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# ZONING REGULATIONS

## Chapter 117

### From the Code of the Town of Monroe

#### *Regulations Governing The Administration of The Zoning of Land in the Town of Monroe*

Printed as last amended May 8, 1997, and effective October 1, 1997.  
Supplemental amendments through February 9, 2013

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AMENDMENTS THROUGH February 9, 2013

## **ARTICLE I Zoning Districts [Effective 6-15-74]**

### **Section 117-100. Districts enumerated. [Effective 2-10-89]**

For the purpose of these regulations, the Town of Monroe may be classified only into the following districts:

One-family residence districts: Residential and Farming District C (RC); Residential and Farming District D (RD); Residential and Farming District E (RE)

Other residence districts: Design Residence Districts (DR); Design Recreational Residence District (DRR); Design Elderly Residence District (DER)

Business districts: Design Business District No. 1 (DB1); Design Business District No. 2 (DB2); Limited Office District (LO)

Industrial districts: Design Industrial District No. 1 (D11); Design Industrial District No. 2 (D12); Design Industrial District No. 3 (D13)

### **Section 117-101. Zoning Map.**

The boundaries of these districts are hereby established as shown on the Map of Zoning Districts, the Town of Monroe, Connecticut, dated June 15, 1991, and amendments thereto, which map and amendments are hereby declared to be a part of these regulations. Said map is on file in the office of the Town Clerk, Monroe, Connecticut, and in the office of the Town Planning and Zoning Commission, Monroe, Connecticut.

### **Section 117-102. Zoning boundaries.**

Where uncertainty exists as to the boundaries as shown on the Zoning Map, the following rules shall apply:

A. The boundary of each district shall include the bed of any street, right-of-way or easement lying therein. When opposite sides of the street, right-of-way or easement lie in different districts, the boundary shall be deemed the center of the right-of-way.

B. The boundary of each district shall be projected in a straight line to the town boundary line and shall include any land under any lake, pond or stream lying therein and shall also include any land which extends under navigable waters.

C. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

D. In cases of uncertainty, the Commission shall determine the boundary.

## **ARTICLE II General Regulations**

### **Section 117-200. Compliance required.**

No land, building or other structure shall hereafter be used, and no building or other structure shall be constructed, reconstructed, extended, enlarged or substantially altered, except in conformity with these regulations.

### **Section 117-201. Continuance of nonconforming structures or uses.**

Any building, structure or use existing at the time of promulgation of these regulations may be continued even though such building, structure or use does not conform to the provisions of these regulations.

### **Section 117-202. Enlargement or extension of nonconforming uses or structures. [Effective 12-31-73]**

Except for residential buildings and structures located in residential zones that conformed to the thirty-foot setback requirement in effect on May 18, 1965, no nonconforming building or structure shall hereafter be enlarged, and no nonconforming use of any land, building or other structure shall hereafter be extended to include any land, building or other structure or portion thereof which is not subject to such nonconforming use. When a building or structure conforming to the aforesaid thirty-foot setback requirement is enlarged, it shall not be enlarged any further forward into the street setback area.

### **Section 117-203. Effect on previously authorized construction or use.**

Nothing in these regulations shall require any change in the plans, construction or designated use of any land, building or other structure for which a permit shall have been issued pursuant to law or ordinance, provided that construction shall be promptly and diligently prosecuted.

### **Section 117-204. Use of nonconforming lots. (Effective 11-1-77)**

Nothing in these regulations shall prevent the use of any lot which does not conform to the minimum area, shape and frontage requirements of these regulations, provided that all other requirements of these regulations are met and provided that the owner of such nonconforming lot does not own sufficient contiguous land to make a conforming lot or more nearly conforming lot with the exception that no lot shall be recognized as a building lot if it has willfully been designed so as not to conform to the requirements of these regulations. The use of said nonconforming lot shall be such that there shall be no adverse effect on the public health, safety and general welfare of the neighborhood in which it is located.

### **117-205. Restoration of unsafe nonconforming structures.**

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any nonconforming building or other structure which shall have been declared unsafe by the Building Inspector, provided that the right to continue such nonconforming building or structure has not otherwise been lost.

**Section 117-206. Change of nonconforming use.**

No nonconforming use, building or other structure once changed to conform to these regulations shall ever be changed so as to be nonconforming again.

**Section 117-207. Resumption of discontinued nonconforming use.**

No nonconforming use which shall have been discontinued for a period exceeding one (1) year shall be resumed or replaced by any other nonconforming use.

**Section 117-208. Restoration of damaged nonconforming structure. [Effective 7-1-66]**

No nonconforming building or other structure shall be restored where damaged by fire or other casualty to an extent greater than fifty percent (50%) of its assessed value on the last completed Grand List of the Town of Monroe unless a building permit for such restoration shall be issued within six (6) months and restoration substantially completed within twelve (12) months of the time of such damage. Nothing in these regulations shall prevent the restoration of a nonconforming building or other structure damaged by fire or other casualty to an extent of not more than fifty percent (50%) of its assessed value on the last completed Grand List.

**Section 117-209. Foundation requirements; use of mobile structures restricted. [Effective 12-30-72]**

All dwellings shall be erected upon a substantial, continuous foundation; trailers or other mobile or temporary structures shall not be permitted for use as dwellings or for the purpose of conducting a business.

## **ARTICLE III - Residential and Farming District C**

### **Section 117-300. Application of provisions.**

The regulations in this Article shall apply to the use of land, buildings and other structures and the location and bulk of buildings and other structures in any Residential and Farming District C.

### **Section 117-301. Permitted Uses.**

Land, buildings and other structures shall be used for one (1) or more of the following purposes:

- A. A single detached dwelling for one (1) family, and not more than one (1) such dwelling per lot.
- B. Farms, nurseries and greenhouses. [Effective 10-19-71]
- C. Roadside farm stands exclusively for the sale of farm produce grown on the premises.
- D. Subject to the securing of a special exception permit as provided in Article XVIII, the following are permitted:

(1) Churches, temples and other recognized places of worship, and accessory uses located on the same parcel, such as parish halls, rectories or parsonages, convents, nonprofit private schools, church schools and accessory recreation facilities, subject to the following additional standards:

- (a) The minimum parcel size shall be five (5) acres. Five (5) additional acres shall be provided for each additional accessory use, with the exception of a rectory or parsonage.
- (b) All such uses shall be permitted only in locations fronting on or having direct access to an arterial or collector road as determined by the Commission.
- (c) All structures shall be set back one hundred (100) feet from the street line and all other property lines. All parking shall be a minimum of fifty (50) feet from all property lines.
- (d) A buffer of fifty (50) feet, of such nature as determined by the Commission, shall be maintained along all property lines, except along the street property line.
- (e) Any accessory residential use shall require a minimum of one (1) acre per every five (5) residents. Such parcel shall be

capable of safe, sanitary sewage disposal as approved by designated state and local authorities.

(f) On-premises parking shall be provided in accordance with the provisions of Article XXIV. [Effective 10-25-76]

(2) Membership clubs and fraternal organizations operated as a nonprofit activity.

(3) Recreation facilities operated as a nonprofit activity.

(4) Community buildings and/or facilities operated and maintained by residents of the community or neighborhood by a nonprofit organization for community or neighborhood purposes.

(5) Cemeteries.

(6) Nursery schools.

(7) Public utility substations, water supply reservoirs, wells, water towers and water treatment facilities. [Effective 8-1-69; 9-22-69]

(8) Governmental buildings, uses and facilities, except for correctional institutions for the mentally ill or insane. [Effective 4-6-74]

E. Subject to the securing of a special exception permit as provided in Article XVIII, riding academies and barns and stables for the boarding and stabling of horses if located on a lot of at least five (5) acres and provided that any barn, stable or other building or structure used for such riding academy or the boarding and stabling of horses is located not less than one hundred (100) feet from any property or street line. There shall be no more than two (2) horses for every one (1) acre of land of said parcel. [Effective 12-31-73]

F. Subject to the securing of a special exception permit as provided in Article XVIII, and as defined in Article XXVII of these regulations, residential Continuing Care Retirement Community (CCRC) may include units for assisted living, assisted independent living, congregate living, short term care or convalescent facilities; also, chronic care or convalescent facilities for short or long term care. Such use shall be subject to the following specific conditions:

(1) CCRC dwelling units shall be limited to occupancy by no more than two (2) persons and shall be restricted to occupancy by single persons aged sixty (60) or over or couples with at least one (1) member aged sixty (60) or over. Such age restrictions shall apply at the time of occupancy. This provision is subject to the exception that handicapped or infirm adults over eighteen (18) years of age whose disability requires the special amenities and services of a CCRC complex.

- (2) CCRC facilities are restricted to the general public and are accessible only to residents, their guests, staff and services. Short-term guest beds may be permitted in a ratio of one (1) to every fifty (50) resident beds.
- (3) CCRC facilities shall include common areas for purposes such as dining, recreation and social functions, health care services and physical therapy and exercise, meeting minimum standards set forth in §§1913D105(c)(3) of the State of Connecticut Public Health Code; and, retail and personal services limited to use of the residents and their guests and staff. No evidence of retail or personal services shall be seen from the exterior of the facility.
- (4) Continuous on-site security shall be provided and access shall be controlled by same.
- (5) The facility shall be located on a lot of no less than ten (10), nor more than thirty (30) acres which when developed shall be under a single ownership.
- (6) There shall be no more than one (1) facility/site within 2,500 feet of a similar facility/site.
- (7) The lot shall have direct access to a state maintained highway and may have access to local arterials or collectors.
- (8) The lot shall be contiguous to an existing business zone.
- (9) The lot shall have a minimum road frontage of one hundred (100) continuous feet.
- (10) For structures containing more than eight (8) CCRC units, each building at its foundation shall be set back no less than seventy-five (75) feet from any property line. For structures containing eight (8) or less CCRC units, each building at its foundation shall be set back no less than forty (40) feet from any property line. Driveways exclusive of parking, utilities, drainage, sewerage and such other appurtenances and structures may be located within the required setback.
- (11) The lot and its structures shall be supplied by public water supply, public sanitary sewer (where available) and underground utilities. Alternative sewage disposal system(s) may be permitted by the Commission upon approval by the State of Connecticut Department of Environmental Protection.
- (12) External lighting shall be limited to fixtures not exceeding twelve (12) feet in height and 150 watts illumination to maintain the residential nature of the use and area.



- (13) All outside mechanicals and utilities, trash facilities, and other maintenance and ancillary fixtures and equipment shall be screened from view by suitable landscape shrubbery and/or construction of permanent solid fencing with gated access.
- (14) Where no suitable vegetative buffer exists landscape treatment, based upon the provisions of Section 117-902, shall be provided subject to final design approval of the Commission. All landscape improvements shall be designed and their installation supervised by a landscape architect licensed by the State of Connecticut.
- (15) A principal structure shall be one which houses CCRC units and/or care facilities. A principal structure accommodating more than eight (8) CCRC units shall not exceed a height of 3 stories/45 feet; a principal structure accommodating eight (8) or less CCRC units shall not exceed 2 stories/25 feet. No other structure shall exceed 1 story/15 feet.
- (16) No wing of any principal building shall exceed a length of three hundred (300) feet, no wall and/or roof of such building shall exceed one hundred (100) feet in length in an unbroken plane without offset of three (3) feet. Roof lines must be peaked or present false peaks. No flat roof exceeding fifteen (15%) per cent of the total roof area will be permitted. Any mechanical equipment or structures on roofs shall be architecturally enclosed and shall be subject to the height limitations of §§(15) above.
- (17) CCRC facilities shall be subject to ARC architectural review as specified in Article XXXI.
- (18) All CCRC units shall meet handicap requirements of the State Building Code.
- (19) In CCRC projects total density shall not exceed 200 dwelling units.
- (20) No CCRC unit shall contain more than two (2) bedrooms. A minimum of thirty (30%) percent of the total build-out units shall be of one (1) bedroom dedicated design. For the purpose of this regulation a skilled care bed (chronic or convalescent) shall be considered as one (1) dwelling unit.
- (21) Notwithstanding the provisions of Article XXIV hereafter, minimum parking requirements shall be 1.5 spaces per dwelling unit. No parking area shall be within thirty (30) feet of an adjoining residential property line. All other provisions of the article shall apply.
- (22) Sidewalks shall be provided within the project site meeting the standards found in §117-1407D of these regulations.
- (23) Upon completion of the project depicted on the approved site plan of development of record the permittee shall covenant, in form suitable to the Commission, that all open areas not covered by buildings, structures,

improvements, or other appurtenances shall be preserved in their finished state subject to normal upkeep and maintenance.

- (24) The applicant and/or permittee shall commit to a minimum of twenty per cent (20%) of the dwelling units to be restricted for occupancy within the limits of "*Affordable Housing*" as defined in Section 8-39a, C.G.S. Said units shall be dispersed within the project and shall not all be located within the same building. The provisions for "*Affordable Housing*" shall be enforced pursuant to the provisions of Section 8-2g, C.G.S.
- (25) The land, buildings and related improvements shall not be owned by a "*Not For Profit Entity*" as defined by the Internal Revenue Service. [Effective 7/10/98]

**G. Continuing Care Retirement Community (CCRC)[Effective 7/10/98]**

Subject to the securing of a special exception permit as provided in Article XVIII, and as defined in Article XXVII of these regulations, residential Continuing Care Retirement Community (CCRC) may include units for assisted living, assisted independent living, congregate living, short term care or convalescent facilities; also, chronic care or convalescent facilities for short or long term care. Such use shall be subject to the following specific conditions:

- (1) CCRC dwelling units shall be limited to occupancy by no more than two (2) persons and shall be restricted to occupancy by single persons aged sixty (60) or over or couples with at least one (1) member aged sixty (60) or over. Such age restrictions shall apply at the time of occupancy. This provision is subject to the exception that handicapped or infirm adults over eighteen (18) years of age whose disability requires the special amenities and services of a CCRC complex.
- (2) CCRC facilities are restricted to the general public and are accessible only to residents, their guests, staff and services. Short-term guest beds may be permitted in a ratio of one (1) to every fifty (50) resident beds.
- (3) CCRC facilities shall include common areas for purposes such as dining, recreation and social functions, health care services and physical therapy and exercise, meeting minimum standards set forth in 1913D105(c)(3) of the State of Connecticut Public Health Code; and, retail and personal services limited to use of the residents and their guests and staff. No evidence of retail or personal services shall be seen from the exterior of the facility.
- (4) Continuous on-site security shall be provided and access shall be controlled by same.

(5) The facility shall be located on a lot of no less than ten (10), nor more than thirty (30) acres which when developed shall be under a single ownership.

(6) There shall be no more than one (1) facility/site within 2,500 feet of a similar facility/site.

(7) The lot shall have direct access to a state maintained highway and may have access to local arterials or collectors.

(8) The lot shall be contiguous to an existing business zone.

(9) The lot shall have a minimum road frontage of one hundred (100) continuous feet.

(10) For structures containing more than eight (8) CCRC units, each building at its foundation shall be set back no less than seventy-five (75) feet from any property line. For structures containing eight (8) or less CCRC units, each building at its foundation shall be set back no less than forty (40) feet from any property line. Driveways exclusive of parking, utilities, drainage, sewerage and such other appurtenances and structures may be located within the required setback.

(11) The lot and its structures shall be supplied by public water supply, public sanitary sewer (where available) and underground utilities. Alternative sewage disposal system(s) may be permitted by the Commission upon approval by the State of Connecticut Department of Environmental Protection.

(12) External lighting shall be limited to fixtures not exceeding twelve (12) feet in height and 150 watts illumination to maintain the residential nature of the use and area.

(13) All outside mechanicals and utilities, trash facilities, and other maintenance and ancillary fixtures and equipment shall be screened from view by suitable landscape shrubbery and/or construction of permanent solid fencing with gated access.

(14) Where no suitable vegetative buffer exists landscape treatment, based upon the provisions of 117-902, shall be provided subject to final design approval of the Commission. All landscape improvements shall be designed and their installation supervised by a landscape architect licensed by the State of Connecticut.

(15) A principal structure shall be one which houses CCRC units and/or care facilities. A principal structure accommodating more than eight (8) CCRC units shall not exceed a height of 3 stories/45 feet; a principal structure accommodating eight (8) or less CCRC

units shall not exceed 2 stories/25 feet. No other structure shall exceed 1 story/15 feet.

(16) No wing of any principal building shall exceed a length of three hundred (300) feet, no wall and/or roof of such building shall exceed one hundred (100) feet in length in an unbroken plane without offset of three (3) feet. Roof lines must be peaked or present false peaks. No flat roof exceeding fifteen (15%) per cent of the total roof area will be permitted. Any mechanical equipment or structures on roofs shall be architecturally enclosed and shall be subject to the height limitations of (15) above.

(17) CCRC facilities shall be subject to ARC architectural review as specified in Article XXXI.

(18) All CCRC units shall meet handicap requirements of the State Building Code.

(19) In CCRC projects total density shall not exceed 200 dwelling units.

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(21) Notwithstanding the provisions of Article XXIV hereafter, minimum parking requirements shall be 1.5 spaces per dwelling unit. No parking area shall be within thirty (30) feet of an adjoining residential property line. All other provisions of the article shall apply.

(22) Sidewalks shall be provided within the project site meeting the standards found in 117-1407D of these regulations.

(23) Upon completion of the project depicted on the approved site plan of development of record the permittee shall covenant, in form suitable to the Commission, that all open areas not covered by buildings, structures, improvements, or other appurtenances shall be preserved in their finished state subject to normal upkeep and maintenance.

(24) The applicant and/or permittee shall commit to a minimum of twenty per cent (20%) of the dwelling units to be restricted for occupancy within the limits of "Affordable Housing" as defined in Section 8-39a, C.G.S. Said units shall be dispersed within the project and shall not all be located within the same building. The provisions for "Affordable Housing" shall be enforced pursuant to the provisions of Section 8-2g, C.G.S.

(25) The land, buildings and related improvements shall not be owned by a "Not For Profit Entity" as defined by the Internal Revenue Service.

H. Customary home occupations permitted in a dwelling specifically limited to: the offices of physician, dentist, certified massage therapist, architect, lawyer, insurance agent, registered surveyor or engineer, accountant or tax consultant, photographer, realtor, artist or musician, babysitting, professional (certified) tutor, located in the same dwelling occupied by such person as his residence; a business or service conducted solely by the use of the telephone; a business or service transacted by the use of the telephone with facilities or equipment located off the premises; dressmaking or tailoring. Any customary home occupation not specifically permitted is prohibited. Customary home occupations are subject to the following provisions:

(1) There shall be no more than one nonresident person or employee engaged in the conduct of the occupation on the premises.

(2) No evidence of the occupation shall be visible outside the dwelling, except an announcement sign as provided in Section 117-2008 B(2).

(3) The floor area for the conduct of the occupation shall not exceed 25% of the occupiable floor area on the premises.

(4) The occupation must clearly be secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling in any visible manner, does not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises; does not create interference with radio and television reception in the vicinity, and does not create a health or safety hazard.

(5) Determination In The Case of Dispute. The Commission may, upon its own initiative, or shall upon written request from a property owner, conduct an informal hearing, on due notice to the parties involved, and thereafter, make a determination whether or not an occupation meets the provisions of 1-4 above. [Effective 9-25-79]

I. Accessory apartments shall be permitted only in RC, RD, and RE districts. Such apartments may be established within existing dwellings or by addition thereto, subject to the following specifications.

(1) Relationship to principal use; appearance. An apartment may be established only accessory to a permitted dwelling (Section 117-301A). The apartment unit shall have common wall(s) and/ or floor(s) to the livable floor area of the principal dwelling. The outward appearance of the accessory dwelling shall be consistent with the

design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling.

(2) Floor area. Living area of an accessory apartment shall contain a minimum of four hundred (400 s.f.) square feet and shall not exceed a maximum of eight hundred (800 s.f.) square feet; there shall be no more than one bedroom in such apartment. In no case shall the floor area exceed twenty-five (25%) percent of the gross livable floor area of the total structure.

(3) Location. An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing, by location, nonconforming dwelling, shall not be subject to such requirement. No apartment shall be located in a basement or cellar unless such basement or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.

(4) Access. An accessory apartment shall have a minimum of one (1) separate external door access from the principal dwelling.

(5) Amenities. An accessory apartment shall contain separate from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

(6) Parking. The provisions of Article XXIV notwithstanding, two (2) off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking.

(7) General Provisions. In addition to the foregoing, the following general provisions shall apply:

(a) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times.

(b) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.

(c) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.

(d) All provisions of the State of Connecticut Basic Building Code (as amended), including the securing of requisite building permits and certificates of occupancy, together with the requirements of all

other applicable construction codes or regulations, shall be met to establish an accessory apartment.

(e) The Fire Marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.

(f) The Sanitarian shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements of the Public Health Code for sewage disposal.

(g) Written rental agreements (leases) shall be provided to tenants.

(8) Review and approval; notice on Land Records. The following provisions shall apply to the establishment of an accessory apartment.

(a) A person seeking to establish an accessory apartment shall file an application for zoning compliance certificate together with a request for "Certificate of Use of Accessory Apartment" (Certificate) on a form prescribed by the Commission. Such request shall be accompanied by complete floor plans, elevations, and interior layout drawn to scale; including alterations to be made to the exterior of the existing dwelling; photographs of the exterior of the existing dwelling. The request shall be reviewed for conformance and bear the signatures of approval of the Zoning Enforcement Officer, Building Inspector, Sanitarian, and Fire Marshal.

(b) Upon the completion of improvements, the Zoning Enforcement Officer shall inspect the premises and shall indicate his approval by issuance of the Certificate.

(c) The owner shall file upon the Land Records of the town, the Certificate which shall cause the approval of such accessory apartment to become effective. Such Certificate shall run with the title unless invalidated at some future date by the action of the then current property owner placing a notice on the Land Records to formally abandon the use.

(9) Affordable housing provision. In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that accessory apartments be established meeting the affordability guidelines established by "The Greater Bridgeport Region Affordable Housing Compact." Owners are encouraged to establish units in consideration of such guidelines.

(a) To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement

indicating either the monthly or annual rent of the unit at the time of issue of the Certificate.

(b) The Planning and Zoning Department, pursuant to its established administrative requirements, shall annually survey all approved units to determine continued affordable housing designation and shall maintain such records for Housing Compact reporting.

(10) Any accessory apartment type unit remaining uncertified after July 1, 1992 shall be deemed to be illegal and in violation of the zoning regulations and subject to such enforcement action and penalties which the law may prescribe.

J. Signs, as provided in Article XX.

K. Railroad rights-of-way, including customary accessory services therein, but not including switching, freight yards or storage sidings.

L. [Effective 7-25-81] Accessory uses, buildings or structures customary with or incidental to any aforesaid permitted use, subject to the following additional standards and conditions:

(1) The accessory use, building or structure shall be located on the same lot as the permitted use to which it is accessory.

(2) Accessory uses, buildings or structures may include:

(a) Private garages, sheds for the storage of personal property; for use in connection with a residence.

(b) The regular outdoor parking not to exceed more than three (3) currently registered noncommercial vehicles or more than one (1) currently registered noncommercial vehicle per lot per licensed driver at the corresponding address of the lot and the address appearing on the driver's license, whichever is greater. The outside parking or storing of any unregistered vehicle is specifically prohibited. [Effective 6-15-82]

(c) The keeping of adult dogs in a number not to exceed four (4) per residence. Any run and or shelter for the use of said dogs shall be located not less than 100 feet from any property or street line. (For the purpose of this section: a dwelling for the purpose of human habitation shall not be considered a shelter; an adult dog shall be considered as a dog of at least one year of age.)

(d) The keeping of traditional farm animals, such as but not restricted to horses, cows, sheep and any other large animals. Such animals shall be kept on a parcel of no less than five (5)



acres. There shall be no more than one (1) such animal for every one (1) acre of land of said parcel.

(3) There may be combination registered vehicles which bear no commercial advertising parked or stored on the premises; said vehicles shall be included in the vehicle limit specified in §117-301K(2)(b). There shall be no more than one (1) commercial or combination registered vehicle bearing commercial advertising parked or stored on the premises. Any commercial or combination registered vehicle showing commercial advertising shall be garaged or suitably screened. Screening shall consist of dense foliage completely obscuring sight of the vehicle from the road and adjoining properties, or a solid fence or similar enclosure equal to the height of the vehicle, acceptable to the Commission. No commercial or combination registered vehicle shall exceed one (1) ton capacity. The parking or storage of truck-tractors, commercial semi-trailers and/or commercial trailers is expressly prohibited.

(4) Accessory uses shall not include any commercial activity except as specifically permitted in these regulations.

M. Municipally owned communication sites and facilities operated, maintained or managed by the municipality for either municipal or public use subject to the following specific standards and requirements.

(1) Use of the site is specifically limited to telecommunication purposes only, using the electromagnetic spectrum as regulated by the Federal Communications Commission or federal government agency regulating telephone services of certain federal agencies.

(2) The minimum parcel size shall be ten (10) acres under contiguous ownership with a minimum frontage of fifty (50') feet along a public road.

(3) The mean elevation of the parcel shall be five hundred fifty (550') feet above sea level based upon U.S. Geological Survey datum.

(4) The parcel may be divide into individual leaseholds.

(5) Transmission/reception towers, satellite dish antennas and other antennas in support of communications may be erected. Unattended accessory buildings for automated communications relay and similar activity may be constructed.

(6) Notwithstanding any other provision of these regulations, the following schedule shall pertain to structures described in (5) above.

	<b>Towers/Antennas</b>	<b>Buildings</b>
Minimum Setback from parcel perimeter boundary	Equivalent to height of structure from grade at base	50'
Minimum setback from leasehold boundary	50'	20'
Minimum setback of guys or anchors from leasehold boundaries *Easements for guys may be permitted over adjacent leaseholds.	10'*	N/A
Maximum Height	N/A	20'
Maximum Stories (Structure)	N/A	1

(7) No on-site disposal of sewage shall be permitted.

(8) All service utilities shall be under ground.

(9) The parcel and any leaseholds shall be minimally accessible by gravel/stone accessways throughout as may be required.

(10) All facilities shall be so designed to require no on-site use or occupancy by personnel other than periodic or occasional maintenance, construction, security.

(11) The entire parcel shall be secured from access by all persons other than the municipality, actual users or their authorized personnel.

(12) Any trash or debris generated by activities on the site shall be removed once-weekly by those generating same.

(13) A single sign not exceeding ten (10) square feet is permitted for the purpose of identifying facilities; one (1) per parcel or leasehold, whichever is greater. Signs shall be of black on white lettering appropriately affixed to a structure. Lettering shall be simple block style without logo, identifying the user and contact person with emergency phone number. There shall be no limit on public safety instruction, warning signs; however, no such sign shall exceed three (3) square feet.

(14) Lighting shall be limited to low intensity incandescent security lighting at the base of the towers and on structures not exceeding twelve (12) feet from finished grade, also, such other lighting as may

be required by state or federal agencies in the interest of public safety.

(15) Suitable vegetative ground cover shall be maintained at all times to restrict and control soil erosion and sedimentation as prescribed in Article XIX of these regulations.

(16) All structures shall be painted in environmentally acceptable pastels unless otherwise required by state and federal agencies in the interest of public safety.

(17) No outside storage of materials, equipment or vehicles shall be permitted except in direct relation to ongoing construction, repair or maintenance activities.

(18) No interference in publicly received television, cable television or radio signals will be permitted from users of the site. Should interference be generated, it shall be remedied by the user(s) by whatever means as may be found necessary.

(19) The Zoning Enforcement Officer or Planning Administrator shall review with the Commission each application for zoning compliance certificate to assure compliance with the intent of the foregoing prior to the issue of such certificate under the provisions of Article XXIX.

N. Safe Home. A Safe Home is a single family type residence licensed by the State of Connecticut for foster children not to exceed the age of twelve (12) unless the child is part of a sibling group. Additionally, Safe Homes are permitted only in RD and RE districts subject to the following specific conditions:

- (1) Each lot shall meet the minimum standards of its respective zone.
- (2) The maximum capacity shall not exceed twelve (12) resident children.
- (3) Parking shall be provided on-site in a ration of 1.33 spaces per four (4) children of rated capacity. Half of the required spaces shall either be garaged or placed to the rear of the structure.
- (4) Play areas shall be located to the rear of the structure but no closer than thirty (30) feet to a property line and screened by either solid fence or suitable evergreen growth to adjoining residential properties.
- (5) The services at a Safe Home shall at all times operate pursuant to a contract with the State of Connecticut subject to minimum standards conforming to State licensing guidelines.
- (6) The Safe Home shall not display any physical identification as such.  
[Effective 10-1-01]

O. Mixed Use Landmark Property Developments [Effective 2-9-13]

- A. Subject to the approval of a special exception permit as provided in Article XVIII, a property may be developed as a mixed use Landmark Property if said development property is at least five acres in size, located on Route 25 or Route 111, and the property or the building thereon is determined by the Commission to be suitable for mixed use development, was constructed prior to 1960, and is constructed to a size and of materials that together render it architecturally unique in the Town of Monroe. The purpose of this regulation is to allow mixed use development under carefully regulated conditions to facilitate reinvestment in and the renovation of older structures to insure their continued existence where the uses permitted by right may no longer be the highest and best uses to achieve that purpose.
- B. The following uses may be permitted within any structure existing on the property, as said structure may be modified under subsection C below:
  1. Office use, including professional and financial offices, but not banks.
  2. Multifamily dwelling units, ie, more than one dwelling unit per property but with a maximum development density of not more than one and five tenths (1.5) bedrooms per acre.
  3. A combination of any of the uses permitted by right and those listed in 1-2 above.
  4. Any use not listed in Subsection B, or not otherwise allowed in the zone, is specifically prohibited.
- C. General Provisions. In addition to the foregoing, the following restrictions shall apply to any special exception permit for mixed use Landmark Property development:
  1. An existing structure may be modified to add garages or other structural additions provided that the additions do not cumulatively exceed 50% of the gross floor area of the structure existing on the property at the time of special exception permit approval. All applications to modify a structure shall be referred to the Architectural Review Board for review and recommendation back to the Commission.
  2. Other than the addition of a porch, entrance vestibule or veranda, no additions or new structures shall be located between the front of an existing structure and Routes 25 or 111, thereby preserving the existing streetscape setback.
  3. Any addition to or modification of an existing structure, or any new structure on the property, shall be compatible with and complement the existing structure with regard to design, scale and the materials used.
  4. Any addition to an existing structure, or any new structure, and any site improvement to the property, shall have a minimum

- setback of thirty (30) feet from all other property lines and be buffered and screened to the satisfaction of the Commission.
5. Any new structure on the property will be treated as an accessory structure in accordance with section 117-301L of these regulations.
  6. No advertising for the use of the structure shall be visible outside the structure, except an announcement sign as provided for in Section 117-2009 B(2) of these regulations.
  7. The architectural character of the structure shall not be changed in any visible manner and there shall be no objectionable noise, odor, vibrations, or unsightly conditions created by the development plan.
  8. The renovation and use of an existing structure shall not create a health or safety hazard.
  9. On-premise parking shall be provided in accordance with the provisions of Article XXIV.

**Section 117-302. Lot area, shape and frontage.**

A. Each lot shall have a minimum area of one (1) acre [forty-three thousand five hundred sixty (43,560) square feet], shall be of such shape that a square with one hundred thirty-five (135) feet on each side will fit on the lot and shall have a frontage of one hundred fifty (150) feet or more on a public street. In computing area of land necessary to meet zoning requirements, twenty percent (20%) of the total lot area may be under water and fifty percent (50%) of the total area may consist of wetland soils and shall be considered as part of the lot area requirements. Any land under water in excess of twenty percent (20%) and consisting of wetlands in excess of fifty percent (50%) of the lot area may not be used toward fulfilling the lot area requirements. [Effective 2-24-65; 5-10-77]

B. [Effective 1-30-67] In the case of subdivision of land solely upon the initiation of the Commission and in accordance with a subdivision plan and all applicable requirements of the Subdivision Regulations of the Town of Monroe, the minimum area and/or width of any lot in said subdivision may be reduced by the Commission by not more than fifteen percent (15%) of the minimum area and/or width ordinarily required, provided that:

(1) The Commission finds that such reduction is in the best interests of the Town of Monroe.

(2) The number of lots approved as a result of the granting of such reductions shall not be greater than the number of lots that could have been approved on the subdivision map as originally submitted.

C. Rear Lots. Rear lots may be established in RC, RD or RE zones when proposed as a subdivision of land totaling three (3) or more new building lots submitted on or after January 1, 1994, but not on or after July 1,

1999, as defined under Section 8-18 CGS, subject to the following “Conditions of Certification” as noted below: [Effective 7-1-99]

Conditions of Certification: Upon application in conformance with Article XVIII Special Exceptions, Section 117-1800A (Sections B-E do not apply) the Planning and Zoning Commission may authorize the certification of a rear lot as defined in Article XXVII providing that the applicant submits adequate evidence at a hearing held in accordance with the requirements of Section 8-7 CGS, as amended, if it finds that the lot meets the following specifications:

(1) Lot and Building Requirements

Each rear lot shall comply with lot and building requirements for the applicable residence district with the exception that the minimum total lot area shall be 1.5 times the minimum, required in the zone in which it is located and the house shall be set back at least 50’ (fifty feet) from the lot line closest to the street line.

(2) Access Requirements

Each rear lot shall be connected by a strip of land or accessway which shall be part of the lot” in fee simple ownership by the owner of said rear lot, to an existing improved public street or a subdivision road approved by the Planning and Zoning Commission and on file with the Town Clerk.

(a) The maximum number of adjoining accessways shall not exceed two (2). Only one lot shall be served by an accessway.

(b) Each accessway shall be at least twenty-five (25) feet in width of which sixteen (16) feet in width shall be travelway.

(c) If the travelway to the rear lot is to be shared by two lots (common travelway), the conditions of use and maintenance shall be set forth in the deed.

(d) The travelway or common travelway shall be located upon the accessway strip(s) of the lot(s) which it serves.

(3) Visibility

The rear lot is suitably screened from the front lot in one or more of the following manners:

(a) By topographic change in grade equal to or exceeding ten (10) feet between the adjacent building setback lines and the lot.

(b) A proposed buffer of white pines or similar landscape screen.

(c) Natural trees or foliage exist to screen the front lot from the rear. The existing foliage shall be protected by suitable easements and so noted on the subdivision map and in the deed.

(4) Layout

There shall be no more than one (1) rear lot in direct line behind front lots.

(5) Existing Regulations

Evidence shall be presented that the driveways conform to the Town of Monroe driveway requirements.

(6) Number of Lots Permitted

(a) In subdivisions created after the effective date of this regulation, there shall be no more than one (1) rear lot for every potential front lot created in the proposed subdivision.

(b) In divisions of land not considered subdivision or resubdivision per Section 8-18 CGS, there shall be no more than one (1) rear lot for each existing front lot.

(7) Findings

In certification of a proposed rear lot, the following findings must be made to the satisfaction of the Commission:

The total number of rear lots in a subdivision is subject to a determination by the Planning and Zoning Commission.

In any case, the Planning and Zoning Commission may allow the creation of rear lot(s) when in its judgment the creation of a rear lot(s) does not create a traffic hazard, a diminution in property value, a danger to public health, safety and welfare, and can adequately make provision for on-site sewage disposal. The creation of a rear lot shall also be in harmony with the surrounding neighborhood, and result in the creation of less infrastructure for the town to maintain in the future.

**Section 117-303. Setback. [Effective 3-31-85]**

A. No building or other structure shall extend within less than fifty (50) feet of any streetline, easement of access or private right-of-way nor within twenty-five (25) feet of any property line.

B. Any building in which animals or fowl, other than house pets, are kept shall be located not less than one hundred (100) feet from any property

or streetline, with the exception that a traditional doghouse to be used as a shelter for one (1) dog shall be located not less than fifty (50) feet from any property or streetline.

C. Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals, when mounted on the ground, shall not be installed within twenty-five (25) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

**Section 117-304. Height. [Effective 5-12-72; 10-8-73; 4-25-82]**

A. No building or other structure shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is less, as defined in Section 117-2700.

B. No radio/ television, antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station/ recording equipment, or survey/ recording equipment shall exceed a height of forty-five (45) feet as defined in Section 117-2700, inclusive of any building or structure upon which they may be erected.

C. Exemption. Property, structures, and services owned and maintained by the municipality where a height necessary to perform the intended function shall be exempt from the provisions of Section A and B above, only in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line at least equal to the height of such structures and shall be subject to a Special Exception Permit under the provisions of Article XVIII of these regulations.

**Section 117-305. Coverage.**

The aggregate coverage of all buildings and other structures on any lot shall not exceed fifteen percent (15%) of the area of the lot.

**Section 117-306. Minimum floor area. [Effective 11-9-64]**

Each one-story dwelling shall have a minimum floor area on the ground floor of one thousand three hundred (1,300) square feet, and each split-level and each two-story dwelling shall have a minimum floor area on all floors of one thousand six hundred fifty (1,650) square feet.



**Section 117-307. Restoration of disturbed surface areas. [Effective 8-6-73]**

In any surface area disturbed in the course of construction, with the exception of paved areas such as sidewalks and driveways, the disturbed area shall be restored with a minimum of six (6) inches of topsoil.

**Section 117-308. Visibility at intersections. [Effective 8.27-73]**

No wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots.

## **ARTICLE IV RESIDENTIAL AND FARMING DISTRICT D**

### **Section 117-400. Application of provisions.**

The regulations in this Article shall apply to the use of land, buildings and other structures and the location and bulk of buildings and other structures in any Residential and Farming District D.

### **Section 117-401. Permitted uses.**

Land, buildings and other structures shall be used for any use permitted in Residential and Farming District C, subject to the same restrictions as noted in Section 117-301.

### **Section 117-402. Lot area, shape and frontage.**

A. Each lot shall have a minimum area of two (2) acres [eighty-seven thousand one hundred twenty (87,120) square feet], shall be of such shape that a square with one hundred seventy-five (175) feet on each side will fit on the lot and shall have a frontage of two hundred (200) feet or more on a public street. In computing area of land necessary to meet zoning requirements, twenty-five percent (25%) of the total lot area may be under water and fifty percent (50%) of the total area may consist of wetland soils and shall be considered as part of the lot area requirements. Any land under water in excess of twenty-five percent (25%) and consisting of wetlands in excess of fifty percent (50%) of the lot area may not be used toward fulfilling the lot area requirements. [Effective 2-24-65; 5-10-77]

B. [Effective 1-30-67] In the case of subdivision of land solely upon the initiation of the Commission and in accordance with a subdivision plan and all applicable requirements of the subdivision regulations of the Town of Monroe, the minimum area and/or width of any lot in said subdivision may be reduced by the Commission by not more than fifteen percent (15%) of the minimum area and/or width ordinarily required, provided that:

(1) The Commission finds that such reduction is in the best interests of the Town of Monroe.

(2) The number of lots approved as a result of the granting of such reductions shall not be greater than the number of lots that could have been approved on the subdivision map as originally submitted.

**Section 117-403. Setback. [Effective 3-31-85]**

A. No building or other structure shall extend within less than fifty (50) feet of any streetline, easement of access or private right-of-way nor within thirty (30) feet of any property line.

B. Any building in which animals or fowl, other than house pets, are kept shall be located not less than one hundred (100) feet from any property or streetline, with the exception that a traditional doghouse to be used as a shelter for one (1) dog shall be located not less than fifty (50) feet from any property or streetline.

C. Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals, when mounted on the ground, shall not be installed within thirty (30) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

**Section 117-404. Height. [Effective 5-12-72; 10-8-73; 4-25-82]**

A. No building or other structure shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is less, as defined in Section 117-2700.

B. No radio television antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station recording equipment, or survey/recording equipment shall exceed a height of forty-five (45) feet as defined in Section 117-2700, inclusive of any building or structure upon which they may be erected.

C. Exemption. Property, structures, and services owned and maintained by the municipality where a height necessary to perform the intended function shall be exempt from the provisions of Section A and B above, only in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line at least equal to the height of such structures and shall be subject to a Special Exception Permit under the provisions of Article XVIII of these regulations.

**Section 117-405. Coverage.**

The aggregate coverage of all buildings and other structures on any lot shall not exceed ten percent (10%) of the area of the lot.

**Section 117-406. Minimum floor area. [Effective 11-9-64]**

Each one-story dwelling shall have a minimum floor area on the ground floor of one thousand four hundred (1,400) square feet, and each split-level and each two-story dwelling shall have a minimum floor area on all floors of one thousand seven hundred (1,700) square feet.

**Section 117-407. Restoration of disturbed surface areas. [Effective 8- 6- 73]**

In any surface area disturbed in the course of construction, with the exception of paved areas such as sidewalks and driveways, the disturbed area shall be restored with a minimum of six (6) inches of topsoil.

**Section 117-408. Visibility at intersections. [Effective 8-27-73]**

No wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots.

## **ARTICLE V Residential and Farming District E**

### **Section 117-500. Application of provisions. [Effective 11-9-64]**

The regulations in this Article shall apply to the use of land, buildings and other structures and the location and bulk of buildings and other structures in any Residential and Farming District E.

### **Section 117-501. Permitted uses. [Effective 11-9-64]**

Land, buildings and other structures shall be used for any use permitted in Residential and Farming District C, subject to the same restrictions as noted in Section 117-301.

### **Section 117-501. Permitted Uses**

Land, buildings and other structures shall be used for any use permitted in Residential and Farming District C, subject to the same restrictions as noted in Section 117-301.

### **Section 117-502. Lot area, shape and frontage.**

A. Each lot shall have a minimum area of three (3) acres [one hundred thirty thousand six hundred eighty (130,680) square feet], shall be of such shape that a square with two hundred (200) feet on each side will fit on the lot and shall have a frontage of two hundred fifty (250) feet or more on a public street. In computing area of land necessary to meet zoning requirements, thirty percent (30%) of the total lot area may be under water and fifty percent (50%) of the total area may consist of wetland soils and shall be considered as part of the lot area requirements. Any land under water in excess of thirty percent (30%) and consisting of wetlands in excess of fifty percent (50%) of the lot area may not be used toward fulfilling the lot area requirements. [Effective 11-9-64; 2-24-65; 5-10-77]

B. [Effective 1-30-67] In the case of subdivision of land solely upon the initiation of the Commission and in accordance with a subdivision plan and all applicable requirements of the subdivision regulations of the Town of Monroe, the minimum area and/or width of any lot in said subdivision may be reduced by the Commission by not more than fifteen percent (15%) of the minimum area and/or width ordinarily required, provided that:

(1) The Commission finds that such reduction is in the best interests of the Town of Monroe.

(2) The number of lots approved as a result of the granting of such reductions shall not be greater than the number of lots that could have been approved on the subdivision map as originally submitted.

**Section 117-503. Setback. [Effective 3-31-85]**

A. No building or other structure shall extend within less than fifty (50) feet of any streetline, easement of access or private right-of-way nor within thirty (30) feet of any property line.

B. Any building in which animals or fowl, other than house pets, are kept shall be located not less than one hundred (100) feet from any property or streetline, with the exception that a traditional doghouse to be used as a shelter for one (1) dog shall be located not less than fifty (50) feet from any property or streetline.

C. Any instrument used as a satellite ground receiving station for the purpose of reception of transmitted radio, television or microwave signals, when mounted on the ground, shall not be installed within thirty (30) feet of any property line, but in any case shall be installed no closer to the streetline than the closest point of setback of the dwelling to which it is accessory. All such stations when mounted on the ground shall be affixed to a permanent foundation.

**Section 117-504. Height. [Effective 5-12-72; 104-73; 4-25-82]**

A. No building or other structure shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is less, as defined in Section 117-2700.

B. No radio/ television antennae, flagpoles, farm silos, solar panels, weathervanes, cupolas, power poles and lines, weather station/recording equipment, or survey/ recording equipment shall exceed a height of forty-five (45) feet as defined in Section 117-2700, inclusive of any building or structure upon which they may be erected.

C. Exemption. Property, structures, and services owned and maintained by the municipality where a height necessary to perform the intended function shall be exempt from the provisions of Section A and B above, only in support of public works, administration, safety, emergency, civil services, civil defense, and education. Such structures shall be located a minimum distance from any property line at least equal to the height of such structures and shall be subject to a Special Exception Permit under the provisions of Article XVIII of these regulations.

**Section 117-505. Coverage. [Effective 11-9-64]**

The aggregate coverage of all buildings and other structures on any lot shall not exceed ten percent (10%) of the area of the lot.

**Section 117-506. Minimum floor area. [Effective 11-9-64]**

Each one-story dwelling shall have a minimum floor area on the ground floor of one thousand four hundred (1,400) square feet, and each split-level and each two-story dwelling shall have a minimum floor area on all floors of one thousand seven hundred (1,700) square feet.

**Section 117-507. Restoration of disturbed surface areas. [Effective 8-6-73]**

In any surface area disturbed in the course of construction, with the exception of paved areas such as sidewalks and driveways, the disturbed area shall be restored with a minimum of six (6) inches of topsoil.

**Section 117-508. Visibility at intersections. [Effective 8-27-73]**

No wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots.

**ARTICLE VII Flood Damage Prevention [Original Effective: April 17, 1985 [Revision Effective: March 4, 1991; Final Revision Effective 6-1-10]**

**Section 117-700. Findings of fact, purpose and objectives.**

**C. Finding Of Fact - Cause And Effect.**

The flood hazard areas of the Town of Monroe 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 areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**D. Statement Of Purpose.**

**(1) Objectives.**

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (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 prolonged 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 areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.



(2) Methods Of Reducing Flood Losses.

In order to accomplish its purposes, this article includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood drainage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**Section 117-701. Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

**APPEAL:** A request for a review of the Zoning Enforcement Officer's or Town Planner's interpretation of any provision of this article or a request for a variance.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one (1) 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, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

**Base Flood Elevation (BFE):** The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NAVD of 1988) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**BASEMENT:** For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

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

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

**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 manufacture home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 17, 1985, of the floodplain management ordinance adopted by the community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL EMERGENCY MANAGEMENT AGENCY:** The federal agency that administers the National Flood Insurance Program (NFIP).

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

**FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map of a community in which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

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

**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 (1.0) foot.

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

**HISTORIC STRUCTURE:** Any structure that is: (a) Listed individually in the National register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement).

**MANUFACTURED (MOBILE) HOME:** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**MARKET VALUE:** The market value of the structure shall be determined by the property's tax assessment, minus land value, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after April 17, 1985, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, April 17, 1985, of the floodplain management regulation adopted by the community.

**RECREATIONAL VEHICLE:** A portable vehicle built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, which can be towed, hauled or driven and primarily designed to be used as temporary living quarters for travel, camping and recreational purposes, including but not limited to campers, travel trailers and motor homes but excluding mobile manufactured homes.

**START OF CONSTRUCTION:** For other than new construction or substantial improvements under the Coastal Barriers Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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 or the erections 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 as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or

exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, rehabilitation, alterations, additions, or other improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. 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. This term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic” structure, provided the alteration will not preclude the structure’s continued designation as a “historic structure”.

**VARIANCE:** A grant of relief from the terms of the floodplain management regulation that allows construction in a manner that would otherwise be prohibited and where specific enforcement would result in unnecessary hardship.

**VIOLATION:** Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Section 117-702. General provisions.**

- A. Lands to which this article applies. This article shall apply to all areas of special flood hazards within the jurisdiction of the Town of Monroe.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Monroe, and any subsequent revisions thereto, are adopted by reference and are declared to be part of this article. Since mapping is legally adopted by reference into this article it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard

include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file in the office of the Monroe Town Clerk, Town Hall, 7 Fan Hill Road, Monroe, Connecticut.

C. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations.

D. Abrogation and Greater Restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by map-made or natural causes. This article does not, imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Town of Monroe, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Section 117-703. Administration.

A. Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 117-702B. Application for a Development Permit shall be made on forms furnished by the Zoning Enforcement Officer or Town Planner, and may include, but not be limited to:

plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  - (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
  - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 117-704B(2), and,
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the administrator(s). The Zoning Enforcement Officer and the Town Planner are hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions.
- C. Duties and responsibilities of the administrator(s). Duties of the Zoning Enforcement Officer and the Town Planner shall include, but not be limited to:
- (1) Permit review.
    - (a) Review all development permits to determine that the permit requirements of this article have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.
    - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
    - (c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this article, "adversely affects" means that the cumulative effects of proposed development when combined with all other existing and anticipated development, increases the water surface elevation of the base flood more than one (1.0) foot at any point.
  - (2) Use of other base flood data. When base flood elevation data and or floodway data has not been provided in accordance with Section 117-702B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Enforcement Officer or Town Planner shall obtain, review, and reasonably utilize any base flood elevation data and or floodway data available from a federal, state or other source in order to administer Sections 117-704B(1).

- (a) 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 will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
  - (b) Should data be requested and/ or provided, adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
- (3) Information to be obtained and maintained.
- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
  - (b) For all new or substantially improved floodproofed structures:
    - (i) verify and record the actual elevation (in relation to mean sea level), and
    - (ii) maintain the floodproofing certifications required in Section 117-703A(3).
  - (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (4) Alteration of watercourse.
- (a) Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (b) Require that maintenance is provided within the altered area or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 117-703D.

D. Variance procedure.

- (1) Appeal Board



- (a) The Zoning Board of Appeals, as established by the Town of Monroe, shall hear and decide appeals and requests for variances from the requirements of this article.
- (b) 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 Zoning Enforcement Officer or Town Planner in the enforcement or administration of this article.
- (c) Those aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the Superior Court, as provided in the Connecticut General Statutes.
- (d) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding and erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed facility to the community;
  - (v) the necessity to the facility of a waterfront location, where applicable;
  - (vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damages;
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (xi) 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.

- (e) Generally, variances 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, providing items (i-xi) in Section 117-703D(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - (f) Upon consideration of the factors of Section 117-703D(1)(d) and the purposes of this article, the Zoning Board of Appeals deems necessary to further the purposes of this article.
  - (g) The Zoning Enforcement Officer or Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (2) Conditions for variances.
- (a) 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.
  - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) 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 to the applicant; 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 nuisances, cause fraud on or victimization of the public as identified in Section 117-703D(1)(d) or conflict with existing local laws or ordinances.
  - (e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**Section 117-704. Provisions for flood hazard reduction.**

## A. General Standards

In all areas of special flood hazards the following standards are required:

### (1) Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured (mobile) homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - (i) over-the-top ties be provided at each of the four corners of the manufactured (mobile) home, with two additional ties per side at intermediate locations with mobile homes less than 50 feet long requiring one additional tie per side;
  - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points with manufactured (mobile) homes less than 50 feet long requiring four additional ties per side;
  - (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (iv) any additions to the manufactured (mobile) home be similarly anchored.

### (2) Construction materials and methods.

- (a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) All 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.

### (3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(c) on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least ten lots or five acres (whichever is less).

B. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 117-702B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 117-703C(2), USE OF OTHER BASE FLOOD DATA, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 117-703C(3)(b).

(3) Manufactured (Mobile) homes:

Manufactured (Mobile) homes shall be anchored on a securely anchored permanent foundation in accordance with paragraph A above. All manufactured (mobile) homes to be newly placed,

undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). This includes manufactured (mobile) homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage with adequate access and drainage provided.

(4) Recreational Vehicles:

Recreational vehicles placed on sites within areas of special flood hazard shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements of Section 704. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Floodways.

Located within areas of special flood hazard established in Section 117-702B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.
- (2) If Section 117-704C(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 117-704, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- (3) Prohibit the placement of any manufactured (mobile) homes.

D. Equal Conveyance.

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered

professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

E. Compensatory Storage.

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain, storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

F. Aboveground Storage Tanks.

Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

G. Portion of Structure in Flood Zone.

If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

H. Structures In Two Flood Zones.

If a structure lies within two or more flood zones, the construction standards of the more restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that

extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

I. No Structures Entirely or Partially Over Water

New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

J. No Enclosed Areas Below Base Flood Elevation

Fully enclosed areas below the Base Flood Elevation (BFE) (including floodable areas utilizing flood vents) are not permitted to be constructed.

## **ARTICLE VIII Amusement Centers/Arcades [Effective 6-15-83]**

### **Section 117-800. Definitions.**

A. For the purpose of this article, amusement centers and/or arcades shall include any location or premises which houses three (3) or more mechanical and/or electronic amusement devices.

B. For the purpose of this article, mechanical and/or electronic amusement device shall include any machine or device which, upon the insertion of a coin, slug or token or upon payment of a charge, is operated to register a score or tally of any kind or permits a certain amount of "play" for entertainment or score and which shall include but not be strictly limited to such devices as pinball or pingame machines, shuffleboard, video and TV-like devices and electronic games; but shall not include movies, motion pictures or photographic displays, loops or devices, whether set in motion by the insertion of coins, slugs, tokens or by any other means whatsoever which shall be expressly prohibited.

### **Section 117-801. Limitation by zoning district.**

Amusement centers and/or arcades shall be strictly limited to Design Business District No. 2 (DB2) zones subject to standards and restrictions in Section 117-802 and 803 following.

### **Section 117-802. Special exception permit required.**

No amusement center and/or arcade shall be established in the Town of Monroe until a special exception permit shall have been approved by the Planning & Zoning Commission subject to the provisions (where applicable) of Articles IX, XI, and XVIII, and the specific standards set forth in Section 117-803.

### **Section 117-803. Standards of approval and operation.**

A. Amusement centers and/or arcades shall be located in a structure on a lot conforming to the requirements of Section 117-1103; there shall be no more than one (1) use other than an amusement center/arcade located in said structure.

(1) The commission, when considering the location of the proposed use, shall determine that all aspects of its approval shall not have an adverse effect on the general neighborhood in which it is located or upon the day-to-day operation of business in the general neighborhood.



(2) Notwithstanding the standards of Section 117-1103, the following minimum setbacks shall also be observed:

a. The structure shall be located a minimum one hundred (100) feet from any residential zone line.

b. The structure shall be located a minimum fifty (50) feet from any other occupiable structure.

c. The structure shall be located a minimum one thousand five hundred (1500) feet from any other structure housing any amusement center and/or arcade. Such measurement shall be from front door to front door, along the centerline of the road.

B. The existing or proposed sewage disposal system shall be designed to handle the maximum occupancy of the premises based upon the calculation of the Fire Marshal.

C. All requirements imposed by the Fire Marshal for design, construction and operation shall be met before the use shall begin operation and shall be subject to inspection at minimum intervals of ninety (90) days.

D. Parking shall be provided in an amount equal to one space per game or machine and two per billiard table, or one per fifty (50) square feet of total floor area, whichever is more.

E. Hours of operation shall be restricted as follows:

- Closing no later than 10:00 p.m. - Sunday-Thursday
- Closing no later than 11:00 p.m. - Friday-Saturday
- Opening no earlier than 1:00 p.m. - Sunday
- Opening no earlier than 10:00 a.m. - Monday-Saturday

F. On-premises security other than proprietors or attendants shall be provided.

(1) On-premises security shall regularly patrol the premises both inside and outside as follows:

- All operating hours Saturday and Sunday until at least one-half (1/2) hour after closing or until all patrons have left premises and parking areas, whichever is later.
- Operating hours Monday-Friday from 5:00 p.m. until at least one-half (1/2) hour after closing or until all patrons have left the premises and parking areas, whichever is later.

G. Bicycle racks to accommodate a number of bicycles equal to one-half (1/2) the number of games shall be provided within twenty-five (25) feet of the main entrance of the premises.

H. Use of the premises by patrons under 18 years of age during hours when schools are in session shall be strictly prohibited. This standard shall be strictly enforced by attendants on the premises.

**Section 117-804. Noncompliance.**

Failure to comply with standards and conditions set forth in this Article and special exception permit approval shall be grounds for consideration of suspension of the permit by the Commission subject to the following:

A. A public hearing shall be held subject to the provisions of Section 8-7d of the Connecticut General Statutes and after notice being delivered to the proprietor or attendant on the premises.

B. After due notice and hearing, the Commission shall consider the testimony before it and shall render a decision whether the permit should be suspended; the Commission shall state the reasons for its action upon its records and shall inform the permittee of said reasons and decision.

C. Said permit may remain suspended by the Commission until such time as required standards or conditions detailed in its action are brought into compliance.

D. Under the terms of suspension, the premises shall cease to operate. Failure to cease operation shall be construed as a violation of these regulations and shall be subject to such remedies and penalties prescribed by law.

E. Upon compliance to the satisfaction of the Commission, it shall advise by written notice to the owner or proprietor that the suspension has been removed and the operation of the premises may resume.

## **ARTICLE IX Design Districts [Effective 7-31-73]**

### **Section 117-900. Application of provisions.**

The Commission may propose and establish, at its discretion and in accordance with the provision of Section 8-2 of the Connecticut General Statutes (as amended), and without benefit of site plan or development proposal, a design district (D). The owner or owners of a tract of land may petition for the establishment of a design district (D) only, coincidentally with an application for special exception permit and development proposal which shall be proposed and developed in conformance with these regulations. The following general requirements shall apply to uses and improvements in all design districts:

- A. In Design Districts, the existing use of land shall not be changed, and no building shall be erected or enlarged, nor shall a building have its exterior altered except for general maintenance, until a site plan of development shall have been prepared by the owner of such land, and approved by the Commission, and a Special Exception shall have been granted, where required by these regulations. A site plan of development may not be required when the Planning and Zoning Commission deems it unnecessary due to the minor nature of the proposed construction, erection, enlargement or alteration of any structure. [Effective 9-25-79]
- B. A public hearing shall be held in accordance with the General Statutes.
- C. Such approved plan shall become null and void unless construction of building is in progress and not less than fifty percent (50%) of building foundations shown on the approved site plan of development are completed within one (1) year of the date of approval of such plan, unless an extension of time is granted by the Commission.
- D. Building permits shall be issued only in conformance with the approved plan of record. A permanent certificate of zoning compliance for any building or part thereof or any use of the premises shall be issued only after completion of all public improvements and protective safeguards in close proximity to the areas containing the units in question shown on the approved plan, unless the uncompleted improvements and safeguards are covered by a performance bond assuring completion within six (6) months. The Commission may agree to extend the six-month limitation for a specific period of time. [Effective 7-1-77]
- E. Where deemed appropriate in the judgment of the Commission in a specific application, a site plan of development in substantial compliance with the requirements herein may be approved with such minor variations from the strict application of the provisions of these regulations as will provide for the most appropriate use of land and as will protect the public health and safety and preserve property values and as will provide for the most orderly development of land. No variations shall be

permitted that violate the integrity of these regulations or that will change the principal classification of permitted land uses.

F. An approved plan of development may be amended in accordance with the method and procedure established for the approval of such plan.

G. Except where otherwise specifically required, land under more than one (1) ownership may be consolidated for development purposes, and buildings may be constructed and used individually under a site plan of development meeting all of the requirements of these regulations, provided that each separate owner shall have granted to each other owner in the consolidated parcel, by deed, easement or condominium agreement, recorded in the Town Clerk's office, such permanent access, egress, passage, use of parking and loading and open space as may be required to assure integrated development, use and maintenance of the consolidated parcel.

H. Where landscaping or a buffer strip is required hereafter, such work shall conform to the appropriate subsection(s) of Section 117-902 of these regulations.

I. In addition to the above, the specific requirements of the appropriate design district shall apply.

J. Where a proposal is an approved site plan of development in any design district is to be developed in sections, phase of area, work or activity shall be limited to the specific section(s), phase(s) or area(s) as authorized by the Commission through the progression of the development. [Effective 5-1-83]

#### **Section 117-901. Contents of site plan of development.**

A. A site plan of development shall be complete, showing all data and information required by the Commission, including plans, maps and documents. Such maps and plans shall include and show:

(1) Boundary survey, Class A-2 (Connecticut Technical Council), related to the intersection of at least two (2) existing town streets or state highways, with accurate dimensions.

(2) Topography of the parcel at five-foot contours, based on United States Coast and Geodetic datum.

(3) Layout of public and private roads, all utilities and improvements, and plan profile maps conforming to the mapping requirements of the Subdivision Regulations.

(4) Engineering data and plans for water supply, storm drainage and sanitary sewage collection and disposal.

- (5) Proposed locations of all buildings and other improvements.
- (6) Yards, public and private open spaces and proposed landscaping.
- (7) Complete plans and data covering recreation facilities and improvements, open space, landscaping and grading.
- (8) Architectural renderings in conceptual form, and sufficient detailed plans of buildings to assure conformance with these regulations.
- (9) Parking and loading areas, as applicable.
- (10) Plan of exterior site lighting for the premises showing the location and number of lights and the architectural and design specifications of the lights to be installed. (Lighting plans once approved may not be altered except with written permission of the Commission.) [Effective 3-15-80]

B. Where required by the Commission, the site plan shall show the locations of buildings and facilities on abutting land and shall show the driveway entrances on both sides of the street or streets abutting and within five hundred (500) feet of the subject property.

C. Public improvements shall conform to the applicable sections of the Subdivision Regulations of the Town of Monroe.

D. Where land is to be subdivided for building purposes, a plan of subdivision shall be prepared in conformance with the Subdivision Regulations of the Town of Monroe.

E. All roads and improvements intended to be dedicated to or accepted by the town for public use shall conform to all town rules and regulations and standard specifications in effect at the time of approval.

**Section 117-902. Landscape treatment.**

A. Landscaping or landscape treatment, where required in these regulations, shall provide, in the judgment of the Commission and in a reasonable time, the required amenities or visual barrier between different land uses.

B. Landscape plans, prepared by a recognized professional, shall include a planting plan, with plant names (common and botanical), quantities, sizes and locations. Typical sections may be shown. Existing planting to remain shall be identified on the plan as to kind and size.

C. All landscaping shown on an approved plan shall be completed in close proximity to the area containing the units in question before issuance of a permanent certificate of zoning compliance, or a cash bond (saving passbook, properly endorsed) in an amount approved by the Commission, assuring completion by a specific date, shall be filed with the Town of Monroe and shall be forfeited if the work shall not have been completed within such time limit. [Effective 7-1-77]

D. The maintenance of all landscaping and landscape treatment shall be the sole responsibility of the owner. Lack of maintenance in a proper, neat and living condition shall be construed to be a violation of these regulations and subject to the penalties provided by law.

E. Landscaped screen. A landscaped screen, where required, shall consist of an opaque solid wall or solid wall or solid fence of uniform color, constructed with materials of suitable appearance, not less than five (5) feet nor more than eight (8) feet above the ground level of the area to be enclosed with the screen.

F. Landscaped area. Landscaped area shall consist of an open area, unoccupied except by residential walks and driveways, except that nonresidential walks and driveways may cross a street yard. Landscaped areas shall be constructed and maintained in lawn, suitable evergreen ground cover, stone or slate. Other paving may not exceed forty percent (40%) of the required area. Bituminous materials may be used only in areas where such surface is required for a special recreational use or for a permitted vehicular use. Where appropriate and approved, landscape areas may be retained in their natural state without additional planting.

G. Landscape buffer.

(1) Landscape buffer for DR Districts shall consist of the equivalent of no fewer than two (2) rows of suitable evergreen trees of one and one-half (1½) inches caliper, planted fifteen (15) feet apart, staggered in adjoining rows to provide maximum protection.

(2) In DB1, DB2, DI1, DI2, DI3 and LO Districts, a landscape buffer shall consist of no fewer than three (3) rows of suitable evergreen trees of one and one-half (1½) inches caliper, planted as above. Multiple landscape buffers shall be established in areas as may be required by the Commission when deemed appropriate due to the impact of proposed uses on adjacent properties.

(3) Where in the judgment of the Commission sufficient natural vegetation exists it may be substituted in total or portions in lieu of (1) or (2) above or may be augmented by the requirements of (1) or (2) above to establish an effective buffer within the intent of the regulations.

(4) Where area required for buffer is an inland wetland area, the Commission, at its discretion, may prescribe alternative buffer requirements or waive buffer requirements in order to preserve and protect said wetland area consistent with the intent of the Connecticut General Statutes.

H. Natural buffer. Natural buffer shall be an open space, unoccupied except as above, cleared of all rubbish and waste materials and left in a natural state with the land surface covered with a suitable ground cover, with work to be done detailed on the site development plan requiring approval.

I. In the case of contiguous parcels developed under the provisions of this section, the Commission may modify or waive particular requirements of the above screening or buffering sections and, where appropriate and with additional planting, may permit a natural buffer where a landscape buffer is called for.

J. Topsoil: Restoration and Removal. Upon initiation of site work required by the approved plan of development, topsoil may be stripped as needed and stockpiled on site.

Topsoil shall be restored in an amount of not less than six (6) inches to all disturbed areas while completing final landscaping unless otherwise specified. Upon completion of topsoil restoration, such restoration shall be reviewed by the Town Engineer, and after approval by the Commission, excess amounts may be removed from the site or dispersed on site within such reasonable time specified by the Commission.

### **Section 117-903. Utilities and improvements.**

A. All utilities intended to serve new buildings and structures, including wire-using utilities, shall be installed underground in conformance with local and other applicable standards, rules and regulations.

B. All road construction and improvements on roads to be dedicated for public use and proposed for town acceptance shall conform to the Subdivision Regulations and all other local rules and ordinances. The Commission may require that a road leading to land dedicated to public open space be constructed to town standards for a public road.

C. Private roads, driveways and parking areas shall be built according to best standard practice and to standards of design and construction approved by the Commission. Road pavement shall be not less than twenty-two (22) feet wide, with curbs on each side and at parking areas. Where, in the judgment of the Commission, a principal private road or collector street will carry significant traffic volumes, the Commission may require the construction of such road(s) according to the Standard Specifications for Monroe, Connecticut.

D. A complete storm drainage system shall be installed on public and private roads and parking areas in any design district in conformance with the applicable provisions of the Subdivision Regulations.

E. The maintenance of all utilities and improvements on private lands shall be the sole responsibility of the owner of the same. Lack of maintenance in a proper, neat and safe manner shall be construed to be a violation of these regulations and subject to the penalties provided by law.

**Section 117-904. Off-street parking.**

A. Except as modified in a specific design district, parking off the public streets shall be provided for all persons using the facilities within such districts, in an amount not less than prescribed in Article XXIV of these regulations.

B. Where applicable, off-street parking shall be provided in conformance with Article XXIV of these regulations.

**Section 117-905. Procedure.**

A. An application for a change of zoning classification to a design district shall be submitted in complete form, including all applicable plans and data required by Section 117-901A. The Commission shall hold a public hearing on the proposed change of zone and special exception application, as required by the General Statutes.

B. A prospective developer may elect to prepare a preliminary study for informal discussion with the Commission, to clarify planning and design criteria prior to preparation of detailed plans. This will not be considered to be a formal application.

(1) The purpose of a preliminary study is to assure the feasibility of the proposed development of a design district with a minimal expenditure of time and expense, and to assure complete integration of the planning and construction within the district and the neighborhood.

(2) Plans and proposals in a preliminary study shall clearly cover the extent of all proposals, but road and building plans and locations may be tentative in nature and, where appropriate, the methods of providing and constructing improvements and utilities may be general in nature.

C. Where development of a design district is to be built in stages, a preliminary study of the entire design district is required prior to approval of a special exception for any part of the district, as may be deemed appropriate by the Commission.



**Section 117-906. Fees and performance bond.**

A. The application fee for a proposed D District, or D District activity, shall be assessed based upon the current schedule of fees of the Commission in effect at the time of application. [Effective 2-1-99]

B. A performance bond shall be filed with the Commission, conforming in substance to the requirements of Section 111-202C of the Subdivision Regulations, but covering all public roads and improvements in the approved section of the design district to be dedicated to and maintained by the town. Where considered appropriate, in the judgment of the Commission, such bond shall be sufficient in amount to cover work required by the conditions of the special exception on any private roads and improvements, including landscaping and open space development.

**Section 117-907. Approvals and execution.**

A. A change of zone to a design district shall not become effective until the required special exception shall have been approved by the Commission and a linen plot plan and two (2) blue line prints, showing the location of all proposed and existing buildings and bearing the seal of a registered land surveyor, are filed by the applicant.

B. The appropriate plans as determined by the Commission, and covenants and agreements, shall be filed in the office of the Town Clerk. Engineering plans shall be filed with the Town Engineer, including as-built plans for underground utilities.

C. No building or construction permits shall be issued except in strict conformance with the plans and conditions approved for the special exception.

D. No permanent certificate of zoning compliance shall be issued for any habitable building in a design district until all roads, parking areas, utilities and improvements and facilities that serve such building shall have been completed, except that where weather conditions may temporarily delay completion of required landscaping and open space work, and where a cash bond (savings passbook, properly endorsed) sufficient in amount is posted to assure the town the right to complete such work after due notice, then a provisional certificate of zoning compliance may be issued, provided all other requirements are met. [Effective 7-1-77]

E. [Effective 7-1-77] Compliance with all of the requirements of a special exception during construction and thereafter is a condition of lawful use, and any deviations therefrom shall be considered violations of these regulations and subject to penalties provided by law.

(1) Noncompliance with the requirements of an approved site plan of development during construction shall be sufficient cause for the Building Inspector and Commission, among other remedies, to withhold additional provisional and/or permanent certificates of zoning compliance until such noncompliance is corrected. [Effective 7-1-77]

## **Section 117-908. Architectural Review Committee; Review and Report.**

### **A. New Construction**

Construction or structural improvement, and site to be made in a Design District shall be submitted for review and issuance of a non-binding advisory report of the Architectural Review Committee.

Such report shall be submitted prior to hearing or consideration of an application by the Planning and Zoning Commission.

Should an application be submitted without the report, the hearing of the application shall not be scheduled until it is received by the Commission or until the statutory deadline for such application is set to expire, unless such requirement is waived by a 2/3 vote of the Commission seated, and its reasons for waiver stated on the record.

### **B. Existing Structure(s) and/or Improvements**

Construction, structural improvement, renovations or repairs, and site improvements (as specified in Article XXXI), any of which will alter the exterior or outward appearance, to be made in a Design District shall be submitted for review and issuance of a non-binding advisory report of the Architectural Review Committee.

Should such work not be the subject of a formal application to the Planning and Zoning Commission the report shall be submitted to the officer certifying the application for zoning compliance for such work.

## **ARTICLE X Design Residence District DR [Effective 6-15-74; Revised to 4-20-03]**

### **Section 117-1000. Application of provisions.**

The general requirements of Article IX, Design Districts, shall apply to a DR District, together with the following specific requirements:

- A. A DR District shall be established only in an area where the uses meet the conditions for a special exception, as provided in Section 117-1801A of these regulations, and, in addition, will:
- (1) Have no significant detrimental impact on the environment.
  - (2) Have a water supply provided by the utility franchised to serve the area.
  - (3) Be capable of providing safe, sanitary sewage disposal by means of a treatment plant or subsurface sewage disposal system or systems, either of which methods shall be approved by State and Local Authorities [Effective 11-15-80].
  - (4) Be so located that they can be served by present or projected community facilities without undue cost to the town.

### **Section 117-1001. General requirements.**

- A. For the purpose of providing a balance in the distribution of housing types, the number of dwelling units contained in buildings in DR Districts designed for more than one (1) family shall not at any point in time exceed ten percent (10%) of the number of single-family dwellings as listed on the current GRAND LIST OF THE TOWN OF MONROE as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe, but this shall in no way limit the number of single-family dwellings approved by the Commission in a DR District, provided all other requirements of the zoning, subdivision and other applicable regulations are met.
- B. In a DR District, the property shall be suitable for the long-term disposal of sanitary waste effluent without danger to public health by an environmentally suitable and legally acceptable method.
- C. No habitable building in a DR District shall be occupied nor shall a permanent certificate of zoning compliance therefor be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal. [Effective 7-1-77]

- D. Where community facilities are not available or are difficult to provide for a DR District, the Commission may reject an application unless and until there is assurance that such community facilities will be provided.
- E. At the time of application for an approval, the applicant should designate whether or not any dwelling unit will be held in condominium ownership under the State Unit Ownership Act. (5)

**Section 117-1002. Permitted uses.**

The following uses are permitted only as a special exception:

- A. Single-family dwellings, and multifamily buildings containing no more than six dwelling units in one (1) building.
- B. Recreational uses, whether or not operated for profit, including golf, swimming, tennis, horseback riding, ice skating, playgrounds and playfields and other uses the Commission shall find to be similar as to their impact on the neighborhood and the community, such as:
  - (1) A country club or a clubhouse facility accessory to a recreational use.
  - (2) The sale of food at tables or a snack bar, and the sale of alcoholic beverages for consumption on the premises only in a country club or a golf club.
  - (3) Maintenance, storage and utility. buildings and garages as accessory to or required by a permitted use.
- C. Conservation and open spaces.
- D. Signs, as provided in Article XX and, for all uses, as limited by the sign requirements applicable to residential and farming districts.
- E. Uses incidental to and customarily accessory to the principal uses, provided such accessory uses are for the benefit of the tenants, residents or guests living within the DR District.

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(4) Editor's Note: Original Section 9.10.2 (amended 12-1-74), which allowed the Commission to modify the provisions of the Article to permit housing for the elderly, was repealed effective 5-10-77. See Art. XIV, Design Elderly Residence District DER,

(5) Editor's Note: See Ch. 825, Sec. 47-67 et seq., of the General Statutes of Connecticut, Revised to 1072.

**Section 117-1003. Density and dimensional requirements.**

- A. Density. Subject to the provisions of Section 117-1001 above, the total number of dwelling units permitted within a DR District shall not exceed:
- (1) Attached single-family units - two and five-tenths units per gross acre of the parcel, computed by multiplying the parcel gross acreage by two and five-tenths (2.5); or,
  - (2) Detached single-family units - one unit per gross acre of the parcel, computed by multiplying the parcel gross acreage by one (1.0). [Effective 4-20-86]
- B. Minimum parcel size. Minimum parcel size shall be seventy (70) acres under one (1) ownership in one (1) continuous area, except that where divided by a public street the Commission may approve such DR District, provided that not less than thirty percent (30%) of the land on one (1) side of the street is dedicated to open space and seventy percent (70%) of the land opposite is open space.
- C. Frontage. Such parcel shall have not less than two hundred (200) feet frontage on a public highway.
- D. Yards. No building shall be constructed within one hundred (100) feet of any adjoining property lines nor within fifty (50) feet of any public highway. The land area of such yards shall have landscaped area treatment as provided in Section 117-902F. No structure, no driveways and no roadways, except where crossing a front yard for street access, and no parking areas shall be permitted in a required yard.
- E. Height. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is less. A basement shall not be considered a story.
- F. Coverage. The aggregate land area covered by all buildings and other structures shall not exceed twelve percent (12%) of the total area of the parcel.
- G. Vertical Unit Design. In a structure containing two (2) or more dwelling units, there shall be no more than one (1) dwelling unit or portion thereof located above another dwelling unit. [Effective 8-10-85]

**Section 117-1004. Minimum floor area; distribution of unit sizes.**

- A. Each single-family detached building shall have a minimum floor area conforming to Section 117-306 for Residential and Farming District C.

- B. In buildings containing more than one (1) dwelling unit: [Effective 3-5-81]
- (1) At least sixty percent (60%) of the total number of multi-family units shall be limited to one (1) bedroom, with:
    - (a) A maximum of four (4) rooms containing a minimum of nine hundred fifty (950) square feet of living area; and,
    - (b) A maximum of three (3) rooms containing a minimum of seven hundred fifty (750) square feet of living area shall be constructed for a minimum ten percent (10%) of the total number of units.
  - (2) Not more than forty percent (40%) of the total number of multi-family units shall be limited to two (2) bedrooms with a maximum of five (5) rooms containing a minimum of twelve hundred (1,200) square feet of living area.
- C. "Living floor area" shall be that area within the perimeter walls of the dwelling unit devoted to the exclusive use of the occupant and shall not include balconies, porches or other spaces outside the dwelling unit.

**Section 117-1005. Separation of units.**

- A. Not more than six (6) dwelling units shall be contained within the enclosing walls of a building, but this shall not prevent the use of a garage or carport structure from connecting two (2) buildings provided that the opposing wall has no windows. Walls with windows in a building shall not be less than twenty (20) feet from an opposing wall without windows and not less than fifty feet (50) feet from an opposing wall with windows.
- B. A garage or carport may be attached to a building wall without windows on the first floor. Where such garage or carport projects beyond the building wall or is detached, the floor area shall not be less than ten (10) feet from any building wall and shall be screened with a fifty percent solid wall or screening with the top six (6) feet above grade and the bottom not more than two (2) feet above the garage floor level.
- C. The scale of buildings shall be compatible with the scale of residential buildings in the town. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet, and the plane of rooflines shall be similarly broken.

**Section 117-1006. Open space requirements.**

- A. Not less than fifty percent (50%) of the gross area of the parcel shall be designated as and shall remain in open space, and such area may be developed only for open space and recreational uses. No less than fourteen

percent (14%) of such open space land [seven percent (7%) of gross parcel area] shall be suitable for passive recreation, park or playground areas, shall be located where approved by the Commission in accordance with its policy and criteria for the location of open space, shall be dedicated to recreation and open space and shall be deeded to the town.

- B. Open space may be retained in private ownership for the public good by an organization, such as a land trust or Audubon society, provided there is proper assurance that the land will remain as open space.
- (1) Open space may be retained in private ownership, provided an organization is formed prior to the sale or leasing of any land in the DR District, consisting of all the landowners therein, each having an undivided interest in and responsibility for the costs of maintenance of all such private open space land.
  - (2) In the case of private open space land developed with recreation facilities, including a golf, swimming or tennis club, the corporation owning such land shall make available to all residents of the DR District such recreational facilities, subject, as applicable, to payment of normal fees or charges by persons using such facilities.
  - (3) No privately owned open space in a DR District shall be sold or the ownership thereof transferred until after the Town of Monroe has been given the right to purchase such land and any facilities thereon.
  - (4) No special exception approval shall be granted until private open space disposition has been documented in a form satisfactory to the Town Attorney and has been approved by the Commission and filed in the land records of the Town of Monroe.
  - (5) Any recreational open space or passive open space shall be permanently dedicated to such use by appropriate covenants and restrictions so as to prohibit the use thereof for any other purpose whatsoever in perpetuity. [Effective 3-20-81]

**Section 117-1007. Off-street parking.**

- A. Notwithstanding the provisions of Article XXIV of these regulations, parking spaces for not less than two (2) cars per dwelling unit shall he provided off the public streets; at least fifty percent (50%) of such spaces shall be in a garage or in a garage within a residential building.

Parking of motor vehicles outdoors shall be limited to operable registered passenger vehicles only, but this shall not limit the parking of other vehicles of residents in a roofed building or structure having solid walls and a garage door. No parking spaces shall be located in a required front yard facing a public street, and all parking spaces visible from a public street shall be landscaped. Parking areas and access driveways or roadways shall be not less than twenty (20) feet from a principal building, except as provided in Section 117-1006A. Parking areas containing more than forty (40) car spaces shall have two (2) access driveways. Parking areas shall have a permanent all-weather surface and shall be properly drained.

- B. Not more than twenty (20) dwelling units nor more than forty (40) off-street parking spaces will be permitted off a permanent public dead-end street or on a private dead-end street or driveway on the lot.
- C. Not more than ten (10) continuous spaces shall be built along an access driveway or parking lot without separating by a landscaped area, and access driveways shall have suitable two-inch-caliper shade trees planted along the driveways and parking areas at a ratio of not more than ten (10) cars per tree.

**Section 117-1008. Utilities and improvements.**

- A. Water from a public utility source shall be installed, without cost to the town, to serve all buildings requiring same in a DR District, in conformance with the rules and regulations of the utilities having jurisdiction.
- B. Sewerage system.
  - (1) All buildings shall be served by an environmentally suitable sanitary waste treatment and disposal system that conforms to all applicable requirements of local, state and federal law. The sanitary waste treatment and disposal system must be approved for construction by all relevant state and local authorities prior to the issuance of the written zoning certification needed for a building permit. All necessary permits for the discharge of wastewater must be obtained and presented to the Commission or its authorized agent before the final zoning certification will be issued for a certificate of occupancy.
  - (2) Statement of ownership. A statement of ownership of the sewerage system and treatment plant shall be filed in the office of the Town Clerk, Monroe, and the office of the Town Planning and Zoning Commission, and the Town of Monroe Water Pollution Control Authority. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.
  - (3) The system shall be operated at the expense of the owners of said system. This includes all costs of material, engineering, consultants, labor (full salaries, including all fringe benefits) and any other associated costs. All costs are the sole expense of the owner and none shall be the obligation of the town.



C. Open space.

- (1) A site improvement plan shall be prepared for all public and private open space. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.
- (2) Land to be used as public or private open space shall be left in condition for the purpose intended. Wooded and brook areas shall be left natural, where appropriate. All debris and solid waste shall be removed.

D. Sidewalks shall be provided, as required by the Commission, to assure safe pedestrian travel between buildings and from buildings to recreational or community facilities or to bus stops.

E. Trash; garbage. Collection and removal.

Trash and garbage collection points shall be provided throughout the site in locations and enclosures approved by the Commission and shall be shown on the site plan of development. Collection points shall be regularly maintained and kept free of all loose and/ or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health. Maintenance and removal of trash and garbage shall be the sole responsibility of the owners or their designated representative, however, in no case shall removal by a refuse collector, duly licensed, take place on a frequency of less than once a week. Methods of collection and removal shall be subject to regular inspection by the Health Department of the Town of Monroe. [Effective 7-25-81]

**Section 117-1009. Statement of satisfactory completion.**

Upon completion of all construction, i.e., sanitary sewer systems, storm drainage, roads, parking buildings, recreational facilities, the owner/developer shall provide the Town Planning and Zoning Commission, and the Public Works Department with the following:

- A. Reproducible mylars of "As-Built" plans of all improvements in a form satisfactory to the Town Planner.
- B. Copies of all documentation issued by or submitted to any and all governmental agencies and officials in connection with the review or approval of the sanitary waste treatment and disposal system, including but not limited to "As-Built" plans, certifications of qualified professional engineer(s) licensed to practice in the State of Connecticut, and permits.

**Section 117-1010. Approval and execution.**

- A. In order to ensure the orderly development by staging construction of a DR District over a period not to exceed five (5) years, the Commission may limit the number of building permits issued in one (1) year to not over one-third (1/3) of the total number of bedrooms allowed in the overall special exception permit.
  
- B. The Commission's approval of a proposed DR District shall be treated solely as an approval of the concept shown on the site plan submitted with the application. The approval shall not be deemed to authorize the construction of any improvements shown on the site plan. Neither the Commission nor its authorized agent shall issue the written certification necessary for the issuance of a building permit until the applicant has submitted adequate documentation that the proposed sanitary waste treatment and disposal system, water supply and other utilities have been approved by all governmental agencies or authorities having jurisdiction thereof.

[Effective 4-20-03]

## **ARTICLE XI Design Business Districts DB [Effective 7-31-73]**

### **Section 117-1100. Application of provisions.**

The general requirements of Article IX, Design Districts, shall apply to a DB District, together with the following specific requirements:

A. A DB District shall be established and/or a DB use shall be permitted only in an area where the uses meet the conditions for a special exception permit, as provided in Sections 117-1801 and 117-1802 of these regulations. Special exception permits must be obtained for all Class A uses. Special exception permits must be obtained for all changes in use between classes, but shall not be required for changes of use of the same class. Any new building to be constructed or any building not formerly a business shall be required to obtain a special exception permit for business use prior to its use. In addition the use will:

- (1) Have no significant detrimental impact on the environment.
- (2) Be capable of safe, sanitary sewage disposal in conformance with local and state health regulations.
- (3) Be consistent with the orderly development of the town and with the town plan of development.
- (4) Be necessary for the welfare and convenience of the towns-people and provide for the growth of appropriate business and retail establishments in the town.
- (5) Be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.

### **Section 117-1101. Permitted uses in DB1 District.**

A. In a DB1 District, no building shall be constructed hereafter, nor shall the floor area of an existing building be increased by more than ten percent (10%) of its area on the effective date of these regulations, nor shall the use of land be changed, except for one (1) or more of the following uses:

- (1) Any residential use lawfully existing on the effective date of these regulations, but expressly prohibiting alterations or enlargements that will provide a greater number of dwelling units (Class B).
- (2) Any nonresidential use lawfully existing on the effective date of these regulations, including (Class C); houses of worship and related

schools on the same premises; governmental buildings, but excluding correctional institutions, or those for the mentally ill or insane; utility buildings with no outdoor storage yards.

(3) Hospitals and similar institutions (See Article XXVII) (Class D).

(4) Retail stores and services including business, professional and financial offices and services, health and fitness spas or clubs, mortuaries, pet shops, automotive part stores; but specifically excluding the following: massage parlors, automotive dealerships, gasoline service stations, sale or dispensing of gasoline or motor fuels (Class E). Medical and dental offices and services, laundries and dry-cleaning establishments, and similar uses determined to be high water users (Class K).

(5) Restaurants and diners only where customers are seated at tables or counters and where seventy-five percent (75%) of the seats are within an enclosed building. Such food service may include catering and takeout service, but shall not include a take-out or drive-up window, or opening to the outdoors (Class F).

(6) The sale of beer under a grocery store beer permit, as defined by the Connecticut State Liquor Control Commission (Class E).

(7) Printing, publishing and graphic arts establishments (Class E).

(8) Hotels, motels, including restaurants as limited in these regulations (Class H).

(9) Bowling alleys, with facilities for billiards only as an accessory use (Class G). Subject to the securing of a special exception permit, the sale of alcoholic beverages for consumption on the premises under a bowling alley permit as defined by the Connecticut State Liquor Control Commission. A service bar is permitted; a customer bar is specifically prohibited. [Effective 10-5-78]

(10) The sale of alcoholic beverages for consumption on the premises under a restaurant permit, as defined by the Connecticut State Liquor Control Commission at a bona fide restaurant. A cocktail lounge is permitted only as an accessory use to a restaurant; shall occupy a space separated from the dining room area; may have a capacity not to exceed forty percent (40%) of normal dining room seating capacity, and a standup bar with or without stools, and shall not exceed one (1) linear foot of length for each seat provided in the cocktail lounge area. Live entertainment, including customer dancing, is permitted (Class A).

(11) The sale of alcoholic beverages for consumption on the premises in a bona fide club under a club permit as limited for restaurants in Subsection A(10) above (Class A).

(12) The sale of alcoholic beverages under a drugstore permit, provided a drugstore permit is located not less than one thousand five hundred (1,500) feet along a public street from any other drugstore permit (Class A). [Effective 2-11-79]

(13) Indoor theater for stage or movie presentation (Class G).

(14) Any use similar to the specific uses listed in this section in the type of establishment, goods or services offered, traffic generated, extent of outdoor or open storage of materials, goods or equipment and the effects on the neighborhood, but specifically excluding structures, or premises for the purpose of rental or sale of area for storage of goods, possessions or similar not associated with a bonafide DB use. The provision of commercial storage area for public use is prohibited. (Class Y).

(15) Accessory uses customary and incidental to a permitted use when located on the same premises.

a. Accessory uses may include mechanical and/or electronic amusement devices not to exceed two (2) per premises and located in such a manner so that their installation and/or use shall not constitute a hazard to public safety. [Effective 6-15-93]

b. Accessory uses may include seasonal or special sales events provided that they occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of nine (9) consecutive calendar days. Such sales events are characterized as "sidewalk sales," "Christmas Tree sales," "holiday plant sales," "grand opening sales," "tent sales," and similar.

Such accessory uses may be conducted provided that:

i. It is conducted by the owner(s) of the principal use(s) or business(s) on the premises;

ii. It is conducted on the premises on which the principal use(s) or business(s) are located;

iii. It is conducted during normal and reasonable business hours;

iv. The accessory use may use the streetyard area but shall in no way encroach on any other yard requirement or on any road right-of-way; and,

v. The accessory use and/or any temporary shelter or display fixtures shall be placed in such a manner as to not obstruct any

vehicular line of sight or traffic control, any vehicular or pedestrian access or egress, or any parking or loading space required by these regulations.

The use shall be subject to review and direction of the zoning enforcement officer to assure that the aforesaid provisions are met.

(16) Indoor Miniature Golf; Billiards. Facilities for billiards in conjunction with indoor miniature golf are specifically prohibited.

B. Any use not listed in Subsection A is prohibited in DB1 Districts. The manufacturing, processing or assembly of goods and materials except when clearly incidental and accessory to a permitted principal retail use on the premises, is prohibited.

#### **Section 117-1102. Permitted uses in DB2 District.**

A. The following uses are permitted in a DB2 District:

(1) Any uses permitted in DB1 District, as provided in Section 117-1101 (As classed).

(2) Automobile service stations (Class I) with repairer's license subject to prior approval of location by the Zoning Board of Appeals as prescribed by Connecticut General Statute. No vehicles may be stored outside with the exception of, one general service vehicle, and a number specified in the approval of the ZBA but not to exceed seven (7) customer vehicles scheduled for repair or service. An automotive body shop is not permitted.

(a) No inoperable or unregistered vehicles may be stored or parked for any period except in an area designated by the Commission subject to appropriate screening or buffer. A maximum number of such vehicles shall be specified by the Commission.

(b) Car washes or similar establishments are expressly prohibited as either a primary or accessory use.

(c) Gasoline and motor fuels may be sold or dispensed only at a location solely designed and approved for the servicing of motor vehicles and shall in no case be sold or dispensed in association with any dissimilar retail establishment except as provided in subsection (d) hereafter. Self service or attendant service is permitted.

(d) Gasoline and motor fuels may be sold or dispensed by self service or attendant service at a location designed for such in

association with a “convenience store” or service kiosk designed as a companion to such sale. Goods sold at a “convenience store” are differentiated from a full service retailer as they are limited to prepackaged convenient foods and candies, beverages, prepared coffees and teas, newspapers and periodicals and minor automotive supplies. No food cooking or preparation shall be permitted; no other automotive service of any kind shall be permitted. Canopies are permitted.

(e) Attendant service shall be provided for the handicapped at all outlet locations for self service and full service pump islands between the hours of 6 a.m. and 8 p.m.

(3) Food establishment offering take-out service thru a drive-up window or carhop service for eating on or off the premises, but expressly excluding the sale of beer and alcoholic beverages (Class F).

(4) Boat and trailer sales and service, automobile salesrooms automobile service and repair garages (subject to Zoning Board of Appeals hearing) subject to the following conditions and restrictions (Class 1):

(a) All automobile, boat and trailer repair work, with the exception of emergency work, shall be conducted wholly within a building.

(b) Automobiles, boats and/or trailers shall not be stored or displayed outside a building.

(c) No entrance or driveway to any building within which such a use is conducted shall have less than twenty (20) feet of clear width at any point.

(d) No entrance or driveway to any premises on which any such use is conducted shall be situated within a radius of two hundred (200) feet from a lot used or reserved to be used for a college or school, a hospital, public playground or park, a church or public library, provided that no such use shall be deemed to be nonconforming by reason of the subsequent erection or development of any such college, school, hospital, playground, park, church or library.

(e) No such use shall be located within one thousand five hundred (1,500) feet of any other such use.

(5) Storage warehouse, lumber and building materials supply business, feed and grain business, contractors’ and building trades’ establishments and fuel oil and gas depot and tanks (Class I).

(6) Veterinary hospitals, boarding and sale of animals and birds (Class E).

(7) A carousel, roller coaster, merry-go-round or similar mechanical rides and similar amusement devices when conducted temporarily for a charitable, religious or educational benefit or conducted temporarily by local organizations for public nonprofit purposes. (Class J).

(8) Commercial recreational or club recreational facilities restricted to golf courses and clubs, outdoor golf driving ranges and/or outdoor miniature golf, tennis courts or clubs, racquetball courts or clubs, health and fitness spas or clubs, swimming or ice facilities. (Class G).

(9) Any use similar to the specific uses permitted in this section in the type of establishment, goods and services offered, traffic generated, extent of outdoor or open storage of materials, goods or equipment and the effects on the neighborhood (Class Y).

(10) The sale of alcoholic beverages under a package store permit provided a package store permit is located not less than one thousand five hundred (1,500) feet along a public street from any other package store permit (Class A). [Effective 2-11-79]

(11) Amusement centers and/or arcades subject to the provisions of Article VIII (Class L). [Effective 6-15-83]

(12) Public Utility Service Center [Effective 7-26-12]

- a) This regulation permits a State of CT Licensed Public Utility Operations Center for electrical transmission.
- b) The following uses may be conducted as part of this use: general office use, customer service, maintenance of utility service operations, vehicle maintenance, and accessory uses as contained in this regulation.
- c) The use must be located on a property with a minimum acreage of 30 acres under one ownership.
- d) Such use shall be maintained a minimum of 100 feet from residentially-zoned property
- e) Outside storage of materials for utility service is permitted, only as approved by the Planning and Zoning Commission, and for active storage only within designated areas. Equipment, vehicles, and materials stored on site shall be screened from public roads and residential properties to the satisfaction of the Planning and Zoning Commission, and there shall be no refuse visible on site.
- f) Outdoor parking of utility company service vehicles is allowed, providing they are registered and operable and located within mapped areas approved by the Planning and Zoning Commission.



- g) There shall be no transformers or hazardous materials stored on site.

B. Any use not listed in Subsection A is prohibited in DB2 Districts. The manufacturing, processing or assembling of goods and materials, except when clearly incidental and accessory to a permitted principal retail use on the premises, is prohibited.

**Section 117-1103. Dimensional requirements. [Effective 6-30-80]**

Except for hospitals and similar institutions (see Article XXVII), which are subject to the dimensional requirements of Section 117-301F, and subject to the provisions of Section 117-1106 applicable to uses and structures within the area of the minimum street yard, no lot shall be used and no building shall be constructed or altered for use for business purposes except in conformance with the following schedule; provided, however, that the Commission may modify lot area, frontage, minimum square and yard requirements where applied to a lot under separate ownership of record on the effective date of these regulations, so long as there is adequate provision for sewage disposal and water supply and so long as access to public streets will not create traffic hazard.

**Schedule of Dimensional Requirements**

<u>Lot Requirements</u>	<u>DB1, DB2</u>
Minimum lot area	1 acre
Minimum lot frontage	125 feet
Minimum square*	125 x 125 feet
Minimum street yard	50 feet
Minimum yard	
:At residential or farm zone boundary	30 feet
At easement or right-of-way	30 feet
All other	20 feet
Maximum height	2 ½ stories/35 feet
Building coverage	25%
Minimum floor area (Effective 3-14-75]	1,400 square feet

Note: Each lot shall be of such shape that a square one hundred twenty-five (125) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

**Section 117-1104. Landscaping.**

Landscaping shall be required as follows:

- A. All street yards for a depth of twenty (20) feet shall be landscaped area, as provided in Section 117-902F, except for driveways giving access to the street.
- B. All required yards abutting a residential and farming district shall be a landscaped buffer, as provided in Section 117-902G.
- C. All land not covered by buildings, structures, roads and driveways, walks or off-street parking and loading areas, and all land not required for landscaped buffers, shall be landscaped areas, as provided in Section 117-902F.
- D. Hedge planting shall be provided between parking and street.
- E. Trees in parking areas shall be provided as required by the Commission.

**Section 117-1105. Parking and loading.**

A. Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Section 117-2402.

B. No parking areas or internal driveway shall be located less than twenty (20) feet from a public street nor within thirty (30) feet of a residence district

**Section 117-1106. Uses within minimum street yards. [Effective 6-30-80]**

The following uses shall be permitted within the minimum street yard established in Section 117-1103 subject to all of the requirements set forth in these regulations applicable to uses and structures in a DB district:

A. Canopies over pump islands and adjacent areas utilized to fuel vehicles at gasoline service stations.

## **ARTICLE XII Design Industrial District DI [Effective 3-15-74 and 7-25-81]**

### **Section 117-1200. Application of provisions; general requirements.**

The regulations in this Article shall apply to Design Industrial No. 1 (DI1), Design Industrial No. 2 (DI2) and Design Industrial No. 3 (DI3) Districts. The general requirements of Article IX, Design Districts, shall apply to DI1, DI2 and DI3 Districts, together with the following specific requirements:

- A. A DI District shall be established and/or a DI use shall be permitted only in an area where the uses meet the conditions for a special exception, as provided in Section 117-1801A of these regulations, and, in addition, will:
  - (1) Have no significant detrimental impact on the environment.
  - (2) Have the capacity to provide for the on site handling, disposal and/or storage in a safe, sanitary and harmless manner as prescribed by all applicable state, federal or local laws, rules or regulations, of sewage, solid or liquid waste, toxic or hazardous substances, or any chemicals or by-products produced, kept, made, generated or used or to be used on the premises. In the event such sewage, solid or liquid waste, toxic or hazardous substances and materials or such chemicals and by-products as aforesaid are not to be handled, stored or disposed of on site, the manner of such handling, disposal and/or storage shall be reported including proof of compliance with all applicable state, federal and local laws, rules and regulations. [Effective 5-1-92]
  - (3) Must and continue to meet the performance standards of these regulations.
  - (4) Be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.
- B. In addition, the following information shall be supplied with any DI application:
  - (1) Number of shifts and anticipated number of employees per shift.
  - (2) Perspective drawings of each building showing its general configuration and appearance, together with drawings showing relative elevations of finished grades and ground floor, such elevations to indicate the height of all structures. Such drawings shall be by a description of the construction materials to be used.

- (3) Construction plans and specifications of any proposed structure. Only permanent buildings will be permitted except during the course of construction. Exterior walls shall have a fire rating to be imposed by the Fire Marshal prior to issuance of any building permit, based upon analysis of use and occupancy, construction materials and proximity to other buildings. The exterior walls shall be masonry, concrete or glass or of insulated panel construction with surfaces of protected metal or other equally weather-resistant and durable materials.

**Section 117-1201. Performance standards. [Effective 7-25-81]**

The following standards shall be considered minimal and shall apply to all uses of land, buildings and accessory uses on any premises within the DI1, DI2 and DI3 Districts and shall apply continuously, and failure to conform to any standard herein listed shall be construed to be a violation of these regulations and subject to the penalties provided by law:

**A. Noise.**

- (1) The control of noise pollution is to protect residential areas surrounding an industrial zone, as well as to protect adjoining industrial users within an industrial zone, and shall be so construed. During the hours between 7:00 a.m. and 10:00 p.m., at no point on a zone boundary between a residential zone and a DI1, DI2 or DI3 zone shall the radiating sound level, measured in decibels, from any operation exceed the decibel level in Column A below. During the hours between 7:00 a.m. and 10:00 p.m., at no point less than two hundred fifty (250) feet from any other zone boundary or less than two hundred fifty (250) feet from any property line within an industrial zone shall the radiating sound level from any operation exceed the decibel level in Column B below: (Effective 7-25-81]

Octave Band (cycles per second)	Maximum Permitted Sound Level (decibels)	
	Column A	Column B
0 - 75	68	74
75 - 150	55	62
150 - 300	48	56
300 - 600	44	51
600 - 1,200	40	45
1,200 - 2,400	36	40
2,400 - 4,800	32	36
Over 4,800	30	33

(2) In the event of any conflict during tests for noise level between Columns A and B, Column A shall have precedence.

(3) The above sound levels in both columns shall be reduced by five decibels for night operation between the hours of 10:00 p.m. and 7:00 a.m. and for noise of impulsive character, such as hammering, or periodic in character, such as hum, screech or continuous tones. Sound levels shall be measured with a sound-level or decibel meter and associated octave band analyzer than conforms to current American Standards Association specifications.

B. Vibration. At no point on the boundary of any bordering residential zone shall any vibration exceed two ten-thousandths (.0002) inches to a frequency of fifteen (15) cycles per second or less when measured by a seismograph of accepted standard manufacture.

C. Air pollution. No dust, smoke or fumes shall be emitted from any operation so as to be noticeable or evident or be in violation of federal, state and local pollution regulations.

D. Glare and heat. Glare and heat from lighting or any process or operation shall not be seen or felt at the boundary of a bordering residential zone.

E. Explosion, fire or radiation hazards. At any point in the zone, any exposure to explosion, fire or radiation hazards shall be safeguarded by all means available, and such safeguards shall be subject to the approval of the state and local Fire Marshals or appropriate authority. No operation in this zone shall be the cause of radio or television interference.

F. Hazardous Wastes/ Materials. No hazardous wastes/materials shall be stored, used or generated except in accordance with all applicable state, federal and local laws, rules and regulations. All applications for uses hereunder shall include a written statement detailing and identifying all hazardous wastes/materials to be used, stored or generated on the premises including the manner of on site and/or off site disposal, handling and/or storage and including proof of compliance with all applicable state, federal and local laws, rules and regulations. Said statement shall additionally include an estimate of the quantity of each toxic or hazardous material/waste, and approximately where on the applicant's or operator's property the material/waste will be located. A copy of said statement shall be transmitted by the Commission to the Monroe Police Department, the Fire Marshal, and the Fire Department Chiefs. Such materials/wastes to be identified shall be those defined in the Environmental Protection Agency Hazardous Waste Regulations published in the May 19, 1980, Federal Register (Part 261) as amended from time to time. All storage containers for any toxic or hazardous materials/wastes shall conform to specifications of the federal Department of Transportation and Environmental Protection Agency, and

shall each contain a warning label naming the contents and that they are hazardous/ toxic. [Effective 5-1-82]

**Section 117-1202. Permitted uses.**

A. The following uses are permitted in DI Districts:

(1) Any use of the following, provided such use conforms to all of the performance standards required in Section 117-1201 above:

(a) The assembly of electrical appliances, instruments, products and devices, including the manufacture of parts.

(b) The manufacture and storage of chemical products or plastics but specifically excluding the production or processing of explosives or the manufacture of sulfuric, sulfurous, nitric, or hydrochloric acids, pesticides and herbicides, or the bulk manufacture of chemicals [Effective 5-1-82]

(c) The manufacture, compounding, assembling and treatment, including machining and sintering, of articles made principally from previously prepared materials.

(d) Plants for the processing and distribution of food products for human consumption, and for bottling or packaging beverages, pharmaceuticals and toilet preparations, perfumes and similar products.

(e) Research and experimental laboratories, provided any animals used in these processes are kept caged within buildings and are not bred, raised or kept except for scientific purposes.

(f) Corporate office buildings.

(g) Commercial bulk storage completely contained within a building; warehousing, storage and wholesale distribution supply of raw materials, work in process, finished products, building materials and supplies, subject to provision that material be stored within a building or structure and that an area equal up to 20% of the first floor square footage is permitted for outside storage in an area approved by the Commission. In the case of outside storage, all material shall be kept under permanent cover and screened from the street and adjoining properties subject to the provisions of Section 117-902. Outside storage areas shall be designated on the site development plan at part of the original use proposal. Outside storage shall not be permitted in any DI3 zone. In no case shall this section be construed to permit the use of structures or premises for the purpose of rental or sale of area for storage of goods, possessions or similar not associated with a bonafide DI commercial use.

(h) Recreational uses subject to site plan approval, including gymnastics, dance, golf, baseball softball, basketball, football, soccer, lacrosse, volleyball, mountain/rock climbing, track, running, field hockey, ice hockey, inline skating, ice skating, roller blading, weight lifting, health and fitness exercise training, tennis, aerobics, palates, yoga, wrestling and such other recreational uses as may be determined by the Commission. The Commission shall have the discretion of determining whether other unlisted recreational uses meet the intent and level of activity for inclusion. Such recreational uses may involve both indoor and outdoor playing fields. However, such recreational uses shall not include motorsports, firearms or archery.

The premises of such uses shall not be closer than 500 feet to a residential zone.

The following accessory uses may be permitted subject to site plan approval which may be combined with a site plan application for a primary recreational use, or may be submitted separately for the accessory use only:

- (i) A country club or clubhouse facility when accessory to a recreational use;
- (ii) Maintenance, storage and/or utility buildings and garages as accessory to a recreational use; and
- (iii) The sale of food and/or alcoholic beverages for consumption on the premises only, subject to special exception permit, and only when accessory a recreational use and limited to a clubhouse seating area within a permanent indoor sports facility.

(Effective January 1, 2009)

(i) The outside storage or growing of nursery products, such as trees, shrubs, and accessory products shall be permitted on parcels of 10 acres or larger in size, in accordance with all applicable local, state and federal laws for such. The parcel shall be suitably screened to the satisfaction of the Commission and §117-1204 from the street and adjacent properties. [Effective 7-10-03]

(j) Business Offices and Studios of commercial and/or non-profit radio stations but specifically excluding transmission towers except as otherwise permitted by these regulations. Ground mounted receiving/transmission equipment is permitted provided however that such equipment is located on the site no closer to the road than the front building line of the principal building and such location will be subject to site plan review and approval by the Commission. [Effective 11-1-02]

(k) Accessory uses customarily incidental to a permitted use.

[1] Outside storage of raw materials, work in process, finished products, machinery, waste materials or any other equipment or materials, including trucks used on the premises, shall be in



an area completely screened from adjacent lots or zones (except for access driveways) by shrubs and/or trees so that within five (5) years there will exist a foliage screen seventy-five-percent effective to a height of twelve (12) feet. All proposed screening shall be evaluated by the Commission to assure compliance with this requirement.

[2] Recreational facilities for employees may not be located in front yards or any yard abutting a residential zone.

[3] Child Day Care Facilities in conjunction with an approved corporate office use. [Effective 11-30-02]

- (m) Business Offices and Studios of commercial and/or non-profit radio stations but specifically excluding transmission towers except as otherwise permitted by these regulations. Ground mounted receiving/transmission equipment is permitted provided however that such equipment is located on the site no closer to the road than the front building line of the principal building and such location will be subject to site plan review and approval by the Commission. [Effective 11-1-02]

B. Permitted uses restricted solely to a D11 zone are:

- (1) Commercial vehicle terminals.
- (2) Storage of building materials or construction equipment.
- (3) Business, professional and financial offices, medical and dental offices. [Effective 10-25-76]
- (4) Club recreational facilities [Effective 12-31-76]

C. Permitted uses restricted solely to a D12 zone are:

- (1) Notwithstanding the provisions of Section 117-1202A(g) above, commercial self-storage structures for rental of space either wholly or in part subject to the following provisions:
  - (a) The use of the premises is restricted solely to the use of storage of goods or possessions, but specifically excluding any hazardous or flammable chemicals.
  - (b) The use of the premises is restricted to interior use of the structures.
  - (c) The site shall have direct access to a state highway or town commercial street meeting the minimum pavement width specified in Section 111-301C of the Subdivision Regulations.

(d) No two (2) similar uses/sites shall be located within 1500 feet on a direct line from each other.

(e) No exterior wall of any storage structure or security fencing shall be visible from any public road nor from any adjacent property at a distance of less than 200 feet from the property line. Such compliance may be achieved through the use of earthen and/or vegetative buffers; the use of fencing for same is not permitted.

(f) Exterior wall surfaces shall be finished in neutral or soft pastel colors to minimize negative visual impacts on the environment.

(g) The owner of the premises shall maintain suitable security measures to protect the integrity of the site and reasonably assure that the use of the premises is being conducted within the limits of all applicable local, state and federal laws.

(h) The owner of the premises shall at all times maintain reasonable insurance against damage, injury and liability to protect the premises and surrounding properties from casualty or loss. The owner shall annually file a certificate of insurance with the Commission, on or before the anniversary date of zoning approval.

**D. Section 117-1202. Permitted Uses (in DI District).**

Permitted uses restricted solely to DI-3 zones existing at the time of adoption of this regulation are:

- (1) Retail stores and services including sale of consumer goods, nursery or garden products, financial institutions, theaters, automotive installation services, health and fitness spas, restaurants, which may include catering and take-out, indoor and outdoor dining areas and the sale of alcoholic beverages under restaurant permit as defined by Connecticut State Liquor Control Commission.
- (2) Such uses are subject to the following specific conditions:
  - (a) Any development proposal pursuant to this DI-3 Regulation shall provide a minimum of 100,000 gross square feet of retail store and services use and no single building will exceed 50,000 gross square feet unless such building is set back at least 1,000 feet from Route 25, in which case such 50,000 gross square feet size limitation shall not apply.
  - (b) The minimum lot size shall be 20 acres; however, no lot shall exceed 80 acres. The lot shall be in existence as a

single lot at the time of application for approval of a permitted use as provided by this DI-3 Regulation. The purpose of this requirement is to ensure an integrated development.

- (c) The lot shall have at minimum 75 feet of frontage on Connecticut State Highway Route 25, and be located within 6,500 feet of a limited access highway.
- (d) The development may contain one or more buildings.
- (e) Building height shall not exceed 35 feet excluding parapets and decorative facades.
- (f) The buildings shall be set back a minimum of 300 feet from Route 25. All other setbacks, buffers, landscape requirements and all provisions of 117-1203, Dimensional Requirements; 117-1204, Landscaping; 117-1205, Parking & Loading; 117-1206, Utilities Improvements; and 117-1207, Signs, shall apply. The proposal must demonstrate that parking requirements have been met for the outdoor merchandise display areas.
- (g) There shall be a maximum 25% of building coverage.
- (h) Notwithstanding Section 117-1202(A)(1)(g), there shall be no unscreened outside storage areas. Screening shall include a minimum of a 6 foot high solid wall of brick, split face block or decorative fencing. The forgoing shall not apply to the outdoor display of garden or nursery merchandise for retail sale. However, all outdoor display of garden or nursery merchandise for retail sale must be contained within specific areas to be approved by the Commission (site specific per Special Exception Permit application via public hearing), and must be marked and controlled via permanent signage, bollards, fencing segments, landscaping, or other means to achieve obvious, safe, and aesthetically pleasing sectioned off areas.
- (i) An area for a maintenance facility shall be designated on the Site Plan and suitably screened from adjacent properties and entrance roads.
- (j) Any roof top or cooling units shall be suitably screened and baffled from adjacent properties for purposes of noise reduction.
- (k) Drive-up windows shall be limited to banks and pharmacies.

- (l) Lighting shall be provided in the parking area, access driveways and roads and on the buildings of the development subject to the following:
    - i. Lighting shall minimize upward and outward illumination, reduce glare and illumination of adjacent properties.
    - ii. All lighting fixtures including, but not limited to, parking areas, access driveways and roads, shall be "cut-off type" that does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base.
    - iii. Flood lights are prohibited.
    - iv. Maximum height of parking lot lighting and security fixtures shall not exceed 24 feet. Other lighting fixtures shall not exceed the top of the parapet or the facade.
    - v. All lights shall be turned off 2-1/2 hours after the close of business with the exception of security lights.
    - vi. All lighting shall be projected downward, uplighting of buildings and signs is not permitted.
    - viii. Any property adjacent to a residential zone shall provide that no direct unshielded light source be visible at the property line.
    - viii. Exemptions: Traditional seasonal lighting and temporary lighting used by police, fire department or emergency services are exempt from the lighting provisions of Section 117-1202(D)(2)(l).
  - (m) It is the preference of the Town and the Planning and Zoning Commission that projects incorporate green site development and building construction standards similar to those established by the United States Green Building Council, as appropriate for the site.
- (3) The following uses are specifically prohibited in the DI-3 District:
- a. Gasoline service stations, service and repair garages, and automotive, boat, recreational vehicle, truck, and similar sales. Public display of any vehicle for sale is prohibited.

"Boat" shall not include non-motorized boats up to 16 feet in length (e.g., canoes and kayaks).

- b. Arcades (amusement centers with coin- or token-operated games or any type of electronic payment for operation of games) as a principal use.
- c. Adult-oriented businesses (including, but not limited to, adult bookstores, adult theaters, and massage parlors).
- d. Mini-warehouses or self-storage facilities.
- e. Nightclubs, taverns, social clubs, and similar uses where the primary purpose of the business is the serving of alcoholic beverages.
- f. Stand-alone "fast food" restaurants, where the majority of meals are not served by waitpersons to patrons at tables. Fast food restaurants are allowed only as part of a larger complex such as a food court in a shopping center.
- g. Stand-alone "convenience" stores: quick-stop, high-turnover mini-markets.
- h. Tattoo establishments.
- i. Firearms sales, except as a minor accessory use (not to exceed 5% of the gross floor area).
- j. On-site dry-cleaning.

(4) Site Appearance Requirements:

A. General Requirements:

- i. All business, servicing, or processing, shall be conducted within completely enclosed buildings, with the following exceptions:
  - a. Off-street parking/loading.
  - b. Seasonal outdoor dining.
  - c. Display of garden or nursery merchandise for retail sale.
- ii. Areas reserved for open space or set aside to meet impervious coverage requirements shall be distributed throughout the site in such manner that the land is visible (from public streets) and/or useable (e.g., for pedestrian

circulation, outdoor entertainment and cultural events, seasonal ice skating rink, bandshell, gazebo, or arts/crafts shows).

- iii. All loading docks and receiving areas shall be designed as an integral part of the building, and shall be suitably screened from public street or residential zones.
- iv. All dumpsters shall be placed on a concrete pad, and suitably screened with trees, shrubs, fencing, or by other appropriate means.
- v. Satellite dishes shall be screened so they are not visible from public streets or adjacent residential zoned properties.

B. Facades and Exterior Walls:

- i. Building facades must include a repeating pattern of at least two of the elements listed below or of other architectural features. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet.
  - a. Color change.
  - b. Texture change.
  - c. Material module change.
  - d. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset or reveal.
- ii. Materials and Colors:
  - a. Predominant exterior building materials shall be high quality materials. These include, without limitation:
    - 1. Brick.
    - 2. Wood.
    - 3. Sandstone.
    - 4. Other native stone.
    - 5. Textured concrete masonry units.
    - 6. Glass.

- b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.
    - c. Neon tubing or similar lighting shall not be an acceptable feature for building trim or accent areas, unless approved by a two-thirds vote of the full Commission.
  - C. Shopping Cart Management:
    - i. Any retail business that uses shopping carts outside of the building shall have a cart management plan. The management plan must specify the retail operation's cart management program to prevent accumulation of carts in the parking lot. Shopping carts shall not be stored outside overnight.
  - D. Outdoor Storage, Trash Collection, and Loading Areas:
    - i. Areas for truck parking, trash collection or compaction, loading docks/doors, or other such uses shall not be visible from abutting streets or adjacent residential zoned properties.
      - ii. No part of a loading dock shall be located within 100 feet of a residential zone boundary.
      - iii. Loading docks, truck parking, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent residential zoned properties, public streets, pedestrian ways and public sidewalks.
  - E. Signage:
    - i. Additional signs for identification of individual buildings, and for warning and traffic control measures, may be allowed or required. All signs shall be located on the site development plan, and shall be described as to area, dimensions, height, materials and purpose. Such signage shall not be computed for maximum signage requirements established in these Regulations.
  - D. Site Improvements:

- i. Streets/Driveways/Parking:
  - a. Parking spaces shall meet the minimum design standards of the zoning regulations.
  - b. Aisles or driveways shall be a minimum of 24 feet wide, except that lesser widths may be provided where parking spaces are angled and driveways are one-way. All parking lot areas, driveways, and roadways shall be paved with bituminous concrete, concrete, or other suitable surface material as determined by the Commission. Final pavement for parking spaces and driveways that are to serve a particular building shall be in place prior to issuance of the first Certificate of Occupancy for that building.
  - c. Parking Lot Landscaping. At least ten percent (10%) of the interior of a parking lot containing thirty (30) or more parking spaces shall be landscaped with trees and continuously maintained. Planting along the perimeter of a parking area (including screening, landscaping or buffering) shall not be considered as part of the ten percent requirement.
  
- E. Any use not listed in the subsections A, B, C and D above is prohibited. [Effective 2-16-12]

**Section 117-1203. Dimensional Requirements. [Amended 7-1-92]**

No lot shall be used and no building shall be constructed or altered for use except in conformance with the following schedule; provided, however, that the Commission may modify lot area, frontage, minimum square, height, as determined by Section 117-1203.1 below, and yard requirements where applied to a lot under separate ownership of record on the effective date of these regulations, so long as there is adequate provision for sewage disposal and water supply and so long as access to public streets will not create a traffic hazard.

Frontages for individual lots along an internal road in an industrial park development in DI-2 and DI-3 Districts may be reduced by the Planning and Zoning Commission, upon written request with documented justification by an applicant, by an amount not to exceed twenty percent (20%) when deemed to be in the interest of the town and overall design. When considering such a request, the Commission shall take into account limitations imposed by topographic or geologic conditions, size and shape of property, effect upon integrity of overall design and impact upon future maintenance requirements of the town.



## Schedule of Dimensional Requirements

Lot Requirements	DI1	DI2	DI3
Minimum lot area	1 acre	3 acres	10 acres
Minimum lot frontage			
public road industrial park original site	100 feet	100 feet	100 feet
individual lots - public road	120 feet	200 feet	200 feet
internal road industrial park development	120 feet	200 feet	200 feet
Minimum square*	110 feet	150 feet	350 feet
Minimum street yard	50 feet	100 feet	150 feet
Minimum street yard			
lot fronting internal road industrial park development	50 feet	75 feet	120 feet
Minimum yard			
For buildings at residential zone boundary	50 feet	150 feet	200 feet
At basement or right-of-way	50 feet	50 feet	50 feet
All other	25 feet	50 feet	50 feet
Maximum height	3 stories/40 feet	3 stories/40 feet	3 stories/40 feet
Building coverage	25%	25%	25%

\*Note: Each lot shall be of such shape that the applicable square can be placed entirely within the lot lines, with one (1) side parallel to the street lot line.

### Section 117-1203.1. Height Modification for Environmentally Constrained Sites.

A. The Commission also recognizes that natural resource and environmental characteristics on certain parcels of land may substantially limit the full development or build-out potential permitted under existing zoning regulations and requirements.

B. Therefore, upon written request with documented justification by the applicant, as required by Section 117-1203.1.D, the Commission may modify height requirements pertaining to applicants with parcels of land in the DI-3 District where more than fifty percent (50%) of the total gross square footage of the parcel exhibits a combination of the following natural resource and environmental characteristics and the applicant satisfied the conservation standards set forth in Section 117-1203.1.F:

- (1) inland wetlands, as defined in Section 117-1203.1.C(1); or
- (2) watercourses, as defined in Section 117-1203.1.C(2); or
- (3) 100-year flood boundary, as defined in Section 117-1203.1.C(3); or

- (4) aquifer protection area, as defined in Section 117-1203.1.C(4); or
- (5) slopes exceeding 15 percent (15%); slopes exceeding 15% to be removed or substantially altered shall not be considered in this criteria.

C. Definitions.

For the purposes of this subsection of these regulations, the following terms are defined as follows:

(1) WETLANDS - shall include land, including submerged land, not regulated pursuant to Section 22a-28 to Section 22a-35, inclusive, of the General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey of the Soil Conservation Service of the U.S. Department of Agriculture. This area shall also include the wetland and all adjacent ground surface within a fifty (50) foot horizontal distance from the upland soil-wetland interface of said wetland. "Wetlands" shall also include those areas regulated by the U.S. Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1251, et seq. and 40 CFR 230 of the regulations which define wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

(2) WATERCOURSES - shall include rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, of perennial and/or intermittent flow, which are contained within, flow through or border upon, the Town or any portion thereof, not regulated pursuant to Section 22a-28 to Section 22a-35, inclusive, of the General Statutes, as amended.

(3) 100-YEAR FLOOD BOUNDARY - shall include Flood Zones A1-A30, including the 10-year floodway, as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Numbers 090009 005C and 090009 001013, Town of Monroe, Connecticut, Fairfield County, as amended.

(4) AQUIFER PROTECTION AREA - shall include any area consisting of well fields, as defined in Section 22a-354h(3) of the General Statutes, as amended, areas of contribution, as defined in Section 22a-354h(4) of the General Statutes, as amended, and recharge area, as defined in Section 22a-354h(5) of the General Statutes, as amended, identified on maps approved by the commissioner of environmental protection

pursuant to Section 22a-354b to Section 22a-354d, inclusive, of the General Statutes, as amended, within which land uses or activities shall be required to comply with the regulations adopted pursuant to Section 22a-354o by the municipality where the aquifer protection area is located.

#### D. Height Modification Procedures.

In order to qualify for a height modification in the DI-3 District, the applicant must present the following in writing to the Commission:

(1) Documentation that more than fifty percent (50%) of the total gross square footage of the applicant's parcel exhibits inland wetlands, as defined in Section 117-1203.1.C(1), watercourses, as defined in Section 117-1203.1.C(2), 100-year flood boundary, as defined in Section 117-1203.1.C(3), aquifer protection areas, as defined in Section 117-1203.1.C(4), and/or slopes exceeding 15 percent (15%); and

(2) A calculation of the maximum amount of the developable square footage permitted on the parcel without regard to natural resource and environmental characteristics and constraints as documented pursuant to Section 117-1203.1.D(3), below, based upon the DI-3 District dimensional requirements in Section 117-1203 and other relevant dimensional, area, bulk, and density requirements; and

(3) Documentation of the parcel's natural resource and environmental characteristics and constraints, including an explanation and documentation by a professional engineer licensed to practice in the State of Connecticut of how other local, state and federal regulatory requirements limit the maximum amount of developable square footage otherwise permitted on the parcel as calculated pursuant to Section 117-1203.1.D(2), above. The applicant shall also provide a calculation as follows:

a.  $X$  = total developable square footage of parcel, calculated pursuant to Section 117-1203.1.D(2).

b.  $Y$  = total amount of developable square footage after application of natural resource and environmental constraints, calculated pursuant to this subsection,

c.  $Z$  = total amount of square footage eligible for height modification ( $X - Y = Z$ ); and

(4) Documentation that the applicant will adhere to the conservation standards described in Section 117-1203.1.F, below; and

(5) A site plan of development as required by Section 117-901.

E. Finding by the Commission.

Upon review of the documentation submitted by the applicant to the Commission, after a public hearing held pursuant to Section 117-900.11, the Commission may modify the height requirement pursuant to Section 117-1203.1.D, above, but in no case shall the Commission allow the height requirement to exceed:

- (1) 6 stories/ 87 feet; and
- (2) 30 feet over the highest natural ground elevation above sea level on the subject parcel.

F. Conservation Standards.

(1) Adjoining residential neighborhoods shall be protected by increasing the minimum yard requirement between applicable buildings and adjacent residential zone boundaries. The Commission shall require that for each additional story/ 13.3 feet over three stories/ 40 feet granted to the applicant, pursuant to the height modification procedures described in Section 117-1203.1.D, above, the applicant must provide adjacent to the applicable building 100 feet in addition to the 200 foot "minimum yard for buildings at residential zone boundaries" as described in Section 117-1203 above.

(2) The Commission may require that the applicant place a conservation easement, with language satisfactory to the Commission, on some or all of the above defined wetlands, watercourses, 100-year floodway, and aquifer protection areas restricting future development and use of these natural resources and to ensure long term protection and preservation of these areas. The conservation easement, if required, shall be granted to the town, or to a qualified not-for-profit environmental protection or conservation organization acceptable to the Commission. Similar conservation easement or restriction requirements of the Monroe Inland Wetlands Commission or any other applicable local, state or federal commissions or agencies, may, at the discretion of the Commission, be substituted for this conservation easement.

a. Wetland and watercourse crossings to access the site for utilities and vehicular and pedestrian access will be allowed in the conservation easement, subject to approval by the Monroe Inland Wetlands Commission and any other applicable local, state and federal agency.

b. The discharge of stormwater, and the placement and maintenance of stormwater outlets and related drainage facilities will be allowed in the conservation easement, subject to approval by the Monroe Inland Wetlands Commission or any other applicable local, state or federal agency.

c. Nature and/or interpretive trails/ paths/ footbridges and interpretive signs, jogging/ walking trails/ paths/ footbridges, and fish and wildlife habitat enhancement activities or structures such as brush piles, nesting boxes or platforms and fishing piers/ platforms may be provided at the discretion of the applicant within the conservation easement, subject to approval by the Commission and any other applicable local, state and federal agency.

(3) Water quality shall be protected by using appropriate best management practices. Similar requirements of the Monroe Inland Wetlands Commission or any other commissions or agencies, may, at the discretion of the Commission, be substituted for proposed best management practices.

(4) Significant fish and wildlife habitats shall be adequately protected.

#### **Section 117-1204. Landscaping.**

Landscaping shall be required as follows:

- A. A general landscaping plan shall contain specific detail for front yards, side yards and land adjacent to zone boundaries, streets and property lines.
- B. The full depth of street yards shall be landscaped areas, as provided in Section 117-902F, except for a driveway giving access to the street.
- C. Side and rear yards abutting a residence zone boundary, for a depth of fifty (50) feet from the zone boundary line, shall be landscape buffers, as provided in Section 117-902G(2).
- D. In D11 zones, the balance of yard areas not specified above shall be landscaped areas, as provided in Section 117-902F.
- E. No required yard abutting a residence zone shall be used for recreational or other purposes.

#### **Section 117-1205. Parking and Loading.**

Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Section 117-2402.

- A. No parking areas or internal driveways shall be located less than fifty (50) feet from a public street nor less than twenty-five (25) feet from a property line nor less than fifty (50) feet from a residential zone boundary in a D11 District, nor less than one hundred fifty (150) feet from a

residential zone boundary in a DI2 District, nor less than two hundred (200) feet from a residential zone boundary in a DI3 District. Internal driveways giving access to the street may cross required buffers only in the case where residential zone lines follow the centerline of the street or parallel the centerline of the street at the streetline. Upon written request with documented justification by the applicant, including submission of an alternate landscape buffer plan, the Commission may allow surface parking areas or internal driveways to extend up to, but not more than fifty (50) feet into the required DI-3 District buffer area. If the Commission determines that the alternate landscape buffer plan, above, exceeds the landscape buffer requirements provided in Section 117-902G(2) and provides adequate protection to an adjoining residential zone, the requirements provided in Section 117-902G(2), shall not apply. [Amended 7-1-92].

B. In parking areas aggregating more than twenty (20) car spaces, there shall be provided within the parking area not less than one (1) deciduous tree of one and one-half (1½) inches caliper for each six thousand (6,000) square feet or fraction thereof of parking area.

C. Adequate loading docks and loading space shall be provided to serve the uses of a building and shall be so separated from parking areas that maneuvering trucks will not cause hazards or inhibit the free and safe movement of passenger vehicles.

#### **Section 117-1206. Utilities and improvements.**

All public improvements, including water supply, sewage disposal, roads and drainage, shall conform to local and state regulations.

A. Complete plans, profiles, engineering drawings and data on improvements, including parking areas on private property, shall conform to recognized standards and the best modern practice and shall be subject to the approval of the Town Engineer.

B. Foundation and roof drains shall be connected to the storm drainage system.

#### **Section 117-1207. Signs.**

Signs shall conform to and be limited by the provisions of Article XX hereafter.

## **ARTICLE XIII Design Recreational Residence District DRR [Effective 12-1-76]**

### **Section 117-1300. Application of provisions.**

The general requirements of Article IX, Design Districts, except as hereinafter modified, shall apply to a DRR District, together with the following specific requirements:

A. A DRR District shall be established only in an area where the uses meet the conditions for a special exception, as provided in Sections 117-1801 through 117-1803 of these regulations, and, in addition, will:

- (1) Have no significant detrimental impact on the environment.
- (2) Have a water supply provided by the utility franchised to serve the area.
- (3) Be so located that they can be served by present or projected community facilities without undue cost to the town.

B. The characteristics of the soils, based on a United States Department of Agriculture Soil Conservation Service Soil Survey, shall be suitable for the long-term disposal of sanitary waste effluent without danger to public health by the use of subsurface disposal.

### **Section 117-1301. General requirements.**

A. For the purpose of providing a balance in the distribution of housing types, the number of building lots in DRR Districts shall not at any point in time exceed ten percent (10%) of the number of single-family dwellings as listed on the current GRAND LIST OF THE TOWN OF MONROE as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe.

B. No habitable building in a DRR District shall be occupied nor shall a permanent certificate of zoning compliance therefor be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal. [Effective 7-1-77]

### **Section 117-1302. Permitted uses.**

The following uses are permitted only as a special exception:

- A. Single-family dwellings.

B. Recreational uses, whether or not operated for profit, including golf, swimming, tennis, horseback riding, ice skating, playgrounds and playfields and other uses the Commission shall find to be similar as to their impact on the neighborhood and the community, such as:

(1) A country club or a clubhouse facility accessory to a recreational use.

(2) Maintenance, storage and utility buildings and garages as accessory to or required by a permitted use.

C. Conservation and open spaces.

D. Signs, as provided in Article XX, which shall be limited by the sign requirements applicable to residential and farming districts.

E. Uses incidental to and customarily accessory to the principal use, provided such accessory uses are for the benefit of the tenants, residents or guests living within the DRR District.

F. The sale of food and alcoholic beverages for consumption on the premises only in a country club or a golf club and subject to separate application and a special exception permit.

### **Section 117-1303. Density and dimensional requirements.**

A. Density. Subject to the provisions of Section 117-1301A above, the total number of single-family building lots and/or dwelling units permitted within a DRR District shall not exceed one (1) unit per net acre of the parcel if the parcel was conventionally subdivided.

B. Minimum parcel size. Minimum parcel size shall be twenty. five (25) acres under one (1) ownership in one (1) contiguous area.

C. Frontage. Such parcel shall have not less than two hundred (200) feet of frontage on a public highway. No lot shall have less than ninety (90) feet of frontage on a public highway.

D. Lot Size. The minimum area of each individual building lot shall be three quarters (3/4) of one acre (32,670 sq. ft.) for each DRR District to be established. No more than twenty percent (20%) of the total area of the lot area may be under water, and no more than fifty percent (50%) of the total lot may consist of wetlands as defined by the governing wetland authority. [Effective 11-10-82]

E. Height. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is less. A basement shall not be considered a story.



**Section 117-1304. Minimum floor area.**

Each single-family detached building shall have a m floor area of not less than one thousand one hundred (1,100) square feet.

**Section 117-1305. Setback of units. (Effective 2-11-79)**

No building or other structure shall extend within less than thirty (30) feet of any street line, easement of access or private right-of-way; within less than twenty-five (25) feet of any RC property line; within less than thirty (30) feet of any RD or RE property line; nor within fifteen (15) feet of any other property line.

**Section 117-1306. Open space requirements.**

A. Amount required.

(1) Not less than thirty percent (30%) of the gross area of the parcel shall be designated as and shall remain in open space, and such space may be developed only for recreational uses. Such land shall be located where approved by the Commission and shall be dedicated to recreation and open space by such covenants or restrictions as may be required by the Commission.

(2) Not less than ten percent (10%) of the gross area of the parcel shall be conveyed to the Town of Monroe as open space.

B. Recreational open space or passive open space maybe retained in private ownership for the public good, provided there is proper assurance that the land will remain as open space.

(1) Open space may be retained in private ownership, provided an organization is formed prior to the sale or leasing of any land in the DRR District, consisting of all the landowners therein, each having an undivided interest in and responsibility for the costs of maintenance of all such private open space land.

(2) In the case of private open space land developed with recreation facilities, including a golf, swimming or tennis club, the corporation owning such land shall make available to all residents of the Town of Monroe such recreational facilities, subject, as applicable, to payment of normal fees or charges by persons using such facilities.

(3) No privately owned open space in a DRR District shall be sold or the ownership thereof transferred until after the Town of Monroe has been given the right to purchase such land and any facilities thereon.

(4) No special exception approval shall be granted until private open space disposition has been documented in a form satisfactory to the Commission.

(5) Any recreational open space or passive open space shall be permanently dedicated to such use by appropriate covenants and restrictions so as to prohibit the use thereof for any other purpose whatsoever in perpetuity.

#### **Section 117-1307. Utilities and improvements.**

A. Water from a public utility source shall be installed, without cost to the town, to serve all buildings requiring same in a DRR District, in conformance with the rules and regulations of the utilities having jurisdiction. A certified affidavit shall be supplied by the utility company that contractual agreement has been made to provide water.

B. A site improvement plan shall be prepared for all public and private open space. Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done, nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.

(1) Land to be used as public or private open space shall be left in condition for the purpose intended. Undesirable growth and debris shall be removed from all such areas. Wooded and brook areas shall be left natural, where appropriate. Open spaces shall be graded to properly dispose of surface water and shall be seeded in a manner directed by the Commission.

#### **Section 117-1308. Statement of satisfactory completion.**

Upon completion of all drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit to the Town Planning and Zoning Commission a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed by and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut.

**Section 117-1309. Approval and execution.**

A. In order to ensure the orderly development by staging construction of a DRR District over a period not to exceed five (5) years, the Commission may limit the number of building permits issued in one (1) year to not over one-fourth (1/4) of the total number of units allowed in the overall special exception permit.

B. The applicant shall file with the Commission its request for a special exception accompanied by a site plan of development, including the following information in lieu of the provisions of Section 117-901A:

(1) Boundary survey, Class A-2, related to the intersection of at least two (2) existing town streets or state highways, with accurate dimensions.

(2) Topography of the parcel at five-foot contours, based on United States Coast and Geodetic datum.

(3) Layout of the recreational facilities and open space to be developed on the land.

(4) Layout of the approximate boundaries of each section of the overall development, showing in schematic form the approximate number of building lots to be developed in each section.

(5) Such other information or data as the Commission may deem necessary.

C. Where deemed appropriate in the judgment of the Commission, the construction and development of a DRR site may be phased in sections. The applicant shall file with the Commission its request for each section accompanied by a site plan of development, including the information specified in Subsection B.

D. Submission of maps.

(1) After approval of a special exception by the Commission, the applicant shall thereafter submit detailed maps and plans for the subdivision of each section into individual building lots. Such maps and plans shall conform to the requirements of subdivision regulations of the Town of Monroe. All roads and subdivision improvements shall comply with said regulations.

(2) Each such section map shall conform to the approximate boundaries of the overall site plan, and the number of building lots in said section shall not vary more than five percent (5%) from the number shown on the overall site plan; provided, however, that the total number of lots as finally approved shall not exceed the total

number shown on the overall site plan. A public hearing may be required with respect to the approval of individual sections.

E. Upon approval of the subdivision of a section into individual building lots, the applicant shall file with the Commission a performance bond to guarantee the completion of all roads and subdivision improvements in said section. Said bond shall comply with the requirements of Section 117-906B.

## **ARTICLE XIV Design Elderly Residence District DER [Effective 3-20-77]**

### **Section 117-1400. Application of provisions.**

The general requirements of Article IX, Design Districts, shall apply to a DER District, together with the following specific requirements:

A. A DER District shall, be established only in an area where the uses meet the conditions for a special exception, as provided in Sections 117-1800 through 117-1803 of these regulations, and, in addition:

(1) Will have no significant detrimental impact on the environment.

(2) Will have a water supply provided by the utility franchised to serve the area, unless proof of adequate water supply is provided.

(3) Will be so located that they can be served by present or projected community facilities (i.e., retail stores, professional offices) and municipal services.

(4) Will be located no closer than 2500 feet in a direct line from an existing DER District or other district devoted primarily to elderly residences.

B. The characteristics of the soils, based on a United States Department of Agriculture Soil Conservation Service Soil Survey, shall be suitable for the long-term disposal of sanitary waste effluent without danger to public health by the use of subsurface disposal.

C. All design and construction features shall strictly adhere to the State of Connecticut Basic Building Code, particularly dealing with facilities for elderly and handicapped persons.

D. For the purpose of this regulation, "elderly occupancy" shall be a dwelling unit where one (1) or more of the occupants is fifty-five (55) years of age or older.

E. At the time of Application for Approval, the Applicant shall designate whether or not any dwelling unit will be held in condominium ownership under the Unit Ownership Act - Condominium Act of the State of Connecticut. In the event condominium ownership is to be utilized by the Applicant, no permanent Certificate of Zoning Compliance shall be issued until the Monroe Planning and Zoning Commission is in receipt of the condominium documents for the project, including the Public Offering Statement, Declaration and By-Laws, which documents shall provide provisions limiting occupancy of units to occupancy where one (1) or more occupants is fifty-five (55) years of age or older, provisions establishing a budget to insure maintenance of all private roads and all

buildings and improvements on the project and other applicable provisions insuring that all requirements of the DER District as set forth in the Zoning Regulations are adhered to by the Declarant, the Unit Owners Association and the Unit Owners. [Effective 5-1-92]

**Section 117-1401. General requirements.**

A. For the purpose of providing a balance in the distribution of housing types, the number of dwelling units contained in buildings in DER Districts designed for more than one (1) family shall not at any point in time exceed five percent (5%) of the number of single-family dwellings as listed on the current GRAND LIST OF THE TOWN OF MONROE as effective on October 1 of the current list year in the office of the Assessor of the Town of Monroe.

B. No habitable building in a DER District shall be occupied nor shall a permanent certificate of zoning compliance be issued until such building is connected to an adequate water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.

C. Where community facilities are not available or are difficult to provide for in a DER District, the Commission may reject an application unless and until there is assurance that such community facilities will be provided.

**Section 117-1402. Permitted uses.**

The following uses are permitted only as a special exception:

A. A caretaker residence and multifamily buildings containing no more than six (6) dwelling units in one (1) budding.

B. Recreational uses and facilities intended expressly for the residents of the particular DER District and their guests, and other uses the Commission shall find to be similar as to their impact on the neighborhood and the community, such as:

(1) A clubhouse or community center facility accessory to the primary use.

(2) Maintenance, storage and utility buildings and garages as accessory to or required by a permitted use.

C. Signs, as provided in Article XX and, for all uses. as limited by the sign requirements applicable to residential and farming districts.

D. Uses incidental to and customarily accessory to the principal use, provided such accessory uses are for the benefit of the residents living within the DER District.

**Section 117-1403. Density and dimensional requirements.**

A. Density. Subject to the provisions of Section 117-1401A above, the total number of dwelling units permitted within a DER District shall not exceed five (5) units per gross acre of the parcel, computed by multiplying the parcel gross acreage by five (5). In no case shall there be no more than one hundred twenty five (125) units per continuous parcel.

B. Minimum parcel size. Minimum parcel size shall be not less than ten (10) acres on one (1) contiguous area.

C. Frontage. Such parcel shall have not less than two hundred (200) feet of frontage on a public highway.

D. Yards. No structure shall be constructed within one hundred (100) feet of any adjoining property lines nor within fifty (50) feet of any public highway. The land area of such yards shall have landscaped area treatment, as provided in Section 117-902F. No structure, no driveways and no roadways, except where crossing a front yard for street access, and no parking areas shall be permitted in a required street yard. In no case shall parking be permitted within twenty-five (25) feet of any other property line.

E. Height. No structure shall exceed 2½ stories or 35 feet in height, whichever is less. A basement shall not be considered a story. [Effective 5-1-82]

F. Coverage. The aggregate land area covered by all buildings and other structures shall not exceed thirty-five percent (35%) of the total area of the parcel.

**Section 117-1404. Floor areas.**

A. A caretaker residence shall have a minimum floor area of one thousand three hundred (1,300) square feet of living area.

B. In buildings containing more than one (1) dwelling unit, there shall be provided the following:

(1) A minimum of four hundred (400) square feet and a maximum of five hundred fifty (550) square feet for single-occupancy efficiency [not more than one (1) person].

(2) A minimum of five hundred fifty (550) square feet and a maximum of nine hundred (900) square feet for double-occupancy single-bedroom [not more than two (2) persons].

(3) A minimum of seven hundred (700) square feet and a maximum of one thousand (1,000) square feet for a double or triple-occupancy two-bedroom (not more than three (3) persons).

C. At least fifty percent (50%) of any development shall consist of dwelling units having the specifications described in Subsection 1404.B (1) and (2). Any combination of dwelling units to be approved by the Commission shall be subject to the standards in Sections 1406 and 1407.

D. "Living floor area" shall be that area within the perimeter walls of the dwelling unit devoted to the exclusive use of the occupant and shall not include balconies, porches or other spaces outside the dwelling unit.

#### **Section 117-1405. Separation of units.**

A. Not more than six (6) dwelling units shall be contained within the enclosing walls of a building, but this shall not prevent the use of a garage or carport structure from connecting two (2) buildings, provided the opposing wall has no windows. Walls with windows in a building shall be not less than twenty (20) feet from an opposing wall without windows and not less than thirty-five (35) feet from an opposing wall with windows.

B. A garage or carport may be attached to a building wall without windows on the first floor. Where such garage or carport projects beyond the building wall or is detached, the floor area shall be not less than ten (10) feet from any building wall and shall be screened with a fifty-percent-solid wall or screening with the top six (6) feet above grade and the bottom not more than two (2) feet above the garage floor level.

C. The scale of buildings shall be compatible with the scale of residential buildings in the town. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet.

D. There shall be a twenty-foot clear area around each building for purpose of emergency vehicle access.

#### **Section 117-1406. Off-street parking.**

Notwithstanding the provisions of Article XXIV of these regulations, parking spaces for not less than one and five-tenths (1.5) cars per dwelling unit shall be provided off the public streets. Parking of motor vehicles outdoors shall be limited to operable registered passenger vehicles only. No parking spaces shall



be located in a required front yard facing a public street, and all parking spaces visible from a public street shall be landscaped. Parking areas and access driveways or roadways shall be not less than twenty (20) feet from a principal building, except as provided in Section 117-1405. Parking areas containing more than forty (40) car spaces shall have two (2) access driveways. Parking areas shall have a permanent all-weather surface and shall be properly drained.

#### **Section 117-1407. Utilities and improvements.**

A. If water from a public utility source shall be installed, it shall be done, without cost to the town, to serve all buildings requiring same in a DER District, in conformance with the rules and regulations of the utilities having jurisdiction.

B. Sewerage system.

(1) A sanitary sewerage system may be installed to serve all buildings requiring same in a DER District, connected to a treatment plant with tertiary treatment, as approved by state and town authorities and built to state and town specifications. All sanitary sewers and storm sewers shall be both constructed and operated separately and independently of each other. Prior to filing an application for special exception for a DER District, the governing authority of the town shall have exercised its option to either:

(a) Agree to operate the sewerage system and treatment plant to be maintained and operated for the benefit of and at the expense of the owners of said system; or

(b) Allow the sewerage system and treatment plant to be operated and maintained as a private system by the owners of said system. The town reserves the right under this option to take all corrective actions that are deemed necessary for public health, safety and welfare in case of malfunction of the system. The cost of such corrective action is to be borne by the owners of the system.

(2) Statement of ownership. A statement of ownership of the sewerage system and treatment plant shall be filed in the office of the Town Clerk, Monroe, Connecticut, and the office of the Town Planning and Zoning Commission, Monroe, Connecticut. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.

C. As an alternative to subsection B, a sanitary subsurface sewage system may be installed to serve all buildings requiring same in a DER District, provided it has received approval from the appropriate state and local authorities. [Effective 5-1-82]

D. Sidewalks shall be provided, as required by the Commission, to assure safe pedestrian travel between buildings and from buildings to recreational or community facilities or to bus stops.

**Section 117-1408. Statement of satisfactory completion.**

Upon completion of all sewerage installations, drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit to the Town Planning and Zoning Commission a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed by and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut. No permanent certificate of zoning compliance shall be issued until receipt by the Commission of said statement of satisfactory completion.

**Section 117-1409. Development time limitation.**

Notwithstanding the provisions of Section 117-1802 and 117-900C, all approved development within the DER District shall be completed and in operation or effective use within the time periods specified in the terms of the approval. If no time limit is specified in the approval, said development shall be constructed, operated and in use within twelve (12) months of the effective date of approval. The approval of said development shall become automatically null and void if the development does not comply with the aforesaid time limits; however a new application may be made to the Commission any time after the voiding of the approval. An extension of the aforesaid time limits may be granted by the Commission prior to its expiration upon written request of the applicant. [Effective 5-1-82]

## **ARTICLE XV Limited Office District - LO [Effective February 10, 1989]**

### **Section 117-1500. Application of provisions.**

The general requirements of Article IX, Designed Districts, shall apply to an LO District, together with the following specific requirements:

A. An LO District shall be established and/or an LO use shall be permitted only in an area where the uses meet the conditions for a special exception permit, as provided in Sections 117-1801 and 117-1802 of these regulations. Any new building to be constructed or any building not formerly a business shall be required to obtain a special exception permit for business use prior to its use. In addition the use will:

- (1) Have no significant detrimental impact on the environment.
- (2) Be capable of safe, sanitary sewage disposal in conformance with local and state health regulations.
- (3) Be consistent with the orderly development of the town and with the town plan of development.
- (4) Be necessary for the welfare and convenience of the townspeople and provide for the growth of appropriate business establishments in the town.
- (5) Be adequately protected from casualty by fire as may be determined by the Town Fire Marshal, subject to review by the Commission.

B. An LO District shall be established for the purpose of establishing a transitional zone between residentially zoned properties, nonresidential uses and zones, and less desirable conditions, i.e., state highways, high traffic generators, business/ industrial uses, noise and/or light generators, etc. Such zone will exist for the purpose of making the best use of land not desirable for residential use while attempting to maintain the quality of existing residential uses and zoning which may be adjacent.

### **Section 117-1501. Permitted uses in LO District.**

A. In an LO District, no building shall be constructed hereafter, nor shall the floor area of an existing building be increased, nor shall the use of land be changed, except for one or more of the following uses, with the exception that no business use shall be located on the same parcel as a residential use:

- (1) Any residential dwelling use lawfully existing on the effective date of these regulations, but expressly prohibiting alterations or enlargements that will provide a greater number of dwelling units.
- (2) Business, professional and financial offices, including banks with drive through window(s) provided that no part of the curb-cut or driveway(s) to such bank be located closer than 100 feet from any intersection of public streets. [Effective 7-31-00]
- (3) Medical and dental offices and services.
- (4) Research, development and testing laboratories and offices.
- (5) Municipal governmental buildings, uses and facilities.
- (6) Public utility facilities provided that no more than 15% of its cubic foot area (l x h x w of outside surfaces) is located above ground.
- (7) Regional or subregional corporate management or operations offices and facilities.
  - (a) Where such offices and facilities are located on lots of seven (7) acres or more, such facilities may include warehouse facilities for the wholesale distribution of the resident corporation's products, provide however that the ground floor square footage of the warehouse shall not exceed 90% of the square footage on the site.
  - (b) On sites incorporating permitted warehouse facilities no outside storage of products shall be permitted; areas used for the parking of accessory vehicles shall be screened from the street and adjoining property to the satisfaction of the Commission.
  - (c) The design of exterior facades exposed to the street shall be complimentary to and in character with uses and structures within the zone.  
[Effective 10-12-03]
- (8) A facility for providing the type of special education and related services defined in Connecticut General Statutes Sec. 10-76a and the Regulations of Connecticut State Agencies promulgated under Connecticut General Statutes Secs. 10-76a through 10-76i, provided further that: (a) in addition to providing services for children through boards of education, services may be provided to private clients directly for a fee; and (b) said services shall not include boarding or overnight housing. The facility described in this subsection (8) may include a school. No on-site food service shall be permitted. [Effective 5-1-10]

B. Any use not listed in Subsection A is prohibited in LO Districts.

**Section 117-1502. Permitted uses - Limitations.**

A. There shall be no outside evidence of activities on the premises with the exception of signs as provided in Article XX of these regulations.

B. There shall be no outside storage of any kind.

C. Site development shall be strictly limited in conformance with the schedule detailed in Section 117-1503.

D. No new residential uses shall be established.

E. If uses detailed in Section 117-1501A(1) are proposed for adaptive reuse as detailed in Section 117-1501A(2)-(4) they may be reused only in accordance with the limitations imposed by Section 117-1503.

F. Uses detailed in Section 117-1501A(1) shall not exist on the same parcel with uses detailed in Section 117-1501A(2)-(4), (7) or (8). [Effective 5-1-10]

G. All utility service(s) to site shall be provided underground without exception.

H. Necessary lighting of building and parking areas, provided that lights are so located and shielded so that light sources are not directly visible from any adjoining property or from the street, and further, provided that any such illumination does not cause glare observable within a residence district. In approving lighting, the Commission may limit the intensity of lighting and the hours of its use where determined necessary to protect adjacent property. In no case shall any site lighting be provided from any streetside utility pole.

I. There shall be no street/driveway access to LO zoned land via roads classified as local street or road per the Plan of Development.

J. Exterior construction material shall be limited to wood or decorative masonry or a combination thereof.

**Section 117-1503. Dimensional requirements.**

The provisions of Section 117-204 notwithstanding, no lot shall be used and no building shall be constructed or altered for use for business purposes except in conformance with the following schedule:

## Schedule of Dimensional Requirements

Lot Requirements	LO
Minimum lot area	1.5 acre (63,340 s.f.)
Minimum lot frontage	150 feet
Minimum square*	140 x 140 feet
Minimum street yard - front	50 feet
Minimum street yard - side (corner lot)	40 feet
Minimum right-of-way reserve**	15 feet
Minimum yards	
At residential zone boundary	50 feet
At easement or right-of-way	40 feet
All other	30 feet
Maximum height	2 stories/30 feet
Building coverage	20%
Minimum floor area - new construction	2,400 square feet

\*Each lot shall be of such shape that a square one hundred forty (140) feet on each side can be placed entirely within the lot lines, with one (1) side parallel to and on the lot side of the street lot line.

\*\* A minimum of fifteen (15) feet is reserved for expansion of the road right-of-way for future conveyance, as may be required, to the controlling agency in case of need for road widening or related improvements. This area may not be included within the street yard requirement. Should this area be used for right-of-way expansion, the reserve requirement shall not be deemed to have become nonconforming by such use.

### Section 117-1504. Landscaping.

Landscaping shall be required as follows:

- A. All street yards for a depth of twenty (20) feet shall be landscaped area, as provided in Section 117-902F, except for driveways giving access to the street.
- B. All required yards abutting a residential district shall be a landscaped buffer, as provided in Section 117-902G(2).
- C. All land not covered by buildings, structures, roads and driveways, walks or off-street parking and loading areas, and all land not required for landscaped buffers, shall be landscaped areas, as provided in Section 117-902F.

D. Ornamental landscaping of a type and style which does not impede vehicular or pedestrian sight lines shall be provided between parking and street.

E. Trees in parking areas shall be provided as required by the Commission.

**Section 117-1505. Parking and loading.**

A. Parking and loading areas shall be provided off the public streets for all vehicles using the premises and shall contain not less than the minimum space requirements of Section 117-2402.

B. No parking areas or internal driveway shall be located less than twenty (20) feet from a public street nor within forty (40) feet of a residence district.

C. Trash and garbage collection points shall be provided throughout the site in locations and enclosures approved by the Commission and shall be shown on the site plan of development. Said enclosures shall be suitably screened or enclosed.

## **ARTICLE XVI Design Housing Opportunity District DHO** **[Effective 8-01-02]**

### **Section 117-1600 Purposes**

The purposes of the Design Housing Opportunity District DHO are:

- A. To comply with those portions of the Town's Plan of Conservation and Development that encourage on a long-term basis diverse housing patterns, including "starter" homes and other affordable housing.
- B. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community.
- C. To assist the Town in complying with the State Zoning Enabling Act, Conn. Gen. Stat. §8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.
- D. To efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes, and prices.

### **Section 117-1601 Application of provisions**

The general requirements of Article IX, Design Districts, except for those provisions requiring a special exception, shall apply to a DHO District. In addition, a DHO District shall be established only in an area that has a water supply provided by the utility franchised to serve the area; and is capable of providing safe, sanitary sewage disposal by means of a treatment plant or subsurface sewage disposal system or systems, either of which methods shall be approved by State and Local Authorities.

### **Section 117-1602 General requirement**

No habitable building in a DHO District shall be occupied nor shall a permanent certificate of zoning compliance therefor be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.



## Section 117-1603 Definitions

DESIGN HOUSING OPPORTUNITY DEVELOPMENT ("DHO Development") - A proposed housing development in which, for at least thirty (30) years after the initial occupancy of units within the proposed development, (1) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in Conn. Gen. Stat. §8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than ten percent (10%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

DESIGN HOUSING OPPORTUNITY UNIT ("DHO Unit") - Housing for which persons and families are presumed to pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%) as applicable, of the lesser of area median income for the Town of Monroe or the statewide median income, as determined by the U.S. Department of Housing and Urban Development.

EXCLUSIVE USE AREA - Area surrounding each dwelling unit that shall be treated as a limited common element under the Connecticut Common Interest Ownership Act, Conn. Gen. Stat. §47-200 et seq.

OPEN SPACE - Areas outside subdivided lots or exclusive use areas that are suitable for active or passive recreational uses or landscaping buffers; or other undeveloped areas.

## Section 117-1604 Permitted uses

The following uses are permitted in a DHO District:

- A. Single-family detached dwellings, either on common interest ownership property with exclusive use areas serving such dwellings, or on subdivided lots.
- B. Recreational uses, including community buildings, clubhouses, swimming pools, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds, and picnic areas.
- C. Home occupations and professional offices in residences as permitted by §117-301G of the Zoning Regulations.
- D. Conservation and open spaces.

- E. Signs, as provided in Article XX and, for all uses, as limited by the sign requirements applicable to residential and farming districts.
- F. Uses incidental to and customarily accessory to the principal uses, provided such accessory uses are for the benefit of the tenants, residents or guests living within the DHO District.

#### **Section 117-1605 Density and dimensional requirements**

- A. Density. The total number of dwelling units permitted in a DHO District shall not exceed 1.5 units per gross acre of the parcel.
- B. Minimum parcel size. The minimum size of a parcel to be rezoned and developed as a DHO District shall be not less than twenty (20) nor more than twenty-five (25) contiguous acres, under one ownership in one contiguous parcel; be within two hundred fifty (250) feet of a street classified as a minor artery; be adjacent to existing open space; and have not less than seven hundred fifty (750) feet frontage on a public street.
- C. Yards. No building shall be constructed within twenty-five (25) feet of any adjoining property line nor within fifty (50) feet of any public highway. Rear yards shall be at least fifty (50) feet. The land area of such yards shall have landscaped area treatment as provided in § 117-902F. No roadways, except where crossing a front or side yard for street access, and no parking areas shall be permitted in a required yard.
- D. Height. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is less. A basement shall not be considered a story.
- E. Coverage. The aggregate land area covered by all buildings and other structures shall not exceed thirty-five percent (35%) of the total area of the parcel.

#### **Section 117-1606 Separation of units**

- A. The distance between the exterior walls of the dwelling units in a DHO District shall not be less than twenty (20) feet.
- B. The scale of buildings shall be compatible with the scale of residential buildings on adjacent properties. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet, and the plane of rooflines shall be similarly broken.

### **Section 117-1607 Open space requirements**

Not less than thirty percent (30%) of the gross area of the DHO District shall be designated as and shall remain open space. Such area may be developed only for open space or active or passive recreational uses. Any open space subjected to a conservation easement shall preserve it for such uses in perpetuity.

### **Section 117-1608 Off-street parking**

Parking spaces for not less than two (2) cars per dwelling unit shall be provided off public streets. Visitor parking shall be interspersed throughout the development area.

### **Section 117-1609 Utilities and improvements**

- A. Water from a public utility source shall be installed, without cost to the town, to serve all buildings requiring same in a DHO District, in conformance with the rules and regulations of the utilities having jurisdiction.
- B. Sewerage system.

(1) A sanitary sewerage system shall be installed to serve all buildings requiring same in a DHO District, and if connected to a septic system, shall be as approved by state and town authorities as applicable and built to state and local specifications. All sanitary sewers and storm sewers shall be both constructed and operated separately and independently of each other. The town reserves the right to take corrective actions that are deemed necessary for public health, safety and welfare in case of malfunction of the system, the cost of such corrective action to be borne by the owners of the system.

(2) Statement of ownership. A statement of ownership of the sewage system and treatment plant shall be filed in the Monroe Town Clerk's Office and the Monroe Planning and Zoning Commission's Office. At any time said ownership changes, a revised statement of ownership noting said changes shall be filed with the above offices.

(3) As stated in B(1), when a system is under town operation, it shall be at the expense of the owners of said system. This includes all costs of material, engineering, consultants, labor (full salaries, including all fringe benefits) and any other associated costs. All costs are the sole expense of the owner and none shall be the obligation of the town.

(4) Should subsurface sewage disposal be employed in lieu of a treatment plant, such proposal shall demonstrate that suitable soils exist on the property for primary and reserve leaching areas in conformance with local and state health codes and criteria. Final design documents for all such subsurface sewage disposal systems shall receive the approval of the Connecticut Department of Environmental Protection and the Monroe Health Department. All of the provisions of sections (1) through (3) above shall apply to subsurface sewage disposal systems if this option is selected by the applicant.

C. Open Space.

(1) Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.

(2) Land to be used as public or private open space shall be left in condition for the purpose intended. Wooded and brook areas shall be left natural where appropriate.

D. Trash; garbage. Collection and removal.

Trash and garbage collection points shall be provided throughout the site in locations and enclosures approved by the Commission and shall be shown on the site plan of development. Collection points shall be regularly maintained and kept free of all loose and/or accumulated material. Receptacles for deposit shall be kept tightly closed at all times to minimize the effect on public safety and health. Maintenance and removal of trash and garbage shall be the sole responsibility of the owners or their designated representative.

E. Cul-de-sacs and turnarounds.

A turnaround provided at the closed end of a cul-de-sac shall not exceed a minimum radius of fifty (50) feet.

F. Excavation

A DHO District shall be considered a design district for the purposes of Article XXI and shall comply therewith.

## Section 117-1610 Statement of satisfactory completion

Upon completion of all sewerage installations, drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit to the Town Planning and Zoning Commission a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut.

## Section 117-1612 Additional requirements for a DHO District

The following requirements shall apply to a DHO District:

- A. DHO Units shall be of a construction quality that is comparable to market-rate units within the development. The final site plan and plan for administration of affordability rules shall identify the locations within the DHO Development of the DHO Units.
- B. The DHO Units shall be built on a *pro rata* basis as construction proceeds.
- C. In a DHO Development, no DHO Unit shall have less than two bedrooms, and at least thirty percent (30%) of such Units shall have three bedrooms.
- D. Calculation of the maximum monthly payment for a DHO Unit, so as to satisfy Conn. Gen. Stat. §8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.
- E. The maximum payment that the occupant for a DHO Unit shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Conn. Gen. Stat. §8-30g, and shall include the following:
  - (1) For rental housing, the maximum monthly housing 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; and utility costs, including hot water and electricity, but excluding telephone and cable television.
  - (2) For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based

on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

- F. DHO Units shall be occupied only as a tenant's or purchaser's principal residence. Subletting of DHO Units shall be prohibited.
- G. At the same time that the market-rate units in a DHO Development are first advertised to the general public, notice of availability of the DHO Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Monroe, and by providing notice to the Monroe Board of Selectmen, the Monroe Town Clerk, and the Monroe Planning and Zoning Commission.
- H. For one of every four DHO Units which becomes available for initial sale or rental, preference shall be given to applicants who are otherwise qualified and are Town of Monroe municipal employees or Monroe Board of Education employees.
- I. Each deed or lease for a DHO Unit will contain substantially the following provision:

This unit is sold or rented as an "affordable housing unit" as defined in Conn. Gen. Stat. §8-30g, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Monroe based in part on the condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.
- J. The thirty (30) year affordability period shall be calculated separately for each DHO Unit in a DHO Development, and the period shall begin on the date, as defined at closing, of occupancy of the Unit.
- K. In conjunction with an application for approval of a final site plan for a DHO Development, the applicant shall submit an "Affordability Plan," which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable units, identification of those units which

are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.

- L. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under §8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

[Effective 8-1-02]

## **ARTICLE XVII Special Permits; Use Permits (Effective 10-25-76)**

### **Section 117-1700. Applications.**

A. Application may be made to the Planning and Zoning Commission for a special permit or a use permit to establish uses specified elsewhere in these regulations as being permitted by special permit or by a use permit. Such application shall be on the standard form prescribed by the Commission and shall be accompanied by the following:

(1) An application fee in an amount established by the Commission.

(2) Three (3) copies of a plot plan on paper eight and one-half by eleven (8½ x 11) inches, showing the location of all existing and proposed buildings, prepared by a registered land surveyor. A plot plan may not be required when deemed unnecessary by the Commission due to the minor nature of the proposed use.

B. A public hearing shall be required for a special permit.

C. A public hearing may be required for a use permit if, in the Commission's judgment, the application is of such nature as to have a noticeable impact on the neighborhood.

### **Section 117-1701. Conditions.**

The Town Planning and Zoning Commission may grant a special permit or a use permit, subject to appropriate conditions and safeguards, to permit establishment of the uses specified elsewhere in these regulations as being permitted by special permit or by use permit, if it shall find that the following conditions have been met:

A. The intended activity or proposed use, buildings or other structures will not be detrimental to the health, safety, welfare and property values in the neighborhood and will be in harmony with and conform to the orderly development of the town.

B. The streets serving the proposed use are adequate to accommodate prospective traffic, and provision is made for entering and leaving the property in such a manner that no traffic hazards will be created and adequate off-street parking and loading facilities are provided and any such area suitably paved.

C. The property will be suitably landscaped, where required by the Commission, and the intended activity, use, design of buildings, signs



and other structures are such as to preserve the appearance and character of the neighborhood.

D. The site on which the use is proposed to be established is of sufficient size and adequate dimension to conduct the use in such a manner as will not be detrimental to the neighborhood.

E. Adequate lighting is provided for the intended use which will not constitute a traffic hazard or nuisance or be detrimental to the neighborhood.

F. The Commission shall find that the character, purpose and number of such special permits or such use permits in the neighborhood shall be such that the proposed use will be in harmony with the orderly development of the district in which it is located.

#### **Section 117-1702. Time limitation.**

All activities and uses for which a special permit or a use permit has been granted shall be in operation or effective use within a time period specified in the terms of the permit. However, if no time limit is specified in the approved permit, said activity, operation or use shall be effective within twelve (12) months of the date of approval. Any special permit or any use permit not complying with the aforesaid time limit shall become null and void; however, a new application may be made to the Planning and Zoning Commission any time after the lapsing of the permit. Such application shall be subject to the regulations in effect at that time.

#### **Section 117-1703. Permit restricted.**

Any application for special permit or for use permit shall, if approved, be issued only in the name of the permittee, who shall be the applicant as owner, lessor or lessee. When the name of the permittee is subject to change through change of ownership or any other reason, the approval of the special permit or of the use permit shall terminate and a new application shall be required. Such application shall be subject to the regulations in effect at that time. No permit, once approved, shall be transferable or assignable.

#### **Section 117-1704. Conflicting regulations.**

When any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by this Article, the more stringent requirements of these regulations shall apply and govern.

## **ARTICLE XVIII Special Exceptions (Effective June 15, 1980)**

### **Section 117-1800. Applications.**

Application may be made to the Planning and Zoning Commission for a special exception permit to establish uses specified elsewhere in these regulations as being permitted by special exception. Such application shall be accompanied by the following:

- A. Four copies of a boundary survey, Class "A-2" (C.A.L.S.), upon which shall be a complete site plan showing the location of all existing and proposed buildings and improvements. This plan shall bear the seal of registered land surveyor licensed to practice in the State of Connecticut. This plan may also bear the seal of a registered architect and/or professional engineer licensed to practice in the State of Connecticut, where applicable.
- B. Front, side and rear elevations and floor plan of the building or buildings involved in the application.
- C. Landscape plans prepared by an architect, landscape architect, registered land surveyor, or professional engineer, each licensed to practice in the State of Connecticut. Requirements of this section may be waived by the Commission based on the nature or use of the application.
- D. The Commission may require of the applicant, supporting sketches, pictures, diagrams, documents, etc., to aid them in full analysis of the nature of the application.
- E. The provisions of Sections A-D above shall not apply to "Design Districts."

### **Section 117-1801. Conditions.**

A. The Town Planning and Zoning Commission may approve a special exception permit, which may be subject to appropriate conditions and safeguards specified in its action of approval, to permit the establishment of the uses specified elsewhere in these regulations as being permitted by special exception, if it shall find, after public hearing subject to the provisions of the Connecticut General Statutes, that the following conditions have been met:

- (1) The proposed use, buildings or other structures will not be detrimental to the health, safety, welfare and property values in the neighborhood and will be in harmony with and conform to the appropriate orderly development of the town.

(2) The streets serving the proposed use are adequate to carry prospective traffic, and provision is made for entering and leaving the property in such a manner that no traffic hazards will be created and adequate off-street parking and loading facilities are provided.

(3) The property will be suitably landscaped, and the proposed design of buildings and other structures will be adequate to preserve the appearance and character of the neighborhood.

(4) The lot for which the application is made is of sufficient size and adequate dimension to permit construction of facilities and conduct of the use in such a manner as will not be detrimental to the neighborhood.

(5) Any areas used for maneuvering of vehicles or for outside storage and display of vehicles and materials will be paved to the satisfaction of the Commission.

(6) The exterior lighting to be installed by the applicant is of such nature that will not constitute a traffic hazard or nuisance or be detrimental to the neighborhood.

B. In the case of a special exception permit for the sale of alcoholic beverages, the following conditions shall also be met:

(1) The Commission shall find that the proximity of the premises to churches, schools or any places frequented by minors shall not be such as to constitute a hazard to the health, safety and welfare of the neighborhood.

(2) The entrance to any premises having a special exception permit for the sale of alcoholic liquor, beer or wine for consumption off the premises (package store, druggist) shall be more than one thousand five hundred (1,500) feet in any direction from the entrance of the premises for which a like special exception permit is requested. Such measurement shall be from front door to front door, along the centerline of the public road.

(3) Any premises or establishment having a special exception permit for the sale for consumption on the premises of alcoholic liquor and/or beer and/or wine shall be limited to premises with restaurant seating at tables having a minimum of fifty (50) such seats. No such special exception permit shall be permitted for any premises unless food service is made from a regular menu offered by a person employed by the establishment and table service made by persons employed by the establishment. No on-premises consumption of alcoholic beverages shall be permitted unless sold by the permittee having the special exception approval of the Commission.

(4) Exemption. Grocery store beer permits are exempt from application for special exception permit and the provisions of Article XVIII.

(5) Termination of approval; inactive permit or location. A liquor location approval established by the action of the Planning and Zoning Commission on an application for Special Exception shall terminate and become null and void in the case where the subject location remains vacant or closed to business for one continuous year, or, in the case where the use of the liquor permit is not exercised for one continuous year. This limitation shall not preclude a new application for approval at the subject location provided such application meets the standards of the zoning regulations in effect at the time. [Effective 4-25-82]

C. Expansion enlargement or alteration. In the case where a special exception permit has been approved for any use or structure and remains in full force and effect for any zoning district other than a Design District, any change in the use or structure or the conditions effecting the use or structure shall be subject to review by the Commission. Should any change substantially expand, enlarge or alter the use or structure to a degree where it may no longer comply with the conditions of Section 117-1801A, the Commission shall require new application, public hearing and decision to revise and/or amend the existing special exception permit approval already in full force and effect. [Effective 11-10-82]

#### **Section 117-1802. Time Limitation.**

All structures and uses for which a special exception permit has been granted shall be constructed and be in operation or effective use within a time period specified in the terms of the permit. However, if no time limit is specified in the approved permit, said construction, operation or use shall be effective within twelve (12) months of the effective date of approval. Any special exception permit not complying with the aforesaid time limit shall become null and void; however, a new application may be made to the Planning and Zoning Commission any time after the voiding of the permit. Such application shall be subject to the regulations in effect at that time. An extension of the time limitation may be granted by the Commission prior to its expiration upon written request of the permit holder.

#### **Section 117-1803. Conflicting regulations.**

When any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by this Article, the more stringent requirements of these regulations shall apply and govern.

## ARTICLE XIX SOIL EROSION AND SEDIMENT CONTROL FOR LAND DEVELOPMENT [Effective: July 1, 1985]

### Section 117-1900. DEFINITIONS.

- A. "Certification" means a signed, written approval by the Planning and Zoning Commission, the Planning Administrator of the Town of Monroe, or the Fairfield County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- B. "Commission" means the Planning and Zoning Commission of the Town of Monroe.
- C. "County Soil and Water Conservation District" means the Fairfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.
- D. "Development" means any construction or grading activities to improved or unimproved real estate.
- E. "Disturbed Area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- F. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- G. "Grading" means 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.
- H. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- I. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- J. "Soil" means any unconsolidated mineral or organic material of any origin.
- K. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Section 117-1901. 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.

**Section 117-1902. EXEMPTIONS.**

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations. (For the purpose of this section, land divided after March 23, 1956, shall be considered subdivision of land.)

**Section 117-1903. EROSION AND SEDIMENT CONTROL PLAN.**

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

B. Said plan shall contain, but not be limited to:

(1) A narrative describing:

(a) the development;

(b) the schedule for grading and construction activities including:

(i) start and completion dates;

(ii) sequence of grading and construction activities;

(iii) sequence for installation and/or application of soil erosion and sediment control measures;

(iv) sequence for final stabilization of the project site;

(c) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

(d) the construction details for proposed soil erosion and sediment control measures and storm water management facilities;

- (e) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
  - (f) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- (2) A site plan map at a sufficient scale to show:
- (a) the location of the proposed development and adjacent properties;
  - (b) the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
  - (c) the existing structures on the project site, if any;
  - (d) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines;
  - (e) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - (f) the sequence of grading and construction activities;
  - (g) the sequence for installation and/or application of soil erosion and sediment control measures;
  - (h) the sequence for final stabilization of the development site.
- (3) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent(s).

**Section 117-1904. MINIMUM ACCEPTABLE STANDARDS.**

A. 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 (1985), 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.

B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission, the Planning Administrator, or the County Soil and Water Conservation District (when authorized by the Commission or its agent), may grant exceptions when requested by the applicant if technically sound reasons are presented.

C. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

#### **Section 117-1905. ISSUANCE OR DENIAL OF CERTIFICATION.**

A. The Commission, the Planning Administrator, or the Fairfield County Soil and Water Conservation District (when authorized by the Commission or its agent), shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

C. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation district which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

D. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

#### **Section 117-1906. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL.**

A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any site plan, plan of improvements, grading plan, plan/profile for road construction may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified in the appropriate sections of the Zoning and Subdivision Regulations of the Town of Monroe, as amended.

B. 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.

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

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

E. Revisions in control measures and facilities may be required and authorized in the field from time to time as conditions on or off site may dictate. Written confirmation of such revisions shall be appended to the certified plan of record within 48 hours of authorization by the inspection/ enforcement authority.

F. Any person engaged in development activities who fails to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations and enforceable under the provisions of Section 117-2800 of these regulations.

#### **Section 117-1907. INSPECTION**

A. Inspections shall be made by the Commission, Planning Administrator, Zoning Enforcement Officer or Town Engineer during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

## **ARTICLE XX Signs [Effective: March 31, 1985]**

### **Section 117-2000. Permits.**

A. No sign shall be established, erected, constructed, reconstructed, extended, enlarged or altered without obtaining a use permit in accordance with Article XVII of these regulations which shall serve as a certificate of zoning compliance, unless otherwise exempted by these regulations.

B. Where a sign is subject to the provisions of the State of Connecticut Basic Building Code, a building permit shall also be required.

### **Section 117-2001. Definitions.**

For the purpose of these regulations, the following definitions shall apply:

**SIGN** - Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images; but shall not include the sign, directional notice, flag, pennant or insignia of any governmental unit. Signs shall be used only for goods sold, services rendered, or establishments on the premises and shall be accessory to a use only on the premises.

**SIGN, ANIMATED OR MOVING** - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

**SIGN, BILLBOARD** - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN, CHANGEABLE LETTERING** - A sign upon which any combination of letters and numbers may be readily changed to convey varying information about goods sold or services rendered without reconstruction of the sign.

**SIGN, COMBINATION** - A sign which may be defined by more than one of the definitions listed herein.

**SIGN, CONSTRUCTION** - A temporary sign, not exceeding thirty-two (32) square feet, erected on the premises on which construction is taking place, restricted solely to the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL - Signs limited to on-premises directional or warning messages, principally for pedestrian or vehicular traffic, such as but not limited to "one-way," "entrance," and "exit," not exceeding six (6) square feet in area but shall not include any advertising or name of establishment.

SIGN, FLASHING - Any directly or indirectly illuminated sign, either outdoors or indoors, which exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, FREESTANDING - Any nonmovable sign not affixed to a building.

SIGN, GASOLINE PRICE - A sign, not to exceed sixteen (16) square feet which may be installed in addition to, and upon the pole sign of a bonafide gasoline service station advertising the type and current price of motor fuel for sale on the premises.

SIGN, GOVERNMENTAL - A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance or other governmental regulation; flag, pennant, or insignia of any governmental unit.

SIGN, GROUND - Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

SIGN, HOME OCCUPATION - A non-illuminated sign containing only the name and occupation of a permitted home occupation, not exceeding four (4) square feet in area.

SIGN, ILLUMINATED - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN, NAME PLATE - A non-illuminated sign, located on premises, not exceeding two (2) square feet, giving the name address, or both, of the owner or occupant of a building premises.

SIGN, ORGANIZATIONAL - The sign of any incorporated company, service club, church or ecclesiastical society, or nonprofit organization not exceeding six (6) square feet in a located on the premises or within any public right-of-way. When located within the public right-of-way, each sign and location shall be reviewed and recommendations submitted writing by the Director of Public Works and its necessity determined by the Commission.

SIGN, POLE - A sign that is mounted on a freestanding pole other support so that the bottom edge is six (6) feet or m above grade.

SIGN, POLITICAL - A temporary sign announcing or supporting political candidates or issues in connection with national, state or local election, placed no sooner than forty-five (45) days prior to election, which shall be removed wit seven (7) calendar days following election.

SIGN, PORTABLE - A sign that is not permanent, affixed to building, structure or the ground. This shall include any sign mounted on a vehicle in any manner parked on any premises with the exception of signs permanently painted on a vehicle which is accessory to a use on the premises. Any such vehicle shall be fully operable and registered for use on the highway.

SIGN, PRIVATE SALE OR EVENT - A temporary sign advertising private sales or personal property such as "house sales," "garage sales," "tag sales," and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs and craft shows.

SIGN, REAL ESTATE - A sign pertaining to the sale, rental lease of the premises, or a portion of the premises, on which sign is located.

SIGN, ROADSIDE - Any sign other than governmental organizational located within the right-of-way of any street, road or highway.

SIGN, ROOF - A sign that is mounted on the roof of a building or which projects above the top of the wall of the 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.

SIGN, SEASONAL - A sign or advertising display of a temporary nature not to exceed sixty (60) days in any given year describing a seasonal activity or product.

SIGN, SPECIAL EVENT - A sign or advertising display constructed of cloth, canvas or other light materials and designed or intended to be displayed for a period not to exceed fifteen (15) days in any three (3) month period for the purpose of advertising special events such as openings, new management and special promotions; such signs to be removed promptly at the end of such period. No sign or device held in the air by balloon or other means and no searchlights shall be permitted.

SIGN, WALL - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than fifteen (15) inches from such building or structure.

#### **Section 117-2002. Prohibited Signs.**

The following signs shall be expressly prohibited in the Town of Monroe: Animated or Moving, Billboard, Changeable Lettering, Flashing, Portable, Roadside.

**Section 117-2003. Exemptions.**

- A. The following signs shall be exempt from the provisions of this Article, except Section 117-2007; Directional, Governmental. Name Plate, Political, Private Sale or Event.
- B. The following signs shall be exempt from the provisions of Section 117-2000A: Construction, Home Occupation, Real Estate, Special Event.
- C. Such other signs as may be exempted elsewhere in these regulations.

**Section 117-2004. Location.**

No sign shall be located within or hang over the right-of-way of any public or private street or highway, except that any sign attached to the wall of a building may project into such right-of-way.

**Section 117-2005. Projecting and hanging signs.**

No sign shall project over any sidewalk, driveway, walkway, roadway, alley or right-of-way of any public or private street or highway, except that signs attached to the wall of a building may project fifteen (15) inches therefrom.

**Section 117-2006. Elevations.**

Signs attached to a building shall not project above the exposed wall of the building upon which it is attached. Signs attached to a building with a sloped roof shall not project more than one (1) foot above the wall upon which it is attached but in no case shall project beyond the highest point of the roof. No pole sign shall exceed a height of twenty (20) feet. No ground sign shall exceed a height of eight (8) feet.

**Section 117-2007. Obstructions.**

No sign shall be so arranged that it interferes with traffic through glare, lighting arrangement, through blocking of reasonable sight lines for street, sidewalks, or driveway, through confusion with a traffic control device (by reason of its color, location, shape or other characteristics or through any other means). No sign shall be located or maintained so as to obstruct any door, window or fire escape or to cause any other hazard to the public health or safety.

**Section 117-2008. Setbacks.**

Signs attached to buildings may project into the area required for buildings and other structures except as follows:

A. Signs attached to buildings may project into the area required for setbacks, provided that the sign does not project more than fifteen (15) inches from the building.

B. On any lot, one (1) freestanding sign may be located within the area required for setback from any street line, easement of access or private right-of-way, provided said sign is set back a minimum ten (10) feet from the property line.

#### **Section 117-2009. Permitted total area.**

##### **A. Design Districts:**

(1) Freestanding signs shall not exceed thirty-two (32) square feet in area. The sign may be double facing or double facing along one edge provided the separation between the back of the faces does not exceed forty-five degrees (45 degrees).

(a) In the case of a business center on a single property where there exists more than six (6) occupants, only the name of the center and street number may appear on the sign.

(b) In the case of a business center on a single property where there exists six (6) or less occupants, the sign shall provide access to each occupant.

(2) The total area of signs on any lot excepting freestanding signs shall not exceed ten percent (10%) of the area of the front facade wall of the building or one-half of one percent (0.5%) of the area of the lot, whichever is less.

(3) On premises which are for sale or for rent, not more than two (2) signs which shall advertise only the premises, provided such a sign shall have an area not exceeding thirty-two (32) square feet; however, only one (1) such sign is permitted along any given street frontage where that frontage shall be less than two hundred (200) feet. All such signs shall be removed within seven (7) days following actual sale or lease of property.

##### **B. Residential and Farming Districts:**

(1) Freestanding signs shall not exceed ten (10) square feet in area. The sign may be double facing.

(2) On premises containing a use permitted in Section 117-301 A through F inclusive, the total area of signs on any lot excepting freestanding signs shall not exceed ten (10) square feet in area.

(3) On premises which are for sale or for rent, not more than two (2) signs which shall advertise only the premises, provided such a sign shall have an area not exceeding ten (10) square feet; however, only one (1) such sign is permitted along any given street frontage where that frontage shall be less than two hundred (200) feet. All such signs shall be removed within seven (7) days following actual sale or lease of property.

**Section 117-2010. Measurement of sign area.**

A. The area of a sign shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background different from the building, whether painted or applied, when it is designed as an integral part of, and obviously related to the sign; and when the sign consists of individual letters or symbols attached to or painted on a building wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

B. In the case of a freestanding sign or a sign that can be seen from both sides, the area shall be determined by multiplying the outside dimensions of the sign, not including the vertical, horizontal or diagonal supports which affix the sign to the ground, unless such supports are evidently designed to be part of the sign as defined herein.

**Section 117-2011. Repair.**

Signs shall be repaired by repainting, by replacement of lettering, wording and accompanying symbols and by repairing structural supports, and such repair shall not be considered an alteration within the meaning of these regulations, provided that the outside dimensions of signs as measured above are not changed, that the location, height and illumination of a sign is not changed and that no substantial change in lettering, wording or symbols is made. Nothing in this section shall prevent a sign from being altered so as to become more conforming with the existing regulations, provided that a permit where required under Section 117-2000 is obtained.

**Section 117-2012. Maintenance.**

All signs shall be maintained in such a condition so as not to become a nuisance, unsightly or unsafe. If a sign is not so maintained it shall be removed by the owner or lessor upon notice from the Commission or its agent.

**Section 117-2013. Removal.**

It shall be the responsibility of the property owner to remove or cause to be removed all nonconforming business signs or words, letters, figures, design, symbols and colors of a conforming sign within two (2) months from the time the premises are vacated.

**Section 117-2014. Replacement, alteration or relocation.**

No sign shall be replaced, altered or relocated without conforming to the then existing requirements of this chapter, as amended, at the time of such replacement, alteration or relocation, subject to a permit where required under Section 117-2000.

**Section 117-2015. Uniformity of signs.**

In any Design District where there is more than one (1) sign on a building, or more than one (1) sign in a multi-building complex, all signs shall conform to a uniform sign scheme submitted by the owner or lessor and approved by the Commission.



## **ARTICLE XXI Excavations [Effective 11-20-75]**

### **Section 117-2100. Special permit required; exceptions.**

An excavation special permit must be secured from the Planning and Zoning Commission before commencing the excavation or removal of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material on or from any parcel of land, except when such excavation or removal is limited to:

- A. Necessary foundation and trench excavation in connection with work on the premises for which a valid building permit is in effect.
- B. Removal of unsuitable material and depositing of suitable material, which removal and depositing shall not exceed a total of five hundred (500) cubic yards of material, for the construction or reconstruction of sewage disposal systems, accessways and driveways.
- C. Changes in contour in accordance with a design district site plan approved by the Planning and Zoning Commission and determined to be valid and in effect by the terms of Article IX herein. Such plan and change in contour shall be performed in accordance with the provisions of Section 117-2109 J, K, L, M, N, and P and 117-2110 herein, unless otherwise conditioned under the provisions of the design district approval. [Effective 7-1-04]
- D. Necessary excavation and grading for a subdivision road for which plans have been approved by the Planning and Zoning Commission, provided that such excavation and grading shall be completed within five (5) years of the approval date. If approval was granted over five (5) years prior to the beginning of the aforementioned work, now approval must be obtained in accordance with all current regulations.
- E. The removal by or for the owner from one part of his property to another of topsoil or subsoil to a maximum of one hundred (100) cubic yards per acre over a period of time not to exceed one (1) year, when such removal is for the purpose of landscaping and farming.
- F. Changes in contour of public lands as may be authorized by town officials having jurisdiction over such lands.

In the case of exemptions specified in Subsections B and E above, said work shall be subject to the review of the Zoning Enforcement Officer to assure that appropriate safeguards for the conduct of such work are implemented so that such work will not have any unreasonable immediate or long-term adverse effect on adjoining properties. [Effective 8-10-85]

**Section 117-2101. Challenge of exemption.**

All exemptions listed in Section 117-2100 shall be under the jurisdiction of the Planning and Zoning Commission or any agent so designated by the Planning and Zoning Commission. Any individual serving in this capacity has the authority and responsibility of stopping questionable projects and referring them to the Planning and Zoning Commission.

**Section 117-2102. Inland wetland approval.**

If any excavation, removal or fill of gravel, topsoil, clay, sand, stone, loam, dirt or any other earth material is proposed on or from any parcel of land and is shown to be subject to regulation as an inland wetland in accordance with the prescribed wetland map for the Town of Monroe, the necessary approvals and/or permits must be obtained from the governing wetland authority pursuant to Title 22a of the Connecticut General Statutes, 1958 Revision (current revision), prior to application. This requirement shall also pertain to the exemptions specified in Section 117-2100 above.

**Section 117-2103. Excavation permit application procedure.**

Application for a permit to excavate or remove any of said earth materials shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms provided by the Planning and Zoning Commission. The application shall be accompanied by a fee and by a plan of operation prepared by a registered land surveyor and professional engineer, both being licensed by the State of Connecticut, which plan of operation shall include the following maps, plans and specifications:

- A. A locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing all roads within a one-mile radius of the site.
- B. Location and limits of the premises and names of abutting property owners as listed on current town tax assessment records.
- C. Boundary survey certified as Class A-2 transit survey, with grading plan showing existing contours in the area to be excavated and proposed contours at two-foot intervals for the area after operations. Such plans shall include the area to be excavated, as well as surrounding area, if owned by the applicant, within one hundred (100) feet of the excavation, and shall be drawn at a scale not to exceed one (1) inch equals fifty (50) feet. Also included shall be north-south and east-west traverse cross-section drawings at equal intervals from the outside extremities. The distance between the traverse cross sections shall not exceed seventy-five (75) feet.
- D. An estimate of the amount of material to be excavated or removed.

- E. Existing and proposed drainage of the site, together with drainage easements and flowage rights.
- F. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the locations and types of any buildings to be erected.
- G. Proposed truck access and egress to and from the site upon any road within the bounds of the Town of Monroe.
- H. Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations or at such earlier times as may be required by the Planning and Zoning Commission.
- I. Existing ponds and watercourses on or adjacent to the premises.
- J. The location of wooded areas, all rock outcrops and existing and proposed buildings and structures.
- K. All dimensions to the hundredth of a foot and all bearings or angles on all property lines, easements and rights-of-way.
- L. Title, date, scale and North point.
- M. The words "Special permit granted by the Monroe Town Planning and Zoning Commission," with a designated place for the signature of the Chairman and date of signing.
- N. Approval of the governing wetlands authority, if applicable (see Section 117-2102).
- O. Such additional information as the Commission shall deem necessary in order to decide upon the application.

**Section 117-2104. Map required.**

A locus plat map of all parcel(s), at a scale of one (1) inch equals one hundred (100) feet, shall be submitted delineating the project location.

**Section 117-2105. Map preparation.**

Maps and plans shall be prepared on pages twenty-four by thirty-six (24 x 36) inches in size. An index map shall be furnished if the area is of such size that more than one (1) page is required. Submittal of maps and plans shall be as follows:

- A. Four (4) copies of all pages: blue line prints on paper.

- B. Two (2) copies of all pages: single matte Mylar (matte side up).

**Section 117-2106. Additional information required.**

The following additional information shall be required:

- A. Proof that written notice of the proposed changes has been given to all mortgage holders.
- B. A written statement from the Tax Collector of Monroe certifying that all current taxes levied against the property have been paid in full and that there are no unreleased tax liens encumbering said property.
- C. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that any artificial lake or pond has sufficient water flow to maintain the proposed level and to avoid stagnation.
- D. An engineering report issued by a professional engineer licensed to practice in the State of Connecticut, stating that the proposed change of contours will not adversely affect the water table.

**Section 117-2107. Fee for excavation permit.**

A fee of fifty dollars (\$50.) per acre or fraction thereof upon which changes in contours are to be made shall be paid to the Town of Monroe upon application.

**Section 117-2108. Requirements for approval of excavation permit.**

- A. Before issuing an excavation permit, the Planning and Zoning Commission shall hold a public hearing, duly advertised and conducted according to state statutes. The Commission, in considering and reviewing the application and in arriving at its decision, shall be guided by and take into consideration the public health, safety and general welfare and general effect of the same on the neighborhood, the duration of operations, future usefulness of the premises, the impact on vehicular traffic in the area and such other factors as may bear upon the harmonious physical development of the Town of Monroe.
- B. In addition thereto, the Commission shall satisfy itself that all conditions as set forth in Section 117-2109 will be met and that the premises will be excavated and graded in conformity with the plan as approved. Any deviation from the approved plan shall be a violation and cause for the Commission to revoke the permit.

C. When the above standards and conditions meet the satisfaction of the Commission, a permit may be issued for a period not to exceed one (1) year and for an area not to exceed five (5) acres.

D. The Commission shall render its decision within sixty-five (65) days after hearing, and said decision regarding issuance of the permit shall be published in a newspaper having substantial circulation in the Town of Monroe within fifteen (15) days of such decision date.

E. No map may be signed as being approved until the Commission votes approval and a satisfactory bond is posted.

F. Approval of the application shall become effective when the applicant files with the Town Clerk the approved plan signed by the Chairman of the Planning and Zoning Commission.

#### **Section 117-2109. Conditions of excavation operation.**

The plans as approved by the Commission shall become part of the special permit, and the following conditions shall be met:

A. The changes in contour shall conform to the plans approved by the Commission.

B. No artificial slope greater than thirty degrees (30°) to the horizontal shall be created.

C. No change in contour shall be made within twenty-five (25) feet of any property line.

D. No artificial slope greater than fifteen degrees (15°) to the horizontal shall be created within fifty (50) feet of any property line.

E. No artificial slope greater than fifteen degrees (15°) to the horizontal shall be created within fifty (50) feet of any street line.

F. At all stages of operations, proper drainage shall be provided to prevent the collection, stagnation or excessive runoff of water and to prevent harmful effects upon surrounding properties and watercourses.

G. All artificial ponds and lakes created by any change in land contours shall have sufficient water flow to maintain the proposed level and to avoid stagnation.

H. The entire property, except for ponds and lakes, shall be graded to shed water without erosion and to avoid stagnation.

I. Excavation below the level of an abutting property or street line shall be at a distance from said property or street line to be determined by the Planning and Zoning Commission, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in Section 117-2108 above.

J. During the period of excavation and removal, proper barricades or fences shall be erected for the protection of pedestrians and vehicles.

K. Truck access and egress to the excavation shall be so arranged and truck loads shall be so trimmed as to minimize danger to traffic on adjacent roads and nuisance to surrounding properties. Limitations may also be placed as to the size and type of equipment used on the premises and as to the maximum axle-loading required to protect town roads.

L. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock and lighting, if permitted.

M. No operations shall be undertaken on the site except between the hours of 7:00 a.m. and 5:00 p.m., local time, Monday through Saturday. There shall be no blasting on the site except between the hours of 9:00 a.m. and 5:00 p.m., local time, Monday through Friday. No activity of any type shall be conducted on any legal holiday declared by the government of the State of Connecticut or the United States.

N. No buildings or structures shall be erected on the premises except as may be permitted in these regulations or except as temporary shelter for machinery and field office, subject to approval by the Commission. In any case all such buildings or structures shall be removed from the site within sixty (60) days following the expiration or revocation of the permit or completion of the permitted work, whichever occurs earlier.

O. If, as part of an excavation operation, debris or trash is encountered, the same shall be removed from the site and disposed of in accordance with applicable town regulations. Tree stumps and roots encountered during any excavation operation may be buried on the area, provided that the same are suitably covered with earth material and further provided that such burying will not vary the approved final contours.

P. No sorting, grading, crushing or other machinery for treatment or processing of material being removed or deposited shall be erected, maintained or operated on the premises for which a permit may be granted.

Q. When the approved excavation and removal operations or either of them are completed, or when required by the Commission, the excavation area shall be graded and seeded as required herein. In no case will a permit be extended for more than a twelve-month period unless a substantial part of the area previously excavated has been properly graded and seeded.

(1) The top layer of amble soil for a depth of six (6) inches shall be set aside on the promises and shall be respread in accordance with the approved contour lines within thirty (30) days following the expiration or revocation of the permit or completion of the work, whichever occurs earlier.

(2) Within the sixty (60) days following the expiration or revocation of the permit or the completion of the changes in contour, the entire area disturbed from its natural state, including all truck access and other service roads, shall be suitably graded with arable soil and seeded with a perennial rye grass so as to prevent soil erosion.

(3) All finished contours shall be a minimum of six (6) feet above any ledge or the natural water table, except in such cases where the original land condition showed ledge or water table at a depth of less than six (6) feet, in which case the existing conditions shall be maintained as a minimum or in a case where a pond or a lake has been approved.

R. No sign of any nature, other than customary traffic control, safety and trespassing signs, shall be posted or erected in connection with the operation granted approval under these regulations.

S. The Commission may at any time during the permit year require an engineering progress report from the permittee, to be made by a licensed civil engineer. If such report is not received by the Commission within thirty (30) days from the date of such request, the Commission may engage a professional engineer or land surveyor to determine compliance with the terms of this regulation and all expenses in connection therewith shall be paid by the permittee.

#### **Section 117-2110. Responsibilities of permittee.**

The permittee shall be responsible to the Town of Monroe through the Planning and Zoning Commission for compliance with all provisions of the special permit and to the Town of Monroe for the following, as such responsibilities shall be reflected in the performance bond of Section 117-2111:

A. Damage caused to town roads by any equipment used in performance of the operations covered by a special permit issued pursuant to these regulations. All necessary road repairs are to be made to the satisfaction of the Town Engineer.

B. Supplying and placing all highway warning signs and other safety devices as may be deemed necessary by the Monroe Police Department.

C. Removing all spillage by the permittee that may accumulate on the roadways in the Town of Monroe as it occurs.

**Section 117-2111. Performance bond.**

The applicant shall file with the Planning and Zoning Commission a performance bond made to the Town of Monroe in the form and with surety acceptable to the Commission, in such amount as the Commission shall deem sufficient to ensure faithful performance of the work to be undertaken pursuant to the conditions of approval (Section 117-2109), the responsibilities of the permittee (Section 117-2110) and revocation and suspension (Section 117-2113).

A. The term of such bond shall not extend more than sixty (60) days beyond the date of satisfactory completion of the work as may be determined by the Commission.

B. No such bond shall be released nor shall the permittee be deemed to have complied with the conditions provided for herein until he has filed with the Commission a written statement bearing the seal of a land surveyor or engineer licensed to practice in the State of Connecticut, certifying that the final contours meet the requirements of the permit, and until an inspection of the premises by an agent of the Commission to assure that all other conditions have been met.

C. The Commission shall take steps to initiate action for the calling of the performance bond as soon as practical following the sixty-day restoration period allowed after completion of the project or expiration or revocation of the permit, unless all work has been satisfactorily completed or the Commission deems that extenuating circumstances warrant a limited extension of the restoration period, in which case the bond must be renewed for the same limited period.

**Section 117-2112. Enforcement of special permit.**

The Zoning Enforcement Officer or any special agent appointed by the Planning and Zoning Commission shall have the authority to enforce the provisions of any special permit.

**Section 117-2113. Duration, renewal and revocation of excavation permit.**

A. Any permit issued by the Planning and Zoning Commission in accordance with Section 117-2108 hereof shall cover operations for a stated period of time not to exceed twelve (12) months, and such permit shall be renewable for successive stated periods of time, none of which shall exceed twelve (12) months.

B. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a registered land surveyor and professional engineer, both of whom are licensed by the State of



Connecticut, that the excavation already completed conforms to the plan of operations as approved.

(1) If for any reason the operation of work on the premises is abandoned for six (6) months, the permit shall be void and the owner or his agent must apply for a new permit and furnish such engineering data and bond as may be required by the Planning and Zoning Commission.

(2) If there is a question as to whether or not any of the conditions of any portion of this Article have been or are being violated, the Commission may at any time, upon at least five (5) days written notice to the holder of any excavation permit, require such holder to appear before the Commission on a day certain to be heard as to the alleged violations. If evidence that any of such conditions have been or are being violated is presented at such hearing and if the Commission finds that violations do in fact exist, the Commission may immediately revoke such permit and order operations suspended and direct appropriate action to remedy the violations.

(3) A permit may at the discretion of the Commission be suspended twenty-four (24) hours after the postmark of the above-stated written notice.

(4) Upon revocation of the permit, the entire area disturbed during the operation shall be made to conform to the provisions of Section 117-2109B through H, N, O and Q(1) through (3).

(5) Upon revocation of the permit, all time periods for completion of restoration, as provided in the sections referenced in Subsection B(4) above, shall commence on what would have been the first permitted day of operation if the permit had not been revoked.

(6) For each and every violation of the terms of the permit or if the prescribed conditions under which an excavation permit is issued, the holder of such permit shall be subject to a fine in accordance with the Connecticut General Statutes.

(7) As necessary for inspection purposes, any members of the Commission or its authorized representatives shall have the right of access to all operations for which excavation permits have been issued or applied for.

#### **Section 117-2114. Applicability to existing operations.**

Any renewal permit shall be subject to the regulations in effect at the time said renewal permit is issued.

A. Any existing excavation operation which was commenced prior to any regulation relating thereto and is presently being conducted without a permit may be continued, provided that said continued operation is carried on in accordance with these regulations relating to grading, drainage, slopes and restoration provisions, and be subject to issuance of a permit under the requirements of this Article XXI.

B. In order to promote the health, safety and welfare of the residents of the Town of Monroe, any person or persons carrying on an existing excavation operation not covered by a permit issued by the Planning and Zoning Commission, which operations do not conform to the requirements set forth in Subsection A above, shall either correct such nonconformance within thirty (30) days of receipt of written notice of the same by the Zoning Enforcement Officer or shall terminate said excavation operations.

**Section 117-2115. Landfill restrictions.**

Any operation for land filling shall be carried on only pursuant to a permit from the Planning and Zoning Commission except as follows:

A. Landfill by or for the owner on part of his property may be allowed without such permit if the landfill does not exceed one thousand (1,000) cubic yards of earth material and such filling does not restrict any watercourse or drainage on the promises being filled or have an adverse effect on drainage on adjacent or surrounding property.

B. Creating of stockpiles of material and removal of the same shall not be considered as a landfill or excavation operation requiring a permit.

C. Any municipal sanitary landfill operation shall not require a permit.

**Section 117-2116. Fill permit application procedure.**

Application for a permit to fill shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms prescribed by the Planning and Zoning Commission. Applications for permits to fill shall be accompanied by copies of any necessary state permits required pursuant to Public Act 72-155 or amendments thereto. All such applications shall be accompanied by the same engineering data and information applicable to a fill operation as are set forth in Section 117-2103 of the regulations herein.

**Section 117-2117. Requirements for approval of fill permit.**

Before issuing a landfill permit, the Planning and Zoning Commission shall hold a public hearing in accordance with the provisions of Section 117-2108 herein.

**Section 117-2118. Performance bond for fill permit.**

When a fill permit is granted, the applicant shall post a bond in accordance with the provisions of Section 117-2111 herein.

**Section 117-2119. Conditions of fill operation.**

The Planning and Zoning Commission may approve the application and issue a landfill permit for a period of stated duration, subject to compliance with the following conditions:

A. Filling where the resulting grade shall be higher than an abutting property line or street line or have an effect on any existing watercourse or established floodplain shall be kept at a distance from said property or street line to be determined by the Planning and Zoning Commission, which Commission, in establishing said distance, shall take into consideration the same provisions and guidelines as set forth in Section 117-2108 above.

B. All provisions of Section 117-2109 relating to fixed equipment, temporary structures, drainage, barricading and fencing, truck access, noise and dust control, hours of operation and seeding shall, to the extent that they are applicable, also apply to any filling operation conducted pursuant to a permit issued by the Planning Commission.

C. Stumps and roots from the fill area itself may be buried on the premises, provided that the same are suitably covered and the final contour of the premises is not different from that as shown on the plans submitted. No less than seventy percent (70%) of the fill material deposited in the approved permit area shall be of earth fill material. The Commission may require the permittee to submit periodic reports in accordance with Section 117-2109S herein.

**Section 117-2120. Duration, renewal and revocation of fill permit.**

All of the provisions as set forth in Section 117-2113 of these regulations shall be applicable to the duration, renewal and revocation of any landfill permit.

**Section 117-2121. Fee for fill permit.**

A permit fee for a landfill permit shall be required in accordance with the same provisions as contained in Section 117-2107 herein.

**Section 117-2122. Administrative permit: test holes, pits, trenches.**

A. In certain cases where test holes, pits and trenches are to be excavated and backfilled for the purpose of sewage disposal design, road design, building design, etc., a permit must be obtained from the Zoning Enforcement Officer prior to excavation. The purpose of this permit is to protect the public health, safety and welfare and to assure the safe excavation and proper restoration of the area.

B. Said permit will be issued for a period not to exceed one (1) month. One (1) permit is necessary for each lot or parcel and in the case of a proposed subdivision, one (1) permit for each proposed subdivision lot.

C. The permittee is responsible for all work under the permit, and inspection of the work will be conducted by the Zoning Enforcement Officer to assure compliance with accepted standards for such work.

**Section 117-2123. Enforcement of regulations.**

In addition to any other provisions contained herein, the Planning and Zoning Commission may take such civil action as may be deemed necessary to enforce any of the provisions of this regulation.

**Section 117-2124. Waiver of regulations; farms.**

The Planning and Zoning Commission reserves unto itself the right to waive any provisions and standards set forth in Section 117-2100 through Section 117-2122 inclusive, solely in the case where excavation/fill is to be conducted for the construction of a pond for irrigation and/or water supply for domestic animals for a farm as defined in Article XXVII of these regulations. Said waiver(s) may be made when plans for such construction are prepared under the approval of the United States Department of Agriculture, Soil Conservation Service, and Town Engineer of the Town of Monroe. The reason(s) for said waiver(s) shall be stated upon the records of the Commission. [Effective 12-15-81]

**Section 117-2125. Validity.**

The determination of the invalidity of any section or provision of thaw regulations or amendments shall not affect the validity of any other section or provision hereof.

## **ARTICLE XXII Alcoholic Beverages**

### **Section 177-2200. Location of sale limited.**

No land, building or other structures in any district shall be used for the sale to the general public of alcoholic liquor, beer or wine except as provided in Sections 117-1101, 117-1102, and 117-1302F. [Effective 10-25-79]

## **ARTICLE XXIV Off-Street Parking and Loading [Effective 3-10-92]**

### **Section 117-2400. Applicability of Provisions.**

For any permitted use specified in these regulations the standards herein for design of parking and loading shall apply.

### **Section 117-2401. Definitions.**

**Aisle.** The traveled path through a parking facility along or between one or two rows of parked vehicles.

**Bay.** A parking facility unit that has two (2) rows of parking stalls and a central aisle.

**Bench seating.** One (1) seat is equal to two (2) feet of bench length.

**Bumper, parking rail, wheel block or stop.** A wheel stop placed at the front of a parking stall to keep the vehicle from striking walls or extending beyond the specified parking area.

**Clear height.** The clear vertical height inside a parking structure which is a minimum of seven (7) feet.

**Deferred parking.** The practice exercised at the discretion of the Commission where up to fifteen (15%) percent of designed parking is not constructed and is placed in landscaped lawn subject to the provision that the owner of the premises may be required to construct said parking if it is determined by either Commission or owner that circumstances require such construction.

**Design standards.** The criteria, both written and graphic as contained in this article, established to define the design characteristics and specifications of a parking facility.

**Driveway (or Access or Lane).** The area of a facility that allows motor vehicles access to or from any public street, other facility or area, or within the facility.

**Employee parking.** Parking areas specifically designated for use by employees.

**Facility.** A parking lot, garage, or deck for the purpose of off-street parking. (Figure 24-1)

**Fire lane.** The aisle immediately adjacent to a building or structure reserved for access by emergency public safety vehicles in which no parking or standing is permitted.

**Gross floor area (GFA).** GFA is the total interior floor area of a building or structure measured at the inside face of the exterior walls.

Half-bay. The minimum parking facility unit that has one (1) row of parking stalls and aisle.

Handicap parking. Parking spaces or bays designed for the exclusive use of handicapped persons or drivers as defined in Section 14-253a of the Connecticut General Statutes and other applicable requirements of the State of Connecticut Basic Building Code, both as may be amended from time to time.

Herringbone. A pattern for the layout of parking spaces with alternate rows set at oblique angles to one another. (Figure 24-2)

Island. A raised area in the roadway, driveway, or parking facility: used to control or direct traffic flow.

Loading space. A rectangular parking or standing area of such shape and vertical clearance (as to accommodate a truck-type vehicle) which size shall be a minimum twelve (12) feet in width, thirty (30) feet in length, and have a vertical clearance of fifteen (15) feet served by an adjacent aisle no greater than forty-five (45) feet in width. Such space may be partially or fully contained within a structure. (Figure 24-3)

Net square feet (net sq. ft.). In a commercial or public access use, that portion of the GFA accessible to the general public, generally used for display and sales, seating or assembly.

Off-street parking. The use of a facility not on the site but within the same zoning use or district and within two hundred-fifty (250) feet in a direct line from the building to be served.

On-site parking. The use of a facility on the same site as the use which it serves, no location of any parking space shall exceed six hundred (600) feet in a direct line from the building to be served.

Parking lot. A surface area for parking, constructed at grade, off the street or beyond the right-of-way.

Parking angle. The angle formed by a parking stall and the wall or center line of the facility, ranging from ninety (90) degrees (perpendicular) to thirty (30) degrees.

Parking space (or stall). An individual parking stall designed to accommodate a single vehicle. A parking space shall have a dimension of nine and one-half (9.5) feet wide and eighteen (18) feet long.

Parking structure. Any building or portion thereof either above grade, below grade, or both. for the parking of motor vehicles.

Peak period. A period of maximum parking activity; can be by the hour, portion of a day, day of week, or seasonal.

Queue space. A standing space for a vehicle equivalent in area to a parking space.

Seating (or Seats). The total of fixed seats and temporary seats based upon design capacity.

Shared parking. The sharing of parking spaces by two or more uses, with each use having different peak period demands.

Standing. The practice of brief vehicle stopping or waiting, generally for pick-up/ delivery or purchase of an outside service, in an area not designated or permitted for parking.

Striping. Painted lines or similar applications delineating stalls and circulation patterns.

Tenant parking. Parking provided for the regular tenants of a building or other traffic generator.

#### **Section 117-2402. Minimum parking space requirements for specific uses.**

Off-street parking shall be provided in accordance with the minimum standards for the uses as detailed below unless otherwise specified by these regulations and as may be modified by other provisions of this article. Nothing shall prevent the provision of parking spaces exceeding the minimum standards.

Amusement Center/ Arcade. As required by Article VIII.

Auto Repair; Gasoline Service Station: Three (3) spaces plus five (5) spaces per service bay; service bay is not a parking space.

Bank: One (1) space for each 100 sq. ft. of floor area devoted to general banking services for public use, plus one (1) space for each 250 sq. ft. devoted to office use.

Banquet Hall; Place of Public Assembly: One (1) space for each 50 net sq. ft.

Barber Shop, Beauty Parlor: Two (2.) spaces for each operator chair.

Billiard Room: Two (2) spaces per table.

Bowling Alley: Four (4) spaces for each alley, plus one (1) additional space for each 1.5 employees of largest daily work shift.

Care Facility; Hospital and similar: One (1) space for each four (4) beds plus one (1) space for each employee of largest daily work shift.

Churches; Places of Worship: One (1) space for each four (4) seats (if benches, one [1] space for each eight [8] linear feet) in the sanctuary.



Club or Lodge; Community Center: One (1) space for every four (4) persons of the rated capacity.

Construction Yard: One (1) space per facility vehicle, plus 0.25 space per 1,000 sq. ft. of yard area.

Convenience Store (stand-alone - may include self-serve gas): One (1) space for each 125 sq. ft. of GFA.

Day Care Center; Nursery School: One (1) space for each employee, plus one (1) space for every five (5) persons of licensed capacity.

Funeral Home or Mortuary: One (1) space per 75 sq. ft. of parlor or chapel area or one (1) space per four (4) fixed seats, whichever is greater, but no less than twenty-five (25) spaces.

Furniture Store: Three (3) spaces per 1,000 GFA.

Golf Course: Four (4) spaces for each green plus 50% of spaces otherwise required for any accessory uses (e.g., shops, food service).

Government Building: One (1) space for each 200 sq. ft. of GFA used by the public; one (1) space for each 600 sq. ft. of GFA not used by the public.

Grocery or Department Store (as stand-alone): Five (5) spaces per 1,000 sq. ft. GFA.

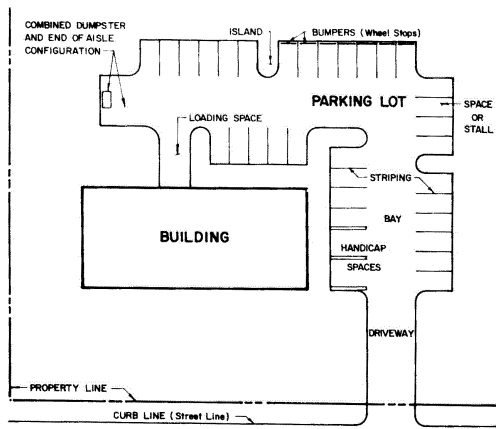
Health or Fitness Club: One (1) space for every person of the rated capacity.

Hotels, Motels, Places of Lodging: One (1) space per bedroom and one (1) space per employee of largest shift.

Library: One (1) space per employee plus one (1) space per 1,000 sq. ft. GFA.

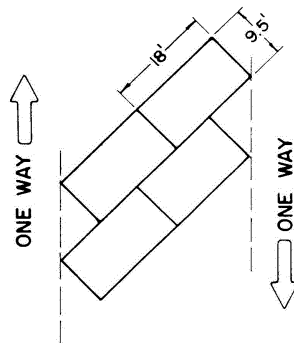
Lumberyard, Home Center: Three (3) spaces per 1,000 sq. ft. GFA plus one (1) space per accessory vehicle.

Manufacturing/ Industrial: One (1) space for each 600 sq. ft. GFA. or, 0.75 spaces per each employee of the combined employment of the two (2) largest successive shifts, whichever is larger.

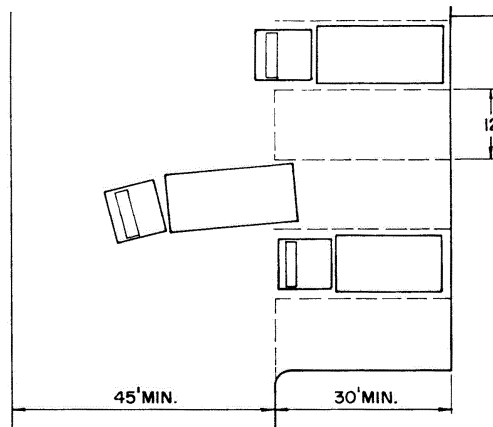


Street Right of Way

**ILLUSTRATION - TYPICAL PARKING FACILITY**



**ILLUSTRATION - HERRINGBONE PATTERN**



**ILLUSTRATION - LOADING SPACE AND AISLE**

Motor Vehicle Sales: One (1) space for each 600 net sq. ft. plus one (1) space for each 2,000 sq. ft. of outside display area; in an area clearly reserved for customer parking.

Nursery or Greenhouse: One (1) space per 2,000 sq. ft. of land area of the lot or parcel.

Office, Corporate or Campus type: 3.5 spaces per 1,000 sq. ft. GFA.

Office, Dental Medical: Five (5) spaces per practitioner and one (1) space per employee of largest work shift.

Office, General: One (1) space per 250 sq. ft. GFA.

Public Safety Facilities (e.g., Emergency Medical Service, Fire Department, Police Department): One (1) space for each employee of largest daily work shift plus one (1) space for each department vehicle.

Recreation Facilities:

(1) Athletic Fields: Twenty (20) spaces for every diamond or athletic field, or one (1) space for every four (4) spectator seats, whichever is greater.

(2) Basketball Court: Ten (10) spaces per court or one (1) space for every four (4) spectator seats, whichever is greater.

(3) Gymnasium: One (1) space for every four (4) spectator seats, including temporary seating.

(4) Park, Multi-use: Area of parking facilities equal to one (1%) percent of total land area.

(5) Park, Natural: Amount to be determined by the Commission based upon anticipated demand.

(6) Swimming Pool: One (1) space per four (4) persons, based on design capacity of the pool.

Research and Development: 3.5 spaces per 1,000 sq. ft. GFA.

Residential Single Family Dwelling: Two (2) off street spaces per dwelling unit; garage or carport spaces shall not apply.

Residential Design District: As detailed in the applicable design regulation; if no specified standard spaces shall be provided in location and number to satisfy the Commission that adequate resident and visitor parking is provided.

Restaurant, Full Service: One (1) space per 50 net sq. ft.; one (1) space per 25 net sq. ft. of lounge or bar area.

Restaurant, All other: One (1) space for every 25 net sq. ft.

Retail Stores and Services, General Commercial including Grocery or Department Store:

(1) 6.0 spaces per 1,000 sq. ft. GFA for structures ranging in area from 0 to 10,000 sq. ft. GFA.

(2) 5.25 spaces per 1,000 sq. ft. GFA for structures ranging in area from 10,001 to 25,000 sq. ft. GFA.

(3) 4.0 spaces per 1,000 sq. ft. GFA for structures ranging in area from 25,001 to 400,000 sq. ft. GFA.

(4) 4.5 spaces per 1,000 sq. ft. GFA for structures ranging in area from 400,001 to 600,000 sq. ft. GFA.

(5) Over 600,000 sq. ft. GFA: amount to be determined by Commission based upon best available design information.

School, Elementary or Middle: 1.5 spaces for each classroom, plus one (1) space per 400 sq. ft. of office floor area, plus one (1) space for every six (6) seats in an auditorium or gymnasium.

School, Senior High: 1.5 spaces for each classroom, plus one (1) space per 400 sq. ft. of office floor area, plus one (1) space for every four (4) students of design capacity.

Theatre; Auditorium: One (1) space for every 30 net sq. ft., or one (1) space for every four (4) seats, whichever is greater.

Truck Terminal; Warehouse: One (1) space for each facility vehicle and one (1) space per employee of largest work shift.

Veterinarian: Four (4) spaces for every practitioner plus one (1) space for every additional daytime employee.

Where a combination of uses is proposed for a Mixed Use Landmark Property Development under Section 117-301O, the Commission may authorize the provision of fewer parking spaces than would be required as a cumulative total for each of the various uses on the property, as long as the opportunity for sharing spaces exists and Section 117-1801 conditions are met. The applicant must provide a parking study demonstrating that the shared parking proposed will be adequate for the proposed uses. [Effective 2-9-13]

All Other: Sufficient spaces shall be provided for any use not specifically addressed by these regulations in a number to be prescribed by the Commission based upon the unique characteristics of the use.

**Section 117-2403. Queue space.**

Minimum queue space shall be provided for uses as specified below based upon the need to provide standing aisles for waiting vehicles. Queue space shall be provided in such a manner that the head of the queue starts adjacent to the specified use and extends so as not to obstruct or encroach upon any parking space or aisle. Queue space shall be provided only on the lot for the use to be served and shall not extend into any street or right-of-way.

Automatic Teller Machine (ATM), Drive-up type: Two (2) spaces per machine.

Bank Drive-up Window: Eight (8) spaces for each window in a separate lane for each window.

Car Wash: Fourteen (14) spaces for each operating lane.

Gas Pump and Pump Island: Two (2) spaces for each pump (or pump access) and one (1) space for each pump island lane.

Restaurant Drive-up Window: Eight (8) spaces for each window.

All Other: No less than three (3) spaces per window or access or such other number the Commission may prescribe based upon the unique characteristics of the use.

**Section 117-2404. Loading space.**

A. Any non-residential site development containing a GFA in excess of 4,000 sq. ft. shall have one (1) off-street loading space for each 40,000 sq. ft. of GFA or portion thereof.

B. The Commission may waive the requirements for off-street loading space if in its judgment such space is not necessary or warranted for the use or development.

**Section 117-2405. On-street parking not accepted.**

The use of on-street parking shall not be used for the calculation of any parking requirement contained in these regulations.

**Section 117-2406. Handicap parking.**

A. Handicap parking space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut. Copies of such specifications may be found on file in the Planning & Zoning Department.

B. No new structure, addition or use shall receive a Certificate of Occupancy until the required handicap parking has been provided; striped and signed as provided by current specification.

**Section 117-2407. Multiple uses.**

Except in the case of a shopping center, where separate parts of a building or structure or of a floor of a building are used for purposes requiring different numbers of parking spaces, the number of spaces shall be determined by adding the number of spaces required for the area devoted to each type of use.

**Section 117-2408. Joint use of parking facility.**

Upon the authorization of the Commission, the owners of two or more abutting properties may establish a joint parking facility, which may be located on any of the properties involved, to provide the total number of required parking spaces. Upon establishing of a joint use arrangement, agreements shall be entered into by the property units granting mutual use and access provisions to the parties and their successors in title in perpetuity. Such agreement shall be permanently recorded upon the Land Records of the Town of Monroe.

**Section 117-2409. Shared use of parking facility.**

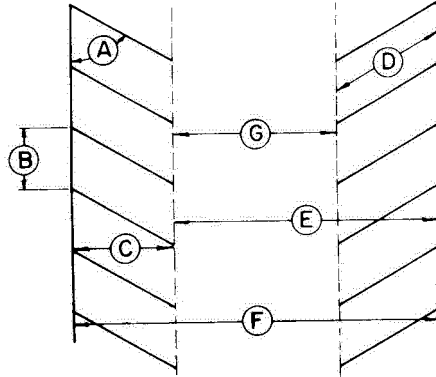
A. Upon the authorization of the Commission, the owners of two or more abutting properties may establish a shared parking facility, which may be located on any of the properties involved, to provide the number of required parking spaces for differing uses based upon peak period. Upon establishing a shared use arrangement, agreements shall be entered into by the property units granting mutual use and access provisions to the parties and their successors in title in perpetuity. Such agreement shall be permanently recorded upon the Land Records of the Town of Monroe.

B. Upon the authorization of the Commission, shared parking may be established upon the same property to provide the number of required parking spaces for differing uses based upon peak period. Such arrangement shall be incorporated in the development permit and shall remain binding unless subsequently modified by the Commission.

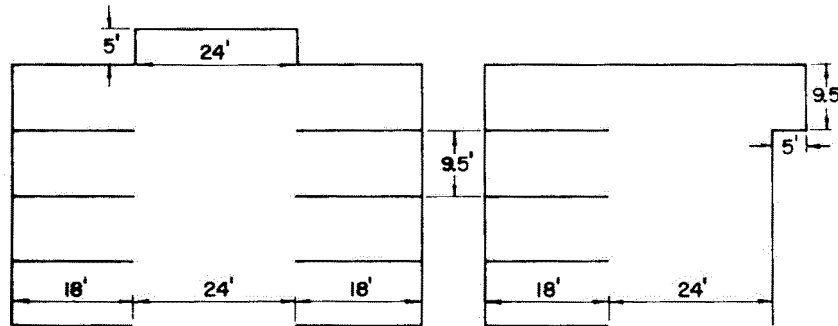
**Section 117-2410. Deferred parking.**

At the discretion of the Commission upon evaluation of anticipated current demand, or, if an applicant can demonstrate that the actual demand is actually less than the minimum required number of parking spaces for said use, the Commission may agree to the applicant reserving up to fifteen (15%) percent of the required spaces for future parking needs. Such reserved spaces shall be of standard design, shown in hatched lines on the site plan and labeled "Deferred

Parking,” and shall be limited to natural areas - lawn areas without trees or buildings thereon. The Commission may require the future construction of said deferred parking, or portions thereof, into usable parking, within ninety days of written notice to do so based upon a change in parking demand, a change of use or a change of traffic safety circumstances as determined by the Commission, and provided such notice shall take into account the time of the year suitable for pavement installation. Failure to construct such spaces per such request shall constitute a violation of these regulations.



**ILLUSTRATION - OVERALL FACILITY AND BAY SPECIFICATIONS**



**ILLUSTRATION - END OF AISLE CONFIGURATIONS  
(90° STALLS ONLY)**

**Section 117-2411. Employee parking.**

Employee parking is incorporated in the facility computation determined in Section 117-2402. The areas of the facility to be used for employee parking shall be those designated and approved by the Commission. If site design requires parking spaces in the rear or less functional areas for parking, those

spaces shall be given primary consideration for employee parking, owing to appropriate consideration of the intended use.

**Section 117-2412. Design standards.**

**A. Calculation Rounding.**

All partial space requirements shall be rounded to the next highest number of usable parking spaces.

**B. Space Dimensions.**

The design dimensions of parking spaces and loading spaces shall conform to those as previously defined.

**C. Parallel Parking.**

The use of parallel parking shall not be used as a design criteria in a facility exceeding a total of twenty (20) spaces.

**D. Overall Facility and Bay Specifications.**

The design of all parking facilities and bays shall conform to the specifications detailed in the following table. The table shall be used referencing Figure 24-4.

A.	Parking angle	0 deg	45	60	90
			deg.	deg.	deg.
B.	Curb length per space	23'0"	13'5"	11'0"	9'6"
C.	Stall depth	9'6"	19'5"	20'4"	18'0"
D.	Stall length	20'0"	18'0"	18'0"	18'0"
E.	Half-bay width	25'6"	35'5"	36'4"	42'0"
F.	Bay width	35'0"	54'10"	56'8"	60'0"
G.	Aisle width	16'	16'	16'	24'

**E. Surface Treatment; Grade.**

All off-street parking and loading facilities shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from such or from erosion or surface water flow. No such facility shall have a grade of less than one percent (1%) nor greater than three percent (3%). All facilities shall have a dustless surface where specified by the Commission.

**F. Design Accommodations.**

Except for parking space provided in connection with a dwelling on an individual lot, each parking space shall have an adequate area off the street for approach, turning and exit of an automobile having an overall



length of eighteen (18) feet. No part of any parking space or area for the turning or maneuvering of automobiles within the facility shall encroach upon the right-of-way of any public or private street or highway. All parking spaces shall be designed in such a manner so as not to conflict with another or impede or constrict the turning movements or access of vehicles to other spaces or aisles. Points of entrance and exit from the street or highway shall be located so as to minimize hazards to pedestrian and vehicular traffic on the street or right-of-way.

#### G. Circulation.

All parking facilities shall provide continuous circulation for its aisles and driveways. No parking bay exceeding twelve (12) spaces may terminate in a dead-end. (Figure 24-5)

#### H. Wheel Stops.

The use of bumpers, parking rails, wheel blocks or similar shall be employed in parking spaces wherever the potential exists for a vehicle to extend into a pedestrian area, street or right-of-way, or cause damage to a fence, building or other structure. The stops shall be placed no less than twenty-four (24") inches from the front edge of the space or curb.

#### I. Uses Restricted.

No non-residential space designed and approved for the purpose of parking shall be used for any use or activity other than regular vehicle parking; this restriction shall include storage of automobiles, trailers or similar.

### **Section 117-2413. Striping and signage.**

Facility striping and signage for the purpose of delineating parking spaces and management and control of traffic shall be placed as directed by either the Commission and/or the Monroe Police Department, both in initial design and as may be required from time to time as conditions may warrant. Such striping and signage shall be regularly maintained by the owners or their authorized agents so that all spaces and traffic controls are readily visible and comprehensible.

### **Section 117-2414. Lighting.**

Parking facilities shall be illuminated when determined by the Commission to be necessary. Lighting fixtures shall be installed by type and in number and location to be approved by the Commission. Fixture heights shall not exceed fourteen (14) feet in residential districts and twenty-five (25) feet in all other districts.

**Section 117-2415. Maintenance.**

Any parking facility shall be continuously maintained in satisfactory condition so as to be safe and attractive and free of any hazard, nuisance or other unsafe condition which may create potential for injury or casualty to life or property.

**Section 117-2416. Design capacity; uses not to exceed.**

In no case shall a mixed use center (i.e., shopping center, office center and the like) establish or permit a combination of uses which exceed parking facility design capacity.

**Section 117-2417. Change in use; additions and enlargements.**

Whenever there is a change in use, or increase in floor area, or other unit of measurement specified in these regulations, and such change, increase, or other unit of measurement is such that it creates a need for an increase in the number of off-street parking spaces by ten (10%) percent or more, such increase in off-street parking facilities shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area, or in other units of measurement; provided however, that in case a change in use creates a need for an increase of four (4) or less off-street parking spaces, no additional parking facilities shall be required. When a series of changes cumulatively require more than four (4) spaces the required parking spaces shall be provided.

**Section 117-2418. Nonconforming parking; use.**

A. No use of any building, structure, improvement, or land shall be deemed to be nonconforming due to any parking facility or off-street parking requirement which does not conform to the provisions on this article on the effective date of this article,

B. In the event that use of any building, structure, improvement or land with parking facilities or requirements not conforming to the provisions of this article is to be changed or modified, expanded, improved, enlarged or extended by more than ten (10%) percent over current conditions the requirements and specifications of this article shall be met.

## ARTICLE XXV Wireless Communication Facilities

1. **Purpose:** The purpose of this article is to make provisions to permit the location of wireless communication facilities within the town of Monroe while protecting the public, protecting neighborhoods, and minimizing the adverse visual and operational effects 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;
  - (iv) To provide standards for design, siting and vegetative screening to minimize adverse visual effects;
  - (v) To reduce the number of antennas and towers needed in the future.
  
2. **Locational Preferences:** The order of preferential ranking for siting the equipment associated with wireless communication facilities shall range from 1 as the most desired to 7 as the least desired as listed below:
  1. On existing structures such as buildings, water towers, and utility poles.
  2. On existing approved towers.
  3. On towers proposed to replace existing towers.
  4. On new towers less than 80 feet in height located in commercial or industrial zones.
  5. On new towers 80 feet or greater in height located in commercial or industrial zones.
  6. On new towers less than 80 feet in height located in residential zones.
  7. On new towers 80 feet or greater in height located in residential zones.

3. **Locational Restrictions**

- (i) The following town park and/or recreation facilities are specifically excluded from siting: William E. Wolfe Park/Great Hollow Lake complex and properties, Lanes Mines Park and properties, and Webb Mountain Park and properties.
- (ii) No land or structure in a Historic District shall be used for wireless communication facility siting with the exception of a municipally owned structure or facility.

4. **Special Standards**

- (i) No lights shall be mounted on towers unless required by the FAA. Strobe lighting shall be avoided where possible.
- (ii) Towers not requiring special FAA painting or marking may be galvanized, painted a non-contrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.
- (iii) Towers may not be used to exhibit any signage or advertising.
- (iv) 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 to accommodate one (1) additional comparable antenna.
- (v) Towers shall be set back from all property lines a distance equal to their height. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.
- (vi) Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and/or design of such structure/building.
- (vii) 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.

The Commission may waive the above requirements when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets

- (viii) Accessory buildings, to be used for housing telecommunications equipment only are permitted. Such buildings shall not exceed 750 square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of 12 feet.
  - (ix) A fence of appropriate design eight feet in height shall enclose the facility. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in Section 117-902G(1), except when determined by the Commission that existing suitable vegetative cover will remain.
  - (x) No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.
  - (xi) The design and operation of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.
  - (xii) All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission.
  - (xiii) Generators, if utilized, shall comply with all state and local noise regulations.
5. **Permits:** Wireless Communications Facilities shall be permitted in all zones subject to the following:
- (i) Use Permits: Where the Commission determines that an antenna proposed on an existing structure or building meets the following criteria (a, b or c below), such antenna and wireless facilities shall be allowed when issued a use permit by the Commission and subject to submission of Site Plan in accord with the requirements of Section 117-901;
    - a. An omni-directional or whip antenna with a length of 20 feet or less and 7 inches or less in diameter, provided its material and/or color blends with the exterior of the structure.

- b. A directional or panel antenna 6 feet in height and 2 feet or less in width provided its location and appearance blends with the exterior of the structure.
  - c. A satellite and microwave dish antenna 6 feet or less in diameter provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.
- (ii) Special Exceptions: Wireless Communication Facilities which do not qualify for Use Permits under Section 5(i) above may be permitted only after the approval of a special exception as provided for in Article XVIII. Such use may be approved only after a finding that the use will comply with the standards of Article XVIII, and the special standards of this Article.

## 6. 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. This map shall be accompanied by a report which documents the need for the wireless communications facility. At the minimum, this report will document that the facility is needed to provide acceptable capacity and coverage for wireless communication.
- (ii) A statement containing a description of the siting criteria and the process by which other possible sites were considered. Where applicable, said statement shall explain in detail why the most preferred locations ranked in §2 above should be eliminated from consideration.
- (iii) Architectural renderings and/or photo simulations of views of the tower from nearby properties.
- (iv) A report from a qualified radio frequency engineer that the proposed facility will meet the Federal Communication Commission requirements for radio frequency radiation at the time that the facility will be operating at maximum capacity.
- (v) A report from a qualified radio frequency engineer that the proposed facility will not interfere with existing or proposed public safety communications.
- (vi) When required by the Monroe Planning and Zoning Commission, additional 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.

7. **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.

[Effective 4-15-00]

# **ARTICLE XXVI Mixed Income Housing Residential District MIH**

## **Section 117-2600 Purposes**

The purposes of the Mixed Income Housing Residential District are:

- A. To comply with those portions of the Town's Plan of Conservation and Development that encourage on a long-term basis diverse housing patterns, including "starter" homes and other affordable housing.
- B. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community.
- C. To assist the Town in complying with the State Zoning Enabling Act, Connecticut General Statutes (CGS) §8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.
- D. To efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes, and prices.

## **Section 117-2601 Application of provisions**

The general requirements of Chapter 111, Subdivision of Land, except as otherwise indicated in this Article, shall apply to a MIH District. In addition:

- A. The MIH District shall be established only in an area that is serviced by a public water utility.
- B. The MIH District shall be capable of providing safe, sanitary sewage disposal by means of subsurface sewage disposal systems.
- C. The MIH District shall be located no closer than 1,500 feet in a direct line from an existing MIH District.
- D. No MIH district may be expanded by the addition of adjacent land and rezoning subsequent to the initial designation by the Commission of a parcel for such zoning district.



## **Section 117-2602 General requirement**

No habitable building in a MIH District shall be occupied nor shall a permanent certificate of zoning compliance therefor be issued until such building is connected to an adequate public water supply and adequate hydrants are provided for fire protection as prescribed by the Fire Marshal.

## **Section 117-2603 Definitions**

LOT REAR - The same as "Lot," additionally a lot of which the buildable area is located generally to the rear of other lots having frontage on the same street and having access to the street via an accessway that is part of the rear lot. Said lot must be approved by the Planning and Zoning Commission in conformance with the "Conditions of Certification" noted in Section 117-302c of the Zoning Regulations.

MIXED INCOME HOUSING RESIDENTIAL DEVELOPMENT ("MIH Development") - A housing development in which, for at least forty (40) years after the initial occupancy of homes within the proposed development, (1) not less than fifteen percent (15%) of the dwelling homes will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling homes be sold at, or below, prices which will preserve the homes as affordable housing, as defined in CGS §8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than fifteen percent (15%) of the dwelling homes shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

MIXED INCOME HOUSING DISTRICT HOME ("MIH Home") - A single-family detached dwelling for which persons and families are presumed to pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%) as applicable, of the lesser of area median income for the Town of Monroe or the statewide median income, as determined by the U.S. Department of Housing and Urban Development.

OPEN SPACE - Areas outside subdivided lots which are conveyed in fee to the town or approved, recognized land trusts that are suitable for active or passive recreational uses or landscaping buffers.

## **Section 117-2604 Permitted uses**

The following uses are permitted in a MIH District:

- A. Single-family detached dwellings.

- B. Conservation and open spaces which when owned by the town may be used for active or passive recreation.
- C. Signs, as specified by these regulations, applicable to residential districts.
- D. Uses incidental to and customarily accessory to the principal uses, provided such accessory uses are for the benefit of the residents living within the MIH District.

#### **Section 117-2605 Density and dimensional requirements**

- A. Density. The total number of dwelling homes permitted in a MIH District shall not exceed one (1.0) home per gross acre of the parcel.
- B. Minimum parcel size. The minimum size of a parcel to be rezoned and developed as a MIH District shall be not less than forty (40) nor more than forty-five (45) contiguous acres, under one ownership in one contiguous parcel; shall be located on a street classified as a state highway; and shall have not less than four hundred fifty (450) feet frontage on a public street.
- C. Lot Size. Front lots shall be a minimum of one-half acre. Rear lots shall be a minimum of three-quarters (3/4) of an acre. Front lots shall have a minimum frontage of ninety (90) feet and interior lots shall have a minimum frontage of twenty-five (25) feet.
- D. Setbacks. No building shall be constructed within forty (40) feet of a street line, nor within thirty (30) feet from the original parcel's property boundary line, nor within twenty-five (25) feet of an rear lot line, nor within fifteen (15) feet of a sideline.
- E. Height. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height as defined by these regulations.
- F. Coverage. The aggregate land area covered by all buildings and other structures shall not exceed twenty-five percent (25%) of the total area of the parcel.
- G. Rear lots, as defined in § 117-2603, shall be in conformity with the requirements of § 117-302C, except that no special exception shall be necessary; the minimum setback shall be twenty-five (25) feet; there shall be no more than one (1) rear lot in direct line behind front lots; the maximum number of adjoining accessways shall not exceed two (2); and two lots may share a driveway with a minimum width of eighteen (18) feet.

### **Section 117-2606 Scale of Buildings**

The scale of buildings shall be compatible with the scale of residential buildings on adjacent properties. No building facade shall have a continuous surface exceeding fifty (50) feet in length without a horizontal offset from grade to eaves of at least two (2) feet, and the plane of rooflines shall be similarly broken.

### **Section 117-2607 Open space requirements**

Not less than twenty-five percent (25%) of the gross area of the MIH District shall be designated as and shall remain open space and shall not be included as areas in any lots. Such area may be developed only for open space or active or passive recreational uses. Any area subjected to a conservation easement shall preserve it as such in perpetuity.

### **Section 117-2608 Off-street parking**

Parking spaces for not less than two (2) cars per dwelling unit shall be provided off public streets, however, garage or carport spaces shall not apply.

### **Section 117-2609 Utilities and improvements**

- A. Water from a public utility source shall be installed, without cost to the town, to serve all dwelling units in a MIH District, in conformance with the rules and regulations of the utilities having jurisdiction.
- B. Open Space.
  - (1) Except as otherwise permitted in writing by the Commission, there shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any land designated as open space. No work, removal or filling shall be done nor shall the existing natural characteristics of open space land be altered from its original condition, until a site improvement plan, prepared by a competent professional person, shall have been approved by the Commission.
  - (2) Land designated for open space shall not be used for any expansion of the approved original development. Land to be used as public or private open space shall be left in condition for the purpose intended. Wooded and brook areas shall be left natural where appropriate.

- C. Trash, garbage and refuse; collection and removal. Receptacles for trash, garbage and other refuse shall be kept tightly closed at all times to minimize the effect on public safety and health. Maintenance and removal of trash, garbage and refuse shall be the sole responsibility of the owners or their designated representative.

#### **Section 117-2610 Statement of satisfactory completion**

Upon completion of all sewerage installations, drainage installations and associated work requiring engineering plans and specifications, the developer's engineer shall submit to the Town Planning and Zoning Commission a statement of satisfactory completion asserting that all engineering requirements have been met according to the plans and/or amendments submitted. This statement shall be signed and bear the seal of the developer's engineer, who shall be a professional engineer licensed to practice in the State of Connecticut.

#### **Section 117-2611 Additional requirements for a MIH District**

The following requirements shall apply to a MIH District:

- A. MIH Homes shall be of a construction quality that is comparable to market-rate homes within the development. The final subdivision plan and plan for administration of affordability rules shall identify the locations within the MIH Development of the MIH Homes.
- B. The MIH Homes shall be built on a pro rata basis as construction proceeds.
- C. In a MIH Development, no MIH Home shall have less than three bedrooms.
- D. In order to insure the continued affordability of MIH Homes, no expansion or additions to such units shall be permitted.
- E. Calculation of the maximum monthly payment for a MIH Home, so as to satisfy CGS §8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.
- F. The maximum payment that the occupant for a MIH Home shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in CGS §8-30g, and shall include the following:

- (1) For rental housing, the maximum monthly housing 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; and utility costs, including hot water and electricity, but excluding telephone and cable television.
  - (2) For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable or prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.
- G. MIH Homes shall be occupied only as a principal residence. Leasing of MIH Homes shall be prohibited, with the exception that the original builder may lease a dwelling until it is transferred to the first owner.
- H. At the same time that the market-rate homes in a MIH Development are first advertised to the general public, notice of availability of the MIH Homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Monroe, by providing notice to the Monroe Board of Selectmen, the Monroe Town Clerk, and the Monroe Planning and Zoning Commission and through the procedures outlined in the affirmative fair housing marketing plan.
- I. For one of every three MIH Homes which becomes available for initial sale or rental, preference shall be given to applicants who are otherwise qualified and are Town of Monroe municipal employees or Monroe Board of Education employees, or who meet the criteria of "least likely to apply" as defined in Connecticut State Agencies Regulations §8-37ee and the affirmative fair housing marketing plan for the MIH Development.
- J. Each deed or lease for a MIH Home will contain substantially the following provision:

This unit is sold or rented as an "affordable" home as defined in CGS §8-30g, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Monroe or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Monroe based in part on the condition that a defined percentage of homes will be preserved as affordable housing

homes. The restrictions related to affordability are required by law to be strictly enforced.

- K. The forty (40) year affordability period shall be calculated separately for each MIH Home in a MIH Development, and the period shall begin on the date, as defined at closing, of occupancy of the Home.
- L. In conjunction with an application for approval of a final site or subdivision plan for a MIH Development, the applicant shall submit an "Affordability Plan," which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable homes, identification of those homes which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.
- M. The applicant shall also submit an affirmative fair housing marketing plan to govern the sales or rental of all MIH Homes.
- N. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under §8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

[Effective 3-21-02]

## **ARTICLE XXVII Definitions**

### **Section 117-2700. Terms defined.**

For the purpose of these regulations, certain words and terms are defined and explained as follows:

**ADAPTIVE REUSE** - The development of a new use for an older building or for a building originally designed for a special or specific purpose.

**ADEQUATE WATER SUPPLY (ELDERLY HOUSING)** [Effective 3-20-77]:

A. Public utility water supply; or

B. Drilled well system. There shall be a minimum of two (2) wells per development. Well yield shall be equal to not less than one-half (1/2) gallon per minute per dwelling unit, with an on-site storage supply of not less than one hundred (100) gallons per person of the maximum occupancy of the development. This storage supply shall be maintained in a single centralized storage and distribution system. Water storage supply for the purposes of fire protection shall be provided subject to the approval of the Fire Marshal of the Town of Monroe.

**ANTENNA** - A device used in communications which transmits or receives telecommunications or radio signals. Examples include panel, whip, and dish antennas. [Effective 4-15-00]

**CONTINUING CARE RETIREMENT COMMUNITY (CCRC)** -- Generally, an age restricted development that provides a continuum of accommodations and care, ranging in varying levels and combinations from independent living to long term bed care, and enters into contracts to provide extended or lifelong care in exchange for the payment of monthly fees and may include an entrance fee in excess of one year of monthly fees; and as may be further restricted and defined under regulations of the State of Connecticut Department of Public Health, particularly including the provision of supportive services to assist those in need of assistance in the activities of daily living. [ Effective 7-10-98 ]

**DWELLING UNIT** - Dwelling unit is a single unit providing independent living facilities for one or more persons including permanent provisions for one or more of the following: living, sleeping, eating, cooking and sanitation.

**FAMILY** [Effective 11-23-71]:

A. One (1) or more persons living together as a housekeeping unit, of whom at least three-fourths (3/4) shall be related by blood, marriage or adoption. Such "family" may include legal wards, guardians and foster children.

B. A group of persons living together as a unit who are unrelated by blood, marriage or adoption, except that such group shall not exceed three (3) individuals.

FARM - A farm shall be defined as the principal use of a lot or parcel for the producing of agricultural, horticultural, floricultural, vegetable and fruit products of the soil for market and shall include fisheries and fish hatcheries, and the raising of domestic farm animals for market. A dwelling for the resident farmer may be located on the lot or parcel. [Effective 12-15-81]

FLOOR AREA - In determining compliance with minimum floor area requirements for dwellings and compliance with maximum floor area allowed for a home occupation or a professional or business office in a dwelling, only finished livable floor area of the dwelling having a ceiling height of at least seven (7) feet six (6) inches shall be counted, excluding porches, terraces, bay windows, garages and utility rooms for heating apparatus.

HEIGHT - As to a building or other structure, shall be measured from the average ground level within ten (10) feet of the building or structure to the average level of the highest main roof. The provisions of these regulations pertaining to "height" shall not, apply to church spires, ornamental towers, water towers and chimneys.

HOUSE PET - An animal of such size and nature as is commonly and traditionally kept in the home, including but not restricted to dogs, cats, birds, fish and smaller animals. (Effective 12-31-73]

LOT - All contiguous land in one (1) ownership, as evidenced by deed or deeds recorded in the land records of the Town of Monroe.

LOT AREA AND SHAPE - In determining compliance with minimum lot area and shape requirements, land subject to easements for underground utilities may be included, but no public highway, easement of access or private right-of-way shall be included. Area consisting of ponds or lakes shall not be used for compliance with more than twenty percent (20%) of a minimum lot area requirement. Land in a zoning district having a higher lot area requirement shall not be used to satisfy a lot area requirement in a zoning district having a lesser lot area requirement. Land in a residential and farming district shall not be used to satisfy a lot area requirement in any other district. [Effective 5-19-65]

LOT, REAR - The same as "Lot," additionally a lot of which the buildable area is located generally to the rear of other lots having frontage on the same street and having access to the street via an accessway that is part of the rear lot. Said lot must be approved by the Planning and Zoning Commission in conformance with the "Conditions of Certification" noted in Section 117-302C of the Zoning Regulations.

MASSAGE PARLOR - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such



treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**MOUNT** - The structure, building, or surface upon which antennas are mounted. [Effective 4-15-00]

**SPECIAL EXCEPTION** - A permitted use where specified in the zoning regulations that, because of its nature, special requirements and problems, requires special and careful consideration of all aspects of the proposed operation in order to protect other properties in the zone and to preserve the basic zoning regulations. [Effective 9-22-69]

**STORY** - That part of a building which is between the surface of a floor and ceiling immediately above and has structural headroom of seven (7) feet or more. A "story," the ceiling of which is less than five (5) feet above the finished lot grade level averaged within ten (10) feet of the exterior foundation walls of the habitable building, shall be considered a half story. A "story," the ceiling of which is five (5) feet or more above the finished lot grade level averaged along the exterior foundation walls of the building, shall be considered a full story. An attic shall be considered a full story if the roof plate is more than two (2) feet above the attic floor or if more than sixty percent (60%) of the attic floor space is finished for habitable purposes. [Effective 8-10-85]

**TOPSOIL** - The original upper layer of soil material to a depth of six (6) inches which is usually darker and richer than the subsoil. [Effective 6-15-83]

**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. [Effective 4-15-00]

**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. [Effective 4-15-00]

**ARTICLE XXVIII Enforcement**  
**[Effective 2-24-65; 8-24-65; 9-26-72; 7-1-77]**

**Section 117-2800. Enforcement officer designated; duties.**

The Zoning Enforcement officer of the Town of Monroe so appointed by the Planning and Zoning Commission is hereby designated as the officer with full power to enforce these regulations. In carrying out his zoning enforcement duties, the Zoning Enforcement Officer so appointed by the Planning and Zoning Commission shall work under the guidance of the Planning and Zoning Commission. The Zoning Enforcement Officer so appointed by the Planning and Zoning Commission is hereby authorized, while a provisional certificate of zoning compliance is in effect, to cause any land, building, structure or promises to be inspected and to order in writing the remedying of any condition found to exist in violation of the regulations. Any violation of these regulations shall be subject to the remedies and penalties prescribed by law.

## **ARTICLE XXIX Zoning Compliance [Effective 8-24-65; 9-26-72; 7-1-77; 7-20-83]**

### **Section 117-2900. Application for certificate of zoning compliance.**

No land shall be used and no building or other structure shall be constructed, reconstructed, extended, enlarged, substantially altered or used, in whole or in part, for any purpose until an application for a certificate of zoning compliance shall have been filed with the Zoning Enforcement Officer and/or Planning Administrator and a provisional certificate of zoning compliance approved by him as to compliance of the proposed improvement or use with the provisions of these regulations. Each application shall be accompanied by such information specified in the application and any other information required by the approving authority which is deemed necessary for approval of the application. Said provisional certificate will be effective for a period not to exceed one (1) year from date of issue.

### **Section 117-2901. Certificate required prior to use.**

No land shall be used and no building or other structure or part thereof shall be occupied or used until a permanent certificate of zoning compliance shall have been issued therefor by the Zoning Enforcement Officer and/or Planning Administrator showing that the effective use and/or completed construction are in accordance with these regulations.

### **Section 117-2902. Fees.**

For each provisional certificate of zoning compliance issued a fee shall be paid to the issuing authority and for each permanent certificate of zoning compliance issued a fee shall be paid to the issuing authority. The purpose of these fees is to defray the expense of review and inspection.

### **Section 117-2903. Review of Compliance; applications to the Commission.**

#### **A. Review of Applications.**

Prior to the acceptance by the Commission of any application for zone change and/or special exception permit, the Zoning Enforcement Officer shall review the premises being the subject of the application and shall return a report to the Commission advising whether the premises are free of any violations of these regulations or of any violations which actually exist. No application shall be accepted by the Commission unless such report is received.

#### **B. Acceptance of Applications.**

Should the Zoning Enforcement Officer find any violation(s) exist, no application for zone change and or special exception permit shall be

accepted by the Commission until such time as there is compliance with the applicable provisions of these regulations, unless it is a stated intent of the purpose of the application to achieve compliance.

## **ARTICLE XXX Zoning Board of Appeals [Effective 7-25-81]**

### **Section 117-3000. Organization.**

There shall be a Zoning Board of Appeals as provided for in the Charter of the Town of Monroe, subject to the provisions of Section 8-6 of the Connecticut General Statutes, as amended.

### **Section 117-3001. Rules of procedure.**

The Zoning Board of Appeals shall adopt by-laws which shall be the official rules of procedure for the Board.

### **Section 117-3002. Definitions.**

For the purpose of this article, waiver shall mean variance and variance shall mean waiver.

### **Section 117-3003. Powers and duties.**

A. Zoning waivers. Pursuant to the authority granted by Section 8-6 of the Connecticut General Statutes, the Zoning Board of Appeals shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official(s) charged with the enforcement of this chapter or any by-law, ordinance or regulations adopted under the provisions of Chapter 124 of the Connecticut General Statutes;

(2) To determine and vary the application of the zoning by-laws, ordinances or regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions specifically affecting such parcel but not affecting generally the district in which it is situated, a literal interpretation of such by-laws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public, safety and welfare secured. No such Board shall be required to hear any application for the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

B. Use waivers prohibited. The Zoning Board of Appeals shall not permit, by waiver, any use of land or building not allowed by the provisions of these zoning regulations, and shall not permit, by waiver, in any zoning

district, a use of land or building not allowed by the provisions of these zoning regulations in such zoning district.

C. Dealers and repair licenses, and gasoline and motor oil sales. The Zoning Board of Appeals shall have powers and duties pursuant to Sections 14-54, 14-55, 14-321 and 14-322 of the Connecticut General Statutes, as amended, concerning local authority approvals required for the location and operation of auto dealers and repairers, and the establishment of gasoline and motor oil sales.

In acting on such applications, the Zoning Board of Appeals shall consider the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering; traffic conditions, intersecting streets, width of highway, and effect on public travel, and in general, that such use at such proposed location will not imperil the safety and welfare of the public, or have a detrimental effect on the value of nearby properties or development thereof.

D. Town ordinances. The Zoning Board of Appeals shall be empowered to act in a capacity as may be required by such other town ordinance enacted by the Town of Monroe.

#### **Section 117-3004. Procedural requirements.**

Appeals to the Board shall be taken in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended, and within the time prescribed by rule adopted by the Board.

**ARTICLE XXXI Architectural Review Committee**  
[Effective October 1, 1997]

**Section 117-3100. Architectural Review Committee (ARC).**

The Architectural Review Committee (hereinafter referred to as ARC) shall be an advisory working committee to the Planning and Zoning Commission as established by the provisions of this Article.

**Section 117-3101. Statement of Purpose.**

The goals and objectives of the ARC shall be to preserve and improve the appearance of the community and raise the general aesthetic level of Design District development in the Town of Monroe.

In order to achieve this goal, the ARC shall review and make comments and/or recommendations for construction or development of any improvements in Design Districts, including all new construction and proposals for exterior alterations to existing structures or improvements.

It shall be the direction of the ARC to examine design concepts prior to the execution of final working drawings without undue delay and before development time and funds are spent to refine the design. It shall not be the intent to stultify design by judging on particular architectural styles, but, rather through as much foresight and professional experience at its command, aid the community and the developer in achieving a truly satisfying physical environment.

Through the efforts of the ARC, it is intended to promote those qualities in development which bring value to the community; to foster the attractiveness and functional utility of the community as a place to live and work, and to raise the level of expectations of future growth and development while maintaining the integrity of the Master Plan (Plan of Development of Monroe, Connecticut).

**Section 117-3102. Membership.**

A. Composition. The ARC shall be comprised of five (5) voting members, a majority of which shall be electors of the Town of Monroe, and two (2) non-voting members as follows:

- Voting members:
  - 1 member Planning & Zoning Commission
  - 3 members Professional Community
  - 1 member General Community
  
- Non-voting members:
  - Town Planner
  - Chief Building Official

B. Qualifications. ARC members shall include a member of the standing Planning and Zoning Commission, members of the Professional Community especially qualified either by training or experience in architecture, site planning, landscape architecture or professional engineering and members of the General Community active in community affairs and interests. The Chairman of the Planning and Zoning Commission may not be a member of the ARC.

The Town Planner and Chief Building Official shall be members by virtue of their professional position. They may designate members of their staff to represent them in case of absence.

C. Terms of Appointment. The Planning and Zoning Commission shall appoint members effective upon the effective date of this Article. Thereafter, the Planning and Zoning Commission shall appoint members for two-year terms commencing January 1 of odd numbered years. Appointments shall be made preferably in December immediately preceding the term.

In case of vacancy, appointments shall be made as necessary to fill the unexpired portion of the vacant term.

D. Removal. Members may be removed for cause if the need to do so is determined by a majority vote of the regular membership of the Commission and only after a hearing in front of the Commission. Said hearing shall be held no sooner than fifteen (15) days and no later than thirty (30) days following finding(s) for removal. Such finding(s) shall be recorded in the records of the Commission.

E. Quorum. The quorum of the ARC for the purpose of transacting business shall be three (3) voting members.

F. Officers. The ARC shall elect from its ranks a Chairman and Secretary, however, the Planning and Zoning Member, Town Planner, and Chief Building Official shall not serve as Chairman.

G. No member of the ARC shall participate in the review or decision of the ARC in any matter in which he is directly or indirectly interested in a financial sense.

### **Section 117-3103. Operations.**

All activities of the ARC shall be supported by the Planning and Zoning Department and costs incurred shall be supported by that department's budget.



**Section 117-3104. Rules and Procedures.**

A. Rules of the ARC shall be governed by the Connecticut General Statutes, Chapter 3 as may be amended and by Robert's Rules of Order.

B. Procedures of the ARC shall be governed by procedural requirements adopted by it and as may be revised from time to time.

**Section 117-3105. Meetings.**

Meetings of the ARC shall be held monthly as a minimum based upon an annual schedule adopted by it. Meetings may be dispensed with by the ARC or its chairman if warranted due to lack of business or quorum.

**Section 117-3106. Request for review.**

Parties seeking a report of the ARC shall submit a request for review on a request form supplied by the ARC along with supporting documentation a minimum of fifteen (15) calendar days prior to the anticipated meeting date. Three (3) copies of all items shall be provided.

The parties and their design consultants may appear before the ARC at the designated meeting for the purpose of presentation and discussion of the proposal to serve as basis for the report.

At all times shall these meetings be open to the general public, but in no way shall be considered as public hearings with public participation.

**Section 117-3107. Supporting documentation.**

A. Format. All plans shall be provided on sheets not exceeding 24" x 36". Plans may be broken into sections if warranted.

B. Site Plan. The site plan specifications shall generally conform to Section 117-901A.

C. Landscape Plan. The landscape plan may be a separate plan or may be contained on the site plan. This plan shall detail the proposed treatment and detail of site improvements and landscaping; specifying location, number, and type of vegetation to be established and such other natural or man-made amenities as may be proposed or required.

D. Building Floor Plans. General indications of usage, circulation and square footage at a standard architectural scale recognized by the profession.

E. Exterior Elevations. Elevations shall be provided of ALL sides of proposed structures and shall include building heights based upon the definition in Article XXVII finished floor elevations, fenestration, building materials and colors. In the case of enlargement of a structure, the existing as well as the proposed shall be shown. The use of perspective drawings and models are encouraged but are not mandatory.

F. Materials. Provide samples of exterior building materials including color samples and texture in 8½" x 11 format.

G. Relation to Adjacent Areas. Where requested by the ARC photographs and/or sketches of adjacent areas or structures may be provided to evaluate design.

H. Other Information. Other specific documentation may be provided which at either the request of the ARC, or, in the applicant's opinion will enable the Committee to better evaluate the design.

#### **Section 117-3108. Review Considerations.**

In considering any request for review brought before it, the ARC shall evaluate the design of all proposals through considerations of the following:

A. Landscape and Environment: To prevent the unnecessary destruction or blighting of the natural landscape or of the achieved man-made environment.

B. Design of All Structures: The site plan, architectural design and construction materials proposed for each project are of such character that they will compliment, protect and preserve the integrity and property values of the Town.

C. Relationship of Structure and Open Space: To determine the treatment of disturbed areas versus open space has been designed to relate harmoniously to the natural environment and topographic conditions and to the existing structures that have a visual relationship to the proposal.

D. Protection of Adjoining Uses and Properties: To protect adjoining users and owners by satisfaction that reasonable provision has been made for such elements as sound and sight buffers, the preservation of views, light and air, and such other elements of design which may have a substantial effect or impact on adjoining areas.

E. Design of Accessory Elements: Aesthetic and functional review of signage, lighting, landscaping, refuse management, exterior art, and similar accessory elements.

**Section 117-3109. Issuance of Report; Notice and Distribution.**

A. Within thirty (30) days following a party's initial presentation before the Committee, or initial consideration if no presentation is made, the ARC shall adopt its final report. The report is of an advisory nature and shall not be binding upon the applicant or any other department or agency of the municipality. It is the intent of the report to provide effective guidance to the parties involved in the eventual culmination of the proposal.

B. The deadline for the final report shall in no way preclude additional meetings between the parties within said time frame to enhance the evaluation.

C. A single extension of thirty (30) days to adopt a final report may be granted by the applicant to enhance the evaluation.

D. The contents of the final report shall contain, but not be limited to, the following:

(1) General discussion of the evaluation and findings; areas of special concern or consideration.

(2) Findings of the ARC in terms of acceptability (approval) of the proposal, acceptability (approval) subject to recommendations for change in architectural design and function as the ARC shall deem appropriate, or unacceptability (rejection) subject to aforementioned recommendations. No report of unacceptability shall be issued without recommendations.

(3) Such other aspects or elements of the proposal which merit comment or recommendation.

E. Within fifteen (15) days following the adoption of the report, said report shall be reduced to transmittable form and shall be forwarded to the parties via certified/return receipt mail. Returned with the report shall be one set of the supporting documentation, each item endorsed by the ARC, which may bear comments or notes made by the ARC. Concurrently, the aforesaid report and set of supporting documentation shall be transmitted by hand to the Clerk of the Planning and Zoning Commission for inclusion in any future related application. The remaining set of supporting documentation shall be retained in the records of the ARC.

**Section 117-3110. Acceptance of Report; Additional Request for Review.**

Should the party(s) find the final report unacceptable and choose to modify the proposal for additional review by the ARC, the modified proposal shall be the subject of a new request for review as specified in Section 117-3106 et. seq.

## **ARTICLE XXXV Miscellaneous**

### **Section 117-3500. Validity.**

The invalidity of any section or provision of these regulations shall not affect the validity of any other section or provision hereof.