ZONING REGULATIONS
BOROUGH OF STONINGTON

1981

Connecticut . Coastal Zone Management Program

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Connecticut. Coastal Zone Management Program

ZONING REGULATIONS

BOROUGH OF STONINGTON

BOROUGH OF STONINGTON PLANNING AND ZONING COMMISSION

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BOROUGH OF STONINGTON

ZONING REGULATIONS

Table of Contents

Section		Title	Pages
1		Zones and Zone Boundaries	1-1
2		Definitions	2-1 - 2-13
3		General Regulations	3-1 - 3-8
4		Use Regulations	
	4.1	Restricted Residence (RTR)	4-1 - 4-3
	4.2	Residence Preservation (RP)	4-4 - 4-6
	4.3	Residence (R)	4-7 - 4-9
	4.4	Rural Residence (RR)	4-10 - 4-12
	4.5	Reserved Land (RL)	4-13 - 4-14
	4.6	Planned Commercial (PC)	4-15 - 4-18
	4.7	Planned Industrial (PI)	4-19 - 4-20
	4.8	Planned Waterfront (PW)	4-21 - 4-25
	4.9	Planned Area Development (PAD)	4-26 - 4-32
5		(Expansion Section)	
6		(Expansion Section)	
7		Excavation, Filling, or Removal of Earth Products	7-1 - 7-2
8		Nonconforming Uses, Buildings, or Structures	8-1 - 8-2
9		Off-street Parking and Loading	9-1 - 9-4
10		Unified Sign Regulations	10-1 - 10-4
11		Administration and Enforcement	11-1 - 11-2
12		Special Permit	12-1 - 12-9
13		Coastal Area Management	13-1 - 13-2
14		Public Hearings	14-1 - 14-3
15		Separability (Validity)	15-1
16		Effective Date	16-1

Section 1: Zones and Zone Boundaries

1.0 Statement of Purpose

These Regulations are adopted under authority of Chapter 124 of the General Statutes of Connecticut, as revised, for the purpose of implementing the Master Plan of the Borough of Stonington, which Master Plan, and these Regulations, are designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, parks and other public requirements. They are further designed for the protection of historic sites and structures in the Borough, and consideration has been given to the character of the Borough as an historic waterfront community with a valuable natural harbor and coastal wetlands, and the resulting peculiar suitability of property within the Borough for certain uses. These Regulations are thus designed to conserve the value of unique buildings and encouraging the most appropriate use of unique land throughout the Borough. 1

1.1 Zones

The Borough of Stonington is divided into seven zones:

Restricted Residence	RTR	Planned Commercial	PC
Residence Preservation	RP	Planned Industrial	PI
Residence	R	Planned Waterfront	PW
Reserved Land	RL	Planned Area Development	PAD
Rural Residence	RR		

The above zones are shown on a map entitled, "Zoning Map of the Borough of Stonington, Connecticut, dated Nov. 20, 1981," as amended, which map accompanies these Regulations and, as it is now or may in the future be amended, it constitutes a part of these Regulations. The original of this map is on file in the office of the Borough Clerk.

1.2 Zone Boundaries

The boundaries of these zones are hereby established as shown on the adopted Zoning Map of the Borough of Stonington described in Section 1.1. Unless otherwise indicated, the zone boundaries are the center lines of streets or rail lines, property lines, waterways, or lines drawn parallel to any of these.

In cases of uncertainty, the Planning and Zoning Commission shall determine the location of any zone boundary.

Section 2: Definitions

2.1 Abutting: separated by no intervening private property.

2.2 Accessory Buildings: a Subordinate building or a portion of the main building, the use of which is customary, incidental, and subordinate to that of the dominant use of the main building or land.

2.3 Accessory Structure: a detached, subordinate structure, the use of which is clearly incidental and customarily related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use.

2.4 Accessory Use: a subordinate use, clearly incidental and customarily related to the principal structure, building or use of land, and located on the same lot as that of the principal structure, building or use, except that a private garage shall be considered an accessory use even if not located on the same lot as the principal use, structure, or building, provided no vehicle space in such garage shall be rented so as to render the lot nonconforming to the provisions of Section 9 (Off-street Parking and Loading) of these Regulations.

2.5 Adjacent; Adjoining: nearby, but not necessarily abutting.

2.6 Alterations: as applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another. As applied to use, means a change or extension of hours of operation, scope of use, land or building area utilized, or intensity of use.

2.7 Awning: a roof-like cover that is temporary and collapsible in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

2.8 Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

2.9 Basement: The floor in a house or other building below the principal floor, wholly or partly below the ground level, and behind walls forming the support of the building.

2.10 Berth: The place where a ship, or boat lies at a wharf or pier.

2.11 Billboard or Poster Panel: any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale which is remote from said display.

2.12 Boardinghouse: a building other than a hotel, motel, or convalescent or rest home, or supervised group quarter, where lodging and meals for no more than sixteen (16) persons are served to the residents for compensation, utilizing one central kitchen facility. A boardinghouse shall be occupied by the owner or operator.

2.13 Building: any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall or floor without openings then each such portion shall be deemed to be a separate building.

2.14 Building, Height: the greatest vertical distance between the grade elevation and the highest point of the building.

2.15 Building, Nonconforming: a legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, and location) set forth in these regulations applicable to the district in which this building is located.

2.16 Building, Principal: a building in which is conducted the principal use of the lot on which it is situated.

2.17 Camper Unit: a self-propelled or portable unit, such as a camper bus, travel trailer, truck-mounted camper, or other similar unit, originally designed and constructed or redesigned and reconstructed for recreation or other shelter for one or more persons.

2.18 Cemetery: land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums, and mortuaries.

2.19 Child Care Center: any establishment which provides shelter, care, activity and supervision (with or without academic instruction) for five or more children (between birth and six years of age).

2.20 Club: buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

2.21 Coastal Boundary: a continuous line delineated on the landward side by the interior contour elevation of the one hundred year frequency coastal flood zone, or a one thousand foot linear setback measured from the mean high water mark in coastal waters, or a one thousand foot linear setback measured from the inland boundary of tidal wetlands mapped under Section 22a-20, whichever is farthest inland.

2.22 Commission: the Planning and Zoning Commission of the Borough of Stonington.

2.23 Condominium: the ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, which have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

2.24 Conversion: any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling units.

2.25 Delicatessen: The retail sale of cold meats, salads, similar luncheon foods, and the like, for consumption off the premises. Retail sale of prepared sandwiches and other luncheon foods may be included as an accessory use, provided, however, there is no service to customers seated at a counter or at tables.

2.26 Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2.27 Drive-In: a term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street or on-street parking space.

2.28 Dump: a lot of land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

2.29 Dwelling, Single-Family: a building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.

2.30 Dwelling, Two-Family: a detached or semi-detached building used for residential occupancy by two families living independently of each other, but with no division of any interest in any real property, including thelot or the building, which interest shall include any exclusive use easement, lease over five (5) years, and any other legal devise for the division of the legal or equitable interests in the lot or building.

2.31 Dwelling, Multiple: a building or portion thereof used for occupancy by two or more families living independently of each other, and doing their own cooking in the building, including apartments, group houses, row houses, and condominiums.

2.32 Dwelling Unit: one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and toilet facilities.

2.33 Enlargement, or to Enlarge: an "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

2.34 Extend: implies increase or amplification as distinguished from inception.

2.35 Family: (a) an individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or (b) a group of not more than five persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

2.36 Farm: any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry and including facilities for the sale of such products from the premises where produced, provided that, a farm shall not be construed to include commercial poultry and swine production, cattle feeder lots and fur-bearing animal farms.

2.37 Fence: a structure for enclosure or screening, including a wall.

2.38 Floating Zone: a special detailed use district of undetermined location, a district in which the proposed kind, location, size, and form of structures must be preapproved, but which, unlike a special exception use, is not legislatively predeemed compatible with the areas in which it may be proposed in a particular application, provided specified standards are gratified and actual incompatibility is not revealed.

2.39 Flood (or Flooding): a general and temporary condition of partial or complete inundation of normally dry land areas, from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

2.40 Floor Area: the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities.

2.41 Front; Frontage: that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

2.42 Garage, Parking: a building or portion thereof designed or used for the temporary storage of motor-driven vehicles, without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

2.43 Garage, Private: a detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.

2.44 Grade: the mean elevation of the ground adjoining the building on all sides; said elevation to be determined as of the effective date of these Regulations, unless the Commission shall approve the filling, excavation, or regrading of said ground in accordance with these Regulations; and in cases of doubt as to grades, the mean elevation of the nearest public sidewalk or street, whichever is nearest.

2.45 Ground Floor Area: the square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

2.46 Home Occupation: an occupation conducted in a dwelling unit or in another building on the same lot as the dwelling unit, provided that:

(1) Only members of the family residing on the premises and no more than two non-family persons shall be engaged in such occupation.

(2) The occupation shall be clearly incidental and subordinate to the residential use of the premises.

(3) No more than 25 percent of the floor area of the dwelling shall be used for the conduct of the occupation.

(4) The floor area of an outbuilding used for a home occupation shall not be greater than 50 percent of the floor area of the dwelling unit.

(5) There shall be no retail display on the premises in connection with the occupation.

2.47 Hotel - Inn - Motel: a building or buildings designed and used primarily for temporary occupancy by transients, which provides or offers accommodations for compensation for seven or more persons, exclusive of proprietors and employees living on the premises. Rooms for public assembly and the serving of food may also be provided as accessory uses.

2.48 Ice Cream Parlor: The retail sale of ice cream, frozen yogurt, candy, and similar deserts for consumption on or off the premises, provided there is no kitchen nor any equipment for the preparation of meals, nor is there any actual preparation of full meals, nor is there seating for more than a total of sixteen (16) persons at a counter or at tables.

2.49 Illegal Use: as any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this ordinance has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations.

2.50 Intersecting Street: any street or public way, which joins another at an angle, whether or not it crosses the other.

2.51 Junkyard: a place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

2.52 Kitchen: any room or portion thereof used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.

2.53 Landmark: any improvement, any part of which is 30 years old or older, which has a special character or special historical or aesthetic interest or value as part of the

development, heritage, or cultural characteristics of the city, state, or nation.

2.54 Landmark Site: an improvement, parcel or part thereof, on which is situated a landmark, and any abutting improvement, parcel or part thereof, used as and constituting part of the premises on which the landmark is situated.

2.55 Landscaped Area: an area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

2.56 Landscaping: the improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural objects designed and arranged to produce an aesthetically pleasing effect.

2.57 Laundromat: a business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

2.58 Lot: One or more adjacent parcels of land under single ownership to be used, developed, or built upon as a unit.

2.59 Lot Area: the area of a horizontal plane bounded by the front, side, and rear lot lines.

2.60 Lot, Building: land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

2.61 Lot Coverage: the percent coverage of a lot by permanently erected buildings, including, including accessory buildings and other structures, including external staircases, porches, etc. which extend more than four feet above grade.

2.62 Lot Lines: the lines bounding a lot.

2.63 Lot Line, Front: the line separating the lot from the steet.

2.64 Lot Line, Rear: the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

2.65 Lot Line, Side: any lot line other than a front lot line or a rear lot line.

2.66 Lot of Record: a lot for which a deed has been recorded.

2.67 Manufacturing: the processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

2.68 Marina: a place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, and the sale of fuel and supplies, as on accessory use. A yacht club shall be considered a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto, is incidental to other activities shall not be considered a marina, nor shall boatdocks accessory to a multiple dwelling where no boat related services are rendered.

2.69 Master Plan: the comprehensive plan, or any portion thereof, made and adopted by the Planning Commission in accordance with the laws of the State of Connecticut indicating the general or specific locations recommended for streets, parks, public buildings, zoning districts and all other public improvements and objectives.

2.70 Mobile Home: any portable structure or vehicle, titled or registered as a vehicle, so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

2.71 Museum: a nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

2.72 Nonconforming Use: any building or land lawfully occupied by a use at the time of passage of this resolution or amendments thereto, which does not conform after the passage of this resolution or amendments thereto with the use regulation of the district in which it is situated.

2.73 Occupy: to take or enter upon possession of.

2.74 Occupancy, Change of: a discontinuance of an existing use and substitution of a different use designation as set forth in these Regulations.

2.75 Occupied: shall include the words "designed, arranged, or intended to be occupied".

2.76 Park: a pleasure ground set apart for recreation of the public, to promote its health and enjoyment, and owned and operated by a public or non-profit agency.

2.77 Person: an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

2.78 Premises: any lot or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.

2.79 Principal Use: the primary purpose or function that a lot serves or is intended to serve.

2.80 Professional Office: the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

2.81 Public Building: any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

2.82 Railroad Right of Way: a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

2.83 Restaurant: Space in a suitable and permanent building used, advertised and/or held out to the public to be a place where hot meals are regularly served, and which is provided with an adequate and sanitary kitchen and dining room containing a minimum of ten seats.

2.84 Site: same as "lot".

2.85 Start, Commencement: the doing of some act upon the ground on which the building is to be erected, and in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a building on that land had been commenced.

2.86 Storage: holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

2.87 Street: an improved right-of-way accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

2.88 Street Line: a dividing line between a lot and a street right-of-way.

2.89 Structure: anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner; including fences or walls in excess of six feet in height; a wharf or dock; an above-ground tank; or a detached solar panel.

2.90 Swimming Pool: any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes or used for swimming or wading, but not including an ornamental reflecting pool or fish pond or similar type pool which is located and designed so as not to create a hazard.

2.91 Subdivision: The division of a tract or parcel of land into three or more parts for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes. The term "subidivision" includes resubdivision.

2.92 Tourist Home: a building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

2.93 Use: (a) any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or (b) any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

2.94 Warehouse: a structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse, excluding retail activities of any kind.

2.95 Yard: an open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except for projections permitted under these Regulations.

2.96 Yard, Front: a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the lot.

2.97 Yard, Rear: a yard extending across the full width of the lot between the rear most portion of any building and the rear lot line or mean high tide line, whichever is closer, the depth of which shall be the least distance between the rear lot line or mean high tide line, as the case may be, and the rear of such building.

2.98 Yard Side: an open unoccupied space within the lot between a side lot line or mean high tide line, whichever is closer, and the parts of the building, structure, or outbuilding nearest thereto. Such side yard shall extend on both sides of the lot through from the street line to the rear line of said lot.

2.99 Zone: an area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

Section 3: General Regulations

3.1 Conflicting Regulations. When any provision of these Regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other applicable ordinance, statute or law, or the approval of any other governmental agency, including other agencies of the Borough or Town of Stonington, the provisions of these regulations shall apply and govern.

3.2 Covenants not annulled. These Regulations are not intended to abrogate or annul any easement, covenant, or other private agreement which may touch or concern the land within the Borough.

3.3 Permitted Uses. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered in such a manner as to be designed, arranged, or intended for any purpose other than the uses permitted in the zone in which the building or structure is located, except as provided in Section 8 (Nonconforming structures and uses) of these Regulations. Likewise, no parcel of land shall be used, designed, or arranged for any purpose other than the uses permitted in the zone in which that parcel of land is located, except as provided in Section 8 of these Regulations (Nonconforming uses and structures.)

3.4 Permitted area, yards or lot coverage. No building or structure shall be erected or enlarged except in conformity with the area, yards and lot coverage regulations of the zone in which the building or structure is located, except as provided in Section 3.10 (Substandard lots) or Section 8 (Nonconforming Uses and Structures).

3.5 Permitted height, density or bulk. No building or structure shall be erected, enlarged, reconstructed, or structurally altered to exceed the height limit, density provisions, or bulk provisions established by these Regulations for the zone in which the building or structure is located, except that the Commission, pursuant to its review powers under Section 12 (Special Permit), may specifically allow the following to project a maximum of fifteen (15') feet into the required height limit for that zone: roof structures for the housing of elevators or stairs; skylights, towers, domes, church steeples, spires, belfries, cupolas, and similar ornamental architectural features; flagpoles; chimneys, smokestacks, and silos; televisions, radio, or microwave towers. Notwithstanding the provisions of this Section, a chimney on a residential principal

building may project no more than three (3') feet into the permitted height limit without the requirement for a Special Permit. Any of the foregoing projections into the maximum height limit may only be authorized by the Commission when found to be an accessory use.

3.6 Increase in height of existing building or structure. No existing building or structure shall be increased in height except by Special Permit issued in accordance with Section 12 of these Regulations.

3.7 Lots, yards, and open spaces. No space which, for the purpose of a building, structure or dwelling has been counted or calculated as part of a side yard, rear yard, front yard, court, or other open space required by these Regulations may, by reason of change of ownership or any other reason, be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building, structure, or dwelling.

3.8 Substandard Lots. Any lot which was separately described in the latest deed of record immediately prior to the effective date of these Regulations, or which was an approved lot shown on a plan of development or subdivision map approved by the Commission and on file in the office of the Borough Clerk prior to said date, which does not meet the requirements of these Regulations as to lot area and/or frontage, may be utilized for any use permitted in the zone in which such lot is located, provided that all other provisions and requirements of these Regulations are complied with as to such lot, including but not limited to the requirements of Section 12 (Special Permit), and provided further that all applicable subdivision regulations, and health and building codes of the Borough or Town shall have been complied with as to such lot.

3.9 Lot limitations. In all residential zones, only one principal structure or use shall be placed on a lot. In non-residential zones, Commission may approve a plan for more than one principal structure or use on a lot if, pursuant to Section 12 (Special Permit), the Commission finds that such structures or uses comply with all other requirements of these Regulations, and are compatible with each other and with uses and structures existing or reasonably anticipated on adjoining lots. Compatibility shall be determined in accordance with the criteria of Section 12 (Special Permit).

3.10 Lot frontage. Every principal structure shall be located on a lot which fronts upon a public street and complies with the frontage requirements of these Regulations.

3.11 Dwellings in other than principal structure. Except as provided in these Regulations, no residential dwelling shall be permitted in any accessory building.

3.12 Building grades. Any building requiring yard space under these Regulations shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

3.13 Restoration of unsafe buildings. Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Building Official or where required by any lawful order.

3.14 Visibililty at intersection. No wall, fence, structure, planting, building, or other obstruction to vision shall be erected, placed, or planted on any lot which 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 two (2') feet above the street or sidewalk grade, whichever is higher, within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is fifteen (15') feet from the point of intersection.

3.15 Storage and display of goods and merchandise. In all zones, there shall be no storage of goods and/or merchandise on any public walkway. In all zones, if any goods and/or merchandise are displayed, such goods and/or merchandise shall be displayed in such a manner as to in no way interfere with or inconvenience pedestrian movement on any public walkway, nor to impair movement or sight lines on any public street or on any private driveway, parking area, plaza, or other area open to public use. In addition, any outside storage and/or display of goods and/or merchandise, regardless of its location on the lot, shall be considered a use of land under these Regulations and shall comply with all applicable requirements set forth herein.

3.16 Commercial radio and television towers. Commercial radio, television, and radio towers, and other transmitting or relay antenna towers, and towers designed for wind energy conversion systems, when permitted, shall be set back from all abutting streets and adjacent properties a distance of not less than one and one-half (1-1/2) times the height of the tower.

3.17 Prohibited Uses. The following uses are expressly prohibited in the Borough of Stonington:

3.17.1 Any use which produces unreasonable noise, odor, vibrations, fumes, electrical interference, or other noxious effects deemed objectionable by the Commission, considering the Purposes of these Regulations (Section 1.0, Statement of Purpose) and the criteria contained in Section 12 (Special Permit).

3.17.2 Manufacture of explosives, poison gasses or substances, items of germ or biological warfare, the training of wild or vicious animals, and other inherently dangerous activities.

3.17.3 Industrial waste disposal or processing, junk yard, dump, or refuse disposal use, other than disposal facilities owned and operated by the Town or Borough of Stonington.

3.17.4 Commercial distillation of bones, rendering, reduction or refining of fat or other animal matter.

3.17.5 The use of mobile homes or camper units for any residential purpose, whether permanent or temporary.

3.17.6 The use of any boat, barge, or other vessel for residential purposes for a period exceeding a continuous period of two (2) weeks, or totaling more than two (2) months during any calender year.

3.17.7 A principal use consisting of a massage parlor, not including a message parlor accessory to a bona fide health or fitness club employing not more than one (1) trained physical therapist or masseur/masseuse.

3.17.8 A principal use consisting of coin operated amusements.

3.18 Increase in height of buildings and structures. Any increase in the height of any building or structure in any zone shall require the issuance of a Special Permit pursuant to Section 12 of these Regulations.

3.19 Use Variance Prohibited. Pursuant to Section 8-6 of the Connecticut General Statutes, no variance shall be issued by the Zoning Board of Appeals of the Borough of Stonington for any zone except the Planned Commercial Zone, so as to permit the establishment, continuation, or expansion in any fashion of a use of any lot or structure, which use is not permitted by these Regulations in the zone in which the lot or structure is located.

3.20 Coastal Site Plan Requirements. In addition to the requirements of Section 12 (Special Permit), and except as provided in Section 13.2 below, no building or structure shall be erected, expanded, or moved, and no use thereof shall be established, altered or expanded, and the use of no lot shall be established or altered, without the approval of a Coastal Site Plan in accordance with this Section 13 of these Regulations.

3.21 Approval of subdivision plans. No proposed plan of a new subdivision or resubdivision shall hereafter be approved unless the lots within such plan equal or exceed the minimum area, yards and lot coverage requirements set forth in the various zones of these Regulations, except that in the case of subdivision containing five (5) acres or more, where the slope of the parcel, the topography or other natural features prevent the best subdivision in strict conformity with such lot size requirements, the Commission may, at its discretion, permit the reduction to not less than eighty (80%) percent of the minimum lot area, frontage, and yards for such zone of not more than ten (10%) percent of the lots in such subdivision or resubdivision, provided the Commission shall find that such reduction will have no detrimental effect on the appropriate residential use of the land within the subdivision or on the general character of the surrounding area, and will not increase the overall density of the subdivison, and will not impair the health, safety, general welfare, property values, and/or future land use or road layouts.

3.22 Division of Land. No parcel of land existing on the effective date of these Regulations shall be divided, nor shall any easement be granted to any private person, which has the effect of creating a new lot, or reducing an existing lot, which will be non-conforming under the provisions of these Regulations. Similarly, no such division shall be permitted which causes an already non-conforming lot or structure to become more non-conforming in any manner.

3.23 Waterfront vista protection. No structure shall be erected, expanded, or altered, nor shall any Special Permit for any use in any zone be issued for any site or structure such that more than twenty (20%) percent of the Waterfront Vista Frame is obstructed by buildings, structures, landscaping, or visual obstructions of any kind. The "Waterfront Vista Frame" shall be defined as the rectangle formed by the width of the street right-of-way for any street in the Borough of Stonington which street terminates within one hundred and fifty (150') feet of the high tide line, and a height of thirty (30') feet. In the case of any lot which does not include land within the Waterfront Vista Frame, but any portion of which is within one hundred and fifty feet (150') of the high tide line, no structure shall be erected, expanded, or altered, nor shall any

Special permit for any use in any zone be issued for any site or structure such that more than sixty (60%) percent of the Waterfront Vista Line shall be obstructed by buildings, structures, landscaping, or visual obstructions of any kind which are more than four (4') feet above the existing grade. The Waterfront Vista Line shall be defined as any line or lines, four (4') feet above grade, and parallel to the adjacent waterfront. The length of the Waterfront Vista Line shall be defined as the average width of the subject lot or site, measured parallel to the Waterfront Vista Line. The percent of obstruction shall be determined by combining the total, cumulative visual obstructions, measured perpendicular to the Waterfront Vista Line. The Commission shall, in addition to the enforcement of the aforementioned minimums, seek to preserve the maximum ground-level marine vista. All site plans shall illustrate the elevations of the buildings, uses and other obstructions within the Waterfront Vista Frame and the Waterfront Vista Line, such that conformance with the provisions of this Section may readily be determined.

3.24 Flood Protection. Flood hazard areas, as designated on the Federal Flood Insurance Rate Map for the Borough of Stonington, are subject to periodic inundation, which may result in loss of life and property, or in health and safety hazards. Before any construction, substantial improvement or development is begun within such areas, designated A9 or V9 on the Flood Insurance Rate Map, a Certificate of Zoning Compliance, as described in Section 11.3 of these Regulations, shall be obtained. Any application for such Certificate shall include a site plan containing the information specified in Section 12.11, subsections 1, 2 and 3 and, in addition, finished floor elevations and such other data as the Commission may require in order to determine compliance with the following Flood Zone requirements:

3.24.1: All new construction (including pre-fabricated buildings) within A9 or V9 Zones shall be anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.

3.24.2: All new residential structures and substantial improvements to existing residential structures within a zone designated A9 shall have the lowest floor (including the basement) elevated to or above the base flood level (defined as 11 feet 6 inches for the Borough). All new non-residential construction, and substantial improvement to non-residential structures shall have the lowest floor (including the basement) elevated or flood-proofed to or above the base flood level.

1. Where flood-proofing is used in lieu of elevating, applicant shall present a plan certified by a professional engineer, or architect, registered in the State of Connecticut showing flood-proofing methods are adequate to withstand the forces associated with the base flood.

3.24.3: Any construction in a V9 Zone shall be elevated and secured to adequately anchored pilings and columns so that the lowest portion of the structural members of the lowest floor (including pilings or columns) is elevated to or above the base flood level. Construction shall be certified by a registered professional engineer or architect to be secured to adequately anchored pilings or columns in such a way that it will withstand velocity waters and wave wash. Construction shall have space below the lowest floor free of obstruction, or constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the building.

3.24.4: All construction in a V9 Zone shall be landward of the reach of mean high tide.

3.24.5: Fill shall not be used for structural support of buildings in a V9 Zone.

3.24.6: The areas of special flood hazard are identified by the Federal Flood Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Borough of Stonington, Connecticut", dated May 1, 1979, with accompanying Flood Insurance Rate Map. This map is hereby adopted by reference and declared to be a part of these Regulations. The Flood Insurance Study is on file in the Office of the Borough Clerk.

3.25 Rear Lots. In residential zones only the Commission may grant a Special Permit to allow the creation of a lot having less than the frontage required by these Regulations, provided that the following conditions are met:

a. There shall be no more than one (1) rear lot approved for any lot of record existing on the effective date of these Regulations.

b. The rear lot shall have a minimum frontage of twenty (20') feet on a public street or a street improved to minimum public street specifications, and said lot shall be not less than twenty (20') feet in width at any point between the public street and the proposed dwelling location.

c. The rear lot shall be accessible by a driveway located at all points on the lot, and not less than twelve (12') feet in width, which driveway shall be paved, surfaced, drained, and otherwise improved to the satisfaction of the Borough Fire Marshall.

d. Both the rear lot and the remaining frontage lot shall be in conformance with all other requirements of these Regulations, including, but not limited to, the minimum lot size of five thousand (5,000) square feet per dwelling unit, minimum side yards, and minimum frontage for the remaining frontage lot.

e. No rear lot shall be approved if the Commission finds that its creation will tend to obstruct the most feasible or reasonable Borough street access to any other parcel(s) of land. "Obstruct" denotes not only the placement of a building or buildings in the path of a future Borough Street, but also the division of land in such a manner that a future subdivision utilizing a Borough street will be rendered economically impractical for the owner(s) of inaccessible parcel(s).

Section 4: Use Regulations

4.1 Restricted Residence (RTR)

4.1.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington finds that the area included within the Restricted Residence Zone (RTR), located at or near the tip of the Borough Village peninsula, is characterized by conditions of very high residential density, dangerously narrow streets, inadequate parking, older frame homes on very small lots, minimal open space and recreation areas, and poor access due to the distance from and length of the Borough's arterial road pattern, all as set forth as the Findings of Fact in the Borough Master Plan.

Therefore, it is the purpose of the Restricted Residence Zone (RTR) to restrict further residential or other development within the Zone in order to prevent increased burdens on Borough emergency and other services and to protect the health, safety and welfare of residents within the Zone from the dangers of increased burdens on already inadequate emergency and other services.

4.1.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the RTR column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single family dwelling
Two- and multi-family dwelling existing on the effective date of these Regulations

Special Permit Principal Uses:

Parks and playgrounds
Publicly owned buildings
Boardinghouses
Two-family dwelling, subject to Section 4.1.10

Permitted Accessory Uses:

Customary Home Occupations
Garage, private
Residential Accessory Uses, buildings and structures
Storage of camper unit for period not more than 3 weeks

4.1.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.1.2 shall have a minimum lot area of five thousand (5,000) square feet.

4.1.4 Required lot frontage. Every lot shall have a minimum frontage of not less than forty (40') feet.

4.1.5 Required lot coverage. All principal and accessory structures combined shall not cover more than fifty (50%) percent of the area of the lot.

4.1.6 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of five (5') feet.

4.1.7 Required rear yard. There shall be a minimum rear yard of five (5') feet for every principal building, and of five (5') feet for any accessory building or structure.

4.1.8 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.1.9 PAD eligibility. The Restricted Residence (RTR) Zone shall not be eligible for consideration of an application for Planned Area Development pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.1.10 Requirement for Two-family dwellings. No application for a Special Permit to allow two-family dwellings shall be received by the Commission except for the establishment of such use in a building existing on the effective date of these Regulations. No such conversion to two-family dwellings shall be approved by the Commission unless the following requirements are met:

a. The proposed conversion is contained entirely within a building which existed on the effective date of these Regulations, and in those portions of such building which so existed on said date, such that the only building square footage which the Commission shall consider for conversion shall be that existing on the effective date of these Regulations, with the exception of stairways, elevator shafts, hallways, and other required accessory spaces not used for dwelling purposes, provided, however, that the sum of such spaces shall not exceed ten (10%) percent of the total building square footage as it existed on the effective date of these Regulations.

b. The proposed conversion will be in harmony with the architectural character of the building.

c. There shall be a minimum of five thousand (5,000) square feet of land for every dwelling unit proposed.

d. All other requirements of these Regulations, including but not limited to parking, lot coverage, and the requirements of Section 12 (Special Permit) have been met.

4.2 Residence Preservation (RP)

4.2.1 Statement of Purpose. The Planning and Zoning Commission of the Borough of Stonington finds that those areas included within the Residence Preservation (RP) Zone are characterized by the presence of many structures of significant historic and aesthetic value, many of which are of larger than single-family residences of our present time. The Commission also finds that the areas of the Residence Preservation (RP) Zone are served by roads and Borough services to a level which would permit some modest expansion of population densities without substantial adverse impacts on the public health, safety, and general welfare. These finds are in accordance with the Findings of Fact contained in the Borough Master Plan.

Therefore, it is the purpose of the Residence Preservation (RP) Zone to permit additional single-family residences and the conversion of existing buildings to multi-family residential uses so as to serve the needs of property owners and to diversify housing opportunity in the Borough, while retaining the appearance of historic structures and their physical environment, all as recommended in the Borough Master Plan.

4.2.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the RP column of the Table of Permitted Uses, subject, where specified, to the requirements of Section 12 (Special Permit), and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single family dwelling

Special Permit Principal Uses:

Two-family dwelling, subject to Section 4.2.11
Multi-family dwelling, subject to Section 4.2.11
Clubs
Places of worship
Parks and playgrounds
Publicly owned buildings
Boardinghouses
Child Care Center
Cemetery
Museum
Convalescent, nursing, or rest home

Permitted Accessory Uses:

Customary Home Occupations
Residential Accessory Uses, buildings and structures
Storage of camper unit for period not more than 3 weeks

4.2.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.2.2 shall have a minimum lot area of five thousand (5,000) square feet.

4.2.4 Required lot frontage. Every lot shall have a minimum frontage of not less than fifty (50') feet.

4.2.5 Required lot coverage. All principal and accessory structures combined shall not cover more than thirty-five (35%) percent of the area of the lot.

4.2.6 Required front yard. There shall be a minimum front yard of five (5') feet for every principal building.

4.2.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of five (5') feet.

4.2.8 Required rear yard. There shall be a minimum rear yard of five (5') feet for every principal building, and of five (5') feet for any accessory building or structure.

4.2.9 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.2.10 PAD eligibility. The Residence Preservation (RP) Zone shall not be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.2.11 Requirements for multi-family dwellings. No application for Special Permit to allow multi-family dwellings shall be received by the Commission except for the establishment of such use in a building existing on the effective date of these Regulations. No such conversion to multi-family dwellings shall be approved by the Commission unless the following requirements are met:

a. The proposed conversion is contained entirely within a building which existed on the effective date of these Regulations, and in those portions of such building which so existed on said date, such that the only building square footage which the Commission shall consider for conversion shall be that existing on the effective date of these Regulations, with the exception of stairways, elevator shafts, hallways, and other required accessory spaces not used for dwelling purposes, provided, however, that the sum of such spaces shall not exceed ten (10%) percent of the total building square footage as it existed on the effective date of these Regulations.

b. The proposed conversion will be in harmony with the architectural character of the building.

c. There shall be a minimum of 5,000 square feet of land for every dwelling unit proposed.

d. There shall be a maximum of ten (10) dwelling units per building or per lot, whichever produces the lowest number of dwelling units overall.

e. All other requirements of these Regulations, including but not limited to parking, lot coverage, and the requirements of Section 12 (Special Permit) have been met.

4.3 Residence Zone (R)

4.3.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington recognizes that, despite the Borough's poor circulation pattern and already high development density, it is necessary and desirable to provide areas where new residential development may occur in order to provide for the most diversified possible housing opportunities in keeping with the Borough Master Plan. The Commission has found in the Borough Master Plan that the only area suitable for such new development, albeit on a limited basis, is the Residence Zone due to its accessibility to the road pattern outside the Borough. Such new development can and must be held to the highest design standards in order to protect neighborhood character and to maintain the quality of life in the Zone by the provision of more adequate parking, open space and recreational opportunities, and other amenities which new development can provide and, under these Regulations, shall be required to provide.

4.3.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the RE column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single family dwelling

Special Permit Principal Uses:

Two-family dwelling, subject to Section 4.3.11
Multi-family dwelling, subject to Section 4.3.11
Clubs
Places of Worship
Parks and playgrounds
Publicly owned buildings
Boardinghouses
Child care center
Cemetery
Museum
Convalescent, nursing, or rest home

Permitted Accessory Uses:

Customary Home Occupations
Residential Accessory Uses, buildings and structures
Storage of camper unit for period not more than 3 weeks

4.3.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.3.2 shall have a minimum lot area of five thousand (5,000) square feet.

4.3.4 Required lot frontage. Every lot shall have a minimum frontage of not less than fifty (50') feet.

4.3.5 Required lot coverage. All principal and accessory structures combined shall not cover more than thirty-five (35%) percent of the area of the lot.

4.3.6 Required front yard. There shall be a minimum front yard of five (5') feet for every principal building.

4.3.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of five (5') feet.

4.3.8 Required rear yard. There shall be a minimum rear yard of five (5') feet for every principal building, and of five (5') feet for any accessory building or structure.

4.3.9 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.3.10 PAD eligibility. The Residence (R) Zone shall be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.3.11 Requirements for multi-family dwellings. No application for Special Permit to allow multi-family dwellings shall be received by the Commission except for the establishment of such use in a building existing on the effective date of these Regulations. No such conversion to multi-family dwellings shall be approved by the Commission unless the following requirements are met:

a. The proposed conversion is contained entirely within a building which existed on the effective date of these Regulations, and in those portions of such building which so existed on said date, such that the only building square footage which the Commission shall be considered for conversion shall be that existing on the effective date of these Regulations, with the exception of stairways, elevator shafts, hallways, and other required accessory spaces not used for dwelling purposes, provided, however, that the sum of such spaces shall not exceed ten (10%) percent of the total building square footage as it existed on the effective date of these Regulations.

b. The proposed conversion will be in harmony with the architectural character of the building.

c. There shall be a minimum of 5,000 square feet of land for every unit proposed.

d. There shall be a maximum of ten (10) dwelling units per building or per lot, whichever produces the lowest number of dwelling units overall.

e. All other requirements of these Regulations, including but not limited to parking, lot coverage, and the requirements of Section 12 (Special Permit) have been met.

4.4 Rural Residence (RR)

4.4.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington finds that those areas included within the Rural Residence (RR) Zone are largely bordered by coastal wetlands and associated lands along the north shore of Little Narragansett Bay, and are characterized by extensive wetlands and marsh areas, high flood hazard, and virtual isolation from the emergency services of the Borough due to topography and the location of the AMSTRAK rail line, also all as set forth as the Findings of Fact in the Borough Master Plan.

Therefore, it is the purpose of the Rural Residence Zone (RR) to restrict further residential or other development within the Zone in order to protect valuable coastal wetlands areas and to prevent increased burdens on Borough emergency and other services and to protect the health, safety and welfare of residents within the Zone from the dangers of increased burdens on already inadequate emergency and other services.

4.4.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the RR column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single family dwelling
Farm

Special Permit Principal Uses:

Two-family dwelling, subject to Section 4.5.11
Multi-family dwelling, subject to Section 4.5.11
Clubs
Parks and playgrounds
Publicly owned buildings

Permitted Accessory Uses:

Customary Home Occupations
Residential Accessory Uses, buildings and structures
Farming Accessory Uses, buildings and structures
Storage of camper unit for period not more than 3 weeks

4.5 Reserved Land (RL)

4.5.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington recognizes that land which is owned by public and quasi-public agencies must be used for public purposes in ways which do not fit into normal land use patterns of the Borough. The purpose of the Reserved Land Zone is to provide such agencies with the flexibility which they require in order to serve the public welfare within the limits of their respective functions, and yet to insure that the Borough will have full control over activities which are outside the normal operational activities of said public or quasi-public agencies, or which may have an impact on the character or public welfare of the Borough.

4.5.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the RL column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Parks and playgrounds without permament structures.

Utilities, including underground pipes or conduits for the transmission of gas, electricity, water, sewerage, cable television, and the like, but not including any structures or buildings above-ground for such utilities.

Transportation facilities including railroad tracks, commercial fishing docks/piers, and yards for the maintenance thereof, but not including any structures or buildings associated with such uses.

Special Permit Principal Uses:

Any above-ground buildings or structures associated with any permitted principal uses.

4.5.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.5.2 shall have no minimum lot area.

4.5.4 Required lot frontage. Every lot shall have no minimum frontage.

4.5.5 Required lot coverage. All principal and accessory structures combined shall not cover more than sixty (60%) percent of the area of the lot.

4.5.6 Required front yard. There shall be no minimum front yard any principal building.

4.5.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building or use with each side yard having a minimum width of five (5') feet.

4.5.8 Required rear yard. There shall be no minimum rear yard for any principal building.

4.5.9 Maximum height limit. No building shall exceed a height of twenty (20') feet.

4.5.10 PAD eligibility. The Reserved Land (RL) Zone shall not be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.6 Planned Commercial (PC)

4.6.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington wishes to protect its central business district along Water Street, and to prevent the sprawl of commercial development in other parts of the Borough because of the deterioration which this would cause to the existing commercial area and the inevitable traffic congestion which scattered commercial development would entail for the Borough's fragile circulation system. In keeping with the goals of the Borough Master Plan, the commercial area of the Borough is to be preserved for primarily local service needs, as opposed to a major tourist orientation, while still preserving the architectural character of the areas most frequented by the public, and which give the Borough its attractiveness both as a place to live and a place to visit.

4.6.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the PC column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single, two-, and multi-family dwellings existing on the effective date of these Regulations.

Special Permit Principal Uses:

Single, two-, and multi-family dwellings, on other than the ground floor of any building, and further subject to Section 4.6.11 of these Regulations.

Retail trade of:

Groceries and food
Hardware
Books and paper goods
Plants and flowers
Drugs and sundries
Clothing, dry goods, and accessories
Furniture and antiques
Alcoholic beverages for off-premises consumption
Art and craft goods
Music and musical instruments
Gifts and general merchandise
Electrical appliances and housewares
Marine supplies

Delicatessen
Ice Cream Parlor
Pharmacy

Professional or business offices, supplies, and services

Personal Services:

Barber or beauty shop
Dry cleaning without on-premises cleaning
Coin operated laundry
Tailor shop
Athletic club, profit

Funeral Home
Appliance/equipment repair
Restaurants of no more than 75 total seating
Schools, profit and non-profit
Tourist Home
Garage, parking

Permitted Accessory Uses:

Buildings, structures and uses accessory to permitted single, two-, and multi-family dwellings.

Accessory Uses to Commercial Uses

4.6.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.6.2 shall have a minimum lot area of six thousand (6,000) square feet.

4.6.4 Required lot frontage. Every lot shall have a minimum frontage of not less than sixty-five (65') feet.

4.6.5 Required lot coverage. All principal and accessory structures combined shall not cover more than fifty (50%) percent of the area of the lot.

4.6.6 Required front yard. There shall be a no minimum front yard for any principal building.

4.6.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of five (5') feet, except that the Commission, pursuant to its authority under Section 12 (Special Permit) of these Regulations, may specifically allow side yards having a combined minimum width of ten (10') feet, where the

Commission finds that adjacent lots are being developed in accordance with a single unified and comprehensive plan and the other criteria of Section 12, and of applicable building codes, are met.

4.6.8 Required rear yard. There shall be a minimum rear yard of ten (10') feet for every principal building, and of ten (10') feet for any accessory building or structure.

4.6.9 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.6.10 PAD eligibility. The Planned Commercial (PC) Zone shall be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.6.11 Requirements for multi-family dwellings. No application for Special Permit to allow multi-family dwellings shall be received by the Commission except for the establishment of such use in other than the ground floor of a building existing on the effective date of these Regulations. No such conversion to multi-family dwellings shall be approved by the Commission unless the following requirements are met:

a. The proposed conversion is contained entirely within a building which existed on the effective date of these Regulations, and in those portions of such building which so existed on said date, such that the only building square footage which the Commission shall consider for conversion shall be that existing on the effective date of these Regulations, with the exception of stairways, elevator shafts, hallways, and other required accessory spaces not used for dwelling purposes, provided, however, that the sum of such spaces shall not exceed ten (10%) percent of the total building square footage as it existed on the effective date of these Regulations.

b. The proposed conversion will in no way alter the architectural character of the building.

c. There shall be a minimum of 5,000 square feet of land for every unit proposed over and above the required minimum lot area for any commercial use specified in Section 4.5.3.

d. All other requirements of these Regulations, including but not limited to parking, lot coverage, and the requirements of Section 12 (Special Permit) have been met.

4.6.12 Requirements for Restaurants. The following requirements shall apply to all restaurants in the Planned Commercial Zone:

a. There shall be no drive-in, curb service, or take-out window permitted.

b. Any restaurant shall be contained within a permanent building having seating for no more than seventy-five (75) persons.

c. Any restaurant which utilizes an open grill or other exposed heat source for cooking shall provide whatever equipment may be required to eliminate the emission of smoke, odor, or grease from the building.

d. Any restaurant serving alcoholic beverages shall do so from a service bar only, and there shall be no alcoholic beverage sale to patrons not seated or seated at a bar or counter.

4.7 Planned Industrial (PI)

4.7.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington wishes to protect its existing industry, and yet to prevent the extension of industrial development in other parts of the Borough because of the inevitable traffic congestion which scattered industrial development would entail for the Borough's fragile circulation system. In keeping with the goals of the Borough Master Plan, the industrial areas of the Borough are to be preserved for the maintenance of a diversified local economy, while still preserving and enhancing the architectural character of the industrial areas. It is further recognized that the enclaves of industrial activity are small and are surrounded by residential uses, making it critical that industrial activities be made as attractive, quiet, and otherwise unobstrusive, as their nature permits.

4.7.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the PI column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Special Permit Principal Uses:

Manufacturing, processing, and assembly operations
Laboratories
Lumber yards
Printing and publishing
Research offices
Engineering offices

Permitted Accessory Uses:

Retail trade of products manufactured on the premises
Outside storage, subject to Section 4.7.11

4.7.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.7.2 shall have a minimum lot area of twenty thousand (20,000) square feet.

4.7.4 Required lot frontage. Every lot shall have a minimum frontage of not less than eighty (80') feet.

4.7.5 Required lot coverage. All principal and accessory structures combined shall not cover more than fifty (50%) percent of the area of the lot.

4.7.6 Required front yard. There shall be a minimum front yard of ten (10') feet for every principal building.

4.7.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of five (5') feet, except that the Commission, pursuant to its authority under Section 12 (Special Permit) of these Regulations, may specifically allow side yards having a combined minimum width of ten (10') feet, where the Commission finds that adjacent lots are being developed in accordance with a single unified and comprehensive plan and the other criteria of Section 12, and of applicable building codes, are met.

4.7.8 Required rear yard. There shall be a minimum rear yard of ten (10') feet for every principal building, and of ten (10') feet for any accessory building or structure.

4.7.9 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.7.10 PAD eligibility: The Planned Industrial (PI) Zone shall not be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.7.11 Requirements for industrial uses. The following shall apply to all industrial uses in the Planned Industrial Zone:

a. All outdoor loading or storage areas shall be screened from adjacent residential zones or uses by either (1) a landscaped hedge no less than eight (8') feet in height and having a planting bed no less than six (6') feet in width, which planting bed shall be protected from any adjacent parking area or driveway by a steel or substantial wood guard rail, or (2) a brick or stone wall having a height of no less than six (6') feet and a base protected from vehicles in the same manner as the aforedescribed hedge.

b. All trash and debris, inoperable motor vehicles, and the like shall, regardless of their location on the property, be screened as specified in subparagraph a preceding.

4.8 Planned Waterfront (PW)

4.8.1 Statement of purpose. The Planning and Zoning Commission of the Borough of Stonington recognizes the central importance of the harbor and other waterfront areas of the Borough, as stated in the Borough Master Plan. Pursuant to the said Master Plan, these Regulations have been designed to: preserve the waterfront, and especially the harbor area, for those uses which are dependant upon marine access, and not merely enhanced by it; preserve public access to waterfront areas; to preserve waterfront vistas, especially at the end of east-west streets; and to permit flexible mixes of compatible marine-oriented uses, sujbect to strict architectural and site plan review, under Section 4.8 (Planned Area Development) of these Regulations.

4.8.2 Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed below and indicated in the PC column of the Table of Permitted Uses, subject, where specified, to the Special Permit requirements of Section 12, and any other applicable provisions of these Regulations:

Permitted Principal Uses:

Single, two-, and multi-family dwellings existing on the effective date of these Regulations.

Special Permit Principal Uses:

Two-family dwelling, subject to Section 4.8.12
Multi-family dwelling, subject to Section 4.8.12
Marinas
Boat storage and sales yards
Boat building yards
Boat rental liveries
Tourist Home
Marine hardware, equipment, and supplies
Marine repair facilities
Commercial fishing operations
Restaurants having no more than 75 seats
Fish fillet plant

Professional offices only for:

Marine architects
Marine surveyors
Yacht brokerages
Marine insurance brokers

Marine engineering companies
Marine contractors

Sail lofts
Yacht clubs
Maritime museums, nonprofit
Schools, water-related, except water skiing

Permitted Accessory Uses:

Buildings, structures and uses accessory to permitted single, two-, and multi-family dwellings

Boardinghouses, as accessory to marina

Retail sale, gasoline and lubricants, as accessory to marina

Uses accessory to commercial fishing operations

4.8.3 Required lot area. Every parcel of property to be used for a use identified in Section 4.8.2 shall have a minimum lot area of twenty thousand (20,000) square feet.

4.8.4 Required lot frontage. Every lot shall have a minimum frontage of not less than eighty (80') feet.

4.8.5 Required lot coverage. All principal and accessory structures combined shall not cover more than thirty-five (35%) percent of the area of the lot.

4.8.6 Required front yard. There shall be a minimum front yard of ten (10') feet for every principal building.

4.8.7 Required side yards. There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of ten (10') feet, except that the Commission, pursuant to its authority under Section 12 (Special Permit) of these Regulations, may specifically allow side yards having a combined minimum width of twenty (20') feet, where the Commission finds that adjacent lots are being developed in accordance with a single unified and comprehensive plan and the other criteria of Section 12, and of applicable building codes, are met.

4.8.8 Required rear yard. There shall be a minimum rear yard of ten (10') feet for every principal building, and of ten (10') feet for any accessory building or structure.

4.8.9 PAD eligibility. The Planned Waterfront (PW) Zone shall be eligible for consideration of an application for Planned Area Development (PAD) pursuant to Section 4.8 (Planned Area Development) of these Regulations.

4.8.10 Maximum height limit. No building shall exceed a height of twenty (20') feet, provided, however, that the Commission may, by Special Permit in accordance with and under the standards provided in Section 12 (Special Permit), authorize buildings not to exceed a height of thirty (30') feet.

4.8.11 Requirements for industrial uses. The following shall apply to all industrial uses in the Planned Waterfront Zone:

a. All outdoor loading or storage areas shall be screened from adjacent residential zones or uses by either (1) a landscaped hedge no less than eight (8') feet in height and having a planting bed no less than six (6') feet in width, which planting bed shall be protected from any adjacent parking area or driveway by a steel or substantial wood guard rail, or (2) a brick or stone wall having a height of no less than six (6') feet and a base protected from vehicles in the same manner as the aforedescribed hedge.

b. All trash and debris, inoperable motor vehicles, and the like shall, regardless of their location on the property, be screened as specified in subparagraph a preceeding.

4.8.12 Requirements for multi-family dwellings. No application for Special Permit to allow multi-family dwellings shall be received by the Commission except for the establishment of such use in a building existing on the effective date of these Regulations. No such conversion to multi-family dwellings shall be approved by the Commission unless the following requirements are met:

a. The proposed conversion is contained entirely within a building which existed on the effective date of these Regulations, and in those portions of such building which so existed on said date, such that the only building square footage which the Commission shall consider for conversion shall be that existing on the effective date of these Regulations, with the exception of stairways, elevator shafts, hallways, and other required accessory spaces not used for dwelling purposes, provided, however, that the sum of such spaces shall not exceed ten (10%) percent of the total building square footage as it existed on the effective date of these Regulations.

b. The proposed conversion will in no way alter the architectural character of the building.

c. There shall be a minimum of 5,000 square feet of land for every unit proposed.

d. All other requirements of these Regulations, including but not limited to parking, lot coverage, and the requirements of Section 12 (Special Permit) have been met.

4.8.13 Requirements for Marinas. The following shall apply to all marina uses in the Planned Waterfront Zone:

a. Marinas shall contain no more than one (1) berth for every five hundred (500) square feet of adjacent land area owned by said marina and utilized for permitted accessory marina uses, parking, and open space.

b. Every marina shall provide a dump station for marine sanitary devises, which dump station shall be connected to municipal sewers or a septic system approved by appropriate health officials, and, where required, the Connecticut Department of Environmental Protection.

4.8.14 Waterfront public access. Public access to properties in the Planned Waterfront Zone shall be provided as follows:

a. No public access shall be required for any existing or proposed Single-family or Two-family dwelling.

b. For Marinas, Boat storage and sales yards, Boat building yards, Boat rental liveries, Marine repair facilities, Commercial fishing operations, and Fish fillet plants, no Special Permit shall be issued unless the site plan therefor shall designate an area for public acess, provided such public access can be designed or located so as to be compatible with the proposed use. Said public access shall, where required, be as close to the high tide line as is feasible, and shall be of a width suitable to permit public viewing of the water and the marine activities adjacent to it. In applying this requirement, the Commission shall attempt to reconcile the need for public safety and unhindered operation of marine activities with the desire of the public to view a vanishing part of the marine landscape.

c. For Multi-family dwellings, Tourise Homes, Restaurants, all Professional offices, Sail Lofts, Yacht Clubs, Maritime Museums, Water-related schools, and all retail activities, no Special Permit shall be issued unless the site plan therefor shall designate an area for public access. Such

public access shall be parallel to the high tide line, shall be located not further than forty (40') feet distant from the high tide line, and shall be designed so that it retains an unobstructed view of the subject marine frontage along its entire length. The width of the waterfront public access shall be as wide as is feasible, considering the size and shape of the parcel, but in no case less than five (5') feet in width. The public access shall be improved as a pedestrian walkway and otherwise landscaped and improved as the Commission may require pursuant to its review under Section 12 (Special Permit) of these Regulations. Regardless of its location, the public access shall be connected to a public street by a public right-of-way having a minimum width of five (5') feet, which public right-of-way shall be improved as a pedestrian walkway. Both the public access and the connecting right-of-way shall be monumented in the field prior to the issuance of a Certificate of Occupancy, and shall be made to run with the land by the granting of a permanent easement to the Borough of Stonington.

4.9 Planned Area Development

4.9.1 Statement of Purpose. The Borough of Stonington recognizes that in order to achieve the goals of the Borough Master Plan, it is necessary to permit, in certain cases, the waiver of strict conformance to portions of these Regulations, subject, however, to rigorous review of detailed site and building plans, and the requirement of exceptional design quality in order to justify exceptional zoning flexibility. These Master Plan goals which the Planned Area Development Zone are designed to achieve include, but are not limited to, the following: the enhancement of diversity of residential opportunity; flexibility in the devlopment of properties which are unusual in terms of their location and/or physical character; the mixing of land uses in a manner which is innovative and yet compatible and harmonious, especially in the area of the Borough waterfront; the protection of coastal resources as defined by Connecticut General Statutes Section 22a-93; and the maintenance of the Borough's historic character and beauty, its aquatic vistas and waterfront public access, its village-scale streetscape, and similar amenities of the Borough as a seaside community of the nineteenth century.

4.9.2 Planned Area Development Zone (PAD). The Planned Area Development (PAD) Zone shall be a floating zone which may, upon application and approval in accordance with these Regulations, be approved by the Town Plan and Zoning Commission. An application for PAD shall only be permitted for the following underlying zones: Residence, Planned Commercial, and Planned Waterfront. Regardless of its underlying zone, no application shall be permitted for any property indicated on the Borough Master Plan as being at its full residential density capacity or as being proposed for preservation of its general density and character.

4.9.3 Minimum parcel size. No application for PAD Zone shall be permitted for any lot or lots having a total land area of less than twenty thousand (20,000) square feet. Any number of lots may be combined for purposes of a PAD application, provided, however, that all owners of record shall sign the application form, and shall submit partnership, incorporation, or other documents binding the owners to act as one person, and, in addition, all applicants and property owners shall be jointly and severally liable for any obligation created by an approval of a PAD Zone under these Regulations.

4.9.4 Permitted Uses in the PAD Zone. Any use permitted in any zone under these Regulations may be permitted in a PAD Zone,

subject to review and approval by the Commission, and further subject to the following conditions and restrictions:

a. Any applicant under this PAD regulation shall have the burden of establishing that any proposed use or uses are compatible with each other and with land use patterns on adjoining properties. Such proof must entail more than a mere assertion, but must include expert testimony as to anticipated noise levels, hours of operation, peak times of activity and traffic, visual and noise screening measures, and the like.

b. No PAD proposed for the Residence (R) Zone shall use more than twenty (20%) percent of the floor space of all buildings, combined, nor more than 20% of the land area of the site, for non-residential uses.

c. No PAD proposed for the Planned Commercial (PC) Zone shall use less than fifty (50%) percent of the floor space of all proposed buildings, combined, nor less than fifty (50%) percent of the land area of the site, for commercial uses. Likewise, no PAD proposed for the Planned Commercial (PC) Zone shall use more than twenty (20%) percent of the floor space of all proposed buildings, combined, nor more than twenty (20%) percent of the land area of the site, for residential uses.

d. No PAD proposed for the Planned Waterfront (PW) Zone shall use more than twenty (20%) percent of the floor space of all proposed buildings, combined, nor more than twenty (20%) percent of the land area of the site, for uses which are not directly waterfront related, including, but not limited to, commercial fishing facilities and piers, marinas, chandeliers, boatbuilding and repair yards, seafood restaurants, marine architects and surveyors offices, and other similar uses which rely upon proximity to the waterfront, and are not merely enhanced by it.

4.9.5 Required lot area, frontage, and yards. There shall be no minimum lot area, frontage, or yard requirements for the PAD Zone.

4.9.6 Required lot coverage. All principal and accessory structures combined shall not cover more than thirty-five (35%) percent of the area of the lot.

4.9.7 Maximum height limit. No building shall exceed a height of thirty (30') feet.

4.9.8 Maximum residential density. No proposal for PAD zone shall include residential densities in excess of eight (8) units per acre for each acre of the property dedicated to residential use. In determining the the acreage dedicated to residential uses in PAD applications for mixed uses, the area of the site shall be multiplied by the ratio of residential building square footage to non-residential square footage.

4.9.9 Procedure for PAD applications, preliminary submission. Any applicant for PAD Zone may, at its discretion, make written request for preliminary, non-binding opinion by the Commission to the effect that the proposed PAD concept, including the mix and density of uses, is appropriate for the location proposed and that the other findings required by these Regulations for PAD approval could, in a final plan of sufficient detail, be made. Any such applicant shall, upon making such request, submit to the Town Plan and Zoning Commission no less than ten (10) sets of preliminary site and building plans. These plans shall contain at least the following information:

a. boundary survey of the property proposed for PAD Zone, certified by a Connecticut Registered Land Surveyor to the A-2 level of accuracy.

b. site plan showing building coverage and floor area, parking areas, landscaped and public open spaces, vehicular and pedestrian circulation patterns, and the same information for all properties within two hundred feet (200') of the proposed property, including the names and addresses of the record owners of such properties.

c. preliminary building plans, including renderings of the proposed architectural style, height, materials, and bulk of all buildings, and sample floor plans and a model of the proposal at a suitable scale.

d. a listing of all proposed land and building uses, including the square feet of land or building proposed for each, and the number and approximate size, character, and ownership pattern of residential units, if any; use designations must be specific, and categorical designations such as "commercial" or "industrial" will not suffice.

e. information on the location, availability, capacity, and feasibility of service for proposed utilities.

f. A traffic study prepared by a Connecticut Registered Professional Engineer specializing in such studies, which study shall evaluate the proposed preliminary site plan for internal pedestrian and vehicular circulation, sight lines for access drives, and the capacity of adjacent and feeder streets to safely accept the additional traffic anticipated both from the proposed development at the time of

application, and at full development in accordance with the Borough Master Plan as adopted or hereafter amended.

4.9.10 Procedure for PAD applications, receipt and referral. Upon receipt of a request and supporting materials as specified in Section 4.9.9 above, the Commission shall, at the Commission meeting following such submission, determine if the application is complete in accordance with these Regulations and, if so, the Commission shall set the application for public hearing within sixty-five (65) days thereafter. Besides the notice required in Section 14 of these Regulations for Public Hearings, the Commission shall also require the proponent to send, by regular mail, written notice of the public hearing and the nature of the proposed development to the record owners of all property within five hundred (500') feet of the perimeter of the proposed PAD Zone, which mailing shall occur between ten (10) and fifteen (15) days prior to said Public Hearing. Failure of the proponent to comply with this requirement shall be grounds for a denial of the preliminary plan approval without prejudice at the discretion of the Commission. The Commission shall refer said plans for comments and reports to Borough staff and agencies including, but not limited to, the following: Borough Fire Chief, Town Fire Marshal, Town Police traffic division, Town Building Official, and Town Director of Public Works. The Commission may also refer the application to an architectural advisory board should one be in existence. The Commission shall not discuss any pending application with the applicant at any Commission meeting prior to the preliminary plan public hearing.

4.9.11 Procedure for PAD applications, preliminary plan findings. Following the preliminary plan public hearing required in Section 4.9.10, the applicant shall demonstrate to the satisfaction of the Commission that: (a) the preliminary plans conform to all requirements of these Regulations, insofar as the level of detail of the preliminary plans permit the Commission to so find, (b) the location and proposed uses of the PAD are in conformance with the adopted Borough Master Plan, (c) the PAD is superior to any development which might be permitted in accordance with the underlying zone designation, said superiority to be measured by the criteria contained in Section 12 (Special Permit) and the goals and objectives of the Borough Master Plan, (including, but not limited to, the goal of expanding the scope and diversity of residential opportunity) insofar as the level of detail of the preliminary plans permit the Commission to evaluate them, and, (d) the proposed PAD affirmatively contributes to the public health, safety, and welfare and the purposes of these Regulations as set forth in Section 1.0. In reaching these determinations, the Commission shall remain mindful that it is acting in its legislative capacity as the Zoning Commission of the Borough, and that said

findings are, at the request of the applicant, preliminary to an application for change of zone. Should the Commission find all four determinations in the affirmative, it shall make written findings of fact to such effect, and shall specify any modifications to the preliminary plans which the Commission might deem advisable in considering these findings, and shall specify any additional information which may be required in order to make any of the determinations or findings described here. If the Commission shall find any of the four determinations in the negative, or find that the information submitted is incomplete or inadequate for such determinations to be made, or shall find that the notice of the Public Hearing was not adequate to afford the public a suitable opportunity to review the proposal and comment knowledgeably thereon, it shall deny said request with or without prejudice, as the case may be.

4.9.12 Procedure for PAD applications, final plan submission. If the Commission makes all of the determinations contained in Section 4.9.11 in the affirmative, the applicant may submit a formal application for a change of zone and a final plan. If the Commission has made any of the finds contained in Section 4.9.11 in the negative, the applicant may still make a formal application for a change of zone and may still submit a final plan, but if, following the public hearing and submission of new evidence, the Commission shall still make of the aforesaid findings in the negative, the application shall be denied with prejudice. Said application for change of zone shall be accompanied by an application fee of One Hundred ($100.00) Dollars per residential unit, and/or a similar sum for every two thousand (2,000) square feet of non-residential building, which fee shall defray the costs of notice and professional review of said application. Said final plan shall contain all information specified, and shall reflect all modifications enumerated by the Commission, following the preliminary plan public hearing, and, in addition, all information required for Special Permit in accordance with Section 12 of these Regulations. In preparing said final plans, the applicant may meet with the Commission in open session for informal discussion and guidance. The Commission shall determine when the final plan submission is complete, and shall, within sixty-five (65) days thereafter, set a public hearing on the application for change of zone and the final development plan. The Commission's finding of completeness of the application shall be considered solely as a determination of the application's fitness for public hearing, and shall in no way act as a waiver of the Commission's authority to require additional information which these Regulations require or which the Commission may deem necessary and proper. Following said hearing, the Commission may approve, modify and approve, or deny said application with or without prejudice, as the case may be. Modification by the Commision may include conditions of approval to be met prior to endorsement and filing as set forth in Section 4.9.13, and may also include phasing requirements for

construction, completion of public improvements prior to completion of certain construction phases, bonding of public improvements or project amenities by cash or insurance bond, and any other conditions or requirements which may be required to insure compliance with the objectives of the PAD Zone and these Regulations and to protect the public health, safety, and welfare.

4.9.13 Endorsement and Filing of final plans. Within sixty-five (65) days of the vote of approval of the Commission, the applicant shall submit a complete set of final development plans to the Commission, accompanied by signed and sworn statements by the applicants architect, land surveyor, and profesional engineer to the effect that the plans submitted are in conformance with all relavant provisons of the Zoning Regulations of the Borough of Stonington and include all information and amendments required by the Commission in its final approval. The Chairman and Secretary of the Commission shall endorse said plans at the next regularly scheduled meeting of the Commission, provided, however, the Commission finds that the plans are, in fact, conforming to the Regulations and to the final approval. Thereafter, it shall be the applicant's responsibility to file said plans in the office of the Town Clerk within thirty (30) days of their endorsement, and any plan not so filed shall be automatically null and void.

4.9.14 Construction and Completion. Construction shall commence on any PAD Zone approved in accordance with the final plans within one (1) year of the filing in the office of the Borough Clerk in accordance with Section 4.9.13, and any plan not commenced shall shall be null and void. Any such plan not completed, with a Certificate of Occupancy issued in accordance with Section 4.9.15 below, within two years of the date of filing, shall likewise be null and void, and no Certificate of Occupancy shall thereafter be issued except upon the amendment procedure set forth in Section 4.9.16 (Major amendments).

4.9.15 Certificate of Occupancy. Prior to the issuance of a Certificate of Occupany by the Building Official, the Commission shall, at a regularly scheduled meeting, receive signed, sworn statements from the project architect, engineer, and land surveyor to the effect that the project is complete in accordance with the approved final plan, as it may have been amended in accordance with Sections 4.9.16 or 4.9.17 below, or, in the alternative, that said project is incomplete, the specific items remaining to be completed, and the estimated cost of such work at market prices. The Commission shall consider said signed, sworn statements along with inspection by Commission members and/or staff reports and, if the Commission finds the PAD to be complete, it shall authorize the issuance of

a Certificate of Occupancy. If the Commission shall find the PAD incomplete, it may, at its discretion, deny the issuance of a Certificate of Occupany or, in the alternative, authorize said issuance upon the posting of a cash or passbook bond in the amount of the value of the items to be completed plus ten (10%) percent administrative overhead. Said bond shall be released by the Commission when further signed, sworn statements by the relevant professionals are received, and the Commission finds that the remaining items are complete.

4.9.16 Major amendments to approved final plan. Any major amendment shall be processed by the Commission as a new application in accordance with these Regulations. A major amendment shall be defined as including, but not limited to: alteration of the height, coverage, square footage, external appearance, or use of any building or structure; any significant or substantial rearrangement of such buildings or structures; any change in the residential units density, number of bedrooms in a significant proportion of the dwelling units, ownership pattern, or significant changes in the floor plan, of any building or buildings; any alteration of landscaped areas, public access spaces, Waterfront Vistas or Lines, recreation areas, or other amenities; any change in phasing or timing; any alteration to the utilities to be provided to the PAD. The Commission shall, in cases of question, determine whether a change shall be designated as major or minor.

4.9.17 Minor amendments to approved final development plan. Any minor amendment to an approved final development plan may be approved by the Commission, at its discretion, if it finds that the change will in no way diminish the affirmative benefit which the Borough derives from the subject PAD Zone, and will not alter any basic, substantive, or significant aspect or feature of it which was considered by the Commission and the public in their review of, and comment on, the original proposal. No minor amendment may be approved without completely revised plans in accordance with Section 4.9.12, and endorsement and filing pursuasnt to Section 4.9.13 of these Regulations.

4.9.18 Special Requirements for PAD Zones in certain underlying zones. Any application for PAD Zone in the Planned Waterfront Zone shall conform to the requirements of Section 4.8.14.

Section 7 Excavation and Filling of Earth Products

Section 7.1 Statement of Purpose. The Borough Planning and Zoning Commission of the Borough of Stonington finds that the Borough is characterized by the following conditions: high residential density; a unique number of historic, landmark buildings and sites; generally small lot and parcel sizes; streets are narrow and access to the Borough is poor; all properties are within the Coastal Area Management Zone; the presence of numerous coastal and inland wetlands, generally shallow soils, and shallow depth to bedrock in most areas; proximity to valuable commercial shellfish beds; other conditions enumerated in the Borough Master Plan and Coastal Area Management Plan, when adopted or as they may be amended. Therefore, the conduct of excavation and filling operations within the Borough must be severely limited in scope, intensity, and frequency.

Section 7.2 Authorization. This Section 7 is adopted pursuant to Connecticut General Statutes Section 7-148(22), and its provisions shall be enforced in accordance with the procedures contained in Section 11 (Administration and Enforcement).

Section 7.3 Definitions.

a) Commercial Excavation and/or Fill Operations: Any removal or filling of earth products from or upon any land or water area which is not for one of the purposes enumerated in Section 7.5 below (Permitted Excavation and Fill).

b) Earth Products: Including, but not limited to, stone, sand, gravel, loam, topsoil, peat, clay, and the like.

c) Wetlands and Watercourses: All areas subject to the provisons of the Connecticut General Statutes Chapter 440 (tidal wetlands and inland wetlands and watercourses).

Section 7.4 Commercial Excavation and/or Fill Operations. Commercial excavation and fill operations are prohibited in the Borough of Stonington.

Section 7.5 Permitted Excavation and Fill Operations. Subject to Section 7.6 below (Wetlands and watercourses), the following activities are permitted as accessory uses throughout the Borough of Stonington:

a) Excavation and fill operations within actual road rights-of-way of public streets or highways of either the Town of Stonington or the State of Connecticut or within streets or roads as shown on a subdivision map, Planned Area Development Plan, or Special Permit Plan approved by the Commission and duly filed in the office of the Town Clerk.

b) Excavation and fill operations upon a lot as directed and approved by the Building Official of the Town of Stonington as a result of bona fide construction activity, such as building erection, for which activity a building permit has been issued by the Town of Stonington and a Certificate of Zoning Compliance by the Commission.

c) Excavation and fill operations upon a lot as a result of bona fide landscaping or agricultural activity, provided that in no case shall such excavation result in the removal, filling, or regrading of more than six hundred (600) cubic yards of earth products for each lot.

Section 7.6 Wetlands and Watercourses. Anything in Section 7.4 above (Permitted Excavation and Fill Operations) to the contrary notwithstanding, no earth products or any other materials shall be removed from or filled into any portion of any property which is located within one hundred (100') feet of the mean high water mark of any wetland or watercourse, except upon the issuance of a Special Permit in accordance with Section 12 of these Regulations and review pursuant to Section 13 of these Regulations (Coastal Area Management). Such Special Permits shall, where issued, provide for appropriate erosion and sedimentation control plans, which plans may be bonded by the Commission.

Section 8 Nonconforming Uses, Buildings and Structures

Section 8.1 Statement of Purpose. It is the goal of these Zoning Regulations to preserve the character of the Borough of Stonington, to protect the public health, safety and welfare, to implement the Borough Master Plan and the Coastal Area Management Plan, and to achieve the other objectives set forth in these Regulations, while at the same time minimizing undue hardship for those whose purchase of property within the Borough predated these Regulations. Towards that end, this Section contains provisions which permit the reasonable continuation and utilization of existing uses, buildings, and structures.

Section 8.2 Nonconforming Uses. Any nonconforming use, as defined by these Regulations, shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment hereof, provided, however:

a. Such use shall not be enlarged or extended, as those terms are defined in these Regulations.

b. Such use shall lose its nonconforming use status and shall thereafter conform to these Regulations if it is abandoned for twelve (12) months or more, or the owner of the property manifests an intent to abandon the said use.

c. Such use shall not be altered, as that term is defined in these Regulations, in such a manner as to increase the nonconformity of such use.

d. No nonconforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.

Section 8.3 Restoration and Repair of Nonconforming Buildings. A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by normal wear and tear or deterioration. Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within one (1) year of such damage or destruction.

Section 8.4 Nonconforming Buildings and Structures. Any nonconforming building or structure existing as of the effective date of these Regulations shall be permitted to continue notwithstanding any provision of these Regulations or any amendment hereof, provided, however, that such nonconforming building or structure shall not be enlarged or altered in such manner as to increase the nonconformity of such building or structure.

Section 8.5 Restoration and Repair of Nonconforming Buildings and Structures. Nothing in these Regulations shall be deemed to prohibit the repair and maintenance of a nonconforming building or structure, provided such repairs or maintenance do not increase the nonconformity of such building or structure. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction, provided such restoration is commenced within one (1) year after such damage or destruction.

Section 8.6 Illegal Use. Nothing in these Regulations, including the provisions of this Section 8, shall be interpreted as authorization for or approval of the continuation of the use of land, buildings or structures which are in violation of any zoning regulations in effect prior to the effective date of these Regulations.

Section 8.7 Special Permits and Variances. Nothing in these Regulations or any amendment hereof, nor any change in zoning classification, shall be deemed to require any change in the plans, construction, or designated use of any building, structure, or property for which a Zoning Permit, Special Permit or variance has been obtained and filed as required by these Regulations or the Connecticut General Statutes, as the case may be, prior to the effective date of these Regulations or such amendment or change in zoning classification, provided, however, that the commencement of construction of said building or structure, or the start of the establishment of such use, shall have occurred within one (1) year, and shall have been completed within two (2) years, from the effective date of these Regulations or such amendment or change in zoning classification.

Section 9 Off-street Parking and Loading

Section 9.1 Statement of Purpose. As found in the Master Plan of the Borough of Stonington, streets in the Borough are generally narrow, residential densities are high, and off-street parking is very limited. The resulting traffic congestion is severe, and is most serious in the commercial zones during the summer months and weekends when on-street parking is most prevalent. Although little vacant land remains in the Borough, it is necessary that new commercial and residential development at least provide off-street parking and loading areas required for that use, and preferably some surplus to relieve existing off-street parking shortages. In addition, such parking areas should be designed so as to be safe for both vehicles and pedestrians, attractive, and usable by the widest possible number of users.

Section 9.2 General Requirement. Any building or use established after the effective date of these Regulations shall provide off-street parking and loading in accordance with these Regulations. Any extension or enlargement of a non-conforming building or use, or any conversion of an existing dwelling unit, shall require compliance with this Section 9 to the extent of such extension, enlargement, or conversion.

Section 9.3 Parking and Loading Specifications.

a) Parking space: Each and every parking space shall have a minimum width of nine (9') feet and a minimum length of eighteen (18') feet, and shall be indicated on the pavement by painted stripes or other readily visible demarcations. Said space shall be made accessible in non-residential uses by a maneuvering lane no less than twenty-two (22') feet wide for two-way traffic movement, and no less than eleven (11') feet wide for the one-way traffic movement. Said space shall be made accessible in residential uses by a maneuvering lane no less than eleven (11') feet wide.

b) All pedestrian walkways and sidewalks for commercial and multi family uses shall be no less than five (5') feet in width, and shall be paved in accordance with the requirements of Section 12 (Special Permit).

c) Driveways: All parking and loading areas shall be accessible from a public street by a driveway having a maximum width of thirty (30') feet for two-way traffic movements, and fifteen (15') feet per lane for one-way traffic movements. Said driveways shall be clearly marked as to entrance and exit lanes, and no sign or other visual obstruction shall be established or maintained within a triangular area measured along the street line for ten (10') feet in each direction from any driveway, and

ten (10') feet distance from the curb measured along said driveway.

d) Loading Area: Any loading area shall have a minimum width of ten (10') feet, a minimum length of fifty (50') feet, and a minimum vertical clearance of fifteen (15') feet. No such loading area shall be counted in meeting the off-street parking requirements of this Section 9.

e) Location: All off-street parking and loading areas required by this Section 9 shall be located on the same lot as the building or use for which they are required, and shall be located as conveniently as practical to said building or use, and shall be readily accessible thereto by the use of pedestrian walkways.

Section 9.4 General Requirements for Off-street Parking Areas. All off-street parking areas for commercial and multi-family uses shall be:

a) Illuminated in accordance with the provisions of Section 12 (Special Permit).

b) Paved with bituminous or asphaltic cement or other permanent, bound, dustless surface.

c) Graded and drained so as to dispose of all surface water accumulation within the parking area, and to trap sediment or debris. No surface water from any off-street parking or loading area shall be permitted to drain onto adjoining property or onto any public street.

d) Landscaped and screened so as to reduce the visual impact of large paved areas from adjoining properties and public streets. Landscaped islands shall be included to demark the ends of parking rows, the location of access drives, and the location of pedestrian walkways.

Section 9.5 Joint Use of Off-street Parking Spaces. Notwithstanding the provisions of Section 9.3(e), the Commission may, in the case of a Special Permit in accordance with Section 12 of these Regulations, permit abutting property owners to utilize one parking area, provided, however that:

a) Said parking area shall contain the minimum number of parking spaces required by these Regulations for each use; and

b) each property owner and applicant shall sign cross-easements which will run with the land, binding present and future owners to permit common use of said parking area and

requiring said owners to apportion the costs of maintenance of said parking area.

Section 9.6 Continuing Character of Obligation. The requirement for the provision of off-street parking and loading areas shall be the continuing obligation of the owner of the real property upon which any structure or use is located for as long as such structure or use is in existence and its requirement for off-street parking and loading areas continues. It shall be a violation of these Regulations fopr any owner of any structure, use, or real property to discontinue, obstruct, or in any way remove from full and free use and parking or loading spaces required by these Regulations.

Section 9.7 Off-street Parking Requirements. The following off-street parking requirements for structures or uses are minimums, and the Commission, pursuant to Section 12 (Special Permit) may require additional parking spaces where the nature of the development, its location, and any unique features of the development or the surrounding area require such additional parking spaces. In determining the appropriate use category or categories to be applied, the decision of the Commission shall be final. In buildings or on lots containing mixed uses, the Commission shall apply the appropriate standard to each such use, and shall aggregate the total parking spaces required. Wherever the term "floor area" is used, it shall refer to gross floor area:

a) Dwelling units: one and one-half (1-1/2) parking spaces per unit.

b) Boardinghouses, hotels, and other transient lodgings: one and one-half (1-1/2) parking spaces per room or unit.

c) Restaurants: one (1) parking space for every fifty (50') feet of floor area.

d) Industrial uses: one (1) parking space for every two hundred and fifty (250) square feet of floor area, except warehousing uses shall have one (1) parking space for every four hundred (400) square feet of floor area.

e) Retail commercial uses: one (1) parking space for every one hundred and fifty (150) square feet of floor area.

f) Professional offices, except medical: one (1) parking space for every one hundred and fifty (150) square feet of floor area. Medical and dental offices: one (1) parking space for every one hundred (100) square feet of floor area.

g) Marinas: five (5) spaces for each marina, plus one (1) additional space for each berth.

h) Commercial fishing docks: five (5) spaces for each commercial fishing dock, plus one (1) additional space for each berth.

i) Customary home occupations: one (1) space for each employee in addition to spaces required for the principal residential use.

j) Clubs, places of worship, theaters, places of public assembly: one (1) space for every four (4) seats.

Any parking calculation which results in half parking spaces shall be rounded up to the next whole number.

Section 9.8 Off-street Loading Requirements. Every commercial or industrial use, and every multi-family residential building, shall have one (1) off-street loading space for each five thousand (5,000) square feet of floor area. The foregoing off-street loading requirement is a minimum, and the Commission, pursuant to Section 12 (Special Permit) may require additional loading spaces where the nature of the development, its location, and any unique features of the development or the surrounding area require such additional loading spaces.

Section 10 Unified Sign Regulation

Section 10.1 Statement of Purpose. One of the most important goals of the adopted Borough Master Plan is the preservation of the character of the Borough of Stonington. The Town Plan and Zoning Commission has observed in other communities that one of the features which is most destructive of historic areas and their architectural character is the placement of signs which are inappropriate in size, color, illumination, or location. These Unified Sign Regulations are designed to permit signs which adequately identify buildings and sites which are of interest to the public, but insure that they are of such design as will meet the objectives of the Borough Master Plan.

Section 10.2 Definitions.

a) Sign: Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks, or any other graphic representation which is in the nature of an announcement, direction or advertisement for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall not include the flag of any nation, state, or other political unit.

b) Sign face: The sign face is a plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all lettering, wording, design, or symbols together with any background different from the balance of the wall on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs shall be considered to have only one sign face.

Section 10.3 Signs Prohibited in All Zones. No sign located in the Borough of Stonington shall:

a) Include or utililize any blinking, flashing, oscillating or rotating lights.

b) Be comprised of neon signs, or internally illuminated signs, or signs externally illuminated by other than conventional fluorescent or incandescent lighting shielded and focused directly upon the sign face.

c) Rotate, revolve, or exhibit any mechanical movement whatsoever, excepting clocks and/or barber poles.

d) Extend above the lowest point of the roof line of any building.

e) Extend across any property line, escept that signs in Planned Commercial and Planned Waterfront Zones may project over the sidewalk where permitted by the Commission pursuant to Section 10.7 (Sign Permit) below.

f) Be located or erected at a street intersection so as to interfere with safe sight lines for pedestrians or vehicles.

g) Contain any representation of signs or lights customarily associated with public traffic control, such as traffic lights, stop signs, and the like, nor shall any sign contain the words "stop," "danger" or any other word or words, symbol, or device which might be misconstrued as a public safety or traffic control sign or device.

h) Obstruct any door, window, fire escape, or other means of ingress or egress for any building or site.

Section 10.4 Maximum Size of Sign Face and Maximum Number of Signs in Residential Zones. There shall be a maximum of one (1) sign for each single-family or two-family dwelling unit with a maximum sign face of two (2) square feet. There shall be a maximum of one (1) sign for each multi-family development or complex under one ownership, or identified as a single development to the public, which sign shall have a maximum sign face of two (2) square feet. There shall be a maximum of one (1) sign for any customary home occupation with a maximum sign face of two (2) square feet. Legal nonconforming uses in residential zones shall be subject to the sign regulations for the zone in which such use would be permitted.

Section 10.5 Maximum Size of Sign Face and Maximum Number of Signs in Non-residential Zones. There shall be a maximum of one (1) sign per street frontage for each non-residential use, except that a site or building containing more than one use may, in addition, display one sign per frontage for the entire site or building. Each sign in non-residential zones shall have a maximum area of twelve (12) square feet, provided, however, that the total gross area for all signs on any lot shall not exceed one (1) square foot for each linear foot of building facing the

street or, in the absence of any building, one-half (1/2) square foot for each linear foot of lot frontage on the street, but in no case more than forty-eight (48) square feet of gross sign area. Signs on non-residential buildings or lots having more than one use shall be of uniform character, illumination, and general design for each such building or lot.

Section 10.6 Non-conforming Signs. Any sign lawfully existing upon the effective date of these Regulations which is not in conformity with the provisions of this Section 10 shall be deemed a non-conforming sign, and shall be permitted to continue in use, subject to the provisions of Section 8 (Nonconforming uses, buildings, and structures).

Section 10.7 Sign Permit Required. A sign permit from the Commission shall be required for all non-residential signs, and for all residential signs exceeding two (2) square feet in area. Every application for a Sign Permit shall include the following information:

a) The design and size, colors, structural details, and the method of illumination, if any, for each sign.

b) The location of the sign on the site or building, and the position of such sign relative to other buildings or structures on the site.

c) The above information for any signs already existing on the lot or building.

Section 10.8 Standards for Sign Permit: In evaluating any application for Sign Permit, the Commission shall insure that the size, design, and placement of signs are consistent with the historic character and appearance of the Borough. The Commission shall also evaluate the construction and means of support for all signs and shall require them to be adequate and secure. The Commission shall also evaluate any application for Sign Permit in the light of the Purposes of these Regulations (Section 1.0) and the adopted Borough Master Plan.

Section 10.9 Exemption from Sign Permit: The following signs shall be exempt from the requirements of Section 10.7 (Sign Permit required):

a) Residential signs less than two (2) square feet in area.

b) A real estate sign not over four (4) square feet in area advertising the sale or lease of the premises on which it

is displayed. Such signs shall be removed not later than fourteen (14) days after the sale, rental, or lease is consummated.

c) Historic marker signs, provided they are carved into stone or concrete, or made of bronze, brass, or similar material, and permanently affixed to or integrated into the construction of the building to which they apply. Such signs shall contain only the names of non-commercial buildings, dates of erection, and commemorative citations.

d) Changing of the advertising copy or message on an approved or nonconforming painted or printed sign.

e) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

f) Temporary signs, not to exceed twelve (12) square feet in area, advertising non-profit or government sponsored events. Such signs shall be removed within fourteen (14) days after the event so advertised.

Section 10.10 Signs Associated With Uses Requiring a Special Permit. Any sign associated with or to be associated with a building or use for which an application for Special Permit has been made pursuant to Section 12 of these Regulations shall, in addition to the requirements set forth in this Section 10, be subject to and comply with the provisions of Section 12 (Special Permit).

Section 11 Administration and Enforcement

Section 11.1 Zoning Enforcement Officer(s). These Regulations shall be administered and enforced by such Zoning Enforcement Officer or Officers as the Commission shall, by resolution, designate, including members and alternate members of the Commission.

Section 11.2 Enforcement and Penalties. These Regulations shall be enforced by the Zoning Enforcement Officer(s), or his/her/their designee, who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations. The owner or agent of a building, structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Borough counsel to commence criminal or civil action in State or Federal court for the purpose of enforcing the provisions of these Regulations.

Section 11.3 Certificate of Occupancy. No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until the issuance of a Certificate of Occupancy by the Building Official of the Town of Stonington. Such Certificate of Occupancy shall not be issued unless the subject site, building(s), and structure(s) conform to any Special Permit, and any conditions attached thereto, issued by the Commission in accordance with these Regulations. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 12.9 (Special Permit, Certificate of Occupancy).

Section 11.4 Certificate of Zoning Compliance. The Commission may, by resolution, provide for the issuance of a Certificate of Zoning Compliance for any site, building, or structure which has been reviewed by the Commission pursuant to any provision of

these Regulations. Such Certificate shall be evidence that such site, building, or structure conforms to these Regulations and/or to the requirements and conditions attached to any Special Permit issued hereunder. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

Section 11.5 Special Permits and Variances. No person who has obtained a Special Permit or variance shall attempt to erect any building or structure, or establish any use of land, which is not in conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any represenations of fact made, before the Commission or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations. Likewise, no person who has obtained a Special Permit or variance shall attempt to violate any condition imposed upon such Special Permit or variance. Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Special Permit or variance, and to take such other legal action as may be required to secure compliance with said Special Permit or variance and the conditions attached thereto.

Section 11.6 Application Fees. The Commission may, by resolution set application fees for any application required by these Regulations for which an application fee is not specifically designated. Such fees shall, where applicable, conform to the General Statutes, and shall be in reasonable amounts to the cover the costs of legal notice, public hearing, professional review, and other costs arising out of the particular application.

Section 11.7 Amendment. These Regulations may be amended by the Commission, after public notice and public hearing, in accordance with Section 8-3 of the General Statutes.

Section 12 Special Permit

Section 12.1 Statement of Purpose. It is the purpose of the Special Permit provisions of these Regulations to insure that the use of land within the Borough of Stonington is in accordance with the purposes expressed in Section 1.0 of these Regulations and with the objectives of the Borough Master Plan. The Borough recognizes that many uses of land may be rendered acceptable or unacceptable for particular locations by numerous factors, including the appearance and arrangment of structures, the compatibility with adjoining land uses, and capacity of adjoining streets, the availability of parking, and other considerations enumerated in these Regulations.

Section 12.2 Authorization for Special Permit. The Planning and Zoning Commission of the Borough of Stonington is authorized to grant a special permit in accordance with Connecticut General Statutes Section 8-2, for the purpose of meeting the provisions of this section and these Regulations.

Section 12.3 Requirement for Special Permit. In any instance involving a use or uses requiring a special permit as set forth in Section 4 (Use Regulations) and Section 5 (Table of Permitted Uses) of these Regulations, land and water areas shall be used, and uses altered or expanded in space, time, or intensity, and buildings or structures erected, altered, enlarged, or used only after receiving a special permit in accordance with the provisons of this Section. In non-residential zones, the Commission may, by resolution, waive the Special Permit requirement where it finds that one use is to be substituted for another, and that the new use will require no greater parking than the original (as per Section 9, Off-street parking and loading, of these Regulations), nor shall it entail any exterior change to the building or site, nor shall such new use have any impact different from the original, such impact to be measured by the standards set forth in Sections 12.12 and 12.13 of these Regulations.

Section 12.4 Procedure for Special Permit, informal discussion. Any proponent of a use permitted by Special Permit (hereafter, Special Permit Use) may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense, and inconvenience to the public, the proponent,

and the Commission upon the future receipt, if any, of a formal application for Special Permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit.

Section 12.5 Procedure for Special Permit, formal application. Any applicant for Special Permit shall submit a formal application bearing the signature of both the developer/applicant and the property owner of record, and containing such other information as the Commission may prescribe in these Regulations (see Section 12.11, Required information) and in its application form. Said application shall be accompanied by an application fee of Fifty ($50.00) Dollars per residential unit and/or per two thousand (2,000) square feet of non-residential building area. Said application shall also be accompanied by all information required in Section 12.7 (Required information) below, five (5) copies of each plan or other item of information. At its next regularly scheduled meeting following said submission, the Commission shall review the application documents and, if it finds them to be complete, shall schedule a Public Hearing within sixty-five (65) days thereafter. The Commission may, at its discretion, refer copies of the application and accompanying documents for review and comment by any government agency or official, or a professional staff person retained for that purpose.

Section 12.6 Procedure for Special Permit, action. Following the Public Hearing on the application for Special Permit, the Commission shall, within sixty-five (65) days, vote to approve, modify and approve, or disapprove, with or without prejudice, said application, and shall state, upon the record, its written reasons for such action. Within fifteen (15) days of such vote, the Commission shall cause to be published in a newspaper having substantial circulation in the Borough, a statement of the action taken and any conditions attached to an approval, and a copy of the motion of approval or denial, and the reasons therefore, signed by the Secretary of the Commission, shall be addressed by certified mail to the person who applied for the Special Permit.

Section 12.7 Procedure for Special Permit, endorsement and filing. Within sixty-five (65) days of the Commission approval, the applicant shall submit two (2) sets of final plans on linen or mylar, reflecting all conditions or modifications required by the vote of the Commission, and accompanied by signed, sworn statements of the project land surveyor, engineer, and architect, if one has participated in the preparation of the applica-

tion materials, to the effect that the plans submitted are the same as those approved by the Commission, except for the depiction of modifications or conditions required by the Commission in its approval vote. If, upon considering said statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, they shall be endorsed by the signatures of the Chairman and Secretary of the Commission. Thereafter, it shall be the responsibility of the applicant to file one (1) set of said plans in the office of the Borough Clerk and one (1) set in the office of the Town Clerk of the Town of Stonington, as required by Connecticut General Statutes Section 8-3d. The remaining set shall be submitted, along with the receipts from the Town and Borough Clerk, to the Building Official prior to the issuance of a Building Permit.

Section 12.8 Construction and completion. Construction shall commence on any Special Permit in accordance with the final plans within one (1) year from the date of the Commission's approval thereof, and any plan not commenced shall be null and void. Any such plan not completed, with a Certificate of Occupancy issued in accordance with Section 12.9 below (Certificate of Occupancy) within two (2) years of the date of the Commission's action shall likewise be null and void, and no Certificate of Occupancy shall thereafter be issued except upon the amendment procedure set forth in Section 12.10 below (Amendments).

Section 12.9 Certificate of Occupancy. Prior to the issuance of a Certificate of Occupancy by the Building Official, the Commission shall, at a regularly scheduled meeting, receive signed, sworn statements from the project architect, engineer, and land surveyor, if one has participated in the preparation of the application materials, to the effect that the project is complete in accordance with the approved plan, as it may have been amended in accordance with Section 12.10 (Amendments) below, or, in the alternative, that said project is incomplete, the specific items remaining to be completed, and the estimated cost of such work at market prices. The Commission shall consider said signed, sworn statements along with inspection by Commission members and/or staff reports and, if the Commission finds the project to be complete in accordance with the approved plans, it shall authorize the issuance of a Certificate of Occupancy. If the Commission shall find the project incomplete, it may deny the issuance of a Certificate of Occupancy where such incomplete items are detrimental to the public health, safety and welfare, including adequate parking, vehicular and pedestrian circulation, lighting, drainage, and the like. If such incomplete items are not as immediately detrimental to the public health, safety and welfare, the Commission may authorize the issuance of a Certificate of Occupancy upon the posting of a cash or passbook bond in the amount of the value of the items to

be completed plus ten (10%) percent administrative overhead. Said bond shall be released by authorization of the Commission when further signed, sworn statements by the relevant professionals are received, and the Commission finds that the remaining items are complete.

Section 12.10 Amendments to Approved Special Permit. Minor amendments to an approved Special Permit may be approved by the Commission provided said amendments do not alter the overall character, quality, density or intensity, uses, amenities, parking, or other major features of the Special Permit as approved. Minor changes shall include, but are not limited to: slight relocations of paved areas, utilities, landscaped areas, lighting, and other site features because of unforeseen topographic or other field conditions; substitution of materials or street furniture which are of the same or better quality than those approved; changes in color. Major amendments shall be treated as new applications for Special Permit in accordance with the procedure set forth in these Regulations. Major amendments shall include, but are no limited to: any alteration of building coverage, square footage, bulk or use; any alteration in the square footage of landscaped areas or public access areas or public vistas; any alteration in residential density, bedroom number or arrangement, number of kitchens or bathrooms, enclosure of porches, and the like; any alteration to the lighting, paving, street furniture, or other amenities of the site; any alteration to the exterior walls, doors, windows, roofs, or other building features visible from the street, including interior features designed or intended to be visible from the street; any other alteration which affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of the Special Permit. The Commission shall, in cases of question, determine whether a change shall be designated as major or minor.

Section 12.11 Required information for Special Permit Application. The following information shall, at a minimum, accompany any application for Special Permit as set forth in Section 12.5 (formal application) of these Regulations:

1. Site Plan
   Every application for Special Permit shall be accompanied by a site plan at a scale of not smaller than one (1") inch equal to twenty (20') feet, which site plan shall be prepared and sealed by a licensed architect, land surveyor, or professional engineer. In addition, such site plan shall indicate the boundaries of the site, and the owners of any parcel or parcels comprising it, which information shall be prepared and sealed by the Connecticut Registered Land Surveyor, and shall include a certification that said plan is to a

stated accuracy of 0.01 and 20" according to accepted standards for a "Class A-2 Transit Survey" as defined by the Connecticut Association of Land Surveyors, Inc. Said site plan shall include a location map at a scale of one (1") inch to one hundred (100') feet depicting the subject property and all abutting properties. Said site plan shall contain, at a minimum, the following information for the site:

1. Site layout, existing: existing contours, groins and jetties, bulkheads, docks, piers, and wharves; specimen trees, shrubs, and tree or shrub areas; special site features, such as ledge outcrops, scenic or marine vistas, landmark structures and sites, and the like; location and capacity of utilities serving or capable of serving the site, as well as underwater cables and pipes, where adjacent to the site; existing uses of land; existing driveways, walkways, and parking areas, including walkways within any adjacent street right-of-way; easements or covenants running with the land.

2. Site Coastal Zone Management data: the location of all tidal wetlands as defined by Connecticut General Statutes Section 22a-29 and of all freshwater wetlands and watercourses as defined by Section 22a-38; the location of Flood Hazard areas as designated on the Federal Flood Insurance Rate Map for the Borough of Stonington, and the rate map designation of such areas; the location on the site of all coastal resources as shown on a plan entitled, "Coastal Resources 1979. Prepared by Coastal Area Management Program, Connecticut Department of Environmental Protection." or any amendments of said map; the location of any adjacent anchorage area or channel designated by the U.S. Coast Guard or the Harbor Master of the Town of Stonington; the location of the mean sea level.

3. Site layout, proposed:

a) buildings and structures: proposed buildings and structures: location and square foot coverage; buildings proposed for demolition; accessory buildings and structures, including signs; the use of all buildings and the square footage of each such use; all structures, including piers, docks, jetties, and other structures to be located above the mean high water mark.

b) proposed site features: contours, including proposed excavation, filling, and grading, and volumes of material to be moved; uses of land including outside storage or display, and the square footage of each

designated use; percent of building coverage, percent of open space; alterations in boundaries; required yards; lighting fixtures; off-street parking: the location of parking areas, number of spaces in each, dimensions of spaces and aisles; direction of traffic flow; pedestrian circulation patterns; wheel stops and curbs; stormwater drainage system and improvements, where required, to public storm sewer system.

c) miscellaneous: proposed future division of land among property owners; phasing shedule of development; proposed easements or covenants of any kind running with the land.

4. Off-street Parking: calculation of the square footage of building or land area used for any proposed use, the required number of parking spaces per use in accordance with Section 9 (Offstreet Parking) of these Regulations, and the total number of parking spaces to be provided on the site; location of all pedestrian and vehicular easements to permit access to adjoining sites and the proposed text of all easement documents.

5. Landscaping and open space: the location of all landscaped areas and their total square footage; the location of trees and shrubs, and a table or key indicating their type and number, their size at planting, and their mature size; materials of walkways and parking areas, and samples where required; location, height, and construction of all fences and walls, including retaining walls; the location, number, and design of all street furniture, including benches, planters, trash receptacles, tree grates, and the like.

6. Lighting: the number, height, and location of all lighting fixtures, including building-mounted fixtures; the mean, peak, and minimum light levels produced; the wattage and type of all luminaires; illustrations of the poles and luminaires to be utilized.

7. Utilities: the location of all proposed utilities to serve the site, and evidence from the appropriate public or private authority that there is adequate capacity to serve the site and the proposed uses; the desing of all stormwater drainage structures, calculation of increased peak flow, the location and design of detention and/or siltation ponds, and evidence of the adequacy of public stormwater systems to receive the proposed runoff.

8. Buildings and structures: total number of dwelling units, including units per thousand square feet of land; floor plan for residential conversions, showing

existing and proposed rooms, partitions, and uses; where an exterior elevation of a building is to altered, or in the case of new construction, the building elevations, including front, sides, and rear, depicting all building details, including, but not limited to, the following:

a. door and window location and type;

b. building materials, including samples of materials, color chips, manufacturers illustrations, and the like;

c. location of all roof-mounted or ground-mounted heating or air conditioning equipment or ventilation ducts, and the proposed screening therefore;

d. building-mounted signs or lighting, including roof, eave, or soffit lighting, if any.

12.12 Findings required for approval of Special Permit Application.

a. That application is complete and includes all materials and information required by the Commission in order to reach the findings contained herein.

b. That the application conforms to all relevant provisions of these Regulations.

c. That the application is not significantly adverse to any recommendation or objective of the Borough Master Plan.

d. That the proposed use is appropriate for the designated location with regard to: the size and intensity of the proposed use, and its relation to existing land uses; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics, of the proposed use; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and any limitation on the existing or future use of adjacent properties; special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood; the availability of adequate sewer, water, storm-water and other utilities which the use may require.

e. That the site and building plans are designed so as to minimize the delay, inconvenience, and expense of providing for the public health, safety, and welfare, including, but not

limited to the following: adequate access for emergency vehicles and equipment; adequate utility capacity; floodproofing measures which may be desirable, even if over and above the minimum requirements of these Regulations; provisions for control of erosion and siltation; provisions for the protection of the physical environment; avoidance of glare visible from public streets or adjacent properties.

f. That the proposed activity with any conditions or modifications imposed by the Commission is consistent with all applicable policies of Section 22a-92 of the Connecicut General Statutes and incorporates as conditions or modifications all reasonable measures which mitigate the adverse impacts of the proposed activity on both coastal resources and future waterdependent development activities.

g. That the overall architectural character of the site and building designs are not detrimental to property values in the Borough, and will preserve its existing historic character in terms of scale of buildings, the preservation of aquatic vistas and public access, materials used, roof lines, door and window details, site and building lighting, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on adjoining proerties or throughout the Borough.

12.13 Specific recomendations and requirements for sites and buildings. The following recomendations and requirements are provided to assist the applicant in determing the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

a. Building materials: preferred building materials shall be with brick, stone, or narrow-width siding, or the like. Not preferred are metal, unfinished concrete block, and asphalt shingle siding. Roofing materials should, where visible, be cedar shake, slate, copper, or reasonable equivalents. Tar paper, metal, or plastic roofing surfaces are strongly discouraged. Building- mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Borough. Building-mounted flood-lights, and ornamental building lighting are discouraged. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

b. Lighting: all commercial, industrial, and multi-family residential parking lots shall be illuminated to an average level of one-half footcandle per square foot. Lighting standards in parking areas shall not exceed twelve (12') feet in height. Luminaires shall have shielded light sources to prevent glare. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.

c. Site plan: all site plans shall provide for pedestrian walkeways and circulation in commercial, industrial, and multi-family residential parking areas and around buildings. Walkways along public streets are required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks, but in no case shall they be gravel or earth.

d. Landscaping: all building foundations should be landscaped with suitable trees and shrubs. All parking areas should be screened from adjoining properties and streets by landscaping, and landscaped islands should be incorporated into parking lots to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All desiduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 1/2" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs, or grass are prohibited, except for seasonal, festive, or other temporary decoration.

Section 13 Coastal Area Management

Section 13.1 Coastal Site Plan Requirements. For all construction, modification or change in use of buildings, facilities, and property in the Borough of Stonington within the Coastal Boundary, excepting those listed in Section 13.2, below, the applicant for a Special Permit or Certificate of Zoning Compliance shall submit a Coastal Site Plan in accordance with Connecticut General Statutes Section 22a-105 through 22a-109. This Plan shall include the location and spatial relationship of coastal resources on and contiguous to the site defined in Connecticut General Statutes Section 22a-93, a description of the entire project with plans indicating location, design, timing and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the site; and evaluation of the potential beneficial and adverse impacts of the project; a description of proposed methods to mitigate adverse effects on coastal resources and on future water-dependent development opportunities; a demonstration that the adverse impacts of the proposed activity are acceptable; and a demonstration that the proposed activity is consistent with the coastal policies contained or referenced in the Coastal Management Act, Connecticut General Statutes Section 22a-92. (Note: the entire Borough of Stonington is within the Coastal Boundary, as defined in Connecticut General Statutes Section 22a-94.)

Section 13.2. The following uses are exempt from the requirement to submit a Coastal Site Plan under the authority of Connecticut General Statutes Section 22a-109(b):

(1) Minor additions to, or modifications of, existing buildings and detached accessory buildings.

(2) Construction or modification of structures incidental to the enjoyment and maintenance of residential property, including detached accessory buildings, walks, terraces, swimming pools, tennis courts and docks.

(3) Construction or modification of on-premise fences, walls, underground utility connections, essential sewer service lines, essential electric, gas and telephone lines, signs, and other minor structures that will not substantially alter the natural character of coastal resources.

(4) Construction of single-family residences, except within one hundred (100') feet of tidal wetlands, beaches and dunes, and coastal bluffs and escarpments as defined in Connecticut General Statutes Section 22a-93(7).

(5) Activities conducted for the specific purpose of conserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal resources.

Section 13.3. Findings required for approval of coastal site plan: THe Commission shall find that the proposed activity with any conditions or modifications imposed by the Commission is consistent with all applicable goals and policies of Section 22a-92 of the Connecticut General Statutes and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

Section 13.4. Public Hearing. The Commission may hold a hearing on a Coastal Site Plan.

Section 14 Public Hearings

Section 14.1 Statement of Purpose. Connecticut General Statutes require public hearing for certain action of a Town Plan and Zoning Commission, including special permits or exceptions, changes of zone, zoning regulation amendments, and variances. The legislative intent of such requirements is to insure that the Commission makes no decision without the presentation of facts and information which will be subject to meaningful public examination, debate, and the presentation of contrary facts and information. It is the purpose of this section to implement that legislative intent.

Section 14.2 Public Hearings Requirement. Wherever the term "public hearing" is used in these Regulations, it shall refer to the procedure contained in this Section 14. A public hearing shall be held where required in these Regulations or in the Connecticut General Statutes. These provisions are designed to supplement the provision of the Connecticut General Statutes, and wherever the said Statutes contain any requirement which is greater than contained herein, or contrary to any provision hereof, said Statutes shall control.

Section 14.3 Notice of Public Hearings. The Commission shall hold a public hearing within sixty-five (65) days of the receipt of any application for a Special Permit, Planned Area Development, or other change of zone. The day of receipt of any petition, application, or request under these Regulations shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission, or thirty-five days after such submission, whichever is sooner. Notice of the time, place and brief nature of the application shall be published in a newspaper having a substantial circulation in the Borough at least twice, at intervals of not less than two days, the first being not more than fifteen (15) days, nor less than ten days, and the last not less than two days, before the date of such hearing. In addition, any such hearing shall be publicized by the posting of a sign on the property for which the subject application is made, the size of such sign to be determined by resolution of the Commission. Such sign shall be located within five (5) feet of the street line nearest to the proposed building, structure, or use, or the proposed access drive, and shall be placed so as to be visible from said street. If such property has no frontage, such sign shall be located at the proposed point of access to a public street. It shall be the sole obligation of the applicant to post the sign required in this Section 14.3.

Said sign shall indicate, in indelible ink, the time, place, and date of the public hearing, and section of these Regulations under which the application is made, as well as a brief description of the application. Said sign shall carry the heading, in letters at least two (2") inches tall , the words "PUBLIC HEARING." Said sign shall be posted no less than ten (10) days prior to the date of the proposed public hearing.

Section 14.4 Public Access to Application Materials. Any application requiring a public hearing under these Regulations shall include at least two (2) sets of all plans, drawings, and other applicaton materials, which sets shall be lodged in any public place which the Commission, by resolution, shall designate as the place for public acceses to such materials. It shall be the responsibility of the applicant to place such materials in the designated place no less than ten (10) days prior to the proposed public hearing, and the Town Plan and Zoning Commission shall not receive or consider any written materials not so lodged for public review. The Commission may, however, receive materials lodged or submitted after the aforesaid date by continuing the public hearing to some specified future date, provided, however, that no public hearing shall be closed more than thirty (30) days after it was first convened. As in the case of the original hearing date, no written materials shall be considered which were not available for public review at least ten (10) days prior to the date of any continued public hearing date.

Section 14.5 Special Requirements for PAD Public Hearings: In addition to the any provisions of this Section 14, applications for change of zone to Planned Area Development (PAD) shall include a list of the names of all property owners of record whose property is within three hundred (300') feet of the perimeter of the property which is the subject of the PAD application. In addition, said applicant shall submit stamped, addressed envelopes to each said record owner, which envelope shall contain a copy of the legal notice for the public hearing on the said PAD application. All of the foregoing information shall be submitted to the Commission at the time of the receipt of the subject PAD application, and it shall thereafter be the responsibility of the applicant to mail said notices at least twenty (20) days prior to the public hearing date. Furthermore, signs posted pursuant to Section 14.3 shall, in the case of PAD applications, be posted no less than twenty (20) days prior to the public hearing date. Likewise, the application and any written materials submitted with it shall be lodged for public review as provided in Section 14.4, except that said application and materials shall be lodged no less than twenty (20) days prior to the PAD public hearing date.

Section 14.6 Procedure at Public Hearings. At the discretion of the chairman, or unless otherwise provided by duly adopted bylaws of the Commission, the sequence of testimony at public hearings shall be: the applicant shall present the application and explain it; followed by questions from Commission members and alternates; followed by members of the public in favor of the application; followed by members of the public in opposition to the application; followed by, at the discretion of the Commission chairman, additional comments from the applicant, questions from Commission members and alternates, and additional comments by members of the publicin favor or opposed to the application. The Commission may receive written or oral information and testimony from any person or entity, and may request additional reports or information to be read into the record. Any public hearing may be continued to a date and place certain, as provided by Connecticut General Statutes, but must be closed no more than thirty (30) days after said public hearing was convened. At the explict request of any person present at a public hearing, any other person may be placed under oath and questioned concerning his or her testimony before the Commission, provided, however, that any such questions shall be directed via the Chairman, and shall be terminated by the Chairman, when, in his or her sole discretion, the questioning has ceased to become relevant or probative.

Section 14.7 Consideration of Public Hearing Results. In accordance with interpretations of the the Connecticut General Statutes by the Courts of this State, no Commission member shall consider any information not presented at a public hearing, other than that which he or she might know by personal experience, observation, or general knowledge, in casting a vote on any application for which a public hearing is required. In addition, no Commission member shall vote on any such application if such member was absent from the public hearing, unless such member states, on the record, that he or she has reviewed the minutes of the public hearing and the application materials, and feels sufficiently familiar with them to cast a knowledgeable vote on said application.

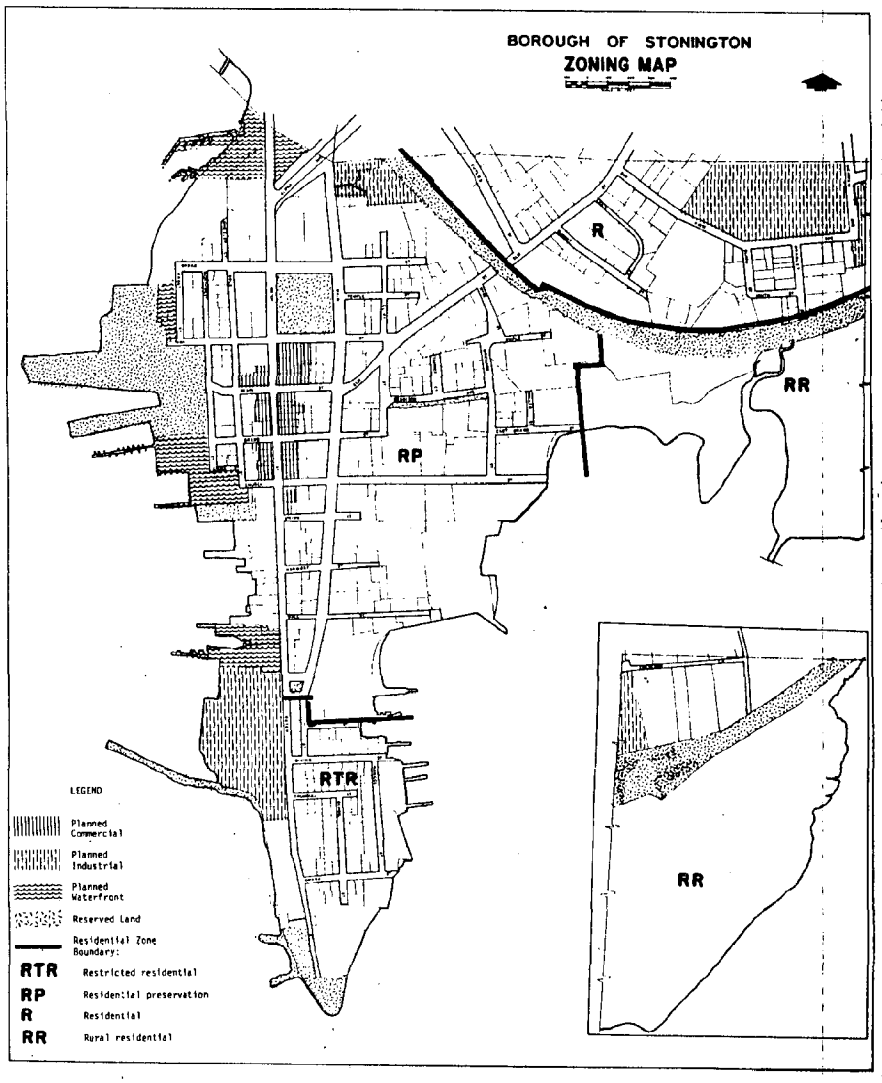
Section 14.8 Action on Public Hearing. Following the close of a public hearing, the Commission shall render its decision on all applications within sixty-five (65) days, unless the applicant shall consent to up to two (2) extensions of no more than sixty-five (65) days each, or unless the applicant shall withdraw such application. Notice of the decision of the Commission shall be published in a newspaper having substantial circulation in the Borough and addressed by certified mail to the applicant by the secretary of the Commission or his/her designee within fifteen (15) days after the decision has been rendered.

Section 15 Separability (Validity)

If any section, sub-section, paragraph, clause, or provision of these Regulations shall be adjudged invalid, such decision shall apply only to the section, sub-section, paragraph, clause or provision in question, and the remainder of these Regulations shall be deemed valid and effective.

Section 16 Effective Date

These Regulations shall take effect on December 14, 1981. Whenever in these Regulations phrases such as "actual date of adoption of these REgulations," " the effective date of these Regulations," or the like are used, they shall be deemed to refer to the above-mentioned effective date, December 14, 1981.


BOROUGH OF STONINGTON
ZONING MAP
R
RR
RP
RTR
RR
LEGEND
Planned Commercial
Planned Industrial
Planned Waterfront
Reserved Land
Residential Zone Boundary:
RTR Restricted residential
RP Residential preservation
R Residential
RR Rural residential

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