a Connecticut Licensed Professional engineer.

18.4.7 Retail – Convenience Store Gas Sales: Five (5) parking spaces per one thousand (1,000) square feet of gross floor area. The number of required spaces may be reduced by the number of fuel pumps that can be accessed at any one time. There shall be one (1) space for each three (3) interior on-site seats. There shall be one (1) space for each two (2) employees. There shall be one (1) space adjacent to a vacuum facility or tire air station if one is provided. In no event shall the number of required spaces be less than three (3) per one thousand gross square feet (1,000sqft) of floor area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

18.4.8 For Furniture, Machinery, Equipment, Automobile and Boat Sales and / or Service Establishments: One (1) space for each four hundred square feet (400sqft) of gross floor area, and one (1) space for each eight hundred square feet (800sqft) of outdoor sales and/or displayed area.

18.4.9 For Restaurants, Night Clubs, Bars and Lounges: One (1) space for each three (3) persons who may legally occupy the facility where allowable occupancy is determined in accordance with Section 18.4.4 and three (3) spaces for Pick-Up Service.

18.4.10 For Fast-Food Restaurants or Other Food Service Establishments Where Customers are served by primarily counter service: One (1) space for every three (3) permanent seats and one (1) space for each nine (9) square feet of public floor area not devoted to permanent seating facilities, excluding restrooms. Where any drive-in service window is established provisions shall be made to park at least five (5) waiting automobiles between the street line and the drive-in window being approached, with provisions also made to park at least one (1) exiting automobile between said window and the street. Such facilities shall be provided in such a way as to cause no interruption to the smooth flow of traffic within the subject site.

18.4.11 For Theaters, Grandstands and Stadiums, Auditoriums or Meeting Rooms and Similar Places of Public Assembly: One (1) space for every three (3) seats if permanent seating

is provided, or one (1) space for each twenty-one (21) square feet of public area for areas not served by permanent seating.

18.4.12 For Hotels, Motels, Lodging, or Boarding Houses: One (1) space for each room, plus spaces as required for other related uses, plus one (1) space for each two (2) employees.

18.4.13 Hospitals: One (1) space for each bed plus one (1) space for each two (2) employees on the single largest shift.

18.4.14 Nursing and/or Convalescent Homes: One (1) space for each three (3) patient accommodations plus one (1) space for each two (2) employees in the single largest shift.

18.4.15 For Industrial Plants, Wholesale Establishments, Warehouses and Similar Buildings: One (1) space for each one thousand square feet (1,000sqft) of floor area or one (1) space for each three (3) persons normally employed, whichever is greater.

18.4.16 Buildings Occupied by a Government Unit or religious Institution: One (1) parking space for each three (3) persons for which seating accommodations are provided, plus parking as required for related uses as specified herein.

18.4.17 Private Clubs, Fraternities, Sororities, Country Clubs, or Other Similar Organizations: One (1) space for each two (2) employees, plus spaces as required herein for restaurant areas, places of assembly, etc. If sleeping accommodations are provided, parking shall be provided in addition to other requirements at a standard of one (1) space per sleeping room, or if dormitory accommodations are provided, at one (1) space for each two (2) beds. In those cases where golf courses are involved, parking shall be provided for at least one hundred (100) cars, and where tennis facilities are involved, parking shall be provided for at least four (4) cars per court.

18.4.18 Commercial Recreational Facility: One (1) space for three (3) users who could be utilizing the premises at any one single time plus one (1) space for each three (3) seats provided for spectator observance of the establishment's activities. If restaurant or other commercial facilities are included in the facility, additional parking shall also be provided in accordance with the requirements for such related uses as specified herein.

18.4.19 Automotive Services Including but not Limited to Gas Stations, Auto dealers, Auto Accessories, Auto Repair, Auto Body and Paint Shop, Muffler Installations, Tire Shops, Engine and Transmissions Overhaul Shops Excluding Convenience Store Gas Sales: Five (5) spaces plus two (2) spaces for each service stall, plus two (2) spaces for each pump. In addition, if motor vehicles are offered for sale and / or rent on the premises, one space shall be provided for each such vehicle offered for sale and /or rent. Furthermore, an attendant operated or self-service car wash shall have at least ten (10)

waiting positions for each bay between the street line and such bay for cars approaching, and at a least two (2) waiting positions for cars leaving such bays.

18.4.20 Medical or Dental Offices: One (1) space for each one hundred fifty square feet (150sqft) of gross floor area.

18.4.21 Mixed Uses: A parking study in accordance with Section 18.3.2. shall be required for mixed-use developments that include more than sixteen (16) residential dwelling units in combination with one or more non-residential uses, whether the residential dwelling units or other uses are existing or proposed.

18.4.22 Loading Areas. Loading and unloading is prohibited in fire lanes and at sidewalks accessing buildings and subject to enforcement and applicable laws.

The following applies to non-industrial uses. When designated structured loading areas are provided, with or without loading docks, loading areas shall be located only in side or rear yards and landscaped in accordance with Section 18B.5. Loading areas are prohibited within side and rear yard setbacks.

Curb radius and circulation routes shall be depicted upon a site plan and sized to accommodate the typical vehicle movements serving the facility.

18.5 Interpretation of Off-Street Parking, Vehicle Parking & Outdoor Storage

18.5.1 The Parking required herein is in addition to space which is required for the storage of trucks or other vehicles used in connection with a business, commercial or industrial use.

18.5.2 In all commercial districts and applications approved under the Route 32 Overlay Zone, parking of vehicles with signs advertising uses located on or off site the premises, and storing of materials in conjunction with a business, is prohibited in the Front Yard unless expressly approved by the Decision Making Authority. Front Yard is the space between the property line and front façade of the building.

18.5.3 Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

18.5.4 The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Decision-Making Authority. For uses not specified, the Applicant must supply the industry or business standard or a plan signed and sealed by a Licensed Professional Engineer certifying sufficient parking.

18.5.5 In those instances where the parking requirements related to the number of people using a particular building or portion thereof, the occupancy allowances published in the State Building Code or Fire Code shall govern whichever is more restrictive.

18.6 Location of Required Parking Spaces

1. On-Site. Required parking facilities shall be located on the same lot as the dwelling unit, building, or on the use which they serve except as noted in these Regulations. The applicant must provide the minimum number of parking spaces required by these Regulations. The Decision-Making Authority shall limit the number of spaces to those required by these Regulations for the proposed use except as noted in these Regulations.

2. Off-site. The Decision-Making Authority may approve parking on a noncontiguous lot if the Applicant supplies sufficient evidence that the lot is under the control of the Applicant/Owner by way of easement, lease or ownership. It shall be the Applicant/Owner responsibility to maintain easement, lease or ownership to run concurrent with the approved project.

3. Front Setback. Parking and drives shall be setback twenty-five (25) feet from Front Property Lines.

4. Side and Rear Setback. Parking and drives shall be setback ten (10) feet from Side and Rear Property.

18.7 Drive Aisles

Drive Aisles shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted. Ninety degrees (90) parking shall be used unless there is positive control of traffic directions.

90° parking – twenty-four feet (24')
45º parking – thirteen feet (13')
60º parking – eighteen feet (18')
30º parking – eleven feet (11')

18.8 Surface of Parking Areas

All off-street parking areas shall be surfaced and maintained with a durable and dustless all-weather material as may be approved by the Decision-Making Authority. Parking areas shall be so graded and drained as to dispose of all surface water and proposed surfacing and drainage plans shall be submitted to and approved by the Decision-Making Authority. In no case shall drainage be allowed across any sidewalk areas.

18.9 Landscape Islands, Access Drives & Vehicular Circulation

Provisions shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and to provide safe and convenient circulation in the street and upon the lot.

All parking areas shall be designed in such a manner that any vehicle entering or leaving the parking area from or to a public or private street shall be traveling in a forward motion.

All access driveways for parking areas and / or loading areas shall be located in such a way that any vehicle entering or leaving such areas shall be clearly visible for a reasonable distance to any pedestrian or motorists approaching such driveway from a public or private street.

All driveways providing connection between any parking and / or loading areas and any public street or public right-of-way shall be finished with bituminous concrete or concrete which shall conform with the Town of Montville Road Standard and Improvement Details as may be amended from time to time.

18.9.1 All parking areas shall include islands and medians as set forth is Section 18B Landscape and Site Design Standards

18.9.2 The entrances and exits to all parking areas shall be clearly marked. Access drives for one way traffic shall have minimum width of fourteen feet (14') or two way traffic shall have a minimum width of twenty-four feet (24'). Additional width is permitted only to accommodate traffic volumes, emergency vehicle turning movements as directed by the Town and delivery/loading vehicles.

18.9.3 All parking spaces in parking areas of more than fifteen (15) cars and all loading areas shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility. In addition, all parking spaces shall be entered and exited along interior drives arranged perpendicular to access drives wherever possible.

18.9.4 No parking shall be permitted along access drives within forty feet (40') of the street line and at greater distances as may be required by the Decision-Making Authority depending on the traffic generation and parking lot size. Dead end parking aisle interior drives shall be extended ten feet (10') further than the last parking space to allow movement of a vehicle in and out of a parking space.

18.9.5 All exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrian and vehicular traffic. Each entrance and exit shall be at least twenty feet (20') distance from any residential property or residential district and at least seventy-five feet (75') distance from any street intersection, except entrance and exit onto a collector or arterial street which shall be one hundred fifty feet (150') from any intersection and where traffic circulation would be improved by having entrances and exits directly opposite to existing curb cuts or roads.

18.9.6 Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the lot across the frontage to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

18.9.7 The street giving access to the lot shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.

18.9.8 When necessary to safeguard against hazards to traffic and pedestrians and / or avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways, and traffic controls within the streets.

18.9.9 Where topographic and existing conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use; (1) when such driveway connection will facilitate fire protection services as approved by the Town Fire Marshal and / or; (2) when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street.

18.9.10 Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks, as approved by the Decision-Making Authority and in accordance with the pattern of development along the street. Where necessary to provide for suitable access for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

18.10 Landscaping Required

All Parking areas shall conform to Section 18B Landscape Design Standards.

18.11 Property Maintenance

The owner of property used for parking and / or loading shall maintain such area and all required sidewalks and buffer areas in good conditions without holes and free of all dust, trash, and other debris.

18.12 Curbing Requirements

Appropriate provisions shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials. Furthermore, whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond such property lines.

18.13 Fire Lanes

No parking shall be permitted in those areas designated as fire lanes on any site plans approved under the provisions of these Zoning Regulations or established by the Town's Fire Marshal.

18.14 Marking

All required parking spaces and fire lanes, except spaces required for one (1) family or two (2) family dwellings and other approved alternative parking areas, shall be marked by painted lines, maintained in good condition, curbs, or other means to indicate individual spaces. Signs or markers painted or provided and maintained in good condition shall also be used as necessary to insure efficient traffic flow within all parking lots and between any such lot and the public street or right-of-way serving such lot.

18.15 Lighting

All parking areas shall conform to Section 18C Lighting Design Standards.

18.16 Accessible Parking Spaces

Accessible parking spaces shall be provided for in accordance with the provisions of the Building Code of the State of Connecticut and shall be included in the total required parking spaces.

18B.0 LANDSCAPE & SITE DESIGN STANDARDS

18B.1 Purpose

The Commission finds these standards are necessary to protecting the health, safety and welfare of the Town as landscaping:

1. Improves appearance and contributes to community and neighborhood identity;
2. Increases shade to reduce heat island effect, reducing environmental impacts;
3. Provides habitat for wildlife and migratory birds;
4. Provides opportunity for low impact development options and stormwater runoff quantity and quality;
5. Supports safe vehicular and pedestrian circulation with appropriate use and placement;
6. Creates effective buffers between land uses.

18B.2 Applicability

The minimum landscaping requirements established in this section apply to:

1. All zoning permits other than Single Family Homes and Duplex when one per Lot, and town of Montville Parks and Recreation, except Parks and recreation facilities shall be subject to Section 18B.5 Parking Area Landscaping;
2. Site plans and special permit applications;
3. When there is a change of use which requires less parking than exists, the number of reduced parking shall be removed and replaced as follows, listed in order of priority:
    a. End Islands
    b. Intermediate Islands

c. Median Areas

4. When there is a change of use with no effect on parking, end islands shall be added at the end of each parking row when the Decision-Making Authority determines there will be no adverse impact from the reduction of parking.

5. Parking areas which undergo pavement reclamation of more than 50% of the Parking Area shall provide at minimum End Islands when the Decision-Making Authority determines there will be no adverse impact from the reduction of parking.

18B.3 General Standards

1. Refer to Landscape related terms for all definitions;

2. All required landscape plans shall be prepared, signed, and sealed by a Connecticut-licensed Landscape Architect; Plans which require no frontage and streetscape planting; front, rear or side yard buffer plantings; or which require fewer than six shade trees within parking areas are exempt from this requirement.

3. Plant measurements, size, stock and planting specifications shall follow AmericanHort standards;

4. Plantings shall provide shade, define circulation, reinforce pedestrian connections, and maintain safe sight lines;

5. Plant materials shall be selected for durability, salt tolerance, and suitability for parking-lot growing conditions;

6. Shade Trees and Street Trees shall be a minimum caliper of two and one-half (2 1/2) to three (3) inches at time of planting;

7. Small Trees which are not stocked by caliper and Evergreen Trees shall be a minimum height of six-eight (6-8) feet at time of planting;

8. Shrubs shall be a minimum size of 18-24” height/spread at time of planting;

9. The Decision-Making Authority may allow an alternative plant size based upon the use application of vegetation, plant availability and species;

10. Invasive plant materials identified by the CT Invasive Plant List as maintained by the CT Invasive Plant Council in accordance with 22a-381a through 22a-381d are prohibited;

11. All plant material shall be hardy to the USDA Plant Hardiness Zone applicable to the Town as determined by the most current USDA Plant Hardiness Zone Map;

12. All plantings shall be coordinated with the overall lighting plan to avoid conflicts of lighting and planting placement

13. Existing vegetation may be used to meet the requirements of these regulations.

18B.4 Locating Plant Material. Conflicts with Existing & Proposed Conditions

1. General. All plant material shall be located and selected based upon its intended use and not interfere with pedestrian or vehicular movements;
2. Sight Lines. All plant material shall be selected, located, sized and maintained to not conflict with sight lines at intersections of roadways, driveways and drive aisles;
3. Branching Height at Drives and Walkways. All plant material branching shall have a minimum height and maintained at seven (7) feet clearance and ensure sight lines are not impeded at intersections.
4. Pedestrian Visibility. All plant material shall be selected, located and sized to not conflict with visibility of pedestrians entering and within crosswalks;
5. Existing Conditions. Should there be a conflict with existing utilities, Steep Slopes or other conditions and which are not feasibly capable of being adjusted and prohibits meeting the requirements of this Section, all required landscaping for said location shall be provided within the property at another location as determined suitable by the Decision-Making Authority;
6. Proposed Utilities and Site Grading. Landscaping shall take priority over proposed utility infrastructure siting and routing and the establishment of final grades. If the Decision-Making Authority determines the necessity of a particular utility location, routing, or provider requirements, landscaping may be omitted or reduced at the affected area(s). However, the displaced landscaping shall be provided within the property at another location on site as determined suitable by the Decision-Making Authority.
7. Existing Vegetation. Existing vegetation may be used to meet these requirements on a one-to-one basis only when existing vegetation is in good health and the applicant implements preservation methods. The existing vegetation shall be maintained as outlined in Section 18B.10.

18B.5 Parking & Loading Area Landscaping

1. General Standards
   a. This subsection is not applicable to automotive dealerships.
   b. Landscape islands shall align to each other when parking rows are adjacent or opposite one another as to maintain orderly circulation and continuous planting areas;
   c. Where islands or medians are designed as low-impact development (LID) areas to collect and treat stormwater, curbing may be omitted to allow sheet flow, subject to approval by the Decision-Making Authority and the Town Engineer.

2. Landscaped End Islands
   a. Shall be aligned based upon the main entrance of a building, to the extent feasible;
   b. Shall be of a dimension equal to the parking stall dimension used to achieve the purpose of these regulations;
   c. Shall be provided at the end of each parking row;
   d. Shall contain at least one deciduous Shade Tree;
   e. Shall be planted with Groundcover Vegetation;
   f. May be hardscaped only if utilized for pedestrian circulation for a crosswalk directly serving a main entrance to a building or a clearly distinguished desire line.
   g. When served as a pedestrian refuge as noted above, landscaping may be omitted in the place for hardscape.
   h. The Decision-Making Authority may require larger Landscaped End Islands to accommodate appropriate turning radius at locations of high anticipated vehicle or pedestrian traffic.

3. Landscaped Intermediate Islands
   a. Shall be provided for parking rows exceeding twenty spaces at a rate of one (1) island for every twelve (12) parking stalls within each row (minimum one island);
   b. Shall be of a dimension equal to the parking stall dimension used to achieve the purpose of these regulations.
   c. Shall contain at least one deciduous Shade Tree;
   d. Shall be planted with Groundcover Vegetation.
   e. Shall be hardscaped only if utilized for pedestrian circulation for a crosswalk serving a main entrance to a building or clearly distinguished desire line.

4. Landscaped Median Islands
   a. Shall be provided for every four (4) parking rows and shall be centrally and evenly spaced across the parking area;
   b. Shall have a minimum clear width of eight (8) feet measured from back of curb;
   c. Shall contain Shade Trees spaced at intervals of one (1) tree for every ten (10) parking stalls with a minimum of one Shade Tree
   d. May be partially hardscaped only if utilized for pedestrian circulation for a crosswalk serving a main entrance to a building or clearly distinguished Desire Line.
   e. Landscaped End Islands and Intermediate Islands planting requirements shall not be used to satisfy Landscape Median Island planting requirements.

f. Landscaped Medians Islands are encouraged to be designed as low-impact development (LID) areas to collect, infiltrate, and treat stormwater.

5. Drive and perimeter Landscaping
   a. There shall be one Shade Tree for every 10 parking spaces located along the perimeter of a Parking Area.
   b. Shade Trees shall be planted along both sides of drives at the rate on one Shade Tree for every fifty (50) feet. Plant spacing may be staggered to respond to utility, grading and walks.
   c. Shade Trees shall be planted within eight (8) feet of the edge of pavement.

6. Parking in Front Yard

   When parking is located in the Front Yard a landscaped buffer, in addition to the Street Trees required in Section 18B.8 Frontage and Streetscape Landscaping, shall be provided for every 40 feet of frontage, or increment, as follows:

   a. A minimum three-foot-high landscaped berm;

   b. One (1) deciduous shade tree;

   c. Twenty-five (25) shrubs, evergreen and deciduous (quantity proportional to frontage length).

7. Loading Areas

   When provided, all loading areas shall:

   a. Incorporate a median extending the length of the loading area, a minimum twelve (12) feet wide and extending ten (10) feet beyond the end of the longest loading bay.

   b. Include within medians an opaque fence or wall constructed of materials and colors which are predominant in the building design and abut the building wall.

   c. Be situated to fully screen the length of the loading area.

   d. Provide fencing which is a minimum height of eight (8) feet with foundation evergreen shrub plantings spaced four-feet on center with one deciduous shade tree for each forty feet of median length, but no less than two deciduous shade trees.

   e. Side yard loading areas shall be oriented so the loading area open to the rear yard so as to not be visible from the front yard.

18B.6 Site Retaining Walls

The following applies to all retaining walls visible from a public right of way or approved residential use or zone:

1. Base Planting. Retaining walls of four (4) feet and up to eight (8) feet shall be planted at its base with a continuous planting bed of woody ornamental evergreen and deciduous shrubs. Herbaceous ground cover is permitted when in combination with shrub planting.

2. Terraced Planting. In addition to the Base Planting retaining walls higher than eight (8) feet shall be terraced with an intermediate terraced planting bed of six (6) feet in depth measured between the back of the lower wall coping and base of the upper wall shall be planted at its base with a continuous planting bed of woody ornamental evergreen and deciduous shrubs.

3. Wall Signs. Sections of Retaining walls which are utilized for site signage as approved under these regulations may be allowed to reduce the landscape requirement for the length of the approved sign.

18B.7 Buffer Requirements

1. Complete Visual Landscape Buffer. A full landscape buffer of ten (10) feet shall be provided along any side or rear property line abutting a residential, civic, or institutional district or use. The buffer shall include:

   a. One Medium Deciduous Tree, minimum five Small Evergreen Trees, fifteen evergreen shrubs per fifty (50) feet of property line or proportional for increment thereof;

   b. In lieu of a continuous evergreen screen, an eight (8) foot high opaque fence with a continuous foundation planting consisting of mixed twenty five (25) evergreen and deciduous shrubs.

2. Partial Visual Landscape Buffer. A partial landscape buffer of ten (10) feet shall be provided along any side or rear lot line abutting a non-residential district or use. The buffer shall include:

   a. One Medium Deciduous Tree, twenty-five (25) evergreen shrubs per fifty (50) feet of property line or proportional for increment thereof;

3. Industrial Zone Landscaped Buffer. For parking and storage areas located in industrial zones and adjacent to a residential/mixed use zone, or when a residential/mixed use zone is situated directly across a public right of way, a landscape buffer shall be provided as follows:

a. Front yards: Minimum twenty five foot wide planting strip consisting of one large deciduous tree, three Large Evergreen Trees, and twenty five evergreen shrubs for every fifty feet of frontage.

b. Side and Rear Yards. Minimum fifteen foot wide planting strip consisting of four Medium Evergreen Trees and twenty five evergreen shrubs positioned upon a three foot high berm.

18B.8 Frontage & Streetscape Landscaping

1. Street Tree Quantity. There shall be one (1) Street Tree for every forty (40) feet of frontage or fraction thereof.

2. Street Tree Location. Street Trees shall be planted within 3' of the front Property Line.

18B.9 Stormwater Management Areas (SWMA) & Slope Plantings

1. Surface stormwater management areas shall, to the extent feasible, not be located in Front Yards.

2. When visible from public rights of way or residential districts, stormwater management areas shall be landscaped with native plan materials compatible with the SWMA characteristics, integrated in the overall landscape and includes a mix of herbaceous, seed mixes, shrubs and trees.

3. In addition to above, SWMAs in rear and side yards shall be planted with a Complete Visual Landscape Buffer alongside and rear yards.

4. Proposed slopes greater than 2.5:1 and higher than ten feet, measured from the toe of slope to the end of the proposed finished grade which is less than 3:1, shall be planted with native plant material. Plantings may consist of a combination of native seed mixes along the course of the slope (inc. wildflower), shrubs and trees and arranged in a naturalized fashion. A minimum of five (5) shrubs shall be planted for every five hundred (500) SF of slope area, and (1) one tree per thirty linear feet of slope as measured along the base of the slope. Trees may be planted at or within ten (10) of the toe of slope. Plant material preferences are those which are native and have been demonstrated to stabilize slopes. Should slopes be of a nature which require engineered geotechnical measures to stabilize against erosion (including stable exposed rock cuts) and plantings will conflict with said geotechnical requirements, this requirement may be omitted with the exception of shade tree plantings at the toe of slope.

18B.10 Bonding and Maintenance

1. A landscape bond shall be submitted for the value of all landscaping for the approved plan or initial phase prior to issuance of Zoning Permit.

2. All required landscaping shall be maintained in healthy condition. Dead, damaged, or diseased plantings shall be replaced with materials of equivalent size and type.

3. All required landscaping shall be maintained to meet the requirements of these regulations.

18C.0 LIGHTING STANDARDS

18C.1 Purpose

The Commission affirms Site Lighting is vital to protecting the health, safety and welfare of the Town of Montville. When not appropriately used, lighting is detrimental to the environment and wildlife habitat, is a nuisance to neighboring property owners, has impacts on human health due to lighting levels and color, has negatively reduced the enjoyment of the night sky, and impacts safety on roadways. This regulation helps to reduce or eliminate these negative attributes.

18C.2 Applicability

1. This regulation applies to all site and exterior building mounted fixtures associated with the following:
   a. Site Plan Applications
   b. Replacement of existing fixtures, including poles and luminaires.

2. Uses exempt from these regulations are:
   a. Single Family Homes
   b. Duplex when one Duplex per Lot
   c. Traditional seasonal lighting remaining no longer than 60-days;
   d. Temporary lighting (lasting no longer than 10 days) for fairs, carnivals or similar functions only when authorized by the Town;
   e. Town of Montville Government and safety facilities (does not include Board of Education uses or facilities).

18C.3 Lighting Layout Plan Required

1. Lighting Plans. Photometric plans shall be prepared depicting essential lighting and the non-essential/security lighting (two separate plans if applicable) and shall prepared by a

Connecticut licensed professional engineer, a certified lighting designer, or landscape architect as follows:

a. Depicting site and building lighting locations,

b. Key/legend identifying the type of fixture and mounting height

c. Foot-candle distribution throughout the site and along adjacent properties.

d. Depicted with reference to all on-site proposed improvements and adjacent existing improvements, including existing buildings.

e. Seal and signature or appropriate documentation attesting to the individuals qualifications.

2. Reference. The standards used herein shall follow, to the extent practical, the best practices of the Illuminating Engineering Society of North America (IESNA).

3. General. The layout of all luminaires shall be coordinated with site features, such as but not limited to landscaping, buildings and structures, utilities, grading and slopes, and stormwater features.

4. Parking. Lighting shall be located in islands and medians. Lighting within open parking areas shall be located along striping separating parking rows, not located within parking stalls or striping between stalls.

5. Setbacks. Lighting is permitted within setbacks and shall meet all standards set forth.

6. Lighting Height. Light pole height is measured from the finished grade at the light pole base to the top of the luminaire.

18C.4 Light Trespass, Pollution & Glare Control

1. All luminaires shall have a BUG (Backlight, Uplight, Glare) rating which aligns with the intended us of the light fixture as defined by IESNA.

2. All lighting shall be full cut-off type fixtures, fully shielded/recessed and selected and installed to not permit light trespass and sky pollution.

3. No light shall be directed over a property line.

4. Lighting shall be fully shielded, emit no light above 90 degrees from Nadir, and shall not exceed 0.1 foot candles at any property line.

5. All fixtures shall be shielded and directed as to not cause glare, whether glare is direct or reflected from a surface, such as wall, roof, siding, sign or pavement.

6. Glare is prohibited at property lines as measured from five (5) feet above grade to the light source(s).

18C.5 Light Pole Foundation & Height; Parking Areas

Light poles shall not exceed 24'; except in R-20, R-40, R-80 and R-120 zones, light poles shall not exceed 16'. Foundations shall not be exposed more than 18" measured from finished grade; HDPE are prohibited and 'formwork' shall be removed.

18C.6 Light Pole Foundation & Height: Walkways & Courts

Light poles adjacent to walkways and within courts/entries shall not exceed 12'. Foundations shall be flush to the finished grade and screened by the light pole base.

Festooned lighting is permitted in outdoor seating areas or gathering areas only when part of an approved site plan. In no instances shall festooned lighting be permitted if it interferes with emergency access drives without prior approval of the Fire Marshall.

18C.7 Building Mounted Lighting

All building mounted lighting shall be incorporated into the overall lighting plan and location clearly depicted. Lighting used solely for building code purposes shall be to the level to meet the minimum applicable building code.

18C.8 Fuel Station Canopies

Fuel Station Canopy Lighting must be recessed within the underside of the canopy. Specific horizontal illuminance levels under the canopy must be provided as part of the Lighting Plan.

18C.9 Color Temperature (Kelvin Limits)

Lighting color temperature shall not exceed 3000 Kelvin for all uses.

18C.10 Outdoor Recreation & Activity Areas

Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures must be specified, mounted, and aimed so that:

1. The lighting shall be designed to meet the specific needs of the recreational activity; and
2. The lighting is full cut-off or IESNA cut-off fixtures, as approved by the Decision-Making Authority. Any application for use of IESNA fixtures should include "cut-sheets" with specifications and details of the proposed fixture and pole.
3. The lighting meets ANSI/IES RP-6-22 Lighting Sports and Recreational Areas requirements, as amended.

4. All power for field lighting shall be reduced by at least 75% one hour after the conclusion of each activity and be turned off within two hours after the conclusion of the activity.

18C.11 Aesthetics, Sign & Display

Lighting may be used to highlight architectural features, signs or displays. Light fixtures shall:

1. Be downward oriented; up or sideways lighting is prohibited;
2. Be full cut-off;
3. Configured with photocell or time clock on – off and be turned off within one hour after business closes.

18C.12 Flag Lighting

Lighting to illuminate the American flag only at night may be used, when the flag is building mounted no higher than twenty (20) feet or pole mounted no higher than thirty (30) feet and provided the light fixture meets the following requirements:

1. Is mounted at, or below ground level within a seven (7) foot radius of the pole,
2. Is designed to cast a narrow beam focused directly at the flag, and
3. Is fully shielded to prevent glare or light trespass to surrounding areas.

18C.13 Security & Time of Lighting Operations

1. All non-essential lighting shall be photocell-on with time-lock off one hour after business close. Essential lighting used for security shall be reduced down to the minimum level required by insurance underwriting. Applicant shall provide evidence of such minimum lighting level from the insurance underwriting agency.
2. Lighting plan shall identify essential v. non-essential lighting.

18C.14 Prohibited Lighting

The following types of lighting are prohibited, unless otherwise exempted from these provisions:

1. Mercury vapor lamps;
2. Unshielded lighting including ‘flood lights’;
3. Searchlights, beacons, pulsating/strobing, and laser source light fixtures, including when directed upward at such an angle that neither buildings, trees, shrubs or site surfaces are lit;
4. Animated, flashing, moving and lighting producing changing color.

18C.15 Maintenance

All lighting shall be maintained to meet the requirements of these regulations.

18D.0 SITING OF NECESSARY EXTERIOR APPURTENANCES

18D.1 Purpose

The Commission affirms Exterior Appurtenances can detrimentally impact safety and welfare when not properly located. Therefore, this section sets forth the minimum criteria for locating, screening, noise attenuation and reducing or eliminating visible impacts.

18D.2 Applicability

1. This section establishes minimum standards for all new, replacement of and modification to existing Exterior Appurtenances which are visible from a public right of way, residential zones or uses.
2. This regulation applies to all uses except Single Family Homes, Duplex when one Duplex is located on a Lot, regardless of zoning district.

18D.3 Location on Site

1. All other Exterior Appurtenances are prohibited within front, side and rear setbacks.
2. Trash and Recycling Enclosures are prohibited from the Front Yard.

18D.4 Conflicts

These standards may be modified when the applicant demonstrates with substantiated evidence that these standards would be in conflict with public utility provider's standard.

18D.5 Screening & Openings

1. Small Exterior Appurtenances less than four (4) feet in height, or located no higher than four (4) feet above finished grade shall be screened with evergreen plantings no less than the height of the Appurtenance.
2. Large Exterior Appurtenances four (4) feet or higher shall have an opaque masonry wall or fencing screen equal to or greater than the height of the Appurtenance. Landscaped plantings comprised of evergreen and deciduous shrubs of a height at maturity equal to or greater than ½ the opaque screen height.
3. Large Exterior Appurtenances access openings visible from a public right of way or adjacent property must be furnished with opaque gates.

18D.6 Roof Mounted Equipment

Roof mounted equipment shall be completely screened from view from all public rights of way through the utilization of parapets or similar means which are architecturally integrated into the building's design. Solar panels are excluded from screening this requirement.

18D.7 Wall Mounted Equipment & Meters

Wall mounted equipment and meters are prohibited from being visible from public right of way and shall be screened with elements integrated into the design of the façade using Architectural Façade Elements.

18D.8 Above Grade Utility Conduit

Utility conduit service lines which cannot be placed below grade and entering a building or structure shall be integrated into the design of the building façade/structure through color selection or architectural detailing.

18E.0 BLANK WALL & FENESTRATIONS

18E.1 Purpose

The commission finds that architectural design is an essential element of protecting the welfare of the Town of Montville. Therefore, these regulations are set forth to provide standards to ensure architectural building facades employ the appropriate use of Architectural Façade Elements.

18E.2 Applicability

This Regulation applies to:

1. C-1, C-2, GOV, R-20-M and OZ Overlay Districts.
2. Residential districts: Multi-family Housing and Middle Housing, except when a single Duplex is located on a Lot and all other uses except Single Family Homes.

18E.3 Standards

A Blank Wall is prohibited when visible from public rights of ways and abutting residential uses or districts. Blank Walls upon building sides and which project between 60 and 0 degrees of the front property line shall not contain a Blank Wall along the first one-quarter (¼) distance of the building wall.

1. Two or more Architectural Façade Elements shall be used when the use of Fenestrations is not feasible. One Architectural Façade Element shall be used which is equal to the length of the Blank Wall and one-quarter of the wall height.
2. Landscaping may be utilized to divide ground floor Blank Walls in lieu of Architectural Façade Elements. When landscaping is used there shall be one shrub or tree placed within ten (10) feet of each fraction of a Blank Wall and which mature height is equal to or greater than the top of the Blank Wall.
3. One sign in conformance with these regulations may be allowed to meet this Blank Wall requirement.

19.0 SIGNS

19.1 General Requirements

The following requirements apply to signs throughout all zoning districts.

19.1.1 No sign shall be designed or located in a manner that confuses or obstructs the view of traffic signs or signals nor shall an illuminated sign or lighting device be so directed or beamed upon a public street, highway, sidewalk, or adjacent lot such that it causes glare or reflection constituting a traffic hazard or nuisance.

19.1.2 No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

19.1.3 No sign or part thereof shall be located within a town or state right-of-way nor shall contain mechanical moving, or revolving parts. No sign shall be equipped with flashing lights.

19.1.4 No sign shall advertise a product, service, or activity other than that which is produced, provided, or conducted on the premises except for directional signs needed during construction projects or emergencies.

19.1.5 Signs of a non-commercial nature shall be allowed if erected by, or on the order of any public official in the performance of his duty, such as safety signs, danger signs, trespassing signs, memorial plaques and historical signs. Election signs are not regulated.

19.1.6 A zoning permit shall be obtained for any sign, unless the design and location of such sign is shown on a site plan approved by the Commission. All signs shall be constructed of sound materials, firmly supported and maintained in good condition and repair. It is the responsibility of the applicant to check with the Building Inspector to determine if a building permit is required. Signs shall include the street number of the property.

19.1.7 A sign may be freestanding or wall-mounted. No wall-mounted sign shall project more than one foot (1') from the wall of a structure or extend above the roof line. No freestanding sign shall project into or over a street, public right-of-way, sidewalk, or driveway.

19.2 Signs in a Residential District

The following signs are allowed in residential districts:

19.2.1 One (1) sign giving the name and address of the property and / or the occupant. Such signs shall not exceed two (2) square feet. One (1) sign for home occupation not exceeding two (2) square feet. Except on arterial and collector roads which may be enlarged to a maximum of fifteen (15) square feet with Commission approval with a rendering of the sign on a site plan.

19.2.2 One (1) sign identifying an approved special permit, not exceeding thirty-two square feet (32sqft), or as otherwise provided in these Regulations.

19.2.3 One (1) temporary sign not over six square feet (6sqft) in area, and advertising the sale, rental, building contractor, or special features of a structure or lot on which they are located is allowed. Such sign shall be removed within seven (7) days after termination of such sale or special feature.

19.2.4 One (1) sign for bed and breakfast establishment not exceeding six square feet (6sqft). The sign may not be internally lighted.

19.3 Signs in Commercial & Industrial Districts

The following requirements apply to signs in commercial and industrial districts:

19.3.1 Building mounted signage: Each (C-1) commercial and (LI, I) industrial use shall not exceed one and one half square feet (1½sqft) of sign for each lineal foot of building frontage or portion of building frontage occupied by such business or industry. The C-2 zoned use shall be allowed two and one half square feet (2 ½sqft) for each lineal foot of building frontage. Furthermore, when a building fronts on more than one street, only the sign area computed with regard to the building frontage along each street shall be permitted to face the respective street. For the purposes of interpreting building frontage used in this section, such shall include only that portion of the exterior building wall under direct and exclusive use by the business for which the sign is to be erected and shall not include any common passageway serving more than one (1) business enterprise, or any exterior building walls not directly visible from a public street. The Commission may approve alternate signage as shown on a site plan.

19.3.2 Temporary signs, not over thirty-two square feet (32sqft) in area, and advertising the sale, rental, building contractor or special features of the building or lot on which they are located may be erected provided they are removed within seven (7) days after termination of such sale or special feature.

19.3.3 Freestanding, ground-mounted signs shall not exceed a height of twenty feet (20') above the surface on the ground on which they are located. The Commission may approve alternate signage as shown on a site plan.

19.3.4 No sign shall be located closer than ten feet (10') from any property line, excluding public safety signs.

19.3.5 If a commercial or industrial use is no longer conducted on the premises, all signs advertising such use shall be removed within thirty (30) days of cessation of use.

20.0 ZONING BOARD OF APPEALS

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the C.G.S. Sections 8-5 to 8-7, as may be amended from time to time.

20.1 Powers & Duties

The Zoning Board of Appeals shall have the following powers and duties:

20.1.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by Zoning Enforcement Officer or other official charged with the enforcement of these Regulations.

20.1.2 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

20.1.3 To approve the location of motor vehicles dealers and repair stations, in accordance with the C.G.S. as may be amended from time to time.

20.2 Public Hearings

Public hearings shall be held by the Zoning Board of Appeals on all applications for appeals or variances. Notices of such hearings shall be published at least twice in newspapers having a substantial circulation in the Town of Montville, the first no more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days prior to such hearing.

20.3 Appeals

Any person claiming to be aggrieved by any ruling made by the Zoning Enforcement Officer or other official charged with the enforcement of these Regulations may appeal to the Zoning Board of Appeals. Such appeal shall be filed within (thirty 30) days after the date of which such ruling was officially given, using a form provided by the Board, which specifies the grounds for such appeal and includes such other information as may be required. The Board may modify such order, decision or requirement appealed from it and it shall have the powers of the authority from whose decision such appeal shall have been taken, but only in so far as to enforce these Regulations when an error has occurred.

20.4 Variances

20.4.1 The Zoning Board of Appeals shall have power to vary the strict application of any of the requirements of these Regulations for which strict application would result in exceptional difficulty or unusual hardship, but not economic hardship, that would deprive the owner of reasonable use of the land or building involved, but in no other cases. The findings of the Zoning Board of Appeals must be stated in the written record of the hearing.

20.4.2 Applications for variances shall be submitted on a form provided by the Board indicating the property in question, the Section or Sections of the Zoning Regulations that are requested to be varied, the reason for the requested variance(s) and the nature of the unusual hardship or exceptional difficulty existing with regard to the property involved. All variance requests shall be accompanied by a list of all adjacent property owners of record of all boundaries of the subject property and a plan, prepared by a Licensed Land Surveyor, showing the existing and proposed conditions of the property.

20.4.3 Notice to Abutting Property Owners. The Applicant shall, not less than ten (10) days prior to the date of the variance hearing, send notices to all abutting property owners. Evidence of such mailing shall be submitted in the form of United States Post Office Certificates of Mailing to the Zoning Enforcement Officer at least five (5) days prior to the hearing.

20.4.4 Notice to Contiguous Municipalities of Variance Applications. Whenever the Zoning Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within five hundred (500') of a contiguous municipality, the Board shall, within seven (7) days after actual receipt of the application, notify the clerk of such municipality.

20.5 Motor Vehicle Dealers & Repair Stations

The Zoning Board of Appeals may approve certificates for the location of motor vehicle dealerships or the repairing of motor vehicles as specified in C.G.S Section 14-54, as may be amended from time to time, in zoning districts as allowed by these Regulations. In addition, such dealership or repairing certificates shall be approved by the Fire Marshal and Building Official.

20.6 Votes

As specified in C.G.S. Section 8-7, as may be amended from time to time, the concurring vote of four (4) members of the Zoning Board of Appeals is necessary: (1) to reverse any order, requirement or decision of the official charged with the enforcement of the zoning regulations; (2) to decide in favor of an applicant any matter upon which the board is required to pass under any bylaw, ordinance, rule or regulation; or (3) to vary the application of the zoning regulations.

21.0 REGULATION & MAP AMENDMENTS

21.1 Amendment of these Regulations, including the Zoning Map, may be petitioned by any resident of Montville or person having a vested interest in property that would be affected by such Amendment, or may be made by the Commission. Amendments may be adopted by a majority vote of all the members of the Commission after public notice and hearing in accordance with Section 8-3 of the C.G.S. as may be amended from time to time. If a protest against a proposed change is filed with the Commission at or before the hearing, signed by the Owners of twenty percent (20%) or more of the area of lots included in such proposed change or of the lots within five hundred feet (500') in all directions of the property included in the proposed change, such change shall not be adopted except by vote of two thirds (2/3) of all the members of the Commission. The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve (12) months.

21.2 If the Amendment request is for a change in the Zoning Map boundaries, the applicant shall prepare and submit with his application a plan drawn to scale showing the boundaries and owners of all properties located within the area to be rezoned and within five hundred feet (500') from the boundaries of the area to be rezoned. The applicant shall also prepare and submit a list of the names and addresses of the owners of all properties located within the area to be rezoned and within five hundred feet (500') from the boundaries of the area to be rezoned as shown on the records of the Montville Tax Assessor. The applicant shall send by Certificate of Mailing, a copy of the public hearing notice to the owners of record of such properties at least ten (10) days before the date set for the public hearing. The applicant shall present written proof of mailing to the Enforcement Officer at least five (5) days before the public hearing that this notification requirement has been met. Failure to comply with the requirements of this section shall invalidate the Zoning Map change procedure. The requirements of this section shall not apply to Amendments initiated by the Commission.

21A.0 MORATORIUM

21A.1 Purpose

This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations by moratorium pursuant to Section 8-2 of the Connecticut General Statutes and/or to opt-out of certain provisions of public acts and the Connecticut General Statutes.

22.0 SEPARABILITY & EFFECTIVE DATE

22.1 Separability

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

22.2 Effective Date

These Regulations amend and superseded Regulations adopted by the Commission in October 1970; and subsequently amended.

APPENDIX A: SCHEDULE OF AMENDMENTS