

ARTICLE 1 INTRODUCTION AND GENERAL PROVISIONS

§1.1 Short Title

These “Regulations” shall be known and cited as the Zoning Regulations of the Town of Monroe, effective October 1, 2013, as may be amended from time to time.

§1.2 Authorization

These Regulations have been adopted by the Planning and Zoning Commission (“Commission”) of the Town of Monroe in accordance with the provisions of the Charter of the Town of Monroe, as amended, and Title 8, Chapters 124 and 126 of the 1958 Revisions of the Connecticut General Statutes, as amended (formerly Chapter 29 of the 1930 Revision of the Connecticut General Statutes).

§1.3 Purpose

The purpose of these Regulations is to direct development in the Town of Monroe consistent with the Plan of Conservation and Development; to provide for the best use of land in the Town; to conserve and stabilize the value of property; to promote the health, safety and general welfare of its people and the general public; to protect the social and economic stability of all areas of the Town; to regulate the location, use, height and bulk of buildings and structures; to regulate the location and use of yards and open spaces; to provide adequate open spaces for light and air; to secure safety from fire, flood and other dangers; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; to protect agricultural resources; to provide for housing choice and economic diversity in housing; and to provide for the preservation of desirable open space, historic related resources, water resources, ridgelines, and other environmentally important lands.

§1.4 Validity and Severability

If any section, paragraph or provision of these Regulations is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Regulations as a whole or any part, other than that so declared.

§1.5 Compliance Required

No land, building or other structure shall hereafter be used and no building or other structure shall be constructed, reconstructed, altered, relocated, demolished, extended, or enlarged, except in conformity with these Regulations. All principal uses shall be conducted inside a building unless otherwise specified in these Regulations.

§1.6 Relationship to Other Laws; Interpretation

Whenever restrictions or standards imposed by provisions of these Regulations are in conflict with restrictions or standards imposed by provisions of any other governing law, rule, or regulation, then, to the extent permitted by State and Federal law, the more restrictive provisions shall govern. When one section, provision or requirement of these Regulations imposes restrictions or standards greater than those of another section, provision or requirement the more restrictive section, provision or requirement shall govern.

§1.7 Prior Regulations Repealed

These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission, and stated above in §1.1, in accordance with the General Statutes of the State of Connecticut. The Zoning Regulations of the Town of Monroe previously adopted by the Commission and all amendments relating thereto are repealed coincident with the effective date set forth in §1.1 of these Regulations. Such repealing shall not affect the status of any personnel and shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, or forfeiture of punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

§1.8 Zoning Districts

§1.8.1 Districts Enumerated

For the purpose of these Regulations, the Town of Monroe is divided into the following districts:

Residential Districts

RF-1 Residential and Farming
RF-2 Residential and Farming
RF-3 Residential and Farming
MRF Multifamily Residence District
ARR Age Restricted Resident District
HOD Housing Opportunity District
RR Recreation Residence District

Nonresidential Districts

B-1 Business District 1
B-2 Business District 2
LOR Limited Office Retail District
I-1 Industrial District 1
I-2 Industrial District 2
I-3 Industrial District 3

Special Districts

LOR Limited Office Retail District
MDD Main Street Design District Overlay
SDD Special Development District

§1.8.2 Zoning Map

The boundaries of all designated zoning districts and any amendments thereto are established by the Commission, as shown on a map entitled "Town of Monroe Zoning Map" and shall bear the date of the enactment of these Regulations and of the most recent amendment to the district boundaries. The Official Zoning Map, updated to the date of the most recent amendment, shall be on file in the office of the Town Clerk and in the office of the Planning and Zoning Department. The Zoning Map shall be at a scale of one (1) inch equals eight (800) feet, and shall be certified by the Chairperson of the Commission as "The Official Zoning Map of Monroe, Connecticut Prepared from Official Records of the Planning and Zoning Commission."

§1.8.3 Zoning District Boundaries and Interpretation

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, or where physical features existing on the ground are inconsistent with those shown on the Official Zoning Map, or where the precise location of any district boundary is uncertain, the Commission shall determine the boundary location aided by the standards set forth below. Where written documentation of a zoning district boundary change is available and said change is inconsistent with the zone boundary shown on the Official Zoning Map, the documented written approval location of the zone boundary shall govern.

- A. Boundaries indicated as following a street, road or highway shall be construed as following the center line of such street, road or highway unless specifically dimensioned or otherwise designated.
- B. Boundaries indicated as following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as running parallel to any of the above mentioned lines, at dimensioned, scaled or depicted distances, shall be construed as parallel. Distances not specifically indicated on the Official Zoning Map or described in these Regulations shall be determined by the scale of the map.
- D. Boundaries indicated as following the center line of a river, stream or other watercourse shall be construed as following that line. Boundaries indicated as following a shore line shall be construed as following such shore line.

§1.9 General Regulations

§1.9.1 Nonconforming Uses, Structures and Lots

A. 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.

B. Abandonment of Nonconforming Structures and Uses

- (1) Removal (not involving normal and reasonable maintenance and repair) of a nonconforming building, structure or portion thereof dimensionally nonconforming shall constitute a discontinuation and abandonment of same.
- (2) A nonconforming use shall not be deemed abandoned solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. If the owner of said premises desires to resume a presumptively abandoned nonconforming use, an application to the Zoning Enforcement Officer to determine

whether or not said nonconforming use was abandoned may be presented. The burden of proof shall be upon the applicant to show that the use was not in fact abandoned.

- (3) Notwithstanding Subsections (1) and (2) above, removal of a building, structure or other developed or operational feature shall constitute a discontinuation and abandonment of a nonconforming use or portion thereof.
- (4) Notwithstanding Subsections (1) and (2) above, the discontinuance of a nonconforming use and replacement thereof by a conforming use, for any period of time, no matter how short, shall constitute abandonment of the nonconforming use. Such replacement by a conforming use shall occur when the portion of the lot, building or structure formerly devoted to a nonconforming use is used for a conforming use.

C. Enlargement or Extension of Nonconforming Uses or Structures

- (1) A principal or accessory structure which is conforming in use but does not conform to the height, yard, building coverage, floor area ratio or other dimensional requirements of this chapter shall be deemed to be dimensionally nonconforming.
- (2) No permit shall be issued nor shall any changes be made in such structure that will result in the increase of any such dimensional nonconformity. Any structure or portion thereof may be altered so as to decrease a dimensional nonconformity or in a manner that will not affect an existing dimensional nonconformity, subject to compliance with any applicable approvals.
- (3) Normal maintenance and repair
 - (a) Normal maintenance and repair, including structural repairs of a building or structure with noncomplying bulk is permitted if the same does not increase the degree of or create any new noncomplying bulk in such building or structure.
 - (b) Normal maintenance and repair of a building or structure is permitted if it does not extend a nonconforming use.
- (4) 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 already part of such nonconforming use, except:
 - (a) Residential buildings and structures located in residential zones that conformed to the thirty-foot (30) setback requirement in effect on May 18, 1965. 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 required front yard setback.
 - (b) To provide for conforming use thereof or to adapt an existing building or structure to a conforming use.
 - (c) Extension of a nonconforming use as may be permitted under Subsection (5) below.

- (5) A nonconforming use may be extended, as follows, subject to Special Exception Permit approval by the Commission:
- (a) A nonconforming use of an existing principal building or structure may be extended to occupy additional floor area within such existing principal building or structure not formerly used for such nonconforming use provided the portion of the building to be used lawfully existed prior to October 1, 2013.
 - (b) A nonconforming non-building use may be extended to use additional land where no substantial operations were previously conducted, provided such extension is on the same lot and said lot existed in its current configuration prior to October 1, 2013, and provided such does not require clearing of trees or alteration of topographic grades greater than two (2) feet in elevation.
 - (c) Permitted extension of a nonconforming use shall also be deemed to include necessitated changes in the size and layout of parking areas, access drives, changes in exterior lighting, landscaping, architectural changes, including structure entries, and grade alterations.
 - (d) The Commission may only approve the proposed extension of a nonconforming use where it determines that the following criteria are met:
 - (i) The extension of the nonconforming use will not be inconsistent with the purposes of these Regulations and would not have a detrimental impact on other uses of the property, if any, and on surrounding properties occupied by conforming uses.
 - (ii) The percentage of extension will not result in an increase in a cumulative excess of 100 percent (100%) of the existing gross floor area or total land acreage occupied by the existing nonconforming use prior to the date set forth in Subsections (a) and (b) above.
 - (iii) The increase of the nonconforming aspect of a use is the minimum possible so as to achieve an overall site development or use in greater conformance with the intent and purposes of these Regulations.
 - (iv) All modifications or safeguards identified by the Commission as necessary or appropriate to further the purposes of these Regulations are required of the property owner and included as conditions of approval.

D. Use of Nonconforming Lot of Record

A building or structure may be erected as a permitted use on any existing lot of record which does not conform to the minimum required lot area or lot shape requirements of these Regulations, provided that:

- (1) Such lot was lawfully in existence prior to October 14, 1963 and was not created by the recording of a "First Cut" or "Lot Line Revision" map or declared as "Not a Building Lot" on a map recorded in the Monroe Land Records.

- (2) All other bulk regulations and other applicable provisions of these Regulations are complied with.
- (3) The owner of such lot does not own sufficient contiguous land to make a conforming lot or more nearly conforming lot.
- (4) The use of such lot shall satisfy all applicable requirements of the Town of Monroe Health Department for potable water supply and sewage disposal facilities.
- (5) The use of such 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.

E. Change of Nonconforming Use

Any lot on which a lawfully nonconforming use has been conducted shall not be used for any other nonconforming use. Any nonconforming use shall not be expanded above the level at which such activity existed on the date on which it became nonconforming by virtue of these Regulations or any amendments thereto, except as may be permitted in Subsection A above. If such nonconforming use of land or any portion thereof is changed to a conforming use, any future use of such land or portion thereof shall be in conformity with all use provisions of these Regulations. No nonconforming use, building or other structure once changed to conform to these Regulations shall be changed to a nonconforming use, building or structure.

F. Restoration of Damaged Nonconforming Structure

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 is issued within eighteen (18) months from the date of said fire or other casualty and restoration completed within three (3) years of the time of such damage. The Commission may grant an extension upon a showing of proper cause and diligent progress in the restoration. 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, pursuant to these Regulations and provided that the restoration of said structure does not expand any aspect of the nonconforming conditions (use or dimensional aspects), except in conformity to these Regulations.

G. Restoration of Unsafe Nonconforming Structures

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any nonconforming 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 abandoned, expired or lost, pursuant to these Regulations and provided that the strengthening or restoring of said structure does not expand any aspect of the nonconforming conditions (use or dimensional aspects), except in conformity to these Regulations.

§1.9.2 Foundation Requirements; Commercial, Farm, Trailers and Other Vehicles

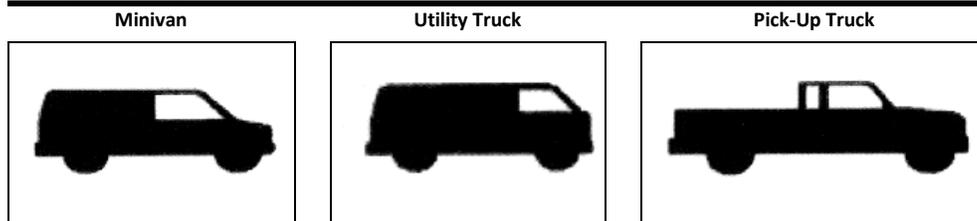
A. Foundations

All principal buildings shall be erected upon a permanent foundation.

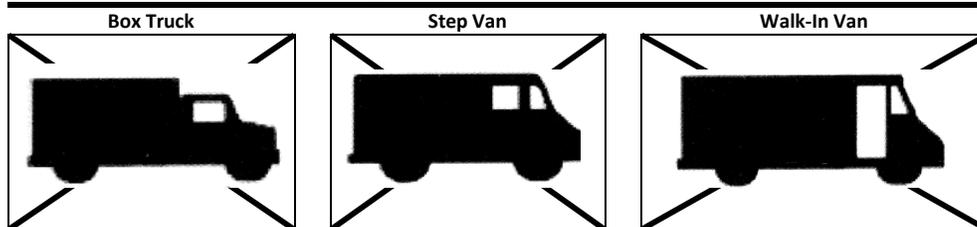
B. Commercial Vehicles

Not more than one (1) gross vehicle weight rated (GVWR) Class 1 through 3 commercial pickup, truck or utility van with its cab and cargo area consisting of a single continuous body may be parked outside on a developed lot in a residential district. No commercial vehicle or parts thereof shall be parked or stored on any unimproved lot in any district, except as may be permitted during authorized construction and/or pursuant to an approved Subdivision, Site Plan and/or Special Exception Permit.

Examples of Acceptable Class 1 through 3 Commercial Vehicles in Residential Districts per above.



Examples of Unacceptable Class 1 through 3 Commercial Vehicles in Residential Districts per above.



C. Farm Vehicles

Customary farm vehicles are permitted in any Residential and Farming District, but shall not be stored or parked within any required yard (setback).

D. Trailers, Recreational Vehicles and Boats

House trailers, horse trailers, recreational vehicles, boats and boat trailers may be parked or stored on a developed residential lot, provided same are not parked in front of the principal building or in any required side or rear yard setbacks, and suitable all-year screening is provided and maintained. All other parking, storage or use of such vehicles is prohibited. The use of such vehicles for dwelling purposes or for storage purposes is prohibited.

E. Temporary Construction and/or Sales Trailers

- (1) Trailers, vehicles and other mobile or temporary structures shall not be permitted for use as dwellings, storage or for the purpose of conducting a business on any lot, except as follows and pursuant to issuance of a Zoning Permit:

- (a) Temporary living quarters related to a casualty loss of a residence which has been rendered inhabitable may be permitted for a period not to exceed two (2) years or the time of reconstruction, whichever is less. Subject to written request, an extension of up to one (1) additional year may be granted by the Commission where specific circumstances and conditions warrant such extension.
- (b) Temporary structures for construction and sales may be permitted during the period of approved site construction of residential or non-residential lot, provided same is authorized by the Commission pursuant to Site Plan or Special Exception Permit approval, and subsequent issuance of a Zoning Permit by the Zoning Enforcement Officer.
- (c) Permitted temporary structures, trailers or combined construction/sales trailers shall be subject to all minimum yard setback requirements of the lot which same is located upon.
- (d) A Zoning Permit may be issued by the Zoning Enforcement Officer for the placement and use of a combined construction and sales trailer in connection with a residential subdivision of more than five (5) lots; in such instances the trailer may be located on a lot within the subdivision and may be moved to other lots within the subdivision as construction progresses.
- (e) A Zoning Permit issued pursuant to this Section shall be issued for a period not exceeding six (6) months, except as otherwise may be permitted by the Commission under Subsection (b) above, but may be renewed for successive periods of not more than three (3) months each, at the Zoning Enforcement Officer's discretion, if work on said construction is diligently progressing but not yet completed. An applicant shall post a bond in the sum of five-thousand dollars (\$5,000) or shall deposit one-thousand dollars (\$1,000) to guarantee the removal of the temporary structure when the permit has expired. The applicant shall furnish a valid certificate of insurance to the Town evidencing minimum liability coverage of one-million dollars (\$1,000,000) combined single limit liability insurance.
- (f) All permitted temporary structures shall be removed from the lot on which it is located before a Certificate of Zoning Compliance or Certificate of Occupancy may be issued for any principal or accessory use or structure on the lot.

§1.9.3 Lots in More than One Zoning District

Where a zoning district divides a lot in single ownership into two (2) or more zoning districts, the following standards shall apply:

- A. The use, density and other development standards and requirements of these Regulations not included in Subsection B below shall be that as required for the respective zoning district classified individually for each portion of the lot.

- B. The standards of any overlay zoning district shall apply uniformly over the area designated by the overlay zoning district.
- C. In determining minimum lot area, land subject to an easement for access or a private right-of-way, except underground utilities, shall not be included, nor shall land in a residential and farming district be used to satisfy a lot area in any other district, and 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.

§1.9.4 Building Lots and Subdivision of a Lot

- A. Every building and structure hereafter erected and every use hereafter established shall be located on a lot as defined herein. Accessory buildings, structures and/or uses shall only be permitted and located on the same lot as a duly authorized principal building, structure and/or use to which it is accessory, and no lot shall be created that has an accessory building, structure or use without a principal use.
- B. Building lots may only be established in accordance with the procedures and standards set forth in the Connecticut General Statutes and the Land Subdivision Regulations of the Town of Monroe. Where a lot is formed hereafter from part of a lot already occupied by a structure, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith.
- C. No portion of a lot in a residential district shall be used for any surface or subsurface principal or accessory use or structure on a lot or portion thereof in a nonresidential district, except subsurface line connections to public utilities.
- D. The Town of Monroe boundary does not divide a parcel into separate distinct lots.
- E. Rear lots as defined in these Regulations shall be prohibited.

§1.9.5 Driveway Access between Residential and Non-Residential Districts and Uses

No driveway shall be permitted across or through a residential district to provide access to a lot or portion thereof located in a nonresidential district, except for access restricted to emergency access only as may be approved by the Commission.

§1.9.6 Street Frontage

- A. No zoning or building permit shall be issued for the establishment of any use or construction of any building or structure unless the lot upon which such use is to be established or such building or structure is to be built has the required minimum street frontage on a street which has been suitably improved to the satisfaction of the Commission or for which a bond sufficient to cover the full cost of such improvement has been furnished to the Town.

- B.** Each lot shall be shown to be capable of providing access to a street and access for emergency vehicles between the frontage and any existing or proposed principal building and/or principal use of such lot. No portion of a lot located between the required street frontage and the rear side of the required minimum square shall have a width less than the required street frontage, except as may be approved in conjunction with a Cluster Subdivision as defined in these Regulations.

§1.9.7 Corner Lots and Through Lots

- A.** The front yard setback requirement for the zoning district shall apply to all property lines located along any street, thereby providing a front yard setback equal in depth from all such property lines.
- B.** The frontage from which the lot address is taken shall be used for the purposes of determining side and rear lot lines, as may be applicable.

§1.9.8 Separation of Principal Buildings

Where more than one principal building may be permitted on a lot, detached principal buildings shall be separated by a distance equal to or greater than the height of the taller of said buildings, except where otherwise permitted in these Regulations.

§1.9.9 Setback Modifications and Exceptions

- A.** Modification of required front yard setback. On streets with less than the required minimum right-of-way width as set forth in the Monroe Subdivision Regulations or which are “user highways,” the required front yard setback shall be measured perpendicularly from the center line of the existing street with half the width of the required minimum street right-of-way of said street added to the required front yard setback to establish the applicable front yard setback line.
- B.** The following architectural features of a building may extend into any required yard area subject to the limitations provided herein:
 - (1) Ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, for a maximum extension of two (2) feet into any required yard, provided that such architectural features shall not occupy more than twenty-five percent (25%) of the area of the wall from which they project.
 - (2) Chimneys or pilasters for a maximum extension of three (3) feet into a required side or rear yard.
 - (3) Bay windows, including their cornices and eaves, for a maximum extension of three (3) feet into any required yard, provided the sum of such projection on any wall does not exceed one-third (1/3) of the length of said wall.
 - (4) Unroofed steps for a maximum extension of six (6) feet into any required yard.

- (5) No porch or balcony shall project into any required yard area. Patios and terraces not exceeding one (1) foot in height above the surrounding ground surface may extend from a building within not less than twenty (20) feet from the front lot line nor less than ten (10) feet from any side or rear lot line, provided that the associated building complies with the yard requirements of these Regulations.
- C. Typical site features including mailboxes, catch basins, manholes, utility lines may extend into required yard areas.
- D. Buried propane tanks stormwater control basins and structures (above and below ground), and septic disposal systems may be located in a required setback area, subject to the following:
 - (1) All applicable landscape buffer requirements shall be provided, except the Commission may permit an encroachment into a required landscape buffer provided it can be shown that such encroachment is the minimum necessary and an alternative landscape buffer plan is provided to offset any such encroachment.
 - (2) Notwithstanding Subsection (1) above, a minimum setback of 10 feet from any property line shall be provided.
 - (3) The total area of encroachment into either a front, side or rear setback area shall not exceed an area greater than twenty-five (25%) percent of the individual setback area affected, be it the front, side or rear setback area.
 - (4) All-season visibility of above ground stormwater control structures (including outlet and overspill controls) located in a setback area shall be screened from abutting streets and lots with suitable landscaping, fencing, walls or a combination thereof.

§1.9.10 Exceptions to Maximum Permitted Height

- A. The height limitations set forth in the bulk regulations shall be applicable to principal and accessory buildings and structures. Building elements, such as but not limited to roof air conditioners, ventilators and elevator shafts that have the potential to detract from the visual, cultural or historic appearance or style of the building's architecture shall be designed to appear as if they are an integral architectural element of the structure. No structure, or other exception, shall be used as a place for habitation or for signage not otherwise authorized by these regulations.
- B. The height limitations shall not be applicable to the following:
 - (1) Spires, domes, belfries, chimneys, cupolas, skylights, parapets or railings, elevators, stair bulkheads, air-conditioning units, ventilation units or similar necessary mechanical appurtenances not used for human occupancy, provided they do not cover an area larger than one-hundred (100) square feet individually and no larger than ten percent (10%) in their aggregate coverage of the roof area of the building of which they are an integral architectural or mechanical element. Such features shall be erected only to such minimum height as is necessary to accomplish the purpose for which they are intended and shall not

detract from the visual appearance of the structure as determined appropriate by the Commission.

- (2) Cupolas, skylights, parapets or railings, air-conditioning units, ventilation units or similar necessary mechanical appurtenances shall not exceed a height of more than four (4) feet, and spires, domes, belfries, chimneys, elevators, stair bulkheads shall not exceed a height of more than fifteen (15) feet, above the ridge of a pitched roof or top of a flat roof on which it is located.
- (3) Flagpoles, water towers, standpipes or similar structures in no case shall exceed forty-five (45) feet in height above average finished grade at its base, subject to Commission approval and adequate screening thereof.
- (4) Telecommunication facilities approved in accordance with these Regulations.

§1.9.11 Fences, Gates, Walls, Signs, and Landscaping in Required Yard Areas

- A. Fences, gates and walls shall not exceed six (6) feet in height measured from the adjacent ground level to the top of such fence, gate, wall or combination thereof.
- B. In no case shall any fence, gate or wall be located within an abutting street right-of-way.
- C. No fence, gate, wall or landscaping shall be erected or placed on a lot so as to obstruct a clear line of sight for traffic on a street.
- D. The finished quality on the side of all fences, gates and walls shall face outward from the premises towards the adjacent street or neighboring property.
- E. Signs as may be permitted in accordance with the standards set forth in §6.3 of these Regulations, including freestanding signs, directional signs and pavement marking signs
- F. Public access walks are permitted in the required yard areas.
- G. Driveways and service road for cross access only are permitted in the required yard areas.
- H. Flagpoles are permitted in the required yard areas.
- I. Lighting is permitted in the required yard areas.
- J. Irrigation is permitted in the required yard areas
- K. Directional signs and pavement markings are permitted in the required yard areas provided they comply with Article 6.
- L. Typical site features including mailboxes, catch basins, manholes, utility lines, site driveways including connector cross access driveways with abutting properties, public access sidewalks, exterior light fixtures, and irrigation may extend into required yard areas.

§1.9.12 Prohibited Uses

Uses which are not specifically permitted under the Zoning Regulations are hereby declared to be prohibited uses. Any use not specifically listed for an individual Zoning District of the Town as set forth in Article 10, Schedule of Permitted Land Uses by Zoning District shall be deemed prohibited in that Zoning District. In addition, the following uses are specifically prohibited in all Zoning Districts of the Town of Monroe:

- Commercial Quarry
- Junkyard
- Marijuana Dispensary
- Marijuana Production Facility
- Outdoor Wood Burning Furnaces
- Tavern

§1.9.13 Utilities

In order to achieve greater safety and improved appearance all water, sewer and gas facilities and all electric, telephone and other wires and equipment for providing power and/or communication shall be installed underground in the manner prescribed by regulations of the State, Town of Monroe and/or utility company having jurisdiction. Where compliance with this provision will result in undue hardship because of the design and location of existing facilities, the Commission may waive this requirement.

§1.9.14 Emergency Fire Access

- A. All buildings, structures and property shall be provided with unobstructed access for firefighting and emergency service personnel, apparatus and equipment. Premises which are not readily accessible from public roads and which the fire department or an emergency service may be called upon to protect in case of fire shall be provided with access roads or fire lanes so that all buildings on the premises are accessible to the fire department and emergency service apparatus.
- B. The determination of adequate emergency fire access shall be made by the Commission during review for new construction or by the Zoning Enforcement Officer before the issuance of a Zoning Permit. The Commission and Zoning Enforcement Officer shall seek the recommendations of appropriate fire district officials before determining adequate emergency fire access.
- C. Designated access roads and fire lanes shall be adequately maintained and kept free and clear of obstructions at all times by the property owner.

§1.9.15 Restoration of Disturbed Areas

All areas disturbed during the course of construction or site alteration shall be restored and stabilized as soon as possible with a minimum of six (6) inches of topsoil and planted with appropriate plant species in type and quantity to achieve a stable, non-erosive and aesthetically appropriate finished condition.

§1.9.16 Obstructions at Intersections

- A.** No wall, fence, earth berm, temporary or permanent signage, utility structure, vegetation or trees, or other shall be erected, maintained or installed on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection.

- B.** On a corner lot, no fence, gate, wall, or landscaping (exceeding two (2) feet at mature size) shall be erected, placed or maintained so as to obstruct a clear line of sight for traffic within the pavement and a straight line between two (2) points, each seventy-five (75) feet back from the theoretical intersection of the nearest edges of pavement prolonged. "Line of Sight" is defined as observer's eye being four (4) feet above the grade of the pavement edge and the object being one (1) foot above the grade of the pavement edge. In addition, the maintained clearance shall be a height not exceeding twenty-four (24) inches above the street grade within twenty-five (25) feet of the intersecting lot lines bordering corner lots. These requirements shall be in addition to intersection sight line requirements as may be required or detailed elsewhere in these Regulations, and consistent with the current Connecticut Department of Transportation Highway Design Manual and American Association of State Highway and Transportation Officials (AASHTO) standards, or as specifically determined and recommended by the Town Engineer.