

# **TOWN OF PLYMOUTH**

# **ZONING REGULATIONS**

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## **ARTICLE 1**

### **PREAMBLE, ENACTING CLAUSE, ZONING DISTRICTS, ZONING MAP, AND SCOPE OF CONTROLS**

#### **A. PREAMBLE**

These zoning regulations are designed to further the purposes set forth in Chapter 124, section 8-2 of the Connecticut General Statutes, particularly in the following ways: to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces, the density of the population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; and the height, size and location of advertising signs and billboards within the limits of said town; to divide said town into districts of such number, shape and area as may be best suited to carry out the purposes of such act; to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewers, schools, parks and other public requirements, and with full consideration for the protection of historic factors and may provide that proper provision be made for sedimentation control, and the control of erosion caused by wind or water; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said town, all in accordance with a comprehensive plan. Such regulations may also encourage energy efficient patterns of land development, the use of solar and other renewable forms of energy, and energy conservation.

All references to the Connecticut General Statutes refer to the revision of 1958, as amended.

#### **B. ENACTING CLAUSE, SHORT TITLE**

The Plymouth Planning & Zoning Commission, acting under authority of Chapter 124 of the Connecticut General Statutes, hereby adopts and enacts these regulations as the “Zoning Regulations of the Town of Plymouth”.

### C. ESTABLISHMENTS OF DISTRICTS

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

SYMBOL	TITLE
R-20	Residence R-20 District
R-40	Residence R-40 District
R-LAKE	Residence R-LAKE District
C-1	General Commercial District
RBZ	Restricted Business District
C-VILLAGE	Village District
I-1	Industrial I-1 District
I-2	Industrial I-2 District

Each district may be designated on the Zoning Map referred to in the Use and Bulk Tables in Article 4, and elsewhere in the text of these regulations by its symbol only.

### D. PURPOSE OF ZONING DISTRICTS

The following statements of intent outline the broad purpose of each zone and its relationship to the adopted Plan of Conservation and Development. Additionally these statements are intended to articulate the hierarchal character of the districts and their legislative purpose.

- 1. R-20 District** – are those portions of Plymouth characterized by 20,000 sq. ft. parcels, or less, by the availability of both public water and public sewer, generally surrounding the historic center of Terryville and by those areas more suitable for a fuller range of housing opportunities and choice. Shown as high density residential on the future land use plan.
- 2. R-40 District** – are those portions of Plymouth where generally the lack of either public water or public sewer requires minimum 40,000 sq. ft. parcels. Shown as either low or medium density residential on the future land use plan.
- 3. R-LAKE District** – shown as high density on the future land use plan, the regulations for these two specific areas are designed to provide for the most rational and orderly development in areas bordering the lakes. Further, the purpose is to protect existing and proposed development around the lakes from siltation and pollution.
- 4. C-1 District** – shown as commercial on the future land use plan, these districts are designed to allow general commercial and office development in areas on or near major streets, most notably Route 6, while restricting strip development.
- 5. RBZ District** – while also shown as commercial on the future land use map, this district serves as a transitional zone for uses permitted along Route 6. It is intended for areas which contain a mix of low density homes by allowing some offices and personal services.

6. **C-VILLAGE** – is that area along Route 6 in the original Terryville settlement which is set apart to encourage revitalization and compatible land uses; promote and preserve the prevailing historic architectural context; promote the principles of New Urbanism and Smart Growth; and promote development that is consistent with the goals and objectives of the Plan of Conservation and Development and the Economic Needs Study and the Market Research Analysis.
7. **I-1 District** – these districts are set apart by virtue of their past industrial use, their existence in industrial areas which no longer meet modern industrial standards and their potential continued use for less expensive often multi-storied facilities.
8. **I-2 District** – these districts are intended to provide suitable locations for heavy industrial uses, manufacturing and distribution and to include areas either in or suitable for designed industrial parks.

## **E. ZONING MAP**

The areas and boundaries of such districts are hereby established (a) as shown on a map entitled “Zoning Map of the Town of Plymouth” and (b) as specified in the following sections. Such map bearing the same date as these regulations, referred to herein as the “Zoning Map”, together with everything shown thereon, is hereby made part of the regulations. An original of the Zoning Map and any amendments thereof shall be maintained on public display in the office of the Town Clerk.

1. **Interpretation Of District Boundaries On Zoning Map:** The following rules shall apply to determining the location of district boundaries:
  - i. **Along Rights-Of-Way.** Where a district boundary is shown following a street, a public right-of-way or a railroad, the boundary is respectively the center line of such street, or public right-of-way, or a line located midway between the main tracks of said railroad, and such boundary shall be deemed to be changed automatically whenever the center line of such street, or public right-of-way is changed or said main railroad tracks are changed, if the new center line is no further from the old center line than 50 feet at any point.
  - ii. **Map Dimensions.** Where a dimension is indicated on the Zoning Map such dimension shall control. However, in the absence of a specific dimension being indicated on the Zoning Map, the dimension shall be determined by using the map scale.
  - iii. **Physical Markers.** Where a street, highway, railroad or other physical monument or marker on the ground by which a boundary is determined varies from that as shown on the Zoning map, the on-the-ground physical monument or marker shall control.
  - iv. **Lots Divided by District Boundary.** If any lot is divided by a district boundary, the part of such lot within each district shall be regulated by all

the Bulk Regulations of that district, except that the maximum floor area and maximum number of dwellings shall be equal to the sum of the floor areas and dwelling units respectively permitted on each part of the lot.

**F. SCOPE OF CONTROLS**

1. Compliance with Regulations: Except as otherwise provided herein, no land, building or structure or part thereof shall be constructed, reconstructed, erected, extended, enlarged, moved, arranged,, altered or used, or the use changed, or the dimensional requirements of lots, yards or courts changed, except in conformity with the requirements of these regulations for the district in which such land, building, structure or use is located.
2. Permitted and Prohibited Uses: Any use not specifically permitted by right or by Special Permit in a zoning district by these Regulations shall be deemed to be prohibited within such district.
3. Determination of Uses: Where a proposed use is not clearly permitted nor clearly prohibited in a zoning district by these regulations, the Commission shall make the determination as to whether the proposed use is permitted in that district by right or by Special Permit, or is prohibited.
4. Minimum Requirements: In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary.



## ARTICLE 2

### INTERPRETATION

#### A. GENERAL REQUIREMENTS

For the purposes of these Regulations, certain terms and words used herein shall be used, interpreted, and defined as set forth in this section. Unless specifically defined below or in the Zoning Regulations of the Town, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations its most reasonable application.

#### B. DEFINITION OF TERMS

A “**person**” includes an individual, a corporation, a partnership, an unincorporated association; “**shall**” is always mandatory; a “**building**” includes a “**structure**”, a “**building**” or “**structure**” includes any part thereof, “**used**” or “**occupied**” as applied to any land or building shall be construed to include words “**intended, arranged, or designed to be used or occupied.**” The “**Town**” is the Town of Plymouth in the County of Litchfield, State of Connecticut; the “**Planning and Zoning Commission**”, the “**Zoning Board of Appeals**” are respectively the Planning and Zoning Commission, the Zoning Board of Appeals of the Town.

#### C. DEFINITIONS

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

**ACCESSORY APARTMENT:** A separate living unit, containing both a bathroom with a sink, toilet and tub or shower and a kitchen with a stove, sink and refrigerator, accessory to a single family residential dwelling.

**ACCESSORY STRUCTURE:** An Accessory Structure shall be defined as a building; structure; or anything having been placed or located on any parcel that is incidental to the existing use. An Accessory Structure shall not exceed 320 sq. ft. with appendages for a building or structure or 576 sq. ft. for a pool and associated deck in area. Any Accessory Structure shall not exceed 15’ in height.

**ADDITION (to an existing building):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing wall is new construction.

**AFFORDABLE HOUSING:** A dwelling unit for sale or rent at a monthly cost, including utilities, that does not exceed 30% of the total monthly income of a family whose income is not greater than 80% of the lower of the state or area median income, whichever is less, as determined by the U.S. Department of Housing and Urban Development.

**ALL-TERRAIN VEHICLE (ATV)** – a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways including, but not limited to, quads, ATV's, dirt bikes, and motorcycles not approved for on road use whether modified or not.

**AMUSEMENT CENTER:** A facility open to the public which has three (3) or more amusement games/video games. This includes, but is not limited to, pool or billiard tables, and shall include any combination of the above.

**AMUSEMENT GAME/VIDEO GAME:** Any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game by the insertion of a coin, token or other article or by paying money to have it activated. This definition does not include: (a) a jukebox, (b) rides, (c) bowling alleys, (d) any device maintained within a residence for the use of the occupants thereof or (e) any device the possession or use of which is prohibited by law.

**ANTENNA:** A device used in communications which transmits or receives telecommunications or radio signals. Examples include panel, whip, and dish antennas.

**APPEAL:** A request for a review of the Commission's interpretation of any provision of these regulations or a request for a variance.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT:** The portion of the building that is partly underground which has more than half of its interior height measured from floor to finished ceiling above the average finished grade of the ground adjoining the building.

**BED & BREAKFAST:** Bed & Breakfast – An accommodation offered in a private residence, consisting of a room for the night and breakfast in the morning for one inclusive price.

**BILLBOARD:** See SIGN.

**BIRD UNIT:** A standard used to determine the number of fowl which can be kept on a lot. An adult chicken comprises one unit. Immature poultry is assigned a fractional unit, while larger poultry such as turkey, ducks and geese are

expressed in larger units.

**BUILDABLE ACRE:** 40,000 square feet of buildable land.

**BULK:** The size and shape of buildings and non-building uses; and the physical relationships of their exterior walls or their location to lot lines and other buildings or other walls of the same building, and all open spaces required in connection with a building. Bulk Regulations include regulations dealing with floor area ratio (referred to as max Building Coverage in the Bulk Table), maximum lot coverage, building height, lot area per dwelling unit, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, and length of building in a row.

**CAMP TRAILER:** See RECREATIONAL VEHICLE.

**CANOPY:** A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extending from the ground.

**CELLAR:** See BASEMENT.

**CERTIFICATION:** A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

**CLUB:** A corporation or association of persons operated for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

**COMMERCIAL:** A use facilitating the barter, sale or exchange of things of value.

**COMMERCIAL KENNEL:** An establishment licensed for the purpose of breeding, selling, or boarding dogs and/or cats, or any combination of activities thereof. Also includes handling, training, grooming, showing, physical therapy and other similar compensated services.

**COMMISSION:** The Planning and Zoning Commission of the Town of Plymouth, Connecticut.

**CONDOMINIUM BUILDING:** A building intended to serve two or more condominium units.

**CONDOMINIUM UNIT:** A part of the property including one or more rooms or enclosed spaces located on one or more floors or part or parts thereof in a building intended for independent use as a residence with a direct exit to a public street or highway or to a common area leading to such street or highway. For purposes of these Regulations, the term “condominium” shall also include such

terms as town house, garden apartment or multi-family residence.

**CONVALESCENT HOME:** The term shall include (a) a home for the aged; (b) rest home with nursing supervision; (c) a chronic and convalescent home; (d) a chronic and convalescent home with authorization to care for persons suffering from harmless chronic mental unsoundness; (e) a children's nursing home and (f) a children's nursing home with authorization to care for persons suffering from harmless chronic mental unsoundness. Above terms are defined in the "Public Health Code of the State of

Connecticut, February 1974, as amended."

**COUNTY SOIL AND WATER CONSERVATION DISTRICT:** The Northwest Conservation District established under of Section 22a-315(a) of the General Statutes of the State of Connecticut.

**COVERAGE, BUILDING:** A percentage figure referring to that portion of a lot covered only with principal buildings, accessory buildings, decks and porches.

**COVERAGE, LOT:** A percentage figure referring to that portion of a lot covered with buildings, decks, porches, patios, pools, driveways, sidewalks, and parking areas.

**DEVELOPMENT:** Any man-made change, or improvement to, improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

**DISTURBED AREA:** An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

**DUSTLESS SURFACE:** A surface adequately covered with screenings, stone, gravel, asphalt, or bituminous products, or adequately treated with oil, calcium chloride, or similar dust-inhibiting substances.

**DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.

**ELEVATED BUILDING:** A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

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

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, (including, at the minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Flood Damage Prevention Regulations.

**FAMILY:** One person or more persons who live together and maintain a common household, related by blood, marriage, civil union or adoption. A family may also include domestic help and gratuitous guests.

**FARM:** A farm shall be construed to mean at least five acres of land with buildings which are mainly used for and incidental to farming as so deemed for tax purposes by the Assessor.

**FINISHED GRADE:** The final grade of the site after completion of all work which conforms to the approved plan.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of the community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOOD OR FLOODING:** a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland water;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

**FLOOR:** The top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FLOOR AREA RATIO:** The floor area in square feet of all buildings on a lot, divided by the minimum area of such lot in square feet.

**FLOOR AREA, LIVABLE:** The floor area of a residence which is adequately protected by heat and assured of the availability of light and ventilation. It may include finished basement or attic space, or enclosed porches. However, livable floor area does not include garage space, a basement, terraces, roofed or unroofed open porches and steps.

**FLOOR AREA-GROSS:(a.k.a. GFA)** The sum of the gross area (horizontal) of every floor of a building measured from the exterior faces of the walls or from the center line

of party or common walls separating two buildings, including (a) basement space; (b) attic space whether or not a floor has been laid, over which there is structural headroom of 7-1/2 feet or more, (c) floor space used for mechanical equipment with structural headroom of 7-1/2 feet; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed over space such as a garage or carport for off-street parking accessory to a single-family or two-family dwelling not located in a cellar. However, floor area does not include; (a) cellar space (except that cellar space used for a retail sales use shall be included for the purpose of calculating requirements of such use for accessory off-street parking spaces and accessory off-street loading berths); (b) elevator and stair bulkheads, accessory water tanks and cooling towers; and (c) terraces, unroofed open porches and steps.

**GARDEN APARTMENT:** A building formed by four or more attached dwelling units which has no main central hallway and rises no more than two stories above the ground level.

**GRADING:** Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**HEIGHT, BUILDING:** The vertical distance from the average elevation of the proposed finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HOME ANIMAL AGRICULTURE:** The activity of raising, breeding, growing, caring, housing of livestock and the use of their products by their owners.

**HOME OCCUPATION:** A profession or other occupation, not otherwise permitted in the district, which is carried on as an accessory use on a residential lot, by one or more members of the family residing on the premises, and which in "R" districts conforms to the following additional Regulations: (a) the profession or other occupations shall be carried on wholly within a residence or adjoining garage, (b) not more than ¼ the floor area of the residence or garage, is so used; (c) not more than two persons outside the family shall be employed in such home occupation, and (d) provided there is no display or advertising except for a professional name plate not exceeding 100 square inches in area. A home occupation includes but is not limited to: studio, dressmaking, teacher, or professional office or studio of a physician, author, artist, musician, lawyer, engineer, architect, real estate agent, accountant, or consultant; but does not include animal hospital, automotive repair service, barber shop, beauty parlor, restaurant, tea room or tavern. The use of a garage shall not diminish the required number of parking spaces for the residential use.

**HOTEL:** A building which has a common entrance or entrances and contains living and sleeping accommodations for hire for 10 or more persons.

**IMPERVIOUS COVERAGE:** Areas covered by impervious surfaces where rainfall and surface runoff cannot penetrate into the ground e.g., paved parking areas, streets, driveways, sidewalks, buildings, equipment pads and platforms.

**IMPROVEMENT:** any man-made change or development to improved or unimproved real estate including, but not limited to, land, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

**INDUSTRIAL:** A business use or activity including resource extraction, manufacturing, warehousing, storage, distribution, shipping, and other related uses. (See also MANUFACTURING)

**INDUSTRIAL PARK:** A planned coordinated development of a tract of land with two or more buildings for industrial and related uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.

**INSPECTION:** The periodic review of sediment and erosion control measures shown on the certified plan. (7/1/85)

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

**LOT:** One or more contiguous parcels of land under single ownership or control, designated by its owner, at the time of filing an application for a building permit, as a tract to be used, developed, or built upon as a unit. It may or may not coincide with the deed description thereof filed or recorded or the boundaries of the same as shown on a map thereof filed for record or otherwise, and it may be subsequently subdivided into two or more lots, provided all such lots conform to all regulations of the district.

**LOT AREA, MINIMUM:** See MINIMUM AREA of BUILDABLE LAND

**LOT LINE, FRONT:** The line of a street on which abuts a lot.

**LOT LINE, REAR:** Any lot line, other than another front lot line on another street, which is the farthest lot line from the street.

**LOT LINE, SIDE:** Any lot line not a front lot line, or a rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.

**LOT LINE:** A boundary line of a lot.

**LOT WIDTH:** The average distance between side lot lines measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street.

**LOT, CORNER:** A lot whose street lines have an interior angle of less than 135 degrees at the intersection of the two lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**LOT, FRONTAGE:** The horizontal distance measured along the full length of the front lot line.

**LOT, REAR:** A lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots. Also called a flag lot.

**LOT, THROUGH:** A lot, other than a corner lot, having frontage on two streets.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable safely for parking of vehicles, building access for storage, in an area other than a basement area is not considered a building's lowest floor. These areas must be designed in accordance with the definition of elevated buildings and Article 5, Section C.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Flood Damage Prevention Regulation. (June 30, 1988)

**MANUFACTURING:** Any process whereby the nature, size, or shape of articles is changed, or where articles are assembled or packaged in quantity.



**MATERIAL:** any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse, or waste.

**MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MICRO-SLAUGHTERHOUSE:** An enclosed, licensed facility where animals are butchered for food preparation. Processes involved are held within the confines of the facility, including the keeping of animals. There is a 36,000 lb production limit for each day, with minimal over night holding, and not stock yard.

**MINIMUM AREA OF BUILDABLE LAND:** The area of a lot as variously required by the zoning district in which it is located as further described in Section 4.A.2. of these Regulations.

**MOBILE HOME:** A detached residential unit: (1) containing sleeping accommodations, a flush toilet, and tub or shower bath and kitchen facilities, and having both plumbing and electrical connections for attachment to outside systems; (2) to be transported on its own wheels or on a flatbed or other trailer or detachable wheels; and (3) to be placed on rigid supports at the site where it is to be occupied as a residence complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connections to utility systems.

**MOTEL:** A building or a group of buildings in connected units designed as individual living and sleeping quarters with individual entrances, for hire for transient occupancy only. A motel includes every type of similar establishment designated as auto court, tourist cabin, etc.

**MOUNT:** The structure, building, or surface upon which antennas are mounted.

**NON-BUILDING USE:** A principal use of land to which the building on the lot, if any, are accessory, such as mobile home park, junk yard, public parking lot, or an open storage yard for materials.

**NON-CONFORMING BULK:** The part of a building or non-building use which does not conform to one or more of the applicable Bulk Regulations of these Regulations, either on its effective date, or as a result of subsequent amendments thereof.

**NON-CONFORMING USE:** A use of a building or land or both, which does not conform to the applicable Use Regulations of these Regulations, either on its effective date, or as a result of subsequent amendments thereof. It may or may not involve any principal building or land use. Any use which is permitted in a district by a valid variance or special permit shall be considered a conforming use.

**NON-PROFIT:** a use, business, agency or entity recognized by the Internal Revenue Service as not being operated for profit.

**PARKING-OFF STREET:** Parking space as required for specific uses which is located off a public right-of-way.

**PERFORMANCE STANDARDS:** Standards specified by the Commission or referred to in these Regulations.

**PREMISES:** A lot and all the buildings and uses thereon.

**PROFESSIONAL OFFICE:** An office of recognized professionals with or without staff such as doctors, dentists, lawyers, architects, engineers, planners, landscape architects, consultants, artists, musicians, designers, teachers, and other similar professions qualified to perform personal services of a professional nature.

**PUBLIC GARAGE:** A building used for the storage of more than three registered motor vehicles owned by persons other than the owner or occupants of the premises, or in which accessory repairs are made upon motor vehicles for profit.

**PUBLIC PARKING LOT:** A lot used for the storage of motor vehicles which contains space available to the general public by the hour, day, week, month or year.

**OUTDOOR WOOD-BURNING FURNACE:** an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located or to any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water, but does not include a fire pit, wood-fired barbecue or chiminea.

**OUTSIDE STORAGE:** the outside storage, depositing, or display of merchandise, supplies, machinery or materials and/or the outside manufacture, processing or assembling, or depositing of goods, outside of a building or structure but excluding registered motor vehicles.

**RECREATIONAL CAMP:** Any lot or plot of ground (except a house lot on which the only camp trailer is temporarily parked) upon which one or more camp trailers are parked, stored or used for sleeping or occupancy, regardless of whether or not a charge is made for such parking, storage or use.

**RECREATIONAL VEHICLE:** Any vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RESIDENCE, MULTI-FAMILY:** A building or part thereof containing three or more dwelling units.

**RESIDENCE, SENIOR:** A multi-family attached or two-family attached dwelling for senior citizens. All occupants of every senior residence dwelling unit shall be 62 years of

age or older, unless the senior residence development otherwise complies with the requirements of 42 U.S.C. Section 3607 and regulations thereunder.

**RESIDENCE, SINGLE-FAMILY ATTACHED:** A single-family residence having one or two party walls on side lot lines.

**RESIDENCE, SINGLE-FAMILY DETACHED:** A single-family residence which is separated from lot lines or other buildings by open space.

**RESIDENCE, TWO-FAMILY ATTACHED:** A building having two dwelling units which have any portion of a wall and/or ceiling in common.

**RESIDENCE:** One or more dwelling units for permanent occupancy.

**SCREEN/SCREENING:** Either (a) a strip at least four feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting of a type that will form year-round a dense screen at least six feet high within three years; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (a) or (b) shall be maintained in good condition at all times and may have normal entrances and exits.

**SEDIMENT:** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin of erosion.

**SELF STORAGE FACILITY:** A building consisting of internally accessed self-contained units leased to individuals, organizations or businesses for self storage of personal property and serviced by a single loading dock or vehicle entry.

**SIGN:** Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols or trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the foresaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol or franchise architecture. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

**SNOW MOBILE:** A motorized sled.

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

**SOIL:** Any unconsolidated mineral or organic, that is in suspension, is transported, or has been moved from its site of origin of erosion.

**START OF CONSTRUCTION:** (For other than new construction). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations for the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STREET:** Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Planning and Zoning Commission, or (b) on a subdivision duly filed or recorded in the Office of the Town Clerk of the Town of Plymouth prior to December 1, 1959, provided such street shall have been suitably improved to the satisfaction of the Planning and Zoning Commission after December 1, 1959.

**STREET LINE:** The right-of-way line of a street.

**STREET, CENTER LINE:** A line equidistant from each street line; or if no street line is established, the center line of the existing pavement, or if the street is unpaved, the center line of the existing traveled way.

**STRUCTURE:** Anything constructed or erected, including a building which has a permanent location on the ground or anything attached to something having a permanent location on the ground including garages, decks, sheds and swimming pools but excluding fences, flagpoles or ornamental wells. For the purpose of Flood Damage Prevention Regulations, structure also shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as manufactured homes.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not,

however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**SWIMMING POOL:** A solid framed water-filled structure, permanently constructed or portable, having a depth of more than 24 inches and a surface area of more than 60 square feet, used for bathing or swimming.

**TAG SALE:** The occasional sale of household belongings caused either by the discontinuance of a home or the occasional disposal of surplus household goods which had been used on the premises from which they are being sold. For the purpose of these regulations, the term “tag sale” shall also include such terms as “rummage sale, garage sale, or bazaar” and may include the occasional sale of donated household belongings for charitable purposes by and on the premises of a non-profit organization.

**TEMPORARY BUILDING:** A building which is to be used for a limited duration only such as a construction job, school classroom space or the like.

**TOOL SHED, PORTABLE:** An enclosure not to exceed 144 sq. ft. which is not placed on a permanent foundation.

**TOURIST HOME:** A dwelling unit in which sleeping accommodations for more than three and less than ten persons are hired out for transient occupancy.

**TOWER:** A structure that is intended to support equipment for receiving and/or transmitting electromagnetic waves. Design examples of towers include self-supporting lattice, guyed, and monopole.

**TOWN HOUSE:** See CONDOMINIUM.

**TOWN:** The Town of Plymouth, County of Litchfield, Connecticut.

**TRAILER:** See MOBILE HOME.

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

**VARIANCE:** A grant of relief from the requirements of these Regulations which permits construction in a manner otherwise prohibited by these Regulations where specific enforcement would result in unnecessary hardship.

**WATERCOURSE:** Any river, stream, brook, or other natural or artificial waterway as regulated by the Inlands Wetlands Commission of the Town of Plymouth.

**WETLANDS:** Land, including submerged land, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, which consist of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the

United States Department of Agriculture and as regulated by the Inland Wetlands Commission of the Town of Plymouth, Connecticut.

**WIRELESS COMMUNICATION FACILITY:** The antenna, telecommunications equipment, communication towers, monopoles and/or support structures used together in conjunction with the provision of commercial wireless communication services. These services may include, but are not limited to cellular communications, personal communication services, and paging.

**YARD, REQUIRED FRONT:** A required yard extending along the full length of the front lot line between the two side lot lines.

**YARD, REQUIRED REAR:** A required yard extending along the full length of the rear lot line between the two side lot lines.

**YARD, REQUIRED SIDE:** A required yard extending along a side lot line from the required front yard (or from the required front lot line if there is no required front yard) to the required rear yard (or the required rear lot line if there is no required rear yard).

**YARD, REQUIRED:** Open and unobstructed area (both horizontally and vertically) of the lot extending inward from the lot line for the distance specified in the regulations for the district in which the lot is located. Under the terms of this definition stoops, chimneys, balconies, a roof overhang or similar facility are considered obstructions.

## ARTICLE 3

### GENERAL REGULATIONS

#### A. APPLICABILITY

After the effective date of these regulations all new construction or development, and every change, enlargement, or relocation of use, and every reconstruction or structural alteration of a building or non-building use, and every change in bulk, shall conform to the use and bulk, shall conform to the use and bulk regulations of these regulations. All new buildings, and all newly developed land and non-building uses, may be used for any purpose permitted or required by the regulations of the appropriate district. All existing non-conforming uses and non-conforming bulk may continue subject to the limitations set forth elsewhere in these regulations.

#### B. PERMITTED USES

Uses of land and buildings permitted in a zoning district in Plymouth shall be only those indicated in Article 4 entitled "Table of General Use Regulations", and all other uses are hereby prohibited unless specifically permitted elsewhere in these regulations.

Uses allowed by right may be permitted by the Zoning Enforcement Officer.

#### C. PROHIBITED USES

Uses of land and buildings not clearly permitted in a zoning district shall be prohibited. Prohibited uses, including those not listed as permitted uses, shall include the following:

1. Any activities dealing with commercial automobile race tracks, stock car race tracks, drag strips and all activities dealing with automobile racing in the Town of Plymouth.
2. Manufacturing uses involving primary production of the following products from raw materials:
  - a) Asphalt, cement, charcoal, and fuel briquetting.
  - b) Chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone blank, creosote, hydrogen and oxygen industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn, hydrochloric, nitric, phosphoric, picric, and sulphuric acids.
  - c) Coal, coke and tar products, including gas manufacturing; explosives, fertilizer, gelatin, glue and size.

- d) Linoleum and oil cloth; matches, paint, varnishes, and turpentine. Rubber (natural and synthetically); soaps, including fat rendering; starch.
3. The following manufacturing processes; nitrating of cotton or other materials; milling or processing of flour, food, or grain, reduction, refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper mill operations.
  4. Operations involving stock yards, slag piles, and keeping, breeding, and raising of foxes, mink, pigs, or primates for commercial or laboratory purposes.
  5. Storage of explosives, except under license from a governmental agency.
  6. Bulk or wholesale storage of gasoline above ground.
  7. Junkyards; dumps except those operated by the Town.
  8. Box or open hauling trailers, including portable on demand storage units (PODS), for items or materials to be stored or offered for sale shall be prohibited in any district.
  9. Land which is subject to flooding or land which the Health District certifies as unfit for human habitation for health reasons shall not be built upon but repairs may be made to buildings existing on the effective date of these regulations. All uses existing on land which is subject to flooding shall be subject to Article 5, Section C.

## **D. GENERAL PROVISIONS**

1. **Corner Lots:** On a corner lot each line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall erect, and so designate on the plot plan, which of the remaining two required yards shall be the required side yard and the required rear yard.
2. **Visibility at Intersections:** On no such lot shall any wall, structure, planting or obstruction to vision be erected, maintained, placed or planted which unreasonably or dangerously obstructs or interferes with the visibility of drivers of vehicles on a curve, driveway or street intersection. The minimum vision clearance shall require that no wall, fence, structure, or planting exceed a height of two feet above the street grade (except for street trees or other high-branching trees) within the triangular area formed by the intersection of street lines and a straight line connecting those points on said street lines which are thirty-five (35) feet distant from the point of intersection.

In order to protect public health and safety, any owner of a lot not in conformance with the requirements of this section may be ordered by the Zoning Enforcement Officer to remove dangerous obstructions to visibility. Such order shall be compiled with within thirty (30) days of its issue.



**3. Undersized Lots:** Undersized lots existing prior to January 6, 1961. Lots which contain less area or frontage than is required by these regulations may be used for detached single family residences provided the following standards are met:

- a) The lot is under separate ownership from adjoining tracts or lots.
- b) The lots existed prior to the effective date of these regulations.
- c) Bulk and yard requirements specified below shall conform to the following table:

Existing Frontage	Rear Yard	Minimum Side Yard One Side	Minimum Side Yard Sum of Both (% of lot frontage)
Less than 40'	25'	5'	35%
40.1' to 55'	25'	5'	35%
55.1' to 65'	25'	8'	33.5%
65.1' to 75'	25'	10'	33.5%
75.1' to 120'	25'	12'	24%

- d) Other bulk and yard requirements shall be as specified in the TABLE OF GENERAL BULK REGULATIONS.
- e) The Health District shall certify in writing to the Zoning Enforcement Officer that the lots can be served in a safe and adequate manner relative to water supply and a sewage disposal system prior to the issuance of either zoning or building permits.

Within the R-LAKE zone, lots subject to the provisions of this section must be combined with any adjacent land under the same ownership to form a lot which will meet, or if insufficient land is commonly owned, which will more closely approximate, the frontage and area requirements of the R-LAKE zone.

**4. Rear Lots:** The provisions of this section are intended to allow by special permit the use of land which has been unintentionally landlocked or deprived of minimum lot frontage on an accepted street, or in the case of a subdivision on an approved street, where topography or the unusual shape of the property lends itself to the use of a rear lot to accomplish the best use of the land. The Commission may authorize the issuance of a zoning permit with or without conditions for the construction of an allowed use and accessory facilities on a rear lot upon special permit application if it finds that the public health and welfare will not be substantially adversely affected and if it finds that such a lot provides for the best development of the land taking into consideration difficult drainage, difficult configuration, inaccessibility, temporary flooding, steep topography, utility lines, traffic safety and right-of-access. A special permit shall not be required when a proposed rear lot is part of a subdivision otherwise meeting the requirements of the Plymouth Subdivision Regulations.

The following standards shall apply to rear lots under this section:

- a) Rear lots in the R-20 zone shall have a minimum buildable lot area of 40,000 square feet, not including the accessway. Rear lots in the R-40 zone shall have a minimum buildable lot area of 60,000 square feet, not including the accessway.
- b) All yard requirements for rear lots either in the R-20 or R-40 zone shall meet the yard requirements of the R-40 zone.
- c) For each rear lot there shall be provided an accessway for the use of such lot to an accepted street. The right of access shall not be less than 30 feet in width, except, in the case of a rear lot of sufficient area to permit subsequent division into more than one lot, the right of access shall not be less than 50 feet in width. However, the width of adjoining accessways may be reduced to a minimum of 25 feet each
- d) provided that a common driveway is approved by the commission as set forth in Paragraph (vi) below which driveway shall serve multiple lots. Each lot shall have access to it which is adequate to permit the unobstructed passage of fire and other emergency equipment.
- e) The right of access required in iii above may be in fee simple ownership or may meet the requirements for a right of access through a written recorded easement.
- f) Accessways of one hundred (100) feet or more in width, but less than the required frontage for the zone in which such parcel is located may be used for the siting of a primary residential structure at the discretion of the Commission. Such width shall be maintained from the street line to the “minimum buildable lot area” as defined in i above.
- g) The application for rear lot approval shall be accompanied by a site plan conforming to the requirements of Article 7, Section A and showing the right of access, and by location map at a distance of 1,000 feet from the property lines of such rear lot; of sufficient detail to permit the Commission to determine whether the right of access ought to be extended across the lot in order to provide a connection to other streets or rights of access, or to the logical extension of such streets in the event of subdivision of such adjoining property. Rear lot configurations which impede the extension of a safe and efficient road system or which prevent the implementation of road extensions recommended in the Plan of Conservation and Development may not be approved except at the discretion of the Commission.
- h) In order to provide adequate access for emergency vehicles, rear lot drives in excess of 150 feet shall meet one of the following criteria; a travel way of 12 feet wide provided with a maximum of six (6) inches of bank run gravel and two (2) inches of processed gravel on a firm road bed; or eight (8) inches of bank run gravel on a firm road bed; or eight (8) inches of bank run gravel on a firm road bed. The maximum grade shall not exceed 15%. Where a proposed drive is in excess of 250 feet, it shall comply with the design requirements of one of the following diagrams on the preceding page.
- i) Each rear lot shall be served by its own driveway except as otherwise approved by the Commission. In making its decision to allow for a common driveway the

Commission shall consider the topography, soils and vegetation of the site, as well as existing development and projected development in the immediate area. In the event that the Commission approves the use of a common driveway to be used by more than one lot the application for rear lot approval shall be accompanied by appropriate documentation to reflect the rights and responsibilities of each of the lot owners relative to the common driveway. Common driveways for rear lots may include driveway access to conforming lots as approved by the Commission.

ix. No accessway, either singularly or in combination with other accessways/driveways pursuant to subsection vii above, shall exceed 600 feet from a public road.

**5. Reduction of Lot Area:** No lot area shall be so reduced or so created that the minimum area, width and other dimensions of the lot or any of the yards or open spaces shall be smaller than prescribed by these regulations.

## **E. NON-CONFORMING USES, STRUCTURES, AND LOTS**

This section applies only to those uses in existence on the effective date of these regulations. Except as otherwise expressly provided in this section and Article 5, Section C (Flood Damage Prevention Regulations), the lawful use of any premises existing on the effective date of these regulations may be continued although neither such use nor the bulk of the same conforms to the regulations. The effective date of these regulations as referred to in this article shall also include the effective date of any subsequent amendment to these regulations which may cause any use to become non-conforming subject to the regulations therein.

**1. Non-conforming Uses:** Where a lawful use exists at the effective date of adoption or amendment of these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- i. Any non-conforming use may either be changed to another non-conforming use, providing the degree of non-conformity is not intensified in any way, or changed to any conforming use.
- ii. No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.
- iii. Any voluntary discontinuance of a non-conforming use accompanied by an intent not to re-establish that use shall be presumed to be a permanent discontinuance.
- iv. Normal maintenance and repair of and incidental alteration in a building occupied by a non-conforming use is permitted.
- v. A non-conforming use shall not be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of these regulations, unless such move has been approved by the Commission.
- vi. No residential non-conforming use may be added to or enlarged unless such additions or enlargements conform to the applicable provisions of these regulations and is

approved by the Commission. Such additions and enlargements shall not exceed twenty-five percent (25%) of either: the original ground floor area of the building; or, the land use area at the time a permit is applied for.

vii. No commercial or industrial non-conforming use may be added to or enlarged unless such additions or enlargements conform to the applicable provisions of these regulations and are approved by the Commission. Such additions and enlargements shall not exceed fifty percent (50%) of either: the original ground floor area of the building; or, the land use area at the time a permit is applied for.

**2. Non-conforming Structures:** Where a lawful structure exists at the effective date of adoption or amendment of these regulations which could not be built under the provisions of these regulations as enacted or amended by reason of restrictions on floor area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- i. Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to decrease the non-conformity.
- ii. Normal maintenance and repair, structural alteration, and moving, reconstruction, or enlargement of a structure with non-conforming bulk is permitted provided such change does not exceed any present non-conformity with regard to yard and height requirements.
- iii. Any non-conforming building or structure which is destroyed or damaged by fire or casualty may be reconstructed and structurally altered provided the degree of non-conformity is not increased. In such cases, a building permit shall be received within one (1) year and the building substantially completed within two (2) years of the damage or destruction.
- iv. In substantially built up areas a side yard may be reduced with the approval of the Planning & Zoning Commission for the enlargement of a house or the erection of a garage. However, in no case shall the side yard be reduced to less than six feet and sufficient width shall be left on the other side for the unobstructed passage of emergency equipment to reach the rear of the building.

**3. Nonconforming Lots:**

- i. Any lot which does not conform to minimum area and frontage requirements for the current zone in which it is located shall be designated a nonconforming lot, providing such lot shall have been recorded by deed or shall have been shown on a map filed in the Town Clerk's office prior to the effective date of these regulations.
- ii. Only one single family dwelling and accessory buildings may be erected on a nonconforming lot located in a residential zone, except as stated below, provided all other requirements of the height and area schedule are complied with. The area or

frontage of a nonconforming lot shall not be reduced except as allowed under Article 3, Section D.4 of these regulations.

- iii. Where a nonconforming lot located within a residential zone presently contains or contained subsequent to the effective date of these regulations a use, structure or building which is currently or previously accessory to a principal use, structure or building located on a contiguous parcel of land, such lots for the purpose of this regulation are deemed to be merged and therefore no zoning permit or building permit shall be issued for the construction of a single family dwelling on such nonconforming lot.

**F. DRIVEWAY CUTS WITHIN THE ROUTE 6 CORRIDOR.** For properties zoned “C”, RBZ, C-VILLAGE or Industrial which have frontage on and draw access from either Route 6 or Route 72 South of Route 6, no site plan shall be approved which would require a cut in the curb line of either Route 6 or Route 72 South of Route 6, which did not exist prior to the effective date of these regulations, unless such new cut would replace an existing driveway, or would provide an entrance and/or exit servicing more than one parcel of land, or would provide access to a plot of land which had existed as a lot of record prior to the effective date of these regulations, but for which no curb cut had previously existed.

## **G. DEVELOPMENT IN AN R-LAKE DISTRICT**

**1. General:** The R-Lake Districts contained in these Zoning Regulations are established in order to provide for the most rational and orderly development in areas bordering the lakes. The Regulations herein adopted are hereby found and declared to be appropriate to Plymouth and designed to protect existing and proposed development around the lakes and the lakes from siltation and pollution. Development in this District, whether by right or by special permit shall demonstrate compliance with the following conditions:

- i. An applicant proposing to establish a new or expand an existing use shall comply with the provisions of these Regulations including the following requirements:
  - a. Site Plans shall comply with the requirements of Article 7, Section A of these Regulations;
  - b. Retaining walls, if proposed, shall be of long-lasting, non-corrosive material such as masonry or reinforced concrete of 3,000 lb. mix not requiring maintenance and not ordinarily affected by weather. Walls 3’-0” or more in height shall have a chain link fence of at least 42” in height. Both, the wall and fence shall comply with the provisions of the Connecticut State Building Code;
  - c. Where applicable, evidence that a tie-in to the public water system has been granted by the Connecticut Water Company;
  - d. Evidence that a tie-in to the Town’s sanitary sewer has been granted by the Water Pollution Control Authority;
  - e. Off-street parking spaces which must not encroach on the travel way of the public right-of-way; and
  - f. Impervious areas on the lot shall be held to a minimum.

- 2. Consolidation of Lots:** Where two (2) or more undersized adjoining lots of record are in the same ownership and located within the R-LAKE Zone on the effective date of this subsection, then such lots shall be combined to meet all the lot area and frontage requirements of the Regulations. All properties of record owned prior to the adoption of this subsection (10/15/94) as amended will be exempted from the requirements of this subsection provided:
- i. The owner of such properties, on or subsequent to the effective date of this subsection, can prove to the satisfaction of the Commission, that development of each individual lot or several lots combined will not adversely or materially affect the availability, quality and quantity of the existing fresh water supply of each and every one of the adjoining owned and/or non-owned properties, as will be determined by an independent, impartial and licensed professional water testing service, or a similar procedure commonly used in such cases, deemed acceptable to the Commission;
  - ii. All adjoining property owners of record situated within the same lake district, neighborhood or jurisdiction, will be afforded reasonable opportunity to testify and show cause on behalf of any proposed development and present alternatives or recommend remedial actions, if any, as may be appropriate to preserve and assure the continuity and integrity of the existing fresh water supply resources of their respective properties;
  - iii. At the option of the Commission and under its direction, a water resources impact, feasibility, or similar type of study may be required, with inputs solicited from, and in cooperation with, the designated respective lake association representatives and other affected residents and interested parties, to continue to adequately safeguard the community's water supply resources and alleviate any concerns expressed by the general public. The cost of any such study required by the Commission will be the responsibility of the applicant, or in the case of an abutter or abutters, the petitioner(s); and
  - iv. Commission approval under these Regulations, as amended will not become effective until all monies due the Town of Plymouth as a result of any proceedings subject to these Regulations are paid in full.

## ARTICLE 4

### USE AND BULK REGULATIONS

#### A. GENERAL REQUIREMENTS

The general regulations affecting the use of buildings and land and the bulk arrangement of buildings and of materials and equipment occupying land in connection with the non-building use thereof, for each of the districts established by Article II, are hereby established as set forth in this section.

The accompanying table, entitled “**Section A – 1, Table of General Use Regulations**”, shall be deemed to be part of this Section and is referred to herein as “Use Table”.

The accompanying table, entitled “**Section A – 2, Table of General Bulk Regulations**” shall be deemed to be part of this Section and is referred to herein as “Bulk Table”.

##### 1. Minimum Floor Area

The minimum floor area of any single-family dwelling shall not be less than 1,000 square feet of floor area, excluding basement area, porches whether screened or glassed-in and garages.

##### 2. Minimum Area of Buildable Land

- i. No proposed plan of a new subdivision or re-subdivision in the R-20 or R-40 Districts shall hereafter be approved unless the proposed lots equal or exceed the minimum size and width requirements set forth in the various districts of these Regulations except as may otherwise be specifically provided in an Open Space Subdivision. In addition, each proposed lot shall include an area of minimum buildable land, which contains all of the following criteria.
- ii. Each lot in the R-20 zone shall have a minimum area of buildable land measuring at least 20,000 square feet.
- iii. Each lot in the R-40 zone shall have a minimum area of buildable land measuring at least 40,000 square feet.
- iv. The minimum area of buildable land shall exclude:
  - a. All wetland soil types, as defined by the Connecticut General Statutes and as determined by a professional soils scientist, as certified by the Society of Soils Scientists of Southern New England.
  - b. All bodies of water and watercourses
  - c. All naturally occurring slopes in excess of twenty-five percent (25%).
  - d. Fifty percent (50%) of naturally occurring slopes between fifteen (15%) and twenty-five percent (25%).

- e. Areas located within a 100 year flood boundary as identified on the National Flood Insurance Program FIRM (Flood Insurance Rate Map) effective November 6, 1998, as amended.
- f. Utility or access easements and right of way, conservation easements, and other easements for public or private facilities.

**B. TABLE OF GENERAL USE REGULATIONS**

**P-Permitted use by Right**  
**SP-Use by Special Permit**  
**Acc.-Permitted Accessory Use**  
**Blank Space-Use Not Permitted**

<u>AGRICULTURAL USES</u>	<b>R-20</b>	<b>R-40</b>	<b>R-LAKE</b>	<b>C-1</b>	<b>RBZ</b>	<b>C-VILL</b>	<b>I-1</b>	<b>I-2</b>
Agricultural Operations (1)	P	P						
Farm Stands (2)	P	P		SP	SP		P	P
Keeping of Livestock on Less than 5 acres (3) (4)	SP	SP						
Greenhouse, Barn, Silo	Acc	Acc						
Commercial Kennel		SP						
<u>RESIDENTIAL USES</u>								
Single Family Detached	P	P	P		P	SP		
Two Family Attached	SP					SP		
Garden Apts., Condominiums	SP					SP		
Senior Residence Development	SP	SP						
Planned Affordable Housing Dev.	SP	SP						
Home Occupation	SP	SP	SP		SP	SP		
Boarding/Rooming House				P	SP	SP		
Mobile Home Park	SP	SP						
Garage	Acc	Acc	Acc		Acc	Acc		
Sheds (less than 144 sq.ft.)	Acc	Acc	Acc		Acc	Acc		
Above/below ground pools	Acc	Acc	Acc					
Accessory Apartment	SP	SP						
Open Space Subdivision	SP	SP						
Private Greenhouse	Acc	Acc	Acc		Acc			
Swimming Pools/tennis court	Acc	Acc	Acc		Acc			
Rear Lots	SP	SP						
<u>COMMERCIAL USES</u>	<b>R-20</b>	<b>R-40</b>	<b>R-LAKE</b>	<b>C-1</b>	<b>RBZ</b>	<b>C-VILL</b>	<b>I-1</b>	<b>I-2</b>
Motor Vehicle Sales				P			SP	
Banks/Financial Institutions				P		P		
Beauty Parlor				P	SP	P		
Barbers				P	SP	P		
Bookstore				P		P		
Clothing Store				P		P		
Home Appliance Sales				P		P		
Hotels				P		SP		
Motels				SP				
Jewelry Stores				P		P		
Professional Offices				P	SP	P		
Personal Services				P		P		
Photography, Dance, Design, Art Studios				P		P		



<b><u>COMMERCIAL USES (cont'd)</u></b>	<b>R-20</b>	<b>R-40</b>	<b>R-LAKE</b>	<b>C-1</b>	<b>RBZ</b>	<b>C-VILL</b>	<b>I-1</b>	<b>I-2</b>
Motor Vehicle Service Stations (5)				SP				
Bed & Breakfast	SP	SP				SP		
Restaurants				P		P		
Funeral Homes				P		P		
Car Washes (5)				P			P	
Retail Stores (6)				P		P		
Theaters, except drive-in				P		P		
Tourist Homes				SP	SP	SP		
Laundromat				P		P		
Dry cleaners (5)				P		P		
Adult Oriented Uses							P	
Off-Street Parking				Acc	Acc	Acc		
Off-Street Loading				Acc	Acc	Acc		
Storage				Acc	Acc	Acc		
Recreation Facility				P				
Micro-Slaughterhouse								SP
<b><u>INDUSTRIAL USES (9)</u></b>								
Industrial Parks							SP	SP
Manufacturing Uses (except as prohibited)							P	P
Dry Cleaning, Rug Cleaning (5)							P	
Bulk Storage, Bottled Gas							P	
Bulk Storage, Fuel Oil (5)							P	
Truck Terminal (5)							P	
Construction Equip. Storage							P	P
Open Storage Yards (5)							P	P
Rail/Freight Terminal (5)							P	SP
Office Buildings							SP	SP
Research & Development							P	P
Self Storage in pre-existing non-performing buildings							P	
Resource Removal (Sand and Gravel Pits)								
Off-Street Parking							Acc	Acc
Off-Street Loading							Acc	Acc
Storage							Acc	Acc
Enclosed Commercial Recreational Facility							P	P
<b><u>GOVERNMENT/INSTITUTIONAL USES</u></b>	<b>R-20</b>	<b>R-40</b>	<b>R-LAKE</b>	<b>C-1</b>	<b>RBZ</b>	<b>C-VILL</b>	<b>I-1</b>	<b>I-2</b>
Fire/Police Stations	SP	SP	SP	SP		SP	SP	SP
Churches and similar places of worship	SP	SP	SP	SP	SP	SP		
Community centers, Libraries, Golf Courses	SP	SP	SP	SP		SP		
Public Parks and Playgrounds	SP	SP	SP	SP	SP	SP		
Recreational Facilities Incidental to Schools and Churches	SP	SP	SP	SP		SP		
Public Schools and Buildings	SP	SP	SP	SP		SP		
Firearms/Sports Clubs								
Convalescent Homes	SP	SP		SP				
Day Care Centers	SP	SP		SP		SP	SP	SP
Recreational Camps		SP	SP					
Non-profit Club			SP					
Post Office	SP			SP		SP	SP	SP

<u>GOVERNMENT/INSTITUTIONAL USES</u>	R-20	R-40	R-LAKE	C-1	RBZ	C-VILL	I-1	I-2
Public Utility ROWS	SP	SP	SP	SP	SP	SP	SP	SP
Public Utility Substations	SP	SP	SP	SP	SP	SP	SP	SP
Railroads & RR ROWS	SP	SP					SP	SP
Reservoirs/Water Towers	SP	SP	SP	SP			SP	SP
Wireless Communications Facilities	SP	SP		SP	SP		SP	SP
Radio/TV Towers	SP	SP		SP	SP		SP	SP
Off-Street Parking	Acc	Acc		Acc	Acc	Acc	Acc	Acc
Off-Street Loading	Acc	Acc		Acc	Acc	Acc	Acc	Acc

### **Notes to Table of General Use**

1. All 4-H projects shall be subject to the approval of The Commission and subject to the issuance of a permit, at no cost to the applicant, of limited duration before undertaking the 4-H project.
2. Restricted to buildings or open stands for display and sale of agricultural products grown primarily on the premises, provided such building is 30 feet from any lot line. A waiver of the 30 foot requirement may be granted in the case of temporary stands provided off street parking is available.
3. Provided no stable or manure pit is within 25 feet of any property line.
4. Includes cattle, dairy cattle, sheep, chicken, goats & horses, and rental of horses on lots of 5 acres or more. However, keeping, breeding & raising of pigs, rabbits, foxes, rodents, primates, and any other fur bearing animals for any commercial reason or laboratory use is not permitted.
5. Subject to Article 5, Section D Aquifer/Watershed Protection Regulations.
6. Retail shall include the following: Retail, Drug, Dry Goods, Variety, Food, Hardware, Stationary, Tobacco, Newsstands, Pick up & Delivery Stores for Dry Cleaning, Laundry, and Shoe Repair.
7. Excludes uses prohibited by Article 3, Section C. Permitted uses subject to Article 5, Performance Standards.
8. In addition to the particular requirements noted for any accessory use, the Commission, where reasonable and appropriate, may require adequate fences and other safety devices and adequate screening and landscaping.
9. New residences not permitted within any industrial zone.

**C. TABLE OF GENERAL BULK REGULATIONS**

	<b>Min. Lot Area (Sq. Ft.)</b>	<b>Min. Lot Frontage (Ft.)</b>	<b>Min. Front Yard</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Max. Height</b>	<b>Max. Building Coverage (%)</b>	<b>Max. Lot Coverage (%)</b>
<b>R-20</b>	20,000	125	40'	15'	50'	30'	15%	30%
<b>R-40</b>	40,000	150	50'	25'	50'	2 ½ stories	15%	25%
<b>R-LAKE</b>	16,000 W/PUBLIC WATER 20,000 W/OUT PUBLIC WATER	80' W/PUBLIC WATER 120' W/OUT PUBLIC WATER	20'	10'	25'	30'	25%	40%
<b>C-1</b>	20,000	125'	40'	15'	50'	30'	15%	65%
<b>RBZ</b>	20,000	125'	40'	15'	50'	30'	15%	50%
<b>C-VILLAGE</b>	5,000	60'	(see Article 6, Section U)		10; or 30' if abuts a residential zone	40'	50%	65%
<b>I-1</b>	20,000	125'	30'	10'	50'	50'	50%	80%
<b>I-2</b>	40,000	150'	50'	15'	50'	50'	33%	60%

**Notes to Table of General Bulk Regulations**

1. Height Limitations may be modified by the Commission in the case of utilities, radio transmitters or civil defense installations.
2. In an Industrial District, no lot shall be used unless it has a frontage of at least 100 feet on a street or has a right of way 50 feet in width to a street, said right of way having been approved by the Planning and Zoning Commission, as being of suitable location and grade.
3. All required front yard depths in substantially built up areas may be altered with the approval of the Planning and Zoning Commission to the existing set back of neighboring properties. In the case of dead end streets in residential areas, the minimum lot frontage at the end of such street may be reduced with the approval of the Planning and Zoning Commission without however in any way affecting the other requirements stipulated in the Use Regulations and Bulk Use Regulations tables.
4. A portable tool shed may be located not less than six feet from a side yard or rear yard lot line in all zones except the R-Lake District wherein a portable tool shed may be located not less than four feet from a side or rear lot line.
5. The minimum lot area for two family attached residential uses in the R20 zone is 40,000 sq. ft.
6. Any Accessory Structure larger than 320 sq. ft. or 576 sq. ft. for a pool and associated

deck, shall be required to meet the standard zoning setbacks. An Accessory Structure may be located up to 35' from the rear yard lot line in the R020 and R-40 zones. No portion of an Accessory Structure, not exceeding 320 sq. ft. shall be located within the 35' set back. An Accessory Structure shall be defined as a building; structure; or anything having been placed or located on any parcel that is incidental to the existing use. An Accessory Structure shall not exceed 320 sq. ft. with appendages for a building or structure or 576 sq. ft. for a pool and associated deck in area. Any Accessory Structure shall not exceed 15' in height.

## ARTICLE 5

### ENVIRONMENTAL AND RELATED REGULATIONS

#### A. GENERAL REQUIREMENTS

1. **Applicable to all Non-Residential Uses:** No land or building shall be used or occupied for non-residential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable, fire, explosive, radioactive, or other hazard, noise or vibration; smoke, dust, odor, or other form of air pollution; excessive heat, old, dampness, movement of air; electrical or other disturbances; excessive glare; liquid or solid refuse or wastes of condition conducive to the breeding of rodents or insects; or other substance, condition, or elements (all referred to herein as “Dangerous or Objectionable elements”), in a manner or amount as to adversely affect the surrounding area, provided that any non-residential use except those expressly prohibited by this ordinance in this section may be undertaken and maintained if it conforms to the district regulations, and the regulation of this Section referred to herein as “Performance Standards” limiting Dangerous and Objectionable Elements at the point of determination of their existence as provided in this Section.
2. **Continued Enforcement Provision:** Whether or not compliance with Performance Standards in this Section in obtaining a permit or certificate of use and compliance is required for any particular use, initial and continued compliance with Performance Standards is required of every new non-residential use or change in such use in all districts.
3. **Non-Conforming Uses:** No use established before the effective date of these regulations and non-conforming as to Performance Standards shall be required to conform herewith.
4. **Restrictions on Creation of Dangerous and Objectionable Elements:** Every use subject to Performance Standards shall conform to the restrictions set forth in this Article.
5. **Measurement at the Point of Emission:** The existence of the following Dangerous and Objectionable Elements shall be determined at the location of the use creating same or at any point beyond, and these shall be limited as follows:
  - i. **Fire and Explosion Hazards.** All activities and all storage of inflammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire prevention equipment and devices;
  - ii. **Radioactivity.** No activities which emit dangerous radioactivity at any point are permitted;
  - iii. **Particulate Matter and Smoke –** No offensive dust, dirt, fly ash or smoke shall be emitted in the atmosphere. In no case shall dust be emitted in excess of one cubic centimeter of settled matter per cubic meter of air. Smoke or other air contaminants shall not be discharged into the atmosphere from any single source of emission for a

period or periods aggregating more than three minutes in any one hour which is (1) as dark or darker in shade than that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines; or (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringleman Chart.

- iv. Odors, Gases and Fumes – No noxious, toxic, or corrosive fumes or gases shall be emitted. Offensive odors noticeable off the premises where the use is located shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" Copyright 1951, as amended, by the Manufacturing Chemists Association, Inc., Washington, D.C.
- v. Liquid or Solid Wastes. No discharge at any point into any private sewage disposal system or stream, or into the ground of materials in such a way or to such nature or temperature as can contaminate any water supply, or otherwise cause the emission of Dangerous or Objectionable elements, except in accord with standards approved by the State Department of Health or State Water Commission or both. An accumulation of solid wastes conducive to the breeding of rodents or insects shall not be permitted.

**6. Measurements at the Lot Line:** The existence of the following Dangerous and Objectionable Elements shall be determined at the lot line of the use creating the same or at any point beyond said lot line and the following standards shall apply:

- i. Vibration. The safe standards developed by the U.S. Bureau of Mines recommended in Table 7, U.S. Bureau of Mines Bulletin No. 442 or any revisions thereof shall be used;
- ii. Odors. The standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", Copyright 1951 by the Manufacturing Chemist's Association, Inc., Washington, D.C. or any revision thereof shall be used;
- iii. Noise: Any noise emitted outside the property from which it originates shall comply with the provisions of Secs. 22a-67 to 22a-76 of the Regulations of the Connecticut Department of Environmental Protection (Noise Pollution Control).
- iv. Glare: No offensive glare from lightning shall be transmitted so as to endanger public safety or be transmitted into within any adjoining property so as to impair the value and reasonable use of any lot. The Commission shall approve the use of exterior "cut-off" fixtures and shielded lighting fixtures so as to prevent any glare or skyglow.

## **B. SOIL & EROSION CONTROL REGULATIONS**

- 1. Preamble:** These Regulations are designed to further the purpose set forth in Public Act 83-388 entitled "An Act Concerning Soil Erosion and Sediment Control" as it may apply to activities subject to Sections 8-2 and 8-25 of the General Statutes of the State of Connecticut, to strengthen and extend the soil erosion and sediment control activity in the

Town and to reduce the danger from storm water runoff, minimize sediment pollution from land being developed and to conserve and protect the land, water, air and other environmental resources of the Town.

The Commission, acting under the authority of Public Act 83-388 of the General Statutes of the State of Connecticut, hereby adopts and enacts these Regulations as the “Soil Erosion and Sediment Control Regulations for Land Development of the Town of Plymouth, Connecticut.” All references to the Connecticut General Statutes refer to the Revision of 1958, as amended.

No land development which is cumulatively more than one-half acre in area may be undertaken in any district unless certification therefore in compliance with the provisions of these Regulations has first been obtained from the Commission or its appointed agent.

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.
3. **Exemptions:** A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control Regulations.
4. **Erosion and Sediment Control Plan:** 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 damages from storm water runoff on the proposed site based on the best available technology. For methods and practices necessary for certification refer to the “Connecticut Guidelines for Soil Erosion and Sediment Control (2002)”, as amended, published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission.

Said plan shall contain, but not be limited to:

- i. A narrative describing:
  - a. The development;
  - b. The schedule for grading and construction activities including:
    - 1) Start and completion dates;
    - 2) Sequence of grading and construction activities;
    - 3) Sequence for installation and/or application of soil erosion and sedimentation control measures;
    - 4) 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.
- ii. A site plan meeting the requirements of Article 7, Section A of these Regulations;
  - iii. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

- 5. Minimum Acceptable Standards:** Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of 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; and does not cause off-site erosion and/or sedimentation.

The minimum standards for individual measures are those in the “Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.” The Commission or its appointed agent may grant exceptions when requested by the applicant if technically sound reasons are presented.

The appropriate method from Chapter 9 of the “Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended,” shall be used in determining the peak flow rates and volumes of runoff unless an alternate method is approved by the Commission.

- 6. Issuance or Denial of Certification:** The Commission or its authorized agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations or shall deny certification when the development proposal does not comply with these Regulations. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the General Statutes of the State of Connecticut.

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 plans, provided such review shall be completed within thirty days of the receipt of such plan. Non receipt of comments within the prescribed time shall neither delay nor prejudice the decision of the Commission.

The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment, provided such review shall be completed within thirty days of receipt of such plan. Non receipt of comments within the prescribed time shall neither delay nor prejudice the decision of the Commission.



- 7. Conditions Relating to Soil Erosion and Sediment Control:** The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion bond or other assurance acceptable to the Commission. A quantity breakdown forming the basis of the amount to be posted shall be prepared by and submitted to the Commission by the applicant with the application for a soil erosion and sediment control development proposal. The Commission on its own or after referral to its appointed agent shall determine the amount of bond to be posted.

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 and a completion bond therefore has been posted in a form and in an amount acceptable and approved by the Commission.

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

- 8. Inspection and Release of Bond:** Inspections shall be made by the Commission or its designated agent during the 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 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.

Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved or as may have been modified with the prior approval by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release any bond posted upon the finding that the provisions of the certified plan have been complied with.

## **C. FLOOD DAMAGE PREVENTION REGULATIONS**

- 1. Statutory Authorization, Finding of Fact, Purpose and Objectives:** Statutory authorization. The legislature of the State of Connecticut has in Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Plymouth does hereby promulgate the following:
- i. The flood hazard areas of the Town of Plymouth are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

- ii. It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:
  - a. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion hazards, or which result in damaging increase in erosion or in flood heights or velocities;
  - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
  - d. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
  - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- iii. The objectives of these Regulations are:
  - a. To protect human life and health;
  - b. To minimize expenditure of public money for costly flood control projects;
  - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - d. To minimize business interruptions;
  - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  - f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
  - g. To insure that potential home buyers are notified that property is in a flood area.

**2. General Provisions:** These Regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Plymouth.

- i. Such areas of special flood hazard identified by the Federal Emergency Management Agency in its report entitled “Flood Insurance Study”, Flood Insurance Rate Maps, Town of Plymouth dated November 6, 1998, with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be part of these Regulations;
- ii. A zoning permit or subdivision plan approval shall be required in compliance with the provisions of the Zoning Regulations and/or Subdivision Regulations (including these Flood Damage Prevention Regulations) prior to commencement of any development activities;
- iii. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable Regulations;
- iv. These Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail;
- v. In the interpretation and application of these Regulations, all provisions shall be:
  - a) considered as minimum requirements;
  - b) liberally construed in favor of the governing body, and;
  - c) deemed neither to limit nor repeal any other powers granted under state statutes;
- vi. The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made there under.

**3. Administration:** Designation of the Flood Plain Prevention Administrator. The Planning and Zoning Commission shall administer and implement the Flood Damage Prevention Regulations.

Application for a flood hazard permit shall be made to the Planning & Zoning Commission on forms furnished by it prior to any development activity, and may include, but not be limited to, the following plans (in a number specified by the Commission) drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- i. Application Stage
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
  - b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
  - c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
  - d. A statement as to whether or not proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
  - e. A statement as to whether there will be dry access to the structure during the 100-year storm event. Where applicable, the following certifications by a registered engineer or architect are required, and must be provided to the Commission. The design and methods of construction are in accordance with accepted standards of practice, and with the provisions of the Flood Damage Prevention Regulations;
  - f. Non-residential flood proofing must meet the provisions of these regulations;
  - g. Enclosed areas below the base flood elevation if the minimum design criteria are not used then the design and construction methods must be certified;
  - h. No increase in floodway heights may be allowed. Any development in a floodway must meet the provisions of these regulations.
- ii. Construction Stage. Upon completion of the applicable portion of construction, the applicant shall provide verification to the Commission of the following as is applicable and pertaining to the lowest floor elevation: Elevation to be verified for:
  - a. A structure in a numbered A Zone is the top of the lowest floor (including basement);
  - b. A structure which has been floodproofed is the elevation to which the flood-proofing is effective;

Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**4. Duties and Responsibilities:** Duties and responsibilities of the Commission shall include, but not be limited to:

- i. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- ii. Review all development permits to assure that the permit requirements of these Regulations have been satisfied;
- iii. Advise applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Possible permits include, but are not limited to: Water Division, Dam Safety, Corps of Engineers 404;
- iv. Notify the Regional Planning Commission and the affected municipality at least 35 days prior to the public hearing if any change of the Regulations or use of a floodplain zone will affect an area within 500 feet of another municipality;
- v. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- vi. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- vii. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed;
- viii. When flood-proofing is utilized for a particular structure, the Commission shall obtain certification from a registered professional engineer or architect;
- ix. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Commission shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein;
- x. When base flood elevation data or floodway data have not been provided in accordance with Section 2 hereof, then the Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions in Section 4;
- xi. All records pertaining to the provisions of these Regulations shall be maintained by the Zoning Enforcement Officer.

**5. Provisions for Flood Hazard Reduction:** In all areas of special flood hazard, the following provisions are required:

- i. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- ii. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- iii. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- iv. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- v. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- vi. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into flood waters;
- vii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- viii. All manufactured homes (including any recreational vehicle placed on a site for 180 consecutive days or longer) to be placed, or substantially improved shall be elevated so that the lowest floor is above the base flood elevation;
  - a. It shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydro-static and hydro-dynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;
  - b. It shall be installed using methods and practices which minimize flood damage;
  - c. Adequate access and drainage should be provided;
  - d. Elevation construction standards include, piling foundations placed no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level;
- ix. In any portion of a watercourse which is altered or re-located, the flood carrying capacity shall be maintained and;
- x. A structure already in compliance with the provisions of these Regulations shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

- 6. Standards for Stream without Established Base Flood Elevations and/or Flooding:** Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to these Regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town's FIRM meet the standards of these regulations.

When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.

- 7. Standards for Areas with Established Elevations:** In all areas of flood hazard A1-30, AE, AH where base flood elevation data has been provided, as set forth in Section 2 or 4, the following provisions are required:

- i. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to one (1) foot above the level of the base flood elevation;
- ii. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A-1-30, AE & AH shall have the lowest floor, including basement, elevated at least to one (1) foot above the level of the base flood elevation; or
- iii. Non-residential structures located in all A-Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection;
- iv. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls;
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria;
    - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- 2) The bottom of all openings shall be no higher than one foot above grade, and;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions;
- b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevations;
  - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);
- v. Floodways. Located within areas of special flood hazard established in Section 2 are areas designated as floodways on the Town's Flood Boundary and Floodway Map. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply;
- a. Prohibit encroachment, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge;
  - b. In A-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the water-course when all anticipated development is considered cumulatively with the proposed development.

**8. Standards for Subdivision Proposals:** In all special flood hazard areas, the following requirements shall apply:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage;
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- iv. In Zone A base flood elevation data shall be provided for subdivision proposals.



- 9. Variance Procedures:** The Zoning Board of Appeals as established by the Town shall hear and decide appeals and requests for variances from the requirements of these Regulations.

The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Commission in the enforcement or administration of these Regulations.

Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within one hundred feet (100) of the land in question may appeal within fifteen (15) days after such decision to the Superior Court as provided in Section 8-8 of the General Statutes.

- i. Specific situation variances – the following general standards shall apply to the granting of variances:
  - a. Buildings on a Historic Register. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character;
  - b. Existing, small lot location. Variance MAY be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level;
  - c. Floodway prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ii. Considerations for granting of variances. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of these Regulations, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters;
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Upon consideration of the factors listed above, and the purposes of these regulations, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these Regulations.

- iii. Conditions for variances shall comply with the following:
  - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, the determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
  - b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage;
  - d. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- iv. Violation of the provisions of these Regulations or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates these regulations shall be subject to a fine as provided for by the General Statutes of the State of Connecticut and shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

## D. AQUIFER/WATERSHED PROTECTION REGULATIONS

1. **Statutory Authorization; Statement of Purpose:** Major sources of Plymouth's and Bristol's drinking water lie in the northeastern quadrant of the community. A series of wells operated by the Connecticut Water Company draw from a large stratified drift underlying much of Terryville. The City of Bristol Water Department maintains several surface reservoirs within the Department's extensive landholdings in Plymouth. The separate watershed areas have been identified. Protection of these resources is vital to ensure adequate supply of safe drinking water. This protection can be best achieved by regulations that control pollution within those areas as authorized by Sec. 22a-354a through 22a-354bb of the Connecticut General Statutes.
2. **Area Designation:** The Aquifer/Watershed Protection Areas shall be superimposed on existing use districts. The provisions for these areas shall be in addition to all other requirements of the existing use districts. In the event of conflict between any provision of this ordinance and any other regulation, the more restrictive requirement shall apply.

The Aquifer/Watershed Protection Areas shall coincide with those sections of town identified as: the Connecticut Water Company Aquifer Protection Area as mapped by the Central Connecticut Regional Planning Agency; and, the City of Bristol Department Watershed Area as mapped by the Maguire Group.

Where the bounds of this District are in doubt or dispute, the burden of proof shall be on the owners of the land in question to show where they should be located. Such proof shall be in the form of a map, prepared by a professional engineer and land surveyor, at a scale of 1 inch to forty feet, with two foot contours, showing the existing district boundary and that proposed.

3. **Permitted Uses:** All uses which are permitted in the existing zones are also permitted in the Aquifer/Watershed Protection Areas except as follows. Where single family dwellings relying on on-site septic systems for the disposal of wastewater discharges are located within the Aquifer/Watershed Protection Area, no more than one such single family dwelling shall be permitted per acre.
4. **Prohibited Uses**
  - i. Manufacture, use, storage, transport or disposal of hazardous materials as a principal activity.
  - ii. Sanitary landfill, septage lagoon, wastewater treatment facility for municipal or industrial wastes.
  - iii. Road Salt storage.
  - iv. Junkyard, salvage yard, truck terminal.
  - v. Gasoline station, car wash, auto repair or auto body shop.
  - vi. Underground storage or hazardous materials.
  - vii. Dry Cleaning Establishment.

## Special Permits

- i. Uses by Special Permit
  - 1) Excavation, filling or removal of earth materials.
  - 2) Above ground storage of hazardous materials in quantities greater than associated with normal use, other than fuel storage for space heating.
- ii. Special Permit Criteria

Special permits required under Section 5 shall be granted only if the Planning & Zoning Commission determines the ground water quality resulting from on-site

wastewater disposal of other operations on-site shall not cause the degradation of ground waters outside any authorized zone of influence which would result in a condition which renders the ground waters unsuitable for direct human consumption. If existing ground water quality is not now suitable for drinking water purposes, on-site disposal or operations on-site shall cause no further deterioration.

## 6. Submittals

In applying for a Special Permit under this Section, the Commission may require, in addition to that required under Article 7, all or some of the following information:

- i. A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials may also be requested.
- ii. A description of all potentially hazardous wastes to be generated, including provision for storage and disposal measures as described in part (i.) above.
- iii. For above ground storage of hazardous materials or waste, evidence of qualified professional supervision of the design and installation of such storage facilities or containers.
- iv. For areas with an impervious surface greater than 30% of the total lot areas, a showing of runoff water disposal plans. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease and sediment traps designed to remove contaminants. A schedule for maintenance of such traps may also be required.
- v. For on-site disposal of sewage in quantities in excess of 2000 gpd, documentation from the wastewater discharge permit granting authority that such system meets all applicable codes and regulations.

## ARTICLE 6

### SPECIAL PERMIT USES AND REGULATIONS

#### A. SPECIAL PERMIT REQUIREMENTS AND CRITERIA

1. **Purpose:** Uses requiring a Special Permit are deemed to possess unique characteristics such that they must be evaluated on a case by case basis. Before granting a Special Permit as provided for in the Regulations, the Commission shall make special findings (as well as any additional special findings set forth for any specific use in the Use Table) as follows:
2. **Special Findings for Approval:** The proposed use as described and represented by the applicants:
  - i. Will be appropriately located with respect to transportation, water supply, waste disposal, drainage, fire and police protection, and other public facilities;
  - ii. Will not cause undue traffic congestion or create a traffic hazard; will be adequately accommodated by the existing street system and existing traffic control devices;
  - iii. Will not create at any point of determination set forth in Article 5 Performance Standards-conditions that are not characteristic of the use expressly permitted as of right in the same district;
  - iv. Will not adversely affect the character of, or property values in, the area;
  - v. Will not otherwise impair public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare of the Town;
  - vi. Will relate well to the location, type, size and height of buildings and other structures and the intensity of other uses in the neighborhood;
  - vii. Will not adversely impact the natural characteristics of the site and the surrounding environment;
  - viii. Will be a compatible adaptation, where the proposed use involves the conversion of a facility originally built for other uses; and
  - ix. Will comply with all other regulations applicable to such use.
3. **Application Procedure**
  - i. All applications for a Special Permit shall be submitted in the form prescribed by the Commission. A public hearing shall be held as required by the Connecticut General Statutes;

- ii. All applications for a Special Permit shall be accompanied by a site plan accordance with Article 7, Section A of these Regulations; and
- iii. A minimum of one (1) sign shall be posted on the premises which is the subject of the application at least twelve (12) days before the hearing or any reconvening thereof and must be removed within five (5) days after completion of the hearing or any rehearing thereof. The sign shall be so located on the property so as to be visible from each street on which the property has frontage. Sign shall also be so posted approximately every 200 feet along the street frontage(s) of the subject property. The sign must be no more than five (5) feet off the street line and must be readable for posting. The minimum size of the sign shall be 2 feet by 2 feet. Printed lettering shall be black on a yellow background. All letters shall be capitals, two (2) inches high. The wording shall be as follows:

NOTICE OF HEARING  
 SPECIAL PERMIT APPLICATION  
 PLACE: TOWN HALL  
 DATE:                      TIME:

The sign shall be legible in block or printed letters not less than as required above. The sign shall be prepared and erected by the applicant at a cost to be borne by the applicant. The applicant shall notify the Zoning Enforcement Officer when the sign is installed.

- 4. **Uses Generating Major Traffic:** To assure maximum safety and convenience to the public, any proposal new or expanded which provides for more than one hundred (100) vehicle spaces shall be accompanied by a traffic impact analysis evaluating the impact of the proposal on any street serving or affected by the proposal. Where applicable, the Commission shall request written recommendations from the Connecticut Department of Transportation and incorporate said comments in the special findings.
- 5. **Conditions and Safeguards:** In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
  - i. A maximum number of employees;
  - ii. Hours of operation;
  - iii. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith;
  - iv. A date of expiration of the Special Permit;
  - v. Improvements to existing public facilities to accommodate the use allowed by the Special Permit;

- vi. Conservation restrictions necessary to protect and permanently preserve unique natural site features;
  - vii. Soil erosion and sediment control measures in accordance with the provisions of Article 5, Section B; and
  - viii. A bond in an amount as required by these Regulations and as approved by the Public Works Director.
6. Any lapse in a performance bond, maintenance bond or other required security instrument will cause the special permit to expire immediately. It is the permittee's responsibility to assure continuous coverage.
  7. **Limit of Special Permit:** A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
  8. **Effective Date:** No Special Permit shall become effective until it has been filed in the land records in accordance with the provisions of the Connecticut General Statutes.
  9. **Duration of Special Permit:** Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.
  10. **Non-Compliance with Special Permit:** Failure to strictly comply with the documents, plans, terms, conditions and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of the Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.
  11. **Amendments or Modifications:** An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval.

## **B. SAND PITS, GRAVEL PITS, REMOVAL OF TOPSOIL OR EXCAVATION OPERATIONS (IN ANY DISTRICT)**

1. **Purpose:** This Section is intended to regulate the removal of certain earth materials from the ground and from the property on which they are located in a manner; that will not adversely affect the surrounding neighborhood; that will not result in unsafe, unsightly or unsanitary conditions; that will result in and which in the future can be put to a use permitted by these Regulations; and that will protect the land from erosion and sedimentation.
2. **General Provisions:** There shall be no removal of earth materials from any property in any zoning district except as follows:

- i. In any zoning district where an approved site plan, an approved subdivision plan, or a valid zoning permit requires the removal from the property of more than 100 cubic yards of earth materials; or,
- ii. In any zoning district by the issuance or renewal of a Special Permit for removal of each material.

### **3. Standards for Consideration**

- i. As part of the special permit application, the applicant shall, in addition to the requirements of Article 6, Section A, submit the following:
  - a. For any resource removal operation not associated with an approved site plan or an approved subdivision plan, a timetable for the completion of the earth removal operation and a concept plan showing the possible re-use of the property after completion of the earth removal operation. At a minimum, the concept plan shall show existing natural features such as wetlands and watercourses, wooded areas and rock outcroppings; existing contours and proposed final contours at intervals of not more than five feet; and a preliminary layout of proposed streets, lots, open spaces, buildings, parking areas, site access and utilities, as may be applicable to the proposed development. A determination by the Commission that the concept plan is acceptable shall neither constitute approval of the plan by the Commission, nor shall it constitute an obligation on the part of the applicant to construct the proposed development shown on the plan.
  - b. Proposed truck traffic routes;
  - c. Existing contours of the entire property and for twenty (2) feet beyond, and proposed final contours of the area subject to resource removal, all at two (2) foot intervals;
  - d. The amount in cubic yards of material proposed to be removed from the site;
  - e. Proposed phasing plan of operation. The area to be actively operated at any point in time shall be limited to fifty (50%) of the site or five (5) acre cells, whichever is less; and
  - f. Site restoration plans consistent with proposed project phasing, if any, engineer's estimates for bonding to cover potential erosion and sedimentation controls and site closure/restoration.
- ii. In addition to the above submittals, the Commission may require additional information to determine compliance of the application with the criteria set forth in Article 6, Section A. Additional information may include, but is not limited to:
  - a. For sand and /or gravel removal operations, surficial geology documentation from the CT Department of Environmental Protection Natural Resources Center showing evidence of adequate alluvial deposits; and
  - b. Subsurface boring data showing soil types, estimated soil thickness and texture, groundwater levels and flow directions and depth to bedrock.



**4. Conditions of Approval:** All special permits granted by the Commission shall not exceed one (1) year and shall be issued under such conditions as said Commission may impose. Such conditions shall include, but not be limited to:

- i. Limitation of excavation to vertical cuts which are not to exceed ten (10) feet at any one time. Finished slopes of an excavation shall not exceed 1:1-1/2 (vertical to horizontal) in undisturbed earth, 1:2 earth fill, and 4:1 in rock;
- ii. All authorized excavation activities are subject to the front yard requirements of existing or approved streets as contained in Article 4 and Article 3, Section F of these Regulations except to conform to the approximate street grade;
- iii. If the proposed method of soil erosion control is by re-vegetation, the specifications for work shall provide that any layer of topsoil over the area to be excavated shall be set aside and retained on the premises in sufficient quantity to be re-spread over all surfaces which will remain exposed, except rock, to a depth of at least four (4) inches, with topsoil added if necessary to make up any deficiency.

The specifications shall also provide that at the completion of re-spreading of topsoil it shall be immediately harrowed or raked to establish a seed bed and shall be seeded and reseeded as necessary with grass, permanent pasture mixture or other approved fast growing vegetation, repeated if necessary until the area is stabilized;

- iv. The proposed excavation and removal shall not result in the creation of any sharp pots, depressions, soil erosion, depressed land values, drainage and sewerage problems or other conditions which would impair the use of the property in accordance with the Zoning Regulations, and further provided that such excavation or removal will be in harmony with the general purpose and intent of the Zoning Regulations; and
- v. No resource removal should occur less than four (4) feet above the ground water elevation as determined by pre-operation borings. Likewise, no resource removal should occur less than six (6) feet above bedrock.

**5. Processing of Excavated Material:** The sifting, washing, crushing or other forms of processing and treatment of earth products shall be permitted only for the duration of the excavation permit and subject to the following conditions:

- i. The area within which the excavation is to take place should be at least 10 acres; and
- ii. The location of any processing facility or equipment shall be at least 400 feet from the nearest residence unless the applicant can demonstrate to the satisfaction of the Commission that a lesser distance will satisfy all the provisions of Article 6, Section A, specifically that there will be no nuisance or impairment of health, safety and comfort to any nearby residence as a result of any material processed.

**6. Hours of Operation:** There shall be no operation between 5 p.m. and 7 a.m. nor on Sundays or legal holidays, except in an emergency which involves the public welfare.

**7. Fence Requirements:** Where an excavation will have a depth of ten (10) feet or more and create a slope of more than 1 in 2, there shall be a substantial non-climbable fence enclosing the excavation or fill at least four (4) feet in height with suitable gates. Such fence shall be located fifty (50) feet or more from the edge of the excavation or fill, all screens, shall be maintained in good condition at all times and may have normal entrances and exists. All operations shall be screened if located near residential areas or highways.

**8. Buffer Areas**

- i. There shall be no excavation within 100 feet of any lot line which abuts a Residential nor Commercially zoned property unless the applicant can demonstrate to the satisfaction of the Commission that a lesser distance is necessary to either adequately utilize the site or provide for a reasonable re-use of the site while maintaining the purpose and function of a buffer;
- ii. There shall be no excavation within twenty (20) feet of any lot line which abuts an Industrial zone;
- iii. Such buffer areas shall remain undisturbed for the duration of the earth removal operation and shall not be used for any purpose, including but not limited to:
  - a. Vehicular access to other portions of the site, except as otherwise approved by the Commission;
  - b. The parking or storage of equipment, machinery or vehicles;
  - c. The location of any buildings or structures such as sanitary facilities or temporary field offices and;
  - d. The excavation, processing, stockpiling or storage of any earth materials.
- iv. If the Commission finds that the existing vegetation or topography within such buffer area will not effectively screen the earth removal operation from adjoining properties, the Commission may require the installation of additional screening materials such as evergreen plantings or fences; and
- v. Upon completion of all earth removal, regarding and re-vegetation, the Commission may allow the removal of part or all of the existing buffer areas if said removal would result in the property more closely satisfying the goals set forth in Article 6, Section B.1.

**9. Storage of Topsoil:** Applicants are required to stockpile existing topsoil on-site to be used for required reclamation and re-vegetation of all work areas or cells. Such stock piles may, at the Commission's direction, be in the form of temporary berms along the edges of authorized work areas which may also serve to shield activities from neighboring properties and public roads. All stockpiles and/or berms must meet the soil erosion control measures of Article 5, Section B. If the duration of the earth removal operation exceeds one year, seeding of any topsoil stockpiles will be required.

- 10. Access Roads:** The portion of access road within the area of operations shall be provided with a dustless surface which shall be maintained in good condition at all times.
- 11. Foundations and Approved Subdivision Roads:** These Regulations shall be deemed not to prohibit the removal of sod, loam, soil, clay, sand, gravel or stone necessary to be excavated from or to be filled for the foundation locations of buildings or other allowable structures for which construction is to be undertaken in compliance with an approved building permit, or to be excavated from or to be filled for the locations of streets in accordance with the lines, grades and profiles on plans approved by the Commission.
- 12. Performance/Maintenance Bond:** Before the issuance of any Special Permit, the owner and the operator, if any, of the land on which such excavation is to be conducted shall as principals execute a performance/maintenance bond in triplicate in amount and form sufficient in the opinion of the Commission and/or the Public Works Director to secure the rehabilitation of the site in accordance with a plan specified above. The amount of such bond may be reduced when in the opinion of the Commission and after a public hearing and due notice, a lower amount will be sufficient to accomplish this purpose. In the event the owner and operator does not fulfill the conditions of the bond, the Town shall, after notice to the owner and operator and their bonding company and upon their failure to comply with the terms of the permit, proceed to rehabilitate the premises in accordance with the plan described above, either with its own forces or by contract, and shall charge the costs to the owner and operator and shall charge the costs to the owner and operator or the bonding company or surety company. Upon completion of the excavation operation or of any pre-approved work cell(s), the owner may apply for the release of the bond. Before releasing the bond the owner and operator of an excavation operation shall submit a plan prepared by a licensed land surveyor showing the then existing ground conditions of the excavation operation and certify that all conditions of the excavation and/or landfill regulations and permit have been complied with. The Commission shall require the retention of the full amount of the bond for a further period of one (1) year to assure the correction of any damage which may result from wash outs, landslides and/or unsuccessfully stabilized vegetation growth.
- 13. Special Permit Extensions**
  - i. Each 12 months following the approval of a Special Permit for earth removal, the Commission may, based upon information from the Zoning Enforcement Officer review said permit for compliance. If in the judgement of the Commission the conditions of the permit are not being adhered to, the Commission may require the applicant to submit to the Commission documentation prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State regarding the progress of the operation, including the amount of material removed, existing contours and cross-sections in the area excavated during the preceding six-month period. This information will assist the Commission in determining the extent and acceptability of the work that has been done and also the scope of the remaining work necessary to satisfy the requirements of the Special Permit. Failure of the applicant to provide the Commission with such information within 60 days of notification shall be deemed sufficient cause for the Commission to revoke the

Special Permit. The Commission, however, reserves the right to waive submission of such documentation based upon a written request and physical inspection of the property; and

- ii. The amount of the performance bond shall be re-estimated with each requested extension, reviewed by the Public Works Director and modified as necessary prior to continuing operations.

**14. Modification Under Special Circumstances:** The Commission may, upon formal application, when, in its judgment the public convenience and welfare will not be adversely affected and appropriate use of the adjoining property will not be substantially injured, authorize a modification of the standards specified pursuant to Article 6 Sec. A.2. in these Regulations.

**All excavation activity requires notification to the Land Use Enforcement Officer prior to commencement.**

**15. Excavations Not Requiring a Special Permit:** A permit for quantities of excavation of up to one hundred (100) cubic yards may be issued by the Zoning Enforcement Officer as of right upon submission of an application and a plan showing the details of the operation provided that fill does not change the grade of the property more than six (6) inches at any point and in accordance with the following table:

Lot Size	Cubic yards of excavation permitted by ZEO in any one year period
<16,000 sq. ft.	0-6 cubic yards requires no permit Greater than 6 cubic yards requires a permit
>16,000 sq. ft.	0-6 cubic yards requires no permit 6-100 cubic yards requires notification to the ZEO Over 100 cubic yards requires a permit

**C. FILLING OF LAND – All filling activity requires notification to the Land Use Enforcement Officer prior to commencement.**

**1. General Provisions**

- i.a The filling of land shall require the granting of a Special Permit by the Commission unless the filling shall be for the express purpose of preparing the land for immediate development in accordance with an approved subdivision plan or an approved site plan or the deposit shall be one of topsoil for the purpose of improving an agricultural use. The Zoning Enforcement Officer may issue a one-time permit for the placement of topsoil up to 100 cubic yards on a residential property which will not increase the grade of said property by more than four (4) inches at any point.

Additionally, one permit may be granted in any one (1) year period for any lot by the Zoning Enforcement Officer in accordance with the following schedule:

Lot Size	Cubic yards of fill permitted by ZEO in any one (1) year period
< 16,000 sq. ft.	0-6 cubic yards requires no permit Greater than 6 cubic yards requires a permit
>16,000 sq. ft.	0-6 cubic yards requires no permit 6-100 cubic yards requires notification to the ZEO Over 100 cubic yards requires a permit

- i.b Notwithstanding the above, any proposal for a permit application which the Zoning Enforcement Officer determines will create a potential environmental hazard or threat to neighboring properties shall require a permit.
- ii. Except as otherwise provided herein, the filling of land shall be subject to the submission of a site plan, and approval of same in accordance with these Regulations;
- iii. In granting or renewing a filling operation, the Commission, or Zoning Enforcement Officer, may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:
  - a. The days and hours of operation;
  - b. The extent of stockpiling of materials on the property;
  - c. The location of vehicular access into and out of the property;
  - d. A date of expiration of the operation; and
  - e. Soil erosion and sediment control measures in accordance with the provisions of Article 5, Section B.
- iv. An approved filling operation shall not become effective until the applicant posts a bond with the Commission in an amount as approved by the Public Works Director; and,
- v. An approved filling operation may be renewed by application to the Commission in accordance with the provisions of this section. The Commission may require an amended site plan showing topographical changes to date or any other information necessary for further review of the operation.

**2. Standards for Filling Operations:** The filling of land under this Section shall comply with the following standards:

- i. Provision for adequate drainage shall be made for storm drainage control;

- ii. The fill material shall consist only of “clean fill” as defined by the Connecticut General Statutes. No trash, garbage, building materials, solid waste or junk of any nature shall be permitted;
- iii. Trees, stumps, logs and woody vegetation shall not be used as fill material. All such bulky waste shall be handled pursuant to the Connecticut General Statutes. Where practical, woody vegetation shall be reduced by chipping or other approved methods;
- iv. Dust shall be kept at a minimum at all times by the use of calcium chloride or other acceptable means; and
- v. The filling of the site shall be carried out in a safe and orderly manner. All fill shall be compacted to provide stability of material and to prevent undesirable settlement. The Zoning Enforcement Officer may require tests or other information to verify the placement and cover of filled materials.

**3. Hours of Operation:** There shall be no operation between 5 p.m. and 7 a.m. nor on Sundays or legal holidays, except in an emergency which involves the public welfare.

#### **D. GARDEN APARTMENTS OR CONDOMINIUMS**

A Garden Apartment or Condominium facility may be erected only in compliance with the provisions of these Regulations.

##### **1. Uses Permitted in a Garden Apartment or Condominium Facility**

- i. Garden Apartments or Condominiums; and
- ii. Uses accessory to the use provided under Subsection (i.) shall be limited the following:
  - a. Garages for the storage of motor vehicles;
  - b. Off-street parking facilities;
  - c. Maintenance and utility shops for the upkeep and repair of buildings, structures and equipment on the site;
  - d. Central heating and air-conditioning plants;
  - e. Power substations;
  - f. Facilities for the storage of water or for the collection of sanitary waste;
  - g. A building for the storage of documents, records and other personal property used in conjunction with a bona fide housing for the elderly facility for the exclusive use of the occupants of such facility;
  - h. Communications facilities;
  - i. In conjunction with a bona fide housing for the elderly facility; clinics, dining facilities, utility service store, and recreational facilities, none of which shall be maintained or designed for or used by the general public but shall be used only by those actually living in a housing for the elderly facility. All accessory uses under this subsection shall be designed and planned as an integral part of the

- housing for the elderly shall be located on the same site therewith and shall be set forth and shown on the application for a zoning permit; and
- j. Recreation facilities including swimming pool and/or community building, if any, limited to the use of individuals living on the premises subject to the approval of the Commission.

## **2. Uses Specifically Forbidden in Garden Apartment or Condominium Facilities**

The following uses are specifically forbidden:

- i. Radio and television or water towers, unless specifically granted by the Commission in the zoning permit after a finding by the Commission that they will be in harmony with the overall layout of the particular development and adjacent property and that they will not interfere with the health or safety of the general public; and
- ii. The sale or division of any portion of the land for which a Garden Apartment or Condominium zoning permit has been issued which results in the ground area or recreation area being reduced in size below the area called for in the zoning permit.

## **3. Information Required in the Application for a Zoning Permit:** Each applicant for a zoning permit under the provisions of this section shall include the following information or statements:

- i. All information which may be required under this section;
- ii. Preliminary site plans at a scale and form and manner as specified in the Subdivision Regulations for the Town of Plymouth, elevations and renderings and any other information which may be required by the Commission in order to ascertain whether or not the provisions of these Regulations will be complied with or provided for an will continue to be complied with or provided for;
- iii. The method of trash storage and garbage collection. All containers shall be screened and be made an integral part of the landscape; and
- iv. The information required in Article 9, Section 5-I of these Regulations; and
- v. The boundary location and legal description of all areas to be set aside for park and recreation activities and at least 15% of the net area of the proposed facility shall be set aside for park and recreation area. The location, dimensions and elevation of any recreational structures.

## **4. Issuance of Zoning Permits:** No zoning permit shall be issued under the provisions of this section until the Commission shall have made specific findings which shall be recorded in the minutes of the Commission to consist of the following:

- i. Whether or not it has found the necessity of imposing additional requirements and conditions and their nature, it being understood that the Commission may impose additional requirements, conditions or safeguards as prerequisite to the issuance of a

zoning permit, if it shall find that such are necessary in order that the spirit of this section may be observed and public safety and welfare secured;

- ii. All necessary maps, architectural and engineering drawings, and other papers required of the applicant have been filed with the Commission;
- iii. That the Commission is satisfied that the applicant has the ability and bona fide intention to comply with all of the terms and conditions and plans and specifications for the construction of the facility, including provisions of and payment for off-site facilities which may be required; and
- iv. That the location and size of the site, the nature and intensity of the proposed development and use and the location of the site with respect to public highways giving access to it shall be such that the development and use will be in harmony with the appropriate and orderly development of the neighborhood in which the facility is being located and the location, nature and height of buildings, walls and fences and the location of recreational and parking areas will be such that the development and use will not hinder or discourage the appropriate development and use of the adjoining lands and buildings.

**5. Validity of Permits:** Zoning permits issued under the terms and provisions of this section shall be subject to the following terms and conditions:

- i. A zoning permit issued for a Garden Apartment or Condominium facility shall be valid for five years from the date of issuance. Such permit must be renewed if the facility for which the permit has been issued is not completed within five years. Such renewal request shall be submitted in writing and shall be received by the Commission at least thirty (30) days before the expiration date of the initial permit or any extensions. The Commission may issue an extension permit provided the total of all extensions does not exceed five (5) years from the date of the original permit expiration. After a zoning permit has been issued, work thereunder shall be commenced within six (6) months from the date of issuance and, if work thereunder is not commenced within said six months and thereunder diligently pursued, the Commission shall have the right to revoke the permit, in such event, the Garden Apartment or Condominium permit which shall have been granted by the Commission in conjunction with such permit shall no longer be effective;
- ii. The Commission or its duly authorized agent shall have the authority at all reasonable times after the issuance of the permit to inspect the Garden Apartment or Condominium facility for which the permit was issued for the purpose of ascertaining that all of the requirements relative thereto, including requirements which shall continue after construction has been completed, have been and are being complied with; and, in the event that such inspection shall disclose any non-compliance which is not properly cured, the Commission, in addition to all other rights and remedies available to it, shall have the right to revoke the permit; and
- iii. No new changed use of a Garden Apartment or Condominium facility not disclosed or set forth in the application therefore shall be made until a new application has



been made to the Commission for a new zoning permit, a public hearing has been held thereon in accordance with the provisions of those Regulations and the Commission shall find that such new or changed use shall be in full compliance with these Regulations.

**6. Specific Standards and Requirements for the Issuance of a Permit:** No zoning permit shall be issued under the provisions of this section for the construction, alteration or use of any building or land in a Garden Apartment or Condominium facility unless all of the requirements of this section have been complied with, and that any off-street work which may be required under this section, in addition to on-site work, shall be paid in full by the developer. The following specific standards apply to Garden Apartment/Condominium developments:

- i. Density Standards of Development: At least 10,000 square feet of buildable land per dwelling unit;
- ii. Maximum Height: 30 feet on any side above the ground level measured from the average elevation of the proposed finished grade along the wall of a building to the highest point of such building. The Commission may upon application by the applicant, increase the height limitation of 30 feet by 20%;
- iii. Parapets: Parapets shall be provided in all instances where the same are necessary to hide any large ventilators, water tanks or duct work system located on the main roof area;
- iv. Parking Area: Unenclosed off-street parking facilities shall have a dustless surface, shall be set back a minimum of 25 feet from any residential structure and 75 feet from any boundary lines of abutting properties, abutting properties to be construed to include public highways. Off-street parking areas must be permanently improved and suitably drained and permanently screened with a dense planting of evergreens of a height not less than six feet or other screening satisfactory to the Commission. The distance between any entrance to a building and the farthest off-street parking space assigned to a particular Garden Apartment or Condominium unit shall at no time be greater than the shortest distance from the street or access and service driveway to such entrance. No entrance to a Garden Apartment or Condominium dwelling shall be farther than 200 feet from any street, access drive, service driveway or off-street parking area. Basement parking shall not be permitted. The Commission may also permit, as part of the site plan approval, the construction of enclosed parking garages in clusters of not more than eight parking units. The distance between each such parking garage space and the entrance to the dwelling unit it is to serve shall generally not exceed 200 feet;
- v. Driveways: Access and service driveways shall be of sound construction, shall be laid out in such a manner that connections with the street, streets or highways on which the facility has frontage shall be so located and designed as to avoid unsafe conditions or traffic congestion or hazards. No driveway into or onto the property shall be less than 10 feet from any side or rear property line. If, in the opinion of the Commission, traffic lights on the abutting public highway or street, directional signals or other traffic regulatory facilities or methods are necessary, the same shall

be provided at the cost of the developer. If the proposed facility is abutting a State Highway, coordination with the State Highway Department with respect to traffic access shall be required. Storm drainage facilities shall be constructed in full compliance with the Subdivision Regulations for the Town of Plymouth. There shall be at least two entrances and two exits for each Garden Apartment or Condominium facility to provide service in an emergency;

- vi. Lighting: There shall be no lighting or other illumination that will cause any glare observable within a residence district. All exterior lighting shall be of such design and location that the light source cannot be seen beyond the boundaries of the site on which the facility is located;
- vii. Fire Hydrants: Fire hydrants shall be installed and no proposed dwelling unit shall be at a distance greater than 500 feet from any such fire hydrant. The location and adequacy of pressure of fire hydrants shall be approved by the Fire Marshal;
- viii. Site Plan and Improvements: The site plan shall be prepared to scale by a professional engineer and/or land surveyor licensed to practice in the State of Connecticut, shall show the proposed facility including vehicular and pedestrian traffic circulation, the location of main and accessory buildings, the location and spaces of off-street and covered parking spaces-one space of which at least shall be inside of the proposed Garden Apartment or Condominium unit- and shall be subject to all applicable requirements as specified in the Subdivision Regulations of the Town of Plymouth;
- ix. Accessory Buildings: All accessory buildings shall have the same architectural character as the main building and shall comply with all setback requirements applicable to main buildings;
- x. Minimum Floor Area Per Dwelling Unit: The minimum livable floor area for any dwelling unit shall not be less than 1000 square feet and no dwelling or portion thereof shall be located in the basement of a dwelling unit;
- xi. Sidewalks: Sidewalks abutting any street, access and service driveway on which the facility is located shall be provided, unless, in the opinion of the Commission, the same are not required;
- xii. Signs: Directional signs may be permitted as approved by the Commission. Not more than one (1) single sign and not to exceed twenty-five (25) square feet may be displayed at each entrance to a Garden Apartment or Condominium facility indicating the name of the facility;
- xiii. Landscaping and Screening: The site plan shall show the method and arrangement for the landscaping of the Garden Apartment or Condominium facility and the screening of abutting properties;
- xiv. Swimming Pools and Other Recreational Facilities: Swimming pools where provided and other recreational facilities shall be as centrally located as possible, protected with suitable and safe fence, at least 75 feet from any building and shall

not be located within any of the required yards of the proposed Garden Apartment facility. The central location of the recreation facility may be varied with the approval of the Commission if topography and other layout consideration warrant such a proposal;

- xv. Bond: Before approving a permit for a Garden Apartment or Condominium facility the owner and the developer, if any, of the land on which such facility is to be erected as principals shall execute a bond in triplicate in an amount sufficient in the opinion of the Commission and approved as to form by Town Counsel to secure the installation of all utilities and site improvements in accordance with a plan specified above. In the event that the owner and developer do not fulfill the conditions of the bond, the Town shall, after notice to the owner and developer and their bonding company and upon their failure to comply with the terms of the permit, proceed to install the improvements in accordance with the plan described above, either with its own forces or by contract, and shall charge the costs to the owner and developer or the bonding or surety company;
- xvi. Condominium: In the case of a proposal involving condominium units, the submission to the Planning & Zoning Commission of the declaration in compliance with the requirements of the General Statutes of the State of Connecticut for condominiums including any documents necessary to determine the terms of ownership, rights and responsibilities of prospective owners of condominium units; and
- xvii. Each Garden Apartment or Condominium structure shall contain at least four and not more than sixteen dwelling units and the distance between each structure shall be as specified in the diagrams below. “All structures shall be at least 300 feet distant from the high water mark of a lake or water body”.
  - a. Between two facing walls, each of which contains a window or windows: 75 feet.
  - b. Between two facing walls, only of which contains a window or windows: 20 feet.
  - c. Between two facing walls, neither of which contains a window or windows: 15 feet.
  - d. That it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from collinear exterior walls: 15 feet.
  - e. Between vertical portions of two facing walls, neither of which vertical portions contains a window or windows, where no window directly faces on opposite wall, and no portion of a window on one facing wall is visible from any portion of a window on the other facing wall at an angle of less than 60 degrees from perpendicular: 15 feet.

## E. RECREATIONAL CAMPS

Recreational camps may be instituted and operated only in compliance with these Regulations.

- i. No recreational campground shall be located on a site less than 40 acres in size and there shall be no more than nine (9) recreational vehicle sites provided per acre. All recreational camp grounds shall have a frontage of not less than 300 feet on a highway. Access to the camp ground shall not be provided from roads in a Residence District not satisfactory to handle the traffic, in the opinion of the Commission;
- ii. No recreational camp sites, trailer sites, sanitary facilities, recreational facilities, or buildings other than dwellings occupied by the owners or caretakers may be located within 150 feet of the property line;
- iii. All parking shall be off-street and at least two spaces shall be provided for each camping or trailer site to serve the maximum number of vehicles on that site;
- iv. A single sign not to exceed 24 square feet in area shall be permitted at the entrance to recreational camp site and may be lighted provided there are no flashing, moving or rotating lights;
- v. Site plans for all recreational camp grounds shall be filed in compliance with Article 7, Section A of these regulations and shall be approved by the Commission before any recreational camp facility may be developed, enlarged or relocated;
- vi. Sanitary facilities shall be provided in accordance with the requirements of the Public Health Code of the State of Connecticut. Wash house and/or comfort stations shall be centrally located to serve the camping sites, and shall be well lighted at night. All wash houses and/or toilet buildings shall utilize a flush system with underground subsurface disposal of all wastes. At least 1 toilet facility for each sex shall be provided for each 10 camping sites;
- vii. Each individual camping site shall contain not less than 5,000 square feet. The minimum width of individual camping or trailer site shall be fifty (50) feet. Each camping site shall be defined with a permanent marker designating its lot number. Individual camp sites shall not be located closer than 150 feet from any property line unless the property line abuts a body of water, ledge, or other natural barrier. Trees, shrubs, and/or fences may be required by the Commission to protect the view of nearby and adjacent property;
- viii. Recreational camping grounds may be used from April 15 to October 15 for the accommodation of travel, vacation, and recreational camping equipment and vehicles currently registered. No recreational camp ground shall accommodate or rent space to a vehicle wider than eight (8) feet or longer than forty (40) feet unless said vehicle is self-propelled;

- ix. All roads shall be provided with a dustless surface and shall be graded and drained. The minimum width of camp roads shall be 12 feet for one-way and 22 feet for two-way travel;
- x. Fly-tight garbage containers with close fitting covers shall be provided within 100 feet of each individual camping site. All containers shall be screened and all garbage placed in these containers shall be promptly and properly disposed of by the owner or his authorized agent in a manner approved by the Health Officer;
- xi. Each recreational camping ground must provide a recreation area equal to not less than 15% of gross site area of the camp ground. Each recreation area shall contain open space and shall provide woods and/or playground and recreational facilities, such as swings, see-saws, baseball fields, horseshoe areas, etc.
- xii. Records of occupancy must be maintained by the operator of the Recreational Camp Grounds for inspection by the Commission, its agent or other officials of the Town;
- xiii. A permit shall be obtained and renewed annually before a recreational camp site may be operated; and
- xiv. A recreational vehicle may be parked on a residential lot in compliance with these regulations but may not be used for human occupancy.

## **F. INDIVIDUAL MOBILE HOMES**

1. The Commission may authorize the issuance of a temporary special permit for a mobile trailer limited to residential use in connection with a construction, reconstruction or extensive alteration project, requiring the use of such temporary facility. Such temporary permit shall be granted for a period not to exceed six (6) months.
2. The occupants of the trailer or mobile home must be owners of the lot or blood members of the family owning or occupying the dwelling unit undergoing construction, reconstruction or extensive alteration.
3. The trailer or mobile home shall conform to the applicable regulations pertaining to accessory structures and shall comply with all sanitary requirements. The Commission, for good cause shown, may permit said trailer to encroach within the required setback areas.
4. On or after the effective date of those Regulations, no trailer and/or individual mobile home shall be permitted in the Town except upon a temporary basis as hereinbefore written, provided, that any owner of a mobile home being used for dwelling purposes under a lawfully issued permit on the effective date of these Regulations, may renew said permit to maintain said mobile home as then located, for further periods of one (1) year each, upon paying an annual license fee and presenting a certificate signed by the Health Officer of the Town of Plymouth indicating the adequacy of the sanitary disposal and water supply facilities for said individual mobile home.

## G. FIREARMS CLUB

1. **Issuance of Permits:** No person, firm or corporation shall establish, maintain conduct or operate any firearms club within the limits of the Town of Plymouth without having first obtained a permit and a Certificate of Use and Compliance.
2. **Procedure:** Application to conduct or maintain a firearms club shall be made by the applicant on a form furnished for that purpose by the Commission. The applicant shall file with this application proof of ownership of the premises or of a lease or written permission of the owner thereof, together with:
  - i. Evidence that the club is organized in compliance with the provisions and requirements contained in the General Statutes of the State of Connecticut; and
  - ii. A site plan meeting the requirements of Article 7, Section A. The plan shall also note any requirements contained in the General Statutes of the State of Connecticut relative to the operation of a firearms club.
3. **Requirements:** A site proposed to be used for a firearms club shall be at least thirty (30) acres in area. The applicant must demonstrate to the Commission that due to neighborhood area conditions such as open land, topography and other circumstances, a firearms club can be operated without having an adverse effect with respect to traffic, noise and safety on abutting properties. Firearms shall be limited to sports shooting i.e. skeet, trap or target, and shall only be discharged under the supervision of qualified personnel between the hours of ½ hour prior to sunup and sundown.
4. **Validity of Permit:** A permit issued by the Commission for a firearms club shall be valid for a period of one year or as the Commission may determine and application for renewal of said permit shall be made prior to its expiration.

## H. CONVALESCENT HOME

An applicant proposing to establish a new or expand an existing convalescent home shall comply with the provisions of these Regulations including the following special requirements:

1. **Site Plan Requirements:** A site plan meeting the requirements of Article 7, Section A shall be submitted.
2. **Design Standards:** In addition to the information outlined above under item (1) Site Plan, all site plans shall conform to the following design standards:
  - i. **Front Yards and Walking Areas.** All front yards shall be landscaped. There shall be level graded or paved outdoor areas suitable for walking with a minimum of 100 sq. ft. per patient in facilities of sixty (60) beds or less, with an additional 50 sq. ft. for every patient over 60 in facilities with more than sixty (60) beds; and
  - ii. **Storage Area.** There shall be no outside storage of materials unless the same are effectively screened by wooden fencing, stone or brick walls or evergreen trees or shrubs at least six (6) feet high.

### 3. Minimum Site Area and Yards

- i. There shall be the following minimum area requirements:

In Residential Districts	2 acres
In C Districts	1 acre

There shall be a minimum of 1,500 sq. ft. for each patient or employee to be housed in the convalescent home.

- ii. The following minimum yards shall be a requirement:

<u>DISTRICTS</u>	<u>C</u>	<u>RESIDENCE</u>
Front Yard	30 ft.	50 ft.
Side Yard	20 ft.	50 ft.
Rear Yard	20 ft.	100 ft.

### 4. Other Requirements: In granting a special permit, the Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to the following:

- i. Requirements of front, side, or rear yards greater than the minimum required by these Regulations;
- ii. Requirements of screening of parking areas or other parts of the premises from adjoining premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission;
- iii. Limitation of size, number of occupants, method or time of operation, or extent of facility;
- iv. Regulation, of number, design, and location of access drives or other traffic features;
- v. Failure to comply with any conditions or safeguards shall constitute a violation of these Regulations; and
- vi. All proposed new or the expansion of existing convalescent homes shall comply with existing state and local codes applying to convalescent homes. Certification that the proposed facility complies with prerequisite codes shall be submitted by the applicant to the Commission with the application for a convalescent home establishment or expansion over the signature of the official in charge of the enforcement of an applicable code and/or regulation.

### I. CLUB

An applicant proposing to establish a club other than a Firearms Club as provided in Article 6 Section H of these Regulations shall comply with the provisions of these Regulations including the following additional requirements:

1. A club shall be located on a site containing not less than ten (10) usable acres.
2. There shall be provided a one-hundred (100) foot natural buffer area for all areas abutting the road and other property boundaries. There shall also be provided as part of the landscaped buffer area above referred to a twenty (20) foot screened buffer area for all parking areas. All buildings and parking areas shall be set back at least one-hundred (100) feet from all property lines.
3. All parking areas, loading areas and driveways(s) shall be provided with a dustless surface approved by the Commission.
4. The club shall be operated and maintained in accordance with the requirements, specifications and regulations of the appropriate town, state department, commission or authority having jurisdiction thereof.
5. Adequate lighting shall be provided if the parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be installed and arranged so as not to reflect or cause glare onto the abutting road, residence or residential districts.
6. The proposed club shall not violate the Inland Wetlands Regulations.
7. The applicant shall submit a written statement with the application describing the proposed use in sufficient detail to allow a determination of compliance with the permitted use provisions of these regulations and a written report detailing the effect the proposed facility will have on the capacity of existing and/or proposed systems in the town and their adequacy to assure compliance with the provisions of these Regulations.
8. Written evidence that the proposed facility has been coordinated with local, state having jurisdiction.
9. The legal owner or owners shall be responsible for the continued maintenance of the proposed facility in compliance with these Regulations and any terms and conditions imposed upon said facility by the Commission in order to assure compliance with these Regulations.
10. **Purpose and Procedure:** Before granting a permit, the Commission may require such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to the following:
  - i. Requirements of front, side, or rear yards greater than the minimum required by these Regulations;
  - ii. Requirements of screening from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Commission;
  - iii. Limitation of size, number of occupants, method or time of operation, extent of facility, outdoor activity or noise;



- iv. Regulation, of number, design, and location of access drives or other traffic flow features;
- v. Any other information which may be required by these Regulations and Section P of these Regulations; and
- vi. Failure to comply with any conditions or safeguards shall constitute a violation of these Regulations.

- 11. Limitation of Use:** The use shall be limited to a club, of a duration, as determined by the Commission.
- 12. Certification:** Any proposal for the establishment or expansion of a club shall comply with existing state and local codes and regulations applying to such a club and the land located thereon. Certification that the proposed club and/or expansion thereof complies with prerequisite codes and regulations shall be submitted to the Commission with an application for the establishment, expansion or renewal of such club over the signature of the official in charge of the enforcement of an applicable code and/or regulation.
- 13. Bonding of Improvements:** The Commission may require the posting of a performance bond, in an amount and of duration satisfactory to the Commission, to assure and guarantee the completion of site improvements such as but not limited to grading, regarding, drainage, erosion control lighting, screening, planting and other reasonable conditions indicated on the site plan which will assure compliance with these Regulations.
- 14.** The Commission may modify by resolution any item of the required submission under this section if it finds that the information or submission is not necessary in order to decide on the application or affect the public health and welfare.

## **J. HOME OCCUPATION**

- 1. Issuance of Permits:** No person, firm or corporation shall establish, maintain, conduct or operate a home occupation which offers classes consisting of either five (5) or more persons or five (5) or more off-street parking spaces without having first obtained a permit and a certificate of use and compliance. Upon issuance of a permit, annual renewals shall be required.
- 2. Procedure:** Application to conduct a home occupation shall be made by the applicant prior to starting the home occupation on a form furnished for that purpose by the Commission. The applicant shall describe the nature of the home occupation, hours of operation, number of persons and/or employees.
- 3. Parking and Screening Requirements:** Off-street parking spaces shall be provided as follows:
  - i. 1 Space for each two students; and
  - ii. 1 Space for each employee.

The above off-street parking requirements shall be in addition to the off-street parking requirements for a dwelling or dwellings. Screening, which meets with the approval of the Commission, shall be provided as necessary to protect abutting neighbors from headlight glare and no parking shall be closer than 5 feet to any property line.

**K. KEEPING OF LIVESTOCK AS HOME AGRICULTURE USE ON LESS THAN FIVE ACRES**

**1. General:** Keeping of livestock including horses, cattle, sheep, goats, swine, rabbits and poultry for home agriculture use on less than five (5) acres may be permitted by the Commission by special permit provided the following conditions are met:

- i. Keeping of livestock must be owned by the residents or owner of the premises on which they are kept;
- ii. The livestock shall be for the personal use of the residents or owners of the premises on which they are kept. Stabling of livestock other than those of the owner or resident of the lot is prohibited and no 4-H project shall be conducted simultaneously with a Home Agriculture use; and
- iii. Livestock may be permitted on a lot of not less than two (2) acres and poultry on a lot not less than one (1) acre and as long as they are kept in conformance with the “Table of Shelter and Keeping Area Requirement for Specific Livestock” and with the standards contained in the “Table of Type Bird, Bird Unit and Density” set forth below. The required area for keeping animals should be level, well drained land free from major obstructions such as boulders and ledge outcroppings.

**TABLE OF SHELTER AND KEEPING AREA REQUIREMENTS FOR SPECIFIC LIVESTOCK**

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<b>LIVESTOCK</b>	<b>SHELTER AREA In sq. ft. per animal</b>	<b>KEEPING AREA In sq. ft. per animal</b>
Horses	100	800
Cattle	100	250
Sheep	30	50
Goats	15	25
Swine	60	80
*Rabbits	36”X30”X18” high	

\*Minimum hutch size with two partitions for three four pound rabbits or without partitions per one 12 pound rabbit. Not more than 50 rabbits will be allowed on any two acre lot.

The “Keeping Area Requirement” shall be in addition to the “Shelter Area”. Not more than five percent of the lot area may be used for the “Keeping of Livestock as Home Agricultural Use”.

## TABLE OF TYPE OF BIRD, BIRD-UNIT

<b>TYPE OF BIRD</b>	<b>BIRD UNIT</b>
Chickens	1
Broilers, Fryers, Bantams	1/3
Ducks	2
Turkeys	4
Geese	4
Pheasants	1
Quail	1/5
Others	A*

A\* For other types of fowl or game birds consult the county or state agricultural agent.

For each 32 bird units, 1 acre of land is required.

To determine the combination of birds that may be permitted on a given lot area, multiply the bird number desired times the bird unit factor. The total cannot exceed 32 units per acres.

- 2. Special Permit:** No person or firm shall keep, stable, or maintain livestock on less than five (5) acres of land without first obtaining a special permit from the Planning and Zoning Commission. Application for the special permit shall be made in writing signed by the owner of the land on which the livestock and/or poultry are to be kept and upon forms furnished by the Planning and Zoning Commission. In addition to the date to be shown on a Site Plan as required by Article 7, Section A, the following shall be shown:
- i. The areas designated for the keeping of the livestock and/or poultry;
  - ii. The total number and type of livestock and/or poultry to be kept; and
  - iii. The location, type and size of shelters, keeping areas and fences.

The Planning and Zoning Commission, or its appointed agent, shall inspect or have inspected the premises before issuing a special permit to insure that the land is capable of housing livestock and/or poultry in accordance with the Regulations contained herein.

The Planning and Zoning Commission may refer the application for a permit to the Cooperative Extension Service for its technical review and advisory opinion and may limit the length of permit that will be issued.

### **3. Standards for Keeping Livestock and Poultry**

- i. Adequate fencing and structures shall be installed and maintained so as to confine all livestock and poultry within the premises of their owner. The area used to provide for exercise and grazing must be fenced in a manner safe to the animals and man and located so that the livestock will not cause damage to adjacent property and people;

- ii. The shelters and keeping areas for the livestock and/or poultry and the handling and disposal of solid and liquid waste(s) shall be maintained in such a manner so as to conform with all applicable local, state and federal health, air, water and noise pollution standards and regulations;
- iii. A buffer area of not less than five (5) feet, either in its natural state or landscaped shall be maintained between the property line and all fencing or corrals for livestock;
- iv. No portion of the fence used to confine livestock or poultry shall be less than five (5) feet from any property line or located within the front yard of the lot on which the livestock or poultry are kept. No shelters or structures used in conjunction with the keeping of livestock shall be erected or maintained within twenty-five (25) feet of any property line; and
- v. No manure pile shall be within twenty-five (25) feet of any property line. Manure piles shall be maintained so as to prevent run off to adjacent land or to watercourses.

## **L. PLANNED AFFORDABLE HOUSING DEVELOPMENT**

- 1. Purpose:** Promote the construction of affordable housing units as herein defined, and in accordance with the Provisions of Section 8-2g of the Connecticut General Statutes, so as to increase the diversity of housing opportunities within the Town of Plymouth.
- 2. Procedure:** Planned Affordable Housing Developments, (PAHD), may be approved as a Special Permit in the R-40 Zone after the Commission has determined compliance with the standards of this Section, and with the applicable standards of Article 6, Section A.
  - i. The application for a Special Permit shall be accompanied by a Development Plan as later specified in this Section; and
  - ii. After approval of the Development Plan and prior to the issuance of a building permit, Site Plan approval must be obtained.
- 3. Resale and Rental Restrictions:** In order to preserve the affordable housing units created under this section, the following restrictions shall apply:
  - i. Affordable housing units for sale shall be restricted by deed to require that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sale price for said unit as determined in accordance with the definition for AFFORDABLE HOUSING;
  - ii. Affordable housing units for rent shall be restricted by deed to require that the rents for said units shall not exceed the maximum as determined in accordance with the definition for AFFORDABLE HOUSING;
  - iii. These restrictions shall apply to (a) the resale, (b) the purchase and subsequent leasing, and (c) the conversion to the common interest form of ownership and

subsequent sale of any unit of affordable housing and shall remain in effect for thirty (30) years.

- 4. Administration:** Affordable housing units shall be offered for sale, resale, or continuing rental to families as defined in these regulations, or to a non-profit agency, a municipal agency, or other organizations which shall offer such units to families meeting the income requirements of the definition of AFFORDABLE HOUSING.
- i. The applicant shall provide, prior to receipt of a Special Permit, proposed deed restrictions and a proposed management plan assuring that the units set aside as affordable will be made available to those tenants or owners meeting the relevant income criteria. Such documents, to be approved by the town attorney, shall provide for the processing, monitoring, and certification of tenant or owner selection for affordable units. A proposed contract with public or semi-public social services agency may be utilized to meet these requirements. The Town of Plymouth shall be authorized to enjoin or set aside transfers or leases which do not preserve the units as affordable housing as described herein and in CGS Section 830g-(a), and the Town shall be authorized to recover its actual expenses, including attorney's fees, of any such action;
  - ii. The applicant shall provide, prior to receipt of a Special Permit, a financial feasibility study prepared by a Certified Public Accountant. Such study shall detail all development costs and document that the monthly costs for affordable units will meet the statutory requirements. Maximum monthly payment for affordable housing shall be determined as follows:
    - a. For rental housing, the maximum monthly payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; utility costs including hot water and electricity, but excluding telephone and cable television;
    - b. For ownership housing, the maximum monthly payment shall include periodic mortgage payments; taxes, insurance; common charges in the case of a rental in a common interest community; heat; utility costs including hot water and electricity, but excluding telephone and cable television.
- 5. Location and Character of Affordable Units:** Affordable units shall be reasonably dispersed throughout the development. They shall be constructed to the same standards as other units and shall be of comparable workmanship. Affordable units shall be developed simultaneously or prior to the development of other units. In the event that the development is built in phases, each phase shall include its pro-rata share of affordable units.
- i. Types of Units – The PAHD shall contain a selection of units by number of bedrooms;
  - ii. Ratio – Affordable units shall have the same ratio of various bedroom types as does the PAHD as a whole.

**6. Statutory Standards:** In deciding upon an application for a Special Permit for approval of a Planned Affordable Housing Development under these Regulations, the Commission shall make findings in regard to the effect of the proposed development on the “substantial public interest in public health, safety, or other matters which the Commission may legally consider” as used in Sec. 8-30g (b) of the Connecticut General Statutes.

**7. Development Standards**

- i. Building types permitted are (I) single family detached and (II) single family attached;
- ii. Density shall be a maximum of 5 units per buildable acre. In determining the allowed density for a particular application, the Commission shall make a finding as to the impact of the development on the substantial public interest in health, safety and other issues which the Commission may legally consider;
- iii. Location: A PAHD must adjoin and have the minimum required frontage on an arterial or collector street as defined in the Plymouth Plan of Conservation and Development;
- iv. Bedrooms: The maximum number of bedrooms within a dwelling unit shall be four (4);
- v. Maximum number of units per structure shall be two (2);
- vi. Area, bulk and yard requirements:
  - a. The minimum parcel area shall be 10 acres. This area, however, may be waived by the Commission if the application involves land adjoining an existing or approved PAHD;
  - b. Required frontage – 150 feet;
  - c. Required front yard – 60 feet;
  - d. Required side yard – 50 feet;
  - e. Required rear yard – 50 feet;
  - f. Maximum number of stories/height – 2/35 feet;
  - g. Maximum floor area ratio – 20%;
  - h. Maximum impervious surface coverage – 35%;
  - i. Minimum dwelling unit livable floor area:
    - 1BR - 650 square feet;
    - 2BR – 850 square feet;
    - 3BR – 1000 square feet;
    - 4BR – 1200 square feet;
- vii. Fire protection – buildings shall be sprinkled per NFPA 13D;

- viii. Building separation – In addition to observing the yard requirements for the perimeter boundary of the PAHD, structures shall be located relative to other structures on the site so as to comply with the following:
  - a. Between opposing walls with no windows, 15 feet or one half in height of the tallest building, whichever is greater;
  - b. Between opposing walls, one of which has a window, 20 feet or the height of the tallest building, whichever is greater; and
  - c. Between opposing walls, both of which have windows, 30 feet or the height of the taller building, whichever is greater.

Side and rear yards shall not be applicable to individual lots within a PAHD where such lots are under the same ownership and are to be developed in common with the remainder of the PAHD.

- ix. Parking shall be provided at the rate of 2.5 spaces per dwelling unit. Spaces shall be located conveniently throughout the site for guest parking;
- x. PAHDs shall be served by public water and public sewers. All utilities shall be installed underground;
- xi. Open space areas shall be located so as to preserve significant natural features on the site and/or to maximize the utility of open space areas to the residents. Open space shall be provided at the rate of 1200 square feet per dwelling unit;
- xii. Landscape buffer areas a minimum of 25 feet in width may be required where the PAHD abuts a dissimilar and potentially intrusive use. The buffer shall be designed by a registered landscape architect;
- xiii. Land in suitable landscaping shall be provided throughout the site to assure privacy for individual units and the overall attractiveness of the site;
- xiv. All roadways, sidewalks, and utilities located within the perimeter of the PAHD shall remain in private ownership and shall not become public highways or utilities. Legal documentation for such private ownership, satisfactory to the Town Attorney, shall be submitted;
- xv. The design and construction standards for roads, parking areas, and sidewalks shall be in accord with acceptable engineering practices and subject to the Town Engineer's approval. In general, two way streets shall have a paved width of 24 feet; one way streets shall have a paved width of 20 feet.

**8. Application Procedures:** Application for a PAHD shall be made on forms provided by the Commission and accompanied with the required fee. The application shall be accompanied by all of the documents and plans required by these Regulations, as well as by a narrative statement stating the need for the development, the appropriateness of the proposed location, and the schedule for completion of the development.

- 9. Development Plan Requirements:** The PAHD Development Plan shall be at a scale of 1"=100', contain in a schematic form all of the requirements of Article 7, Section A, Site Plan Requirements, as well as showing areas of slope in excess of 25%. In addition, the following shall be submitted:
- i. A letter from the Plymouth Water Pollution Control Authority to the effect that the site is capable of being served by public sewers; a letter from the Connecticut Water Company to the effect that the site is capable of being served by public water;
  - ii. A proposed utility service concept plan for all proposed utilities, including fire protection. An engineering report on storm water drainage design shall also be submitted. This report shall also address potential impacts upon aquifers and recharge areas;
  - iii. A report from a Traffic Engineer assessing the impact of traffic generated by the PAHD;
  - iv. A landscaping plan showing landscape areas, buffer areas, and typical planting areas;
  - v. Elevations and renderings, or other illustrations representative of the proposed project suitable to present a clear idea of the visual character and architectural style of the development.
- 10. Site Plan Approval:** Prior to the issuance of a building permit, a Site Plan shall be approved by the Commission as provided for in Article 7. The plan shall be prepared by a Professional Engineer licensed to practice in the State of Connecticut. The Site Plan shall conform to the Development Plan. The Site Plan shall meet the requirements of Article 7, Section A.
- 11. Amendments to a PAHD Development Plan:** Proposed changes to approved PAHD Development Plans shall be submitted to the Commission together with a written statement describing such changes and the reasons for same.
- i. Where the Commission finds that such changes constitute a significant departure from the approved plan, the applicant shall be required to submit an application for an Amended Special Permit. Such application shall be in the form of a Special Permit Application, and shall be processed and administered as such;
  - ii. Where the Commission finds that such changes do not constitute a significant departure from the approved plan, they may approve same and require the applicant to submit amended site plans for approval.
- 12. Amendments to Approved Site Plans:** Any change to an approved Site Plan shall be submitted to the Commission for approval.
- 13. Performance Bond:** As a condition of approval, the Commission may require a performance bond in an amount sufficient to secure to the Town the actual costs of site improvements.



**M. SENIOR RESIDENCE DEVELOPMENT (SRD) (Effective 3/5/07)**

1. The Planning & Zoning Commission has determined: that there exists a need within the Town of Plymouth to provide for needed and desired housing opportunities for older persons; together with related facilities and services especially designed to meet the physical and social needs of older persons; that private programs can be implemented to satisfy such need; and, that authority for permitting such development exists pursuant to Connecticut General Statutes, Section 8-2 and 42 U.S.C. Section 3607. Therefore, the purpose of this section is to: promote well planned innovative developments which become aesthetically pleasing senior residential environments; to ensure an adequate supply of affordable housing for older persons in Plymouth, especially multi-family attached, two-family attached, and single-family detached residences; to provide for a greater variety of housing for Plymouth's residents; and to foster small developments which can be nestled into neighborhoods with minimal impact on surrounding properties.
2. Upon application of the owner of the land or his duly authorized agent, the Commission may, in appropriate cases and subject to conditions necessary to protect the public health, safety, convenience and property values grant a special permit for a Senior Residence Development (SRD) of multi-family attached, two-family attached, or single-family detached senior residences in the R-20 and R-40 districts subject to and upon the following conditions:
  - i. All such applications shall conform to the requirements of Section 4.B. (Table of General Use Regulations) and of Section 4.C. (Table of General Use Regulations), except as modified in the SRD regulations.
  - ii. The SRD tract shall, upon approval, be either a common interest community in compliance with Chapter 828 of the Connecticut General Statutes (Common Interest Ownership Act) or held as a single parcel by one or more entities for the purpose of providing rental apartments. In addition to all other data required by this section, the applicant shall provide at the time of the public hearing the common interest community declaration deed restrictions or restrictive covenants, and a proposed management and implementation plan assuring that the units set aside as affordable will be made available to those tenants or owners meeting the relevant income criteria. Such documents shall provide for the private processing, monitoring, and certification of tenant or owners meeting the relevant income criteria. Such documents shall provide for the private processing, monitoring, and certification of tenant or owner selection for the affordable units. A proposed contract with a social services agency may be utilized to meet the plan requirements of this section. Such documents shall not include provisions for public management or certification of tenant or owner selection, but shall authorize the Town of Plymouth to enjoin or set aside transfers or leases which do not preserve the units as affordable housing as described in Connecticut General Statutes, Section 8-30g(a) and to recover its actual expenses; including attorney fees, or any such action. Such documents shall also provide for the establishment and continuation of facilities of services as required under 42 U.S.C. Section 3607 and related regulations.

- iii. The SRD shall meet the requirements of an “affordable housing development”, as defined in Connecticut General Statutes, Section 8-30g(a).
- iv. The only uses permitted by an SRD special permit shall be multi-family attached senior residence’s, two-family attached senior residences, and single-family residences, as well as accessory uses (e.g., garages, community rooms) which are integral to the senior residence development.
- v. The SRD tract shall be a minimum of 10 acres in size at time of application, however as part of a common interest community the tract may be subdivided into lots conforming to the underlying zone, i.e., not less than 20,000 square feet in the R-20 District, and not less than 40,000 square feet in the R-40 District.
- vi. The SRD shall not abut another SRD or other affordable housing development as defined in Connecticut General Statutes, Section 8-30g(a), as amended. The Commission may require a minimum separation distance of up to but (not exceeding 1,000 feet) between the nearest points of respective property lines of the proposed SRD and any existing SRD or other affordable housing development, as measure on a straight line, if the Commission finds that without such separation the proposed SRD will cause an unreasonably high level of traffic on all residential streets on which all such developments are located, taking into account data and information, both existing and projected, of average daily vehicle trips, peak hour traffic, adequacy of rights of way and travel ways, existing roadway and intersection capacity, health and public safety and traffic lights and other traffic control devices, on such street or streets. Within the R-40 District, all SRD dwelling units shall be within one mile of Route 6/Main Street and shall be within one mile of a firehouse.
- vii. The SRD tract shall have a minimum of 125 feet of frontage on a public street in the R-20 District, and 250 feet of frontage on a public street in the R-40 District. Minimum yards (applicable to the parcel perimeter and individual lots) shall be 25 feet front and 50 feet rear yards, and 15 feet side yards. In the R-40 zone, the side yard shall be 25 feet. Yards are in addition to the required 25 feet landscaped buffer (effective side setback 50’ and effective rear setback 75 feet). Building separation shall be 30 feet. Side and rear yards shall not be applicable to individual lots within a SRD where such lots are under the same ownership and are to be developed in common with the remainder of the SRD.
- viii. In the R-20 District, impervious coverage (excluding public streets) shall not exceed 50% of the overall tract. In the R-40 District, impervious coverage (excluding public streets) shall not exceed 35% of the overall tract.
- ix. In the R-20 District, density shall be a maximum of one dwelling unit for every 4,000 square feet of net buildable area (i.e., the land area excluding inland wetlands, slopes greater than 15%, and federal 100 year flood plain) for the overall tract, but in no event shall the density exceed 6 units per gross acre of land. In the R-40 District, density shall be a maximum of one dwelling unit for every 8,000 square feet of net buildable area for the overall tract, but in no event shall the density exceed 3 units per gross acre of land.

- x. All dwellings shall have a common exterior architectural theme or compatibility. Within the R-20 District, no structure shall contain more than eight dwelling units. Within the R-40 District, no structure shall contain more than four dwelling units. The minimum floor area for each one bedroom dwelling unit shall be not less than 600 square feet, excluding basement area, porches whether screened or glassed in, garages. Each additional bedroom shall require an additional 125 square feet of floor area.
- xi. Off street parking shall be provided at the minimum rate of 1.25 spaces per dwelling unit in the R-20 District, and at the minimum rate of 1.5 spaces per dwelling unit in the R-40 District. The applicant may request that the Commission defer the immediate installation of up to 20% (.25 spaces per unit) of the required parking provided the following conditions are met:
  - a. sufficient evidence has been presented to the Commission to document that the reduced parking will be adequate to serve the development;
  - b. The site plan shows the location of the temporarily deferred parking spaces and notes that such spaces may be required to be installed in the future, when, in the sole judgment of the Commission, parking demands at the site require installation.
  - c. The property owner shall execute a caveat to be recorded on the land records that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within six (6) months of written notification from the Commission to do so.
- xii. At least 10% of the site shall be set aside for active or passive recreational uses. Such uses may include but are not limited to garden areas, picnic areas, nature trails, or community buildings.
- xiii. Utilities, streets, sidewalks and related improvements shall be provided and shall conform to Town standards. However, a 24 feet street pavement width may be provided if 1.25 parking spaces or more are constructed for every dwelling unit. Other standards may be reduced or waived upon recommendation of the Town Engineer in order to reduce development costs provided that sufficient evidence has been presented to the Commission to document that the reduced construction will be adequate to serve the development and will not adversely impact public health or safety and to document that the reduction in development costs is required to develop units as affordable housing units.
- xiv. A site plan shall be submitted with the SRD special permit application, portraying all information necessary to properly evaluate the application and conformity with the purpose and letter of these regulations. The site plan shall be A-2 certified, stamped by a professional land surveyor, landscape architect, and professional engineer as may be appropriate, and shall show all items required in Article 7, as applicable.
- xv. A landscaping plan prepared by a licensed landscape architect shall be provided portraying foundation plantings, street trees, privacy landscaping between dwellings

and between abutting properties, site lighting, walkways and other landscaping elements.

- xvi. Architectural elevations with identified colors and architectural features and preliminary floor plans shall be submitted with the SRD special permit application.
- xvii. Upon approval of the special permit application under the requirements of Article 6, Section A of these regulations and prior to any construction activities, the applicant shall file the approved site plan, with the signature of the Commission Chairman thereon, in the Office of the Town Clerk.
- xviii. No construction activities shall commence prior to the posting of a bond or other acceptable security guaranteeing compliance with an approved erosion and sediment control plan. Said bond may be released by the Commission at its discretion as the site is stabilized.
- xix. No zoning permit or building permit shall be issued for any dwelling unit in the SRD development unless the main utility lines (including power, sanitary sewer, and water) have been extended to the site of such dwelling unit, within the SRD development, and are approved for use. No zoning certificate of use and compliance shall be issued for any dwelling unit in any single phase of SRD development unless all site improvements, excluding building (but including any community or common buildings) have been completed to a stage of construction at which only final surfacing of any road or common driveway remains. In lieu of completion of such work or any part thereof, the Commission may accept a letter of credit, in an amount and with adequate security, surety or conditions satisfactory to its securing to the municipality the actual construction and installation of such improvements. Such security may be reduced by the Commission to reflect the value of completed and accepted work. The project and associated bonding shall be phased. Each phase shall function independently of succeeding phases. Phases shall be delimited on the site plan. Other than in the first phase, no certificate of occupancy and/or certificate of use and compliance shall be issued for any dwelling unit, until all improvements in the prior phase(s) have been completed. A maintenance bond, i.e., letter of credit, equivalent to 10% of the value of the infrastructural improvements, shall be posted for a period of one year after completion of the site improvements and shall guarantee the improvements installed.
- xx. Prior to the issuance of the first building permit, the applicant shall provide the Town with a digital version (GIS compatible) of the site plan portraying the proposed SRD's property lines, dwelling units, streets, sidewalks, utilities, and any community building. Prior to release of the final maintenance bond, the applicant shall provide the Town with a digital version (GIS compatible) of the SRD's property lines, constructed dwelling units, streets, sidewalks, utilities and any community building, as located by a licensed land surveyor.
- xxi. All streets proposed in an SRD shall be private.

## N. OPEN SPACE SUBDIVISION

**1. Purpose:** The intent of this section is to provide alternatives to residential development permitted in the R-20 and R-40 districts if the Commission finds that the application and the accompanying maps and plans conform to the requirements of these regulations and that it will substantially accomplish the following purposes:

- i. To conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, natural beauty and historic interest of an area;
- ii. To preserve land for park and recreational purposes, for neighborhood amenities, and for the potential for the siting of community renewable energy systems;
- iii. To conserve forest, wildlife, agricultural, water supplies, and irreplaceable natural features located in the tract such as, but not limited to watercourses, significant stands of trees, individual trees of significant size, and rock outcroppings;
- iv. To encourage controlled flexibility of design and development in such a way as to promote the most appropriate use of land, considering its particular size and topography, to protect natural drainage systems, scenic vistas, streams, ridge lines, rivers, ponds, wetlands, floodplains, and to properly manage for stormwater and runoff and erosion and sedimentation control;
- v. To promote the preservation of space that will benefit the present and future generations of Plymouth including active or passive recreation areas (including hiking trails), farmland of local significance, and/or areas containing significant natural features such as unusual terrain or land forms, vegetation, and wildlife habitats.
- vi. To provide for the efficient use of land by providing more flexible road and lot layout resulting in smaller networks of utilities and streets and thereby lowering housing, public maintenance, and energy costs;
- vii. To provide design and development of a large tract or tracts of land in a manner which have street patterns, building orientations, landscaping, and south-facing slopes that maximize solar energy collection and space heating needs.

**2. Special Permit:** Upon application of the owner of land or his duly authorized agent, the Commission may, in appropriate cases and subject to appropriate conditions and safeguards, prescribed by it, grant a special permit for the open space subdivision of single-family detached residences in R-20 and R-40 districts subject to and upon the following conditions:

- i. **Number of Building Lots.** The maximum number of building lots to be approved shall be computed by reducing the total gross acreage of the tract to exclude all factors defined as minimum buildable land in Article 4, Section A.2.

The total gross acreage shall further be reduced by ten percent (10%) for street rights-of-way and by ten percent (10%) for open space dedication.

The remaining area shall be divided by the minimum lot size requirement for the zoning district in which the open space subdivision is to be located.

The number of building lots derived may be increased by up to ten percent (10%) by the Commission based upon: the quantity and quality of open space design; consistency with the Plan of Conservation and Development; and, overall project design features including project specific architectural detailing of public/open spaces and roadways.

- ii. Development of standards relating to lot size, frontage and yards as specified in Article 4 “Table of General Bulk Regulations” may be reduced by up to 40% in R-20 and R-40 districts;
- iii. The tract shall be in single ownership or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment and implementation of an overall open space subdivision plan for the entire tract from the time of application and continuing thereafter;
- iv. The tract shall be at least ten (10) acres in size in the R-20 zone and fifteen (15) acres in size in the R-40 zone;
- v. A plan or plans shall be presented for the entire tract in compliance with the standards and requirements of all regulations of the Planning and Zoning Commission and any and all other applicable ordinances, regulations and requirements of the Town of Plymouth including, but not limited to the showing of the location of all existing and proposed buildings, the slopes, grades and contours, the natural features intended to be preserved, areas to be set aside for conservation, park or recreation and improvements thereof and a landscaping plan for the entire development of all of the aforementioned including the architecture, shall be in harmony with the character of the area;
- vi. The proposed layout shall be in accordance with the Plan of Conservation and Development of the Town;
- vii. Land shall be set aside for conservation, park and/or recreation purposes the total area of which shall not be less than 40% of the total net acreage, net acreage being defined as the area of the tract to be developed, less any land area required to be set aside for new public street(s);
- viii. The area proposed to be developed under the open space subdivision provisions shall be served by the Connecticut Water Company or a state approved community water supply system and by the public sanitary sewer system of the Plymouth Water Pollution Control Authority.
- ix. All utilities shall be placed underground;
- x. Proposed buildings shall be related harmoniously to the terrain and to the use, scale and proportions of existing buildings in the vicinity that have a functional or visual

relationship to the proposed buildings. No building shall exceed 35 feet in height. No accessory structure shall exceed fifteen (15) feet in height. The Commission may require that buildings be located at the edges of existing fields and open areas and within wooded areas so as to preserve the open character of a site. Buildings shall also be located as far from water courses as possible.

- x. All proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy, and separation between buildings.
- xi. Private street systems may be approved provided the Town is assured that the system's maintenance will be adequately provided for over time without the assistance or involvement of the Town. To assure a clear understanding of this arrangement, each deed of each homeowner shall have a clause stating the Town shall not be responsible for maintenance or improvements in the private street system. In the case of such private street systems, street widths, curbing and drainage standards may be modified.

All public streets shall be designed in accordance with all applicant standards of the Commission and Public Works Department.

- xiii. The Commission may require the submission of a landscape plan in the case where it is desirable to screen an open space subdivision from adjacent properties.
- xiv. To ensure the protection of existing residences, the Commission may require that proposed lots abutting lots with existing single family residences conform to the area and setback requirements of the adjacent zone.

**3. Open Space:** The balance of the land not contained in the building lots shall be of such condition, location(s), size and shape so as to be readily useable for conservation, park or recreation. Such land shall, at the discretion of the Planning and Zoning Commission, be:

- i. Held in such type of legal entity as the Commission may deem appropriate. The developer shall submit a suitable legal instrument which, to the satisfaction of the Commission will assure that such land will continue to be used for conservation, park or recreation in perpetuity. Such developer shall also provide for the adequate maintenance of such area set aside for conservation, park or recreation. The developer shall also make provision for saving the Town of Plymouth harmless from any legal liability of any nature whatsoever including, but not limited to accident or occurrence. Such developer shall also provide for the insertion in all deeds, in form approved by the Commission, any and all safeguards and conditions suitable to carry out the purposes contained in these Regulations. Such legal instrument shall also provide that the Town of Plymouth, its agents, servants and employees, may, without liability, enter upon such land held for conservation, park or recreation, and remove or cause to be removed, anything or object which may be deemed to be a nuisance or in the nature of a nuisance. Such legal instrument shall also contain a provision that no structure may be erected on said conservation, park or recreation land except that which is approved by the Commission. The legal instrument shall also contain a provision that such area set aside for conservation, park or recreation shall always remain under supervision of the Planning and Zoning Commission and no change shall be made in the use thereof

without first having obtained approval from the Commission. Owners of land contiguous to the open space subdivision may be included and become a part of such legal entity owning the conservation, park and recreation area, provided, that approval from the Planning and Zoning Commission and approval by the owners of the legal entity owning such land has been obtained; or

- ii. Deeded to the Town.
- iii. Land dedicated for such conservation, park or recreation area shall be strategically located with respect to the lots to be served, suitable for the uses(s) intended and accessible for pedestrian and vehicular traffic from the public right-of-way;

#### **4. Performance Guarantees**

- i. Assurance shall be given to the Town of Plymouth, in a manner satisfactory to the Planning and Zoning Commission, that the developer of the proposed open space development shall begin operations within 12 months from the date of approval and continue thereafter until finally completed and approved;
- ii. A bond shall be posted to cover costs of development and assure compliance with such terms and conditions as the Commission may prescribe under the terms of these regulations and as prescribed in the Subdivision Regulations, as amended.

### **O. CONVERSION OF HISTORIC DWELLINGS**

- 1. Purpose:** The purpose of this section is to encourage by special permit, the restoration and preservation of existing buildings of historical value within the R-20 district. Such preservation promotes the general health and welfare by protecting property values, fostering a sense of history and civic pride, preserving architectural heritage and protecting community amenities.
- 2. Special Permit Standards:** The Commission may grant a special permit for conversion of a structure that is built prior to 1940 and is architecturally or historically notable in accordance with any or all of the following:
  - i. The uniqueness of the structure;
  - ii. The historical significance of the structure;
  - iii. The distinctiveness of the architectural character of the structure;
  - iv. The compatibility of the structure within a setting of other notable structures in the neighborhood;
  - v. Any alterations made to the exterior of the dwelling shall not detract from its original residential character or from its architectural style;



- vi. Any fire escapes or stairways added to the exterior of the dwelling shall not be allowed on any wall facing a street. The Commission may waive this requirement when the dwelling is located on a corner lot or a through lot, (a lot having street frontage on the front and rear of the dwelling). In waiving this requirement, the Commission must find that the configuration and location of the dwelling makes compliance with this requirement impractical;
- vii. The Commission may reduce the number of required parking spaces if, in its judgment, it finds that the proposed use will generate a low volume of vehicular traffic or that such a reduction will allow important existing site features such as large trees, formal gardens, or accessory buildings to be preserved. No new parking spaces or drives shall be located five feet of any lot line;
- viii. In order to screen parking areas from view, landscaped buffers shall be provided;
- ix. Parking areas shall not be used for the overnight storage of business vehicles;
- x. Site plans shall be submitted in accordance with Article 7, Section A.

**P. WIRELESS COMMUNICATION FACILITIES**

**1. Purpose:** The purpose of this section is to make provisions to permit the location of wireless communication facilities within the Town of Plymouth while protecting the public, neighborhoods, and minimizing the adverse visual and operational affects of wireless communication facilities. More specifically, the purposes are:

- i. To accommodate the need for wireless communications towers and antennas while not unreasonably regulating their location and number;
- ii. To encourage the joint use of any existing or new towers;
- iii. To encourage creative design measures to minimize adverse visual effects through proper design, siting, and vegetative screening; and
- iv. To reduce the number of antennas and towers needed in the future.

The publication, “Wireless Telecommunication Facilities – Guide Plan for the Central Connecticut Region” should be reviewed by applicants prior to submitting an application. This publication contains locational recommendations and technical standards which have been officially adopted by the Central Connecticut Regional Planning Agency.

**2. Locational Preferences:** The order of preference for siting the equipment associated with wireless communication facilities shall range from 1 as the most preferred to 6 as the least preferred as noted below:

- i. On existing structures such as buildings, water towers and utility poles;
- ii. On existing approved towers;

- iii. On new towers less than 60 feet in height located in commercial or industrial zones;
- iv. On new towers less than 60 feet in height located in residential zones;
- v. On new towers 60 feet or greater in height located in commercial or industrial zones;
- vi. On new towers 60 feet or greater in height located in residential zones.

### **3. Special Standards**

- i. Towers shall not be located within 200 feet of a residence. (Towers in existence prior to the effective date of this Regulation shall be exempt from this provision);
- ii. No lights shall be mounted on towers unless required by the FAA. All strobe lighting shall be avoided if possible;
- iii. Towers not requiring special FAA painting or marking shall be painted a non-contrasting blue, gray, or black;
- iv. Towers may not be used to exhibit any signage or advertising;
- v. Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for two additional users if the proposed antenna is over 100 feet in height; if over 50 feet in height, it shall be designed accommodate 1 additional comparable antenna. Unless waived by the Commission, the tower shall be designed to allow for the future rearrangement of antenna and to accommodate antennas mounted at varying heights;
- vi. Towers shall be set back from all property lines a distance equal to their height plus 20 feet;
- vii. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such structure/building;
- viii. Unless waived by the Commission, dish antenna shall comply with the following:
  - a. All dish antenna shall be of a mesh design;
  - b. Dish antennas shall not exceed 2 feet in diameter in residential zones;
  - c. Dish antennas shall not exceed 6 feet in diameter in non-residential zones;
- ix. Accessory buildings shall not exceed 150 square feet in area and shall be architecturally designed to blend into the neighborhood;
- x. A fence of appropriate design eight feet in height shall enclose the facility;
- xi. No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications;

- xii. The design of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions;
- xiii. All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission;
- xiv. Generators, if utilized, shall comply with all state and local noise regulations;

**4. Application Requirements:** In addition to complying with other application requirements of these regulations, all applications for Wireless Communication Facilities shall include the following:

- i. A map showing the extent of planned coverage within the town and adjacent communities, and the location and service area of the proposed facility;
- ii. A statement containing a description of the siting criteria and the process by which other possible sites were considered;
- iii. Architectural renderings of views of the tower from nearby properties;
- iv. When required by the Plymouth Planning and Zoning Commission, reports from independent technical experts on the potential impacts from the proposed wireless communication facility shall be submitted. The cost of such reports shall be the applicant's responsibility.

**5. Removal:** A wireless communication facility not in use for twelve consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such twelve-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that a bond be submitted as surety.

**Q. ADULT USES REGULATIONS**

**NOTE:** For the purposes of this section only, school shall mean daycare, nursery school and public, private or parochial schools from K-12.

**1. Purpose:** The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

**2. Definitions:** For the purpose of this section, the following definitions shall apply:

- i. **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade books, magazines, films for sale or viewing on premises by uses of motion picture devices or any coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material;
  - ii. **Adult Motion Picture Theater:** An enclosed building with a capacity of 50 or more persons used regularly and routinely for material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;
  - iii. **Adult Mini-Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used for material having as a dominant theme material distinguished or characterized by an emphasis or matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;
  - iv. **Adult Entertainment Cabaret:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein;
  - v. **“Specified Sexual Activities”** is defined as:
    - a. Human genitals in a state of sexual stimulation or arousal;
    - b. Acts of human masturbation, sexual intercourse or sodomy;
    - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - vi. **“Specified Anatomical Area”** is defined as:
    - a. Less than completely and opaquely covered: (I) human genitals, pubic region, (II) buttock and (III) female breast below a point immediately above the top of the areola.
    - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3. Regulated Uses:** Regulated uses include all Adult Uses which include, but are not limited to, the following:

Adult Book Store  
 Adult Entertainment Cabaret  
 Adult Mini-Motion Picture Theater  
 Adult Motion Picture Theater

- i. Adult uses shall be permitted subject to the following restrictions:
  - a. No Adult Use shall be located in any zoning district except I-2 (Industrial);
  - b. No Adult Use shall be permitted within a 1000 foot radius of an existing Adult Use establishment property line. Measurement of the 1000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated;
  - c. No Adult Use shall be permitted on a parcel which abuts in whole or in part any residential zone;
  - d. No Adult Use shall be permitted within a 1000 foot radius of a school, church, charitable institution, whether supported by public or private funds, hospital, library, public playground, fire or police station or municipal building. Measurement of the 1000 foot radius shall be as above in Section a.2;
  - e. Required off-street parking shall be in compliance with Article 7 of these regulations;
  - f. No Adult Use as defined herein shall be conducted in any manner that permits the observation of any material depicting or describing of “Specified Sexual Activities” or “Specified Anatomical Areas” as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or other building exterior opening.

## **R. COMMERCIAL KENNEL**

- 1. Purpose:** To insure that the siting of kennels and related facilities will adequately protect the neighborhood from obnoxious noises, odors and traffic and to protect the environment from harmful and offensive wastes.
- 2. General Requirements:**
  - i. No commercial kennel will be less than 4,000 feet from any other commercial kennel.
  - ii. No kennel will be so located or allowed to fall into such a state of disrepair so as to constitute a blighting influence as defined in the Plymouth Code of Ordinances.
  - iii. No harmful or offensive wastes shall be discharged into any watercourse, stream, or body of water, or onto any adjacent property, nor shall it be allowed to accumulate to the extent that it becomes a health hazard or public nuisance. The property shall be maintained in a sanitary and odor free condition at all times. All animal waste shall be discharged to a proper sanitary sewer or septic system, as approved by the health authority of the Town of Plymouth.
  - iv. All stalls, pens, outdoor dog runs and similar animal enclosures shall have an impervious floor of concrete or other acceptable material and shall have adequate drainage facilities connected to a contained sanitary system to facilitate washing and maintenance.

- v. Noise exceeding the levels set forth in regulations as administered by the Torrington Area Health District (TAHD) will not be permitted and shall be deemed a violation of these Zoning Regulations.
- vi. All dogs permitted, subject to any Planning and Zoning Commission action, shall be confined to the premises by a sound fence or other suitable enclosure or shall be contained as otherwise provided by the Connecticut General Statutes as amended.
- vii. Outdoor dog runs shall only be used between the hours of 8:00 a.m. and 7:00 p.m.
- viii. One single family residence may be approved on site. The setbacks and side yards shall conform to the R-20 and R-40 zones.
- ix. In accordance with Article 8, Section F of the zoning regulations, no more than one dog for every 5000 s.f. of lot area shall be allowed.
- x. Any approved kennel shall be subject to periodic inspection (not to exceed once per six month period) during business hours for the purpose of ensuring continued compliance with the permit.

### **3. Special Requirements**

- i. Minimum lot size shall be twenty (20) contiguous acres.
- ii. Minimum front, rear and sideline requirements to any doghouse, cattery, pen, run or enclosure containing animals shall be 150 feet from any property line and 200 feet from any off site dwelling.
- iii. No doghouse, pen, run, enclosure or other facility regulated by this section, shall be permitted within 100 feet of any stream, water body or wetland as shown on the official Inland Wetlands Map of the Town of Plymouth.
- iv. Parking shall be provided in accordance with the regulations for parking at commercial facilities, with the exception that paving shall not be required, but a dustless surface must be used.
- v. The entire boundary of the proposed kennel operation shall be screened from neighboring properties by either Natural topography or assiduous tree borders.

### **4. Crematories and Pet Cemeteries**

On site crematories and pet cemeteries may be considered by the Commission as part of the special permit process. Crematories must receive approval from the CT DEP Air Compliance Unit, and be of a low emission, low output design. Areas proposed for pet cemeteries must be approved by the Town Sanitarian for soils suitability. The applicant must further address accessibility to the cemetery area and location within the site. Cemetery hours of operation shall not exceed 9:00 a.m. to 5:00 p.m. daily. Furthermore, the perpetual operation of the cemetery must be addressed should the licensed commercial kennel cease to function.

**5. Special Permit Application:** A complete application shall also include the following information:

- i. Detailed description of proposed operation.
- ii. Provisions for disposing of waste material.

## **S. ACCESSORY APARTMENTS**

**1. Purpose:** A single-family dwelling may be converted for the incorporation of one accessory apartment in the R-20 and R-40 zones subject to Special Permit and Site Plan approvals as follows:

**2. Standards:**

- a. The principal dwelling shall be served by public sewer and public water supply. If not, the subject lot shall have a minimum buildable area of 40,000 square feet or as required by the Town Sanitarian, whichever is greater.
- b. At least one of the occupants of the dwelling shall be the owner of record of said dwelling or shall have permanent life use residency of said dwelling as evidenced by legal documentation satisfactory to the Commission.
- c. Occupancy of the accessory apartment shall be limited to the children, parents, grandparents, brothers or sisters of the owner of the dwelling.
- d. The accessory apartment shall have a minimum net floor area of 400 square feet, a maximum net floor area of 700 square feet, and a maximum of two bedrooms.
- e. The approval of an accessory apartment shall neither reduce the livable floor area of the primary dwelling to less than 1,000 square feet nor create any other non-conformity.
- f. An accessory apartment shall be self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the occupant.
- g. No accessory apartment shall be located in a basement or cellar unless one wall thereof opens to grade; no accessory apartment shall be located over or in a detached accessory building.
- h. The principal dwelling and accessory apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.
- i. Expansion of a principal dwelling shall be permitted to accommodate an accessory apartment via dormer(s) or an addition beyond the existing foundation.
- j. No accessory apartment shall be created as an addition to an attached garage unless the accessory apartment is created as a second floor over the garage or unless the accessory apartment and the principal dwelling to which it is accessory share at least one common wall.
- k. The accessory apartment shall have two (2) means of egress, an interior door providing direct access to the single family unit and a separate outside door.
- l. A notarized affidavit certifying that the owner or permanent life use resident is one of the occupants of the dwelling shall be submitted to the Commission as part of the application for Special Permit.
- m. As a requirement for the continuance of an approved accessory apartment, the owner of the apartment shall submit a notarized affidavit to the Zoning

Enforcement Officer by January 31<sup>st</sup> of each year certifying conformance to all applicable regulations. If such affidavit is not filed, the accessory apartment shall cease to exist.

- n. A copy of the zoning permit shall be filed on the land records by the Commission.

## **T. VILLAGE DISTRICT**

- 1. Purpose:** It is the purpose of this section to: encourage revitalization and compatible land uses within the Commercial Village District; promote and preserve the prevailing historic architectural context; promote the principles of New Urbanism and Smart Growth; and promote development that is consistent with the goals and objectives of the Plymouth Plan of Conservation and Development (2005) and the Economic Needs Study and Market Research Analysis (1997).
- 2. Application Procedures:** Any proposals for or changes to the types of uses or the architectural elevations of the buildings within the C-VILLAGE District shall require approval of the Commission
  - i. Prior to a formal application to the Commission, it is recommended that the applicant file a preliminary plan with the Land Use Department for the purpose of an administrative review and referral to the Economic Development Commission (EDC) for a determination of consistency with the Economic Needs Study.
  - ii. Staff may recommend or the applicant may request an informal discussion with the Commission in order to receive general guidance regarding the proposed plan. Such an informal review must precede any formal application to the Commission.
  - iii. Following the above informal reviews, a formal Site Plan or Special Permit application, as required in Article 4 of these regulations, shall be submitted to the Commission. A copy of the plans and application shall be referred to the Economic Development Commission for the purpose of generating a recommendation. The EDC shall have thirty-five (35) days from the date of referral within which to respond to the Commission.
  - iv. The Commission shall consider any recommendation received from the Economic Development Commission concerning the compatibility of the proposal to the Economic Needs Strategy. Failure of the EDC to submit comments and/or recommendations in a timely fashion shall not be construed as a positive or negative recommendation and shall not be considered as a reason for any action by the Commission.
- 3. Permitted Uses:** Proposed new uses, changes to the types of uses or architectural elevations, or site modifications shall require either Site Plan approval or a Special Permit as specified in Article 4 of these regulations.



**4. Multi-family Residential:** Subject to a Special Permit provided the following criteria are met:

- i. Each dwelling shall be a minimum of three (3) rooms with minimum floor area as follows:
  - a. One bedroom unit: 600 sq. ft.
  - b. Two bedroom unit: 800 sq. ft.
  - c. Three bedroom unit: 1,000 sq. ft.
- ii. Each dwelling unit shall contain kitchen and bath facilities.

**5. Special Bulk Requirements**

- i. Minimum building height: two (2) stories
- ii. Maximum building height for accessory structure: 18 feet
- iii. Front yard setbacks: all structures shall be built at the street line unless a setback results in the provision of public spaces, plazas and similar amenities developed as part of the project and legally accessible to the general public. Such public spaces shall not be used for parking and/or motor vehicle access and shall not result in a building setback of more than twenty-five (25') feet.
- iv. Side Yard: no side yard is required, but if provided must be a minimum of four (4) feet. A twenty (20') foot side yard is required if the adjoining lot contains a building used exclusively for residential purposes.
- v. Rear Yard: minimum required – ten (10') feet; however, rear yard increases to twenty (20') feet when adjoining a lot used predominantly for residential purposes.

**6. Building Design Criteria**

- i. No changes shall be made to the architectural features(including, but not limited to, window treatment, door locations, roof design, changes to siding material, architectural trim and features) of any building in the C-VILLAGE District without approval of the Commission. The standards of this section shall apply to renovation of existing buildings as well as new construction.
- ii. Design Theme: The prevailing periods of architecture for design context within the C-VILLAGE District are generally 1900 through 1940 for commercial structures and 1825 through 1920 for residential structures.
- iii. In addition to the architectural elevations required under Article 7 these Zoning Regulations, each application shall include a drawing at a scale no smaller than 1/8" = 1' showing the following information:
  - a. Design type, style and color of materials for building façade and roof;
  - b. Details of window and door treatment;
  - c. Details and description of other architectural trim and features;

- d. Details of types of awnings, building mounted lighting and signs (or sign theme for a multi-tenant building).
- iv. Massing: All new construction shall be of similar scale and massing as buildings referenced in paragraph one (i) above. To harmonize with the traditional scale of existing buildings, the massing of larger commercial buildings shall be deemphasized using (but not limited to) one of the following methods:
  - a. The use of projecting and recessed sections, to reduce their apparent overall bulk. Facade breaks shall be at least three feet in depth. Such breaks in facades and roof lines shall occur not more frequently than the width of two historic shop fronts (approximately 25 feet each).
  - b. Storefront buildings shall have at least 60 percent of their front façade coincident with their street frontage, including frontage onto courtyards.
- v. Design type, style and color of materials for building façade and roof
  - a. Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, respecting
  - b. the scale, proportion, character, and materials of shops as shown in [source document or reference for design guidelines].
  - c. Buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.
  - d. The use of special architectural elements, such as but not limited to towers, turrets, and other cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.
  - e. Exterior wall materials may include stucco, clapboard (including wood, vinyl or aluminum imitation clapboard siding), native stone, or brick of a shape, color, and texture similar to that found in the village of Terryville.
  - f. Specifically prohibited shall be metal buildings, brick that is white, tan, spray-painted, or used, and “T-111” plywood siding. Except on side or rear walls without such rendering.
  - g. The number of different wall materials shall be kept to a minimum, preferably no more than two.
  - h. Commercial grade windows and doors shall be used, with wood encouraged. Varnished exterior finishes are prohibited. Minor paneled surfaces shall be of “MDO” (medium-density-overlay) plywood.
  - i. Wooden storefronts shall be elevated four inches above the sidewalk on a masonry plinth (typically concrete or granite) to protect them from moisture and rot. Roofs shall be pitched with overhanging eaves, or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble “standing seams.” Roof color shall be traditional, within the range of colors found on period buildings. Specifically excluded are white, tan or blue shingles, and corrugated metal. The use of fascias, dormers, and gables is encouraged to provide visual interest. All gables shall be functional.
  - j. The construction of open colonnades or other structures over a public sidewalk adjoining storefront buildings shall be permitted subject to an appropriate

easement over the public right-of-way. Such easements shall assign legal liability to the owners of such structures and shall hold the Town of Plymouth harmless.

- k. An architectural waiver for the building façade would be allowed through a special permit.
- vi. Details of window and door treatment
- a. The front elevation of commercial and office buildings shall provide a minimum of 60 percent and a maximum of 85 percent transparency (windows) at ground level. One side elevation shall provide at least 30 percent transparency. Transparency on other elevations is optional. Transparency is measured in lineal fashion; for example, a 100-foot-long building shall have at least 60 feet in length of windows. Transparency shall be measured flush with the building wall.
  - b. Buildings shall include large front windows on the ground level, with sills between 12 and 18 inches above sidewalk level and lintels nine feet to 12 feet above sidewalk level.
  - c. Clear glass (providing a minimum of 88 percent light transmission) shall be used on ground floor. Tinted glass providing a minimum of 50 percent light transmission shall be limited for use only in transoms and windows above ground floor. The use of bronze tinted or reflective glass is prohibited.
  - d. The use of transom windows is strongly encouraged.
  - e. If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.
  - f. If shutters are used they, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to cover one-half the width of the window.
  - g. As one of the most important parts of the facade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design [usually recessed] and shall be compatible with the architectural style of the structure.
  - h. Main entrances shall be from the sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.
  - i. When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.
  - j. When rear parking is provided, the provision of secondary rear entrances and pleasing rear facades is strongly encouraged. The design of the rear entrances and facades should be appropriately detailed to provide an attractive appearance but should not be overly embellished to compete with the main storefront.
- vii. Details of types of awnings, building mounted lighting and signs
- a. Awnings may be constructed from heavy canvas, matte finish vinyl, or fabric. Metal, plastic, shiny vinyl and plexi-glass awnings are prohibited.
  - b. A minimum eight-foot vertical clearance between the sidewalk and the lowest part of the awning shall be maintained.

- c. Awnings shall break at the vertical divisions of the structure (i.e., the break between the display windows and the entrance).
  - d. The highest point of a storefront awning shall not be higher than the midpoint between the second-story sills and the top of the first-floor window or transom.
  - e. Awnings shall not be illuminated on the interior.
- viii. For buildings containing a mix of commercial and residential uses, information will be provided to demonstrate how noise transmission will be minimized between different uses to the satisfaction of the Commission.
7. In reviewing and approving the building elevations, the Commission shall use the following criteria:
- i. Compliance with the objectives of the Plan of Conservation and Development and the Economic Needs Strategy;
  - ii. A statement or drawing to show how the proposed design encourages the pedestrian oriented New Urbanism principles.
8. **Use Variances:** Under no circumstances shall the Zoning Board of Appeals (ZBA) grant a variance to either allow a use not permitted in the C-VILLAGE District or allow a permitted use where specifically prohibited. For example, a residential use on the first floor.
9. **Waiver:** The Commission may waive any of the required building design criteria, as specified, provided the applicant requests such waiver in writing, provided the Commission has received enough information to determine that the proposal meets the purpose, as described above, of the Village District. However; no such waiver may be granted by the Commission with less than  $\frac{3}{4}$  of the sitting Commission voting in favor of such waiver.

## U. MOTELS

1. **Motel Requirements.** All motel plans shall be subject to the following provisions which shall be shown on a plan and documentation submitted to the Commission.
- i. Each motel may contain an apartment of adequate living space for a resident manager.
  - ii. The size of the lot on which a motel is to erected shall be in compliance with the standards specified in the Table of General Bulk Regulations. The number of units permitted on a lot shall be as follows:
    - 2,500 sq. ft. of lot area per unit if units are on one floor;
    - 1,500 sq. ft. of lot area per unit if units are on two floors.
  - iii. The minimum livable floor area per unit shall be 275 sq. ft. or alternately, 225 sq. ft. for 50% of the units provided the remaining 50% contain a minimum of 325 sq. ft. per unit.

- 2. Motel location and Site Plan Approval.** A special permit for a motel (or for a motel addition) shall be issued only after approval in writing by the Commission, with or without any stipulations, of the motel location and site plan specified in such approval.

The Commission will study each motel location and site plan relative to the prospective motel operator and occupants, of neighboring owners and other users of the adjoining street, and of the town generally. Among other things the Commission will consider:

- i. Traffic safety and ease of access at street of highway entrances and exits of motel driveways, taking account of grades, sight distance between such driveway entrances or exits and the nearest street or highway intersections.
- ii. Safety and adequacy on site of motel driveway layout, of parking and loading areas for motel patrons and for routine emergency service vehicles such as electricity, telephone, laundry, rubbish removal, fire and police cars or trucks.
- iii. Safe and adequate means of sewage, garbage, and rubbish disposal; water supply and firefighting equipment while awaiting the Fire Department; heating and ventilating.
- iv. Assurance of positive storm water drainage from all driveways, parking, loading areas, building layout to protect motel bedroom windows from constant night invasion by automobile headlight beams or glare from illuminated signs or driveway lights.
- v. Landscaping, fencing of swimming pools.

## **V. MOTOR VEHICLE SERVICE STATIONS**

The use of a motor vehicle service station shall be subject to the approval of a Special Permit by the Planning & Zoning Commission and be limited to the retail sale of motor fuels, lubricants and other motor vehicle supplies and parts, the accessory parking and storage of motor vehicles as hereinafter limited, and minor repairs and service activities. The following standards shall apply:

1. Not more than one motor vehicle for every 1,000 square feet of lot area shall be stored outside at any time, and there shall be no outdoor storage of partially dismantled or wrecked motor vehicles. The Commission may also limit the amount of overnight parking and require suitable fencing to protect surrounding properties.
2. The site of a motor vehicle service station shall have a frontage of at least 100 feet on a public street and shall have a depth of at least 100 feet. Motor vehicle service stations designed to serve trucks larger than five (5) ton capacity shall have a lot width of at least 300 feet.
3. Fuel pumps shall be set back from the street line at least twenty-five (25) feet. All other buildings and structures; except underground storage tanks, shall be set back at least

twenty-five (25) feet from the street line, ten (10) feet from each side line, and twenty-(20) feet from the rear lot line, unless larger front or side yards are required in Article 4 of these regulations. All buildings and structures shall be set back at least fifty (50) feet from the side line of contiguous residential use or district.

4. The landscape buffer requirements of Article 7 Section B.2 shall apply. Outdoor lighting shall be arranged so as to eliminate the glare of lights toward any residential use or district.

## **W. BED & BREAKFAST**

1. **Purpose** – A single family residence may be converted for use as a Bed & Breakfast in R-40, R-20 or Village District zone subject to Special Permit and site plan approvals as follows:

2. **Standards:**

- i. Layout of the building(s) and home with interior and property lines must be submitted with application.
- ii. The interior must be suitable to accommodate guest rooms based on interior arrangements and size.
- iii. Water and sewage must meet appropriate standards through the town building, health, fire, sanitary and zoning codes.
- iv. The owner must reside on the premises.
- v. Occupancy of the Bed & Breakfast shall be available to adults and accompanied children.
- vi. A maximum of (5) guest rooms may be allowed for lodging with a maximum length of stay 14 days within a 30 day period.
- vii. A minimum of (1) bathroom per every (2) guest rooms.
- viii. Breakfast shall be limited to guests only.
- ix. Parking must be screened from public right of way and from abutting property owners by fence, landscape, or other suitable natural barriers.
- x. There must be room for (1) parking space per guest room.
- xi. As seen from the public right of way the building will have the appearance of a single family residence.
- xii. The residence will be in keeping with the residential character of the building and the neighborhood.
- xiii. Any exterior additions such as sheds, pools, etc will be allowable within already existing town Special Permit zoning regulations.
- xiv. Submission of a business and/or marketing plan.
- xv. Initial permit will be for one year. If the Bed & Breakfast meets all applicable town regulations after the first year, permits will be available for renewal annually.

## **X. MICRO-SLAUGHTERHOUSES**

### **1. Purpose:**

- i. To insure that the siting of a micro slaughterhouse will adequately protect the neighborhood from obnoxious noises, odors and traffic. To protect the environment from harmful and offensive wastes.

### **2. General Requirements:**

- i. Micro slaughterhouses shall only be permitted in the I-2 zone with a special permit.
- ii. Micro slaughterhouses shall be permitted only where public sewer and water service is available.
- iii. No harmful or offensive wastes shall be discharged into any watercourse, stream, or body of water or onto any adjacent property. Nor shall it be allowed to accumulate to the extent that it becomes a health hazard or public nuisance. The property shall be maintained in a sanitary and odor free condition at all times.
- iv. There shall be no outdoor storage permitted at any time unless on the side or rear of the building, and it is effectively screened by a wooden fence, stone or brick walls, or evergreen trees or shrubs at least six feet high. There shall be no outdoor storage of hides, offal or animal waste, No outdoor storage shall omit any noxious odors or shall contain any noxious, poisonous, or hazardous substances or doors shall not be permitted.
- v. No unloading or loading area shall be located in the front yard.
- vi. No temporary buildings or structures other than those used during on-site construction shall be permitted on the premises without prior Commission approval.
- vii. All animals must be kept within the confines of the facility. No outdoor storage or keeping of animals shall be permitted.
- viii. The length of time for the holding of animals waiting to be slaughtered shall not exceed more than 24 hours.
- ix. All animal waste shall be discharged to a proper sanitary sewer, as approved by the Waste Pollution Control Authority and the health authority of the Town of Plymouth, and all state and federal regulations.

- x. Noise exceeding the levels set forth in regulations as administered by the Torrington Area Health District will not be permitted, and shall be deemed a violation of these zoning regulations.
- xi. All requirements and regulations governing such use including, but not limited to, the United States Department of Agriculture, the Department of Environmental Protection and the Department of Public Health shall be complied with at all times.

### **3. Validity of permit**

- i. Micro slaughterhouses shall be subject to bi-annual special permit renewal process. All special permit renewal requests shall be submitted to the Land Use Department at least 60 days prior to the expiration of the existing permit.
- ii. The Commission or its duly authorized agent shall have the authority at reasonable times after the issuance of a permit to inspect the micro slaughterhouse facility for which the permit was issued for a purpose of ascertaining that all of the requirements relative thereto are being complied with. In the event the inspection shall disclose any noncompliance which is not properly cured within 30 days, the Commission shall have the right to revoke the permit.



**Y. SELF-STORAGE:**

Definition: Self Storage Individual self-storage units for goods or possessions not related to a business being conducted on the storage unit premises, on a temporary or semi-permanent basis.

General Requirements:

All self-storage facilities shall conform to the following additional standards:

1. The use shall be limited to individual storage compartments which shall be at least twenty-five (25) square feet and no more than three hundred (300) square feet, and shall specifically exclude any commercial use or activity otherwise permitted either by site plan or special permit.
2. No outside storage is allowed.
3. No electrical outlets will be allowed in individual units.
  - (1) The building side and rear yards, where abutting a residential zone, shall be screened by a landscape buffer strip permanently maintained with dense evergreen plantings, or an approved substitute having a minimum height of five (5) feet.
  - (2) A minimum width of twenty-five (25) feet is required when the buffer is adjacent to a residential zone.
4. Exterior walls of the building shall be of a masonry finish, when located on a state road, and/or composite construction materials and give the building the appearance of a commercial facility that is harmonious with the character of the surrounding area.
5. All storage units of all buildings shall be of neutral tones which harmonize with the surrounding area.

Minimum Area and Bulk Requirements:

- |                     |                 |
|---------------------|-----------------|
| (1) Site Area –     | two (2) acres   |
| (2) Front Setback - | fifty (50) feet |
| (3) Side Setback -  | fifty (50) feet |
| (4) Rear Setback -  | fifty (50) feet |

## ARTICLE 7

### SITE DEVELOPMENT REGULATIONS

**A. SITE PLAN REQUIREMENTS.** All commercial industrial or special permit uses shall be subject to Commission review and approval of a site plan. An applicant proposing to establish a new or expand an existing commercial or general manufacturing use, as well as other uses which require site plan submission, shall comply with the provisions of these regulations including the following special requirements:

**1. Location Map.** Submission of a plan at a scale of 1"-800' showing the size and location of the lot and streets within 1,000'.

**2. Site Plan.** Submission of a site plan of the proposed facility containing the following basic information and meeting the following basic standards set forth therein:

- i. Name of developer.
- ii. Name of property owner.
- iii. Signature and seal of professional engineer and land surveyor.
- iv. Survey information including distances with angles or bearings.
- v. Scale: not less than 1"-20' nor more than 1"-50'.
- vi. North point.
- vii. Zone classification.
- viii. Name of adjacent owners and zone classification of their property.
- ix. Curb cut, either new and/or existing.
- x. Existing contours or spot grades at no more than 2' intervals.
- xi. Proposed contours or spot grades at no more than 2' intervals.
- xii. Any existing buildings.
- xiii. Proposed building(s) with dimensions, area and number of stories.
- xiv. Distance on all sides between building(s) and property line(s.)
- xv. Building use(s) including number of employees.
- xvi. Area of lot.

- xvii. Sedimentation and erosion control measures and new grading to include:
  - a. The location and details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - b. The sequence of grading and construction activities;
  - c. The sequence and installation and/or application of soil erosion and sediment control measures;
  - d. The sequence for final stabilization of the development site.
- xviii. Drainage design for roof area, parking lot and driveways and site drainage prepared by a professional engineer.
- xix. Location and elevation of all catch basins. Surface pitch shall be indicated.
- xx. Location and size of all dry wells.
- xxi. Limits of streets, curbs and sidewalks.
- xxii. New or existing sidewalks.
- xxiii. Limits of any easements or right-of-way.
- xxiv. Location and elevation of all sanitary and storm sewers that will be utilized.
- xxv. Location of existing trees. Trees larger than 12” in diameter shall be so labeled.
- xxvi. Parking lot shade trees.
- xxvii. Proposed landscaping with specific location, size and common name.
- xxviii. Required buffer areas and specified landscape treatment.
- xxix. Any necessary retaining walls and construction material of same.
- xxx. Location of parking bays clearly delineated and numbered.
- xxxi. Location of loading and unloading areas.
- xxxii. Parking lot directional arrows.
- xxxiii. Lighted, paved driveways, parking and loading areas.
- xxxiv. Outside storage areas with proposed screening.

- xxxv. Location of outside refuse storage area and proposed screening.
- xxxvi. Sign location, height and size.
- xxxvii. Street lines and names.
- xxxviii. Elevation sketch of building(s).
- xxxix. Provisions for water supply.
- xl. In tabular form show in one column the required standards contained in the bulk table or elsewhere in these Regulations and in a second column in line with the standards in the first column the standards proposed for a specific facility.
- xli. The Commission may by resolution waive the submission of all or part of the information required under this section if it finds that the information is not necessary in order to decide on the application.

## **B. LANDSCAPE REQUIREMENTS**

- 1. Existing Trees.** An attempt shall be made to save as many existing trees as possible.
- 2. Buffer Areas.** Where a lot to be used for industry or commerce or special permit abuts or is across a street from a Residence District or existing residence(s), a 25-foot buffer area shall be planted and permanently maintained with evergreen landscaping of a type, height and spacing approved by the Commission as adequate to suitably screen such use from the adjoining residential area(s) throughout the year. Within these buffer areas, existing tree growth shall be preserved, except for the removal of dead or diseased trees. Such buffer may be earthen berm, evergreen screening or wooden fencing depending on the uniqueness of the property and the characteristics of the adjacent property. In lieu of the 25-foot buffer area the Commission may, at its discretion, authorize the erection of an opaque fence.

All parking areas located between the Residence District boundary or existing residences and the building shall be similarly screened. Evergreen buffers shall be planted sufficiently close and be large enough when planted to effectively screen automobile headlights.

- 3. Bulk Storage.** The bulk storage of materials and all loading and unloading facilities shall be located at the rear or side of the proposed building or existing building. There shall be no outside storage of materials unless the same are effectively screened by wooden fencing, stone or brick walls or evergreen trees or shrubs at least 6 feet high.
- 4. Refuse Areas.** Any roadside refuse area shall be screened with wooden fencing, stone or brick walls or evergreen trees or shrubs at least 6 feet high.
- 5. Ground Cover.** The remaining area of the lot not occupied by buildings and loading and unloading areas, parking and storage areas, vehicular access, sidewalks and landscape

screening, shall be well maintained, and any areas disturbed from their natural condition and which are not used for structures, paved parking areas or streets, shall be planted with grass.

### C. STORMWATER DESIGN

1. Stormwater design shall be laid out by a professional engineer. The expansion of an existing or newly proposed commercial or manufacturing establishment planned in either the Poland or the Pequabuck River Watershed shall be designed for a zero increase in runoff based on a twenty-five (25) year storm.
2. Runoff from parking lots, roofs and driveways shall not cross sidewalks.
3. Drywells shall be utilized wherever possible.
4. Drywell size and structure shall be shown or certified by notation.
5. Catch basin, and storm sewer connection elevations shall be shown.
6. Surface pitch shall be indicated.
7. All stormwater Best Management Practices shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance guidelines to be followed shall be in accordance with the most recent version of The Connecticut Stormwater Quality Manual (CT DEP).

### D. OFF-STREET PARKING AND LOADING REQUIREMENTS

1. **General Requirements.** Accessory off-street parking spaces, open or closed, shall be provided for any use specified in this section. Any land which is developed as a unit under single ownership and control with uses subject to Regulations of the Use Table shall be considered a single lot for the purpose of such regulations. Additionally, the following general requirements shall apply:
  - i. Parking lots shall be designed to avoid large open expanses of paving. Additionally, they shall adhere to the following design criteria:
    - a. No parking lots shall be designed that force vehicles to back onto the street.
    - b. Interior traffic flow shall be marked with painted arrows.
    - c. Ingress and egress location shall be reviewed by the Police Department.
    - d. Curb cut width and curb radii must be reviewed by the Public Works Director and/or State Highway Department, where appropriate.
    - e. All driveways, loading and unloading areas and parking areas shall be paved.
    - f. All parking areas shall have wheel stops or bumper guards.
    - g. Where sidewalks are adjacent to parking lots, a curbed landscaped island of at least 4 feet shall be provided so as to prevent vehicles from riding over the sidewalk area.

- ii. Areas which may be counted as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or a driveway, except that a driveway within a required front yard of a single-family residence may count as one parking space except on a corner lot as provided in Article 3, Sections D.1 and D.3.
- iii. Required accessory parking spaces, open or closed, may be provided upon the same lot as the use to which they are accessory, or elsewhere within 200' of such lot.
- iv. 300 square feet shall be considered one parking space, to provide room for standing area and aisles for maneuvering. Entrance and exit roadways shall not be counted as parking space except for single-family residences.
- v. Unobstructed access to from a street shall be provided. Such access shall consist of at least one 10 foot lane for parking areas with 5 to 20 spaces, and at least two 10 foot lanes for parking areas with over 20 spaces. The maximum width shall be thirty (30') feet.
- vi. All open parking spaces shall be properly drained and all such areas shall be provided with a dustless surface.
- vii. No entrance or exit for any accessory off-street parking area with over 10 parking spaces or any loading berth shall be located within 50 feet of the intersection of any two street lines.
- viii. Any part of any off-street parking area with 10 or more spaces, any loading berths, located in or within 50 feet of any R district, shall have a screen between the same and all lots within such R district, including those, if any, located across a street. If floodlighting is used, it shall be arranged so as to eliminate the glare of lights towards nearby residential properties.
- ix. Required parking spaces, open or enclosed, may be provided in spaces designated to serve jointly two or more establishments via cross access agreements whether or not located on the same lot, provided that the number of maximum required spaces in such joint facilities shall not be less than the total required for each such establishment at the required time.
- x. On corner lots, to the maximum extent feasible, access shall be provided on the street that does not abut a state highway, if the secondary street provides adequate access.
- xi. Fire lanes shall be provided on a site where required by the Fire Marshal. Such designated fire lanes shall be at least eight feet in width and shall be marked "No Parking". No required parking or loading space shall encroach on any required fire lane.

**2. Loading Berths.** Accessory Off-Street Loading Berths shall be provided for any lot for any use specified in the Table of Off-Street Loading Requirements in paragraph iv, below. Any land which is developed as a unit under single ownership and control shall

be considered a single lot for the purpose of such requirements. The following shall apply to required loading berths:

- i. Each required loading berth shall be at least 12 feet wide, 50 feet long, and 16'-3" high, and may be located either within a building or in open space but not within
- ii. required off-street parking spaces or accessory drives thereto. Unobstructed access, at least ten feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot at the use to which they are accessory, except provided in the following Section.
- iii. Required loading berths, open or enclosed may be provided in space designated to serve jointly two or more establishments, provided the number of required berths in such joint facilities shall not be less than the total required for each such establishment.
- iv. No accessory off-street loading berth whether open or enclosed shall be located within a required front yard.
- v. Table of Off-Street Loading Requirements

Each retail store, institution, restaurant, warehouse, hotel, motel, wholesale business, research laboratory, industrial, processing or assembling facility, distribution facility, or contractor's business, shall provide off-street loading space on the same lot as the principal building or structure, in accordance with the following minimum standards:

a. 0 to 3,999 s.f. of GFA	0 loading space
b. 4,000 to 24,999 of GFA	1 loading space
c. 25,000-49,000 s.f. of GFA	2 loading spaces
d. Each additional 25,000 s.f. of GFA	1 additional

- vi. The Commission may require off-street loading spaces for other uses not listed above. They shall be guided by the nature of the use.
- vii. Flood lights are allowed on the rear of the building only, for safety purposes and not for general parking area lighting. The flood lighting shall be shielded so as to prevent glare on adjoining property.

**4. Parking Lot Landscaping** shall meet the following requirements:

- i. All parking lots of 30 car spaces or more shall include one tree for every ten parking spaces or fraction thereof.
- ii. Such trees shall be at least 2 inches in diameter at time of planting.
- iii. All trees shall be placed or protected so as to avoid damage by automobiles.

- iv. Trees used in parking lots shall be of fast growing hardy variety, or existing trees where appropriately located.
- v. For any new parking lot providing 30 or more vehicles, there shall be shade trees planted, spaced 50 feet on center around the perimeter of the lot, except that such
- vi. distance may be increased for lanes of ingress and egress, and provided further that there shall be shade trees planted between parking aisles spaced 50 feet on center.

**5. Required Parking Spaces.** The minimum required off-street parking spaces for the uses listed in these regulations shall be as listed in the table that follows. Reasonable and appropriate off-street parking and loading berth requirements for structures and land uses which do not fall in the categories listed in these regulations shall be determined by the Planning and Zoning Commission by reference to the most recent recommendations contained in “Traffic Engineering Handbook”, Institute of Traffic Engineers, in its latest edition or to “A Policy on Design of Urban Highways and Arterial Streets”, American Association of State Highway Officials, in its latest edition and the Commission shall consider all factors pertinent to the parking needs of such use.

**TABLE OF MINIMUM PARKING REQUIREMENTS**

<b><u>AGRICULTURAL USES</u></b>	
Farm Stands	1/5 linear feet of frontage used for sheltered display
Nurseries/commercial greenhouses	1/100 s.f. of sales GFA
Commercial Kennel	1/600 s.f. of GFA
<b><u>RESIDENTIAL USES</u></b>	
Single Family Detached	2/dwelling unit
Two Family Attached	2/dwelling unit
Garden Apts/Condominiums	2.5/dwelling unit
Senior Residence Development	1.25/dwelling unit
Planned Affordable Housing	2.5/dwelling unit
Home Occupation	1/employee
Boarding/Rooming House	1/2 beds plus 1/2 employees
Mobile Home Park	600 s.f./mobile home space
Accessory Apartment	1/apartment
Cluster Development	2/dwelling unit
<b><u>COMMERCIAL USES</u></b>	
Motor Vehicle Sales	as determined by the Commission
Banks/Financial Institutions	1/350 s.f. GFA
Beauty Parlor/Barber Shop/Personal Services	1/400 s.f. GFA
Retail Sales	1/300 s.f. net sales floor area
Studios – Photography, Dance, Design, Arts	1/400 s.f. of GFA
Hotels/Motels/Tourist Home/Bed & Breakfast	1/room plus 1/employee



Professional Offices	1/300 s.f. GFA
Restaurants	1/75 s.f. GFA
Theaters, Places of Assembly	1/5 seats
Funeral Home	40/1 <sup>st</sup> parlor or chapel; 20/each additional. parlor or chapel
<b>INDUSTRIAL USES</b>	
Manufacturing, dry cleaning, bulk storage, terminals, construction equipment storage, office building, R&D and laboratories	1/750 s.f. GFA or 1/1.25 employees on largest shift, whichever is greater
Self Storage Facility, warehouse	1/2000 s.f. of storage space
Enclosed Commercial Recreation Facility	1/300 s.f. of GFA
<b>GOVERNMENT/INSTUTIONAL</b>	
Government Offices	as determined by Commission
Churches/Places of Worship	1/5 seats
Places of Assembly/Recreational Centers	1/500 s.f. of GFA
Parks/Playgrounds	as determined by the Commission
Clubs	as determined by the Commission
Schools – Public or Private	as determined by the Commission
Hospitals, Convalescent Homes, Rest Homes	1/3 beds for patients or guests plus 1/employee on largest shift

For uses not listed in the preceding table, the number of required parking spaces shall be comparable to the closest other similar use as determined by the Commission. In all cases, the Commission reserves the right to establish a maximum number of paving spaces.

## **E. DRIVEWAYS**

### **1. Definitions**

- i. “Driveway” shall mean any permanent or temporary access for vehicles from a town highway to private property.
- ii. “Paving” shall mean bituminous concrete or Portland cement or any other impervious material.

### **2. Permits**

- i. No person shall construct, reconstruct, or relocate, a driveway within the Town of Plymouth without a permit issued either by the Public Works Department or by the Connecticut Department of Transportation pursuant to Sec. 13a-143a of the CGS.
- ii. Agricultural activities will be exempt.

- iii. Permits shall be valid for a period of one year from the date of issuance. Construction must be completed within this one-year period.
- iv. Permits for gravel removal and short-term construction shall be issued for a period of twelve (12) months. The property owner shall restore the Town property and drainage system to its original condition at the end of this period or be required to obtain an extension of said permit. In no case shall original permit and extensions exceed twenty-four (24) months in total, at which time the Town property shall be put back to its original condition.
- v. The property owner shall be responsible for the construction, maintenance and repair of all driveway improvements required by this ordinance.
- vi. Any existing pavement and/or Town property or drainage that is damaged in any way during construction shall be restored to its original condition by the property owner. Failure to make such restoration shall give the Town and its designee the right to do so. The property owner shall be liable for the actual cost of restoration and administrative expenses.

### **3. Design Standards**

- i. A proposed driveway providing access from a street to a single family residence shall not exceed fifteen (15%) percent grade at any point. Such maximum grade shall not exceed a continuous run of two hundred (200') feet without a leveling off of ten (10%) percent for a minimum run of (50) feet.
- ii. A proposed driveway providing access from a street to all other uses shall not exceed eight (8%) percent grade at any point.
- iii. The transition section from the paved portion of the road to the maximum grades shall be: gradual; a minimum of twenty (20') feet in length; and, not exceed eight (8%) percent grade. Additionally, fill sections (those driveways downhill from the paved portion of the road) shall be so constructed so as to deter storm water in the road from washing down the proposed driveway by building an upward grade of 8% for a distance of five (5) feet before transitioning down grade.
- iv. Driveways that ascend into private property shall be surfaced and maintained with suitable material from the driveway apron to the high point in the driveway to prevent and disallow erosion and sedimentation. Unless otherwise approved by the Director of Public Works, driveways shall be cross sloped so as to establish sheet flow drainage and avoid the discharge of concentrated runoff into town roads.
- v. An apron of approximately ten (10) feet in length from the gutter line shall be paved with a minimum of two (2) inches of pavement.
- vi. The maximum width for residential driveway is twenty (20) feet and the maximum width for a non-residential driveway is thirty (30) feet.

- vii. The minimum width for residential driveway is ten (10) feet and the minimum width for a non-residential driveway is fourteen (14) feet.
- viii. All driveways shall be at least five (5) feet from any lot line, shall be provided with a dustless surface for the portion of the driveway located on the property and with a paved apron starting at the property line and ending at the gutter or street face of the curb.
- ix. One curb cut will be allowed for every one hundred (100) feet or frontage on the center line of driveways located on the same lot in the R-20 and R-40 zone. Only one curb cut will be allowed in the R-Lake zone.

## **F. SIGNS**

**1. Purpose.** It is the purpose of these sign regulations to control the location, size, height, number, manner of lighting and architectural appearance so as to promote public safety, protect property values, minimize visual clutter and protect the appearance of the community. Further, these regulations are designed to respect the scale of development in the various zones and neighborhoods in town.

### **2. General.**

- i. No sign or billboard, advertising display or structure, poster, or device shall be erected, displayed or used except as expressly permitted in these regulations, and except such State, County and Town signs and traffic signals which are installed for public purposes.
- ii. In reviewing a proposed sign or existing signs proposed for modification or alteration, the Commission shall consider the extent to which such signs are compatible with the character of the neighborhood, the extent to which such signs shall preserve and enhance property values and the extent to which the design and location of such signs shall protect against traffic distractions and hazards.
- iii. Applications for sign approval shall be made on forms provided by the Land Use Department and shall be accompanied by such plans and information specified on such forms.
- iv. All applications for a sign permit shall be accompanied by a plot plan showing the location of the sign and by a drawing or sketch, drawn to scale with dimensions showing the height, design, materials, colors and illumination of the proposed sign and by a building elevation or sketch showing pertinent building dimensions.
- v. The Commission may approve the alteration or replacement of a nonconforming sign provided such alteration or new sign does not exceed any present nonconformities.

### 3. Computation of Sign Area

- i. The area of a sign shall be computed on the basis of the smallest rectangle containing the outer dimensions of the form, trim or molding by which the sign is enclosed, but not including the supporting structure.
- ii. When a sign consists of individual letters, symbols or characters, its area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols or characters.
- iii. When a sign consists of two (2) or more faces, only one face of the sign shall be used in computing the sign area if the faces are parallel to and within twelve (12) inches of each other. Otherwise, all faces of the sign shall be used to compute the sign area.
- iv. The height of a sign shall be measured from ground level to the top of the sign, or any part thereof, including supports and lights

### 4. Classification of Signs – Signs shall be classified by structural type, by functional type and by illumination type.

#### i. Structural Type Signs

- a) Freestanding Sign: a sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
- b) Wall (or Fascia) Sign: any sign attached parallel to, but within one (1) foot of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.
- c) Projecting Sign: any sign affixed to a building or wall in such a manner that its leading edge extends more than one (1) foot beyond the surface of such building or wall.
- d) Roof Sign: any sign erected on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- e) Portable Sign: any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- f) Marquee Sign: any sign attached to, in any manner, or made a part of a marquee.

- g) **Canopy Sign:** a sign which is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, walkway or outdoor service area; a marquee is not a canopy.
- h) **Window Sign:** any sign, pictures symbol, or combination thereof, designed to communicate information about activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
- i) **Banner:** a sign consisting of light weight, flexible material which is supported by a frame, rope, wires, or other anchoring devices which may or may not include copy, logo, or graphic material. Flags shall not be considered banners.

ii. **Functional Type Signs**

- a) **Advertising Sign:** a sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.
- b) **Business Sign:** a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the same lot where such sign is displayed.
- c) **Directional Sign:** a sign including the direction or route to an establishment or giving directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance” and “exit”.
- d) **Real Estate Sign:** a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.
- e) **Nameplate:** a sign located on the premises giving the name and/or address and/or name of a permitted home occupation of the owner or occupant of a building or premises.
- f) **Identification Sign:** a sign, located on the premises, which indicates the name, address and/or identifying symbol of (i) a development containing two or more occupants such as a professional office building, a residential development, an industrial park or commercial shopping center; or (ii) a school, park, church, hospital, or other public or semi-public facility.
- g) **Temporary Sign:** a sign which is intended to advertise community or civic projects, real estate for sale or lease, a political campaign, or other special events for a short period of time.
- h) **Temporary/A-frame:** a double-faced sandwich board sign which is portable and used to advertise special promotions, events and grand openings.
- i) **Construction Sign:** a temporary sign erected on the premises on which construction is taking place, during the period of such construction, including the names of the design professionals, contractors, owners, financial supporters, sponsors, and/or similar individuals or firms having a role or interest with respect to the structure or project.

iii. **Sign Illumination.**

- a) **Direct Illumination Sign:** any sign designed to give forth any artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign.

- b) Flashing Sign: any directly or indirectly illuminated sign on which the artificial light is not maintained stationary, and constant in intensity and color, at all times when in use. Illuminated signs which indicate the time, temperature, weather or similar public service information shall not be considered a “flashing sign”.
- c) Indirect Illumination Sign: a sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the lot where said illumination occurs. If such shielding is defective, such sign shall be deemed to be a directly illuminated sign.

## **5. Exempt Signs**

- i. Government Flags.
- ii. Decorative, seasonal flags not exceeding 24” x 36”.
- iii. Signs required by law or regulation shall to the extent consistent with such law conform to this section.
- iv. “OPEN” flags not exceeding 24” x 76” at business locations; one (1) per business.
- v. Signs used for the control of traffic or the regulation of parking as installed or approved by a government authority.
- vi. Signs located within the interior of a building with the exception of those signs which revolve, rotate, flash, move or give the appearance of movement.
- vii. One temporary, real estate sign for each lot on which the sign is located, such sign not to exceed five (5) square feet.
- viii. One temporary construction sign for each street frontage of the lot on which the sign is located, such sign not to exceed sixteen (16) square feet in Residential zones or thirty-two (32) square feet in Commercial, C-VILLAGE, Restricted Business District and Industrial zones.

## **6. Signs Permitted – R-20, R-40, & R-LAKE Zones**

- i. Nameplate, indirectly illuminated only, not to exceed 100 square inches.

## **7. Signs Permitted – C, C-VILLAGE, RBZ & Industrial Zones with a Permit**

- i. Business sign – in the form of nameplates and/or wall signs and/or projecting sign and/or canopy signs. Total sign area shall not exceed one (1) square foot of area for each linear foot of building frontage. Projecting signs shall not extend more than one (1) foot from the building wall when the building bounds a front lot line. Name plates shall not exceed two (2) square feet each.
- ii. In addition to the above business sign(s), one freestanding sign may be permitted by site plan approval of the Commission. Such free standing signs shall not exceed

one square foot of area for each two square feet of building frontage or twenty-five (25) square feet, whichever is smaller. Said sign shall not exceed ten feet in height and be designed so that such sign area does not obstruct vision of traffic flow on highways and/or entrances to establishments where such signs are permitted.

- iii. One identification sign not to exceed thirty-two (32) square feet to identify a unified business or industrial development. Such identification sign may not be in addition to a freestanding sign.
- iv. Window sign(s) not exceeding twenty-five (25) percent of the total window area.
- v. Temporary A-frame (sandwich board) signs in C and RB zones only subject to the following:
  - a) Non-illuminated; portable
  - b) The permit shall be obtained from the Zoning Enforcement Officer prior to placement.
  - c) The permit shall initially be valid for thirty (30) days and may be renewable for up to an additional thirty (30) days at the discretion of the ZEO.
  - d) Such signs shall not be placed in any sidewalk, public right-of-way or town property or in any way obstruct visibility.
  - e) The sign may be displayed only during the normal hours of operation of the establishment and shall be stored indoors when the establishment is not open.
  - f) Only one (1) sign may be displayed by any one single business occupancy.
  - g) Such sign shall not exceed 2' x 3' per side including the frame and shall be professionally prepared.
  - g) The sign shall be permitted in addition to any other sign otherwise permitted by these regulations.
- vi. Temporary Banner subject to the following: a) not to exceed twenty-five (25) square feet, b) the permit shall be valid for a period not to exceed fourteen (14) days prior to the event. All banners must be removed within five (5) days after the event.

## **8. Signs Permitted in All Zones with a Permit**

- i. Signs pertaining to service club meetings such not to exceed five (5) square feet.
- ii. Temporary tag sale sign not exceeding two (2) square feet.
- iii. One identification sign not to exceed eight (8) square feet to identify a school, park, church, hospital or other public or semi-public facility.
- iv. Temporary signs announcing a public or semi-public event not exceeding four (4) feet x four (4) feet or sixteen (16) square feet in total. Such signs may not be erected more than fourteen (14) days prior to the event and must be removed no later than two (2) days after the event.
- v. Temporary, political signs subject to the following:

- a) Temporary, political signs shall not be illuminated.
  - b) Signs must be set back ten (10) feet off the travel way but not within the street right-of-way or within any required sight line.
  - c) Only one (1) temporary permit shall be required per candidate and/or organization.
  - d) The permit shall be valid for a period not to exceed seventy-five (75) days prior to the event. All signs must be removed within five (5) days after the event.
  - e) No fee will be charged for political signs.
  - f) No sign shall exceed thirty-two (32) square feet in area or eight (8) feet in height.
- vi. Signs as approved as part of either approval of site plan or a special permit by the Commission.
  - vii. Signs not specifically authorized may be considered on a case by case basis by the Commission.

## **9. Sign Maintenance, Compliance or Removal**

- i. All signs, together with their supports, braces, guys and anchors, shall be kept in good working order and safe condition.
- ii. The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.
- iii. Unsightly, damaged, deteriorated signs or signs in danger of falling shall be put in order or removed within 30 days following written notice to the sign owner by the Zoning Enforcement Officer.
- iv. Any sign which pertains to a business no longer conducted on the premises where such sign is located shall be removed by the owner of the lot on which the sign is located within 30 days following cessation of the relevant activity.
- v. Any sign which replaces an existing non-conforming sign shall comply with this Section.

## **10. Prohibited Signs.** The following signs are prohibited:

- i. Portable or wheeled signs or signs on parked vehicles where the sign is the primary use of the vehicle;
- ii. Signs emitting artificial light directly or through transparent or translucent materials from a source of light in the interior of the sign, except as may be approved by the Commission upon the applicant providing ample documentation that such illumination will better protect the public interests;



- iii. Signs which revolve, rotate, flash or move in any manner, or give the appearance of movement, except for a time-temperature device employed as part of an otherwise non-flashing, non-animated display;
- iv. Advertising flags, banners, streamers, searchlights, string or festoon lights, balloons or similar devices;
- v. Roof signs and signs which extend above the highest point of a roof;
- vi. Temporary/A-frame, sandwich board, or portable signs except as permitted in the C-1, C-VILLAGE and RB zones;
- vii. Billboards;
- viii. Any sign, artificial light or reflecting device connected or used with a sign or otherwise located or displayed where such light competes for the attention of the driver of a mechanical vehicle, or may be mistaken for a traffic signal;
- ix. The illumination of lights, except during the holiday season, extending from November 15 to January 16 or other holiday seasons for two (2) weeks prior and two (2) weeks after such holiday and not to include architectural or landscape lighting to promote the safety and security of the landowner;
- x. The use of plastic, neon, or similar materials or direct illumination on any signs within a historic district or on any historic building or property designated as such by either the State of Connecticut or the U.S. Department of the Interior;
- xi. Any other sign not meeting these regulations.

**G. RULES FOR SITE PLAN ENFORCEMENT:** The Zoning Enforcement Officer is responsible for the enforcement of all site plans.

- i. Any conditional site plan approvals voted by the Commission shall be so noted by stamping on the site plan accordingly and noting the specific conditions on the plan.
- ii. All conditions must be noted on the original plan and must be bonded in an amount specified by the Commission and certified by the Zoning Enforcement Officer as being met before the bond will be released and a certificate of Use and Compliance will be issued.
- iii. All conditions and improvements shown on an approved site plan shall remain with the property, as long as the use indicated on the approved site plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

## **ARTICLE 8**

### **SPECIAL REGULATIONS**

#### **A. SALE OF ALCOHOLIC BEVERAGES**

1. Except as provided in Section 2 and 3 hereof, no building or premises shall be erected or altered which is arranged, intended or designed to be used for the retail sale or consumption of alcohol, spirits, wine, beer or alcoholic liquor or any other beverage requiring a permit under the State Liquor Control Act of the State of Connecticut if the entrance of said building or premises is within 1,500 feet, as measured along the center line of the street of the entrance of any building or premises in which such alcoholic liquor is sold or dispensed under a permit issued under the State Liquor Control Act of the State of Connecticut, along the center line of any street adjacent to said street, and between the proposed outlet, or within 750 feet of public or private school, public place or worship, hospital or library.
2. The restrictions of subsection 1 shall not apply to retail sales authorized by said Liquor Control Act under a special permit and temporary permit for outings, special gatherings or a grocery beer permit. However, the 750 feet distance requirement from a public or private school, public place or worship, hospital or library shall apply to a grocery beer permit.
3. For the purpose of these regulations, all restaurant liquor permits as defined by the State Liquor Control Act of the State of Connecticut shall be construed as like permits within the meaning of subsection 1 above except that the distance requirement of 1,500 feet shall not be applicable between a restaurant with a liquor permit and an establishment selling alcoholic liquor for consumption off the premises.

#### **B. WORKING ON MOTOR VEHICLES OR MOTORIZED EQUIPMENT RESTRICTED**

It shall be unlawful to perform mechanical or body work on any automobile, truck or other motorized equipment on private property in Town except in the following situations:

1. Work being done on private property which is zoned for such activity provided the owner of the property, his agent, lessee or employee, is actively engaged in a licensed business involving the working on automobiles, trucks or other motorized equipment; or
2. Work in the nature of minor repairs to an automobile, truck or motorized equipment of the owner of the property or a member of his/her immediate family.

#### **C. SWIMMING POOLS**

Swimming pools for personal use of a family resident on the premises are permitted as an accessory use to a residence provided:

1. Light sources shall not be visible beyond the boundaries of the lot;
2. That suitable planting or other means to conceal the pool and to reduce noise shall be provided between the pool and adjoining residential property;
3. That the pool shall be safeguarded by means of a suitable fence at least 42" in height of a type which cannot be readily climbed by children or other device. For the purpose for this section the height of the wall of a swimming pool, which does not have a deck, projecting above the ground level may be construed as fulfilling part of all the height requirements of a fence. Pools having a deck which is at an elevation markedly different than the terrain surrounding said deck shall have a fence installed, at least 36" in height, at the outside perimeter of said deck.
4. That the pool is not closer to any side, rear or front lot line than required by the Table of General Bulk Requirements, except that on existing lots having an area of less than 20,000 square feet, the minimum rear yard or minimum side yard may be reduced to 10 feet and 5 feet respectively if such is necessary to avoid interference with sanitary seepage area or areas in the case of an on-site sewage disposal facility.

#### **D. DOG KENNELS**

The Zoning Board of Appeals may permit, as an accessory to a residence use on a site at least one acre in area, a private, non-profit dog kennel for four or more dogs, but not including boarding or training kennels operated for business purposes. Such private kennels shall be located in the rear yard at least 75 feet from all property lines, and shall be suitably fenced and landscaped. Use of the kennel shall be limited to one dog for every 5,000 square feet of lot area. No special permit is required for the keeping of less than four dogs.

#### **E. SNOWMOBILES**

No snowmobiles shall be operated between the hours of 9:00 p.m. to 8:00 a.m. in any district in the Town of Plymouth.

#### **F. TAG SALES**

An occasional tag sale may be authorized in any residential district by the Planning & Zoning Commission subject to the following conditions:

1. A permit therefore has been applied for has been granted by the Commission, the required fee paid and the validity of which shall not exceed two weeks.
2. No sign shall be posted anywhere in town unless specifically authorized by these regulations and provided that each sign has the approval and legal authorization of the owner of the property on or which it is to be affixed.
3. The applicant shall specify in the application the intent to remove all signs proposed to be posted in connection with a sale not later than one week after the expiration of the permit to conduct a tag sale.
4. The police department will be notified of the location(s) and date(s) of all proposed tag sales.

5. All tag sale signs shall not exceed 2 square feet in area, shall be reasonable weather and wind resistant quality, shall be safely secured and shall have inserted in the right hand bottom corner the permit number assigned by the Zoning Enforcement Officer to this particular tag sale.
6. No more than two (2) permits shall be issued each year unless written permission is given by the Commission.

## **G. FENCES**

1. The yard requirements of these Regulations shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that in any residential district no wall or fence shall exceed six feet in height, measured above the natural grade except that no fence erected in a required front yard shall exceed three (3) feet in height within twenty (20) feet of the right-of-way line in any residential district.

Fences in non-residential districts shall be subject to the site plan requirements of Article 7, Section A of these regulations.

2. On corner lots or curves, the sight line provisions of Article 3, Section D.3 shall apply.
3. All fences shall have the finished side facing the adjoining property and/or street, shall be of a uniform color, and shall be maintained in good repair. No fence shall be erected closer than six (6) inches from any neighboring property line except when agreed upon in writing by said neighboring property owner(s).
4. Barbed wire fences shall be prohibited unless permitted pursuant to Sections 47-47 and 47-48 of the CGS.
5. Chain link fences shall have galvanized posts set in concrete with no sharp edges.
6. Picket fences shall have all tops cut square or half round.
7. All fences within recognized historic districts or on recognized historic properties shall be compatible with the period of original construction.
8. No fence shall be so constructed as to impede a neighbor's view of lakes, meadows or public areas.
9. Fences not specifically authorized may be considered on a case by case basis by the Commission

## **H. OUTDOOR WOOD BURNING FURNACE:**

Out Door Wood Burning Furnaces shall be permitted in accordance with Connecticut General Statute section 22a-174k.

## ARTICLE 9

### ADMINISTRATIVE AND ENFORCEMENT, ZONING BOARD OF APPEALS, AMENDMENTS, SEPARABILITY, EFFECTIVE DATE

#### A. ADMINISTRATION AND ENFORCEMENT

1. These regulations shall be administered by the Commission or its appointed agent. A zoning permit shall be applied for and issued if the provisions of these regulations are complied with. Forms for such application shall be furnished by the Commission. In addition to the foregoing the Commission or its appointed agent shall have the power to:
  - i. Check any building, place, premises or use as to its compliance with these regulations.
  - ii. Issue or renew a permit if the provisions of these regulations are complied with.
  - iii. Charge a fee for the issuance or renewal of a permit which shall be based on the most recent schedule accepted by the Town Council.
  - iv. Charge a fee for the review of certain land use activities not requiring a permit in accordance with the most recent fee schedule adopted by the Town Council.
  - v. Require an as-built foundation plan to A-2 survey standards when foundation is completed or require an as-built plan to A-2 survey standards of all completed work prior to issuance of a certificate of zoning compliance.
2. **Fees.** The Commission may charge a fee for any site plan, special permit or variance, or any modification thereto, according to the schedule of fees adopted by the town.

Additionally, when in the opinion of the Public Works Director, a consulting engineer needs to be retained to represent the town's interests, the applicant shall agree to pay all reasonable costs associated with the engineer's inspection and review of the development plans during the formal application process.

If additional inspection is required prior to the completion and acceptance by the town of all public improvements, the applicant shall be responsible for all costs incurred by the consulting engineer as per the fee schedule assessed to the town Public Works Department in any given year by the consulting engineer(s).

The Public Works Department may require estimated consulting engineer's fee to be deposited with the department prior to the initiation of any reviews. Unused fees will be returned upon completion of the review/approval process.

- 3. Term.** Unless provided otherwise by Sec. 8-3(i) of the Connecticut General Statutes a zoning permit issued shall be valid for a period of one year from the date of issuance. Such permit must be renewed if the facility for which the permit has been issued is not completed within that year. Such renewal shall be obtained before the expiration date of the initial permit and a permit for one additional year shall be granted by the Commission or its' appointed agent subject to the most recent fee schedule adopted by Town Council.
- 4. Certificate.** No permit shall be issued for a building, use or structure subject to these regulations, without certification in writing by the Commission or the official charged with the enforcement of these regulations that such building, use or structure is in conformity with these regulations or is in valid non-conforming use under these regulations.
- 5. Requirements to Obtain a Permit.** Before undertaking any site improvement work, changing the use or adding to the exterior of any structure, including buildings, accessory buildings and/or signs, or changing the use of any premises, application shall be made to the Enforcement Officer for a zoning permit. All applications shall be accompanied by the following:

  - i. Plot plan in duplicate, drawn by a Connecticut licensed land surveyor based on a Class A-2 survey established by the Board of Professional Engineers and Land Surveyors to a scale of at least 1"=40', showing dimensions, radii and angles of lot; size, elevation and cross-sections of driveway(s), buildings(s) and accessory building(s) built or to be built, the location of sanitary facilities and water supply, the location of monuments and check points placed in the field which clearly delineate the lot, including provisions for sedimentation and erosion control measures to prevent siltation of storm drains, water courses and lakes and any other information as required by the Commission and as may be necessary to determine and provide for the enforcement of these regulations.

The Enforcement Officer shall be notified at least 48 hours in advance of the placement of building footings to allow for inspection prior to pouring concrete. All Zoning permits shall be clearly posted outside of the building or premises for which a Zoning permit has been issued. For all new construction on vacant lots monuments shall be installed and shown on the plot plan at all points which define the lot. The plot plan shall also show the location and extent of the driveway apron which should extend for a length of at least 50'-0" from the edge of the paved roadway and consisting of stone, crushed trap rock at least 4" thick or bituminous concrete.

- ii. Any changes of the information required in paragraph i must be reported to the Commission or its appointed agent immediately and no work may be undertaken involving such change or changes unless written permission is first obtained from the Commission or its appointed agent upon submission of a revised application showing in detail the changes requested.

- iii. The filing of plans (i) above may be modified or waived when the proposed work is of simple construction, or repairs, provided the scope of the work is adequately described in the application.

**6. Special Permits.** On the application for a special permit or a certificate of use and compliance, the Commission is hereby authorized to issue a Special Permit for any use listed in Article 4 and Article 6 or elsewhere in these regulations subject to the special requirements and conditions therein. Every Special Permit shall conform to all Special Findings relating thereto that are specified in Article 6 and elsewhere in these regulations. The Commission may also require, as a condition of issuance of any Special Permit for a specific period of time, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by the Commission. In granting a Special Permit, or a renewal or extension thereof the Commission shall in cases file a written report setting forth the applicable requirements and conditions and Special Findings and the reasons for granting such permit, renewal, or extension. A public hearing is required before a Special Permit is issued. A variance, special permit and special exceptions shall become effective only upon the filing of a copy thereof in the office of the town clerk and in the land records of the Town. No such variance, special permit or special exception granted pursuant to these regulations shall be accepted by the town clerk for filing and recording unless certified by the Planning and Zoning Commission or Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, special permit or special exception, including regulations which is varied in its application or to which a special exception is granted, and stating the name of the owner of record. The town clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

**7. Certificate of Use and Compliance.** No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Use and Compliance shall have been issued by the Commission or its appointed agent, stating that the building and proposed use complies with the provisions of these regulations.

All certificates of use and compliance shall be applied for co-incident with the application for a building or a zoning permit as the case may be but prior to actual issuance of such a certificate the owner shall furnish to the Commission with two copies of the "as-built" plan as specified in Section 5-i and certified as a Class A-2 survey accuracy as defined by the Board of Professional Engineers and Land Surveyors require an as-built foundation plan to A-2 survey standards when foundation is completed. Require an as-built plan to A-2 survey standards of all completed work prior to issuance of a certificate of Zoning Compliance.

The Commission or its appointed agent shall maintain a record of all permits and certificates and a copy shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or use at the posted fee.

No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for a certificate of use and compliance.

If due to weather conditions and only the driveway, planting and seeding remain to be completed, the Commission or its appointed agent may accept a bond, satisfactory to the Commission as to form and amount, to cover the cost of completion of the improvements, said completion period not to exceed 12 months. In this instance the Commission or its appointed agent may issue a temporary certificate of use and compliance.

Whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for a proposed building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. The applicant may consent to one or more extensions of such period as provided in Sec. 8-7d of the Connecticut General Statutes, or may withdraw such plan.

A site plan may be modified or denied only if it fails to comply with the requirements already set forth in the regulations. A decision to deny or modify a site plan shall be set forth the reasons for such denial or modification. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen days after such decision is rendered.

- 8. Permit and Certificate of Use and Compliance for a Use Subject To Performance Standards.** An application for a zoning permit and certificate of use and compliance for a use subject to Performance Standards shall be referred to the Commission in duplicate on a form prescribed by the Commission; the applicant shall also submit in duplicate a plan of the proposed construction, and an affidavit by the applicant acknowledging his understanding of the applicable Performance Standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any application shall include the cost of the special reports required to process it.

## **B. ZONING BOARD OF APPEALS**

- 1. Appeals.** The Zoning Board of Appeals shall hear and act upon appeals of any aggrieved person or persons in matters concerning:
- i. Questions of error by the Commission or its authorized agent;
  - ii. Special exceptions upon which it is required to render a decision in terms of zoning regulations;
  - iii. A variance of the application of the zoning regulations in harmony with the general purpose and intent and with the 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 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.



- 2. Notice.** When an appeal is before the Zoning Board of Appeals for its consideration pursuant to the provisions of these regulations, notice of the public hearing to be held thereon shall be given in a paper having circulation in the Town of Plymouth in compliance with Section 8-7 of the Connecticut General Statutes. All applicants must submit a certification of mailing for each abutting property, utilizing a form letter received with the application. Receipts from the certification of mailing must be presented at the hearing in order to be heard or the application will be considered incomplete. Notice of the hearing and decision by the Zoning Board of Appeals shall also be sent to the Planning & Zoning Commission. No such Board shall be required to hear any application for the same variance for a period of six months after a decision by the Board or by a Court on an earlier application.
- 3. Notice to Contiguous Municipalities.** Notice to contiguous municipalities of variance application. Whenever the Zoning Board of Appeals has before it for consideration an application for a variance the use of the property any portion of which lies within five hundred (500) feet of a contiguous municipality, such board shall, at least one week prior to the hearing thereon, notify the clerk of such municipality, in writing of the fact of such application and the date fixed by it for such hearing.
- 4. Decision.** The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision of the Planning and Zoning Commission or its appointed agent charged with the enforcement of the zoning regulations or to decide in favor of the applicant or any matter upon which it is required to pass under these regulations, ordinance, or rule or to vary the application of these regulations, rule or ordinance. Whenever a Zoning Board of Appeals grants or denies any special exception or variance in the zoning regulations applicable to any property or sustains or reverses wholly or partly any order, requirement or decision of zoning regulations which is varied in its application or to which an exception is granted and, where a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based. The Zoning Board of Appeals may attach any conditions and safeguards as may be required to protect the health, safety and general welfare, and to ensure ongoing compliance with these regulations.
- 5. Notice of Decision.** Notice of the decision shall be published in a newspaper having a substantial circulation in town and addressed by certified mail to any person who appeals to the board, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. Such exception, variance or reversal shall become effective at such time as is fixed by the board, provided a copy thereof, certified by the board, shall be filed in the Office of the Town Clerk of the Town.
- 6. Penalties for Violations.** In accordance with Chapter 124, Section 8-12 of the Connecticut General Statutes any person, firm or corporation, violating any of the provisions of these Regulations, shall be subject to Sec. 13-91 through 13-94 of the Plymouth Code of Ordinances.

The Planning & Zoning Commission shall have such other remedies as are provided by law to restrain, correct, or abate any violation of the zoning regulations.

### **C. APPLICATION FOR AMENDMENTS**

Any person or persons who are property owners or residents in the Town of Plymouth, Connecticut may make written application for amendment of these Regulations signed by the applicant. A plan giving proposed boundaries must accompany each application for change in the zoning boundaries.

On its own initiative or on receipt of a written application to amend any portion of these regulations or boundaries of zoning districts, the Planning and Zoning Commission may amend the regulations of change the boundaries of the zones herein established after a public hearing in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes only by a majority vote of all the members of the Commission.

### **D. SEPARABILITY**

If any Section, Clause, Provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect or impair any other section, clause, provision or portion of the regulations.

### **E. EFFECTIVE DATE**

These regulations, or any amendment thereof, shall not become effective until a hearing has been held in compliance with Chapter 124, Section 8-3 of the Connecticut General Statutes and adoption by the Planning and Zoning Commission and publication of notice of adoption.

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# APPENDIX A

## ZONING MAP

### Town of Plymouth

Adopted Zoning Map, Effective 01/15/2008

