

ZONING REGULATIONS OF THE CITY OF SHELTON, CONNECTICUT

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SHELTON PLANNING AND ZONING COMMISSION

Virginia Harger, Chairwoman
Charlie Kelly, Vice-Chairman
Elaine Matto, Secretary
Ruth Parkins
Jimmy Tickey
Peter Laskos
Matt McGee, Alternate
Robert Cristiano, Alternate

STAFF

Alexander Rossetti, AICP, Planning and Zoning Administrator
Alexandrea Castro, Assistant P&Z Administrator
Ronald Baia, Zoning Enforcement Officer
Anthony Panico, Consultant

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TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
CHAPTER I – APPLICABILITY, ADMINISTRATION AND DEFINITIONS		
Section 1 -	Applicability	4
Section 2-	Certificate of Zoning Compliance	5
Section 3-	Administration & Enforcement	7
Section 4-	Zoning Board of Appeals	10
Section 5-	Definitions	12
CHAPTER II – DISTRICT REQUIREMENTS		
Section 21-	Districts	19
Section 22-	Building Zone Map Permitted Uses	21
Section 23-	Area Location & Bulk Standards	23
Section 24-	SCHEDULE A PERMITTED USES	34
	SCHEDULE B STANDARDS	43
CHAPTER III – SITE PLANS AND SPECIAL EXCEPTIONS		
Section 31-	Site Plans	46
Section 32-	Excavating, Filling, Grading and/or Removal of Earth Materials	50
Section 33-	Special Exceptions	60
Section 34-	Planned Development Districts (PDD)	82
Section 35-	Designed Residential Developments (DRD)	92
Section 36-	Central Business District (CBD)	98
CHAPTER IV – GENERAL REQUIREMENTS		
Section 41-	Nonconformity	106
Section 42-	Off-Street Parking	111
Section 43-	Performance Standards	121
Section 44-	Signs	123
Section 45-	Additional Standards	134
Section 46-	Soil and Erosion Sediment Control	143
Section 47-	Adult Oriented Businesses	147
Section 48-	Wireless Communication Facilities	152
CHAPTER V – AMENDMENTS, NOTIFICATIONS, PENALTIES, VALIDITY, ETC.		
Section 51-	Amendments	157
Section 52-	Notifications	158
Section 53-	Penalties	160
Section 54-	Validity	161
Section 55-	Effective Date and Repeal	162
Reference	Original PDD Regulations	163

APPENDIX

- **Planned Residential Districts original regulations (replaced by DRD)**
- **Fee Schedule**
- **Planned Development Districts (PDD) Inventory**

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CHAPTER I
APPLICABILITY, ADMINISTRATION AND DEFINITIONS

SECTION 1 - APPLICABILITY

- 1.1 **Applicability:** Within the City of Shelton, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot nonconforming or more nonconforming, to reduce any setback, yard, court, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any nonconforming setback, yard, court, open space or off-street parking and loading spaces more nonconforming.

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SECTION 2 - CERTIFICATE OF ZONING COMPLIANCE PROCESS

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, TEMPORARY AND FINAL CERTIFICATE OF ZONING COMPLIANCE PROCESS AND APPLICATION FOR CERTIFICATE OF NONCONFORMITY PROCESS

- 2.1 General:** All Applications for Certificate of Zoning Compliance are subject to review and approval by the (ZEO) and/or Planning and Zoning Commission (PZC). The issuance of a Final Temporary Certificate of Zoning Compliance by the ZEO shall occur before the issuance of a Certificate of Occupancy (CO) by the Building Department.
- 2.2 Application for Certificate of Zoning Compliance:** The Application for Certificate of Zoning Compliance (Application) must be completed by the applicant and reviewed by the Zoning Enforcement Officer. Upon determination by the ZEO that the information on the Application on matters not described further in this paragraph conforms with the Zoning Regulations, a Zoning Permit will be issued by the ZEO. Zoning Permits associated with approved Site Plans, Temporary Special Exceptions and Special Exceptions or other Special Applications will be forwarded to the ZEO for issuance after Commission action. The Applicant will be notified by the ZEO if additional information or change is needed to satisfy any deficiencies or omissions. In all cases no Building Permit shall be issued until an Application for Certificate of Zoning Compliance has been approved by the Commission and/or ZEO and a Zoning Permit presented to the Applicant. All construction activity under an approved Application shall be initiated within six (6) months of date of approval and completed within two (2) years or the Application shall be deemed void. The Planning and Zoning Commission may grant extension(s) for an additional period not to exceed one (1) year.
- 2.3 Final Certificate of Zoning Compliance:** Following completion of any work or occupancy in accordance with the approved Application for Certificate of Zoning Compliance, and prior to the issuance of any Certificate of Occupancy, the Zoning Enforcement Officer shall inspect the property to insure conformity with these Regulations and the Application. Upon determination by the ZEO that the completed work conforms with the Zoning Regulations, a Final Certificate of Zoning Compliance shall be issued. In accordance with Connecticut General Statutes a copy of said Final Certificate shall be forwarded to the Building Department before issuance of a Certificate of Occupancy (CO).
- 2.4 Temporary Certificate of Zoning Compliance:** In accordance with any rules and procedures established by the Planning and Zoning Commission, the Zoning Enforcement Officer is authorized to issue a Temporary Certificate of Zoning Compliance, having a duration of not more than six (6) months, for the temporary use of land buildings and other structures in the process of completion in conformity with these Regulations and for which an Application for a Certificate of Zoning Compliance has been approved by the Planning and Zoning Commission and/or ZEO.
- 2.5 Approved Application:** Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, buildings, or other structures, or part thereof, or any plans or construction for which an Application for a Certificate of Zoning Compliance or a Final Certificate of Zoning Compliance shall have been approved or issued pursuant to law, and any building permit shall have been issued, the construction of which shall be lawfully in progress on the effective date of these Regulations or amendment hereto, provided that construction shall be promptly and

diligently prosecuted as provided in Paragraph 2.5.1.

2.5.1 Time Limit: An approved Application for a Certificate of Zoning Compliance that authorizes plans, construction or a use which does not conform to any amendment of these Regulations made effective subsequent to the approval of such Application shall become null and void unless the use authorized thereby shall at least have the construction authorized thereby, diligently prosecuted and the ground story of any building be completed within one (1) year from such effective date and the entire building completed within two (2) years from such effective date. The Planning and Zoning Commission may grant one (1) extension for an additional period not to exceed one (1) year after the original two (2) year period.

2.6 Application for Certificate of Nonconformity for Use: The Application for Certificate of Nonconformity for Use shall be submitted to the Zoning Enforcement Officer for review and to determine completeness and then referred to the Planning and Zoning Commission for action. The Applicant will be notified by the ZEO if additional information is needed to satisfy the Commission before its decision.

2.7 Conflict with Amendments: Notwithstanding the provisions of Paragraph 2.5, no Application for a Certificate of Zoning Compliance shall be approved by the Planning and Zoning Commission and/or ZEO authorizing plans, construction or a use which do not conform to any proposed amendment of these Regulations if the first notice of a hearing on such amendment has been published in the newspaper as required by the General Statutes of the State of Connecticut. If, however, the proposed amendment has not been adopted and made effective within 65 days from the date of such first published notice, the Application for a Certificate of Zoning Compliance shall be promptly approved by the Planning and Zoning Commission provided that all applicable requirements of these Regulations have been met.

SECTION 3 - ADMINISTRATION AND ENFORCEMENT

- 3.1 Zoning Enforcement Officer:** There shall be a Zoning Enforcement Officer(s) who shall be appointed in accordance with the City of Shelton's Charter and Personnel Merit System. The Zoning Enforcement Officer shall report to the Chairman of the Planning and Zoning Commission or his/her designee for his/her regular duties, and to the Planning and Zoning Administrator for administrative purposes. The Zoning Enforcement Officer shall have the responsibility and authority to enforce the provisions of these Regulations in accordance with administrative rules and procedures established by the Commission.
- 3.2 Application for Certificate of Zoning Compliance:** An Application for a Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure and prior to the use or occupancy of any land, building or other structure. The Application shall be accompanied with the following:
- 3.2.1** Application fee as specified in the Schedule of Fees included in the Appendix hereto;
or
 - 3.2.2** A plot plan drawn to scale showing the location of the proposed work including additions, pools, shed, etc.; or
 - 3.2.3** An engineered Site Plan as specified in paragraph 3.4 for new residential construction and retaining walls exceeding four (4) feet; or
 - 3.2.4** Site Plan Applications in accordance with Section 31, Temporary Special Exception Applications in accordance with Section 32 and Special Exception Applications in accordance with Section 33; or
 - 3.2.5** Such additional information that the Zoning Enforcement Officer or Planning and Zoning Administrator deems necessary to determine compliance with the provisions of these regulations.
- 3.3 Referrals and Review:** All APPLICATIONS for Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer and then referred to the Planning and Zoning Administrator for review. Applications involving new residential construction shall be referred to the Office of the City Engineer for review and signoff prior to final action by the ZEO and issuance of Zoning Permit. The signoff by the Office of City Engineer shall be completed within thirty (30) days of receipt. If the Office of City Engineer fails to signoff within this time period said Applications shall be referred back to the Planning and Zoning Department for processing by the Planning and Zoning Commission. Applications involving retaining walls exceeding four (4) feet shall be referred to the Building Department for review and approval prior to final action by the Planning and Zoning Commission and issuance of Zoning Permit. For Applications involving action by the PZC, it shall be the responsibility of the Planning and Zoning Administrator to coordinate the Commission's review process to place the Application on the Commission's agenda in accordance with these regulations, to request additional information from the applicant on behalf of the Commission, to maintain the Commission's record of actions under these Regulations and to report the Commission's action to the Zoning Enforcement Officer.
- 3.4 Engineered Site Plan:** An Engineered Site Plan prepared and sealed by a licensed

Professional Engineer in the State of Connecticut shall be submitted with the APPLICATION for a Certificate of Zoning Compliance for any proposed residential development or retaining wall exceeding four (4) feet in height. The plot plan shall be submitted in duplicate, shall be drawn to scale and shall show all of the following information, both existing and proposed where applicable:

- a) Name of applicant and property owner;
 - b) The area of the lot, and the dimensions, radii and angle or bearings of all lot lines;
 - c) Street address and/or Assessor's map and lot number;
 - d) North arrow and graphic scale;
 - e) The height, dimension, use, floor area, ground coverage and location of all buildings and other structures;
 - f) The locations, area and dimension of off-street parking and loading spaces, curb cuts, driveways, easements and rights-of-way;
 - g) Dimensions of all setback lines observed by buildings and structures;
 - h) The location of any on-site sewage disposal system, water supply well or waterline; and storm drainage structures including infiltrators;
 - i) Signs and other facilities and improvements that are subject to the provisions of these Regulations;
 - j) Any wetlands, watercourses, 100-year flood line and floodway boundary lines;
 - k) Existing and proposed site grades, contours and flood elevation zone data, top of foundation elevation, and any proposed watercourse relocation.
1. Where property is located in a flood prone area include base flood elevations, and finished floor elevations***
 - l.) Such additional information as may be necessary to determine compliance with the provisions of these Regulations. For proposed construction involving only interior alterations, or alterations with no enlargement or extension of any existing residential dwelling unit not served by a subsurface septic system, the Zoning Enforcement Officer or Planning and Zoning Administrator shall waive the required submission of an engineered plot plan. Plot plans accompanying APPLICATIONS which pertain to a nonconforming building or structure or a nonconforming lot shall be prepared and certified by an A-2 licensed land surveyor or engineer.

3.4.1 Foundation Verification: The applicant shall submit a certified A-2 "As-Built" plot plan to the Zoning Enforcement Officer within 14 days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new residential construction. The Zoning Enforcement Officer may require a certified A-2 "As-Built" plot plan in other situations involving close proximity to setback lines, lot lines, wetland boundary lines or other similar building restriction lines.

- 3.5 Inspections:** The Zoning Enforcement Officer is authorized to inspect any land, building or other structure as necessary to determine compliance with these Regulations. No Final Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the land, buildings or other structure involved and has filed a report with the Planning and Zoning Administrator stating that the use and/or buildings and other structures conform to these Regulations and to the approved Application for Zoning Compliance. Upon receipt of report, the Planning and Zoning Administrator shall approve or deny signoff of the ZEO on the Final Certificate of Zoning Compliance. No Certificate of Occupancy (CO) shall be issued by the Building Department until the Final Certificate of Zoning Compliance shall have been approved.
- 3.6 Orders:** The Zoning Enforcement Officer is authorized to issue a Cease-and-Desist Order or Stop Work Order if in his/her judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations and the approved Application for Certificate of Zoning Compliance. The ZEO shall withdraw such Order when he/she determines that there is appropriate compliance. The Zoning Enforcement Officer shall also issue or withdraw such Order when directed by the Planning and Zoning Commission.
- 3.7 Site Plans, Special Exception and Variances:** Any maps, plans, documents, statements and stipulations submitted to and approved by the Planning and Zoning Commission and the Board of Zoning Appeals as appropriate in connection with a Site Plan Application, Special Exception Application, Temporary Special Exception Application, Variance Application, Application for Certificate of Zoning Compliance or other action of such Commission under these Regulations, and any conditions of such approval of an Application for a Certificate of Zoning Compliance and issuance of a Final Certificate of Zoning Compliance shall be deemed valid.
- 3.8 Records:** The Zoning Enforcement Officer shall keep records of all Applications, Final Certificates of Zoning Compliance, Fees, Stop Work Orders, Cease and Desist Orders and notices of violation served by him/her and the action taken thereon.
- 3.9 Administrative Rules:** The Planning and Zoning Commission may, by resolution, establish rules and procedures necessary to administer and enforce these Regulations.

SECTION 4 - ZONING BOARD OF APPEALS

- 4.1 General:** The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut under Chapter 124, revised 1958 and may adopt rules and procedures necessary to exercise its authority. The purpose and intent of this SECTION is to guide the Zoning Board of Appeals and applicants by setting forth in one location hereunder the general provisions found in and interpreted from the General Statutes, and to prescribe the permissible limits applicable to the requesting and granting of use variances.
- 4.2 Statutory Powers:** Connecticut General Statutes, Section 8-6 sets forth the following powers and duties:
- 4.2.1** "To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw or ordinance or regulation adopted under the provisions of this chapter;" (i.e., Zoning Enforcement Officer, Planning Administrator or other official charged with the enforcement of these Regulations);
- 4.2.2** "To hear and decide all matters including Special Exceptions and special exemptions under Section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation;" (Not applicable to the Shelton Zoning Board of Appeals since the Shelton Zoning Regulations specifically provide for these matters to be decided by the Planning and Zoning Commission.) and
- 4.2.3** "To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed."
- 4.3 Enforcement Appeals:** Section 8-7 of the General Statutes of the State of Connecticut provides that "An appeal may be taken to the Zoning Board of Appeals by any person aggrieved or by any officer, department, board or bureau of any municipally aggrieved and shall be taken within such time as is prescribed by a rule adopted by said board, or, if no such rule is adopted by the board, within thirty days, by filing with the zoning commission or the officer from whom the appeal has been taken and with said board a notice of appeal specifying the grounds thereof." Any party aggrieved by a ruling of the Zoning Enforcement Officer, Planning Administrator or any other official charged with the enforcement of these Regulations may take such an appeal, using a form provided by the Zoning Board of Appeals, which specifies the grounds for such appeal and includes such other information as may be required.
- 4.4 Use Variances:** When exercising the power to determine and vary the application of these Regulations with respect to permitted uses, as described in Paragraph 4.2.3, it shall be the requirement of the Zoning Board of Appeals to adhere to the following:

- 4.4.1** No variance shall be granted which would permit a use of land, buildings or other structures prohibited in all Districts in the City.
- 4.4.2** No variance shall be granted which would permit a use of land, buildings or other structures prohibited in a District unless such use is currently permitted in another District of similar classification.
- 4.4.3** No variance shall be granted which would permit a use of land, buildings or other structures in any Planned Development District that is not specifically permitted in said District.
- 4.4.4** Where a use of land, buildings or other structures is prohibited in a District but is permitted in another District subject to approval of a SPECIAL EXCEPTION or a SITE PLAN by the Planning and Zoning Commission under these Regulations, a variance to permit such use may only be granted Commission.
- 4.4.5** A copy of each use variance request shall, upon receipt, be transmitted to the Planning and Zoning Commission. In addition, the Zoning Board of Appeals shall transmit a copy of each notice of hearing and decision of the Zoning Board of Appeals, which transmittals shall be made within the same time periods as required for publication of notices by the Zoning Board of Appeals under the General Statutes of the State of Connecticut. The Planning and Zoning Commission, Zoning Enforcement Officer, Planning Administrator or other designated staff shall report its findings and/or advisory opinion concerning such use variance request which information shall be read into the record of the public hearing. Any failure of the Planning and Zoning Commission or its staff to respond to any referral in a timely manner will not prevent the Zoning Board of Appeals from rendering a decision on the use variance request.
- 4.4.6** The Zoning Board of Appeals shall not grant any use variance unless each of the following determinations can be confirmed by the Board and such determinations shall be entered into the minutes of the meeting at which such use variance request is acted upon:
- a) The subject parcel of land cannot be reasonably developed for any permitted use within the district in which it is located because of reasons peculiar to the parcel in question and not otherwise applicable to the area as a whole;
 - b) The requested use variance is necessary to relieve the exceptional difficulty or unusual hardship and is the minimum necessary to accomplish such purpose; and
 - c) The requested use will not impair the essential existing character of the area, will not conflict with the general purpose and intent of these Regulations and will conserve the public health, safety, convenience, welfare and property values.

SECTION 5 - DEFINITIONS

- 5.1 General:** The words used in these Regulations shall have the meaning commonly to them. Doubts as to their precise meaning shall be determined by the Commission in accordance with the purpose and intent of these Regulations. Certain words used in these Regulations, however, are defined and explained in paragraphs which follow:
- 5.2 Accessory Dwelling Unit:** An "accessory dwelling unit" is a dwelling unit that is incorporated into and is an integral part of a principal single family detached dwelling but is accessory and subordinate in terms of size and location.
- 5.3 Accessory Warehousing and Storage:** "Accessory Warehousing and Storage" is the storage of goods in warehouse space designated for such purpose to support the needs of the primary permitted uses and as an accommodation for the adaptive reuse of limited portions of existing warehouse space in sizable, existing buildings. "Accessory Warehousing and Storage" will require approval of a Site Plan and Certificate of Zoning Compliance by the Planning and Zoning Commission upon compliance with all of the following conditions:
- a) not more than 50% of the total gross floor area of said building shall be so used for such accessory warehousing and storage not related to the primary permitted use;
 - b) shall not exceed 80% of the gross floor area of the establishment;
 - c) any exterior alteration of the existing building to accommodate such use shall be subject to the submission and approval of a Site Plan pursuant to SECTION 31, and shall not violate section 23.2.5.
- 5.4 Amusement Center:** The term "amusement center" shall include any location or establishment, which houses three (3) or more mechanical and/or electronic amusement devices.
- 5.4.1** Mechanical and/or Electronic Amusement Device: any machine or device which, upon the insertion of a coin, slug or token or upon payment of a charge, is operated to register a score or tally of any kind or permits a certain amount of "play" for entertainment or score and which shall include but not be strictly limited to such

devices as pin-ball or pin-game machines, shuffleboard devices, video and TV-like devices and electronic games.

- 5.5 Antenna:** A device used to transmit or receive telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices known as whips.
- 5.6 Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grade shall be used in calculating the antenna height.
- 5.7 Cannabis Establishment:** A producer, dispensary facility, cultivator, micro cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and delivery service but does not include a dispensary facility as provided in section 21a-408-1 of the regulations of Connecticut state agencies.
- 5.8 Cell Site:** The equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and transmitting those signals to another cell site or to a central switching computer which connects the mobile unit with land-based telephone lines.
- 5.9 Cell Site Tower:** A structure that is intended to support equipment used to transmit and/or receive cellular or personal communication services ("PCS") telecommunication signals. Examples include monopoles and lattice construction steel structures.
- 5.10 Co-Located Cell Sites:** Cell sites, which utilize existing towers, buildings or other structures for the placement of antennas and do not require the construction of a new tower. Any proposed cell site, which utilizes a stub tower or other accessory support structure and exceeds the height of the existing structure by more than twenty (20) feet shall not be considered a Co-Located Cell Site and shall be subject to the standards and provisions of SECTION 48.
- 5.11 Dwelling:** A "dwelling" is a building containing one or more "dwelling units". One or more buildings may be considered to be a dwelling if designed for occupancy, and so occupied, by only one "family".
- 5.12 Dwelling Unit:** A "dwelling unit" is a building or a part of a building designed for occupancy, and so occupied by one (1) "family". Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a dwelling unit.
- 5.12.1 One Bedroom Dwelling Unit:** A "one bedroom dwelling unit" is a "dwelling unit" in a dwelling containing four (4) or more "dwelling units" and having only one (1) room exclusive of one (1) bedroom, exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.
- 5.12.2 Efficiency Dwelling Unit:** An "efficiency dwelling unit" is a "dwelling unit" in a "dwelling" containing four (4) or more dwelling units" and having only one (1) room, exclusive of bathroom, kitchen, pantry, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.

5.12.3 Elderly Dwelling Unit: An "elderly dwelling unit" is a "dwelling unit" in a "dwelling" containing four (4) or more "dwelling units", that is specifically designed for and occupied by retired, elderly persons 62 years of age or older, or handicapped or physically disabled as defined under Federal Laws.

5.13 Family: A "family" is a person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than **eight (8)** persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are let and/or board is furnished as permitted by these Regulations shall not be considered a member of a "family" for the purpose of this definition.

5.14 Fitness Center - Full Service is defined to mean a fitness center serving the general public whether on a daily basis or by membership and providing a range of services including body building equipment, aerobic dancing, aerobic machinery, free weights, tanning booths, sauna rooms, steam booths, and child care services. Such centers may also include a refreshment area serving non-alcoholic health drinks and related health foods, retail sale of nutritional supplements, gym clothing and various gym gear. A "massage establishment" as defined in the Shelton City Ordinance shall not be considered a fitness center as herein described, and engaging in the practice of massage, if included, must be clearly accessory to and an insignificant component of the fitness center.

5.15 Fitness Center - Accessory Use is defined to mean a fitness center restricted to serving only the needs of persons employed at the office building, complex or industrial facility wherein it is situated and providing an appropriate range of services from an exercise room to a fully equipped and staffed center.

5.16 Floor Area, Dwellings: In determining compliance with minimum floor area requirements for "dwellings" and "dwelling units" and compliance with maximum floor area requirements for an office in a "dwelling unit" or a customary home occupation in a "Dwelling Unit", only finished livable floor area having a ceiling height of at least seven (7) feet two (2) inches shall be counted and shall exclude garages, terraces, outside vestibules, bay windows, any basement rooms the full walls of which are not above ground level, utility rooms for heating apparatus, attics, open porches, enclosed porches not heated by a central heating system for the "dwelling" and hallways and other space designed for common use by occupants of two (2) or more "dwelling units". Measurements of floor area for any "dwelling" or "dwelling unit" shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. In computing minimum floor area of a split level "dwelling," the upper two (2) levels shall contain the required minimum floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

5.17 Floor Area, Maximum: In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions of Paragraph 24.5 and SCHEDULE B, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area.

5.18 Height: The height of a building or other structure shall be measured from the average ground level within 10 feet of the building or other structure to the level of the highest main roof. The provisions of these Regulations pertaining to maximum height shall not apply to spires, towers, silos, chimneys and flagpoles, also such features as tanks, elevator heating, ventilation, air-conditioning and similar equipment when located on the roof of a building and not occupying more than 20% of the area of the roof. Notwithstanding the above, the

maximum height of Cell Site Towers and other communications facilities shall not exceed 100 feet in any residence district and 150 feet in any non-residence district, except as may be modified in accordance with Paragraph 48.5.5.

- 5.19 High Traffic-Activity Generator:** High traffic-activity generators include, but are not limited to, gas stations, convenience stores, grocery stores and any food service establishment whose principal business is the sale of foods and beverages in a ready-to consume state at a counter for consumption at the restaurant or for take-out, as well as any use which generates more than ten (10) trips per 1,000 square feet of floor area at peak hour (per the latest edition of the Institute of Transportation Engineers Trip Generation reference).
- 5.20 Invasive Plants:** Invasive plants are non-native plant species that, when introduced to a new habitat, exhibit aggressive growth patterns and competitive advantages over native flora. They tend to outcompete indigenous plants, disrupt ecosystems, and harm local wildlife. Invasives often lack natural predators, diseases, or environmental limitations that would keep them in check in their native habitats. As a result, they spread rapidly, displacing native species and altering the composition and functioning of ecosystems. Invasive plants pose a significant ecological and economic threat, as they can negatively impact agriculture, forestry, and natural areas. Recognizing and managing invasive species is essential to preserve biodiversity, maintain ecosystem health, and protect the native landscapes and habitats they invade. Regulatory measures and control efforts are often necessary to mitigate the detrimental effects of invasive plants on both natural and cultivated environments. The Connecticut Invasive Plants Council and UCONN Connecticut Invasive Plant Working Group maintain lists of common invasive species in Connecticut.
- 5.21 Junk Yard:** The term "junk yard" shall be construed to include any "junk yard," "motor vehicle junk business" and "motor vehicle junk yard" as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for one or more used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one automobile. In Residence Districts the term shall also include both the outside storage of unregistered motor vehicles for periods longer than 30 days and the outside storage or deposit of parts or bodies of motor vehicles, each in such a manner as to be visible from any street or any other lot.
- 5.22 Kennel:** The term "kennel" shall have the same meaning as defined in the General Statutes of the State of Connecticut as amended from time to time.
- 5.22.1 Commercial Kennel:** The term "commercial kennel" shall have the same meaning as defined in the General Statutes of the State of Connecticut as amended from time to time.
- 5.23 Limited Business Office:** A "Limited Business Office" is an activity, other than a professional office, conducted for gain and primarily rendering services to customers and clients not on the premises, but to which the public is sometimes invited or expected to visit in the conduct of the activity. The term may include, but is not limited to, real estate offices, accounting offices, insurance offices, travel agencies, stock brokerage firms, employee placement services, data processing firms and other similar service occupations.

- 5.24 Lot:** A "lot" is defined as: (1) a parcel of land meeting the requirements of these Regulations; (2) a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the land records of the City of Shelton; or (3) a building lot shown on a subdivision map approved by the Planning and Zoning Commission.
- 5.25 Lot Corner:** A "corner lot" is a "lot" having lot lines formed by the intersection of two streets, whether public or private, and where the interior angle of such intersection is less than 135 degrees. A "lot" fronting on a curved street shall also be considered a "corner lot" if the central angle of the curve is less than 135 degrees.
- 5.26 Lot, Interior:** An "interior lot" is a "lot" which has less than the required minimum frontage on a street as required by SCHEDULE B of these Regulations but which complies with the provisions of SECTION 24, Paragraph 24.11.
- 5.27 Lot Area and Shape:** In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no easement for above ground public utility transmission lines or any part of a public or private street nor any easement which grants exclusive surface use of the property to anyone other than the owner may be included. Each lot shall contain an area of contiguous buildable land, exclusive of steep slope areas, wetlands watercourses, ponds, lakes or marsh, that equals or exceeds the lot area requirement of the district in which it is located, or 40,000 square feet, whichever is less. Such excluded areas may be used for compliance with that portion in excess of 40,000 square feet.

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

Said 40,000 square foot minimum area may be reduced to 30,000 square feet if all of the following criteria are satisfied:

- a) The lot is served either by public water or municipal sanitary sewers;
- b) The 30,000 square feet of contiguous buildable land is appropriately proportioned for siting a structure, required parking, and other normal requirements for the uses allowed in the zone;
- c) Access to such buildable area can be accomplished without traversing a steep slope area;
- d) If the only feasible access to such buildable area requires crossing an inland wetland, such crossing must have the prior approval of the Shelton Inland Wetlands Commission; and
- e) Allowing such reduction will not be detrimental to wetlands, watercourses and/or other valuable natural features.

Land in two or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirement of the district requiring the largest lot area is met, but no land

in a Residence District shall be used to satisfy a lot area requirement in any other District.

5.28 Native Plants: Native plants are species of vegetation that naturally occur in an area and have evolved in a specific geographic region, adapting to the local climate, soil, and ecosystem over an extended period without human introduction. The Greater Northeast area, generally bounded by Pennsylvania and the Canadian border shall be considered for these regulations. These plants are ideally suited to their native environments and are crucial in maintaining ecological balance. Native plants support local wildlife by providing food sources and habitats and are often more resilient and low-maintenance than non-native species. By promoting the use of native plants in landscaping and conservation efforts, we can enhance biodiversity, reduce water consumption, and contribute to our ecosystems' overall health and sustainability. Using native plants helps preserve the unique character of a region while promoting environmentally responsible landscaping practices. The National Wildlife Federation and National Audubon Society maintain sites that provide regional lists of native species.

5.29 Off-Street Parking and Loading Space: See SECTION 42 of these regulations

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

5.31 Restricted Retail: The term "Restricted Retail" shall mean moderate sized (not less than 10,000 sq. ft. each), quality retail establishments where the type of business, in the Commission's discretion, generates moderate to low traffic volumes and impacts. No such establishment shall generate more than 5 vehicle trips per 1,000 square feet of floor area at peak hours (per the latest edition of the Institute of Transportation Engineers Trip Generation reference). Such moderate-impact outlets may include but are not necessarily limited to furniture and appliance stores, bookstores, sporting goods, clothing and accessories, pharmacies, office supplies and equipment, medical appliances, specialty building or lighting materials and plumbing appliances. Grocery stores, discount-type department stores, large-scale home improvement centers and similar large scale, high activity retail establishments are specifically excluded. Other subordinate and accessory uses related to the principle use area permitted provided such uses occupy no more than five (5) percent of the total floor area or 1,000 square feet, whichever is less, and are accessible only from within the area of the permitted principal use.

5.32 Property Line, Side: A "side property line" is any property line which is not a "rear" property line" or a "street line".

5.33 Self - Storage Facility: A self-storage facility is defined to mean a facility that offers individually-accessed, mini warehouse/storage units for rent or lease to the general public for the storage of personal and household effects and for the dry storage of office or business effects or products. Such effects or products shall specifically exclude the storage of any materials or waste products deemed hazardous (See 23.2.3). All such individual units shall be accessed only from interior, common hallways. Access to said common hallways shall be provided with electronic monitoring and on-site management during normal hours of operation.

5.34 Signs: See SECTION 44 of these regulations.

- 5.35 Story:** A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is five (5) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".
- 5.36 Street:** A "street" shall mean any City or State Highway, except limited access State Highway, or any street shown on a subdivision map approved by the Planning and Zoning Commission and filed in the land records of the City of Shelton. In determining compliance with minimum frontage on a "street" for a lot located in Industrial Districts or Light Industrial Park Districts, a "street" shall also mean a private street, right-of-way or easement of vehicular access, 50 feet or more in width, approved by the Planning and Zoning Commission and shown on a map filed in the land records of the City of Shelton.
- 5.37 Street Line:** The term "street line" shall mean the right-of-way easement or taking line or any public or private street, except limited access State Highway, or of any easement of vehicular access or private right-of-way 25 feet or more in width.
- 5.38 Street, Width:** The "width" of a street shall mean the distance between the right-of-way easement or taking line of any public or private street, easement of vehicular access or private right-of-way.
- 5.39 Telecommunications Facility:** The antennas, telecommunications equipment, communications towers and/or other support structures used together in connection with the provision of wireless communications service. These services may include, but are not limited to, cellular communications, personal communications services and paging.
- 5.40 Trailer:** The term "trailer" shall include mobile home and shall also include any vehicle which is used, or suitable for use, as a dwelling, and which is or may be mounted on wheels and which is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached.
- 5.41 Trailer Park:** The term "trailer park" shall mean any "lot" or adjoining "lots" where land is rented, leased or made available for occupancy by two (2) or more "trailers".
- 5.42 Swimming Pool:** A swimming pool, above ground or below ground with a gross water surface area of greater than 80 square feet shall, for the purposes of these Regulations, be considered a structure and an accessory use, and shall be subject to the setback standards of SCHEDULE B of the respective zone in which said swimming pool is located. A Certificate of Zoning Compliance shall be required prior to the establishment of the above-mentioned use.

CHAPTER II DISTRICT REQUIREMENTS

SECTION 21 – DISTRICTS

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

<u>District</u>	<u>Map Code</u>
Residence R-1A District	R-1A
Residence R-1 District	R-1
Residence R-2 District	R-2
Residence R-3 District	R-3
Residence R-4 District	R-4
Residence R-5 District	R-5
Commercial CA-1 District	CA-1
Commercial CA-2 District	CA-2
Commercial CA-3 District	CA-3
Commercial CB-1 District	CB-1
Commercial CB-2 District	CB -2
Industrial IA-1 District	IA-1
Industrial IA-2 District	IA-2
Industrial IA-3 District	IA-3
Industrial IB-1 District	IB-1
Industrial IB-2 District	IB-2
Light Industrial Park	LIP
Office Park District	OPD
River Front District	RFD
Special Development Area	SDA
Planned Development District	PDD
Designed Residential Development	DRD
Central Business District	CBD
Aquifer Protection Area	APA

- 21.2 Special Development Area:** The Special Development Area is a class of district in addition to and overlapping one or more of the other districts.
- 21.3 Planned Development District:** A Planned Development District is a class of district established in accordance with SECTION 34 and located within a Special Development Area.
- 21.4 Designed Residential Development:** A Designed Residential Development is a class of district established in accordance with SECTION 35 and located within and overlapping a Residence R-1A and/or R-1 District.
- 21.5 Central Business District:** The Central Business District is a class of district, encompassing a portion of the downtown area, and is in addition to and overlapping one or more of the other districts.
- 21.6 Restricted Business District:** A Restricted Business District is a class of district encompassing areas of Bridgeport Avenue (Connecticut Route 714) and Old Bridgeport Avenue.
- 21.7 River Front District:** A River Front District is a class of district established in accordance with Section 33 of these regulations.
- 21.8 Aquifer Protection Area:** The Aquifer Protection Area (APA) is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Aquifer Protection Area encompass all of the area consisting of stratified drift "aquifers" that are existing or designated as potential and important sources of public water supply, based on data established by the U.S. Geological Survey. Aquifer Protection Areas identified as APA-1, APA-2 and APA-3 as delineated on the Shelton Building Zone Map and approved by the Commissioner of Environmental Protection pursuant to 22a-354b to 22a354d of the Connecticut General Statutes, inclusive, are areas within which land uses or activities shall be required to comply with the regulations adopted by the Shelton Inland Wetlands Commission which are titled "City of Shelton, Municipal Regulations, Aquifer Protection Areas" with an effective date of 2/19/09. The purpose of identifying APA-1, APA-2 and APA-3 is to ensure the use of land, buildings and other structures and site development within said APAs are conducted in a manner that protects health and the usability of the groundwater supply resource and avoids degradation of the quality of the water.

SECTION 22 - BUILDING ZONE MAP

- 22.1 Map:** The boundaries of the districts specified in SECTION 21 are hereby established as shown on a map entitled "Building Zone Map of the City of Shelton, Connecticut", dated September 25, 2007 as amended from time to time including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations.
- 22.2 Interpretation of Map:** Where a question arises as to exact boundaries of a district, the boundary shall be determined by the Planning and Zoning Commission upon due notice and public hearing as required for adoption of these Regulations.
- 22.3 Extension of Use:** Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the City of Shelton on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Planning and Zoning Commission, in accordance with the procedures of SECTION 33, may grant a Special Exception to authorize a use of land, buildings and other structures permitted in one district to be extended a distance of not more than 30 feet into another district where such use would otherwise be prohibited under these Regulations.

SECTION 23 - PERMITTED USES

23.1 **SCHEDULE A: "SCHEDULE A - Permitted Uses"** is hereby declared to be a part of these Regulations. Land, buildings and other structures in any district shall be used for one or more of the uses specified in SCHEDULE A as permitted in the district. Uses listed in SCHEDULE A are permitted or prohibited in accordance with the following Designation and procedure:

- "P" means a use permitted in the district as a matter of right;
- "S" means a use permitted in the district, subject to submission and approval of a Site Plan in accordance with the provisions of SECTION 31;
- "E" means a use permitted in the district, subject to the securing of a Special Exception from the Planning and Zoning Commission in accordance with SECTION 33;
- "G" means a use permitted in the district, subject to the securing of a Temporary Special Exception from the Planning and Zoning Commission in accordance with SECTION 32;
- "X" means a use prohibited in the district; and
- "R" means that reference should also be made to a similar use elsewhere in SCHEDULE A.

23.2 **Prohibited Uses:** Land, buildings and other structures shall be used for one or more of the uses specified as permitted in SCHEDULE A, and no other. Any use not specified in SCHEDULE A as permitted is prohibited. To further assist in the interpretation of SCHEDULE A, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

23.1.1 Trailer parks and the use or occupancy of a trailer as a dwelling, except in accordance with the limitations of Paragraph 41.10 of these Regulations.

23.2.2 Junkyards; bulk storage of cement; concrete mixing plants; and bulk storage of petroleum products in tanks having a capacity in excess of 10,000 gallons.

23.2.3 The manufacture, use, storage and/or disposal of hazardous materials and hazardous waste products.

23.2.4 Cannabis Establishments, for the reasons set forth above and notwithstanding any other provision of the Zoning Regulations to the contrary, the commission hereby adopts a temporary moratorium on the acceptance of applications or the use of land or structure for a Cannabis Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through 12 months from date of adoption or until such time as the Commission adopts Zoning Regulation amendments that regulate Cannabis Establishments, whichever occurs earlier. During the moratorium period, the Commission shall undertake a planning process to address the potential impacts of recreational cannabis Establishments and shall consider adopting new Zoning Regulations in response

to these new issues.

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

23.4 Performance Standards: The use of land, buildings and other structures shall conform to the performance standards specified in SECTION 43.

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SECTION 24 - AREA, LOCATION AND BULK STANDARDS

- 24.1** **SCHEDULE B:** "SCHEDULE B - STANDARDS" is hereby declared to be a part of these Regulations.
- 24.2** **Lot Area:** Shape and Frontage: Each lot, except permitted interior lots and parcels created as part of a planned residential community or other planned development under the provisions of the Connecticut Common Unit Ownership Act, shall have the minimum area as specified in SCHEDULE B. Each lot to be used for a dwelling containing two (2) or more dwelling units shall have the minimum area per family specified in SCHEDULE B. Each lot shall be of such shape that a square with a minimum dimension specified in SCHEDULE B will fit on the lot, and in Residence Districts, except on permitted interior lots or parcels created as part of a planned development, some portion of such square shall lie within the area required for setback from a street line. Each lot except permitted interior lots and parcels created as part of a planned residential community or other planned development under the provisions of the Connecticut Common Unit Ownership Act, shall have the frontage on a street specified in SCHEDULE B. Interior Lots shall be permitted only in-Residence R-1A, R-1, R-2 and R- 3 Districts.
- 24.3** **Height:** No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in SCHEDULE B. Notwithstanding the above, in any Office Park District (OPD), the Commission may permit a greater height, but not exceeding 75 feet, subject to the following: a) Such building shall be located within an area zoned for and primarily devoted to non-residential uses; b) The topography and vegetation of the site at the proposed location of such buildings are appropriate to accommodate such additional height; and c) Such additional height shall result in less site disturbance than would otherwise be necessary. Within the River Front District (RFD) AND THE Industrial IA-1 District, the Commission may permit a greater height but not exceeding 75 feet in height, to accommodate unusual mechanical / supportive facilities and features as well as for a portion of a building not totaling more than 50% of the roof area to accommodate penthouses, mechanical equipment and elevator enclosures and similar to rooftop features.
- 24.4** **Setbacks:** No building or other structure shall be located less than the minimum setback distances from any street line, rear property line, other property line or Residence District boundary line as specified in SCHEDULE B, except as follows:
- 24.4.1** **Signs:** Permitted signs, as specified in SECTION 44 may extend within lesser distances of a property or street line.
- 24.4.2** **Projections:** Pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features may project two (2) feet into the area required for setback from a property or street line.
- 24.4.3** **Additional Setbacks:** In any Residence District, any portion of a building or other structure exceeding 30 feet in height shall be set back from a property or street line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 30 feet in height.

- 24.4.4 Narrow Streets:** The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the street.
- 24.4.5 Railroads and Pierheads:** In Commercial, Industrial, and Light Industrial Park Districts, no setback is required from a railroad right-of-way or an established pierhead line along the Housatonic River.
- 24.4.6 Guard Houses:** In Commercial, Industrial and Light Industrial Park Districts, a building not exceeding 300 square feet in floor area and a height of 15 feet and used solely as a guard house, gate house or security building may extend to within 10 feet of any street line.
- 24.4.7 Commercial CA-3 District:** On any lot in the Commercial CA-3 District no setback is required from a property line, provided that access to a public street by means of an alley or other right-of-way not less than 12 feet in width is provided to any portion of the lot not used for buildings and other structures. Any building or other structure, however, set back from a property line other than a street line shall not extend within less than 12 feet of such property line, except that adjoining property owners may by mutual agreement, recorded in the land records of the Town of Shelton, agree to reduce such setback by up to six (6) feet on each side of such line.
- 24.4.8 Other Commercial Districts:** Adjoining property owners in any Commercial CA-2, CB-1 or CB-2 District may by mutual agreement, recorded in the land records of the Town of Shelton, agree to eliminate the required setback from a common property line or to reduce the required setback from the common property line by up to six (6) feet on each side of such line. Such reduction or elimination of the required setback is permitted provided that access to a public street by means of an alley or other right-of-way not less than 12 feet in width is provided to any portion of the lot not used for buildings and other structures.
- 24.4.9 Freestanding Walls and Retaining Walls:** The required setback distances shall not apply to freestanding walls and to retaining walls not exceeding four (4) feet in height. Said wall materials, design and construction shall be consistent with and harmonize with the surrounding neighborhood. Walls exceeding said four (4) foot height may be allowed subject to the approval of an Application for a Certificate of Zoning Compliance by the Planning and Zoning Commission. The required Application shall be transmitted to the City Engineer and the Building Official for review and a report. In reviewing the design of the Wall, the Commission may require the exterior materials and design treatment of those portions, which are visible from any street or any other lot to be consistent with and to harmonize with the surrounding neighborhood.
- 24.4.10 Fences and Terraces:** The required setback distances shall not apply to fences six (6) feet or less in height or to unroofed terraces, but no fence or terrace shall be located within the right-of-way easement or taking line of any street. All fences shall be erected with the finished side facing the adjacent property or street line.

24.4.11 Corner Lots: On corner lots in the Residence R-4 and R-5 Districts, the minimum required structure setback distance from the longer street line may be reduced by up to 10 feet.

24.4.12 Setbacks for Non-Conforming Lot Frontage: On any lawfully existing, non-conforming lot having less than the required minimum lot frontage set forth in SCHEDULE B, each required minimum setback from a side line shall be not less than 20% of the lot frontage, but in no case less than ten (10) feet.

24.4.13 Non-Conforming Lots In O.P.D. and RDB Districts: On any lawfully existing non-conforming lot (in existence as of 11/13/98 as evidenced in the Land Records of the City of Shelton) having less than the minimum required lot area set forth in SCHEDULE B, each required minimum setback and any required "green-belt" width may be reduced in the same proportion as the area non-conformity but in no case to less than the following:

Minimum street setback	50 feet
Minimum rear line setback	20 feet
Minimum side line setback	10 feet
Minimum Residence District Boundary setback	50 feet
Minimum green belt along street	20 feet
Minimum green belt along other property lines	5 feet

All other standards, including maximum height, maximum lot coverage, maximum floor area ratio and maximum impervious lot coverage shall be provided as required, without reduction.

24.4.14 Riverwalk Setbacks: In the River Front District (RFD) the Commission may permit the lower portions of buildings not exceeding two (2) stories or 25 feet, whichever is less, to extend to within ten (10) feet of any common property line or easement line for the Shelton Riverwalk.

24.4.15 Parking Structures: In the River Front District (RFD) the Commission may permit parking decks of not more than one (1) level above ground to extend to within five (5) feet of any property line other than one in common with the Riverwalk and to within ten (10) feet of a property line or easement line in common with the Riverwalk.

24.5 Coverage and Bulk: The aggregate lot coverage of all buildings and other structures on any lot shall not exceed the percentage of the lot area as specified in SCHEDULE B. The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot area as specified in SCHEDULE B. Said total floor area shall exclude therefrom any parking decks and other areas or portions of floors assigned exclusively to the daily parking of vehicles.

- 24.6 Minimum Floor Area for Dwelling:** Each one-story dwelling shall have a minimum floor area on the ground floor as specified in SCHEDULE B. Each split-level dwelling shall have a minimum floor area on all floors as specified in SCHEDULE B. Each Dwelling with two or more stories shall have a minimum floor area on the ground floor and a total minimum floor area as specified in SCHEDULE B. Each dwelling containing two (2) or more dwelling units shall also have a minimum floor area for each dwelling unit as specified in SCHEDULE B.
- 24.7 Outside Storage:** Outside storage (including storage and display of merchandise, supplies, machinery and other materials and the outside manufacture, processing or assembling of goods but excluding areas for parking of registered motor vehicles in daily use) shall be limited as follows:
- 24.7.1** In Commercial Districts, outside storage areas shall not extend into the area required for setback from a street line or Residence District boundary line.
- 24.7.2** In Light Industrial Park (LIP) Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line and shall not exceed 15% of the lot area. In Industrial IA-1 and Light Industrial Park districts, said outside storage areas shall be enclosed (except for necessary access drives) by building and/or fences, walks, or evergreen shrubs or trees shall be of a height sufficient to screen completely the storage area from view from any other lot or from any street. The enclosing building, fences, walls, embankments or ever green shrubs or trees shall be of a height sufficient to screen completely the storage area or have a height of eight (8) feet, whichever is less, and shall be of a density as to be not less than 75% effective in screening such view, except that when evergreen shrubs or trees are used such height and density shall be achieved within five (5) years after establishment of the outside storage area.
- 24.7.3** In Industrial IA-2, IA-3 and IB-1 Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line. The aggregate lot coverage of all buildings, other structures and outside storage area shall not exceed 60% of the area of the lot.
- 24.7.4** In Industrial IB-2 Districts, outside storage areas shall not extend into the area required for setback from a Residence District boundary line.
- 24.7.5** There shall be no outside storage in any designated Office Park District (OPD).
- 24.7.6** In Restricted Business Districts (RBD), outside storage, other than the storage/display of new or used motor vehicles, shall not exceed 10% of the lot area, of which, areas of outside display and/or sale of merchandise other than motor vehicles shall not exceed 2% of the lot area. No outside storage area, other than the storage/display of new or used motor vehicles, shall extend into the area required for setback from a property line, street line or Residence District boundary line. All outside storage areas, except for the permitted storage/display of motor vehicles and other designated display and/or sales areas, shall be enclosed (except for necessary access drives) by buildings and/or by fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from

view from any other lot or from any street. The enclosure shall either be of sufficient height to completely screen the storage area or shall have a height of eight (8) feet, whichever is less. Any vegetative screening shall be of a density to be not less than 50% effective in screening such view at the time of planting. Notwithstanding the above, advertising information/signs within or on any vehicle stored, parked or displayed within 30 feet of the street line of Bridgeport Avenue shall be limited to identification of the vehicle year, make, model, price and mileage, which signs shall be professional in appearance and limited in size to not more than 30% of the vehicle's windshield area. The use of any eye-catching graphics, pennants, garland and similar devices is not permitted.

24.8 Site Development and Landscaping: Site Development and Landscaping shall be established in Commercial Districts, Industrial Districts and Light Industrial Park Districts as follows:

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

24.8.2 Driveways: There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by City Ordinance or by the State of Connecticut.

24.8.3 Commercial Districts: In Commercial Districts no part of the area required for setback from a Residence District boundary line shall be used for off-street parking or loading. A strip of land, not less than 12 feet in width, along and adjacent to any Residence District boundary line shall be suitably landscaped with trees and/or shrubs and with lawns.

24.8.4 Industrial and LIP Districts: In Industrial Districts and Light Industrial Park (LIP) Districts, no part of the area required for setback from a Residence District boundary line shall be used for driveways or off-street parking or loading. In other than Industrial IB-2 Districts, no part of the area required for setback from a street line shall be used for off-street loading and no more than 50% of such area shall be used for driveways and/or off-street parking. In other than Industrial IB-2 Districts, the area required for setback from a street line shall be suitably landscaped with trees and/or shrubs, lawns, washed gravel or ornamental brick or stone pavement except for sidewalks and permitted driveways and off-street parking spaces. Along and adjacent to any Residence District boundary line a strip of land not less than 50 feet in width in any Light Industrial Park District and not less than 30 feet width in any other Industrial District shall be left in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within (5) years.

24.8.5 Office Park Districts: In any Office Park District (OPD), no part of the area required for setback from a Residence District Boundary line shall be used for off-street parking, loading or driveways. Along and adjacent to any Residence District Boundary line a landscaped buffer not less than 50 feet in width shall be preserved in its natural state if already wooded or shall be planted with evergreen trees sufficient in size, quantity and spacing to grow into a dense, evergreen buffer within

no more than five (5) years. No part of the area required for setback from a street line shall be used for off-street loading and all off-street loading docks/areas shall be visually screened from view from any street. Up to 50% of any required street and/or property line setback may be used for off- street parking and/or driveways provided there is a green belt having a width of 30 feet along the street and 15 feet along any property line, landscaped with lawns and/or other appropriate plantings. Notwithstanding the setback requirements set forth in SCHEDULE B, parking decks and parking structures not exceeding a height of 18 feet, as measured from any point on the ground within 10 feet of the structure to the highest structural feature of the structure, may extend up to 20 feet into the area required for setback from any property line, other than a street line, provided said parking structure encroachment is appropriately landscaped along said property line.

24.8.6 Restricted Business Districts: In any Restricted Business District (RBD) no part of the area required for setback from a Residence District Boundary line shall be used for off-street parking or loading. Along and adjacent to any Residence District Boundary Line a landscaped buffer not less than 30 feet in width shall be preserved in its natural state if already wooded or shall be planted with evergreen trees sufficient in size, quantity and spacing to grow into a dense, evergreen buffer within no more than five (5) years. At the discretion of the Commission, said buffer may be reduced in width provided additional protection is provided in the form of an opaque screen wall and/or fence. No part of the area required for setback from a street line shall be used for off-street loading and all off-street loading docks/areas shall be visually screened from view from any street. Up to 60% of any required street and/or property line setback may be used for off-street parking and/or driveways provided there is a green belt having a width of 20 feet along the street and 10 feet along any property line, landscaped with lawns and/or other appropriate plantings. The Commission, however, may modify such greenbelt provisions for established, pre-existing site improvements in support of permitted use conversions. Notwithstanding the setback requirements set forth in SCHEDULE B, parking decks and parking structures not exceeding 14 feet, as measured from any point on the ground within 10 feet of the structure to the highest structural feature of the structure, may extend to within 10 feet of any property line, other than a street line or Residence District Boundary line, provided said parking structure encroachment is appropriately landscaped along said property line.

- 24.9 Courts and Windows:** In addition to the setback requirements specified in SCHEDULE B, the windows of rooms used for human occupancy in a dwelling containing two (2) or more dwelling units shall open onto yards, setback areas, courts or other open spaces. The least horizontal dimension of any court between opposing walls shall be not less than twice the average height of such opposing walls. In the case of a court formed by walls on three sides and open on the fourth side, the distance between the open end and the opposite wall shall not exceed the distance between the other two walls, unless such latter distance is greater than 50 feet. On any lot, no window in one dwelling unit shall face the window of another dwelling unit at a distance of less than 25 feet. On any lot, no dwelling shall be nearer to another dwelling than the average height of such dwellings.
- 24.10 Length of Dwelling:** No building containing two (2) or more dwelling units shall have a length in excess of 150 feet measured in a straight line through the building, but such length may be exceeded up to a maximum length of 300 feet provided that for within each 100 feet of length, or fraction thereof, the facades extending the length of the building are off-set by a distance equal to not less than one half of the width of the building.
- 24.11 Interior Lots:** Interior lots, not having the minimum frontage on a street normally required, shall be permitted in Residence R-1A, R-1, R-2 and R-3 Districts and in Planned Residence Districts provided that the Planning and Zoning Commission determines that the development of interior lots is in the best interests of the City of Shelton, that it will allow proper and orderly utilization of land for residential purposes and that such interior lots comply with the provisions of this Paragraph and other applicable, municipal ordinances and regulations. Interior lots shall be subject to the following additional requirements:
- 24.11.1 Access and Frontage:** Each interior lot shall have frontage on and access to a City Street by means of an unobstructed, legal, exclusive accessway held in the same ownership as the interior lot. Said accessway shall have a minimum width and frontage of at least 30 feet and if the area of the interior lot is equal to or greater than two (2) times the minimum lot area specified in Paragraph 24.11.2 for the district in which it is located, said accessway minimum width and street frontage shall be not less than 50 feet, unless said lot area in excess of the minimum required interior lot area is encumbered by an appropriate conservation easement or restrictive covenant. Not more than two (2) abutting accessways shall be separated from another accessway or pair of contiguous accessways by not less than one (1) minimum required lot frontage for a standard lot in said District.
- 24.11.2 Lot Area:** The area of each interior lot, exclusive of its accessway shall be not less than one and one-half (1.5) times the minimum lot area otherwise required by these Regulations for the District in which it is located. The limits of the accessway shall be shown on any record map by a dashed line. The property lines of an interior lot, which commence at the termination of its accessway shall diverge from each other at an angle of not less than 60 degrees. The calculated lot area, excluding the area contained in the accessway, shall be designated on any record map.

24.11.3 Driveway: Within the lines of the accessway there shall be constructed a private driveway with a minimum 18 foot wide, graveled or paved travel way, adequate in thickness to accommodate fire and other similar, emergency apparatus. That portion of the driveway from the edge of the street pavement to a distance of 20 feet inside the street line, and any portion of the driveway having a grade in excess of six (6%) percent shall be paved. The private driveway serving a single interior lot may be reduced in width to not less than 12 feet provided the driveway is widened to not less than 20 feet or a distance of 40 feet at such intervals as are necessary so that no portion of the 12-foot-wide driveway shall exceed a length of 150 feet. Where two (2) accessways are contiguous, one driveway not less than 18 feet wide and adequate in thickness to accommodate fire and other similar emergency apparatus may be provided within the combined width of two (2) contiguous accessways to serve both such interior lots. Said driveway serving two (2) interior lots shall be paved for the entire length of the accessway at the time of the establishment of said interior lots. Where a gravel surface driveway is provided, it shall have a minimum depth of eight (8) inches after compaction. Paved driveways shall consist of dense graded bituminous concrete not less than two (2) inches in depth after rolling, placed on a gravel base having a minimum depth of six (6) inches after compaction.

24.11.4 Setbacks: On any interior lot in a Planned Residence District, no building or other structure, except permitted accessory buildings, shall extend within less than 40 feet from a rear property line and 30 feet from any other property line. On any interior lot in any other District, no building or other structures, except permitted accessory buildings, shall extend within less than 40 feet from any property line. Notwithstanding the above, when the adjacent property is designated as permanent open space through ownership, conservation easement or other acceptable method, the setbacks for patios, decks, unroofed porches and balconies and similar, outdoor living spaces may, at the discretion of the Commission be reduced to 20 feet.

24.11.5 Number of Interior Lots: In any subdivision located in any District other than Districts R-IA or R-I, the maximum number of interior lots shall not exceed 15% of the total lots in the subdivision or two (2) lots, which number is greater. In any subdivision located in any R-IA or R-I District, the maximum number of interior lots shall not exceed 15% of the total lots or three (3) lots, whichever number is greater. In situations where a subdivision is to be developed in sections, the maximum number of interior lots shall be calculated on the basis of the overall subdivision and the Commission may, at its discretion, limit the proportion of interior lots in any one section in such a manner as to not exceed the total number specified above.

24.11.6 Other: The Commission may limit the width of any driveway to a maximum of 20 feet at the street line and may require planted screening, fences or such improvements as may be necessary for safety purposes and/or the protection of neighborhood appearance.

24.12 Permanent Accessory Structures in Residence Districts: All permanent accessory structures and uses must be residential in nature and design, consistent with the residential character and quality of the neighborhood and compatible with the principle

use and on the premises. Any accessory building or structure having a floor area in excess of 100 square feet shall not be fabricated of steel, corrugated metal, plastic or canvas-type materials and shall not alter the character of the premises. An accessory building or structure is defined as one that is detached from the principal building. Permanent accessory structures may consist of private garages, barns and miscellaneous other buildings and structures, including tool sheds, greenhouses, pool houses, wood sheds and similar structures for the use of the occupants of the lot. No such structure shall be larger in ground floor area and bulk than the ground floor area and bulk of the principal structure to which it is accessory and, except as provided for below, permitted accessory structures shall comply with the required setbacks as set forth in SCHEDULE B Standards. A detached garage structure exceeding the limitations set forth above may be permitted, in conformity with the setbacks for a principal structure and subject to the submission and approval of a Site Plan in accordance with the additional standards and conditions set forth in Section 31. In all cases, no such accessory building shall have overhead doors in excess of 10 feet in any dimension, unless specifically authorized by the Commission. The accessory building, structure and/or use shall be located on the same lot with the permitted building and said principal building must be in existence at the time of construction or installation of the accessory building or use to which it is accessory. Permitted accessory buildings may include heating facilities but shall not include kitchen facilities and/or lavatories, except in conjunction with permitted farms and other agricultural buildings and uses.

24.12.1 Private Garages: Detached private garages shall not exceed one story or area in excess of 750 square feet.

24.12.2 Barns: Except in connection with a farm as provided for under Paragraph 45.7, barns shall contain no more than 1200 square feet of gross floor area and shall not exceed two stories or 24 feet in height. Said barns shall be designed, arranged and intended to be occupied and used solely for the storage of farm products and miscellaneous residential equipment and materials.

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

- a) The accessory building or structure shall not exceed 750 square feet of gross floor area or 20 feet in height, except for barns as set forth in 24.12.2 above.
- b) Ground mounted satellite dishes or disc type antenna shall not exceed 10 feet in height and shall be fully and appropriately screened from view from any adjacent property line and street line at all times. Rooftop satellite dishes and rooftop disc type antenna are prohibited. Notwithstanding the above, satellite signal receivers not exceeding 24 inches in diameter may be permitted without restriction, provided said receiver is subdued in coloration and a reasonable attempt is made to mount it in an unobtrusive location.
- c) Ground mounted solar panels shall not exceed 10 feet in height and shall be fully and appropriately screened from view from any adjacent property line and street line at all times.

24.12.4 Setback Exceptions: Any accessory building or other structure not exceeding

250 square feet in ground floor area and twelve (12) feet in height, when located not less than sixty (60) feet from any street line, may be setback as follows:

- a) In any Residence R-1A, R-1, R-2, R-3, and Planned Residence District, may be located within ten (10) feet of any rear and side property lines.
- b) In the Residence R-4 and R-5 Districts, may be located within five (5) feet of any rear and side property line.

24.12.5 Swimming Pools: All swimming pools, excluding seasonal pools not exceeding ten (10) feet in diameter, shall be located in conformity with the following requirements:

- a) The swimming pool shall be located to the rear of the line of the principal front wall of the dwelling, extended to the side property lines. All pools shall comply with the normal setback requirements for the zone as set forth in Schedule B Standards. The setbacks shall be measured from the edge of the exterior lip of the pool or the wall of the pool, whichever is closer, to the nearest property lines.
- b) All pools shall be appropriately fenced as required by the Connecticut State Building Code and approved by the Shelton Building Official.

24.12.6 Towers and Antennas: Towers and antennas used by Federally licensed amateur radio operators shall comply with the height limitations of Schedule B and are subject to the approval of the Planning and Zoning Commission. Any such tower or antenna shall be set back a distance of not less than its total height from any street or property line. If the operator no longer holds a valid Federal amateur radio operator's license, the tower or antenna shall be removed within 90 days.

24.12.7 Other Limitations:

- a) No accessory building, structure or lot shall include any use or activity conducted for gain or profit, except as otherwise expressly permitted herein.
- b) The use of any accessory structure for human habitation shall be prohibited.
- c) No mechanized construction equipment and/or commercial-related equipment shall be stored on any residential premises.
- d) No part of a lot located in a Residence District shall be used for access to any use not permitted in such District.

24.13 Temporary Accessory Structures: All temporary structures are deemed to be structures for which a Zoning Permit is required. Temporary buildings or similar structures in excess of 100 square feet of floor area, including but not limited to temporary shelters fabricated of steel, corrugated metal, plastic or canvas type materials, may only be permitted for a specific time period not to exceed 6 months, unless specifically extended by action of the Commission if such structures in excess of 100 square feet are subject to the approval of a Site Plan in accordance with the additional standards and conditions set forth in Section 31. In reviewing the design of the building, the Commission may require the exterior materials and treatment of those portions which are visible from any street or any other lot

to be compatible and consistent with the architectural design of the principle building on the lot and to harmonize with the surrounding neighborhood. In addition, appropriate landscaping may be required to adequately screen said building from view from any other lot or from any street. At its discretion, the Commission may require the posting of a nominal bond to assure removal of the approved temporary structure at the termination of its approval period. Said bond, if required, shall be accompanied by an executed agreement allowing the City to enter the premises and remove said temporary structure. Subsequent to the effective date of this regulation, any such temporary structure erected without approval shall be considered a zoning violation and subject to such actions as prescribed under the General Statutes, including monetary fines.

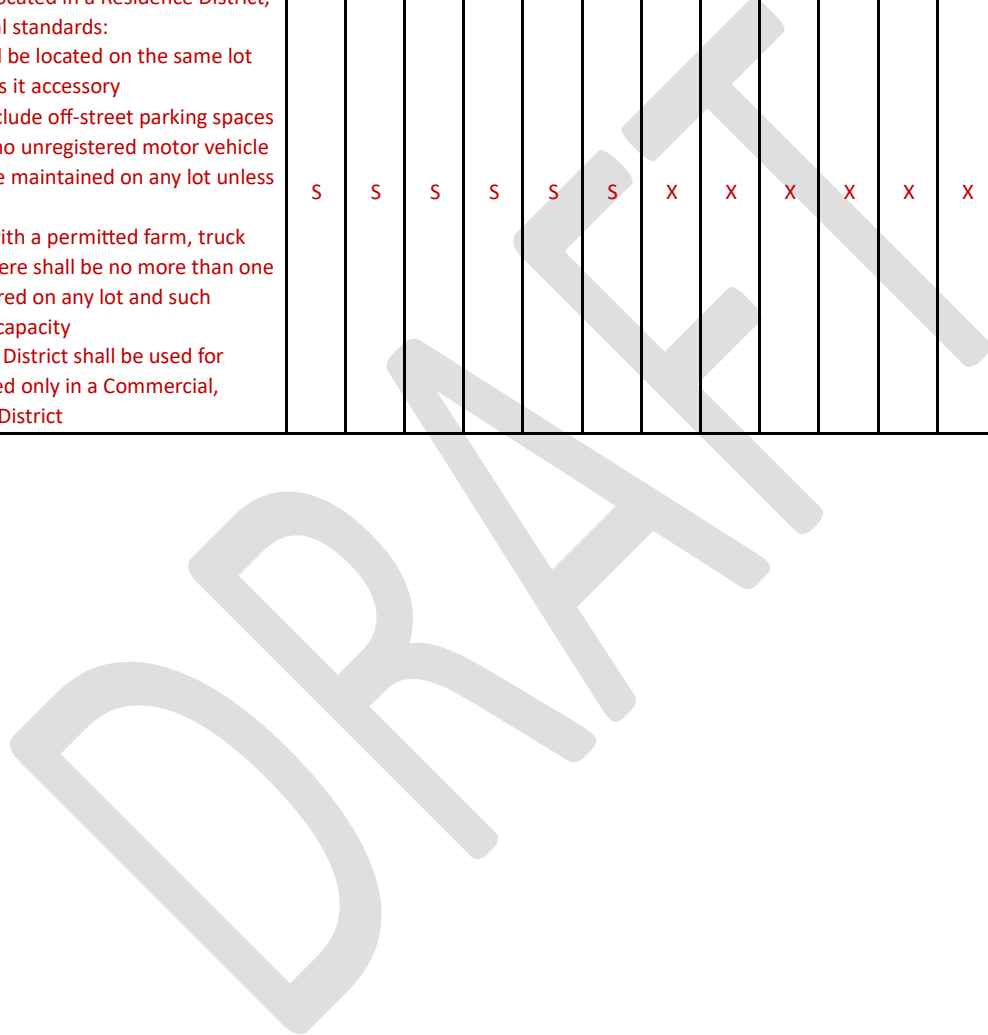
- 24.14 Boats and Boat Trailers:** Not more than one (1) boat and boat trailer is permitted to be stored or parked consistently on any residential lot. Any such boat and/or boat trailer shall be owned by the resident or owner of the lot on which it is stored and shall be located a minimum of 10 feet from any side or rear property line and not located within the required street setback area. Said boat and/or trailer shall be kept in reasonable repair and located and/or screened from view from adjacent properties and streets during all seasons of the year by buildings, walls, fences, landscaping or other suitable screening.
- 24.15 Recreational Vehicles and Camping Trailers:** Not more than one (1) recreational vehicle (RV) or camping trailer is permitted to be stored or parked consistently on any residential lot. Any such RV and/or camping trailer shall be owned by the resident or owner of the lot on which it is stored and shall be located a minimum of 10 feet from any side or rear property line and not located within the required street setback area. No such RV or trailer shall be occupied for living purposes at any time while parked or stored on any lot. Any such RV shall be kept in reasonable repair and located and/or screened from view from adjacent properties and streets during all seasons of the year by buildings, walls, fences, landscaping or other suitable screening.
- 24.16 Other Motor Vehicles:** Except as may be otherwise provided for in these Regulations, not more than one (1) registered commercial vehicle shall be stored, garaged or parked consistently on any residential lot. Such commercial vehicle shall not exceed a gross vehicle weight of 6,000 pounds, as evidenced by the rating in accordance with the standards of the Connecticut Department of Motor Vehicles for gross weight of a vehicle. Any such vehicle shall be owned by the resident or owner of the lot on which it is stored and shall not be located in any required setback area. Any such vehicle containing advertising thereon shall be stored or parked in an enclosed garage. In addition to the above, not more than one (1) unregistered motor vehicle shall be permitted on any residential lot provided it is stored or parked within an enclosed garage.

SCHEDULE A - PERMITTED USES																					
PERMITTED USES		DISTRICT CODES																			
		R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD	RFD
9B	The keeping and raising of livestock, horses and other domesticated animals as pets but specifically excluding pigs, furbearing animals, chickens, poultry and other fowl, when accessory to a permitted dwelling unit on a lot of not less than 80,000 square feet, subject to the additional standards and conditions of Section 45.8	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X
9C	Farm wineries, subject to the approval and issuance of a manufacturers permit in accordance with the provisions of the Liquor Control Act of the Connecticut General Statutes including the offering, sampling and selling at retail of such wine, subject to the additional standards and conditions of Section 45.9	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10	Stands for the display and sale of farm and truck garden produce grown on the premises, provided that such stand does not exceed three hundred feet square in area and is located not less than 20 feet from any property or street line	P	P	P	P	P	P	Sr	Sr	Sr	Sr	Pr	X	X	X	P	P	X	X	X	X
11	Commercial nurseries, including greenhouses incidental thereto, provided that any building in connection therewith is located not less than 100 feet from any property or street line and that there is no sale of products on the premises other than those grown on the premises.	P	P	P	P	P	P	Sr	Sr	Sr	Sr	Pr	X	X	X	P	P	X	X	X	X
12	Commercial nurseries and greenhouses	X	X	X	X	X	X	S	S	S	Sr	S	Xr	Xr	Xr	Xr	Xr	X	X	X	X
13A	The following uses when conducted by a nonprofit corporation and not as a business or for profit: churches and places of worship and accessory parish halls	P	P	P	P	P	P	Pr	Pr	Pr	Sr	Pr	X	Er	Er	Er	Er	X	X	X	X
13B	The following uses when conducted by a nonprofit corporation and not as a business or for profit: schools; colleges; universities; general hospitals; cemeteries; educational, religious, philanthropic, scientific, literary, historical & charitable institutions; and agricultural and horticultural societies	E	E	E	E	E	E	Sr	Sr	Sr	Sr	Pr	X	X	X	Er	Er	X	X	X	X
14	Churches and places of worship; parish hall; schools; literary, historical & charitable institutions and agricultural and horticultural societies	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	X	X	X	E	E	X	X	X	X

SCHEDULE A - PERMITTED USES																					
PERMITTED USES		DISTRICT CODES																			
		R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD	RFD
15	The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; recreation facilities; nature preserves; and wildlife sanctuaries	E	E	E	E	E	E	Sr	Sr	Sr	Sr	Pr	X	E	X	X	X	X	X	X	X
16	Membership clubs; lodges; community houses	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	X	X	X	X	X	X	X	X	X
16A	Full-service fitness centers serving the general public	X	X	X	X	X	X	S	S	S	S	P	X	X	X	X	X	X	X	X	X
16B	Fitness centers when clearly accessory to permitted office and/or industrial uses and facilities	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	S	S	S	S	S	S	S	S	P
17	A summer camp or golf, tennis, swimming or similar club, whether conducted as a business or for profit or not, subject to the following conditions: a. The camp or club shall be located on a lot of at least five (5) acres, and no building shall be located within less than 75 feet of any street line or within less than 150 feet of any property line b. The furnishing of meals, refreshments, beverages and entertainment shall be only incidental to the conduct of the camp or club, and there shall be no furnishing of rooms except for accommodates for employees of the camp or club	E	E	E	E	E	E	S	S	S	S	S	X	X	X	X	X	X	X	X	X
18	Livery boarding stables and riding schools subject to the following conditions: a. Each use shall require a lot of not less than five (5) acres, respectively b. Any building in which livestock are kept shall be located not less than one hundred fifty (150) feet from any property or street line. c. All dogs shall be confined in a closed building except during daylight hours	E	E	E	E	E	E	S	S	S	S	S	X	S	S	S	S	X	X	X	X
18A	Commercial kennels and kennels, subject to the following conditions: a. Each use shall require a lot of not less than five (5) acres, respectively b. Dogs shall be kept in buildings, enclosures or runways located not less than three hundred (300) feet from the property or street line c. All dogs shall be confined in a closed building except during daylight hours	X	X	X	X	X	X	X	E	E	E	E	X	E	E	E	E	X	X	X	X

SCHEDULE A - PERMITTED USES

PERMITTED USES		DISTRICT CODES																			
		R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD	RFD
62B	<p>Accessory uses customary with and incidental to any aforesaid permitted Residential use when located in a Residence District, subject to the following additional standards:</p> <p>a. The accessory use shall be located on the same lot with the permitted use to which is it accessory</p> <p>b. Accessory uses may include off-street parking spaces and private garages, except that no unregistered motor vehicle or parts of motor vehicles shall be maintained on any lot unless located in an enclosed building.</p> <p>c. Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot and such vehicle shall not exceed 1.5 tons capacity</p> <p>d. No land in a Residence District shall be used for vehicular access to a use permitted only in a Commercial, Industrial or Light Industrial Park District</p>	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X



SCHEDULE B - STANDARDS

STANDARDS	R-1A	R-1	R-2	R-3	R-4	R-5
1. Min. lot area (in s.f.)	120,000	40,000	20,000	12,000	7,500	5,000
1a. Contiguous buildable area	40,000	40,000/30,000	20,000	12,000	75,000	5,000
2. Min. lot area per d.u. (in s.f.)	120,000	10,000	7,500	7,500	7,500	5,000
2a. Min. lot area per one-bedroom d.u. (in s.f.)	N/A	N/A	N/A	N/A	N/A	N/A
3. Min. dimensions of square on lot	300'	150'	125'	75'	60'	50'
4. Min. lot frontage	270'	135'	115'	75'	60'	50'
5. Maximum number of stories for a building	3	3	3	3	3	3
6. Max. height of a building or story	40'	40'	40'	40'	40'	40'
7. Min. setback from street line	50'	40'	40'	30'	25'	25'
8. Min. setback from rear line	50'	30'	30'	30'	25'	25'
9. Min. setback from side or other property	50'	30'	20'	15'	8'	8'
10. Min. setback from Residence District boundary line	none	none	none	none	none	none
11. Max. lot coverage as % of lot area	5%	15%	15%	20%	25%	30%
11a. Max. lot coverage of accessory structure as a percent of lot area	1%	2.50%	3%	5%	5%	5%
12. Max. total impervious lot coverage as a % of lot area	30%	30%	35%	40%	50%	50%
13. Max. floor area as a % of lot area	10%	20%	30%	40%	50%	50%

N/A means Not Applicable

SCHEDULE B - STANDARDS

STANDARDS	CA-1	CA-2	CA-3	CB-1	CB-2	RBD	RFD
1. Min. lot area (in s.f.)	80,000	15,000	6,000	40,000	15,000	40,000	20,000
1a. Contiguous buildable area							
2. Min. lot area per d.u. (in s.f.)	80,000	15,000	3,600	40,000	15,000	40,000	500
2a. Min. lot area per one-bedroom d.u. (in s.f.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3. Min. dimensions of square on lot	200'	80'	50'	150'	80'	200'	100'
4. Min. lot frontage	175'	80'	50'	135'	80'	170'	100'
5. Maximum number of stories for a building	3	3	none	3	3	3	none
6. Max. height of a building or story	40'	40'	40'	40'	40'	40'	60'*
7. Min. setback from street line	50'	40'	none	50'	40'	50'	10'
8. Min. setback from rear line	50'	40'	12'	20'	20'	25'	25'
9. Min. setback from side or other property	20'	12'	none	20'	12'	25'	10'
10. Min. setback from Residence District boundary line	50'	40'	20'	50'	40'	50'	N/A
11. Max. lot coverage as % of lot area	25%	25%	75%	25%	35%	40%	75%
11a. Max. lot coverage of accessory structure as a percent of lot area							
12. Max. total impervious lot coverage as a % of lot area	75%	85%	90%	80%	85%	75%	90%
13. Max. floor area as a % of lot area	50%	50%	150%	50%	50%	80%	350**

DISTRICT CODES

N/A means Not Applicable

*Refer to Paragraph 24.3 concerning excess height

**Within any building, floor area devoted to parking shall not be included in the calculation of maximum floor area ratio.

SCHEDULE B - STANDARDS

STANDARDS	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD
1. Min. lot area (in s.f.)	120,000	80,000	40,000	80,000	20,000	80,000	120,000
1a. Contiguous buildable area	N/A						
2. Min. lot area per d.u. (in s.f.)	N/A	80,000	40,000	80,000	20,000	80,000	120,000
2a. Min. lot area per one-bedroom d.u. (in s.f.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3. Min. dimensions of square on lot	250'	200'	150'	200'	100'	200'	200'
4. Min. lot frontage	50'	175'	135'	175'	90'	175'	50'
5. Maximum number of stories for a building	none	none	none	none	none	3	none
6. Max. height of a building or story	60'	60'	60'	60'	60'	40'	60'*
7. Min. setback from street line	50'	50'	25'	50'	25'	75'	75'
8. Min. setback from rear line	50'	25'	25'	25'	12'	25'	40'
9. Min. setback from side or other property	50'	25'	25'	25'	12'	25'	40'
10. Min. setback from Residence District boundary line	75'	50'	50'	50'	25'	75'	75'
11. Max. lot coverage as % of lot area	30%	40%	40%	40%	75%	30%	20%
11a. Max. lot coverage of accessory structure as a percent of lot area							
12. Max. total impervious lot coverage as a	75%	75%	75%	75%	80%	75%	65%
13. Max. floor area as a % of lot area	90%	80%	80%	80%	150%	50%	60%

N/A means Not Applicable

*Refer to Paragraph 24.3 concerning excess height

CHAPTER III **SITE PLANS AND SPECIAL EXCEPTIONS**

SECTION 31 - SITE PLANS

- 31.1 General:** The following Regulations shall apply to the submission and approval of Site Plans for the establishment of certain uses of land, buildings, and other structures as specified in SCHEDULE A.
- 31.2 Application:** The Site Plan, submitted to the Zoning Enforcement Officer with an Application for a Certificate of Zoning Compliance, shall be accompanied by the following:
- 31.2.1 Statement of Use:** A written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions of SECTION 23 and the performance standards of SECTION 43: twelve (12) copies shall be submitted.
- 31.2.2 Site Plan:** A Site Plan, drawn to a scale of not less than 100 feet to the inch, showing existing and proposed contours, property lines, buildings, structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas, water courses, storm drainage, sewage disposal facilities, and landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed), twelve (12) copies shall be submitted.
- 31.2.3 Architectural Plans:** Preliminary Architectural Plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs twelve (12) copies shall be submitted.
- 31.2.4 Other:** The Planning and Zoning Commission may request the submission of such additional information that it deems necessary in order to act on the Site Plan.
- 31.3 Procedure:** Upon receipt, the Zoning Enforcement Officer shall transmit copies of the Site Plan submission and the Application for a Certificate of Zoning Compliance to the Planning and Zoning Commission. Within 65 days after receipt of copies of a complete Site Plan submission and the Application by the Planning and Zoning Commission, it shall either approve, approve subject to modifications or disapprove the Site Plan. The applicant may consent in writing to any extension of the time for action. The grounds for approval, approval subject to modifications or disapproval of a Site Plan shall be stated by the Planning and Zoning Commission in its records and a copy thereof shall be transmitted to the Zoning Enforcement Officer. Failure of such Commission so to act within the 65-day period shall be considered as an approval, and a certificate to that effect shall be issued upon written demand by the applicant received by such Commission within 30 days after expiration of the 65-day period for action. Such failure, however, shall not relieve the applicant from required conformance to all of the applicable provisions of these Regulations, other than submission and approval of a Site Plan.
- 31.4 Standards:** The application shall be approved if it conforms to the following standards:

- 31.4.1 General:** The proposed use, buildings and other structures, including outside storage areas, site development and landscaping and off-street parking and loading shall conform to all of the requirements of these Regulations.
- 31.4.2 Access:** Provisions shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic and undue traffic congestion on any public highway.
- 31.4.3 Neighborhood:** The Site Plan and Architectural Plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character values and to preserve and enhance the appearance and beauty of the community.
- 31.4.4 Flood Protection:** Applications for development proposals within areas of special flood hazard shall be reviewed for proposed location and design consistent with the need to minimize flood damage within the flood-prone areas and shall conform to all of the standards and provisions of the Flood Damage Prevention Ordinance of the City of Shelton or such legal variance as may be approved thereunder.
- 31.5 Planned Residence Districts:** Site Plans for single family dwellings not on individual lots and for dwellings containing two (2) or more dwelling units in Planned Residence Districts shall conform to the following additional standards:
- 31.5.1 Dwellings:** Each dwelling shall contain not more than eight dwelling units. The shortest distance between any two (2) dwellings shall be less than the height of the taller dwelling, but in any case, not less than 25 feet. The Commission may modify this separation requirement if the design of the residential development is benefited by closer spacing.
- 31.5.2 Utilities:** Unless otherwise approved by the Commission, all utilities in the residential development shall be located underground. Each such dwelling and all dwelling units shall be served by public water supply and dwellings containing two or more dwelling units shall be served by the public sanitary sewer system.
- 31.5.3 Buffer Area:** Adjacent to each property line of such residential development other than a street line, there shall be provided a greenbelt having a minimum width of 20 feet, planted with trees and shrubs of appropriate species. Which shall be **appropriate native species**. Any new plantings shall have a minimum height of five (5) feet. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required greenbelt. No building or other structure shall extend within less than 50 feet of any street line or other property line.
- 31.5.4 Outdoor Living Space:** Each dwelling unit shall be provided with a private, exclusive outdoor living space of at least 150 square feet, in the form of a patio, deck, terrace, balcony, open air or screened-in porch.
- 31.5.5 Recreation:** Designated recreation areas for the use of all residents shall be provided at the ratio of 200 square feet per dwelling unit. Said areas shall be suitably prepared, protected and equipped with appropriate facilities such as tennis courts, shuffleboard, paddle tennis and/or swimming facilities, subject to the approval of the Commission.

31.5.6 Parking: Two (2) off-street parking spaces shall be provided for each dwelling unit, with a least 50 per cent of said spaces located within enclosed garages. All spaces shall be located within 200 feet of the intended users. Additional visitor parking shall be provided at appropriate locations at the ratio of one (1) space for each three dwelling units. No surface parking area shall extend within less than 15 feet of any building or property line.

31.5.7 Landscaping: The entire area of the lot not used for buildings, driveways, and parking areas shall be suitably landscaped with lawn and with trees and/or shrubs or shall be left as undisturbed natural terrain. Parking areas shall contain evenly distributed landscaped areas protected by solid curbing every (6th) space in a row of parking spaces. Fences, walls, earth berms and/or closely planted **native** trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet, from streets, adjoining properties, recreation areas or maintenance areas as required.

31.5.8 Bond: The applicant shall, as a condition of approval post a performance bond with surety satisfactory to the Planning and Zoning Commission and in amount sufficient, as approved by the Planning and Zoning Commission to insure completion of streets driveways, parking areas, sidewalks, drainage, sewer systems, landscaping and other essential site improvements in accordance with the application as approved.

31.6 Professional Offices in Residence Districts: Site Plans for professional office use of existing residential structures in the R-3, R-4 and R-5 Districts shall conform to the following additional standards:

31.6.1 Definition: For purposes of this section, a professional office is an office maintained by a physician, surgeon or other practitioner of the healing arts, a dentist, podiatrist, lawyer, clergyman, professional engineer or land surveyor, landscape architect, artist, teacher or musician, and shall include such other persons as may be engaged in support of the office in a non-professional capacity.

31.6.2 Location: The structure in which the professional office is located shall be on a lot which has frontage on one of the following thoroughfares of the City of Shelton:

- Coram Avenue between Hillside Avenue and Shelton Avenue

31.6.3 Utilities: Each structure in which the professional office is located must be connected to the city sanitary sewer system.

31.6.4 Parking: There shall be not less than one (1) off-street parking space for each 300 square feet of floor area of the structure, and located on a lot not more than 300 feet in a direct line from the building. The Commission may, at its own discretion, accept a certain number of "stacked" or "doubled-up" parking spaces when on-site space is limited and frequent parking turn-over is not required. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the office tenants and clients.

31.6.5 Architectural Compatibility: Any exterior alterations, permitted signs, changes and additions to existing residential structures for professional office use shall

retain a basic residential design and scale and shall be architecturally compatible with the surrounding neighborhood.

31.6.6 Other: The Commission may impose such other controls and restrictions, as it deems necessary to protect adjacent properties and assure compatibility with the surrounding residential neighborhood.

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SECTION 32

EXCAVATION, FILLING, GRADING AND/OR REMOVAL OF EARTH MATERIALS

- 32.1 Purpose:** Activities which are covered by this Section include excavation of earth materials, blasting, grading, deposit of earth materials, including filling and stockpiling, processing earth materials in conjunction with a contractor's business, and any other earth-moving or land clearing activity. The purpose of these regulations is to regulate such site clearing, earth moving and stockpiling activities so as to:
1. Minimize surface runoff of rainfall and melt water to prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;
 2. Prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;
 3. Preserve distinctive natural features such as rock outcrops and ridge lines;
 4. Limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land more developable and to prevent adverse drainage impacts on surrounding properties as a result there from; and
 5. Protect the ecological processes by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.
- 32.2 General:** In accordance with the provisions hereinafter specified, the Commission may permit all those activities listed in Section 32.1 above, subject to the approval of a Temporary Special Exception permit in accordance with the provisions and procedures described herein. All filling or dredging of any pond, lake, swamp or other existing body of water or inland wetland area, or the filling or excavating of any swale, valley, slough or other area of depression is hereby prohibited, except after the granting of such Temporary Special Exception permit by the Commission, for a period not exceeding two (2) years, issued under such conditions as the Commission may impose to prevent damage to adjoining property and to protect the public health, safety, convenience and welfare. In cases where such activity is covered by an approved Subdivision, Site Plan or other Special Exception, no separate application for such activities is required unless specifically required by the Commission and provided that all application requirements and standards of this Section are met.
- 32.3 Authorized Exclusions and Exemptions:** As set forth below, the provisions of this Section shall not apply to the following cases, provided a) such excavation, grading or removal or slashing of trees is conducted and completed in such manner as to cause no danger to the public health or safety, including stagnant water, soil erosion, water pollution or excessive drainage runoff, b) provided no activity takes place within any inland wetland or watercourse or their prescribed buffer areas, unless necessary permits have been granted by the Shelton Inland Wetlands Commission and c) when such excavation, grading or removal activity exceeds 200 cubic yards, all abutting property owners have been informed of the proposed activity at least 48 hours prior to the start of the activity.

- 32.3.1** Filling or removal of earth materials in conjunction with landscaping and changing of contours on a lot, when no Building Permit is required, provided that on a lot in the Residence R-4 or R-5 Districts said filling or excavation does not exceed 50 cubic yards and in other Residence Districts does not exceed 200 cubic yards; said amount may be increased to not more than 400 cubic yards with approval of a Certificate of Zoning Compliance by the Zoning Enforcement Officer (ZEO) if all applicable conditions of Paragraph 32.5 are satisfied. The ZEO may require the submission of a letter/report prepared by a registered, professional civil engineer certifying that the proposed activity will not adversely impact on-site or off-site conditions. Such authorization shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material which is necessary to make the lot more suitable for the proposed use, provided such activities do not result in a grade change of more than two (2) feet within 20 feet of a property line. All activities allowed under this subparagraph shall be contingent upon completion of such activity within one calendar year and the area shall be prepared or restored in accordance with Paragraph 32.5.12.
- 32.3.2** Necessary foundation and trench work involving not more than 400 cubic yards of material on a lot for which an Application for a Certificate of Zoning Compliance and a Building Permit have been issued; said amount may be increased to not more than 2,000 cubic yards provided that when approving the Application for a Certificate of Zoning Compliance, the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied. Any filling, excavation, grading or removal authorized under this Paragraph shall be deemed to permit the filling, excavation, grading or removal of only the quantity of material, which is necessary to make the lot more suitable for the proposed use. Further, that such filling, excavation, grading or removal authorized by the Application for a Certificate of Zoning Compliance shall be contingent upon completion of such project within two (2) years after commencement, as evidenced by the issuance of a Certificate of Zoning Compliance for such project. The failure to complete such filling, excavation, grading or removal in a timely manner shall be deemed a violation of these Regulations unless an Application for a Temporary Special Exception for the Earth Materials Removal has been approved by the Commission in accordance with this SECTION.
- 32.3.3** Normal installation or repair of a septic system, subject to approval by the Valley Health District and the City Engineer, as well as all necessary work for an engineered septic system on a lot for which an Application for a Certificate of Zoning Compliance has been approved and a Building Permit has been issued and provided that the engineered septic system has been approved by the Valley Health District and that the Zoning Enforcement Officer is satisfied that all applicable conditions of Paragraph 32.5 will be satisfied.
- 32.2.4** Necessary filling, excavation, grading or removal in connection with improvements on the lot solely for bona fide farming and agricultural purposes, such as the construction of ponds, burying of stones or other

materials, re-grading of difficult contours and the excavation of earth for use elsewhere on the lot and not for sale, and with approval of an Application for a Certificate of Zoning Compliance by the Zoning Enforcement Officer if satisfied that all applicable conditions of Paragraph 32.5 will be met.

32.3.5 Earth removal activities associated with the construction of improvements and changing of contours in a subdivision approved by the Commission and in accordance with construction plans and grading plans, with existing and proposed contours, for such subdivision.

32.3.6 Work associated with a Site Plan, Site Development Plan or Special Exception approved by the Commission in accordance with these Regulations.

32.3.7 All activities of the City of Shelton, including the normal maintenance and repair of roads and driveways and the construction of new city roads and the stockpiling of street maintenance and landscaping materials required by the City of Shelton.

32.4 **Application and Procedure:** Application for a Temporary Special Exception under this Section shall be submitted in writing to the Zoning Enforcement Officer together with an Application for a Certificate of Zoning Compliance and all application fees in an amount as determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton. The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In processing such application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by the General Statutes. The grounds for disapproval of an Application shall be stated by the Commission in its records. Failure to submit additional information requested by the Commission shall be grounds for disapproval of the Application. The Application shall be signed by the owner of the land where the excavation, grading, clearing, removal or filling operation is proposed, or his authorized agent, and shall include the following:

32.4.1 **Statement of Use:** Twelve (12) copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the permitted use provisions of Section 23 and the performance standards of Section 43. The statement shall also include the time period proposed for completion of all work; the hours and days of the week during which the activity will take place; the total volume and type of materials to be deposited, removed or graded; the total area to be clear-cut; details of any proposed blasting; the number of trucks and other equipment which will be involved; and the proposed truck access through the surrounding neighborhood.

32.4.2 **Maps and Plans:** Twelve (12) copies of maps and plans, drawn to a scale of 1" equals 40', with cross sections on the longitudinal axis 200 feet on center or closer if required by the Commission or City Engineer, prepared by and bearing the seal of appropriate design professionals, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, illustrating the proposed activity and including the following information:

- a) A small-scale map, drawn to the same scale as the City Tax Assessor's Map of the area, showing the location of the lot, the names of all abutting owners and streets, the names of the applicant and the owner of the lot, the Zoning District for the lot, the City Tax Assessor's Map and parcel number for the lot and the acreage of the lot.
- b) The boundaries of the property including: location and exterior limits of the area to be excavated or graded, location, width and purpose of all existing and proposed easements and rights-of-way on the property, streets adjoining the site, location of buildings and structures on adjoining parcels, and the names of owners of property adjoining the site.
- c) In the area of the proposed operation and within 100 feet thereof, existing field verified contours and proposed contours at intervals of two feet referred to the City's topographic maps datum, spot elevations at key locations and areas where earth materials are to be stockpiled and details of final site grading, stabilization and planting of the site at the conclusion of operations.
- d) Location of all existing wooded areas, watercourses, wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, any inland wetlands boundary, 100-year flood line, floodway boundary, and areas of 25% or greater slope. Inland wetlands shall be field located by a certified soils scientist. Information and details concerning existing and proposed drainage on the lot, watercourses, ponds and swamps shall extend 200 feet beyond the area of the proposed operation.
- e) An erosion and sediment control plan in accordance with Section 45 including details of existing and proposed drainage systems and proposed measures for erosion control and sedimentation control, and details of proposed planting for the area of the proposed operation, both to prevent erosion during the course of the operation and at the conclusion thereof.
- f) Location of existing buildings, structures, signs, fences, walls, paved areas, curbs, curb cuts, edges of pavement, sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features. Locations and types of any proposed buildings, structures and processing equipment to be erected.
- g) Proposed vehicular access to the lot from adjacent roadways and proposed travel access to the area of the proposed operation.
- h) An estimate of the number of cubic yards of material to be excavated, graded, filled or removed.

32.4.3 Other: The Commission, upon written request by the applicant, identifying specific sections of the application requirements from which he requests exemption and reasons justifying such request, may by resolution waive the required submission of all or part of the information required

under Paragraph 32.4 if the Commission finds that the information is not necessary in order to decide on the Application. In addition, when applicable, written approvals from the Inland Wetlands Commission, the Fire Marshal, the Connecticut Department of Environmental Protection and/or the Army Corps of Engineers shall be submitted with the Application.

32.5 Standards and Conditions: The filling, excavation, grading, removal, or other activities authorized under this SECTION, shall conform to the following standards and conditions, and before approving a Temporary Special Exception the Planning and Zoning Commission shall find that the following standards and conditions will be met:

32.5.1 General: The operations and activities shall be carried out in conformity with the statement, maps and plans as approved by the Planning and Zoning Commission and within the exterior limits shown thereon.

32.5.2 Earth Slopes: Finished earth slopes resulting from approved activities shall not exceed one foot of rise for three feet of horizontal distance of such lesser slope as the Commission may specify as necessary for the public health and safety, soil stability, and for the reasonable use of the property after completion of the excavation or deposit.

32.5.3 Rock Slopes: The Commission may approve finished rock slopes resulting from blasting, at slopes no greater than five feet rise for one foot of horizontal distance, provided that the following conditions are met:

- a) The Commission makes a finding that the requirements of Section 32.4 are met.
- b) The top of any permanent slope greater than four (4) feet in height is protected by a fence at least four (4) feet in height of a quality acceptable to the Commission, to prevent injury to the general public.
- c) All blasting shall observe the requirements of the Shelton Blasting Ordinance and be conducted in a manner acceptable to the Shelton Fire Marshal. Upon completion of blasting, the applicant shall furnish a statement from a licensed engineer that the finished slopes are stable and have been constructed in accordance with the approved plan.

32.5.4 Slopes, Other: Unless otherwise authorized by a Commission-approved Subdivision Plan or Site Development Plan, no blasted, excavated or filled slope shall be located within 50 feet of any side or rear property line, or such greater distance as the Commission may specify if necessary to meet the requirements of Section 32.4, except that such excavation, filling, grading or removal below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Commission as set forth in Sub-paragraph below. The activity occurring within 50 feet of a property line or street line shall blend with the grade of the adjoining property or street line and shall not exceed a slope of eight percent (8%) from such line.

32.5.5 Site Conditions During Operation: Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is suspended for more than two weeks. There shall be no

sharp declivities, pits or depressions and proper drainage shall be provided to avoid stagnant water, soil erosion and water pollution. The Commission may require that the entire construction area be fenced at least six feet in height with suitable gates and located fifty (50) feet or more from the edge of the construction area, if it finds that it is necessary to ensure public safety.

32.5.6 Adjoining Properties: Proper measures shall be taken to minimize the impact on adjacent properties for noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, as appropriate, screening, fencing, limitations on on-site stockpiling of excavated materials and shall include the covering of truckloads. In any Residence District, there shall be no excavation or removal within the area between the property line and the building setback line, unless such activity would result in finished grades at or above the elevation of the adjoining street or lot. Further, in such Residence Districts, there shall be no deposition or filling within this same area unless such activity would result in finished grades at or below the elevation of the adjoining street or lot. The Commission may waive these requirements if 1) a joint application with the adjoining property owner is filed or 2) written approval of the adjoining property is received by the Commission or 3) such application is necessitated by installation of a septic system or access drive. The extent of such waiver shall be limited to 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable. In Applications involving significant filling, excavation and/or blasting in areas served by on-site water sources, the Commission may require appropriate procedures and measures for well monitoring on adjacent and nearby properties.

32.5.7 Processing Machinery: The Commission may approve the erection and maintenance of screening, sifting, washing, crushing or other forms of processing machinery in any district when authorized under a Subdivision Approval in any nonresidential district, provided said machinery shall be directly related to and required in connection with proposed earth moving and site preparation activities authorized by Commission approval. No building or other structure shall be erected on the lot during the operation except temporary shelter for machinery and a field office, and/or portable sanitary facilities, subject to the approval of the Commission. In all instances, the performance standards of Section 43 and the following standards must be adhered to:

- a) Stone-crushing machinery shall be located not less than 200 feet from any property line or street line and 300 feet from any Residence District Boundary line.
- b) Screening, sifting, washing or other processing machinery shall be located not less than 100 feet from any property line or street line and 200 feet from any Residence District Boundary line.
- c) All such machinery shall be removed from the lot upon termination of the Temporary Special Exception. No permitted machinery shall be operated outside of the permit area. Proper measures, as determined by the Commission, shall be taken to minimize the impact on and protect adjacent and nearby properties from hazards and nuisances such as for noise, flying dust or rock, vibration and unsightly or dangerous conditions. Such measures

may include, when necessary, screening, fencing, dust control, and limitations on the practice of stockpiling excavated materials on the site and shall include covering of truck loads.

32.5.8 Truck Access: Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and nuisance to surrounding properties. Such access road shall be provided with a dustless surface and maintained so as to prevent wind and water erosion. Proper drainage shall be provided so as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood. Anti-tracking aprons and other appropriate measures shall be shown on the Erosion and Sediment Control Plan. Any inadvertent tracking of materials into the street right of way shall be properly attended to.

32.5.9 Disposal of Excavated Materials: The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the Application. Deposition of such materials on any site within the City of Shelton shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the City of Shelton, it is the applicant's responsibility to secure proper authorization for its disposal at the ultimate location.

32.5.10 Stockpiles: All stockpiles shall be contained within the permit area. No stockpile of earth materials shall be located within 50 feet of an inland wetland or in a floodway (designated on the National Flood Insurance Rate Map). Any activity within a designated Flood Plain District also requires approval by the City Engineer and a permit under the Shelton Flood Hazard Ordinance. Appropriate dust and erosion controls shall be clearly described and shall be maintained for the entire duration of the stockpile. Stockpiling of a variety of earth materials on a continuing basis as part of a business may be approved by the Commission as part of a Site Plan or Special Exception Application for the primary use of the site (e.g., contractor's yard or landscaping business), provided that:

- a) the maximum volume (or footprint and height), location on the site, and type of materials to be stockpiled are explicitly described in the application; and
- b) all other standards and requirements of these regulations are satisfied; and

The Commission reserves the right to review continuing stockpiles on a yearly basis and require submission of a new Site Plan or Special Exception Application if the actual circumstances differ from and/or the volume of material stockpiled exceeds what was depicted on the original application.

32.5.11 Fill Materials: Prior to initiating filling activities, the Commission shall be provided with the source and quality of all fill materials, land clearing, construction and demolition debris and loose boulders may be used as fill provided that the following requirements are met:

- a) No constituent part of such fill shall exceed one cubic yard in volume.
- b) No materials shall be used as fill which pose a fire or pollution hazard.

- c) No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district. At the request of the Commission for any reason, such materials shall be appropriately tested for suitability as fill material.
- d) The location of such material on the site shall be shown on an "as-built" plan to be filed with the Planning and Zoning Commission and noted on the Land Records of the City of Shelton prior to release of bond.
- e) The provisions of this Section shall in no way be construed to authorize any activity regulated under Chapter 446d (Solid Waste Management) of the Connecticut General Statutes.

32.5.12 Hours of Operation: Within and adjacent to residential areas no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 6:00 P.M. Monday through Saturday or at any time on Sundays or legal holidays, unless otherwise approved by the Commission. The Commission may specify additional time limitations if such are warranted to ensure the reasonable use and enjoyment of surrounding properties. In non-residential areas, the Commission may establish appropriate hours of operation at the time of Temporary Special Exception approval.

32.5.13 Site Restoration: The top layer of any arable topsoil, to a depth of six (6) inches, shall be retained and stockpiled on the site. Upon completion of the work authorized, or when work has progressed sufficiently to where reclamation of significant areas is practicable, the area affected by the operation shall be prepared or restored as follows:

- a) Such area shall be graded so that slopes in disturbed areas shall be no steeper than one foot of rise for three feet of horizontal distance. The slope may be modified by the Commission to such lesser slope necessary for soil stability and reasonable reuse and development of the lot. The area shall be evenly
- b) graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided.
- c) A layer of topsoil shall be replaced uniformly over the entire area, to a depth of six (6) inches, with any large stones removed. The area shall then be seeded with State Conservation Mix or other suitable perennial grass mixture and/or other appropriate ground cover and maintained by mulching, repairing and reseeding until the area is stabilized with a dense cover of grass and approved by the Commission and there exists no danger of erosion. However, this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work. Final treatment of all exposed rock surfaces shall be at the discretion of the Commission. Excess topsoil may be removed from the site upon submission of a statement from a licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this Section.

32.5.14 Additional and/or Alteration of Conditions: The Commission may impose appropriate additional conditions and/or adjust any standards or conditions set

forth above if, in its sole judgment, such additional and/or adjusted conditions are necessary to maintain the purpose and intent of this Section. Non-compliance with any conditions shall be sufficient grounds for the issuance of a Stop Work Order by the ZEO and/or the revocation of the Temporary Special Exception by the Commission.

- 32.6 Insurance:** The applicant shall obtain and maintain liability insurance with a limit of not less than \$500,000 as to personal injury and \$250,000 as to property damage and shall furnish a certificate of insurance to the Commission, and in the event of cancellation of such insurance, the Temporary Special Exception Application shall terminate.
- 32.7 Posting of Bond:** The applicant shall file with the Commission a cash, savings account or surety bond, in form and with surety acceptable to the City/Corporation Counsel, and in an amount recommended by the City Engineer and approved by the Commission to insure the faithful performance of the work to be undertaken in accordance with the provisions of this Section and the terms of the Temporary Special Exception, including site restoration, provided however, that in no event shall the Commission fix a bond in an amount less than \$5,000 for each acre or fraction thereof to be filled, excavated, cleared, graded or otherwise disturbed. A separate cash bond in an amount to be determined shall be posted to ensure the installation and timely maintenance of all sedimentation and erosion control facilities. In addition, when the type and size of the removal operation warrants it, the Commission may require an additional bond, in form and amount and with surety acceptable to the City Corporation Counsel, to protect the city from any damage caused to City roads, bridges, or drainage facilities as a result of the removal operations and activities.
- 32.8 Inspections and Periodic Reports:** The Commission, City Engineer and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.
- 32.9 Duration of Permit:** Each Application for a Temporary Special Exception granted under this Section shall be valid for a period not to exceed two (2) years or for such shorter period requested by the applicant or fixed by the Commission. Upon application made at least 15 days before the expiration of a Temporary Special Use Application, the Commission may extend the time period for periods of not more than one (1) year, provided that there exists no violation of the terms of the current Temporary Special Exception Application. Any non-compliance with the conditions of the original approval shall be deemed sufficient cause for denial of any extension.
- 32.10 Inspection Fee:** At the time of issuance of a Certificate of Zoning Compliance authorized by a Temporary Special Exception Application approved under this Section, the applicant shall pay to the City of Shelton an inspection fee in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, for each 1,000 cubic yards of material, or fraction thereof, to be excavated, graded or removed.
- 32.11 Existing Operations:** Any existing lawful operation, involving the excavation or grading, or removal from any lot, authorized by a permit issued under the Zoning Regulations

previously in effect, shall, upon expiration of such prior authorization, comply with the requirements of this Section.

32.12 Return of Bond: Upon satisfactory completion of the authorized activities in accordance with the terms of an approved Temporary Special Exception Application and after any area of the site required to be seeded has grown a dense cover of grass in the second growing season, as required under this Section, the applicant may apply to the Commission for return of the bond(s) filed as provided in this Section. The bond(s) may be released only after the Commission and City Engineer are satisfied that all of the requirements of this Section have been completed.

32.13 City Operations: The Commission may waive or modify the required application fee and other pertinent requirements set forth above in connection with the excavation or grading or removal from any lot of any earth, loam, topsoil, sand, gravel, clay, or stone when the excavation, grading or removal on such lot is conducted solely by or on behalf of the City of Shelton solely for the municipal purposes of the City.

32.14 Maintenance of Ponds: When it is found necessary to maintain existing ponds, lakes, or other bodies of water to prevent eutrophication or to remove accumulated silting, and when said maintenance will not change the original basic contours, depth, or periphery of the body of water, such work may be done without an Application for a Temporary Special Exception provided:

- a) Approval is granted by the Shelton Inland Wetlands Commission.
- b) The applicant submits a written report to the Commission stating:
 - a. the area to be maintained;
 - b. the reason for the maintenance;
 - c. the total amount and type of material to be removed and where it is to be placed;
 - d. the proposed dates of the operation;
 - e. the name of the contractor responsible; and
 - f. the hours of operation.
- c) The Commission, upon review of the above report, finds that the work is necessary and does not fall within the purview of an earth removal operation.
- d) The Commission approves the above report and so notifies the applicant in writing.

If the Commission determines that the proposed operation is more than just maintenance and is an earth removal operation, said work shall only be performed in accordance with the requirements of Sections 32 and 43 of these Regulations.

SECTION 33 - SPECIAL EXCEPTIONS

33.1 General: In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant Special Exceptions for the establishment of one or more of uses for which a Special Exception must be secured from the Commission as specified in "SCHEDULE A - PERMITTED USES". All requirements of this SECTION are in addition to other requirements applicable in the district in which the Special Exception use is to be located.

33.1.1 Additional Applicability Thresholds: In addition to the Special Exception uses as specified in Schedule A - Permitted Uses, a Special Exception Approval is also required for any use or development meeting any of the following thresholds or having any of the following characteristics identified in Section 33.2.1 below.

33.2 Application: Application for a Special Exception shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an Application for a Certificate of Zoning Compliance and shall also be accompanied by the following:

33.2.1 Statement of Use: A written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions of SECTION 23 and the performance standards of SECTION 43; four (4) copies shall be submitted.

- a) Any new proposal, expansion or change of use requiring more than 40 parking spaces; or
- b) Any building construction and/or expansion where the aggregate floor area of existing and proposed structures on a site exceeds 20,000 square feet; or
- c) Any proposal for which a drive-thru or drive-up window is proposed; or
- d) Any proposal that may be deemed a high-traffic-activity generator as defined in Section 5 Definitions; or
- e) Any expansion or change of use encompassing a floor area of more than 2,000 square feet on a site on which a Special Exception already exists or has been previously approved.

Note: Change of use shall mean a change from one particular use line of **Schedule A - Permitted Uses** to a different use line the provisions of this paragraph may not be varied by the Zoning Board of Appeals.

33.2.2 Site Plan: A Site Plan, drawn to a scale of not less than 100 feet to the inch, showing existing and proposed contours, property lines, buildings, structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas, water courses, storm drainage, sewage disposal facilities, water supply facilities, and landscaping (including **native** trees and/or shrubs, lawn, other landscaped areas and natural terrain not be disturbed); twelve (12) copies shall be submitted.

33.2.3 Architectural Plans: Preliminary Architectural Plans of all proposed buildings,

structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; twelve (12) copies shall be submitted.

33.2.4 Other: The Planning and Zoning Commission may request the submission of such additional information that it deems necessary in order to act on the application.

33.2.5 Fees: An Application Fee in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton.

33.3 Procedure: Upon receipt of a complete Application, the Zoning Enforcement Officer shall transmit the Special Exception Application and Application for a Certificate of Zoning Compliance to the Planning and Zoning Commission. Upon acceptance of a complete Special Exception Application by the Planning and Zoning Commission. in accordance with the provisions of Section 8-3c of the Connecticut General Statutes the Commission shall schedule and hold a public hearing on the application. After such public hearing, the Planning and Zoning Commission shall either approve, approve subject to modifications or disapprove the application. Failure of the Planning and Zoning Commission to so act on any complete application in accordance with said Statutes shall be considered an approval. A Certificate to that effect shall be issued with an approved Application for a Certificate of Zoning Compliance by the Planning and Zoning Commission upon written demand by the applicant received within 30 days after the expiration of the Statutory period for action. In accordance with Section 8-7d of the Connecticut General Statutes, the applicant may consent in writing to any extension of the time for hearing or action on the application.

33.4 General Considerations: In addition to any additional standards for particular uses that may be hereinafter specified, the Zoning Commission shall consider the following before acting on any Special Exception Application;

33.4.1 The size and intensity of the proposed use;

33.4.2 The effect of the proposed use on any adopted comprehensive plan of development for the city;

33.4.3 The capacity of adjacent and feeder streets to accommodate peak traffic loads and any hazards created by the use;

33.4.4 The effect upon property values and taxable values in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, walls, stacks, fences, grades and landscaping;

33.4.5 The number, location and arrangement of off-street parking spaces and the vehicular access to the lot;

33.4.6 Fire and police protection needs. and

33.4.7 Water supply, sewage disposal facilities and drainage and erosion problems.

33.5 Approval: Subsequent to the public hearing the Planning and Zoning Commission may

approve the application or approve it subject to modifications, granting the Special Exception and approving the Application for a Certificate of Zoning Compliance. In approving the application for a Special Exception or approving it subject to modifications, the Planning and Zoning Commission shall make a finding that all applicable requirements of this SECTION have been met in addition to other requirements applicable in the district in which the Special Exception will be in harmony with the general purpose and intent of these Regulations. The grounds for disapproval of a Special Exception Application shall be stated by the Planning and Zoning Commission in its records.

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

33.6.1 Lot Area and Shape: Each such multi-family residential development shall be located on a lot having a minimum area of four (4) acres with a minimum lot frontage of 150 feet on a street, which lot shall also be of such shape that a square with 250 feet on each side will fit on the lot.

33.6.2 Dwelling Unit Density: Dwelling unit density shall not exceed that permitted under SCHEDULE B - STANDARDS or such lesser density as may be proposed by the Applicant and approved by the Commission. For purposes of computing allowable density, the minimum required lot area shall exclude the area of ponds, marshes and other wetlands and areas with a natural slope in excess of 25 percent.

33.6.3 Dwellings: Each dwelling shall contain not less than four (4) nor more than twelve (12) dwelling units, except that the Commission may permit a limited number of units, not exceeding 20% of the total dwelling units, to be located in dwellings containing two (2) or three (3) dwelling units. The shortest distance between any two (2) dwellings shall be not less than the height of the taller dwelling, but in any case, not less than 25 feet. The Commission may modify this separation requirement if the design of the residential development is benefited by the closer spacing.

33.6.4 Utilities: Unless otherwise approved by the Commission, all utilities in the residential development shall be located underground. Each such dwelling and all dwelling units shall be served by public water supply and sanitary sewer system.

33.6.5 Setbacks and Natural Areas: No building or other structure shall extend within less than 50 feet of any street or other property line. Not more than 20% of the required setback areas shall consist of off-street parking areas and access drives. At least 70% of the required setback areas shall be preserved in their natural state or landscaped area. Said areas shall be reasonably protected from encroachment and damage during construction by snow fencing or other appropriate measures. Notwithstanding the above, the Commission may permit limited encroachment into and/or disturbance of said natural or landscaped areas for grading or other purposes providing adequate provisions are made for restoration and replanting with substantial trees, shrubs and other approved plant materials. Adjacent to each property line of such residential development other than a street line, there shall be provided a green belt having a minimum width of 15 feet, planted with trees and shrubs of appropriate species, at least 50% of which shall have a minimum height

of five (5) feet at planting. Suitable existing trees and shrubs may be preserved and/or supplemented by new plantings to form the required greenbelt.

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

33.6.7 Recreation: Designated and suitably prepared active and/or passive recreation areas for the use of all residents shall be provided at the ratio of 200 square feet per dwelling unit. For developments involving 50 or more dwelling units, said areas shall be equipped with appropriate facilities such as tennis courts, shuffleboard, paddle tennis and/or swimming facilities, subject to the approval of the Commission.

33.6.8 Parking: Two (2) off-street parking spaces shall be provided for each dwelling unit, with at least 50 percent of said spaces located within enclosed garages. All spaces shall be located within 200 feet of the intended users. Additional visitor parking shall be provided at appropriate locations at the ratio of one (1) space for each three (3) dwelling units. Notwithstanding the above, however, the Commission may permit a reduction in the total number of off-street parking spaces intended to serve dwelling units specifically designed for and intended for occupancy by one or more elderly persons of 62 years of age or older to one off-street parking space for each unit, none of which need be located within enclosed garages. No surface parking area shall extend within less than 15 feet of any building or property line.

33.6.9 Landscaping: The entire area of the lot not used for buildings, driveways, and parking areas shall be suitably landscaped with lawns and with trees and/or shrubs or shall be left as undisturbed natural terrain. Parking areas shall contain evenly distributed landscaped areas protected by solid curbing every sixth (6th) space in a row of parking spaces. Fences, walls, earth berms and/or closely planted evergreens, trees, hedges or shrubs shall be used to screen parking areas to a height of four (4) feet, from streets, adjoining properties, recreation areas or maintenance areas, as required.

33.6.10 Neighborhood: The Site Plan and Architectural Plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

33.6.11 Bond: The applicant shall, as a condition of approval, post a Performance Bond with surety satisfactory to the Planning and Zoning Commission and an amount sufficient, as approved by the Planning and Zoning Commission to insure completion of streets, driveways, parking areas, sidewalks, drainage, sewer systems, landscaping and other essential site improvements in accordance with the application as approved.

33.6.12 Re-approval: Multi-family residential developments are no longer permitted in

Residence R-I Districts. Notwithstanding this fact, an outstanding Application for a multi-family residential development in a Residence R-I District that was approved prior to May 27, 1987 and which has not yet been completed may be re-approved by the Commission after public hearing, for good cause shown. In re-approving said Application, the Commission shall make a finding that there is no increase in the number of dwelling units, that there is no substantial change in the plans as originally approved, that there are no outstanding violations with respect to the original approval and the work completed to date. As a condition of such approval, the Commission may require certain minor modifications and/or aesthetic enhancements to the original approved plans, may review and adjust outstanding performance bond values to adequately reflect the current value of work covered by such bond and may impose such other conditions as it shall deem appropriate in each specific instance.

33.7 Indoor Amusement Centers: Applications for indoor amusement centers shall also conform to the following special standards:

33.7.1 Minimum Size: An indoor amusement center shall contain not less than 3,000 square feet of open floor area contained on one floor within a single building.

33.7.2 Limitation on Electric and Electronic Games and Devices: Not more than 50% of the open floor area shall be devoted to games and/or entertainment equipment that are electrically or electronically controlled. In measuring such area, a minimum width of 2 feet shall be allocated per each game machine designed for use by one player, and 3 1/2 feet where the game machine is designated for use by two players. The depth of space in front of the game machine shall be at least 5 feet and there shall be a minimum aisle width beyond these 5 feet of an additional 3 feet.

33.7.3 Hours of Operation: Indoor amusement centers shall only operate between the hours of 10:00 a.m. and 12:00 midnight.

33.7.4 Movies, Motion Pictures and Photographic Displays: No movies, motion pictures or photographic displays or devices, whether set in motion by the insertion of coins, slugs, tokens or by any other means whatsoever shall be permitted in any indoor amusement center.

33.7.5 Parking: Adequately lighted and visible off-street parking shall be provided in the amount of one (1) off-street parking space per two (2) players, based upon the maximum possible number of players of all games of all types on the premises. Provisions shall be made for periodic policing to prevent loitering and at least once per day litter shall be cleaned-up and removed from said areas.

33.7.6 Supervision: All separate rooms and alcoves and all portions of the center shall be arranged so that there is a management attendant within the room or such that management attendants outside the room can easily see and supervise the interior of all rooms. Readily visible signs, with location, size and text approved by the Commission, shall be installed to indicate that the use of the machines by persons under 16 years of age shall not be permitted during normal school hours.

33.7.7 Discretionary Refusal: The Commission may refuse to grant a Special Exception

for an indoor amusement center if there is reasonable cause to believe that the location of the facility and the operation of the center at that location will have a detrimental effect upon any church, school, charitable institution, hospital, place of public assembly or established business area. Any location within 1,000 feet of any of the aforesaid shall be deemed to have a potential detrimental effect on same.

33.8 Hotels and Motels: Applications for hotels and motels within the Industrial IA-3 District shall also conform to the following special standards:

33.8.1 Lot Area and Shape: The use shall be located on a lot having a minimum area of four (4) acres, which lot shall also be of such shape that a square having a minimum dimension of 250 feet on each side will fit on the lot.

33.8.2 Setbacks: No building or other structure shall extend within less than 40 feet of any street line, or property line.

33.8.3 Sanitation: Each hotel or motel shall be connected to the City sanitary sewer system and shall be served by public water.

33.8.4 Parking: In addition to the hotel and motel parking requirement of Paragraph 42.5.10 plus the restaurant requirement of Paragraph 42.5.11 one (1) additional paved parking space shall be provided for each 75 square feet of gross "function" area and located on a lot distant not more than 300 feet in a direct line from the building. Additional employee parking shall also be provided at the rate of one (1) space for each two employees in excess of 10 employees during the largest daily work shift period.

33.8.5 Proximity to Route 8 Expressway: The principal driveway entrance to the lot shall be from a City or State Highway and at a point on and measured along such Highway within 3,100 feet of a point of entrance or exit to the Route 8 Expressway.

33.8.6 Other Uses: Restaurants and other supporting uses, permitted in IA-3 Districts, may be included in the required minimum four (4) acre lot area provided said uses are included within the principal hotel or motel structure. Automotive service uses are not considered to be accessory or supportive uses.

33.8.7 Bond: The applicant shall, as a condition of approval, post a performance bond with surety satisfactory to the Planning and Zoning Commission and in amount sufficient, as approved by the Commission, to insure completion of streets, driveways, parking area, sidewalks, drainage, sewer systems, landscaping and other essential site improvements in accordance with the application as approved.

33.9 Professional Offices: Applications for Professional Offices in Residence Districts shall also conform to the following additional standards:

33.9.1 Definition: A professional office for purpose of this section is an office maintained by a physician, surgeon or other practitioner of the healing arts, a dentist, podiatrist, lawyer, clergyman, architect, professional engineer or land surveyor, landscape architect, artist, teacher or musician, and shall include such other

persons as may be engaged in support of the office in a non- professional capacity.

- 33.9.2 Lot Area and Shape:** A professional office shall be located on a lot having a minimum area of 60,000 square feet with a minimum lot frontage of 150 feet on a street, which lot shall be of such shape that a square with 150 feet on each side will fit on the lot.
- 33.9.3 Location:** The lot on which the professional office is located shall adjoin Leavenworth Road, Howe Avenue, or River Road, currently designated as Connecticut Route #110.
- 33.9.4 Building Area, Height:** The maximum area of the ground floor of all buildings on the lot shall be 3,500 square feet, not more than 3,000 square feet of which shall be in one building; the building height shall not exceed two stories and necessary roof structures.
- 33.9.5 Number of Buildings:** There shall be no more than one building on the lot unless there are already two buildings on it at the time application is made for the Special Exception; in any event there shall be no more than two buildings on the lot.
- 33.9.6 Setbacks:** No building or other structure shall extend within less than forty feet of any street line or fifty feet of any property line except for any existing structure, which may continue as a non-conforming structure.
- 33.9.7 Utilities:** Each building shall be served by public water and shall be connected to the City sanitary sewer system or shall have a system for on-site sewage disposal approved by the Valley Regional Health District.
- 33.9.8 Parking:** There shall be at least one off-street parking space for each 300 square feet of floor area of all buildings on the lot, and located on the same lot with the buildings. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the intended office tenants and clients.
- 33.9.9 Number of Employees:** There shall be no more than one employee for each 200 square feet of floor area in the building or buildings on the lot.
- 33.9.10 Architectural and Aesthetic Compatibility:** The design, layout appearance and location of all proposed structures, additions to structures and permitted signs shall be architecturally and aesthetically compatible with the surrounding residential neighborhood.
- 33.9.11 Buffer Area:** Adjacent to each property line there shall be a greenbelt having a minimum width of twenty (20) feet landscaped to provide effective buffering from adjoining properties, to the satisfaction of the Commission.
- 33.9.12 Exterior Lighting:** All exterior lighting, when required, shall be located and arranged so as not to cause off-site glare and shall be compatible with the surrounding neighborhood.
- 33.9.13 Other:** The Commission may impose such other controls and restrictions, as it deems necessary to protect adjacent properties and assure compatibility with the

surrounding residential neighborhood.

33.10 Business and Professional Offices: In Industrial Districts, Applications for Business and Professional Offices rendering services to customers and clients on the premises and not subject to the 20 percent and/or 5,000 square foot limitation, shall also conform to the following additional standards:

33.10.1 Location: The lot on which the Business and Professional Office is located shall adjoin Bridgeport Avenue, currently designated as State Route 714.

33.10.2 Parking: There shall be at least one off-street parking space for each 200 square feet of floor area devoted to such business and professional office use, and located on the same lot with the building. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the intended office tenants and their customers and clients. The Commission at its discretion may permit a delay in the installation of up to 25% of the required parking provided it can be shown where the total parking will be provided and an acceptable mechanism established to guarantee the installation of the remaining spaces upon the demand of the Commission to do so. A simple statement indicating that a parking structure will be provided if needed will not suffice.

33.10.3 Conversions of Existing Offices: Existing buildings proposed to be converted in whole or in part to occupancy under this Section shall include in the Statement of Use an identification and space tabulation of corporate and other office tenants not rendering services to customers and clients on the premises together with a numerical tabulation of current employees. The Statement should include an indication of why the mixed occupancy will not adversely impair the existing corporate office use of the present occupants. Confirmation of the adequacy of available parking facilities should also be provided.

33.11 Single Family Residential Developments: Applications for single family residential developments consisting of not more than six (6) single detached dwellings for one (1) family shall conform to the following additional standards:

33.11.1 Lot Area and Shape: Each such single-family residential development shall be located on a lot having a minimum area of six (6) acres with a minimum lot frontage of 1.50 feet on a street, which lot shall also be of such shape that a square with 2.50 feet on each side will fit on the lot.

33.11.2 Development Density: Each such lot shall contain an area of not less than 60,000 square feet for each dwelling, and for purposes of computing the allowable number of dwellings, the area of ponds, marshes and other wetlands and areas with a natural slope in excess of 40% shall not exceed 50% of the required lot area.

33.11.3 Utilities: All dwellings shall be served by public water supply and the public sanitary sewer system, when such are available in reasonable proximity to the lot. The Commission may, at its discretion, permit individual or combined on-site systems, only when approved by the Valley Health District and other regulations.

33.11.4 Setbacks: All dwellings and other structures shall be set back not less than 50 feet from perimeter project property lines or public street lines and such required

setback area shall be preserved in its natural state, except for permitted grading and access drives.

33.11.5 Parking: A minimum of two (2) off-street parking spaces shall be provided for and located at each dwelling, at least one (1) of which shall be located within an enclosed garage. Appropriate visitor parking shall be provided. Not more than four (4) parking spaces shall be centralized at anyone location. Other than private, passenger vehicles in everyday use, any open parking and/or storage of campers, mobile homes, boats and trailers or any other recreational vehicles shall be located to the rear of the rear building line of the principal structure and screened from view of adjoining dwellings, unless otherwise approved by the Commission.

33.11.6 Private Access Drives: Such single-family residential development may be served by a private, paved access drive having a minimum width of 20 feet and adequate in thickness to accommodate fire and other similar, emergency apparatus. Pavement shall consist of dense graded bituminous concrete not less than two and one-half (2 ½) inches in depth after rolling, placed on a gravel base having a minimum depth of eight (8) inches after compaction. Vertical and horizontal geometry shall be subject to the approval of the Commission. The maximum gradient shall not exceed twelve (12) percent, except that under unique circumstances involving exceptionally difficult topography, the Commission may permit limited portions of said access drive to have a gradient of up to fourteen (14) percent.

33.11.7 Bond: The applicant shall, as a condition of approval, post a performance bond with surety satisfactory to the Commission and in amount sufficient, as approved by the Commission, to assure completion of the common elements, including access drives, parking areas, sidewalks, storm drainage, utility services, general site landscaping and other essential site improvements, in accordance with the Application as approved.

33.11.8 Subdivision: Subject to all the provisions heretofore defined in Section 33.11, fee ownership subdivision of property may be allowed. When not in conflict with the provisions of Section 33.11, the zoning regulation performance standards for the underlying residential zone shall govern. Minimum individual lot area shall be defined by the underlying residential zone.

33.12 Mixed Use Developments in Central Business Districts: Applications for high- density, mixed-use developments consisting primarily of elderly and non-elderly studio/efficiency and one-bedroom and two-bedroom dwelling units above ground floor retail and office uses, shall conform to the following additional standards:

33.12.1 Location: The lot on which the mixed-use development is proposed shall be located in a CA-3 or CB-2 underlying zone within the designated “**Central Business District**” as officially delineated on the **Building Zone** Map of the City of Shelton.

33.12.2 Development Density: Notwithstanding the provisions of **SCHEDULE B-STANDARDS**, mixed-use developments shall be located on a lot having at least the following minimum area per dwelling unit or any combination thereof:

- a) Studio/efficiency non-Elderly and Elderly Dwelling Units (D.U.s): 300 s.f. of lot area per d.u.
- b) Non elderly and Elderly One-Bedroom D.U.s: 500 s.f. of lot area per d.u.
- c) Non-Elderly and Elderly Two-Bedroom Dwelling Units: 500 s.f. of lot area per d.u.

No additional lot area requirement is imposed for any ground level, non-residential occupancy.

33.12.3 Dwelling Unit Size: Notwithstanding the provisions of **SCHEDULE B – STANDARDS**, each dwelling unit shall contain a minimum floor area as follows:

- a) Studio/Efficiency Dwelling Units: 400 square feet of floor area
- b) One- and Two-Bedroom D.U.s: 500 square feet of floor area

33.12.4 Setbacks, Coverage and Floor Area Ratios: Notwithstanding the provisions of **SCHEDULE B - STANDARDS**, each mixed-use development shall conform to the following standards:

- a) Street Line Setback: 0 feet
- b) Other Property Line Setbacks: 10 Feet
(Commission may reduce this to zero, depending upon other property line considerations as well as potential impacts)
- c) Maximum Height: 40 feet
(Commission may increase the maximum height to 60 feet for buildings fronting on Howe Ave. and/or Canal Street in the Central Business District)
- d) Maximum Lot Coverage: 100%
- e) Maximum floor Area Ratio: 3.50
(Relative to Lot Area)

33.12.5 Parking: Within the delineated and designated **Central Business District**, parking for ground floor commercial occupancy is provided at various municipal, off- street parking areas under the direction of the C i t y in addition to the above, additional on-site, off-street parking shall be provided in accordance with the following ratios:

- a) For non-elderly efficiency and/or one-bedroom units: 1.0 spaces per unit.

- b) For non-elderly two-bedroom units: 1.5 spaces per unit.

Notwithstanding the above and the provisions of **SECTION 42**, the Commission may, at the request of the applicant, permit a reduction in the total number of on-site, off-street parking spaces intended to serve the dwelling units, provided that a Statement is obtained from the City's Designated Agent confirming that an adequate number of conveniently located off-street parking spaces are currently available in existing facilities in close proximity to the proposed mixed-use development, and that the applicant agrees, under the provisions of Sec.8-2c of the Connecticut General Statutes, to make a payment in lieu of providing said number of on-site spaces at an amount per space to be determined by the Commission and the City's Designated Agent.

Said funds are to be appropriately encumbered and reserved for use in providing additional future municipal off-street parking facilities to service the designated Central Business District. For mixed-use development proposals involving direct financial participation by the City of Shelton, in recognition of the past and on-going funding of off-street parking facilities to serve the designated Central Business District, the Commission and the City's Designated Agent may waive all or a portion of the payment in lieu of parking required above.

33.12.6 Elderly Occupancy: Any Application for a **Certificate of Zoning Compliance** for a development including one or more elderly dwelling units shall be accompanied by a notarized affidavit signed by the owner of the premises affirming that the occupancy of the units will comply with the requirements set forth above. Issuance of the **Certificate of Zoning Compliance** is conditioned upon the annual filing with the Commission of a notarized affidavit certifying to the occupancy of the units. The Commission may waive this requirement for those developments administered under the direct supervision or management of the Shelton Housing Authority.

33.13 Conservation Residential Developments (CRD): It is the policy and intent of this Paragraph to accommodate conservation development of tracts of land determined to be environmentally sensitive, including viable farm and forest lands, by allowing permissible and inevitable development to occur in a manner that adapts to the physical circumstances of the land. It proposes to accomplish this by removing the constraints of traditional lot area, shape and frontage requirements except to the extent necessary to assure buildability and service to the lots. The product should be a design that works within the limitations of the site, yields significant conservation features and protects environmentally sensitive aspects of the site. Applications for conservation subdivision developments of single-family residential building lots that promote preservation and reservation of environmentally sensitive areas and that respect the physical circumstances and limitations of a tract of land shall conform to the following additional standards:

33.13.1 Location: The tract or parcel of land on which the conservation subdivision development is proposed shall be located entirely within a Residence R-IA or an R-I District or a combination thereof, as officially delineated on the Building Zone Map of the City of Shelton.

33.13.2 Parcel Area and Shape: Each such conservation development subdivision shall be located on a contiguous parcel of land having a minimum area of 10 acres with a minimum of 50 feet on a City-accepted Street to accommodate appropriate

extension of said street and shall be of such shape that a square with 400 feet on each side will fit on the parcel. A parcel of lesser area may be considered for a CRD by the Commission if the proposed open space preservation will be adjunct to other preserved open space outside the CRD or the proposed CRD will result in the preservation and protection of one or more significant and/or unique natural features, similar to those identified in Subparagraph 33.13.9 below. For purposes of this Subparagraph, the proper accommodation of the Blue Dot or similar trail system, the Recreation Path or similar linear park/walk-way system, if recommended by the Trails Committee/Conservation Commission, shall be deemed a sufficient basis for consideration of a smaller minimum parcel size.

33.13.3 Development Density: The maximum number of single-family homes shall not exceed the number of lots that can be created on a preliminary subdivision plan of all land within the parcel, approved by the Commission as meeting the requirements of the Subdivision Regulations of the City of Shelton and showing a conventional layout of lots in accordance with the appropriate Residence R-1A or R-1 District zoning standards, as applicable to the subject parcel. Said preliminary plan shall include open space provisions and shall receive a favorable report from the Shelton Inland Wetlands Agency and other appropriate City departments indicating the likely approval of such conventional subdivision plan.

33.13.4 Conservation Development Subdivision Plan: A Preliminary Conservation Plan shall be prepared at a scale of not less than 100 feet to the inch, meeting the requirements of the Subdivision Regulations showing a conservation layout in accordance with the standards set forth herein, and including but not limited to proposed roads, lots, typical building footprints, orientations, driveway locations, utility lines, open space and conservation areas whether in "fee" or by easements, existing and proposed grading, etc. in sufficient detail to adequately evaluate the preliminary proposal. Said Plan shall include adjacent areas at least 200

33.13.5 Lot Standards: Individual lots for single family dwellings shall be established by formal subdivision of land in accordance with the procedures of the Subdivision Regulations of the City of Shelton. Lot sizes shall be as needed to accommodate the proposed Conservation Development Plan, with ample area for buildings and utility systems, but in no case shall the minimum lot area be less than 25,000 square feet. Each lot shall have a minimum frontage of 50 feet on a street. Setbacks shall conform to those required for a conventional R-1 Lot as set forth in SECTION 24 - Area, Location and Bulk Standards, SCHEDULE B. Notwithstanding other provisions set forth elsewhere in the Zoning Regulations, any number of interior lots are permitted if deemed appropriate on the Conservation Plan. Interior lots shall conform to the same area and setback requirements applicable to other lots as set forth above. Except as provided above, said interior lots shall comply with all provisions of Section 24.11. Notwithstanding the limitations of Section 24.11.1, the Commission may approve up to three (3) adjoining accessways to occur at any one location.

33.13.6 Utilities: All utility lines serving the development shall be located underground. Each building lot and all dwellings shall be served by public water supply. In unusual circumstances where extension of public water supply to one (1) or more remote or isolated lots is deemed by the Commission to be infeasible or impracticable, the Commission may permit those lots and the dwellings thereon to

be served by an adequate on-site source, subject to the approval of the Valley Regional Health District. Under no circumstances shall such lots exceed 10% of the total lots in the development. In such instances of on-site water supply, the Commission may require such lots to contain a minimum lot area of 40,000 square feet and where two (2) or more such lots are contiguous to each other, the Commission may require them to be excluded from the CRD and designed as conventional lots conforming to all basic standards for residential lots in the Residence R-I District. When located within an established service area, and when practicable, the development shall be served by extension of the Shelton municipal sanitary sewer system.

33.13.7 Parking: Two off-street parking spaces shall be provided for each dwelling, at least one of which shall be located within an enclosed garage. Parking areas for boats, trailers and other recreational vehicles shall be located behind the front wall of the dwelling and shall be screened from view from the street or from any other lot.

33.13.8 Open Space and Conservation Area: The Conservation Plan shall result in the preservation of not less than 25% of the gross area of the site or a minimum of five (5) acres, whichever number is greater, as natural area. These five (5) acres minimum requirement may be reduced for those Conservation Plans of parcels for which the Commission has approved a lesser minimum area than the 10 acres under the provisions of Subparagraph 33.12.2, provided the open space preservation is not less than 25% of the gross area. Said preservation shall be to the satisfaction of the Commission and accomplished by means of "fee" conveyance to the City, the Shelton Land Trust or other appropriate entity as may be approved by the Commission. In lieu of fee conveyance, the Commission at its sole discretion may accept the permanent preservation of some of the land through conservation easements and the appropriate conveyance of development rights.

33.13.9 Protection/Preservation of Natural Features: All stone walls, significant ledge outcroppings, major trees (exceeding 15 inches in diameter), unless situated in areas to be protected, unique wildlife habitats, environmentally significant or sensitive areas and other significant physical features of the site shall be appropriately delineated on an existing conditions map of the parcel. The conservation plan shall make provisions for appropriate protection of these areas or shall provide adequate justification for the proposed impacts on such areas. Adequate sediment and erosion control methods shall be employed to mitigate potential adverse impacts due to proposed construction activities.

33.13.10 Street Layout and Design: Street planning should encourage curvilinear road layouts and cul-de-sacs where possible but should provide for through street connections when necessary for overall City and neighborhood circulation purposes. The Commission may permit alternative geometric design standards on permanent dead-end streets to allow reverse curves, a pavement width reduction to 24 feet, clearing and grading only as needed to accommodate proposed construction, etc.

33.13.11 Referrals: Upon receipt of a complete Special Exception Application, the proposal shall be referred to the Shelton Conservation Commission, the Inland Wetlands Agency and such other Boards and Commissions as deemed

appropriate, and the commission shall solicit their comments concerning the degree of environmental sensitivity associated with the property. Any reports, recommendations, comments and suggestions provided by said groups shall be received by the Commission at least 5 days prior to the conclusion of the public hearing thereon and shall be considered by the Commission in rendering its decision on the Application.

33.13.12 Authorization: Approval of the Special Exception for the Conservation Residential Development constitutes approval of the development concept and the overall plans for the proposal, authorizing an Application for Subdivision Approval under the provisions of the Subdivision Regulations of the City of Shelton and in accordance with the modified standards of the approved Special Exception.

33.14 Special Exception Uses in the Office Park District: Within any Office Park District (OPD), all applications for Special Exception uses that primarily serve customers, clients and/or patients on the premises shall also conform to the following additional standards:

33.14.1 Definitions: For purposes of this Section, such uses shall include the customer service component of banking facilities, all patient-oriented medical and dental services, and other such activities having a significant component devoted to regular, daily customer activity on the premises. Such uses shall not include those business and professional offices with incidental, infrequent client activity, such as architects, lawyers, accountants, consulting physicians, etc. The Commission shall make a final determination for marginal activities.

33.14.2 Lot Area and Shape: The proposed use shall be located on a lot meeting the minimum requirements for a standard lot as set forth in SCHEDULE B. In addition to the proposed use, certain other permitted uses not in conflict with the proposed activity may be located on the same parcel when combined within the same structure.

33.14.3 Location: The lot on which the proposed use is to be located shall front directly on Bridgeport Avenue (Conn. Route 714), with direct access thereto or to an acceptable intersecting street at a point not more than 300 feet from Bridgeport Avenue (Conn Route 714). In its review of the proposed location, the Commission shall give full consideration to the effect of the proposed customer/patient activity on adjacent uses and activities. No building in which a use primarily serving customers/patients on the premises shall be located within 500 feet of any building containing another such activity.

33.14.4 Drive-up Facilities: Bank Drive-up lanes providing access to teller windows, remote teller stations, A.T.M. locations and similar facilities providing service to customers outside of the principal building are permitted, providing such facilities do not exceed three (3) in number and provided further that no such facility shall be located within 1,000 feet, as measured in a straight line, from any other drive-up facility.

33.14.5 Parking: There shall be at least one off-street parking space for each 200 square feet of floor space devoted to such business and professional use, and located on the same lot with the building. The Commission reserves the right to request such additional parking spaces as it deems necessary to satisfy the needs of the

intended office tenants and their customers and clients. The Commission may, at its own discretion, permit a delay in the installation of up to 25% of the required parking provided it can be shown where the total parking will be provided and an acceptable mechanism established to guarantee the installation of the remaining spaces upon demand of the Commission to do so.

33.14.6 Mixed Uses: Buildings to be shared with other permitted uses not regularly rendering services to customers and clients on the premises shall include with the application a detailed statement identifying the other tenants/uses, existing or proposed, a tabulation of parking needs, employee count, space allocation and such other pertinent information necessary to assure compatibility of uses, adequacy of parking, etc.

33.14.7 Conversions: Existing buildings or portions thereof may be converted to accommodate the proposed use, provided such conversion will be in compliance with all of the above and if portions are to be continued to be occupied by other current tenants, a statement from each in support of the proposed partial conversion.

33.15 Self-Storage Facilities: Applications for self-storage facilities as defined in SECTION 5 shall conform to the following special standards, in addition to those applicable in the basic zone:

33.15.1 Location: The lot on which the self-storage facility is located shall have a minimum of 200 feet of frontage on a designated Connecticut State Highway and shall be provided with direct access thereto.

33.15.2 Minimum Size: Any self-storage facility shall contain not less than 20,000 square feet of gross building area.

33.15.3 Hours of Operation/Access: Facility access shall be restricted between the hours of 6 AM and 9 PM daily, as approved by the Commission.

33.15.4 Utilities: Notwithstanding the provisions for common utility services to the overall building, no individual utility services shall be provided to any individual storage units.

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

33.15.6 Service Area: Access to the common areas of the facility shall be confined to a designated service area. Not more than one (1) exterior overhead door shall be provided per each 10,000 square feet of total floor area of individual storage units. All refuse collection/disposal facilities shall be located convenient to the service entrance or loading area of the building, shall be easily accessible to service trucks, shall be enclosed by walls consistent with the building design and materials and shall be provided with gates. The building service area shall not be visible from any public street and shall be appropriately screened from adjoining properties.

33.15.7 Parking: Parking shall be provided at the ratio of not less than one (1) space for each 10 rental units and located on the same lot as the building. In addition, there shall be additional, appropriately located site space suitable to allow the future development of an overall ratio of not less than three and one half (3 ½) spaces for each 1,000 square feet of gross floor area.

33.15.8 Signage: All signs are subject to the final approval of the Commission based on a review of design, location, graphics and materials used. Wall and ground signs shall only give the name of the establishment and shall conform to the basic provisions of SECTION 44 and to the following specific standards:

33.15.8.1 Any sign attached to or mounted on the wall of a building shall not project above the wall to which it is mounted. Wall signs shall not exceed an aggregate area of 5% of the area of such wall as measured to a height of 12 feet above ground level. No such sign shall exceed a length of 50% of the wall to which it is mounted and a maximum area of 100 square feet. Any additional wall that faces directly on a public highway or that has a public entrance to the facility may have a wall sign not exceeding the measurements noted above. Service entrances at the side or rear of a building may have an identification sign not exceeding three (3) square feet in area.

33.15.9 Materials Stored: No flammable, toxic, hazardous or noxious items or materials shall be stored in any unit at any time. The Commission reserves the right to preclude the storage and/or require the removal of any material or products it deems inappropriate for safe storage in such units. The Zoning Enforcement Officer or Fire Marshal or their authorized agents shall be authorized to periodically inspect the premises to determine continued compliance with these Regulations, including the specific provisions set forth above.

33.16 Group Day Care Homes and/or Child Day Care Centers: Applications for all group day care homes and child day care centers shall conform to the following:

33.16.1 When such use is not located in a dwelling unit, the following additional standards and conditions shall apply:

- a) The Site Plan shall adequately address the required outdoor activity area needs, particularly with respect to fencing and landscaping, relationship to the location of adjacent structures, parking and circulation, provisions for school bus drop-off and/or pick-up, and pedestrian movements including provisions for access between the indoor facility and its play areas.
- b) No play apparatus shall be located in any required street setback area. All such play apparatus shall be appropriately fenced and screened with foliage. Such fencing and foliage shall be of such type, style, design and location as to ensure safety and be aesthetically attractive.
- c) Adequate off-street parking shall be available at the ratio of one (1) space for each employee and one (1) space for every five (5) children enrolled during the time of maximum enrollment. For facilities located on the same site as the user being served, the Commission may reduce this ratio to reflect available

on-site parking.

- d) When such use is not the sole use of the premises, the proposed use shall not conflict with other established use(s) of the premises except for required outdoor play areas. In all instances, the Commission shall give due consideration to all other uses on or in close proximity to the day care use and the use shall be approved by the Lower Naugatuck Valley Health District and confirmed in writing.
- e) The use shall be served by public water and municipal sanitary sewers.
- f) The application shall state the total number of children for which approval is requested, the maximum number being cared for in any time period, the anticipated age breakdown, and hours of operation. The facility shall have written confirmation of an approved license issued by the State of Connecticut prior to issuance of a Certificate of Zoning Compliance.

33.16.2 When such use is situated in a Light Industrial Park (LIP) District or an Office Park District (OPD) for the purpose of serving the persons employed within those Districts, in addition to the standards and conditions set forth under 33.15.2 above, the use shall contain a minimum of 7,500 square feet of usable interior floor area and a minimum of 2,000 square feet of outdoor activity area shall be provided. In addition, "Latch-key" programs requiring school bus transportation to or from the site will not be permitted, unless adequate provisions have been made for the on-site, school bus pick-up and drop-off, in a safe and convenient manner, in reasonable proximity to the principal entrance to the facility.

33.17 **"Safe Homes" for Foster Children:** Applications for all child foster care safe homes shall conform to the following standards and conditions:

- a) Children shall be between three (3) and twelve (12) years of age. All services shall be provided pursuant to a license/contract with the State of Connecticut with a maximum capacity of fifteen (15) children and operated in accordance with State Regulations.
- b) The lot shall be a conforming lot, adequate in size, shape and physical characteristics to accommodate the needs of the use and shall have a minimum area of not less than one-half (1/2) acre (21,780 sq. ft.), or as required by the applicable district, whichever is greater. This use shall not be permitted on an interior lot established under these Regulations.
- c) Notwithstanding the property zoning, the use must be located in a residence.
- d) Adequate off-street parking shall be available at the ratio of one (1) space for each staff employee plus additional spaces for other personnel expected to visit the home. Parental visitation is not permitted except on rare occasions as provided for under State Regulations.
- e) The use shall be served by public water and municipal sanitary sewers.
- f) No outdoor play area and/or apparatus shall be located in any required street setback area and all such play areas shall be appropriately fenced and screened with foliage,

as deemed necessary by the Commission. Such fencing and foliage shall be of a type, style, design and location as to ensure safety and be aesthetically attractive.

- g) The application shall state the maximum total number of children for which approval is requested and licensed. The facility shall have written confirmation of an approved license/contract issued by the State of Connecticut prior to issuance of a Certificate of Zoning Compliance.
- h) The Zoning Enforcement Officer or Fire Marshal or their authorized agents shall be authorized to periodically inspect the premises to determine continued compliance with these Regulations.

33.18 Special Exception Uses in the Restricted Business District: Within any Restricted Business District (RBD), all applications for Special Exception uses shall also conform to the following additional standards:

33.18.1 Definitions: For purposes of this Section, any restricted retail outlet shall conform to the general definition set forth in Section 5. The Commission shall make a final determination with respect to any questionable retail uses as to consistency with said definition.

33.18.2 Lot Area and Shape: The proposed use shall be located on a lot meeting the minimum requirements as set forth in Section 24. In addition to the proposed use, certain other permitted uses not in conflict with the proposed activity may be located on the same parcel when combined within the same structure.

33.18.3 Location: The lot on which any restricted retail outlet is proposed to be located shall front directly on Bridgeport Avenue (Connecticut Route 714) or Old Bridgeport Avenue, with direct access thereto or to an acceptable intersecting street at a point not more than 300 feet from Bridgeport Avenue (Conn. Route 714). In its review of the location of any proposed use, the Commission shall give full consideration to the effect of the proposed vehicular activity on adjacent uses and activities and the supporting municipal infrastructure of roads and utilities.

33.18.4 Parking: Restricted retail outlets and general business and professional offices not primarily serving clients on the premises shall be provided with at least one off-street parking space for each 250 square feet of gross floor area and located on the same lot with the building. Business and professional offices principally rendering services to patients, customers and clients on the premises shall be provided with at least one off-street parking space for each 200 square feet of gross floor area and located on the same lot with the building. The Commission reserves the right to request such additional spaces as it deems necessary to satisfy the needs of the intended office tenants and their customers and clients. The Commission, at its discretion, may permit a delay in the installation of up to 25% of any required parking provided it can be demonstrated that sufficient site space remains to provide the total parking and an acceptable mechanism is established to guarantee the installation of the remaining spaces upon the demand of the Commission to do so. A simple statement indicating that a parking structure will be provided, if needed will not suffice.

33.18.5 Exterior Lighting and Noise Control: All exterior lighting and illuminated signs

shall be designed, located, arranged, installed and directed in such a manner as to avoid objectionable light at, and glare across, the property lines and shall be compatible with the surrounding area. At the request of the Commission, a lighting intensity plan prepared by a qualified lighting professional may be required. Buildings and accessory facilities shall be designed and arranged so as to minimize noise levels at the property line. The installation of sound absorptive shielding on the site, in the form of mounds, berms, vegetative screening or other suitable noise barriers, may be required.

33.18.6 Landscaping and Screening: All disturbed areas of the site not covered by buildings or pavement shall be appropriately landscaped so as to be aesthetically pleasing and to preserve and enhance adjacent property values. The location, height and materials of walls, fences, berms, hedges and native plantings shall adequately screen parking and loading areas, utility installations and similar features and ensure compatibility with the character of adjacent development. All refuse collection areas shall be located convenient to the service entrance or loading area of the building, shall be easily accessible to service trucks, shall be enclosed by walls consistent with the building design and materials and shall be gated.

33.18.7 Architectural and Aesthetic Compatibility: The size, design, massing, layout and appearance of all proposed structures, additions to structures, permitted signs and uses including their location on the site in relation to streets, parking and adjacent development and their relation to the natural topography of the site shall be architecturally and aesthetically compatible and harmonious with the character and appearance of the surrounding area. The development shall not be hazardous or otherwise detrimental to the on-going use or appropriate and orderly development of adjacent land or buildings.

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

33.18.9 Conversions: Existing buildings or portion thereof may be converted to accommodate the proposed use, provided such conversion will be in compliance with all of the above and if portions are to be continued to be occupied by other current tenants, a statement from each in support of the proposed partial conversion shall be provided.

33.18.10 Signage: All signs are subject to final approval of the Commission based on a review of design, location, graphics and materials used. Individual business identification signs and ground signs shall conform to the basic provisions of Section 44 and to the following specific standards:

- a) Any ground sign located within a required setback area shall be limited to identifying only the principle use or users on the lot. Accessory uses or users shall not be identified thereon.
- b) Any sign attached to or mounted on the wall of a building shall not project

above the wall to which it is mounted. Signs attached to a wall of a building shall not have an area greater than 10% of the area of such wall as measured to a height of 12 feet above ground level. Any additional wall that faces directly on a public highway or that has a public entrance to the building may have a sign attached to such wall, which sign shall not exceed 5% of the area of such wall as measured to a height of 12 feet above ground level or 40 square feet, whichever is less, and shall give only the name of the establishment or occupant of the premises. Service entrances at the side or rear of a building may have an identification sign not exceeding three (3) square feet in area.

33.19 Multi-Family Residential Developments in the RFD Districts: Within a delineated RFD District, applications for high density multi-family residential developments, including customary business and professional offices in a dwelling unit, plus customary accessory recreational, maintenance and similar facilities incidental to and in support of such residential use, shall conform with the following additional standards:

33.19.1 Lot Area and Shape: Each such multi-family residential development shall be located on a lot having a minimum area of 8,000 square feet with a minimum frontage of 80 feet on a street.

- a) **Dwelling Unit Density:** The development shall be located on a lot having not less than the required lot area per unit specified in SCHEDULE B - STANDARDS. When located in a mixed-use development, no additional lot area requirement is imposed for any ground level, permitted, non- residential occupancy.
- b) **Affordable Housing Component (Voluntary):** At the request of an Applicant to set aside "affordable housing" units meeting the requirements of the Connecticut General Statutes, the total allowable residential density may be increased by up to ten percent (10%) provided that for each unit in excess of the allowable density at least two (2) units must be earmarked as "affordable housing" units. The Applicant shall be responsible for periodic reporting to the appropriate municipal authority attesting to occupancy in compliance with the General Statutes.
- c) **Dwelling Unit Size:** Each dwelling unit shall contain a minimum floor area of not less than 600 square feet.
- d) **Parking:** It is recognized that in the Central Business District (CBD) overlay zone, a significant amount of municipal off-street parking is available under the direction of the Shelton Parking Authority. Therefore, any required parking not available on site may be satisfied through an agreement with the Shelton Parking Authority and/or payment of a fee in lieu thereof, under the provisions of Sec. 8-2c of the Connecticut General Statutes, in accordance with policies and procedures of the City of Shelton. The following parking ratios for high-density residential development must be satisfied by on-site and/or other parking available in a facility located within 200 feet walking distance:

For one-bedroom units:	2.0 spaces per unit.
For two or more-bedroom units:	2.0 spaces per unit.

For mixed-use developments, non-residential parking at a minimum ratio of four (4) spaces per 1,000 square feet of gross commercial floor area should be available on-site and/or by other parking available in a facility located within 300 feet walking distance of the site. In a mixed use residential/commercial development, depending upon the nature of the non-residential uses proposed, a credit for shared parking of up to 50% of any on-site residential parking may be allowed.

33.20 Conditional Approval: Approval of an **Application for a Special Exception** under this **Section** shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after approval is given. Approval of the Application shall become null and void in the event of failure to complete the proposed development within the two (2) year period. One extension of such period for an additional period not to exceed one (1) year may be granted by the Commission after public hearing for good cause shown. Notwithstanding the above, however, approved Applications for multi-family developments in a Residence R-1 District shall be permitted a total of five (5) years to complete the proposed development, subject to a mandatory annual review beyond the initial two (2) year period. At each annual review, the Commission may require the Applicant to submit a status report, prepared by registered engineers and/or architects, evaluating existing site conditions, status and progress of major site improvement elements, overall project progress, a projection of work to be completed including a tentative time schedule and the status of compliance with any previously stipulated terms and conditions. The Commission may also review and modify the value of outstanding bonding to assure adequate coverage and completion of critical site improvements. The Commission shall file a "certificate of approval" stating, among other things, the date upon which the approval expires. All **Special Exceptions** maybe granted subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

SECTION 34
PLANNED DEVELOPMENT DISTRICTS (P.D.D.)

- 34.1 Intent:** The intent of a Planned Development (PD) District is to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of an area but is not accommodated by the established conventional zoning of that area by virtue of use and/or area, location and bulk standards. Each PD District is another independent zoning district created to accomplish a specific purpose, complete with its unique and narrowly drawn permitted uses and bulk standards and other applicable zoning provisions, whether set forth specifically therein or incorporated by reference to the applicable provisions of the overall city-wide zoning regulations. Said PD Districts may only be established in the following locations: A) within a **Special Development Area** (S.D.A.) delineated on the official Zoning Map by the Planning and Zoning Commission and encompassing identified areas for which the Commission has engaged in detailed land use analysis and for which the Commission has formulated a long-range plan of proposed land use. To date, these areas include the Downtown Area, the delineated Coastal Area in the vicinity of Pine Rock Park, other portions of River Road characterized by established non-residential areas and the entire Route 8/Bridgeport Avenue Corridor, extending to and including the adjacent, City-owned former Mas property; and B) on property abutting and/or adjacent to an established nonresidential area for the purpose of accommodating a proposed use and development that will provide an effective transition in land use and buffer to the adjacent residential neighborhood. Such PD's must be limited to uses such as those typically authorized as 5/19/09 2 Special Exception uses in residential districts as set forth in Use Schedule A, to appropriate mixed-use development or to accommodate alternative residential development forms such as attached units and/or clustered homes. PD Districts shall not be allowed on any site or parcel that is entirely surrounded by single family residential zones. It shall not be used when an alternative, conventional zoning district is available.
- 34.2 Purpose:** Planned Development (PD) Districts may only be established by the Commission within an SDA delineated on the Zoning Map or to accomplish a transition between single family residential use and an established non-residential area, and in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A PD District may be established by the Commission when found necessary and appropriate for the following purposes:
- 34.2.1** To permit tracts of land to be developed, redeveloped and improved as harmonious design unit of stable character, consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the SDA, or to accomplish an appropriate transition between dissimilar zones, when such tracts are of sufficient size to accommodate such design units and when another zoning district could not be appropriately established to accomplish such purposes.
- 34.2.2** To permit the use of land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the SDA or to accomplish an appropriate transition between dissimilar land use areas, when such proposed

uses 5/19/09 3 are located on tracts of sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes.

34.3 Standards: The following standards shall apply to all proposed PD Districts:

- 34.3.1 Size:** The tract of land for which application is made for the establishment of a PD District must contain an area of not less than 60,000 square feet. Notwithstanding the above, within the delineated **Central Business District (C.B.D.) Special Development Area overlay**, the tract of land must contain an area of not less than 10,000 square feet; and any site having frontage on and direct access to Bridgeport Avenue, Todd Road, Old Bridgeport Avenue or Access Road in the SDA overlaying the Route 8 Corridor area, as well as sites fronting on River Road (Route #110) must contain an area of not less than 20,000 square feet. Within said Central Business District (CBD) Special Development Area, the Commission may reduce the minimum required parcel area by up to but not in excess of 10 percent (10%) provided it has determined that the parcel frontage, shape and buildable area are adequate to serve the proposed PDD permitted uses.
- 34.3.2 Permitted Uses:** Permitted uses in any PD District shall be limited to those uses specifically identified as permitted in said PD District. Any future proposed use in a PD District not specifically identified as a permitted use at the time of adoption of said District may only be established after amendment of the permitted use provisions in accordance with the procedures established for the initial adoption of said PD District
- 34.3.3 Lot Coverage:** The maximum lot coverage by all existing and proposed buildings and other structures shall not exceed 60% of the area of the lot. Notwithstanding the above, within the delineated Downtown CBD Special Development Area overlay, the Commission may increase such total lot coverage consistent with Downtown Planning guidelines and established standards and as necessary to accomplish the intended purpose.
- 34.3.4 Floor Area Ratio (F.A.R.):** Unless located in the delineated Downtown CBD Special Development Area, the maximum ratio of total gross floor area of all existing and proposed buildings and other structures to the area of the lot shall not exceed 0.80. Within the delineated Downtown CBD Special Development Area, the Commission may increase such F.A.R. consistent with established CBD bulk standards and as necessary to accomplish the intended purpose. In calculating the F.A.R., floor area in or on a building or structure, devoted to off-street parking or loading, shall not be included.
- 34.3.5 Building Height:** Unless located within the delineated Downtown CBD Special Development Area, buildings and other structures shall not exceed a height of 60 feet, provided that the Commission may permit a greater height if (i) such building or other structure shall be located within an area which is primarily devoted to or zoned for industrial and commercial development, (ii) such greater height shall result in the preservation of more open space on the tract than would otherwise be available, and (iii) topography of the tract on which such building or structure is

located, the location thereof on such tract, and the nature thereof are appropriate to accommodate such greater height. Such added height shall not be for the sole purpose of creating additional development density but rather to accommodate otherwise allowable density in an alternative manner. Within the delineated Downtown CBD Special Development Area, the Commission may exceed the standards set forth above, consistent with the provisions of any formulated planning standards for said area, in order to preserve flexibility, accommodate development needs and facilitate and encourage the continued private revitalization efforts of Downtown CBD property owners.

34.3.6 Utilities: All proposed PD Districts must be adequately served by public water supply and municipal sanitary sewers.

34.3.7 Architecture: Exterior architectural design and treatment, including building and related signs, shall be above average and intended to produce an aesthetic enhancement of the streetscape and blend with neighboring buildings. The Commission shall consider the proposed design treatments and building materials in determining the appropriateness of a proposal. The Commission may, where appropriate, solicit the review and comments of an independent advisory architectural review panel.

a) Signs: All signs shall be limited to identification purposes rather than advertising. All signs shall be externally illuminated. Multiple wall signs shall demonstrate elements of consistency with respect to colors, lettering, style and location.

b) C.B.D.: Within the delineated CBD area, architectural designs, building materials, features and details shall comply with any and all of the standards and recommendations set forth in any adopted plans for the Downtown Shelton area.

34.3.8 Natural Features: Development proposals shall make reasonable attempts to adapt to existing topography, natural site features, LID best practices and include native plantings.

34.3.9 Other Standards: All city-wide standards and provisions of the Shelton Zoning Regulations shall also apply to all proposed PD Districts except as may be specifically modified therein.

34.4 Informal Consideration: The Commission recommends that, prior to the submission of a formal application for approval of a PD District, the applicant review with the Commission and its staff in a preliminary and informal manner any proposal for a PD District. The Commission recommends that the preliminary plans in general comply with the requirements for an **Initial Development Concept Plan** under Paragraph 34.5.2 and that four (4) copies be submitted. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of non-binding comments or opinions by the Commissioners. The applicant shall submit in writing to the Planning Administrator a request for a preliminary staff review, accompanied by a fee to defray the added staff costs associated with said preliminary review. Said fee, payable to the City of Shelton, shall be in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto.

34.5 Petition: A petition for the establishment of a PD District shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels within the proposed District and shall be accompanied by the following:

34.5.1 Statement: A written statement of uses and standards shall be submitted, identifying the permitted uses and setting forth the specific area, location and bulk standards to be applicable to the district. Such Statement shall also specify in detail the remaining particular provisions of these Regulations which are proposed to be modified as well as any special or additional provisions which are proposed to be applicable to the use of land, buildings and other structures, the location and bulk of buildings and other structures and the area, shape, and frontage of lots within the District. Such Statement shall also specify detailed signage controls, taking into account the impact of window and other interior signs intended to be viewed from outside. Signage controls shall specify maximum dimensions, sizes and locations. Ground signs shall identify only the premises and the major tenant and shall be limited to one (1) for each street frontage. Such Statement shall include appropriate methods and provisions, including proposed lease restrictions; to achieve a desired consistency of graphics, design, color and illumination of all signage elements associated with said PD District. The owner/applicant shall cooperate fully with the Commission in implementing the intent of all sign provisions. In its efforts to monitor compliance with established signage provisions, the Commission may require the property owner to certify such compliance as needed but no more frequently than annually. Ten (10) copies of such Statement shall be submitted.

34.5.2 Initial Development Concept Plans: An Initial Development Concept Plan shall be submitted for the proposed development and should include property maps, site plans, architectural plans and other drawings as relevant in sufficient detail to show the existing conditions and improvements proposed to be erected on the site, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties and other pertinent information. Six (6) sets of blue line or black line prints shall be submitted. Plans where applicable shall be prepared and certified by an architect and/or professional civil engineer licensed to practice in the State of Connecticut and shall include the following information:

- a) Location and size of property, including a boundary map with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc. which map is to show the precise boundaries of the proposed District, as well as existing zoning boundaries and the boundaries of any officially designated wetland areas;
- b) Present and proposed land uses and the acreage of each use, as well as existing and future land uses in the surrounding area;
- c) Present and proposed buildings and structures including use, dimensions and locations of each;
- d) Proposed vehicular and pedestrian circulation patterns including locations and

dimensions of private and public streets and common drives, pedestrian walkways, malls and other public and private paths;

- e) Location of proposed off-street parking facilities with dimensions, including location, size and number of parking spaces, access drives and walkways;
- f) Proposed provisions for lighting on the site, to be designed and located in such a manner and of such amount as to ensure sufficient visibility at all times to maximize pedestrian and vehicular safety without undue adverse effect on the use and enjoyment of neighboring properties.
- g) Proposed open area such as parks, lawn areas, and recreational facilities;
- h) Existing and proposed landscaping treatment, native planting list, including major tree areas, water bodies and related treatment of open space areas, screening, and existing and proposed topography;
- i) Utility information including water supply, sewage disposal, storm drainage, including capacity of water courses and the additional flow being produced, electrical service and exterior site lighting, including fixture locations and heights;
- j) A location map showing the site's situation within the Town's circulation system and all streets and intersections within 1,000 feet of the site;
- k) Preliminary architectural plans including generalized floor plans, exterior elevations, perspective drawings and descriptive information on types of building materials and exterior finishes;
- l) A written traffic report by a qualified professional engineer evaluating the impact of the PD District on the street system, including the amount of traffic projected to occur within and for the proposed development and the adequacy of the surrounding street system and traffic controls to accommodate existing traffic, projected traffic from the proposed development and projected traffic from other approved developments that may impact the relevant portions of the street system:
- m) A written engineering report by a qualified engineer addressing storm drainage and flooding, including a storm water management plan, utility services, soils and geology of the site and sediment and erosion control measures to be employed, hydrological-geology conditions, seismic monitoring provisions as may be applicable to the proposal;
- n) Any additional information which the Commission may reasonably require or the applicant may wish to submit, including such items as a marketability study, an economic impact analysis, project model and/or architectural perspective renderings, proposed covenants and/or restrictions related to open space and/or public access rights, periodic maintenance of storm water management facilities, landscaping and other site improvements and scheduling and timing of development phasing;

- o) The Plan shall incorporate a summary table indicating compliance with planning, site design and qualifying standards. Said table shall show proposed phasing, number and type of buildings, parking tabulation, area and percentage of lot coverage by buildings and paved surfaces.

34.5.3 Fee: A petition in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton. In addition, the applicant shall agree to defray all reasonable costs to the City for any independent traffic report, economic analysis and/or other services necessitated by the proposal and requested by the Commission.

34.6 Procedures: Upon submission of a petition for the establishment of a P D District, the Commission and its staff shall immediately review the petition and during this review may discuss with the petitioner the need for additional information/reports. Prior to or upon acceptance of a complete petition, the Commission may authorize the preparation of such independent reports and analyses as it deems necessary to arrive at an informed decision. After acceptance of a complete petition, the Commission shall hold a public hearing on the petition and the accompanying Initial Development Concept Plan in the same manner and with the same notice as required for amendment of these Regulations. The Commission may also solicit the following information for presentation prior to or at the public hearing:

- a) A statement from the City Engineer in reference to the adequacy of the basic drainage, public street design and the design of elements to be served by the Public Works Department of the City;
- b) Evidence from the Sewer Authority that sewers are available to the project for tie-in and that the sewer lines, sewage treatment plant and related appurtenances have the capacity for the projected volumes;
- c) A statement from the Local Traffic Authority that the proposal will not cause any undue traffic hazards;
- d) A statement from the Fire Marshall that the proposal meets fire safety standards and concerning the firefighting feasibility of the proposed plan;
- e) For proposals that may impact delineated inland wetlands, any comments that the Inland Wetlands Commission and/or Wetlands Enforcement Officer may wish to offer regarding the potential wetlands impacts and encroachments associated with the Initial Development Concept Plan and the ability to adequately address them
- f) A statement from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

34.7 Public Hearing and Decision: The Commission shall hold a duly noticed public hearing as required for any amendment of the Zoning Regulations. After the public hearing, the Commission may approve, disapprove or give approval with modifications to the Initial Development Concept Plans only after the Commission makes the findings set forth under below. Approval of the Initial Development Concept Plans shall authorize adoption of the P D District based upon the findings set forth below as well as other findings necessary

for the adoption of these Regulations. These modified Zoning Regulations and Zoning Map shall be considered to authorize the submission of a Final Site Development Plan for the establishment of the development substantially in accordance with the Initial Development Concept Plan as approved. The adopted P D District shall be shown on the Zoning Map with a reference to the records of the Commission where the approved standards and Initial Development Concept Plans may be seen. If the P D District is adopted, the Commission shall give notice of such adoption in the manner required for any amendment of these Regulations. Recording of the adopted P D District shall be accompanied by an endorsed copy of the approved Initial Development Concept Plan

34.8 Findings Required for Initial Development Concept Plan Approval: Prior to approval of an Initial Development Concept Plan, with or without conditions and/or modifications, the Commission shall make the following findings:

- a) The proposal possesses features consistent the intent of the P D District.
- b) The qualifying standards of the P D District have been satisfied.
- c) The site design and organization of uses, buildings, parking and drives provides for the safety of intended users.
- d) Provisions for traffic flow, water, sanitary sewer service, storm water management and usable open space are adequate and acceptable, do not overburden existing streets, utility services and storm water facilities both on and off site and do not result in unacceptable off-site conditions.
- e) If any upgrading or improvements to off-site roads, utilities or other infrastructure are necessary and approved by the Commission and other applicable agencies, such improvements shall be provided at no cost to the City. The applicant shall provide at its own expense such additional information, data, designs and plans as are necessary to arrive at a proper decision.
- f) The proposal will not have a significant adverse impact of surrounding properties or on property values in the area.
- g) Ecological and environmental concerns associated with the proposal, including impacts on wetlands, watercourses and other aspects of the environment, will be adequately addressed. In making this finding, the Commission shall any comments received from the Inland Wetlands Commission and/or Wetlands Enforcement Officer, the Conservation Commission, the Connecticut Department of Environmental Protection and the U.S. Corps of Engineers where applicable.
- h) Provisions will be made for the on-going maintenance of parking areas, storm water management facilities, open space areas and other infrastructure components not proposed for acceptance by the City.

34.9 Findings Required for the Adoption of the P D District; The Commission shall make the following findings prior to the adoption of the P D District. Said findings are in addition to other findings necessary for the amendment of these Regulations and to the findings required for the approval of the Initial Development Plan:

- a) The P D District, its Statement of Uses and Standards, and the Initial Development Plan applicable therein are consistent with the intent and purpose set forth herein.
- b) Except for those provisions specifically amended by the Statement of Uses and Standards, the proposal complies or will comply with all applicable provisions of the Zoning Regulations.
- c) Another zoning district could not be appropriately established to accomplish such purposes;
- d) The P D District, its Statement of Uses and Standards and the Initial Development Concept Plan applicable therein will be consistent with any comprehensive plan of development adopted by the Commission for the area in which it is located;
- e) The P D District encompasses a tract of land that complies with the size requirements of Par. 34.3.1 herein;
- f) The city streets and intersections are or will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;
- g) The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith;
- h) Any potential impacts regarding ecological and environmental conditions can be maintained within acceptable limits.
- i) If the P D District is currently zoned Office Park District, the proposed P D District will not result in any increase of the allowable "Maximum Total Impervious Lot Coverage as a Percent of Lot Area" and the street and property line setbacks, other than the Minimum Residential District setback, will not be reduced below fifty percent (50%) of that which is normally required.

34.10 Final Site Development Plans: Final Site Development Plans shall be submitted for approval by the Planning and Zoning Commission within six (6) months of the effective date of an adopted PD District or such longer time period as may be approved by the Commission, in conformance with and incorporating all the information required by the approved Initial Development Concept Plans. In addition to the requirements set forth herein, the Final Site Development Plans shall comply with all applicable provisions of Section 31 – Site Plans. Such Final Site Development Plans may be submitted in stages provided that such stages encompass not less than the minimum required tract size and includes all those public amenities and features used as a public protection for the surrounding area. Such stages shall be capable of complete and self-sufficient existence without the completion of the remaining stages. Six (6) copies of all Final Site Development Plans shall be submitted and shall include at least the following:

- a) **Site Plan** containing detailed layout information related to all site plan proposals contained in the Initial Development Concept Plans, plus an additional, schematic layout of building, drives and parking areas at a scale of 1 inch = 100 feet;

- b) **Architectural Plans** for each proposed building or other structure, including generalized floor plans, exterior elevations incorporating thereon all wall signs, including locations and dimensions, perspective drawings and descriptive information concerning exterior building materials, finishes and colors, including material samples if requested by the Commission.
- c) **Landscaping Plans** presenting in detail the landscaping treatments and materials and open space proposals contained in the Initial Development Concept Plans, including proposed grading, plant materials specifics and maintenance provisions;
- d) **Site Lighting** and illuminated signs shall be designed and positioned so as to minimize objectionable light at the property lines and visibility glare at any location on or off site. Externally lit signs, displays and aesthetic lighting must be lit from above. Light standards shall not exceed a height reasonable for the intended purpose. Lighting that infringes on adjacent properties must be shielded to prevent glare and light trespass. All nonessential lighting must be turned off after business hours, except for necessary security lighting. For site plans in excess of 20,000 square feet, a lighting plan prepared and sealed by a Connecticut-licensed professional engineer or acceptable, certified lighting professional must be submitted. It shall show all fixture locations, arrangements, types, U. ratios and foot-candle illuminance at five-foot intervals on the site.
- e) **Engineering Plans** presenting the detail designs and information supporting all the engineering elements of the Initial Development Concept Plans.
- f) **Legal Documents** required by these Regulations, including such things as covenants, restrictions, easements, bonds and certificates, if applicable.

34.10.1 Approval: The Commission may hold a public hearing on the Final Site Development Plan if in its estimation said Plan differs significantly from the Initial Development Concept Plan. Otherwise, the Final Site Development Plan shall be processed in the same manner as a site plan approval under Section 31 – Site Plans. Approval of the Final Site Development Plans shall be noted on said Plans which shall then be signed by the Chairman of the Planning and Zoning Commission with the date of approval indicated on the Plans. A complete copy of the approved, endorsed Plans shall be recorded in the Office of the Shelton City-Town Clerk.

34.11 Bonds: The petitioner shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the faithful performance of the site improvements work to be undertaken within the public rights-of-way, unless said improvements are bonded under the provision of the Shelton Subdivision Regulations. Said bond shall include driveway connections, sanitary sewer and water supply facilities, storm drainage and pollution control facilities, landscaping and other essential site improvements. In addition, a separate cash bond shall be posted to guarantee the proper installation, maintenance and repair of all sediment and erosion control measures in a timely fashion to the satisfaction of the Commission.

34.12 Certificate for Zoning Compliance: Prior to the issuance of any Certificate of Zoning Compliance to permit any occupancy of any increment of the development prior to final

acceptance of the entire development, the developer shall file with the Commission a performance bond, in form, amount and surety approved by the Commission, to guarantee the provision of all facilities common to the entire development. Said bond shall be constituted upon completion of all common facilities within one (1) year of the date of approval of the first such Certificate of Zoning Compliance. The Commission may extend the time of completion for an additional period not to exceed one (1) year after public hearing for good cause shown.

34.13 Additional Limitations: Adoption of a P D District by the Commission shall constitute approval of the Statement of Uses and Standards and will authorize uses, buildings structures and site development in accordance the approved Initial Development Concept Plan, subject to the subsequent approval of Final Site Development Plans and detailed specifications and conditions by the Commission. Failure to submit Final Site Development Plans within the specified time period or any approved extension thereof shall render the approved Initial Development Concept Plan null and void. The authorized Final Site Development Plan shall be completed within five (5) years from the effective date of said Final Site Development Plan, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission. If said extension is not granted, the right to construct said approved Final Site Development Plan shall expire at the end of said five (5) year approval period. Any such expiration of Initial Development Concept Plan approval or Final Site Development Plan approval does not automatically terminate the validity of the PD District. Therefore, upon any such expiration, the Commission shall be deemed authorized by the owner or owners of land within said P D District to take the necessary steps to amend these Regulations and the Zoning Map by deleting said P D District and re-establishing for such land the uses and standards previously applicable or the provisions of another appropriate zoning district. Until such time as this rezoning occurs, said PD District together with its adopted Statement of Uses and Standards continues to exist.

34.14 Modification of Adopted PD Districts: Following a duly noticed public hearing specifically conducted for that purpose, as originally required for the adoption of said PD District, the Commission may approve a significant change to the Final Site Development Plans and/or any provision, permitted use or standard contained in the Statement of Uses and Standards. Any minor modification or adjustment to the Final Site Development Plans that does not materially change the nature, scope or intensity of said Plans may be approved administratively by the Commission as a minor site plan modification. This procedure for modification effectively precludes any need for variance relief through the Zoning Board of Appeals since any provision or standard of said PD District may be modified if required by following the procedure set forth above.

SECTION 35 **DESIGNED RESIDENTIAL DEVELOPMENTS (DRD)**

- 35.1 Design Residential Developments (DRD):** A DRD is an alternative development that may be proposed by an Applicant and granted by the Commission as a Special Exception in accordance with the application procedure set forth in Section 23.7 as well as the requirements set forth herein. If said proposal also involves the creation of fee-simple lots and/or public streets, said proposal shall also conform to the City of Shelton Subdivision Regulations. It is the policy and intent of this Section to provide a voluntary mechanism and alternative design standards that will encourage the preservation of open space and protect agricultural lands, forests, wildlife habitat, contiguous protected areas, and the suburban character of the City of Shelton, through a mechanism that removes the constraints of traditional lot area, shape and frontage requirements and establishes a density standard for the applicable district, in an attempt to produce a flexible and economical alternative to conventional subdivisions.
- 35.2 Objectives:** The goal of this alternative mechanism is to achieve one or more of the following objectives:
1. To encourage a less sprawling form of community development that makes more efficient use of land, reduces land consumption, and preserves suburban character.
 2. To encourage designed residential developments by providing developers with an alternative that preserves open space and reduces infrastructure construction and maintenance costs due to a more compact subdivision design and road design flexibility, as well as opportunities for receiving a minor density increase.
 3. To mandate the use of private roads and streets maintained by a home-owner's association, thereby reducing future costs to the city for on-going maintenance of development infrastructure. At the specific request of the Commission, however, one or more proposed streets shall be constructed and dedicated as public streets to assure overall continuity in City-wide Street circulation.
 4. To preserve plant and animal habitat, wildlife corridors, and recreational opportunities by protecting large contiguous open spaces and connected corridors.
 5. To preserve views and reduce development spread along travel corridors by maintaining visual buffers and minimizing intrusions along existing public streets.
 6. To establish an efficient procedure which ensures high-quality design and planning that protects open space without increasing the processing time or the development cost to the Applicant or the City
- 35.3 Applicability:** The parcel of land on which the DRD is proposed shall be located in the R-1A, R-1 or R-3 Districts as officially delineated on the Building Zone Map of the City of Shelton.
- 35.4 Development Tract Size:** The Designed Residential Development option is available for any tract of residential land having a minimum area of 10 acres or more. Such tract shall have a minimum of 50 feet frontage on a City-accepted Street and must be of such shape that a square with a minimum side of 400 feet will fit within the limits of such tract.

Notwithstanding the above, the Commission may authorize utilization of a lesser tract area if the proposed open space satisfies one or more of the following:

- a) Such tract is abutting other protected open space or permanently protected agricultural lands and/or forests or other contiguous, protected area; or
- b) Such tract encompasses and results in the preservation and protection of one or more significant and/or unique features such as stone walls, significant ledge outcroppings, major trees having a diameter of not less than 24 inches, any unique and environmentally sensitive feature and/or other significant natural features; or
- c) Such tract makes proper accommodation of the Blue Dot Trail or similar trail system, if recommended by the Trail Committee/Conservation Commission.

35.5 Application Procedures and Standards: Applications for a DRD shall follow the procedures of and conform to the Standards set forth herein and in the City of Shelton Subdivision Regulations.

35.6 Minimum Open Space Requirements and Criteria. For purposes of this SECTION, "buildable land" is defined as the net remaining land after deducting delineated wetlands, steep slopes in excess of 25%, rock outcroppings, flood plains, above-ground utilities and vehicular rights-of-way. Said open space shall conform to the following:

- a) Open space shall be defined as land not developed for residential uses, accessory structures related to those residential uses, or shared recreational facilities, owned, maintained, and monitored by the entities identified below. Walking, hiking, and biking trails which are not paved and which have a pervious surface are not considered shared recreational facilities and can be included within the required minimum percentage of open space. Septic fields, as well as areas required for and used as storm-water detention basins, may not be used counted as part of the minimum required open space area. A minimum of 30% of the buildable land of the original parcel as determined above must be preserved as open space, but in no instance shall the minimum open space be less than one (1) acre in area.
- b) The minimum required open space shall not include footprints of shared recreational facilities. Shared recreational facilities shall be defined as accessory structures and improvements necessary and appropriate for educational, recreational, cultural social, or other nonresidential uses permitted in the underlying zone. Shared recreational facilities shall be allowed on common land and other open space not designated as part of the minimum required open space, as long as the requirements of the Shelton Zoning and Subdivision Regulations are satisfied.
- c) The applicant must demonstrate that not less than 75% of the minimum open space requirement is met by either a single contiguous parcel or by no more than two separate parcels of land, each with a minimum width of not less than 100 feet.
- d) The applicant must demonstrate that the proposed open space is directly, safely and conveniently accessible to the largest practicable number of lots within the development and that there is safe and convenient pedestrian access to said open space from those lots in the residential development that do not adjoin the open space.

35.7 Ownership, Maintenance and Protection of Open Space: Open space land shall be held, managed, and maintained by the developer until owned and controlled by the homeowners' association or other approved entity.

- a) **Ownership.** Open space shall be permanently protected and maintained by one or a combination of one or more of the following:
- 1) Conveyance to a Homeowners' Association. A homeowners' association is a private non-profit corporation, association, or other non-profit legal entity established by the developer. Membership in said homeowners' association shall be mandatory for property owners and made a required covenant in any deed issued or passed, or
 - 2) Private ownership protected by deed covenants and restrictions in perpetuity, and use limited to conservation, agriculture, forest and other uses consistent with the purposes of this regulation, or
 - 3) Conveyance to the City of Shelton upon acceptance by the Board of Aldermen or such other acceptable alternative that meets the spirit and intent of this Regulation and is approved by the Commission.

All common areas and improvements shall be described and identified as to location, site, use, and control in the covenant. Such covenant shall set forth the method of assessment for the maintenance of such land per best management practices. It shall provide voting and use rights for the open space when applicable and may charge dues to cover expenses, which must be acceptable to the Commission and/or City Corporation Counsel prior to issuance of a building permit. The cost of such mandated legal review shall be borne by the applicant. Any changes in such Articles of Association or Incorporation shall require the prior written approval of the Commission and City Corporation Counsel. The covenant shall be written so as to run with the land and become part of the deed to each lot or dwelling unit within the development. b. **Protection.** Conveyances of open space land to a homeowners' association will be subject to a permanent conservation easement granted to the City of Shelton and monitored by the Conservation Commission and shall include provisions for:

- b) **Protection.** Conveyances of open space land to a homeowners' association will be subject to a permanent conservation easement granted to the City of Shelton and monitored by the Conservation Commission and shall include provisions for:
1. No further subdivision.
 2. No residential or industrial development.
 3. No roads or commercial uses except for agriculture and forestry-related uses conducted according in accordance with Best Management Practices.
 4. Whether or not public access will be restricted or permitted.
 5. Monitoring and easement oversight by the City of Shelton or such other agent as may be assigned by the city (such as a land trust or other conservation organization).

35.8 Allowable Building Sites and Adjustments: The allowable number of building sites in an approved DRD shall be determined in accordance with the following criteria:

- 1) **Density:** The Allowable Number of building sites permitted in a DRD shall be

determined by dividing the Buildable Area of the tract by the minimum lot area requirement for the zoning district in which the development tract is situated. If the proposed DRD is located in more than one zoning district, then the total number of building sites allowed within the DRD shall be the sum of those allowed for the portion of land lying within each zoning district. The Allowable Number of building sites shall be rounded to the nearest whole number.

- 2) **Building Sites:** Individual building sites in a DRD can be smaller in size than lots required in a conventional subdivision, thereby leaving the remaining land as open space.
- 3) **Allowable Number Adjustments:** For selecting the option of a DRD rather than a conventional subdivision, the applicant is entitled to an Allowable Number adjustment of an additional five percent (5%) in the Allowable Number of building sites as determined under (a) above. In addition, the Commission may approve a further adjustment that increases the number of allowable building sites by an additional five percent (5%) per criteria as set forth below, not to exceed an additional ten percent (10%) adjustment. The total Allowable Number of building sites adjustment, including the initial adjustment and the additional adjustments, cannot exceed 15%. The applicant must provide evidence of meeting these criteria in the manner prescribed in Shelton Subdivision Regulations. The Commission shall have the final decision in the determination of total allowable building sites.
 - a) **Protection of additional open space:** If the proposed DRD protects 60% or more of the tract acreage as open space in perpetuity, the development may earn buildable sites increase of 5%.
 - b) **Protection of agricultural land:** If the development protects agriculturally valuable lands and provides permission for their use as such in perpetuity, the development may earn a buildable sites increase of 5%. The open space portion preserved for agricultural use must amount to a minimum of 50% of the minimum required open space, but not less than 5 contiguous acres. In order to be considered agriculturally valuable, the land must contain soils designated “prime” or of “statewide significance” by the US Natural Resource Conservation Service soil survey and the land must be reasonably accessible, or the land has been historically farmed within the last 10 years. The instrument granting use, acceptable to the Commission, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision is intended to protect agriculturally valuable lands for present and/or future agricultural use, and the fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus.
 - c) **Protection of forestland:** If the development protects more than 10 acres of sustainably managed forestland and provides permission for the protection as such in perpetuity, the development may be entitled to buildable sites increase of 5%. These restrictions shall be incorporated into the conservation easement granted to the City of Shelton. In order to be considered sustainably managed forestland, a management plan must be developed by a licensed Forester and approved by the State Forester.
 - d) **Public access:** If the public is granted access to the open space and use thereof,

the development may be entitled to a buildable sites increase of five 8 percent (5%). Public access must be restricted to pedestrian traffic only to be entitled to this building sites increase. The instrument granting such public access, as acceptable to the Commission, may reasonably restrict the use of motorized vehicles.

- e) **Protection of contiguous open space:** If the development protects open space that is contiguous with other protected open spaces on adjacent parcels, such that the total contiguous protected open space is more than 50 acres, the development may be entitled to a buildable sites increase of five percent (5%).

The process for determining the potential entitlement to increases in the Allowable Number of buildable sites are application requirements for receiving such Adjustment and are spelled out in these regulations. As noted above, the total permitted increase in the Allowable Number of building sites shall not exceed 15%. The Commission shall have the final decision regarding eligibility for such adjustments. In instances where the final Adjusted Number of buildable sites results in a decimal number, the number should be rounded to the nearest whole number.

35.9 Frontage and Setback Requirements. When “fee-simple” lots are proposed in a DRD, minimum lot frontage and setback requirements are reduced as compared to the lot standards for conventional subdivisions in order to allow increased flexibility and consolidated development so that additional open space is preserved in the development. Interior lots are permitted whenever appropriate. See Table 1 for minimum lot frontage and setback requirements for fee-simple lots. When building sites in a proposed DRD are proposed on land owned in common, setbacks from roads and drives and other standards shall also conform to the requirements set forth in Table 1 and building spacing shall be not less than the sum of the two required minimum sideline setbacks.

35.10 Setback from Tract Perimeter: Additional setbacks may shall be required where the perimeter of the original tract abuts streets and other private, non-open space areas. The intent of this setback is to provide appropriate visual protection where needed. The Commission may require designation of non-access restrictions along existing streets where deemed necessary. Said setback area shall provide natural vegetative buffering or be appropriately landscaped with planting materials as requested and approved by the Commission.

35.11 Off-Street Parking Requirements: A minimum of 2 off-street parking spaces shall be provided for each dwelling unit.

35.12 Road Design and Construction: Unless mandated otherwise, all internal development roads shall be private roads, owned and maintained by the Homeowner’s Association.

1. **Private Roads:** Private roads have opportunities for increased flexibility in design and construction and subject to approval by the Commission, City Engineer, Fire Department, and Police Department. Maintenance of private roads and associated storm water drainage facilities must be spelled out in the covenant of the Homeowners’ Association, subject to the Commission’s approval.
2. **Public Streets:** When so mandated as such by the Commission, such public street design and construction shall conform to the road design standards set forth in the

Subdivision Regulations as well as the specifications of the City of Shelton, as amended. In order to increase design flexibility, the Commission may consider alternative road design standards for DRDs, subject to the approval of the City Engineer, Fire Department, Police Department, and City Streets Committee of the Board of Alderman. The Commission may permit reduced road widths and the use of permeable pavement materials to reduce the amount of impervious surfaces in a DRD, subject to the approval of the City Engineer.

3. **Bonding:** Any public streets and all storm water detention facilities shall be bonded in accordance with standard City bonding requirements. Prior to the issuance of any Occupancy Permits, all non-public improvements shall be completed to the satisfaction of the Commission or shall be bonded to assure completion.

35.13 Utility Services: All utilities serving a proposed DRD shall be located underground.

- a) **Sanitary Sewage Disposal:** All proposed DRDs in the R-3 District shall be serviced by the municipal sanitary sewer system. In the R-1 and R-1A Districts, individual on-site septic systems meeting the requirements of and subject to the approval of the Naugatuck Valley Health District are permitted. In the case of individual septic systems, each lot shall meet or exceed the minimum lot size requirements set forth in Table 1 for such lots.
- b) **Water Supply:** Individual on-site house wells in a DRD may only be permitted in the R-1A District. All other DRDs shall be served by public water supply. Where allowed, on-site wells and water systems shall be installed and maintained in accordance with the standards of the Naugatuck Valley Health District.

**Table 1: Designed Residential Development
(Lot Size, Frontage, and Setback Requirements for Fee Simple Lots)**

	R1A & R-1 Districts	R-3 Districts
Minimum Lot Size	20,000 sq. ft. Individual Septic System / Municipal Sanitary Sewers and Public Water required	10,000 sq. ft. Municipal Sanitary Sewers and Public Water required.
Lot Frontage	20'	20'
Side Setback*	15'	8'
Rear Setback	30'	20'
Front Setback	30'	20'
Setback from tract perimeter property line	75'	75'

*Dwelling on land owned in common shall require a minimum spacing of 30'

SECTION 36
CENTRAL BUSINESS DISTRICT

- 36.1** **General:** The Central Business District (CBD) is an overlay zone encompassing the core of the area known as downtown Shelton and certain related fringe areas. The CBD overlay zone is also deemed to be a designated Special Development Area within which Planned Development Districts are eligible for consideration, consistent with the stated purpose, objectives, design intent and standards set forth herein. The CBD area is defined as encompassing the area bounded by the Housatonic Railroad Company R.O.W. and Canal Street West, Cornell Street, Howe Avenue, Route 8 Expressway, Coram Avenue, White Street, Perry Avenue, the former Wooster Street, Howe Avenue, and the southerly boundary of the Riverview City Park to the Housatonic Railroad Company R.O.W. Within this area, all pertinent standards of the existing, underlying zoning districts shall apply, except as stated herein.
- 36.2** **Purpose:** The purpose of the CBD is to promote and accommodate the revitalization and aesthetic enhancement of the area, consistent with:
- 36.2.1** The goals and objectives of Shelton's long-range Plan of Development and applicable Zoning Regulations.
 - 36.2.2** Enhanced economic development and growth opportunities.
 - 36.2.3** The public health, safety and welfare of the city.
 - 36.2.4** The re-establishment of a pedestrian friendly area with development of good aesthetic quality, producing a safe, attractive, cohesive and economically viable downtown Shelton.
- 36.3** Objectives of these regulations are to:
- 36.3.1** Make recommendations for an appropriate pattern and form of compatible land uses, precluding certain inappropriate and inconsistent uses and activities and to encourage, oversee and guide new development.
 - 36.3.2** Assist property owners and developers and review proposals to insure coordination with other existing and future development.
 - 36.3.3** Encourage State and local government to make necessary public infrastructure improvements.
 - 36.3.4** Encourage, assist and coordinate efforts of private and quasi-public groups, such as an association of downtown merchants as well as garden clubs, service organizations and others, in their efforts to help create an attractive, cohesive and safe downtown area.
- 36.4** **Permitted Uses:** Permitted uses are those allowed in the applicable, underlying zones, as set forth in SCHEDULE A – PERMITTED USES. Notwithstanding the above, however, within the delineated C.B.D. overlay zone the following are specifically prohibited:

- 36.4.1 Drive-up window services, except as part of a Planned Development District (P.D.D.).
 - 36.4.2 Residential dwelling units except as part of an approved P.D.D. or other designated residential district.
 - 36.4.3 Nursery schools and/or Child Daycare Centers.
 - 36.4.4 Motor vehicle sales, service stations, washing, repair garages and similar automotive sales and service facilities.
 - 36.4.5 Wholesale laundry, dry cleaning and dyeing plants.
 - 36.4.6 Warehousing and wholesale distribution activities.
 - 36.4.7 Commercial storage and distribution of fuel and bottled gas.
 - 36.4.8 Building contractors' businesses and storage yards, including lumber and building materials businesses.
 - 36.4.9 Freight and materials trucking businesses, bus terminals, etc.
 - 36.4.10 Tattoo, body-piercing and similar establishments.
 - 36.4.11 Pawn shops.
 - 36.4.12 Check-cashing businesses except as part of a bona-fide banking or financial facility.
 - 36.4.13 The sale and/or repair of firearms.
 - 36.4.14 Fleet storage, parking and/or maintenance of livery vehicles and equipment.
- 36.5 **Multi-Family Residential Development**: Within the CBD overlay zone, as part of a mixed-use development, high density multi-family residential units consisting of studio/efficiency, one- bedroom and two-bedroom units are permitted in the CA-3 and CB-2 underlying zones subject to the Approval of a Special Exception in accordance with the provisions of Section 33 of these Zoning Regulations. Units containing more than two bedrooms are not permitted. Business and professional offices in a dwelling unit plus customary and accessory recreational. Maintenance and similar facilities incidental to and in support of such residential development are also permitted. Such residential development shall conform to the additional standards set forth in Paragraph 33.12.
- 36.6 **Design Intent**: The intent of the design criteria set forth herein is to promote the creation of a revitalized CBD consisting of commercially sound and attractive development with visual integrity, using both architectural design and landscape design in concert with sound Site Planning, to result in a pedestrian friendly area with optimum visual and functional quality. Restoration and construction efforts should yield designs of optimum benefit and maximum impact, exercising care to blend old and new.

Standards and criteria are intended to produce aesthetic enhancement of buildings and

streetscape, with overall coordination of site and architectural design and construction treatment. All architectural designs and Site Plans must be reviewed and approved by the Planning and Zoning Commission for consistency with the above and compliance with applicable zoning standards.

36.7 Building Design & Construction: All exterior architectural design and treatment, including building materials, are intended to achieve compatibility with other buildings within and in the immediate proximity of the Downtown Shelton Central Business District. Several of the older buildings contain a legacy of rich, design detail. Although individual, the buildings are compatible with each other and constitute a visual whole. In order to preserve and enhance the existing architectural fabric of the area, any substantial reconstruction and all new buildings should complement this appearance. Consistent with the downtown streetscape, non-residential buildings should convey a vertical appearance through the use of vertical components. Facades should be articulated to reduce the massive scale and uniform appearance of commercial buildings, providing visual interest consistent with the scale and character of the downtown area. The intent is to encourage a pedestrian friendly scale, identified with Downtown Shelton. All new buildings as well as substantial renovation, rehabilitation and additions to existing structures shall conform to the following specific standards:

36.7.1 Building Form and Massing: On sites for new construction having a significant frontage on Howe Avenue and in particular on Howe Avenue between Bridge Street and Center Street, ground floor street setbacks of not less than 10 feet shall be provided to accommodate and encourage pedestrian circulation at the sidewalk level, encourage the creation of porticoes, arcades and sheltered entry areas, accommodate awnings and display windows and effectively break-up building facades into human scale elements. Intermittent architectural features such as projected windows may encroach up to three (3) feet into this setback area and not more than fifty percent (50%) of this area may be used for outdoor display, sales, dining and similar activities directly related to the abutting, interior space occupant. Wherever possible throughout the CBD, extensive exterior facades shall be visually reduced to human scale by fragmenting to create the impression of smaller or multiple structures.

36.7.2 Building Materials: Building exterior walls shall be brick or clay masonry units. Wood or metal siding featuring predominately painted exteriors is not permitted. Buildings should have architectural features, patterns and fenestration that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects and compliment the downtown character. These design features and elements shall be integral parts of the building fabric and not superficially applied trim, graphics or paint. All exposed and visible exterior walls shall feature characteristics similar to the front facade. All screen walls and other devices used to screen service areas, utility facilities, mechanical system features and components and other such features, from direct view, shall reflect or compliment the building materials and finished in a manner complimentary to the overall architectural design.

All roof-mounted mechanical equipment shall be screened from view by parapet walls or appropriate screening. Where flat roof areas can be viewed from above, care shall be taken to group together all roof vents, pipes, mechanical equipment, etc., and painted to match the roof color in order to minimize their appearance.

36.7.3 All sidewalks shall be of Portland-cement concrete, brick or masonry pavers or other approved equal and shall comply with the City's Sidewalk Ordinance #520. Walkway scoring patterns shall be as approved by the Commission. Sidewalks immediately adjacent to buildings and providing customer access thereto shall have a clear width of eight (8) feet, unobstructed except for roof supports, if any. All other walkways shall provide a clear width of not less than five (5) feet.

36.8 Site Design: All Site Plans shall be consistent with and generally conform to any adopted Development Plans for the Shelton CBD area relative to building locations, access/egress drivers, curb cuts, sidewalks, landscaping and other significant site features, as well as other requirements of the Zoning Regulations. The following criteria and standards shall apply.

36.8.1 Building Location: To preserve a continuity of development and enhance pedestrian circulation, buildings shall, in general, be positioned at the back of the public sidewalks, but accounting for the need to setback the ground floor level as provided for under 36.7.1 above. Significant interruptions in street facades shall be avoided except for necessary drives and public plazas and other landscape features.

36.8.2 Access and Circulation: Vehicular access directly from Howe Avenue shall be avoided, if possible, especially in the area from White Street to Cornell Street. Internal vehicular circulation shall relate to and accommodate consistent and safe pedestrian circulation. Attractive walks, promenades, arcades and such shall be provided as a pedestrian linkage to the public sidewalk system. Driveways shall be designed to get vehicles safely and conveniently off the public street system.

36.8.2.1 All curbing shall be stone, poured-in-place, precast or extruded Portland cement concrete or other approved equal. Bituminous concrete curbs shall not be used. No curbing shall be painted except when mandated for safety purposes and only with the approval of the Commission.

36.8.2.2 All sidewalks shall be of Portland cement concrete, brick or masonry pavers or other approved equal and shall comply with the City's Sidewalk Ordinance #520. Walkway scoring patterns shall be as approved by the Commission. Sidewalks immediately adjacent to buildings and providing customer access thereto shall have a clear width of eight (8) feet, unobstructed except for roof supports, if any. All other walkways shall provide a clear width of not less than five (5) feet.

36.8.2.3 Landscape features and planting areas shall be used to control parking patterns, to separate vehicular and pedestrian circulation as needed and to aesthetically enhance pedestrian walks, arcades and excessive expanses of building walls and facades.

36.8.3 Landscaping:

36.8.3.1 Parking area planting pockets and islands shall have a minimum width of four (4) feet with trees and plantings so arranged to be safe from damage from automobile overhang. Tree pockets in walkways shall be four (4) feet square and covered with

brick, block or other approved pavers.

36.8.3.2 Foundation, border or other planned landscaping shall be native tree varieties. Flowering or other deciduous plant materials shall be used for accent purposes only.

36.8.3.3 On-site trees shall be nursery-grown, native trees or other approved variety of flowering or shade tree, with spacing and location as approved by the Commission. Trees shall have a 2.5 - 3.0-inch minimum caliper and eight (8) foot trim line with single, straight trunk.

36.8.3.4 Street trees shall be nursery-grown, native trees as approved by the Tree Warden, typically 50 feet on center maximum, with a 3.0 - 3.5 inches minimum caliper and eight (8) foot trim line with single, straight trunk.

36.8.3.5 All landscaping areas, except tree pockets in walkways, shall be mulched with bark, wood chips or other approved material.

36.9 **Other:** All loading areas, service yards, dumpster enclosures, etc. shall be screened from view to a height of not less than five (5) feet, utilizing durable materials consistent with and complimenting to the overall building design. Dumpster enclosures shall be provided and appropriately gated. In general, the use of individual rubbish containers placed in the street and/or sidewalk area shall be avoided. Ground mounted mechanical equipment, including transformers, that may be visible from any primary visual exposure shall be screened with either plantings or an acceptable, durable enclosure. Transformer enclosures shall be designed of materials acceptable to the utility company, with finishes and colors, which are harmonious with the overall architectural theme. Adequate space (10-15) feet in front of doors will be needed by the utility company.

36.10 **Signage Controls:** The following criteria and standards are intended to promote an attractive business climate while enhancing the physical appearance, visual integrity and aesthetics of the CBD.

In general, signs shall be professional in appearance and construction and shall be restricted to individual business identification and located on the building structure. In unique situations, a directory sign identifying groups of businesses may be permitted. Freestanding ground signs are not allowed, except when associated with off-street parking facilities accessed from other than Howe Avenue. The use of eye-catching graphics, caricatures and similar devices, except as a temporary sign for limited periods and special events, are not allowed. Any interior sign applied to or located within twelve (12) inches of the inside surface of any window and designed or intended to be viewed from the exterior shall be considered a sign and subject to the provisions and limitations set forth below.

36.10.1 **Maximum Size:** The total of all signs attached to a wall of a building shall not exceed 1.5 square feet for each linear foot of building frontage or tenant-occupied portion of such frontage, whichever is less. If for any reason, no portion of a building is located less than 65 feet from a street line, one freestanding ground sign not exceeding 25 square feet shall be permitted on said street frontage, provided the area of such ground sign is included within the above total and provided further that such sign shall be located not less than 10 feet behind said street line. In addition to the above, rear entrance signs facing private parking

areas shall be permitted provided they do not exceed one (1) foot for each linear foot of building fronting on said private parking- area to which the building enjoys right of access. Also, permanent window and door signs not exceeding 15% of the window surface to which it is applied shall be permitted, provided such sign shall be confined to lettering and insignia logo only. Temporary window signs shall also be permitted, but not exceeding 35% of each of no more than two (2) window surfaces to which they are applied, adjacent to the main building /tenant's space entrance. Such signs are not permitted on the same window as a permanent window sign. No permit is required for any window sign.

36.10.2 Location: No sign shall be located on the roof of any building or on any exterior wall so as to project above the top of said wall at the location of the sign. No business sign shall face any lot line of an immediately adjoining lot in a residence zone within forty (40) foot distance. A sign may be affixed only to that portion of a building or structure wall, which encloses the use to which the sign pertains.

36.10.3 Height: Freestanding ground signs shall not exceed twelve (12) feet overall above the ground surface where located. Any sign that might interfere with a driver's vision shall have a clear space of at least seven (7) feet under the bottom of the sign, measured above the centerline of the intersecting street. Wall signs shall not exceed a height of three (3) feet.

36.10.3 Illumination: A sign may be illuminated if the illumination is confined to, or directed to, the surface of the sign. The sign shall be so designed and shielded that the light sources cannot be seen from the street or from any adjacent residential zone. Interior illumination of a sign shall not be permitted unless such illumination is confined to individual letters only.

36.10.4 Design and Lettering: Signs shall harmonize with the building and established development and in accordance with any Commission recommendations. All tenant store units in the same building or in an integrated shopping complex shall be uniform in design and placement. No more than three (3) different colors, including black and white shall be used in any sign and no more than two (2) different colors shall be used in lettering. With the exception of individual, wall-mounted letters, lettering shall be no larger than 18 inches in height. Lettering of permanent window and door signs shall not exceed nine (9) inches in height. Where the use of exterior wall signs are deemed inappropriate with respect to building design or in consideration of street corner buildings, the lettering height of permanent window signs may be increased to 15 inches and the percentage of window coverage increased from 15% to 20%, provided that all letters are either applied to the window or mounted on a clear sign panel suspended behind the window. Multiple tenant ground signs (directory) shall be letter signs only and contain no more than five (5) signs panels per sign. All such lettering shall not exceed 8 inches in height and shall be of one case and one style.

36.10.5 Temporary Signs: The exterior use of temporary signs or other eye- catching devices such as pennants, banners, streamers, searchlights, portable ground signs, sale signs and special promotion signs may be allowed for up to a four (4) week period, not to exceed once in any six (6) month period, with specific approval of the Commission, under a permit issued for special events such as grand openings, new management, and special promotional events. No sign or device

held in the air by balloon or other means and no searchlights shall be permitted.

36.10.6 Other: Poster areas will be allowed in groups of structures and/or tenant outlets as approved by the Commission. Such poster areas shall not be considered signs in computing sign area. Any sign that is the structure, building or any part thereof, or any associated structure designed to symbolize and/or identify by its shape or color a particular product, service, organization or business is prohibited.

36.11 Parking: The Shelton Parking Authority has established municipal, off-street parking facilities throughout the Downtown CBD area. In recognition thereof, the Commission may waive the provision of all or a portion of the off-street parking specified by the Zoning Regulations for non-residential uses, provided that a Statement is obtained from the City's Designated Agent confirming that an adequate number of off-street parking spaces are available in existing facilities and that the Commission finds that such spaces are conveniently located and in close proximity to the proposed development/use. For residential and mixed-use developments, the Commission may permit a reduction in the total number of on-site parking spaces in accordance with the provisions of Paragraph 33.12.5 of the Zoning Regulations. All off-street parking facilities shall provide appropriately located and designed handicapped parking spaces meeting A.D.A. requirements and applicable codes.

36.11.1 Layout: The layout and landscaping of all parking facilities shall be subject to the approval of the Commission. Wherever possible, the ends of parking rows shall be controlled with raised and curbed landscape islands. In general, not more than two aisles and four rows of parking shall be permitted without a linear, raised and curbed landscape strip having a minimum width of eight (8) feet. The above noted landscape features may be modified by the Commission where necessary to account for unique site conditions.

36.11.2 Lighting: to require use of LED standards.

36.11.3 Lamps: All lighting shall utilize Mercury Vapor, metal halide or high-pressure sodium vapor lamps and shall be consistent within a single development.

36.11.4 Posts: Posts shall be metal not less than 6 inches square or in diameter, with a dark finish. Maximum height for area lighting shall be 16 feet.

36.11.5 Fixtures: Fixtures shall be horizontally placed and installed in one, two or four lamp clusters. All light sources shall be shielded and directed to minimize spillover into the night sky or onto adjacent residential properties. Intermittent and sporadic lighting is not allowed.

36.12 Utilities: All electrical power, telephone, cable and similar services shall be located underground. Transformers, utility cabinets and similar ground-mounted equipment shall be appropriately located and subject to Commission approval.

36.13 Application Submissions and Procedure: All applications for improvements, renovations, proposed uses, use changes and occupancy changes shall be made to the Commission as an Application for Site Plan Approval under Section 31. A detailed statement of use addressing the nature of the intended occupancy shall accompany all

applications. For simple changes in occupancy to another identical or substantially similar use with no building or facade changes, other than signage, and no site alterations, the Commission may waive the submission of site and/or architectural drawings. However, detailed signage plans and schematic floor plans must be submitted.

36.13.1 Architectural Plans: Except as may be modified or waived by the Commission, all applications involving new construction, substantial exterior renovations and alterations shall be accompanied by appropriate drawings, including elevations, representing building facade designs, details and materials, fenestration organization, overall heights, floor to floor and other pertinent dimensions, window treatments, signage design, graphics and colors, etc., all drawn to an accurate scale. "... An accurate scale. A streetscape rendering and/or photographs, outline specifications describing..." Outline specifications describing the proposed building materials and building envelope system shall be provided.

36.13.2 Procedure: All applications are subject to the review and approval of the Commission, adhering to time limits prescribed in these Regulations. The Downtown Sub-committee and / or the Commission may provide assistance and guidance to applicants, property owners and others, may solicit assistance from an informal planning advisory committee, and in its review of site and architectural plans and proposals, may consult with the Citizens Advisory Committee, the Shelton Economic Development Corporation and the City's Designated Parking Agent. Any reports and recommendations shall be entered into the Commission's records and considered by the Commission in rendering its decision.

CHAPTER IV **GENERAL REQUIREMENTS**

SECTION 41 - NONCONFORMITY

- 41.1 General:** Any use of land, buildings and other structures and any building or other structure, lawfully existing on the effective date of these Regulations or any amendment hereto, and which does not conform to one or more of the provisions of these Regulations, may be continued in accordance with the following provisions hereinafter specified.
- 41.2 Enlargement:** No nonconforming use, building or structure shall be enlarged and no nonconforming use of land, buildings or other structures shall be extended to include any land, building or other structure, or portion thereof, which is not subject to such nonconformity. Any nonconforming use of a building or other structure, or portion thereof, however, may be extended to include any portion of the building or structure manifestly designed for such use.
- 41.3 Change in Use:** No nonconforming use, building or other structure, if once changed to conform to these Regulations, shall thereafter be changed so as to be nonconforming again. No nonconforming use, building or other structure, if once changed to more nearly conform to these Regulations, shall thereafter be changed so as to be less conforming again.
- 41.4 New Use:** No nonconforming use of land, buildings and other structures shall be changed to another use unless such new use is substantially the same in nature and purpose as the original nonconforming use or is a conforming use.
- 41.4.1 Additional Accessory Uses:** Subject to the securing of a SPECIAL EXCEPTION in accordance with the provisions and procedures of SECTION 33 of these Regulations, any pre-existing, non-conforming use located in a Residential District and any property situated adjacent to and contiguous with a commercial zone may be expanded in scope to include such incidental accessory uses which are customary, suitable or associated with said non-conforming use and subject to the following additional standards and conditions:
- a) The accessory use shall be located on the same lot with the permitted, pre-existing non-conforming use to which it is accessory.
 - b) The proposed accessory use must be one, which would have been permitted in the adjacent commercial zone.
 - c) The street serving the proposed use shall be deemed adequate to accommodate the additional activity.
 - d) The additional activity shall not increase existing or create new potential adverse impacts on adjacent residential areas. Existing transition areas and

buffer strips shall not be compromised to make space for the expanded activity.

- 41.5 Discontinuance:** No nonconforming use of land, buildings or other structures, which shall have been discontinued for a continuous period of one (1) year and thereafter be resumed or be replaced by any other nonconforming use.
- 41.6 Repair:** Nothing in this Section shall be deemed to prohibit work on any nonconforming building or structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or structure or replacement of existing materials with similar materials.
- 41.7 Casualty:** Nothing in these Regulations shall prevent the restoration or reconstruction of a building or other structure damaged or destroyed by fire or other casualty, provided that such restoration does not extend the nonconformity and is commenced within eight (8) months after the date of the fire or other casualty and is completed within two (2) years after such date, which periods may be extended by the Zoning Board of Appeals for good cause shown.
- 41.8 Title:** No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.
- 41.9 Lots:** Nothing in these Regulations shall prevent the construction, enlargement, extension or structural alteration of a building or other structure on or the use of a lot, as defined in Section 5, which does not conform to the area, shape and frontage requirements of these Regulations, subject to the following standards and conditions:
- 41.9.1** The use, building or other structure shall conform to all other requirements of these Regulations.
- 41.9.2** The use shall not be a use for which a Special Exception is required in SCHEDULE A.
- 41.9.3** The lot shall have a frontage of twenty (20) feet or more on a street as defined in Paragraph 5. 30 or on a street approved by the Board of Aldermen under the provisions of an ordinance entitled "An Ordinance Regulating the Issuance of Building Permits for the Erection of Buildings or Structures on Unaccepted Highways or Streets."
- 41.9.4** If used for a dwelling, the lot shall contain the minimum area required per dwelling unit, but the lot may be used for a single detached dwelling for one (1) family provided that the lot has a minimum area of 5,000 square feet and is served by sanitary sewers or has a minimum area of 10,000 square feet if not served by sanitary sewers.

41.10 Trailers and Trailer Parks: Any trailer lawfully existing on the effective date of this Paragraph and used or occupied as a dwelling may continue to be used or occupied but may not be replaced by a new trailer unless located in a trailer park that complies with the provisions of this Paragraph and any applicable Ordinances of the City of Shelton. Any trailer parks lawfully existing on the effective date of this Paragraph are deemed to be nonconforming and may be continued only in compliance with all applicable Ordinances of the City of Shelton and subject to the following provisions and requirements:

41.10.1 Within 60 days after the effective date of this Paragraph, any person operating a trailer park shall submit to the Planning and Zoning Commission a request for approval of the non-conforming status of said trailer park. Such request for approval shall include the following:

- a) Name and address of applicant and name and address of property owner or other person, if different than applicant.
- b) A plot plan drawn to scale, showing the size of the trailer park, roads within the park, size, shape and identification number of the prepared and usable trailer sites and supporting facilities. The plot plan shall include only those trailer sites, which are deemed to be prepared and usable, abutting on an improved access road and served by an adequate, piped central water supply system.
- c) A signed statement from the Lower Naugatuck Valley District Public Health Department or its successor, certifying that satisfactory provision has been made for water supply, sewage disposal and refuse collection for all prepared and usable trailer sites.
- d) Proof of ownership, option or valid lease.
- e) See Fee of Schedule

Upon the approval by the Planning and Zoning Commission, the applicant shall submit for the Commission's information related to the occupancy of each trailer site, by site identification number, including full name of trailer owner, make, model, size and year of trailer, State in which registered, date the lot number was rented if within past 12 months and date trailer was removed from lot number, if within past 12 months.

Failure to comply with the requirements of this Paragraph shall be deemed a violation of these Regulations and the trailer park shall be discontinued until the requirements are met.

41.10.2 A person may submit to the Planning and Zoning Commission an application to rearrange and/or expand an existing trailer park. In addition to the requirements set forth in 41.10.1 above, a detailed Site Plan shall be submitted in accordance with the following provisions, requirements and site development standards; said plan shall be prepared by a registered, professional engineer at a scale of not less than 1" equal to 4' feet:

- a) All proposed improvements and site requirements shall apply to the entire trailer park, including all existing trailer sites.

- b) The density of the trailer park shall be such as to prevent overcrowding of the land and to provide light, ventilation and open areas for each trailer. Based upon the gross area of the park, the number of individual trailer sites shall not exceed eight (8) per gross acre. The minimum area of any trailer site shall be not less than 3,500 square feet with no dimension less than (4) feet. The maximum total number of trailer sites in any trailer park shall not exceed 150 sites.
- c) Each trailer site shall be defined by permanent corner displaying the lot number corresponding with any plot plan on file with the City/Town Clerk.
- d) There shall be a minimum 20 feet of clearance between each trailer.
- e) All trailer sites shall have a minimum frontage of 25 feet on a roadway of not less than 24 feet in width.
- f) At least two (2) paved, off-street parking spaces shall be provided per trailer site.
- g) The park shall be graded and drained to insure adequate removal of surface and subsurface water. All roads in the park shall be paved, drained and maintained in good condition.
- h) No trailer shall be located closer than fifty (50) feet from any street line and no closer than 100 feet from any other property line.
- i) Along and adjacent to all property lines, a strip of land not less than 50 feet in width shall be left in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense, evergreen buffer strip within five (5) years.
- j) The individual sites and the park shall comply with all other requirements of the State Building Code on Mobile Homes.

41.10.3 A person may submit to the Planning and Zoning Commission an application to relocate an existing trailer park to another site. Said Application shall be processed as a SPECIAL EXCEPTION in accordance with the requirements and procedures set forth in SECTION 33. In addition, the detailed Site Plan for the proposed park shall be prepared by a registered professional engineer drawn at a scale of not less than 40 feet to the inch, and conforming to all of the provisions, requirements and standards set forth in Paragraph 41.1 0.2 above.

41.11 Sand and Gravel Removal: Any use involving the excavation, or removal from any lot, of earth, loam, topsoil, sand, gravel, clay or stone and lawfully existing on the effective date of this Paragraph may be continued provided that within one (1) year after such effective date a temporary Special Exception for such excavation or removal shall have been secured from the Planning and Zoning Commission in accordance with all of the requirements of SECTION 32 of these Regulations. Failure to comply with the requirements to secure a temporary Special Exception within the one (1) year period shall be deemed a violation of these Regulations and the excavation or removal shall thereafter

be discontinued. The one (1) year deadline, however, shall not become effective until the Planning and Zoning Commission has published a notice of such deadline in a newspaper of general circulation in the City at least 60 days in advance of the end of the one (1) year period or in advance of a later date set forth in the notice. The provisions of this Paragraph shall not apply to excavation or removal operations specified in Paragraph 32.2 as excluded from the provisions of SECTION 32.

41.12 Elimination or Modification: Nothing in this Section shall be deemed to prohibit the elimination of a nonconformity. Subject to the provisions of Paragraph 41.4, any nonconforming use, building or other structure may be modified so as to be less nonconforming provided that all other requirements of these Regulations are met.

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SECTION 42 **OFF-STREET PARKING AND LOADING**

- 42.1 General:** It is the purpose and intent of this Section to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this Section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this Section. All off-street parking and loading spaces hereafter established, whether required to be provided by this Section or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a Site Plan or Special Exception under these Regulations.
- 42.2 Parking Space Standards:** Off-street parking spaces shall be provided in accordance with the following minimum standards. Parking must be located on the same lot as the use it serves unless the Commission approves parking on another lot as authorized herein as part of a Site Plan or Special Exception approval. In no case shall require spaces be located more than 500 feet from the entrance to the use they serve. As required by the Americans with Disabilities Act (ADA), designated parking for disabled persons shall be provided for all uses. Each such space shall be marked with one international accessibility symbol and posted with a sign in accordance with the ADA. Said space shall be located as close as practical to an accessible entrance to the use it serves. Striping specifications for said spaces shall comply with the ADA and its sign must be placed so that it is not obscured by a vehicle parked in that space. All off-street parking requirements shall not be subject to variance by the Zoning Board of Appeals without the consent of the Commission.

Residential, Public and Semi-Public use		
	<u>Use Classification</u>	<u>Minimum Spaces Required</u>
1	Dwellings containing one or two dwelling units:	Two (2) spaces per dwelling unit (DU):
2	Dwellings containing three (3) or more owner-occupied (condominium) DUs:	Two (2) spaces per dwelling unit plus 0.5 visitor spaces per unit
3	Dwellings containing three or more rental apartment DUs:	
	a. Efficiency/Studio DUs:	One and one quarter (1.25) parking spaces per rental apartment unit
	b. One & two bedroom DUs:	Two (2) parking spaces per rental apt. unit for the first five (5) DUs. After the first five (5) DUs, one and one half (1.5) spaces per rental apartment DU.
	c. Three or more bedroom DUs:	Two and one half (2.5) parking spaces per rental apartment DU
	d. Visitor parking:	In addition to the above, one (1) visitor space per two (2) rental apartment units.
4	Community residence, rooming houses or rooms to let in a dwelling unit:	One (1) parking space for each guest room, bedroom or rooming unit.
5	Customary Home Occupation	In addition to residential requirements, one (1) space for each non- resident employed and one (1) additional space.
6	Professional Office in a DU:	In addition to residential requirements, one (1) space for each non-resident employed and one (1) additional space
7	Places of worship, clubs & lodges:	One (1) space per 10 linear feet of pew/bench and/or four (4) fixed seats in the main assembly room or one (1) space for each twenty (20) square feet in the main assembly room.
8	Country clubs, swim clubs and similar recreational uses:	One (1) space per each three (3) persons, based on recreational uses: the maximum capacity of all facilities capable of simultaneous use, as determined by the Manager and agreed upon by the Commission.
9	Hospitals, convalescent homes, nursing homes and similar facilities:	One (1) space for each three (3) patient beds one (1) space for each 1.5 employees

Commercial and Industrial Sales, Service and Manufacturing Use		
	<u>Use Classification</u>	<u>Minimum Spaces Required</u>
1	Art gallery:	One (1) space for each three hundred fifty (350) square feet of gross floor area.
2	New and used automobile, boat, camper or similar vehicle sales or rental business:	One (1) parking space for each one thousand (1,000) square feet of gross land area used for sales and display purposes
3	Barber or beauty shop:	One and one half (1.5) parking spaces for each work station
4	Bank, financial institution, public or private utility office:	One (1) parking space for each two hundred (200) square feet of gross floor area
5	Bed and breakfast establishment:	One (1) parking space for each guest unit in addition to parking requirements for the owner/occupant
6	Billiard parlors:	One (1) parking space per one and one half (1.5) billiard tables
7	Bowling alleys:	Four (4) parking spaces for each bowling lane
8	Bus depots:	One (1) parking space for each one hundred (100) square feet of waiting room space
9	Business or professional offices:	One (1) parking space for each two hundred fifty (250) square feet of gross floor area
10	Carwash:	Vehicle stacking space for not less than five (5) vehicles per washing station and sufficient parking to satisfy the needs of all services provided, plus not less than one (1) space per employee on the maximum work shift.
11	Self service cleaning or laundry use or similar personal service use:	One (1) parking space for each two (2) cleaning, washing and/or drying machines.
12	Cleaning Plant:	One (1) parking space for each three hundred (300) square feet of gross floor area
13	Automotive services, repair shops, garages, wholesale uses:	One (1) parking space for each two hundred (200) square feet of gross floor area (including display)
14	Convenience markets:	One (1) parking space for each two hundred (200) square feet of gross floor area
15	Day nursery or nursery school:	one (1) parking space for each staff member plus convenient parking for drop-off and pickup at the ratio of one (1) space for each five (5) students of the peak enrollment session, but no less than five (5) such spaces.
16	Dry cleaner's store:	One (1) parking space for each two hundred (200) square feet of gross floor area
17	Drive-through uses:	
	a. Bank or financial:	Vehicle stacking for not less than five (5) vehicles.

	b. Food Establishments for the sale or consumption of food or beverage on the premises with more than sixteen (16) seats:	Vehicle stacking for not less than four (4) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
	c. Food Establishments for the sale or consumption of food or beverage on the premises with sixteen (16) seats or less:	Vehicle stacking for not less than six (6) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.
	d. Convenience markets:	A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
	e. Dry cleaning store:	A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
	f. Pharmacies:	A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window
	g. Other:	A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window; the Commission may require additional stacking area for typically high activity drive-thru uses.
18	Food store, supermarket:	One (1) parking space for each one hundred fifty (150) square feet of gross floor area for buildings up to 10,000 square feet gross floor area plus one (1) space for each additional two hundred (200) square feet of gross floor area in excess of ten thousand (10,000) square feet gross floor area.
19	Furniture and/or appliance stores:	One (1) parking space for each seven hundred fifty (750) square feet of sales display area
20	Gas service stations:	One (1) stacking space per two (2) pumps, plus two (2) parking spaces per service bay
21	Golf courses (private and public):	Six (6) parking spaces per green
22	Gymnasiums and health studios:	One (1) parking space per three hundred (300) square feet of exercise area
23	Hotels, motels:	One and one quarter (1.25) parking space per guest unit
24	Manufacturing or industrial uses, including office or other incidental operation on the site:	One (1) parking space for each 1.5 employees but not less than 1 parking space per 750 sq. ft. of gross floor area
25	Medical or dental offices:	One (1) parking space per two hundred (200) square feet of gross floor area
26	Miniature golf courses and/or golf ranges	One and one half (1.5) parking spaces for driving each hole of the course and/or driving range station.

27	Mortuaries, funeral homes:	One (1) parking space per three (3) persons of maximum capacity as determined by the Fire Marshall, but not less than 15 spaces per viewing room, plus one (1) space per each commercial funeral vehicle
28	Heavy equipment and machinery sales	One (1) parking space per one thousand (1,000) square feet of outdoor land display area and/or one (1) space for each 750 sq. ft. of gross floor area
29	Planned shopping centers:	Four (4) parking spaces per 1,000 sq. ft. or as approved by the P&Z Commission
30	Plant nursery, garden shop:	Five (5) parking spaces plus one (1) additional parking space for each two thousand (2,000) square feet of sales or display area
31	Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than sixteen (16) seats:	One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each 50 square feet of patron bar and/or cocktail lounge area.
	Restaurant primarily for sale of food and beverages off premises with sixteen (16) seats or less:	One (1) parking space for each two hundred (200) square feet of gross floor area
32	Retail, general:	One (1) parking space for each two hundred (200) square feet of gross floor area
33	Skating rinks, dance halls/dance studios	One (1) parking space per two hundred fifty (250) square feet of gross floor area
34	Theater or auditorium:	One (1) parking space for each three (3) seats in the main assembly room
35	Warehouse and distribution industry:	One (1) parking space for each two thousand (2,000) square feet for the first twenty thousand (20,000) square feet; one (1) parking space for each four thousand (4,000) square feet of floor area of the remaining building area
36	Wholesale:	One (1) parking space for each five hundred (500) square feet of gross floor area

Handicapped Parking Spaces		
-	<u>Use Classification</u>	<u>Minimum Spaces Required</u>
1	Designated parking for disabled persons shall be provided for all uses as designated by the Americans With Disabilities Act.	Each handicapped space shall be marked with an international accessibility symbol and posted by a sign in accordance with the Americans with Disabilities Act and located as close as practical to an accessible entrance to the building. The sign must be placed so that it is not obscured by a vehicle parked in that space. The striping specifications for handicapped spaces shall comply with the Americans with Disabilities Act. The total number of required parking spaces shall be determined by the Building Official.

Other Uses Not Specifically Covered Above

The Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intent of this SECTION 42.

- 42.3 Loading Space Standards:** Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.
- 42.4 Classification of Uses:** Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.
- 42.4.1 Municipal Parking Facilities:** In the Central Business Core area (CBCA) / Central Business District overlay zone, a significant supply of municipal off-street parking is available under the direction of the Shelton Parking Authority. Therefore, any required parking not available on-site may be satisfied in part through an agreement with said Shelton Parking Authority to provide all or a portion of said required parking. In lieu thereof, under the provisions of the Connecticut General Statutes and in accordance with policies and procedures of the City of Shelton, an applicant may enter into an agreement with the City for payment in lieu of providing all or a portion of said required parking and reserving said spaces in available, municipal off-street parking facilities, provided said facilities are in close proximity to the area of need
- 42.4.2 Shared Parking:** For mixed-use developments involving multi-family residential uses in combination with other appropriate non-residential uses, the Commission may allow a credit for shared parking. For studio and one-bedroom apartments, said credit shall not exceed 0.5 spaces per dwelling unit and for two or more-bedroom apartments, said credit shall not exceed 1.0 spaces per dwelling unit. The Commission at its sole discretion may deny such credits where the peak demand of the non-residential use occurs in the evening hours.
- 42.5 Joint Use:** Except where the required parking must be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. Acceptable evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.
- 42.6 Modification of Standards:** The Commission may, in connection with the approval of a Site Plan or the granting of a Special Exception, authorize a lesser number of off-street parking and/or loading spaces than specified in Par. 42.2 and 42.3 or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission

determines that the following standards and conditions are met:

- 42.6.1** The number of spaces provided on the Site Plan are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the Application for a Certificate of Zoning Compliance;
 - 42.6.2** There is sufficient and suitable area on the lot to provide in the future the full number of spaces specified in Par. 42.2 and 42.3;
 - 42.6.3** That any spaces located on another lot are conveniently accessible to persons normally using or visiting the use and that traffic congestion and on-street parking and loading will not result; and
 - 42.6.4** The authorization shall be applicable only to the particular use or occupancy of land, buildings and other structures specified in the Application for a Certificate of Zoning Compliance and approved by the Commission. Such authorization shall become null and void upon any change in the use or occupancy to another use or occupancy.
- 42.7 Design and Construction Standards:** All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:
- 42.7.1 Dimensions:** Each parking space shall constitute an area of such shape as to contain a rectangle of not less than nine (9) feet by 20 feet, with vertical clearance, access and slope as to accommodate one (1) automobile. For spaces located in or on a building or structure, said rectangle may be reduced to an area of 160 square feet. When the end of a parking space is adjacent to and capable of overhanging a curbed, sidewalk, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop. Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.
 - 42.7.2 Access:** Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of a public street right-of-way and can exit onto the street in a front forward direction; the front forward exit requirement shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, an office in a dwelling and rooms to let in a dwelling when the sole driveway access to such spaces does not connect to a State Highway. No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way to back into such space. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Off-street parking facilities shall be designed in accordance with acceptable standards of layout and design and as necessary to satisfy the Connecticut Building Code for handicapped spaces.

42.7.3 Improvement: All off-street parking and loading spaces shall be suitably improved, graded, stabilized, drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. Except as may be otherwise authorized at the sole discretion of the Commission, the entire parking area, including parking spaces and maneuvering lanes, shall be surfaced with bituminous concrete or Portland cement concrete in accordance with specifications approved by the City Engineer. The Commission may authorize an alternative pavement and/or surface treatment or may defer the installation of all or some portion of final pavement and/or curbing provided suitable arrangements are made to assure completion of such pavement/curbing when so ordered. In commercial and industrial districts, when recommended by the City Engineer and approved by the Commission, curbing shall be constructed of Portland cement concrete.

42.7.4 Layout: All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. A "parking bay" consists of two (2) parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and changes of use shall be provided with sufficient handicapped parking spaces as required by the Connecticut State Building Code. Location, design standards and identification signage for such spaces shall comply with said Code. Provision shall be made for safe and convenient use of all parking spaces and for circulation within parking areas as follows:

- a) By provision of suitable circulation driveways giving access to parking aisles and spaces;
- b) By provision for safe pedestrian circulation within parking areas;
- c) By providing for channelized traffic flow within parking areas, including provision of curbed, raised and landscaped linear islands to separate any two (2) parking bays from any other bay; and
- d) By suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space, providing that not more than 16 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of nine (9) feet.
- e) No loading space shall be arranged in such manner as to obstruct use of required parking spaces or traffic circulation within the parking areas.

42.7.5 Driveways: There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel, measured at the street line. Driveways shall have a maximum grade of ten percent (10%). However, limited portions of driveways may have a grade of up to 12% over a length of 100 feet provided that multiple 12% lengths of driveway are separated from each other by not less than 100 feet of driveway at grades less

than 10%. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 15 feet unless a larger radius is required by the Town or State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

42.7.6 Location - Loading: No off-street loading spaces or access aisles in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line or within 10 feet of any side line; in Residence Districts no such space shall be located in any required yard area.

42.7.7 Location - Parking: Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, all off-street parking spaces and/or access aisles in connection therewith, located within 10 feet of any street line shall be separated from such right-of-way by a concrete curb, a fence or by an embankment not less than 24 inches in height and shall be provided with such curb, fence, wall barrier or embankment in such a manner that cars will not overhang the street line. No parking space or access aisle in connection therewith shall extend within five (5) feet of any side property line, except for permitted driveway entrances, and approved interconnections with adjoining properties. In Residence Districts, off-street parking shall also conform to the following minimum standards:

- a) No off-street parking spaces shall extend to within less than five (5) feet of any dwelling;
- b) Not more than 50% of the area required for setback from a street line shall be used for driveways and off-street parking and except for necessary driveway entrances, any parking spaces and their access drives located within the area required for setback from a street line shall be separated from such street line by a landscaped planting strip having a minimum width of six (6) feet; and
- c) The aggregate lot coverage of all buildings, other structures and off-street parking and loading spaces, including driveways, shall not exceed the maximum total impervious lot coverage allowed under SCHEDULE B of these Regulations.

42.7.8 Landscaping: Except for parking spaces provided in connection with a single-family dwelling, an office in a dwelling and rooms to let in a dwelling, and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street line and side property line shall be suitably landscaped with native trees and/or shrubs, lawn, or other appropriate ground cover. In other than Residence Districts, when parking spaces and access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas. A strip of land not less than 12 feet in width along and adjacent to any Residence District boundary and five (5) feet in width along any property line the opposite side of which is devoted to single family residential use, shall be landscaped and planted with an effective buffer to a height of not less than

four (4) feet above the parking surface for screening headlight glare. Such buffer shall consist of native trees or shrubs planted not more than four (4) feet apart or a combination of native plantings and berms or appropriate screen fencing.

In addition to the above, for parking facilities exceeding 30 spaces, interior landscaping area shall be provided as follows:

- a) Within the interior of the parking facility, landscaped areas shall be provided at the ratio of one square foot of landscaped area for each 20 square feet of parking lot, and shall be located in a manner that breaks up the expanse of pavement throughout the lot.
- b) Each interior landscape area shall have a minimum area of 150 square feet.
- c) There shall be at least one (1) tree for each 100 square feet of interior landscape area and each interior landscaped area shall contain at least one (1) tree.

42.8 Waiver of Immediate Installation: With respect to the installation of parking spaces required by this Section, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25% of the required number of parking spaces upon the following conditions:

- a) That the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;
- b) That the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;
- c) That the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so;
- d) That the Commission at its sole discretion may require posting of appropriate bonding to assure the installation of said deferred spaces, which bonding shall be maintained in effect for a maximum period of two (2) years; and
- e) That the agreement herein referred to be incorporated by reference as a covenant in any Special Exception approval, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such Special Exception approval recorded on the land records.

SECTION 43
PERFORMANCE STANDARDS

- 43.1 General:** The performance standards, which follow, shall apply to the use of land, buildings and other structures.
- 43.2 Dust, Dirt, Fly Ash and Smoke:** No dust, dirt, fly ash or smoke shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot or to constitute a critical source of air pollution.
- 43.3 Odors:** No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot.
- 43.4 Gases and Fumes:** No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot so as to endanger the public health and safety or to impair safety on or the value and reasonable use of any other lot.
- 43.5 Wastes:** No offensive wastes shall be discharged or dumped into any river, stream, water course, storm drain, pond, lake or swamp.
- 43.6 Danger:** No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes and regulations of the City of Shelton and State of Connecticut.
- 43.7 Noise:** With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the lot where it originates. The following additional standards shall also apply in Industrial IA-I Districts and Light Industrial Park LIP Districts:

43.7.1 Protection of Residence Districts: At no point on the boundary of any Residence District during the hours from 7:00 a.m. to 10:00 p.m. shall any continuously radiating sound level, having its source in such Districts, exceed the following decibels:

OCTAVE BAND (Cycles <u>per second</u>)	MAXIMUM SOUND LEVEL (In <u>decibels</u>)
0 – 75	68
75 – 150	55
150 – 300	48
600 – 1200	44
1200 – 2400	40
2400 – 4800	32
4800 – up	30

¹ See Noise Ordinance

- 43.7.2 Protection of IA-I and LIP Districts:** At no point within an industrial IA-I District or Light Industrial Park LIP District during the hours from 7:00 a.m. to 10:00 p.m., which point is nearer than 125 feet from a property line or nearer than 250 feet from a boundary of such Districts, shall any continuously radiating sound level exceed the following decibels:
- 43.7.3 Conflict:** In the event of any conflict between the standards of Paragraph 43.7.1 and 43.7.2 during tests for noise level, the standards of Paragraph 43.7.1 shall apply.
- 43.7.4 Night Operation:** During the hours from 10:00 p.m. to 7:00 a.m. the noise level standards of Paragraph 43.7.1 and 43.7.2 shall apply, less five (5) decibels.
- 43.7.5 Night Operation:** During the hours from 10:00 p.m. to 7:00 a.m. the noise level standards of Paragraph 43.7.1 and 43.7.2 shall apply, less five (5) decibels.
- 43.7.6 Period:** For noise existing less than 10% of any one hour period, the noise level standards of Paragraph 43.7.1 and 43.7.2 shall apply, plus five (5) decibels.
- 43.7.7 Measurement:** Noise levels shall be measured with a sound level or decibel meter and associated octave band analyzer that conform to current American Standards Association specifications.
- 43.8 Vibration:** With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates so as to impair safety or the value and reasonable use of any other lot. The following additional standards shall also apply in Industrial IA-I Districts and Light Industrial Park LIP Districts:
- 43.8.1 IA-1 and LIP:** At no point on the boundary of or within any Residence District shall any vibration, transmitted from a lot in any Industrial IA-1 District or Light Industrial Park LIP District, exceed .0002 inches at a frequency of 15 cycles per second or less, when measured by a seismograph of accepted standard manufacturer.
- 43.9 Glare:** No offensive glare from lighting shall be transmitted so as to endanger public safety or be transmitted into or within any Residence District so as to impair the value and reasonable use of any lot other therein.
- 43.10 Radio Interference:** No use of land, buildings or other structures on any lot shall create interference with radio or television reception on any other lot.
- 43.11 Continuing Standards:** The performance standards set forth above shall be of continuing application.

SECTION 44 **SIGNS**

44.1 Purpose: It is the purpose of these sign regulations to permit signs that do not confuse or obstruct the visibility necessary for traffic safety or otherwise endanger public health and safety, create an attractive business climate and to enhance the physical appearance of commercial areas and to preserve and enhance the overall aesthetics of the community. The intent of this **Section** is to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. The goal is to ensure that signs, as defined herein and placed in the City of Shelton, shall not be overly intrusive, unnecessarily large, overly high or inappropriately located.

44.2 Definitions: The following shall have the meanings given below:

44.2.1 Sign: Every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, which advertises, announces, directs, identifies, publicizes, notices or warns, which is visible from any street or from any lot other than the location which it is located. The term "sign" shall also include any continuous strip lighting but shall not include any flag, pennant or insignia of any governmental unit or non-profit organization. Indoor signs placed in windows and intended to be viewed from outside the building shall also be considered "signs" for the purpose of these Regulations.

44.2.2 Sign, Internally Illuminated: A sign designed to give forth artificial light, directly or through transparent or translucent material, from a source of light on or within such sign, but not limited to neon, "LED" (light emitting diodes), LCD (liquid crystal display), HID (high intensity discharge), fluorescent and/or incandescent "lamps" and exposed-lamp signs.

44.2.3 Free-Standing Sign: A Free-Standing Sign shall be any sign not attached to or mounted on a building and shall also include the following:

a) **Ground Sign:** A sign which has no clear area between the ground and the bottom of the sign area or a sign together with its supports which does not exceed six (6) feet in height.

b) **Elevated Sign:** A sign supported by two (2) or more uprights in or upon the ground and whose total height exceeds six (6) feet.

44.2.4 Wall Sign: A sign attached to, painted on or erected against the exterior wall of a building and running approximately parallel with the face of the wall; a projecting or hanging sign located under a roof and over a walkway; or a blade sign mounted perpendicular to the main building facade.

44.2.5 Identification Sign: A sign advertising the name or kind of business conducted, or the sale of goods, merchandise or services sold or provided at the premises where the sign is located, or the prospective sale or lease of said premises or the business conducted therein.

44.2.6 Directional Sign: A sign containing no advertising thereon and giving only the name and directions to one or more establishments located at other premises.

44.2.7 Light: Any floodlight, searchlight, beacon or other source of illumination of any kind.

44.2.8 Flashing and Moving: A sign or source of light, which flashes, rotates, moves or in any way simulates motion.

44.2.10 Continuous Strip Lighting: Any source of illumination of the gas filled, continuous bulb lighting, LED or of similar utility and design.

44.2.11 Unified Shopping Center: Any retail or mixed retail and office shopping area containing four (4) or more retail tenants in one (1) or more buildings, all situated on one lot.

44.2.12 Blade Sign: A projecting sign that is mounted to a wall such that the sign face is perpendicular to the main building facade.

44.2.13 Projecting/Hanging: An identification sign that projects from the face of a building or hangs from a roof canopy and is under a roof and over a pedestrian walkway but not over a public street sidewalk.

44.3 General Requirements: The following requirements are applicable to all signs throughout the City of Shelton.

44.3.1 Permits: No sign, except as provided herein, shall be constructed, erected, moved, or structurally altered or otherwise changed, unless an **Application for a Certificate of Zoning Compliance** has been approved by the Shelton Planning and Zoning Commission or its authorized agent. A change to a new name shall not be deemed to be a change but will require administrative approval of a permit. Normal maintenance shall not be deemed to be a change.

44.3.2 Applications: All such Applications for signs shall be accompanied by a plot plan showing the location of the sign(s), and by a drawing or sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the proposed sign(s), and by a building elevation or sketch showing pertinent building dimensions and the proposed sign(s) located thereon.

44.3.3 Illumination: All illuminated signs or lighting devices shall employ only lights emitting a light of constant intensity. Internally illuminated signs shall be such that all direct light sources are completely covered and located so as to minimize intrusion into residential areas.

44.3.4 Maintenance: All signs together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All loose or missing letters, figures, characters or representations on any sign shall constitute a maintenance violation and must be corrected or removed by the owner

within five (5) days of notice to do so from the Zoning Enforcement Officer. Temporary signs in a torn or damaged condition must be removed by the owner within five (5) days of notice to do so from the Zoning Enforcement Officer. Any sign deemed by the Building Official to be unsafe and a threat of bodily harm or property damage shall be removed immediately upon receipt of notice by the Zoning Enforcement Officer and/or the Building Official. Except in the instance of an unsafe condition, any such order by the Zoning Enforcement Officer may be appealed to the Planning and Zoning Commission for review. Appeals from an order by the Building Official may be filed with The Building Appeals Board for a determination. Signs that indicate the time or temperature must indicate the correct information to public view. The owner and/or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises in a safe, neat and orderly condition.

44.3.5 Non-Conforming Signs: Currently existing signs of a size or type not permitted in the district in which they are situated, or which are located or illuminated contrary to the above regulations, or which do not conform to all provisions of these regulations, will be considered non-conforming structures such sign is made to conform to these regulations. A change shall not include a change in name and shall not include normal maintenance activities. A casualty loss of a sign due to damage or destruction by fire, storm, or other casualty may be promptly restored within 60 days after the date of the casualty provided such restoration does not extend the non-conformity. However, deferred maintenance that necessitates complete replacement of more than 50 percent (50%) of the supporting structure shall require the elimination or significant reduction of the non-conformity. Any other change of such non-conforming signs or increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Any signs described above shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of non-conformity.

44.3.6 Measurement of Area: The area of a sign shall include all exposed faces of a sign measured as follows:

- a) When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- b) When such sign is comprised only of letters, designs or figures affixed on a wall, the entire face of said wall being of uniform material, color, and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape, such as a rectangle, triangle or circle which encloses all letters, symbols, or designs that constitute such sign.
- c) Any sign may be double faced and only one face shall be counted in determining conformity to sign area limitations. If the two faces are at any point more than two feet from one another, they shall be considered as two Signs.

44.4 Sign Prohibitions: The prohibitions set forth in this Paragraph shall apply to all signs, all artificial lighting and all Districts within the City of Shelton, regardless of designation.

44.4.1 All signs and other advertising devices other than Directional Signs under

Paragraph 44.8 herein shall be limited to only those that advertise, identify or give publicity or notice only with respect to a use of land, buildings or other structures actually present on the property on which such sign is located.

- 44.4.2** No sign, including awning signs, shall project beyond any property line or street line, unless said encroachment into the street right of way has been properly authorized by the Shelton Board of Alderman and processed by the Building Department. Any such sign not properly authorized/processed shall be removed by the owner of the premises upon which such sign may be found. Except those permitted subject to the provisions of Paragraph 44.9, any portable signs not attached either to a building or the ground (such as sandwich signs) and located within such public street right of way shall be removed within ten (10) days after written notification from the Zoning Enforcement Officer. The Zoning Enforcement Officer may cause to be removed any such portable sign that is placed within the public right-of-way of any street. If said street is a State/Federal Highway, the State of CONN/DOT will be notified to remove said sign(s) immediately and they will be brought to the DOT maintenance garage. If said street is a city street, the City Department of Highways and Bridges will be notified to remove such sign(s) immediately and they will be brought to the City Yard. The owner is responsible for making arrangements to pick up said sign(s). Any such sign not claimed within ten (10) days may be destroyed.
- 44.4.3** No projecting or hanging sign shall extend over any portion of the vehicular traveled path of any driveway or other accessway.
- 44.4.4** No wall sign except permitted blade signs shall extend beyond the sides of a building or above the lowest point of the main roofline of any building. No sign shall be permitted on the roof of any building or portion thereof.
- 44.4.5** No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signs or signals or visibility of motorists by virtue of the location, color or size of such signs. No artificial light or reflecting device shall be used, located, or displayed where such light or device distracts the attention of users of a street and competes for attention with, or may be mistaken for, a traffic signal. No sign shall be erected in such a manner that it obstructs clear vision for a distance of twenty (20) feet from any street intersection, as measured along the curb or gutter line of each street.
- 44.4.6** No sign shall be positioned so as to obstruct access to or from any door, exit, window or fire escape, or access for firefighting purposes, or which interferes with any opening required for proper ventilation or to cause other hazards to the public health or safety of the public generally, or to be deemed to be a nuisance or annoyance to the residents or occupants of the premises or of any other building or premises. In enforcing the provisions of this paragraph, the Commission may consult with and/or seek input from the Fire Marshal, Police Chief or other municipal official or board.
- 44.4.7** No sign shall be animated or flashing, except for barber poles and time-temperature devices employed as part of an otherwise non-flashing, non-animated display. No letter, figure or device, except for barber poles, shall exceed a height of three (3) feet for a single line of copy or two (2) feet for multiple lines of

copy.

44.4.8 Except for flags, no sign shall be permitted which is in motion by any means, including swinging, fluttering or rotating, including signs such as festive banners and/or pennants larger than one (1) foot in any dimension, strung in series and set in motion by movement of the atmosphere. The area of any flag (except national, state or town flags) shall be computed as signage and shall require permits in accordance with Paragraph 44.3.1.

44.4.9 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual, raised, mounted letters. Other painted or posted signs shall be on a plate or backing made of a durable material such as metal, wood or plastic that is affixed to the wall.

44.4.10 No signs shall be mounted on any utility pole.

44.4.11 Temporary, freestanding portable signs, such as sandwich signs, shall be prohibited unless authorized under the provisions of Paragraph 44.6 herein. The stringing of lights is prohibited, except during the annual holiday season extending from November 15 to January 16.

44.4.12 No building, sign or any portion thereof shall be permanently outlined in gas-filled tube type lighting, LEDs or other similar lighting.

44.4.13 On any lot that abuts the right-of-way of the Route 8 Expressway, no sign shall be permitted, which faces or is intended to be visible from the Route 8 Expressway.

44.5 Signs Permitted in All Districts:

44.5.1 The following signs are permitted in all Districts, except as indicated otherwise herein, and do not require a **Certificate of Zoning Compliance** and except as stipulated otherwise, such signs may extend to the street or property line:

- a) Official government notices and governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- b) Signs of public service companies to warn of danger.
- c) Private signs with no advertising thereon that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total of three (3) square feet each.
- d) On any residential premises, one (1) identification sign not exceeding three square feet in area, giving only the name of the premises and/or of the occupant, or announcing a professional or business office or a home occupation on the premises.
- e) In Commercial or Industrial Districts, temporary window signage is permitted as set forth below. Glass area is measured from the edge of the window frame. A multi-paned window with muntin's is considered one window.

1. Paper and/or other temporary signs that are affixed to a window or door announcing sales or special features shall not occupy more than 50% of the area of said window and/or door provided that the total area of such temporary and permanent window signs does not exceed 65% of said window area. The total area of such temporary signs shall not be included in the maximum permissible wall sign area.
 2. Merchandise displayed in windows is not considered signage.
 3. Signs on windows and doors with letters less than two (2) inches in height, as well as necessary signs in liquor stores and restaurants mandated by State Statutes, are exempt from area calculations.
- f) On a lot where the premises are for sale or for rent, one (1) temporary real estate sign for a residential property, which sign shall not exceed two (2) feet by three (3) feet, (i.e., six (6) square feet per side,) plus not more than one (1) "rider-panel" not exceeding six inches (6") by three (3) feet conveying information such as agent's name, sale pending, price reduction or similar information. In addition, one (1) "Open House" sign not exceeding two (2) feet square may be put in place on the lot on the day of the event provided it is removed in the same day at the close of the event. Regarding interior lots, permitted signs shall be located within the fee- strip or easement of access associated with said lot. For a non-residential property, such temporary real estate sign shall not exceed 16 square feet in area per side and not more than six (6) feet in any dimension. Other than on interior lots where permitted signs may extend to the side property lines, all signs shall be set back at least five (5) feet from any property line and shall not refer to any other premises. Temporary real estate signs referring to property other than the one on which the sign is located are prohibited.
- g) Temporary commercial advertising signs for a specific event i.e., carnival, bazaar, fair, theatrical performance, etc. provided they are erected not more than 45 days before the advertised event and are removed within seven (7) days after the advertised event.
- h) Signs advertising the seasonal sale of farm or forestry products are permitted in addition to other signage that may be allowed pursuant to these Regulations. Two (2) such signs not exceeding 12 square feet in total and not extending more than five (5) feet above ground level may be erected. A significant proportion, (more than 50%) of the product advertised must be grown on the lot upon which the sign is erected unless the lot is in a commercial zone that allows such sales. Said sign shall be removed upon cessation of the seasonal sales. Notwithstanding the above, on large farms of 20 acres or more, said signs shall not exceed 24 square feet and a height often (10) feet, which signs may be retained on a year-round basis.
- i) Signs associated with public projects sanctioned by the local, state and/or federal government and required by said sanctioning entity.

44.5.2 The following signs are permitted in all Districts, subject to the standards and

provisions of Paragraph 44.3 herein, which signs shall not extend within less than ten (10) feet of any property line or street line, unless further restricted herein:

- a) Temporary building contractors' and designers' signs pertaining to a building under construction on the lot where the signs are located, provided that the total area of such signs shall not exceed 7.4 square feet, and such signs shall be removed within 30 days after completion of the project.
- b) On any lot containing a farm, cemetery, church, place of worship, parish hall, museum, school, college, university, membership club, charitable institution, hospital, recreation facilities, nature preserves, wildlife sanctuary, convalescent home, sanitarium, public utility or buildings, uses and facilities of the City of Shelton, State of Connecticut or Federal Government, one (1) sign not exceeding 16 square feet in area.
- c) On any lot containing City facilities or a church or other place of worship or an educational institution, one (1) sign constituting a bulletin board and not exceeding 16 square feet in area.
- d) On a lot at the entrance to a residential neighborhood or a multi-family development, one (1) permanent sign not exceeding 16 square feet in area giving only the name of the neighborhood or development.
- e) On any lot in a residential zone where a use exists that does not comply with the requirements of that zone, either as a pre-existing non-conforming use or one allowed by variance, the signage requirements shall be determined by the Commission. The Commission shall take into consideration the type of use, location, visibility from residential uses and reasonable needs for identification/advertising of the particular use. In no event shall the signage standards exceed that allowed in the most restrictive commercial zone where the use would be conforming.
- f) Identification signs for Special Exception Uses in any Residence District provided the aggregate area of the signs shall not exceed 24 square feet. Only one freestanding sign is permitted. The freestanding sign must be at least 15 feet from any property line and shall include the street address number at least four (4") inches in size.
- g) Public convenience signs advertising hours of operation not to exceed one sign of two (2) square feet in area.

44.6 Signs Permitted in Non-Residence Districts: The following signs are permitted in all non-residential Districts, subject to the standards and provisions of Paragraph 44.3 herein and the following additional standards and conditions:

44.6.1 Free-Standing Signs: On any lot, one (1) free-standing, elevated or ground sign, is permitted for the principal street frontage and one (1) for each additional street where the lot has at least one hundred (100) feet of frontage, which sign(s) may extend to within five (5) feet of the street line and shall comply with the following requirements:

- a) The sign shall be supported by a freestanding, self-supporting structure that is erected on the ground and is not attached to a building. If elevated, said structure shall have two (2) or more supporting uprights, which are visually proportional to the sign they support.
- b) The free-standing sign shall identify the center and/or the name(s) of the business(s) occupying the lot and shall include the street address number at least four (4) inches in size.
- c) No freestanding elevated sign shall exceed a height of fifteen (15) feet as measured from the average ground elevation within 20 feet of the sign structure to the top of the sign.
- d) Each free-standing sign shall not exceed a sign area of 40 square feet for a face and 80 square feet for the total, if double faced, provided each face is clearly designed and intended to be viewed from opposite directions. Said sign shall not exceed eight (8) feet in any dimension. The sign area for free-standing signs is not included in the sign area as set forth in Paragraph 44.6.2.
- e) All signs shall be at least five (5) feet from any street line and ten (10) feet from any property line other than a street line. No sign shall be located within fifty (50) feet of the boundary of a Residence District.

44.6.2 Wall Signs: Wall signs shall include all permanent window signs, which window signs shall not occupy more than 25% of the glass area of any window. The total surface area of all signs attached to or mounted on a building and designed to be viewed from the same side of the building plus permanent window signs shall not have an aggregate area greater than ten percent (10%) of the area of such walls. All wall signs shall comply with the following requirements:

- a) Each sign must be attached to a wall or façade of a building.
- b) No sign shall extend above the lower sill of a second story window and shall not exceed a height of twenty (20) feet as measured from the ground to the top of the sign, whichever is less.
- c) Except for signage that is part of any permissible awning or canopy, a wall sign may project not more than fifteen (15) inches from the wall to which it is attached. Lettering may be painted or otherwise affixed to any permissible awning or canopy provided said lettering is limited to the name and address of the business conducted on the premises and/or the service rendered therein. Said lettering shall not project above, below or beyond the physical dimensions of the awning or canopy. No such awning, canopy or sign projection shall occur within eight (8) feet vertical clearance of the ground. No part of such awning, canopy or wall sign shall extend within the public street right-of-way unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.
- d) A single tenant building may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. A sign may not exceed 1.5 square feet for each linear foot

of the wall to which it is attached, or 80 square feet, whichever is less, and shall not exceed a length of 60% of said wall. In addition to the above, not more than four (4) sign panels of uniform size and design identifying major departments and/or sub-areas of said major tenant and not exceeding an additional 50 square feet in total. Notwithstanding the above, one (1) wall identification sign not exceeding two (2) square feet in area shall be permitted at a secondary business entrance facing a parking area.

- e) In mixed use or multi-tenant buildings, the total allowable wall sign area shall be prorated on an equitable basis, such as on the amount of floor area of each rental unit, the number of rental units or the facade area. The total exterior sign area for any individual tenant signs shall not exceed 1.5 square feet for each linear foot of storefront and may only be attached to that portion of the building that the tenant occupies, which sign shall not exceed a length of 75% of the linear footage of storefront occupied. The length of storefront occupied shall be measured along a horizontal line along the front of the store between exterior walls or between the centers of intersecting party walls. A single tenant may have up to two (2) wall signs provided they are not the same wall. No sign may be on a side or rear wall unless such wall faces a street, driveway or parking area or is at least 50 feet from any other non-residential building. Secondary business entrance facing a parking area may be permitted one (1) wall identification sign not exceeding two (2) square feet in area.
- f) In addition to allowable wall signs, each unit occupancy above the first floor may display a sign on the inside of one (1) window serving said unit of occupancy, provided that no such sign shall exceed an area of six (6) square feet or 25% of the area of said window, whichever is less. No one business use or tenant shall have more than two (2) wall signs on the premises.
- g) Signs for individual tenants or occupants of a multi-tenant building shall be designed to reflect a coordinated aesthetic scheme for the entire multi-tenant building. Such signs shall be uniform in letter size, letter style, type of illumination, wall placement, colors and types of signs within the building. Such signs shall not include any specifications of the brand names of the merchandise offered for sale or of services rendered therein other than the principal product offered.

44.6.3 Projecting or Hanging Signs: All projecting or hanging signs shall comply with the following requirements:

- a) One (1) sign, not to exceed three (3) square feet in area, is permitted for each business or use in the building in addition to the allowable wall sign area.
- b) No sign or any part thereof shall be less than eight (8) feet above the walkway.

44.6.4 Blade Signs: Notwithstanding 44.6.3 above, on any lot in a commercial zone, Planned Development District or Unified Shopping Center, the Commission may permit one (1) blade sign to be mounted on a storefront perpendicular to the main building facade. Such sign may not project more than four (4) feet from any wall and must maintain a minimum vertical clearance of eight (8) feet above any sidewalk or other pedestrian walkway. The maximum vertical dimension of such

sign shall not exceed eight (8) feet and the maximum sign area of each face shall not exceed 16 square feet. The top of the sign shall be no higher than 16 feet above the elevation of the sidewalk/ground below. The area of such blade sign shall be included in the permitted maximum allowable area for wall signs. No such blade sign or part thereof shall extend within the public street right-of-way of any street unless proper authorization has been obtained from the Shelton Board of Aldermen and processed by the Building Department.

44.7 Signs Permitted in Planned Development Districts and Unified Shopping Centers:

All signs in Planned Development Districts (PDDs) and in Unified Shopping Centers (USCs) as defined in Paragraph 44.2.11 shall comply with all standards set forth above except as may be modified by specific provisions established with reference to an adopted Planned Development District. All signs proposed within a PDD or a USC shall be of similar nature, designed as an integral part of the development, so as to represent a unified design to harmonize with the immediate area and to preserve and enhance the appearance of the community while conforming to the standards of the applicable sign regulations.

44.7.1 Overall Signage Design Plan: Prior to the approval of final Site Plans and any Application for a Certificate of Zoning Compliance for an individual sign in a PDD or a USC, an overall signage design plan must be submitted to and approved by the Shelton Planning and Zoning Commission. Said signage plan shall be prepared by a qualified sign designer, graphic artist or architect and shall include all necessary information to accurately describe proposed signage. At minimum, it shall include all proposed sign locations, design, type of materials, type of lettering style, colors, dimensions, heights above grade, method of mounting, method of lighting and position on walls. Said signage plan shall also be reflected on a Site Plan showing the location of all buildings and free-standing signs and elevation drawings of buildings to indicate the location of all wall signs. The signage plan must incorporate the endorsement of the property owner acknowledging and agreeing to comply with signage plan provisions relative to the design, dimensions, materials, colors and method of illumination (if any) for each sign indicated on the signage plan. The signage plan shall include the words "Approved - Shelton Planning and Zoning Commission" with a place for the date and signature of the Chairperson. The Commission may at its sole discretion waive the submission and approval of said signage plan provided said plan is submitted for approval prior to or as part of an Application for a Certificate of Zoning Compliance for the initial sign to be erected. For small scale, single occupant buildings in PDD proposals on sites of 10,000 square feet or smaller in the "Downtown" area, the Commission may waive the submission of said signage plan provided however that any proposed sign is appropriately designed by a qualified sign designer.

- a) The Commission shall approve, approve with conditions or disapprove said Overall Signage Plan within 65 days of receipt of same. The applicant shall be notified in writing of the decision of the Commission, with the reasons stated for any disapproval.

44.7.2 Free-Standing Signs in PDDs and Uses: In connection with the approval of Final Development Plans for a PDD or Final Site Plans for a USC, the Commission may authorize the applicant to reduce by a specified amount the maximum area of permitted wall signs or to eliminate such signs and to provide one free-standing

sign that exceeds the limits set forth in Paragraph 44.6.1 d above, provided said sign incorporates only the name or other identification of the premises and not more than six (6) tenants located therein and are of consistent and uniform design. Such tenant identification component shall be of the same general character and style so as to provide a harmonious design appearance. Notwithstanding the above, in a PDD or USC, the Commission may, at its sole discretion, take into consideration the overall site and building design and the on-site visibility of the tenant spaces and consider more than six (6) tenant identifications, predicated on unique architectural design solutions, and/or special landscaping treatments that preserve the overall aesthetic features of the site and where all such tenant sign panels are of a consistent size, font style, uniform background color and compatible font colors, without logos and similar features.

- 44.8 Directional Signs:** On any lot, subject to approval of a Site Plan, one (1) free-standing directional sign necessary for public safety or convenience is permitted, not to exceed an area of sixteen (16) square feet and a height of twelve (12) feet, containing no advertising thereon and giving only the name and directions to not more than two (2) establishments located at other premises. Such sign may extend to within ten (10) feet of the street line.
- 44.9 Temporary Signs for Special Events:** Notwithstanding other provisions of this Section to the contrary, the Commission or its authorized agent may approve a sign permit authorizing temporary signs, announcing special events such as but not limited to sidewalk sales, holiday sales events, clearance sales, going-out-of-business sales, etc. Such temporary signs may include freestanding portable signs and other special advertising devices including plaques, banners, pennants, streamers and balloons, but specifically excluding inflatable figures. Said temporary signs announcing special events shall be limited to a total of not more than 60 days in any calendar year and not more than 30 consecutive days during any one event. Notwithstanding the above, the Commission may also permit such special advertising devices for new businesses provided they are in place for one period of not more than thirty (30) days in duration.

SECTION 45
ADDITIONAL STANDARDS

- 45.1 General:** The requirements hereinafter specified sets forth standards for particular uses listed on SCHEDULE A - PERMITTED USES as well as standards which are supplementary to or in addition to requirements set forth elsewhere in these Regulations.
- 45.2 Professional Office:** A professional office in a dwelling unit is an activity conducted for gain and to which the public is invited or expected to visit in the conduct of the activity. Such a professional office shall conform to the following conditions and is an additional use for which a Certificate of Zoning Compliance is required:
- 45.2.1** The professional person or persons conducting the office use shall reside in the dwelling unit and shall be a physician, surgeon or other practitioner of the healing arts, a dentist, podiatrist, lawyer, clergyman, architect, professional engineer or land surveyor, landscape architect, artist, teacher or musician; one (1) non-resident person may be engaged in support of the office in a non-professional capacity.
- 45.2.3** The floor area used for conduct of the professional office shall not exceed an area equal to 25% of the finished livable floor area of the dwelling unit, as defined for the purpose of such computation in Paragraph 5.14, or 400 square feet, whichever is less; the actual location of such office may be within the finished livable floor area of the dwelling unit or in the basement of or other floor area attached to the dwelling unit, and accessible from such finished livable floor area of the dwelling unit or in the basement of or other floor area attached to the dwelling unit, and accessible from such finished livable floor area.
- 45.2.4** The professional office shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood; there shall be no evidence of the professional office outside the dwelling unit, except permitted signs.
- 45.2.5** The Application for a Certificate of Zoning Compliance shall be accompanied by a detailed description of the proposed use in accordance with any administrative rules and procedures established by the Planning and Zoning Commission. Each Certificate of Zoning Compliance shall have a duration as may be fixed by the Commission but in all cases shall automatically terminate when the applicant no longer resides in the dwelling unit.
- 45.3 Business Office and Customary Home Occupation:** A business office or a customary home occupation conducted in a dwelling unit is an additional use for which a Certificate of Zoning Compliance is required. A business office is an activity, other than a professional office, conducted for gain and to which the public is invited or expected to visit in the conduct of the activity. A customary home occupation is an activity conducted for gain and may include: a) preparation and sale of domestic products customarily produced in the home; b) home handicrafts; and c) service occupations. Such uses shall conform to the following conditions:
- 45.3.1** The person or persons conducting the business office or customary home occupation shall reside in the dwelling unit; one (1) nonresident person may be

engaged in the conduct of the office or occupation.

45.3.2 No finished consumer goods shall be acquired outside the dwelling unit for sale on the premises in connection with such business office or home occupation.

45.3.3 The floor area used for conduct of the business office or home occupation shall not exceed an area equal to 25% of the finished livable floor area of the dwelling unit, as defined for the purpose of such computation in Paragraph 5.14, or 400 square feet, whichever is less; the actual location of such office may be within the finished livable floor area of the dwelling unit or in the basement of or other floor area attached to the dwelling unit, and accessible from such finished livable floor area.

45.3.4 The business office or home occupation shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood; there shall be no evidence of the business office or home occupation outside the dwelling unit, except permitted signs.

45.3.5 The Application for a Certificate of Zoning Compliance shall be accompanied by a detailed description of the proposed use, in accordance with any administrative rules and procedures established by the Planning and Zoning Commission. Each Certificate of Zoning Compliance shall have a duration as may be fixed by the Planning and Zoning Commission but in all cases shall automatically terminate when the applicant no longer resides in the dwelling unit.

45.4 **Room and Board**: The letting of rooms and/or furnishing of board in a dwelling unit is an additional use for which a Certificate of Zoning Compliance is required. Such use shall conform to the following conditions:

44.4.1 The person or persons letting the rooms and/or furnishing board shall reside in the dwelling unit.

44.4.2 When rooms are let, the dwelling unit shall contain a minimum floor area of 200 square feet times the total number of occupants of the dwelling unit, including in such computation the number of persons to whom rooms are let plus the number of persons in the family residing in the dwelling unit; in no event shall rooms be let and/or board furnished to a total of more than four (4) persons.

44.4.3 The letting of rooms shall not include the provision of cooking facilities in or for such rooms, but may include sharing of the cooking facilities of the dwelling unit.

44.4.4 No accessory building shall be used for letting of rooms or furnishing of board.

45.5 **Coastal Site Plan Review Requirements**: No Application for Certificate of Zoning Compliance shall be approved for any building, use or structure situated fully or partially within the coastal boundary as defined by Section 22a-94 of the General Statutes of the State of Connecticut and as delineated on the Coastal Boundary Map for the City of Shelton until the coastal site plan review requirements and procedures set forth in Sections 22a-105 through 22a-109 of the General Statutes have been satisfied.

45.5.1 Exemptions: Pursuant to Section 22a-109(b) of the General Statutes the following activities are exempt from coastal site plan review requirements:

- a) Gardening, grazing and the harvesting of crops;
- b) Minor additions to or modification of existing buildings or detached accessory buildings, such as garages and utility sheds;
- c) 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;
- d) Construction of new or modification of existing on-premise structures including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the General Statutes or restrict access along the public beach;
- e) Construction of an individual single family residential structure except when such structure is located on an island not connected to the mainland by an existing road, bridge, or causeway or except when such structure is in or within one hundred feet of the following coastal resource areas as defined by Section 22a-93(7) of the General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;
- f) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wild-life and other coastal land and water resources;
- g) Interior modification to buildings;
- h) Minor changes in use of a building, structure, or property adjacent to or abutting coastal waters.

45.5.2 Application Requirements: Except as exempted above, an application for approval of a coastal site plan shall be submitted to the Commission on a form prescribed by the Commission. Pursuant to Sections 22a-105 and 22-106 of the General Statutes, a coastal site plan shall include the following information; a plan showing the location and spatial relationship of coastal resources on the contiguous to the site; a description of the entire project with appropriate plans; indicating project location, design, timing and methods of construction; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project, and a description of proposed methods to mitigate adverse effects on coastal resources. In addition, the applicant shall demonstrate that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of Section 22a-92 of the General Statutes.

45.5.3 Statutory Criteria: In addition to determining compliance with any other

applicable standards, requirements or criteria set forth by these Regulations the Commission shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the General Statutes:

- a) consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes;
- b) the acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a-93(15) of the General Statutes;
- c) the acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in Section 22a-93(17) of the General Statutes; and
- d) the adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.

45.4 Commission Action: The Commission shall approve, modify, condition, or deny the coastal site plan for the proposed activity on the basis of the criteria listed in Section 22a-106 of the General Statutes to ensure that the proposed activity is consistent with the coastal policies in Section 22a-92 of the General Statutes and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable. Pursuant to Section 22a-106 of the General Statutes, the Commission shall state in writing the findings and reasons for its action with respect to any coastal site plan approved, conditioned, modified or denied. Further, in approving any coastal site plan, the Commission shall make a written finding that:

1. The proposed activity as approved is consistent with the coastal policies in Section 22a-92 of the General Statutes;
2. The proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources and future water-dependent development activities; and
3. The potential adverse impacts of the proposed activity on coastal resources and future water-dependent development opportunities with any conditions or modifications imposed by the Commission are acceptable. In accordance with Sections 22a- 105 through 22a-109 of the General Statutes, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for coastal site plans shall be the same as that set forth in the General Statutes for the type of permit or approval being requested.

45.5.5 Fees: Each application for coastal site plan review shall be accompanied by a fee in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix, payable to the City of Shelton, Connecticut.

45.5.6 Violations: In accordance with Section 22a-108 of the General Statutes, any activity undertaken within the coastal boundary without the required coastal site

plan review and approval shall be subject to enforcement remedies authorized in that Section.

- 45.6 Accessory Dwelling Unit:** An accessory dwelling unit is a dwelling unit that is accessory and subordinate to a single detached dwelling for one (1) family. Such accessory dwelling unit constitutes an additional use for which an Application for a Certificate of Zoning Compliance and a Certificate of Zoning Compliance is required.

An existing single family detached dwelling in any Residence District may be used or modified to allow the incorporation of one (1) accessory dwelling unit **or new construction of a single detached dwelling may include one (1) accessory dwelling unit** subject to the following standards, conditions and procedures applicable to the establishment of any such accessory unit.

45.6.1 The accessory dwelling unit shall be incorporated either completely within an existing, principal single-family dwelling or added to said principal dwelling or added to **or constructed with** said principal dwelling unit provided that both dwelling units shall be attached by a common wall, floor or ceiling and not simply connected by an attached porch or breezeway. An attached garage structure meeting the above criteria and when converted to an accessory dwelling unit is considered to be incorporated within the dwelling.

45.6.2 The accessory dwelling unit shall be provided with a kitchen and a complete bathroom, separate from the principal dwelling and with two (2) means of egress, including a separate outside door. The accessory unit shall be provided with two off- street parking spaces in addition to those required for the dwelling and said spaces shall be accessible independently of the spaces required for the dwelling. Where additional garage spaces are to be provided, all said garage spaces serving both principal and accessory dwelling unit shall be located in the same general portion of the dwelling or in a detached garage served by the same driveway.

45.6.3 No existing single-family dwelling shall qualify under these Regulations unless it is located on a lot having at least the minimum lot area as required by these Regulations and is or will be served by public water and municipal sanitary sewers. If said dwelling is not served by municipal sewers, it shall be located on a lot having a minimum lot area of 30,000 square feet or as required by the applicable District, whichever is greater, and shall be served by an on-site disposal system with sufficient capacity to satisfy the Connecticut Health Code and the Regulations of the Naugatuck Valley Health District and evidenced by an appropriate certification form from said Health District as adequate to serve the existing dwelling unit and the accessory unit. If said dwelling is not served or capable of being served by public water supply, it shall have a minimum lot area of 40,000 square feet or as required by the applicable District, whichever is greater, and shall be served by an on-site water system with sufficient capacity to satisfy the Connecticut Health Code and the Regulations of the Naugatuck Valley Health District and evidenced by an appropriate certification form from said Health District as adequate to serve the existing dwelling unit and the accessory unit.

45.6.4 Either the single-family dwelling or the accessory unit shall be occupied by an owner of record of the premises **or a principle in the entity record owner** as a principal place of residence.

- 45.6.5** The single-family dwelling containing the accessory unit shall have a design that maintains the appearance of the premises as a single detached dwelling for one (1) family. No exterior change shall be made to the existing front facade of the principal dwelling except for roof dormers or windows. Stairways to an accessory unit on floors above the ground floor of the dwelling shall be located on the side or rear of the dwelling and shall be fully enclosed within the dwelling.
- 45.6.6** The single detached dwelling shall have no less than the minimum floor area as specified in SCHEDULE B and the accessory unit shall have a minimum floor area of not less than 500 square feet. The maximum floor area of the accessory unit shall not exceed one third of the total habitable floor area of the dwelling, excluding basements, or a maximum of 900 square feet, whichever is less. The accessory unit may be used for a professional or business office in the home but is not eligible to be used for a home occupation in a dwelling unit nor for the renting of rooms. No accessory unit shall be located in a basement or cellar unless such basement or cellar constitutes a story as defined in Paragraph 5 .29.
- 45.6.7** Both the principal and the accessory dwelling units shall be occupied by members of the same family group, all related by blood, marriage or adoption, regardless of age.
- 45.6.8** The Application for a Certificate of Zoning Compliance shall be accompanied by the following:
- a) a notarized affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory unit or the remainder of the single detached dwelling is to be occupied by an owner of the premises as the principal place of residence, and that the occupancy of the units will comply with the requirements of 45.6.7 above.
 - b) **If the premises in not served by public sewer and water**, a certification from the Director of the Valley Regional Health District that the water supply and sewage disposal systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the accessory unit and the remainder of the dwelling;
 - c) an accurate plot plan of the premises drawn to a scale of one-inch equals twenty feet and deemed adequate by the Commission to evaluate the proposal for compliance with these provisions; and
 - d) accurate, scaled floor plan drawings of the single dwelling and accessory unit, and suitable sketches, architectural drawings and/or photographs sufficient to show the character and extent of exterior building and facade construction, including all alterations.
- 45.6.9** Issuance of a Certificate of Zoning Compliance for an accessory dwelling unit in a single detached dwelling for one (1) family is conditioned upon the following:
- a) the Certificate of Zoning Compliance shall not become effective until a copy

thereof, certified by the Commission, containing a description of the premises to which it relates and the name of the owner of record, and accompanied by a copy of the notarized affidavit required under 45.6.8 a. above, is recorded in the land records of the City of Shelton;

- b) that in January of each calendar year, the owner of the premises shall file with the Commission a new notarized affidavit of ownership of the premises and certifying that either the accessory unit or the remainder of the dwelling is occupied by an owner of the premises as required for the original Application; and
- c) the Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.

45.7 Farms Truck Gardens, etc.: Farms, truck gardens, forestry, nurseries (including greenhouses incidental thereto) and the keeping of livestock, poultry and other types of birds and fowl, on a lot of not less than 200,000 square feet shall conform to the following standards and conditions:

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

45.7.2 All farm buildings, enclosures and feed yards shall comply with the required setbacks for that District, except that the applicable setbacks for the R- IA District shall be those of the R-I District. Pasture for livestock shall be enclosed by a suitable fence sufficient in height to contain said livestock and setback not less than 5 feet from any property or street line.

45.7.3 Farms may include preserving sugaring, woolery / spinning, cider manufacturing and value-added processing of agricultural products and sale of same, as accessory uses, provided said cider manufacturing has been authorized by and conforms to the provisions of The State Liquor Control Act.

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

45.7.5 Any greenhouse shall be located not less than 100 feet from any property or street line.

45.8 Keeping and Raising of Livestock as an Accessory Use: The keeping and raising of livestock, horses and other domesticated animals as pets but specifically excluding pigs, fur-bearing animals, chickens, poultry and other fowl, when accessory to a permitted dwelling unit on a lot of not less than 80,000 square feet is permitted and shall conform to the following standards and conditions:

45.8.1 Exclusive of the site of the dwelling, there shall be not less than 40,000 square feet of land, suitable for grazing for One head of livestock kept on the lot, plus 20,000 square feet of suitable land for each additional animal.

- 45.8.2** Any building used for the housing of livestock or manure shall be setback not less than 100 feet from any street line and 50 feet from any other property line.
- 45.8.3** The area to be used for exercising or feeding of livestock shall be enclosed by suitable fencing, sufficient in height to contain said livestock, which enclosed areas shall not extend within any required setback area. However, other pasture and/or grazing areas capable of maintaining grass cover may extend to within 10 feet of any side or rear property line, provided suitable grass cover is maintained, but shall not extend to within the required street setback area.
- 45.8.4** All areas used by such livestock shall be maintained in a sanitary condition so as to not be a public health hazard as determined by the Local, Regional and State health officials.
- 45.9** **Keeping and Raising of Chickens:** The keeping and raising of chickens when accessory to a permitted dwelling unit in any residential district on a lot less than 200,000 square feet shall conform to the following standards and conditions:
- 45.9.1** On lots containing between 80,000 square feet and 199,999 square feet no more than 10 female chickens (hens) shall be permitted. Roosters are prohibited.
- 45.9.2** All chickens shall be kept within appropriate enclosures or coops at all times and shall not be located within 20 feet from any side or rear property lines. No enclosure or coop shall be located to the front of the dwelling. All enclosures and coops shall be located on moderately well drained and/or well drained soils and properly maintained at all times. No chickens shall be allowed to free roam.
- 45.9.3** All enclosures and coops shall be appropriately screened from view from any adjacent property line and street line at all times.
- 45.9.4** All chickens and their eggs shall be used by the owners/occupants of the property. The selling of eggs and/or chickens to the general public is prohibited.
- 45.9.5** All enclosures and coops shall be maintained using best animal management practices to ensure that chickens are kept in a sanitary condition so as to not be a public health hazard as determined by the Lower Naugatuck Valley Health District and/or the State Health Department.
- 45.10** **Farm Wineries:** Farm wineries and the offering, tasting, sampling and selling of such wine shall be governed by the applicable provisions of the State Liquor Control Act and shall conform to the following standards and conditions:
- 45.10.1** Such winery shall be located on a farm operating under the provisions of Use Line 9A of Schedule A Permitted Uses on a lot having a minimum area often (10) acres.
- 45.10.2** Said farm shall be accessible directly from a designated State Highway or within 500 feet of said highway on a road deemed adequate and acceptable by the Commission. The site of the winery shall have adequate internal access thereto and be provided with sufficient parking to accommodate projected visitors.

45.10.3 Any proposed buildings intended for farm winery purposes shall be located not less than 100 feet from any street or property line.

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SECTION 46
SOIL AND EROSION AND SEDIMENT CONTROL

- 46.1** **Definitions:** For the purpose of this Section, the following definitions for specific terms shall apply.
- 46.1.1** "Certification" means a signed written approval by the Shelton Planning and Zoning Commission or its designated agent that a soil erosion and sediment control plan comply with the applicable requirements of these regulations.
- 46.1.2** "Commission" means the Planning & Zoning Commission of the City of Shelton, Conn.
- 46.1.3** "County Soil and Water Conservation District" means the Fairfield County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.
- 46.1.4** "Development" means any construction or grading activities to improved or unimproved real estate.
- 46.1.5** "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 46.1.6** "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 46.1.7** "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination.
- 46.1.8** "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- 46.1.9** "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 46.1.10** "Soil" means any unconsolidated mineral or organic material of any origin.
- 46.1.11** "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.
- 46.2** **Activities Requiring A Certified Erosion And Sediment Control Plan:** A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
- 46.3** **Exemptions:** A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.
- 46.4** **Erosion and Sediment Control Plan:**
- 46.4.1** To be eligible for certification, a soil erosion and sediment control plan shall contain

proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run-off on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

46.4.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

- a. the development
- b. the schedule for grading and construction activities including:
 - i. start and completion dates; sequence of grading and construction activities;
 - ii. sequence of grading and construction activities;
 - iii. sequence for installation and/or application of soil erosion and sediment control measures;
 - iv. sequence for final stabilization of the project site.
- c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

- a. the location of the proposed development and adjacent properties;
- b. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
- c. the existing structures on the project site, if any;
- d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
- e. the location of and design details for all proposed soil erosion and sediment

- control measures and storm water management facilities;
 - f. the sequence of grading and construction activities;
 - g. the sequence for installation and/or application of soil erosion and sediment control measures;
 - h. the sequence for final stabilization of the development site.
- C. Any further information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

46.5 Minimum Acceptable Standards:

- 46.5.1** Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; **reduces the spread of invasive species and promotes native species growth** and does not cause off- site erosion and/or sedimentation.
- 46.5.2** The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission or the County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 46.5.3** The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission.

46.6 Issuance or Denial of Certification:

- 46.6.1** The Shelton Planning & Zoning Commission or its designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- 46.6.2** Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- 46.6.3** Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

46.7 Conditions Relating to Soil Erosion and Sediment Control:

46.7.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 31 of the Regulations.

46.7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

46.7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

46.7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

46.8 **Inspection**

46.8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 47
ADULT ORIENTED BUSINESSES

47.1 Purpose and Intent: The purpose and intent of this Section is to regulate uses which, because of their nature, are recognized as having potentially serious objectionable operational characteristics and which have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, and commercial and residential property values, particularly when such uses are concentrated in a small area of the community. Special regulation of these uses is necessary and the primary purposes of such Regulations are to prevent a concentration of these uses in anyone area, to minimize any adverse impacts and to assure that these adverse effects will not contribute to the blighting or degradation of the surrounding neighborhoods. Accordingly, these Regulations are intended to prevent any concentration of these uses and to protect the health, safety, general welfare, property values and quality of life in Shelton. In addition to the provisions of this Section as set forth below, all adult oriented businesses shall be subject to regulations and provisions of other applicable State and local ordinances, including the City of Shelton Ordinance regarding Adult Oriented Business Establishments.

47.2 Definitions: For the purposes of this Section, certain words and terms uses herein are defined as follows:

- a) **Adult entertainment business:** A public or private establishment which is customarily not open to the general public but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes but is not limited to one or a combination of the following types of businesses: adult book store, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult novelty business, adult personal service business.
- b) **Accessory adult use:** An establishment, other than an adult personal service establishment, having less than ten (10) percent of its stock in trade in books, magazines, video tapes, adult materials and devices used for sexual stimulation or display films for sale, barter or rent or for viewing on premises by use of motion picture devices or any other coin operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to "Specified Sexual Activities" or "Specific Anatomical Areas". Any such accessory adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All adult personal service establishments and activities shall be deemed to be a principal activity.
- c) **Adult book store:** An establishment having ten (10) percent or more of its stock in trade in books, magazines, video tapes, adult materials and devices used for sexual stimulation or display films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to "Specified Sexual Activities" or "Specific Anatomical Areas".
- d) **Adult video store:** An establishment having ten (10) percent or more of its stock in trade, video tapes or films for sale or rent or for viewing on premises by use of motion picture devices or any other coin operated means, and other printed materials and

other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to "Specified Sexual Activities" or "Specific Anatomical Areas".

- e) **Adult motion picture theater**: An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein and from which minors are excluded by virtue of age.
- f) **Adult mini-motion picture theater**: An enclosed building with a capacity of less than 50 persons used regularly and routinely for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein and from which minors are excluded by virtue of age.
- g) **Adult cabaret**: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features nude or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators; or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein and from which minors are excluded by virtue of age.
- h) **Adult novelty business**: An establishment having ten (10) percent or more of its stock in trade in adult materials, toys and other devices designed for sexual stimulation and which excludes minors by virtue of age.
- i) **Adult personal service establishments**: An establishment, club, or business by whatever name designated which offers or advertises or is equipped or arranged so as to allow a person while clothed, nude or partially nude to provide personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include but are not limited to massages, body rubs, alcohol rubs, baths and other similar treatments, as well as modeling studios, body painting studios, "tattoo" parlors, body piercing studios, wrestling studios, individual theatrical performances.
- j) **Partially nude**: Means having any part of "Specified Anatomical Areas" less than completely and opaquely covered.
- k) **Principal activity**: Means a use accounting for ten (10) percent or more of a business stock in trade, display space, or floor space, or movie display time per month.
- l) **"Specified Sexual Activities"**: 1) Human genitals in a state of sexual stimulation or arousal; 2) Sex acts, normal or perverted, actual or simulated; and 3) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.
- m) **"Specified Anatomical Areas"**: 1) Less than completely and opaquely covered human genitals, pubic region, cleft of buttocks, and female breast below a point immediately above the top of the areola; and 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

47.3 Exemptions: The provisions of this Chapter shall not apply to nor prohibit the following uses and activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut:

- a) Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- b) Electrolysis treatment by a licensed operator of electrolysis equipment; hospitals, nursing homes, medical clinics or medical offices;
- c) Barbershops, or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only;
- d) Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution; and
- e) Health establishments including commercial and non-commercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

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

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

47.5 Locational Requirements and Standards: An adult oriented establishment may be located in a Commercial CB-2 District subject to the approval of a Special Exception and in accordance with the following standards and criteria in addition to the standards and criteria set forth in Section 33:

- a) No such adult oriented establishment shall be located within 200 feet of any residentially zoned area;
- b) No such adult oriented establishment shall be located within 500 feet of the property line of any public, private, or parochial school, or other educational facility serving individuals under the age of 17 years, day-care center, park, library or other public building, playground, church, convent, monastery, synagogue, or similar place of worship, or cemetery;

- c) No such adult oriented establishment shall be located within 500 feet of the property line of any lot containing a pre-existing establishment which sells alcoholic beverages (other than beer and wine) for on-premises consumption, or within 200 feet of the property line of any lot containing a pre-existing restaurant or other food service establishment which does not sell alcoholic beverages (other than beer and wine) for on-premises consumption;
- d) No such adult oriented establishment shall be located within 1,000 feet of another such establishment, whether pre-existing or proposed;
- e) For purposes of compliance with these separation requirements, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest principal entrance to the adult oriented establishment to the residential zone boundary or to the nearest boundary of the premises containing the uses specified in (b), (c) and (d) above;
- f) In accordance with C.G.S. 8-6, these regulations and provisions shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult oriented establishment;

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

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

- a) The street address of the premises.
- b) The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust.
- c) The address of the owner or the beneficial owners.
- d) The trade name of the regulated, Adult Oriented Establishment.
- e) The name(s) and address(es) of the owner, beneficial owner or the major stockholders of the regulated, Adult Oriented Establishment.
- f) The date of initiation of the regulated, Adult Oriented Establishment.

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

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

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SECTION 48
WIRELESS COMMUNICATIONS FACILITIES

- 48.1 Purpose and Intent:** Purpose and Intent: The Federal Communications Act of 1996 contains important provisions concerning the placement of antenna structures and other facilities for use in providing personal wireless services. The purpose and intent of this SECTION is to accommodate the need for Cell Sites in a manner that protects the municipality, minimizes conflict with adjacent uses and the surrounding area, and to assure the health and safety of the public. The City of Shelton and the Commission recognizes the quasi-public nature of cellular communications systems and finds that these regulations are consistent with the 1996 Act and are necessary to protect the ecological, scenic, historical and recreational values of the community and to ensure that visual and operational effects will not disturb the integrity of residential neighborhoods or contribute to degradation of the surrounding area. More specifically, the purposes are:
- a) to accommodate the need for cellular communications antennae while regulating their location and number;
 - b) to minimize adverse visual effects of cellular communications antennae and antenna or cell site towers through proper design, siting and vegetative screening;
 - c) to avoid potential damage to adjacent properties from antenna or cell site towers and falling ice through their proper siting and engineering;
 - d) to encourage the joint use of any new antenna or cell site tower; and to reduce the number of antenna or cell site towers needed in the future.
- 48.2 Site Selection Policies:** In the location of new cell sites, consideration must be given to locations in the following order of preference, with due consideration of municipally owned property as appropriate:
- a) As co-located facilities on existing towers, tanks, water towers and existing buildings and similar structures in all districts, with preference given to non-residential districts;
 - b) In those locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening;
 - c) On new towers on bare ground in non-residential districts with visual mitigation wherever possible;
 - d) On governmental, institutional or other structures in residential districts;
 - e) On new towers with maximum visual mitigation in residential districts.
- 48.3 Application Process:** An Application for a Certificate of Zoning Compliance shall be filed for all cell sites and antennas. The Application shall include a map showing the extent of planned coverage within the City of Shelton, approved locations of the applicant's other cell sites in the municipality and the location and service area of the proposed cell site.

Accessory buildings and structures needed to house equipment in support of a co-located cell site will require an Application for Site Plan Approval for those facilities. When a new cell site tower is proposed, an Application for Approval of a Special Exception is required.

48.3.1 Site Justification Statement: Applications for a new cell site tower must include the location of all high structures within 2,500 feet of the site proposed and a description of the narrowing process that eliminated other potential sites. The applicant must explain the selection process, pursuant to the policies set forth above and document why a Co-Located Cell Site is not possible. Documentation will be assessed with regard to technological unfeasibility, availability of a suitable site, structural feasibility or other proof supported by documentation. Evidence must be included that the owners of all potential locations have been contacted and asked for permission to install the antennas on those structures and each was denied for other than economic reasons. This would include water towers, smoke stacks, high buildings, antenna or towers of other cellular communications companies, other communications towers (fire, police, etc.) and other tall structures. Absence of a good faith effort to mount the antennae on an existing structure shall be sufficient grounds for denial of the Application by the Planning and Zoning Commission.

48.4 Monitoring of Emissions: While the FCC has the sole authority to determine what standards wireless facilities must meet to ensure that their radio frequency emissions do not harm humans or the environment, the Commission may require facilities to be monitored to determine compliance with FCC standards. Upon commencement of operation of the wireless service or at any subsequent time, the Commission may require the owner of said facilities to pay for a qualified, independent consultant, hired by the City, to conduct testing and monitoring of EMF radiation emitted from said site. Said monitoring shall conform to uniformly accepted practices and the results shall be reported to the Commission, the City Engineer and The Valley Health District. If such monitoring should reveal non-compliance with FCC standards, the facility owner shall be given 15 days from the date of official notice to reduce emissions to a level of compliance with FCC standards. Failure to attain compliance shall be reported to the appropriate office of the FCC and shall be deemed a zoning violation and subject to the penalties and fines applicable to such violations. Such penalties and fines shall be payable to the City of Shelton by the owner of the wireless facility until compliance is achieved.

48.5 Co-Located Cell Site Constraints: Any antenna that is mounted or attached to an existing communications tower, water tower, governmental or institutional building or other high building or structure is permitted in all Districts, subject to the following maximum height provisions:

- a) Omni directional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color that matches the exterior of the building or structure.
- b) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure.
- c) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and when building or rooftop mounted shall be located or screened so as not to be visible

from abutting streets.

- d) An antenna may not be located on a building or structure that is listed on a historic register or is in a historic district unless it is approved as a Special Exception.

48.6 Standards for Special Exception Approval: No Special Exception Application for any Cell Site Tower, Antenna or other wireless communications facility shall be granted unless in conformance with the following standards and conditions:

48.6.1 Fencing: All new Cell Site Towers and related equipment shall be surrounded by a fence not higher than eight (8) feet. Under no circumstances shall said fence include barbed wire, razor wire or similar deterrent measures. All such fencing shall comply with the setback provisions of Schedule B.

48.6.2 Landscaping: The site shall be landscaped to mitigate adverse aesthetic impacts and soften the appearance of a cell site, fencing and related buildings. Any combination of existing vegetation, topography, walls, decorative fences or other features may be permitted in lieu of landscaping if the intent of the landscape screening is achieved to the satisfaction of the Commission.

- a) A screen consisting of a row of **native** trees planted not more than 10 feet on center shall be required to enclose the site. The screening shall have a minimum height of six (6) feet at the time of planting.
- b) Existing vegetation on and around the site shall be preserved to the maximum extent possible.

48.6.3 Illumination: No lighting of any Cell Site shall be permitted unless mandated by the Commission, the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

48.6.4 Signage: No commercial advertising sign, symbol, letters or other signage is permitted on any Cell Site, Antenna or Antenna Tower, unless required by law or necessary to ensure public safety.

48.6.5 Antenna Height: No Cell Site Antenna Tower shall exceed the height required to satisfy the technical requirements of the user(s), and in no event shall any tower exceed a height of 100 feet in any residence district or 150 feet in any non-residence district. Notwithstanding the above, in any residence district the Commission may permit an increase of said height to 120 feet for the following reasons: a) in order to enhance the potential for co-located cell sites; and/or b) in instances where the proposed tower is located within 200 feet of an existing tower of greater height, provided the increased height does not exceed the height of said existing tower.

48.6.6 Setbacks: All antenna towers shall be setback from any property line not less than the minimum setback required by the district in which it is located or 30 percent of the antenna height or 40 feet, whichever is the greatest.

48.6.7 Joint Use Accommodation: In order to minimize the number of cell site towers in the future, all proposed support tower structures are required to accommodate

additional users, including other wireless communication companies and local police, fire, ambulance and other non-private emergency services. All antenna towers shall be engineered and constructed to accommodate a minimum of two (2) additional communication service providers, unless it is determined to be technically unfeasible based on information submitted by the applicant and confirmed by the Commission.

48.6.8 Color: All antenna towers shall be of a neutral color deemed appropriate by the Commission.

48.6.9 Professional Certification: All site plans and tower designs, including soils reports and design specifications for foundations and guy wire anchors, shall bear the seal of an appropriate Professional Engineer registered to practice in the State of Connecticut.

48.7 Additional Requirements: In addition to the requirements set forth above, the Commission may require submission of the following information:

48.7.1 Evidence of Necessity: Using technological evidence, including propagation studies which illustrate the area serviced by the proposed cell site, and if requested by the Commission, propagation analysis for sites that were rejected, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following criteria (not listed in any order of priority):

- a) availability of suitable structures for co-located cell sites;
- b) topography as it relates to line-of-sight transmission for optimum service efficiency;
- c) leasable sites and willing landlords;
- d) screening potential of existing vegetation, structures and topography;
- e) compatibility with adjacent land uses;
- f) least number of sites to cover desired area;
- g) greatest coverage consistent with physical requirements;
- h) opportunities to mitigate possible visual impact;
- i) availability of sites not within an established residential area;
- j) preservation of view corridors;
- k) potential for preservation of preexisting character of site;
- l) minimal impact on residential areas adjacent to commercial or industrial zoned sites;
- m) selection of sites which lend themselves more readily to visual mitigation;
- n) view shed analysis, illustrating view-impacts on areas surrounding the proposed site;

- o) compatibility with adjacent land uses;
- p) availability of adequate infrastructure including road access, electric power and land-based telephone lines or microwave link capability.

48.7.2 Peer Review: Should the Commission determine that a peer review of technical issues and information is warranted, the applicant shall assist the Commission in retaining such peer review and shall reimburse the City for any reasonable costs associated with obtaining such peer review.

48.7.3 Graphic Simulations: The Commission may require depictions such as sketches, photographic simulations or photographs of a balloon at the elevation of the proposed cell site. If balloon elevation is required, public notice of the time and place of such balloon elevation shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least seven (7) days before the elevation of such balloon.

48.7.4 Abandonment: A cell site which is not used or maintained for a period of six (6) months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such six (6) month period. Upon removal the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area.

CHAPTER V
AMENDMENTS, NOTIFICATIONS, PENALTIES, VALIDITY, ETC.

SECTION 51
AMENDMENTS

- 51.1** These Regulations, including the Building Zone Map which is a part hereof, may be amended by the Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by the following:
- 51.1.1** For petitions concerning the text of these Regulations, 15 copies of the existing and proposed text shall be submitted.
- 51.1.2** For petitions concerning the Building Zone Map, two (2) copies of a map shall be submitted, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all areas in the City within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Shelton Assessor's records.
- 51.1.3** A Petition Fee as determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton.

SECTION 52 **NOTIFICATIONS**

- 52.1 Posting of Premises:** Whenever a public hearing is scheduled by the Commission, the petitioner/applicant shall post a sign on the property which is the subject of the public hearing. The sign shall be visible and legible to passersby on the principal street at the affected property. Such sign, to be provided to the petitioner/applicant by the Commission, shall state the date, time and place of the public hearing, shall indicate the subject matter of the public hearing, and shall be in evidence for the continuous period of 10 days preceding the date of the public hearing.
- 52.2 Notification of Affected and Adjacent Property Owners:** All affected and adjacent property owners shall be notified as set forth below:
- 52.2.1** For Petitions concerning amendments and changes to the Building Zone Map, including Planned Development Districts and Planned Residence Districts, the petitioner requesting such amendment shall mail notification of said pending application and hearing to at least one owner of record, as indicated on the most recent Grand List on file in the Assessor's records, of each property or portion of property situated within 200 feet of the proposed change, not more than fifteen (15) days but not less than ten (10) days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission
- 52.2.2** Each application for a Special Exception or a Temporary Special Exception shall be accompanied by a list of the names and addresses of the owners of all properties or portions of properties situated within 200 feet of the site of the proposed application, as indicated on the most recent Grand List on file in the City of Shelton Tax Assessor's Office. The applicant for such Special Exception or Temporary Special Exception shall mail notification of said pending application and hearing to at least one owner of record of each of said properties not more than fifteen (15) days but not less than ten (10) days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission.
- 52.2.3** Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing, shall be submitted to the Commission together with a duplicate list of the above noted property owners not less than five (5) days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of the Petition/Application but shall not result in an automatic denial. For purposes of this Section, for properties held in joint or multiple ownership, notification to a condominium officer or director, a corporate officer, a partner or other persons having a partial ownership fee interest in the property shall be considered adequate notification to all co-owners or parties in interest.
- 52.2.4** The written notification requirements set forth above are in addition to and beyond the statutorily mandated public notice requirements. Therefore, the Commission shall be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency whether perceived or real, in the above noted notification procedure shall not be construed as an

automatic invalidation of the decision of the Commission on that
Petition/Application and shall not be considered jurisdictional.

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SECTION 53
PENALTIES

- 53.1** Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

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SECTION 54
VALIDITY

- 54.1** If any section, paragraph or provision of these Regulations shall be adjudged invalid, such adjudication shall not invalidate any other section, paragraph or provision of these Regulations and such remainder shall be deemed valid and effective.

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SECTION 55
EFFECTIVE DATE & REPEAL

- 55.1** These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission, in accordance with the General Statutes of the State of Connecticut.
- 55.2** The Zoning Ordinance of the City of Shelton, adopted by the Zoning Commission on August 5, 1966 and all amendments thereto are repealed coincident with the effective date of these Regulations. The repeal of the above Ordinance and all amendments thereto shall not affect the status of any personnel and shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture of punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

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Original PRD Regulations Replaced by DRD
PREVIOUSLY SECTION 35 - PLANNED RESIDENCE DISTRICT

- 35.1 General:** The Planned Residence District (PRD) is a class of district in addition to an overlapping the Residence R-IA and R-I Districts. PRDs may be established from time to time by the Commission and delineated on the Building Zone Map upon petition by the owner of property and after due notice and public hearing as required by law for amendment of these Regulations.
- 35.2 Purpose:** The PRD is made part of the Comprehensive Plan of Zoning for the purpose of authorizing residential development that is consolidated or grouped in such a manner as to preserve significant open space and conservation areas, encourage provision of central water supply and sewage disposal systems and provide for a choice in dwelling types within the city. Such residential development may consist of single-family dwellings or multiple dwellings or combinations thereof. It is recognized that there are large tracts of land within the Residence R-I District characterized by conservation and open space resources, appropriate soil conditions, with proximity to central water supply and sewage disposal facilities and with suitable location and access within the City, which are capable of accommodating such consolidated residential development. The procedures and standards hereinafter specified are necessary in order to delineate PRDs that will be in accord with the Comprehensive Plan of Zoning.
- 35.3 Informal Consideration:** The Commission recommends that, prior to the submission of a formal petition, the petitioners review with the Commission and its staff, in a preliminary and informal manner, any proposal for a PRD. The Commission recommends that preliminary plans include appropriate existing conditions information as well as tentative proposals for street layout, development areas and open space reservations. The Commission, at its discretion, may or may not render a non-binding opinion.
- 35.4 Petition:** A petition requesting an amendment of the Building Zone Map for the purpose of establishing a PRD within the Residence R-IA or R-1 District may be filed with the Commission in accordance with the provisions of Section 51 and this Section. The petition shall be signed by the owner or owners of all properties within the proposed PRD and shall be accompanied by six (6) copies of each of the following:
- 35.4.1 Boundary:** a map and a metes and bounds description of the boundary of the proposed PRD as specified in Paragraph 51.1.2.
- 35.4.2 Existing Condition Map:** a map or maps of the entire area of the proposed PRD at a scale of not less than 100 feet to the inch, showing no less than the following;
- a) existing contours at a maximum interval of two (2) feet;
 - b) existing natural soils, confirmed by field samples and tests, in accordance with the classifications of the National Cooperative Soils Survey of the Soil Conservation Service of the U.S. Department of Agriculture; and large trees, wooded areas, ledge outcroppings, significant open space and conservation features, historic sites, trails, existing buildings and other structures and wetlands and watercourses as defined in Public Act #155 of 1972 and Public Act #73-571 respectively of the Connecticut General Assembly.

35.4.3 Preliminary Conventional Subdivision: a preliminary subdivision plan of all land within the proposed PRD, meeting all of the requirements of the Subdivision Regulations of the City of Shelton including provisions for open space and showing a conventional layout of lots for single family dwellings in accordance with the appropriate Residence R-1A or R-1 District standards, as applicable to the subject PRD

35.4.4 Consolidated Land Use Plan: a consolidated land use plan for land within the proposed PRD, at a scale of not less than 100 feet to the inch, showing the following:

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

- a) those areas of the PRD proposed to be used for individual lots for single family dwellings specifying the maximum number of such lots;
- b) those areas of the PRD proposed to be used for detached single family dwellings not on individual lots and a specific maximum number of such dwellings by the number of bedrooms in each;
- c) those areas of the PRD proposed to be used for multiple dwellings consisting of two (2) or more dwelling units and a specific maximum number of such dwelling units by the number of bedrooms in each;
- d) those areas of the PRD proposed to be reserved as open space; and
- e) a tentative layout of streets proposed to serve the Plan.

35.5 Standards and Criteria: The standards and criteria hereinafter set forth are applicable to the establishment of a PRD and are in addition to those factors normally considered by the Commission in the delineation of any zoning district;

35.5.1 Area of PRD: The PRD shall encompass no less than 20 acres of substantially vacant land. A lesser area may be considered by the Commission if the PRD adjoins another PRD or if the proposed open space reservation within the PRD consists of ten (10) acres or more or will be adjunct to existing permanently reserved open space outside the PRD.

35.5.2 Development Density: The established density-base of the PRD shall be the number of individual lots for single family dwellings shown on the preliminary conventional subdivision plan submitted under Paragraph 35.4.3 and determined by the Commission to represent a reasonable subdivision of the land within the PRD The maximum dwelling and dwelling unit shall not exceed the density, which the water supply and sewage disposal facilities are capable of supporting and shall not exceed the following, whichever is less:

- a) for PRD consisting entirely of individual lots for single family dwellings served only by public water supply, 1.1 times the established density base of the PRD;
- b) for PRD consisting entirely of individual lots for single family dwellings served by both public water supply and municipal sanitary sewers, 1.2 times the established density base of the PRD;
- c) for PRD consisting of single and of two-family dwellings not on individual lots and served by both public water and municipal sanitary sewers, 1.3 times the established density base of the PRD;
- d) for PRD consisting entirely of multiple dwellings containing three (3) or more dwelling units which units contain three (3) or more bedrooms, two (2) times the established density base of the PRD;
- e) for PRD consisting entirely of multiple dwellings containing 3 or more dwelling units, which units contain one (1) or two (2) bedrooms, three and one-half (3.5) established density base of the PRD;
- f) for a PRD consisting of any combination of the above, the sum of the proportionate parts shall not exceed the established density base as calculated according to the following formula where (a) through (e) refer to the number of each of the dwelling unit types enumerated above:

$$\text{Established Density Base} = \frac{a}{1.1} + \frac{b}{1.2} + \frac{c}{1.3} + \frac{d}{2.0} + \frac{e}{3.5}$$

35.5.3 Water Supply: Each building lot and all dwellings shall be served by public water supply. In unusual circumstances where extension of public water supply to one (1) or more remote or isolated single family lots is deemed infeasible or impractical, the Commission may require those lots to be deducted from the established density base and permit them and the dwellings thereon to be served by an adequate on-site source, subject to the approval of the Valley Health District.

35.5.4 Sewage Disposal: Where practicable, the PRD shall be served by extension of the Shelton municipal sanitary sewer system. At minimum, all dwellings containing two (2) or more dwelling units shall be served by said sanitary sewer system.

35.5.5 Open Space: The PRD shall result in the permanent reservation of significant and desirable land for open space and conservation purposes with reasonable access, shape, dimension, character and location. Notwithstanding the potential development density allowable under 35.5.2 above, the minimum area of permanently reserved open space shall be not less than 15,000 square feet times the established density base as determined under Paragraph 35.5.2. In lieu of fee conveyance of said open space, the Commission may require the conveyance of development rights to the City to preclude any possible future development of said open space.

35.6 Procedures: When the Commission is satisfied that a complete petition has been filed, the Commission shall hold a public hearing in the same manner and with the same notice

as required for amendment of these Regulations, shall decide thereon and shall give notice of its decision as required by law. If the proposed PRD is adopted by the Commission and made part of the Building Zone Map, such adoption shall incorporate within the PRD, as specific restrictions, the following:

35.6.1 The Consolidated Land Use Plan, for the purpose of identifying and specifying areas to be used for individual lots for single family dwellings, areas to be used for single and multiple dwellings consisting of two (2) or more dwelling units and areas of reserved open space;

35.6.2 The maximum number of individual lots for single family dwellings, the maximum number of single-family dwellings not on individual lots and the maximum number of multiple dwelling units by number of bedrooms in said multiple dwellings. The total resulting dwelling units shall not exceed the maximum dwelling unit density as determined under Paragraph 35.5.2;

35.6.3 The minimum area of permanently reserved open space specified in Paragraph

35.7 **Development Plan and Standards:** After adoption of any PRD by the Commission, the Commission is authorized to approve plans for the development of such PRD or some portion thereof, in accordance with the standards hereinafter specified, provided such approval shall be effective after the effective date of the PRD.

35.7.1 **Lots for Single Family Dwellings:** Individual lots for single family dwellings may be established by subdivision of land in accordance with the standards and procedures of the Subdivision Regulations of the City of Shelton.

a) lots served by public water supply only shall contain an area of not less than 30,000 square feet, shall have a frontage of 110 feet or more on a street, shall be of such shape that a square with 130 feet on each side will fit on the lot with some portion of such square extending to or within the required street setback area, and shall provide for a minimum setback of 20 feet from any line other than a street or rear property line;

b) lots served by both public water supply and municipal sanitary sewers shall contain an area of not less than 20,000 square feet, shall have a frontage of 90 feet or more on a street, shall be of such shape that a square with 110 feet on each side will fit on the lot with some portion of such square extending to or within the required street setback area, and shall provide for a minimum setback of 20 feet from any line other than a street or rear property line.

35.7.2 **Single Family and Multiple Dwellings:** Other single-family dwellings not on individual lots and multiple dwellings consisting of two (2) or more dwelling units may be approved by the Commission subject to administrative approval of a Site Plan there for in accordance with Section 31.

35.7.3 **Open Space:** In connection with approvals under Paragraph 35.7.1 and/or 35.7.2, at least the proportionate portion of the total minimum required area of open space specified under Paragraph 35.5.5 shall be permanently reserved, with provision made for the retention and preservation of the land by means of ownership, operation and maintenance suitable to support the open space as approved by the Commission.

35.7.4 Consolidated Land Use Plan: The individual lots for single dwellings, other single-family dwellings not on individual lots, multiple dwellings and the reserved open space land shall be located in the areas specified on the Consolidated Land Use Plan adopted by the Commission as part of the PRD under Paragraph 35.6.1.

35.7.5 Fee: A petition fee in an amount determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto, payable to the City of Shelton.

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Shelton Planning and Zoning Fee Schedule

Effective: June 1, 2020

Classifications		City Fee	State Fee	Total
Certificate of Zoning Compliance				
1	Home Occupation, Home Office, and/ or Trade Name Certificate (DBA)	\$40 *	n/a	\$40
2	Commercial Business Occupancy	\$60 *	n/a	\$60
3	Residential, Commercial, and Mixed Use Residential Units	\$100 per unit *	n/a	\$100 min.
	A. Fee waved for each deed restricted affordable unit			
4	Telecommunications Construction: not approved by CSC	\$150	\$60	\$210
5	Residential Construction: new construction and/ or alteration. Includes pools, decks, in-laws, detached and attached additions.			
	A. Increments of 250 sf. rounded up	\$50 per 250 sf.	\$60	\$110 min.
	B. ≥ 4000 sf.	\$800	\$60	\$860
6	Commercial Construction: patio, addition, new construction			
	A. Increments of 500 sf. rounded up	\$100 per 500 sf.	\$60	\$160 min.
	B. ≥ 20,000 sf.	\$4,000	\$60	\$4,060
7	Signs: by definition in Section 44, including awnings			
	A. < 10 sf.	\$40	\$60	\$100
	B. ≥ 10 sf. \$25 per 5 sf. rounded up	\$25 per 5 sf.	\$60	\$110 min.
8	Temporary COC	\$40	\$60	\$100
9	Application for Filling and Grading for Residential, processed under TSE	\$500	\$60	\$560
Site Plan Approval				
10	Site Plan Approval	\$400 + \$100 / ac.	\$60	\$560 min.
11	Coastal Area Management Site Plan Approval	\$400 + \$100 / ac.	\$60	\$560 min.
12	Modification to Site Plan Approval	\$400 + (\$100 / ac. if app.)	\$60	\$460 min.
Special Exception - includes one tech session with staff and consultant, and fees for legal notices				
13	Application for Special Exception Permit	\$1,500 (+ \$100 / ac. if appl.)	\$60	\$1,560 min.
14	Application for a Temporary Special Exception Permit	\$1,000 (+ \$100 / ac. if appl.)	\$60	\$1,060 min.
Zoning Map Change - includes one tech session with staff and consultant, and fees for legal notices				
15	Amend the Zoning Regulations or Zoning Map	\$1,000 + (\$100 / ac. if appl.)	\$60	\$1,060 min.
16	Petition for Special Development Area	\$1,000 + \$100 / ac.	\$60	\$1,060 min.
17	Subdivision	\$500 + \$100 / lot	\$60	\$660 min.
18	Re - Subdivision	\$1,500 + \$100 / lot	\$60	\$1,660 min.
19	Application for a Conservation Development Area (CDA)	\$1,500 + \$100 / lot	\$60	\$1,660 min.
20	Application for a Designed Residence Development (DRD)	\$1,500 + \$100 / lot	\$60	\$1,660 min.
21	Application for Planned Development District (PDD)	\$3,000 + \$100 / ac.	\$60	\$3,160 min.
	A. Application for a Major Modification to a PDD (acreage charge applicable for site expansion)	\$1,500 + (\$100 / ac. if appl.)	\$60	\$1,560 min
	B. Application for a Minor Modification to a PDD	\$500	\$60	\$560
Letter of Compliance				
22	Letter of Compliance and Conformity			
	A. Residential	\$80	\$60	\$140
	B. Commercial	\$150	\$60	\$210
23	Temporary Certificate of Zoning Compliance Release	\$50	\$60	\$110
Other Items				
24	Work Session w/ Staff & Consultant	\$120 / hr. *	n/a	\$120 min.
25	Consulations w/ Consultant	\$100 / hr. *	n/a	\$60 min.
26	Zoning Map	\$40 *	n/a	\$40
27	Coastal Area Management Map	\$40 *	n/a	\$40
28	Zoning Regulations	\$80 *	n/a	\$80
29	Plan of Conservation and Development	\$40 *	n/a	\$40
Footnotes				
30	(*) All applications except items: 1 - 3, and 24 - 29 require a state mandated fee for the CT DEP per CGS 22a-27j.			
31	Fees are due upon receipt or submission of application and are non-refundable under any circumstance, unless waived by the commission.			
32	Any application for which approvals are sought after the fact or correction of a violation shall pay double the fees listed above.			
33	Rescheduling or cancellation of a Public Hearing after legal advertisement is published shall require a service charge of \$400.			

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